

Title 8
HEALTH AND SAFETY

Chapters:

- 8.04 Aircraft
- 8.08 Fireworks
- 8.12 Flammable Liquids
- 8.16 Garbage Collection and Disposal
- 8.20 Sanitary Landfill
- 8.24 Noise
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Chapter 8.04

AIRCRAFT

Sections:

- 8.04.010 Definitions.
- 8.04.020 Minimum height limits for aircraft.
- 8.04.030 Operators of aircraft to be licensed.
- 8.04.040 Operation of aircraft to be subject to air traffic rules of federal civil aeronautics authority.

- 8.04.050 Aerobatic flying--Prohibited.
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- 8.04.070 Noise by aircraft operation.
- 8.04.080 Dropping objects from aircraft--Prohibited.
- 8.04.090 Display of license.
- 8.04.100 Violation--Penalty.

8.04.010 Definitions. For the purposes of this chapter:

"Aerobatic flying" means any intentional airplane maneuver or stunt not necessary to air navigation, or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers. .

"Aircraft" means any airplane, airplane, helicopter, gas bag, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily as safety equipment. (Ord. 82-4 §1 (part), 1982)

8.04.020 Minimum height limits for aircraft. Except while taking off or landing for emergency medical reasons as set forth in Section 8.04.060, no person, firm or corporation shall fly or permit any aircraft to be flown within the corporate limits of the town except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than one thousand feet; provided that the provisions of this section may be deviated from when such deviation is required because of stress of weather conditions or other unavoidable emergency cause. (Ord. 82-4 §1(part), 1982)

8.04.030 Operators of aircraft to be licensed. No person shall operate any aircraft over the corporate limits of the town unless such person has first been issued an airman certificate by the civil Aeronautics Authority and unless such aircraft shall have first received a certificate of airworthiness from the Civil Aeronautics Authority. (Ord. 82-4 §1(part),1982)

8.04.040 Operation of aircraft to be subject to air traffic rules of federal civil aeronautics authority. No person shall operate any aircraft over the town in violation of any valid air traffic or other rule or regulation established by the Civil Aeronautics Authority. (Ord. 82-4 §1(part), 1982)

8.04.050 Aerobatic flying--Prohibited. Aerobatic flying by any person flying over any portion of the town is prohibited. (Ord. 82-4 §1(part), 1982)

8.04.060 Landing of aircraft--Prohibited. Except in case of emergency, no person shall land any aircraft within the corporate limits of the town. This prohibition shall not apply to aircraft landing for emergency medical reasons within one hundred yards of the medical clinic located in Block 25, Lots 1-12, town map. (Ord. 82-4 §1(part), 1982)

8.04.070 Noise by aircraft operation. Unnecessary noise by operators of aircraft within or over the corporate limits of the town is prohibited. (Ord. 82-4 §1(part), 1982)

8.04.080 Dropping objects from aircraft--Prohibited. No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits of the town, any object or thing. (Ord. 82-4 §1(part), 1982)

8.04.090 Display of license. The certificate of aircraft license and certificate of pilot's license shall be kept in the personal possession of the licensee and must be presented for inspection upon demand of any peace officer of this town. (Ord. 82-4 §1(part), 1982) 8.04.100--8.08.030

8.04.100 Violation--Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding seven hundred fifty dollars, to which fine may be added costs. (Ord. 82-4 §1(part), 1982)

Chapter 8.08

FIREWORKS

Sections:

- 8.08.010 Use of fireworks--prohibited.
- 8.08.020 Sale and display of fireworks—Prohibited.
- 8.08.030 Exception.

8.08.010 Use of fireworks--prohibited. A. No person in the town shall past, throw, light or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge or other combustible firecrackers or fireworks of any kind.

B. Explosive Devices. No person shall manufacture or possess any bomb or explosive device of any kind, unless such manufacture or possession is in accordance with applicable federal and state law. (Ord. 91-22 §1, 1991; prior code §5-404)

8.08.020 Sale and display of fireworks--prohibited. No person in the town shall exhibit or have in his possession with intent to give away, sell or offer for sale within the town any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge or other combustible firecrackers or fireworks of any kind. (Prior code §5-405)

8.08.030 Exception. The prohibition contained in Section 8.08.020 shall not apply to the sale, storage or use of railroad track torpedoes or other signaling devices used by motor vehicles or to prevent any public demonstration or display of fireworks of any kind if conducted under proper supervision after application made to and permit issued by the town marshal for such demonstration. (Prior code §5-406) 8.12.010--8.12.050 .

Chapter 8.12

FLAMMABLE LIQUIDS

Sections:

- 8.12.010 Definition.
- 8.12.020 Storage tanks--prohibited.
- 8.12.030 Exemptions.
- 8.12.040 Bulk storage vehicle parking.
- 8.12.50 Violation--Penalty.

8.12.010 Definition. For purposes of this chapter, "structure" means anything constructed or erected, the use of which requires a more or less permanent location on the ground or is attached to something having a location on the ground. (Ord. 84-5 §1 (part), 1984)

8.12.020 Storage tanks--Prohibited. All tanks and container structures of any kind used to hold or store flammable liquids, including but not limited to, gasolines, benzenes, aviation gases,

fuel oils and diesel fuel, are prohibited in all residential zoning districts in town. (Ord. 84-5 §1(part) , 1984)

8.12.030 Exemptions. This chapter is not applicable to:

A. The storage of flammable and combustible liquids on farms, construction projects or property with a commercial or industrial district zoning classification. These exemptions are however subject to the provisions of the Uniform Fire Code as applied in the state.

B. The storage of propane and fuel oil within residential zoning districts provided their use is limited to heating and cooking purposes associated with the residential dwelling unit. (Ord. 84-5 §1(part) , 1984)

8.12.040 Bulk storage vehicle parking. Unattended bulk storage vehicles used to hold, transport or store flammable liquids, including but not limited to gasolines, benzenes, aviation gases, propane, fuel oils and diesel fuel shall not be parked in any residential zoning district in town for longer than two hours. This chapter is directed towards all such bulk storage vehicles, including those privately owned, and whether or not they actually contain any flammable liquids while parked within the town residential zoning district. (Ord. 84-5 §1(part) , 1984)

8.12.050 Violation--Penalty. Any person, firm, association or corporation violating any provision of this chapter, shall, upon conviction be fined an amount not to exceed seven hundred fifty dollars. (Ord. 84-5 §1(part),

Chapter 8.16

GARBAGE COLLECTION AND DISPOSAL

Sections:

- 8.16.010 Definitions.
- 8.16.020 Unlawful to accumulate garbage or refuse.
- 8.16.030 Unlawful to burn garbage or refuse.
- 8.16.040 Garbage and refuse cans; specifications.
- 8.16.050 Repealed
- 8.16.060 Violation; penalty.

8.16.010 Definitions. For the purposes of this chapter:

"Garbage" means and includes any and all kitchen refuse, rejected or waste food, meats, fish, fowl, offal, carrion or anything whatsoever unsanitary or dangerous to health.

"Refuse" means and includes any and all hay, straw, shaving, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles and any and all other material commonly known as rubbish or refuse of whatever kind or character of by whatever name known. (Prior code §4-1 07-4-1 08)

8.16.020 Unlawful to accumulate garbage or refuse. It is unlawful to deposit or dump or accumulate or suffer" or allow or permit garbage or refuse, as defined in this chapter, to accumulate upon any premises or public street or public alley within this town and any

accumulation of refuse or garbage on any street, alley or premises within the town is declared to be a nuisance and is prohibited hereunder. All garbage or refuse shall be deposited in cans described in this chapter and said cans shall be emptied not less than once a week. (Prior code §4-109)

8.16.030 Unlawful to burn garbage or refuse. It is unlawful to dispose of garbage or refuse within the town by burning or to cause, suffer, allow or permit the burning of garbage or refuse within the town. (Prior code §4-11 0)

8.16.040 Garbage and refuse cans: specifications. All garbage and refuse cans shall:

A. Have a close-fitting lid or cover which shall at all times be so maintained and positioned so as to prevent the ingress or egress of flies or other insect.

B. Be heavy enough so that it cannot be tipped over by wind or animals. (Ord. 99 1,1999; Prior code §4-111)

8.16.050 Location of garbage and refuse cans. Repealed (Ord. 99-2, 1999; prior Code §4-112)

8.16.060 Violation. penalty. Any person violating the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction therefore shall be fined not more than \$750.00. (Prior code §4-113)

Chapter 8.20

SANITARY LANDFILL

Sections:

- 8.20.010 Designation.
- 8.20.020 Open to residents without permit.
- 8.20.030 Payment to Town of Big Piney.
- 8.20.040 Assessment.
- 8.20.050 Billing and due date.
- 8.20.060 Special fees.

8.20.010 Designation. The town designates the Town of Big Piney sanitary landfill as its disposal area which landfill is located on 40 acres described as follows, to-wit:

Northeast quarter Southwest quarter (NE, SW1f4), Section 3, Township 30 North,
Range 111 West of the 6th P.M.

(Prior code §4-101)

8.20.020 Open to residents without a permit. Residents of the town shall be entitled to use the town sanitary landfill for the disposal of all personal garbage and refuse without special permit provided said use is in compliance with the ordinance and rules and regulations promulgated by the mayor and town council of the Town of Big Piney governing said use. (Prior code §4-102)

8.20.030 Payment to town of Big Piney. The town shall pay the sum of one hundred dollars per month to the town of Big Piney for the privilege of use by the residents of the town. (Prior code §4-103)

8.20.040 Assessment. A. The owners or occupants of residence and each business establishment within the shall be required to pay to the town treasurer of the following fees depending upon the classification which each residence or business falls:

1. Residence, one dollar fifty cents per month;
2. Light amount of refuse, four dollars per month;
3. Moderate amount of refuse, nine dollars per month;
4. Heavy amount of refuse, twenty-five dollars per month;

B. Classification for each use shall be established by the mayor and town council of the town and each user shall be notified of the classification into which he has been placed. In the event of a material change in the use after a classification the user may be reclassified in the same manner. The mayor and town council shall attempt to be uniform in the issuance of classifications. Any user may appeal to the council for reconsideration within thirty days after classification or reclassification. (Prior code §4-104)

8.20.050 Billing and due date. The billing and due date for the fees in Section 8.20.040 shall be the 15th of each month and the same shall be due by the 10th of the following month. (Prior code §4-105)

8.20.060 Special fees. In addition to the fees otherwise imposed by this section, the following fees shall be imposed for the particular uses herein set out which shall be paid directly to the treasurer of the town of Big Piney before said use is made. For the purposes of this section a pickup shall include any vehicle with a payload capacity of up to and including 3/4 ton and a truck shall include vehicles with a payload capacity in excess of 3/4 ton.

- A. Motor vehicle bodies, ten dollars each;
- B. Wire and razed buildings, five dollars per pickup load;
- C. Wire and razed buildings, ten dollars per truck load;
- D. Animal carcass (under one hundred pounds), five dollars;
- E. Animal carcass (over one hundred pounds), ten dollars. (Prior code §4-106)

Chapter 8.24

NOISE

Sections:

- 8.24.010 Excessive sound unlawful.
- 8.24.020 Definition.
- 8.24.030 Method of measuring.
- 8.24.040 Permit for waiver.
- 8.24.050 Emergency vehicles exempt.
- 8.24.060 Violation--Penalty.

8.24.010 Excessive sound unlawful. The making and creating of excessive sound as defined in this chapter is declared unlawful. No person shall operate any type of vehicle or carry on any other activity which creates excessive sound. (Prior code §4-401)

8.24.020 Definition. "Excessive sound" shall have the following meaning:

A. When related to a sound from a vehicle with a manufacturer's gross weight rating of ten thousand pounds the term shall mean any such sound which exceeds eighty-eight decibels;

B. When related to all other sounds, from whatever source, the term shall mean any such sounds which exceed eighty decibels. (Prior code §4-402)

8.24.030 Method of measuring. For determining and classifying any sound as violation of this chapter, the following and requirements shall be applied:

A. The sound shall be measured on a sound meter which conforms to ANSI and international standards and quality, operated on an "A" weighting scale;

B. The sound shall be measured at a distance of at least thirty-five feet from its source, when located within a dedicated public right-of-way;

C. If the sound is located on private property or public property other than a dedicated public right-of-way, it shall be measured at least twenty-five feet from the property line of the property on which its source is located. (Prior code §4-403)

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8.24.040 Permit for waiver. A. Applications for a permit for relief from sound levels designated in this chapter may be made to the chief of police. Any permit granted by the chief of police hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The chief of police may grant the relief as applied for if he finds:

1. That additional time is necessary for the applicant to alter or modify his activities or operations to comply with this chapter; or

2. The activity, operation or noise will be of temporary duration, and cannot be done in a manner that would comply with this chapter; or

3. That no reasonable alternative is available to the applicant; and

4. That failure to issue the permit would constitute an undue hardship.

B. The chief of police may prescribe any requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, as a condition to the issuance of a permit. The chief of police shall either issue or reject any application submitted to him in writing within five days after receipt thereof, and the applicant may appeal, in writing, to the town council any decision of the chief of police within ten days after such decision is rendered. (Prior code §4-404)

8.24.050 Emergency vehicles exempt. The requirements, prohibitions and terms of this chapter shall not apply to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency and shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the town, including but not limited to parades and fireworks displays. (Prior code §4405)

8.24.060 Violation--penalty. Any person who shall violate one or more of the provisions of this chapter, shall be subject to a fine not to exceed seven hundred fifty dollars. (Prior code §4-406)

Chapter 8.28

NUISANCES

Sections:

8.28.010	Definitions.
8.28.015	Nuisance unlawful.
8.28.020	Power to declare.
8.28.030	Abatement.
8.28.040	Expense.
8.28.050	Enumeration.

8.28.010 Definitions. For the purposes of this chapter:

A. Author of Nuisance. Where a nuisance exists upon property, the landlord thereof, or his agent; the tenant, or his agent, and all other person having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable therefor. (Amended Ordinance 2010-08; January 10, 2011)

B. Nuisance. A "Nuisance" means the maintaining, promoting, permitting or allowance, by act or omission, of real property in such a manner that presents a danger or hazard to the health, safety, morals, real property values or the use and enjoyment of other property in the neighborhood. (Amended Ordinance 2010-08; January 10, 2011)

8.28.015 Nuisance unlawful. It is a misdemeanor punishable by not more than \$750.00 for any person or entity to maintain or permit a property to contain a nuisance within the Town of Marbleton. Each and every day a nuisance continues may be deemed to be a separately chargeable offense. (Added Ordinance 2010-08; January 10, 2011)

8.28.020 Power to declare. It is the duty of the Town Marshal, the Town Council, the Planning and Zoning Commission, Mayor, or other official designated by the Mayor of the Town, to declare a nuisance within the Town, after a review of all available evidence. Upon said declaration, the declaring body may determine the appropriate remedy for said nuisance,

including, but not limited to, abatement, commencement of criminal proceedings, or, in cases of imminent danger to a person or persons, immediate entrance and removal. (Amended Ordinance 2010-08; January 10, 2011)

8.28.030 Abatement. The Town Marshal, the Town Council, the Planning and Zoning Commission, the Mayor, or other official designated by the Mayor of the Town may serve a written notice upon any author of nuisance requiring the author to abate the same in such manner as the officer serving such notice shall prescribe, within a reasonable time; provided, that It shall be necessary in any case for such officer to specify in his notice the manner in which any nuisance shall be abated. If such author of nuisance shall refuse to comply with the requirements of such notice and order within the time specified, the Town may abate the nuisance over the objection of the author by any means allowed by law. Whenever the author of nuisance cannot be located or is unknown, the said officer shall proceed to abate the nuisance after posting notice at the site of the nuisance or after publication of a sufficient duration to provide actual notice. (Amended Ordinance 2010-08; January 10, 2011)

8.28.040 Expense. In all cases arising under this chapter or any other ordinance where the expenses of removing any nuisance are incurred by the Town, and any and all costs may be collected by the author or real property owner by any and all lawful means. (Amended Ordinance 2010-08; January 10, 2011)

8.28.050 Enumeration: The following are declared to be per se nuisances:

- A. To befoul water in any spring, stream, well or water source supplying water for culinary purposes;
- B. To use or allow any privy vault or cesspool to remain unfilled on the premises;
- C. To permit any garbage box or similar receptacle to remain on the premises after becoming unclean and offensive;
- D. To allow vegetable waste, garbage or refuse of any nature to accumulate except in proper garbage containers;
- E. To permit the accumulation of manure in any stable, stall, corral, yard, etc. in which any animal shall be kept;
- F. To permit any waste, damaged merchandise, leaking barrels, casks or boxes to become putrid or to render the atmosphere impure or unwholesome, or to constitute a likely harborage or breeding location for skunks, rodents, flies, mosquitoes or disease-bearing organisms;
- G. To discharge or place any offensive water, liquid, waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, or vacant lot;
- H. To permit to be kept or collected any stale or putrid grease or other offensive matter;
- I. To have or permit upon any premises any fly-producing condition;
- J. To fail to keep alleyways clean and free from rubbish of all kinds;
- K. To obstruct the streets or sidewalks without the permission of the town council;

L. To allow snow and ice to accumulate on any paved sidewalk abutting the property of any owner, occupant or lessor;

M. To conduct bawdy or any other disorderly houses, houses of ill fame, assignation houses where intoxicating liquors are sold, served, bartered, kept, stored, given away or used in violation of the law;

N. To keep flammable or combustible material in such a manner as to endanger by fire any property or structure within the town, unless guarded and protected so far as practicable to prevent fires from originating therein or from spreading when started near such materials.

O. To keep in an unsheltered manner, any old, unused, stripped, junked vehicles, machinery, implements, equipment and personal property of any kind which are no longer safely usable for the purposes for which they were manufactured.

P. To keep a dead animal.

Q. To place handbills upon any building, fence or structure without the permission of the owner or occupant.

R. To allow the accumulation or uncontrolled growth of excessive weeds or other vegetable growth.

The enumerated nuisances herein shall not be deemed exhaustive, and shall not prevent or prohibit the Town from declaring any other act or omission constituting a nuisance as such. (Amended Ordinance 2010-08; January 10, 2011)

Chapter 8.32

SMOKING IN PUBLICLY OWNED BUILDINGS AND VEHICLES

Sections:

8.32.010 Definitions

8.24.020 Public Buildings

8.24.030 Public Vehicles

8.24.040 Violation--Penalty.

8.35.020 Sale Prohibited

8.32.010 – Definitions

“Flavored” means any product, in whole or in part, that contains, is advertised to contain, or purports to contain a distinguishable taste or aroma before, during or stemming from its use. Flavored shall not include the taste or aroma of tobacco, menthol, mint or wintergreen.

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco. It also includes any electronic cigarette, pipe, hookah, vaporizer, personal vaporizer or other device

designed to introduce a smoke, vapor or aerosol into a person for recreational purposes. The definition of tobacco products herein, does not include any scheduled controlled substance, and nothing in these Ordinances shall be read as authorizing the use of or decriminalization of such substances without a valid and authorized prescription by a duly licensed Wyoming Physician taken in the manner prescribed by said physician.

"Smoke or "Smoking" or any word form thereof, means lighting, heating, vaporizing or making any item into an aerosol or setting any item or material afire, including any tobacco product, for purposes of inhaling or ingesting the vapor or aerosol resulting therefrom.(Ord. 2015-02)

“Public Building” means any enclosed or partially building wholly or primarily owned, controlled or occupied by a state, local or federal governmental entity, including those owned by the Town of Marbleton, but excluding outdoor locations such as publicly owned parks.

“Public Vehicle” means any automobile, tractor, machinery, conveyance or other device used to transport an individual or equipment, or which is used to perform a function while transporting one or more persons.

8.32.020 – Public Buildings No person shall smoke or use any tobacco product in a public building, or within thirty (30) feet of a publicly accessible entryway of any public building. (Added Ordinance 2010-02, June 14, 2010)

8.32.030 – Public Vehicles. No person shall smoke or use any tobacco product in a public vehicle. (Added Ordinance 2010-02, June 14, 2010)

8.32.040 - Violation--penalty. Any person who shall violate one or more of the provisions of this chapter, shall be subject to a fine not to exceed seven hundred fifty dollars. (Added Ordinance 2010-02, June 14, 2010)

8.35.020 Sale Prohibited. The sale or offer for sale of any flavored tobacco product constitutes a misdemeanor punishable by a fine of up to seven hundred fifty dollars (\$750.00). Each separate sale and/or day of continued offer for sale shall constitute a separate offense.