

RESOLUTION NO. 02-10  
TA09-0010

A RESOLUTION TO AMEND the text of the Natrona County Zoning Resolution to implement more comprehensive nuisance standards and storage requirements.

**WHEREAS**, the Board of County Commissioners, Natrona County, Wyoming is desirous of continuing its consideration of the public health, safety and general welfare of the people of Natrona County, Wyoming; and

**WHEREAS**, the Natrona County Planning and Zoning Commission, pursuant to Section 18-5-202(b) W.S. 1977, held a public hearing on December 8, 2009, due notice of which was provided, to consider the same and forwarded a recommendation of approval to the Board of County Commissioners; and

**WHEREAS**, The Board of County Commissioners, pursuant to Section 18-5-202(c) W.S. 1977, held a public hearing on January 5, 2010, due notice of which was provided, on this matter in compliance with the Wyoming State Statutes.

**NOW, THEREFORE**, it is hereby resolved by the Board of County Commissioners of Natrona County, Wyoming, that the *Zoning Resolution of Natrona County, Wyoming* be amended to implement more comprehensive nuisance standards and storage requirements as follows:

1. Delete Chapter VII, Section 7 of the *Zoning Resolution of Natrona County, Wyoming* in its entirety as follows:

**Section 7. Nuisance Standards and Storage Requirements**

~~a. No use shall be operated so that noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.~~

~~b. No use creating earth shaking vibration shall be allowed if vibrations are perceptible beyond boundaries of the property on which the use is located. The standards shall not apply to vibrations created during the process of construction.~~

~~c. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from creating a hazard beyond the property line of the site on which the use is located.~~

[Item "d" missing from original regulation]

~~e. No use shall discharge any toxic or hazardous substance into the atmosphere which may be harmful to humans, animals, adjacent agricultural uses, adjacent property, water or subsoil.~~

~~f. All material and equipment shall be stored, stacked or arranged in such a way that it will not form a haven for rats, mice, skunks or other vermin or constitute a fire hazard to inhabited buildings or adjacent property.~~

~~g. No refuse yard, salvage or auto reduction yard established after the effective date of this resolution in a district where permitted shall be allowed unless completely enclosed within a building or screened as defined in Chapter VII, Section 3, so as to screen operations of the yard from any adjacent non-industrial property owned by another or any adjacent public road, street or highway.~~

2. Substitute the following:

**Section 7. Nuisance Standards and Storage Requirements.**



NATRONA COUNTY CLERK, WY  
Renea Vitto                      Recorded: SR  
Jan 13, 2010 03:33:06 PM  
Pages: 6                      Fee: \$0.00  
NATRONA COUNTY COMMISSIONERS

**1. Purpose and Applicability.** The purpose of the provisions of this Section 7 is to promote and encourage the maintenance of properties within Natrona County and to protect and provide for the highest level of health, safety and welfare for citizens of the County. These provisions shall not apply to any permitted industrial facility, including but not necessarily limited to permitted commercial Wind Energy Conversion Systems (WECS) and facilities, or to oil and gas or mining operations necessary for the exploration, production or extraction of mineral resources, nor shall these provisions be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act. A farm or ranch operation shall not be found to be a public or private nuisance by reason of the existence of that operation if the operation:

a. Conforms to generally accepted agricultural management practices;  
and

b. Existed before a change in the land use adjacent to the farm or ranch land and the farm or ranch land would not have been a nuisance before the change in land use or occupancy occurred. (See W. S. 11-44-103.)

## **2. Definitions.**

a. **Accumulation:** Massing or storing of debris, waste, matter or other material in an amount equivalent to a four (4) foot high pile encompassing more than one percent (1%) of total property area, or in quantities exceeding that which would commonly be considered reasonable or consistent with surrounding properties and like uses.

b. **Agricultural Land:** Contiguous or noncontiguous parcels of land under one (1) operation owned or leased shall qualify for classification as agricultural land if the land meets each of the following qualifications:

(i) The land is presently being used and employed for an agricultural purpose;

(ii) The land is not part of a platted subdivision; and

(iii) If the land is not leased land, the owner of the land has derived annual gross revenues of not less than five hundred dollars (\$500.00) from the marketing of agricultural products, or if the land is leased land the lessee has derived annual gross revenues of not less than one thousand dollars (\$1,000.00) from the marketing of agricultural products. (See W. S. 39-13-103(b)(x).)

c. **Collector Items:** Any lawful accumulation of inanimate objects having emotional, intellectual, artistic, academic, historical or other appeal to the individual(s) accumulating the objects and which are displayed, stored and maintained in a manner which emphasizes preservation of the objects and prevents or minimizes their physical deterioration.

d. **Farm and Ranch:** Inclusively, the land, buildings, livestock and machinery used in the commercial production and sale of farm and ranch products. (See W. S. 18-2-115.)

e. **Farm and Ranch Operation:** The science and art of production of plants and animals useful to man except those listed under W. S. 23-1-101, including but not limited to the preparation of such products for man's use and their distribution by marketing or otherwise, and including horticulture, floriculture, viticulture, silviculture, dairy, livestock, poultry, bee and any and all forms of farm and ranch products and farm and ranch production (W. S. 18-2-115). For purposes of this definition, a property is part of Farm and Ranch Operation if it meets the criteria for Agricultural Land set forth above.

f. **Hazardous Material:** A substance or material determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety

and property when transported in commerce and designated as hazardous under applicable Federal law (49 U. S. C. 5103). Hazardous material and substance includes hazardous wastes, marine pollutants, elevated temperature materials and materials designated as hazardous under Hazardous Materials Regulations (49 CFR Parts 100-185).

g. Nuisance—General: Any use or non-use of property which constitutes an unreasonable interference with the quality of life, health, safety or welfare of Natrona County citizens or which is defined by Wyoming legislative enactments, decrees of Wyoming courts of competent jurisdiction or by the provisions of this Section 7.

h. Nuisance—Public: An unreasonable interference with a right common to the general public.

i. Nuisance—Private: A nontrespassory invasion of another's interest in the private use and enjoyment of land.

j. Primary Property or Source: The main and significant property, area, spot-location or source from which nuisance originates.

k. Screening: The method by which the view of one property from another property is substantially shielded. Screening techniques include but are not necessarily limited to solid fences, walls, hedges, berms, significant setback or other County approved features.

l. Toxic Material: Material that is listed by OSHA as a hazardous substance where exposure to said substance is greater than permitted by OSHA.

### **3. General**

a. A site, property, tract, lot, building grounds, area, structure or other property and uses thereof may be declared a nuisance by the Board of County Commissioners in conformance with W. S. 18-2-115 et seq if a land use is expressly listed in Section 3e hereof as a nuisance or determined to be a nuisance following investigation by the Natrona County Development of said site, property, tract, lot, building grounds, area, structure or other property where the nuisance is located.

b. The Board of County Commissioners hereby authorizes and designates the Director of Development to investigate and determine the existence of a nuisance and to issue orders on behalf of the Board of County Commissioners declaring a property a nuisance in conformance with W. S. 18-2-101(a)(viii).

#### **c. Procedures and Process**

1. All investigations shall be made by the Natrona County Development Department, subject to review by the Natrona County Attorney for determination of validity and compliance with this and other pertinent regulations. State and local agencies with specific expertise shall be consulted by Natrona County when necessary to achieve successful completion of the investigation.

2. If an investigation produces evidence of the existence of a nuisance, the Natrona County Development Department shall issue a notice of violation to the offending property owner. Notices of violation issued by Natrona County Development Department may be affixed to an offending property owner's door. Notices of violation shall describe the nuisance with specificity and shall specify a fine, payable to the Natrona County Development Department in an amount not exceeding one hundred dollars (\$100.00) per day for each day the nuisance remains unabated. Except as provided in paragraph 6 below, the aforesaid notices of violation shall constitute prior notice to a property owner of the existence of the nuisance and that an order for abatement of the nuisance may be issued to said property owner in conformance with W. S. 18-2-115 within fourteen (14) days.

3. Property owners who have received a notice of violation for the existence of a nuisance may, within fourteen (14) days of receipt of the notice of violation, enter into a written Compliance Agreement with Natrona County. Such Compliance Agreement shall include, but is not limited to, a reasonable timetable to abate the nuisance. In the event a nuisance is abated in accordance with an applicable Compliance Agreement such abatement shall operate to cancel the notice of violation for the nuisance addressed by the Compliance Agreement.

4. In the event a Compliance Agreement is not entered into by a property owner within fourteen (14) days after receipt of a notice of violation or a nuisance is not abated in accordance with the timetable specified in a Compliance Agreement entered into by a property owner, an order declaring a property to be a nuisance under W. S. 18-2-101(a)(viii) shall be filed in the office of the clerk of the district court of Natrona County. A copy of the order shall be served in accordance with the Wyoming Rules of Civil Procedure upon the property owner or occupant with a written notice that the order has been filed and shall remain in force, unless the owner or occupant files his objections or answer with the clerk of the district court within twenty (20) days. A copy of the order shall be posted in a conspicuous place upon the property. If no answer is filed and served, the order shall become a final order declaring the site a nuisance and fix a time when the order shall be enforced. If an answer is filed and served, a court of competent jurisdiction shall, within twenty (20) days from the filing of the answer, hear and determine the issues raised. If the court sustains all or any part of the order, the court shall issue a final order and fix a time within which all or any part of the final order shall be enforced.

5. In the event a nuisance continues unabated following issuance of a final court order and for a period exceeding the time fixed in the final order for abatement of all or any part of the nuisance, the County shall enter the property affected by the nuisance and shall take any actions necessary to permanently abate the nuisance. The County shall file an equitable lien on the property affected by the nuisance in an amount sufficient to cover all costs associated with or arising from the abatement activity.

6. Notwithstanding any provisions herein to the contrary, in the event investigatory evidence shows the nuisance to be an immediate threat to the health, safety and welfare of the citizens of Natrona County and a notice of violation is issued, the County shall also immediately file in the office of the clerk of the district court of Natrona County an order declaring a property to be a nuisance under W. S. 18-2-101(a)(viii) and shall proceed in accordance with the provisions of paragraph 3 and paragraph 4 hereof.

d. The following is a non-exclusive listing of acts or usages which may be declared a nuisance by the Board of County Commissioners:

1. Any use which is operated so that noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located, provided that this standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.

2. Any use which creates earth-shaking vibrations, if such vibrations are perceptible beyond the boundaries of the property on which such use is located, provided that this standard shall not apply to vibrations created during the process of construction.

3. Any use producing intense heat or light transmission, which use is performed without necessary shielding to prevent such heat or light from creating a hazard beyond the property line(s) of the site on which the use is located.

4. Any use resulting in discharge of any toxic or hazardous material or substance into the atmosphere which may be harmful to humans, animals, adjacent agricultural uses, adjacent property, water, or subsoil.

5. Active or passive discharge into the environment of toxic or noxious materials in concentrations sufficient to endanger the public health from a Primary Property or Source.

6. Active or passive discharge of effluent from any cesspool, septic tank, drain field or sewage disposal system upon the surface of the ground from a Primary Property or Source.

7. Accumulation of manure from domestic animals and fowl that is handled, stored or disposed of in a manner that creates a health hazard or results in noxious odors which are perceptible beyond the boundaries of the property on which the accumulation is located.

8. Accumulation of decayed or decaying matter, trash, rubbish, garbage or any material or substance which is determined to be a health hazard or results in noxious odors which are perceptible beyond the boundaries of the property on which the accumulation is located.

9. Failure to keep material, debris, waste, refuse or garbage properly contained.

10. Storage, stacking or arrangement of material or equipment in a manner that forms a haven for rats, mice, skunks or other vermin, or constitutes a fire hazard to inhabited buildings or adjacent property.

11. Refuse yards, salvage or auto reduction yards in permitted zoning districts which are not completely enclosed within a building or screened as defined in Chapter VII, Section 3f of this Resolution, so as to screen operations of said yards from any adjacent non-industrial property owned by another or any adjacent public road, street or highway.

12. One or more abandoned, being inoperative or unlicensed, vehicles which are not part of a permitted salvage or auto reduction yard.

13. Intentional barricading, blocking or obstruction of any County Road, or any private road which has been lawfully dedicated to use by the public.

14. Electronic interference with amplitude or frequency modulation signals of commercial broadcast stations or any cellular or other wireless telecommunications signals.

15. Physical degradation or obstruction of any viewshed area which is regulated or otherwise administered by Federal, State or local agencies.

16. Failure to maintain a structure designed and built for human habitation so as to avoid hazards to health, safety and welfare as determined by the Natrona County Building Official.

17. Any condition or situation which renders a structure or any portion thereof designed and constructed for human habitation unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy as determined by the Natrona County Building Official.

18. Excessive, repetitive or sustained barking of dogs, which is audible beyond the boundaries of the property where the dogs are located.

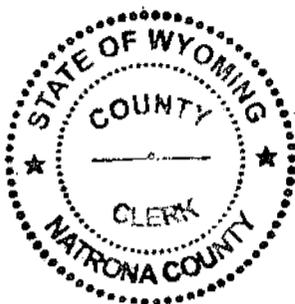
19. Failure to comply with any law or rule regarding sanitation and health.

e. Violation of the provisions of this Section 7 may be enforced through any method authorized for enforcement of Natrona County zoning regulations, through the

provisions of W. S. 18-2-115 et seq, by injunction, mandamus or other judicial action and any other applicable method under law including but not limited to criminal citations. The selection of one remedy or enforcement method shall not of its own accord prohibit the implementation of any other remedies available under law. To the extent permitted by law, all available remedies may be used individually or cumulatively.

f. The provisions of this Section 7 shall apply to all unincorporated properties in Natrona County.

**PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of January, 2010.



ATTEST:

Renea Vitto  
Renea Vitto, County Clerk

My term of office expires  
January 6, 2011

**BOARD OF COUNTY COMMISSIONERS**  
Natrona County, Wyoming

Robert L. Hendry  
Robert L. Hendry, Chairman

APPROVED AS TO FORM:

William P. Knight Jr.  
William P. Knight Jr., County Attorney