

CHAPTER 14

MUNICIPAL COURT

Article I. Police Justice.

- § 14-1. Appointment; Compensation; Term; Duties.
- § 14-2. Qualifications; Records to be kept; Oath and bond.
- § 14-3. Alternate justice.
- § 14-4. Disposition of costs and fines.
- § 14-4.1. Adoption of Criminal Procedure.

Article II. Procedure and Commencing Actions.

- § 14-5. Complaint.
- § 14-6. Form of warrant.
- § 14-7. Docketing case; Issuance of warrant or summons.
- § 14-8. Bail.
- § 14-9. Judgment on bail bond.
- § 14-10. Detention of accused pending delay in trial.
- § 14-11. Judgment on default.
- § 14-12. Payment of costs by prosecuting witness.
- § 14-13. General penalty; continuing violations.
- § 14-13A.1 Penalties for violation of municipal ordinances.
- § 14-13A.2 Contempt of court.
- § 14-14. Confinement in lieu of payment of fine.

ARTICLE I. POLICE JUSTICE.

SEC. 14-1. APPOINTMENT; COMPENSATION; TERM; DUTIES. ¹

The Mayor shall appoint, with the advice of the City Council, a Police Justice at a regular salary to be determined by the Mayor and Council, provided, however, that this salary shall not be diminished during the term of office. The Police Justice shall perform the duties incident to such office and such duties as may be provided and defined by the laws of the State of Wyoming. The Police Justice shall hold office until removed by the Mayor and Council. The Police Justice shall be considered as an employee of the City of Buffalo for all purposes, and subject to all appropriate rules and regulations of employees thereof; provided that nothing herein shall be construed to mean that the Police Justice shall be amenable to the instructions of the Mayor and Council in rendering a decision or disposition of any case properly before him. (Ord. 980, § 1, 3/82)

1. For state law as to appointment and qualifications of Police Justices, see W.S. 1977, § 5-6-103. As to term of office and compensation, see W.S. 1977, § 5-6-104.

SEC. 14-2. QUALIFICATIONS; RECORDS TO BE KEPT; OATH AND BOND. ²

The duly appointed Police Justice shall be a qualified elector and resident of the City of Buffalo, who shall hold court in a room designated by the Mayor and Council for that purpose. He shall keep all dockets, papers, records and other documents relating to his office in a place of safekeeping. Such Police Justice shall, before entering upon his duties as Police Justice, take or subscribe to such oath of office as the Mayor and Council may prescribe and which may be consistent with the constitution and laws of the state, and shall then give a bond in a sum of five hundred dollars (\$500.00) for the faithful performance of his duties. (Ord. 980, § 2, 3/82)

2. For state law as to qualifications, see W.S. 1977, § 5-6-103. As to bond, see W.S. 1977, § 5-6-105.

SEC. 14-3. ALTERNATE JUSTICE.

The Mayor and Council shall have the authority to appoint any alternate or temporary Police Justice to serve during the absence, illness, disability or vacancy of the regularly appointed Police Justice, who shall hold the same qualifications and perform such duties as may be required of the regularly appointed Police Justice; and, the alternate or temporary Police Justice shall receive a salary to be determined by Mayor and Council. (Ord. 980, § 3, 3/82)

SEC. 14-4. DISPOSITION OF COSTS AND FINES. 3

The Police Justice, upon determination of cases properly before him, in which fines and costs are properly assessable, shall immediately pay over or cause the parties chargeable to pay over to the City Clerk-Treasurer all fines and costs or other money lawfully received by him or by others under his direction or authority by lawful process issued from the Municipal Court; provided, that the Court shall assess Court Costs in an amount not to exceed ten dollars (\$10.00) in each case for which Court costs are properly assessable; and the City Clerk-Treasurer shall properly account for such money to the Mayor and Council at the regular meeting thereof next succeeding the month of such collections. (Ord. 797)

SEC. 14-4.1. ADOPTION OF CRIMINAL PROCEDURE.

The procedure for proceedings relating to trial of offenses against the Ordinances of the City of Buffalo shall be governed by the Wyoming Rules of Criminal Procedure for Justice Courts then in effect and if there is any conflict between procedures established by Ordinance and the Wyoming Rules of Criminal Procedures for Justice Courts, the Wyoming Rules of Criminal Procedures for Justice Courts shall apply. (Ord. 980, § 4, 3/82)

3. For state law as to costs and fines, see W.S. 1977, §§ 5-6-108, 5-6-106.

ARTICLE II. PROCEDURE AND COMMENCING ACTIONS. 4

4. For state law generally as to procedure in Municipal Courts, see W.S. 1977, § 5-6-106.

SEC. 14-5. COMPLAINT.

Section 14-5 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 5, 3/82)

SEC. 14-6. FORM OF WARRANT.

Section 14-6 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 6, 3/82)

SEC. 14-7. DOCKETING CASE; ISSUANCE OF WARRANT OR SUMMONS.

Section 14-7 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 7, 3/82)

SEC. 14-8. BAIL.

Section 14-8 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 8, 3/82)

SEC. 14-9. JUDGMENT ON BAIL BOND.

If the defendant fails to appear according to the conditions of any bond executed pursuant to Wyoming Rules of Criminal Procedure for Justice Courts the Police Justice may enter judgment against him and his securities for the amount of such bond. Upon entering such judgment, it shall be the duty of the Police Justice to issue process on behalf of the City of Buffalo against the parties liable on such bond requiring them to appear before him on a day to be mentioned therein, and show cause, if any they have, why judgment should not be confirmed against them and execution issued upon such judgment, and any judgment entered up as aforesaid may be set aside by the Police Justice if the defendant shall personally appear before the Police Justice at the time mentioned in the process and show cause for setting aside the judgment by affidavit of some creditable person; and it shall be lawful for the sureties on such bond to appear before the Police Justice at the time aforesaid and make the same defense that is allowed for the nonappearance of the principal under the laws of this state in similar cases before the Justice of the Peace. (Ord. 980, § 9, 3/82)

SEC. 14-10. DETENTION OF ACCUSED PENDING DELAY IN TRIAL.

Section 14-10 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 10, 3/82)

SEC. 14-11. JUDGMENT ON DEFAULT.

When a defendant duly summoned fails to appear at the time the suit is set for trial, the Police Justice shall hear and examine the testimony offered on the part of the City of Buffalo and shall render judgment by default for such an amount under the ordinances as the Police Justice may deem best. (R.O. 1955, § 16-9)

SEC. 14-12. PAYMENT OF COSTS BY PROSECUTING WITNESS.

In all prosecutions for fines or penalties when the defendant shall be acquitted, the informer or prosecutor may, in the discretion of the Police Justice, be adjudged to pay the costs, if it appears to the satisfaction of the Police Justice that the prosecution was instituted vexatiously, maliciously or without probable cause, and judgment shall be so rendered and execution issued therefore. (R.O. 1955, § 16-11)

SEC. 14-13. GENERAL PENALTY; CONTINUING VIOLATIONS.⁵

Whenever in this Code or in any ordinance, rule or regulation promulgated by any officer or agency of the City of Buffalo under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code, or any such ordinance, rule or regulation shall constitute a misdemeanor and shall be punished by a fine of not more than seven hundred and fifty dollars (\$750.00).

Each day any violation of this Code or of any such ordinance, rule or regulation continues shall constitute a separate offense. (Ord. 980, § 11, 3/82; RO. 1303 06/08)

5. For state law establishing the maximum punishment for violation of ordinances, see W.S. 1977, § 15-1-103 (xi).

SEC. 14-13A.1. PENALTIES FOR VIOLATION OF MUNICIPAL ORDINANCES.

Probation, community service or assessments may be imposed for any municipal ordinance conviction provided that the terms of probation, community service or assessment are directly related to an element or circumstance for that conviction, or for the terms or conditions for paying fines, costs, fees or restitution. A period of probation not to exceed one (1) year may be ordered in all sentences, consistent with this ordinance. (Ord. 1337 11, 3/2009)

SEC. 14-13A.2. CONTEMPT OF COURT.

The Municipal Judge shall have the power to punish for contempt in the same manner and to the same extent as the district court. (Ord. 1337 11, 3/2009)

SEC. 14-14. CONFINEMENT IN LIEU OF PAYMENT OF FINE.

Section 14-14 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 12, 3/82)

CHAPTER 15

NUISANCES¹

1. For state law as to authority of towns in relation to nuisances, see W.S. 1977, § 15-1-103 (xvii).

As to hogs in the City limits being declared a nuisance, see § 4-1 of this Code. As to unsafe buildings being considered a nuisance, see § 5-25. As to foul premises generally being declared a nuisance, see § 16-15. As to hawkers, peddlers, solicitors, etc., entering private premises without invitation being considered a nuisance, see § 16-18. As to nuisances in connection with trailers and trailer courts, see § 24-4.

- § 15-1. Violation prohibited.
- § 15-2. Enumeration not exclusive.
- § 15-3. Notice to abate nuisance – Compliance required.
- § 15-4. Notice to abate nuisance – Contents – Procedure.
- § 15-5. Hearing procedure.
- § 15-6. Removal – Voluntary consent – Affidavit.
- § 15-7. Disposal – Assessment of costs.
- § 15-8. Search warrant.
- § 15-9. Property maintenance – Owner and occupant responsibility.
- § 15-10. Abatement – Court action authorized.
- § 15-11. Litter removal – Authorization – Notice – Cost to be a lien.
- § 15-12. Littering – General restrictions – Prosecution.
- § 15-13. Dead Animals.
- § 15-14. Nuisance Citations.
- § 15-15. Title to impound vehicles.
- § 15-16. Notice to removal.
- § 15-17. Residential Outside Storage.

SEC. 15-1. VIOLATION PROHIBITED.

The accumulation or storage of derelict, abandoned, wrecked, dismantled vehicles, litter or junk on private or public property, including public utility easement (P.U.E.) and public thoroughfares is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore the presence of litter or abandoned, derelict, wrecked, dismantled or inoperative vehicle on private or public property, except as expressly permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter. It is unlawful for any person to maintain or permit the existence of any nuisance on any property within the city. Any person who may be in violation of this section shall, in addition to any penalty that may be imposed for the violation of this code, be subject to the provisions of this chapter and be required to reimburse the City for expenses incurred in the abatement of the nuisance.

SEC. 15-2. ENUMERATION NOT EXCLUSIVE.

The City Council shall have the final authority to determine the existence of a nuisance. The various nuisances described and enumerated in this section provide guidance to the City Council for determining the existence of a nuisance and are not deemed to be exclusive.

A. Things Interfering With Peace or Comfort. Sounds, animals or things that interfere with the peace or comfort.

B. Obnoxious, Offensive Odors. The emission of obnoxious and offensive odors; the tainting of air rendering it offensive and/or unwholesome so as to affect the health or comfort of persons residing in the neighborhood thereof.

C. Discharging of Offensive Matter. The placing, throwing or discharging from or out of any house or premises, of any filthy, foul or offensive matter, liquid or effluent of any kind.

D. Water Pollution. The obstruction or pollution of any watercourse or source of water supply in the city.

E. Stagnant Water. Any stagnant pool of water in the city.

F. Emission of Dense Smoke. The emission of dense smoke from any fire, chimney, engine, oil burner or other agency in the city not used for heating or cooking purposes so as to cause annoyance or discomfort to the public.

G. Certain Weeds. Weeds determined to be noxious by the Wyoming Weed and Pest Council, any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the city including easements, alleys and right of ways.

H. Maximum Height Permitted. Any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding eight inches anywhere in the city, including platted lots, easements and right of ways except naturally occurring plant life in undeveloped areas of the city.

I. Abandoned, Junked, ect., Vehicles. Abandoned or junk vehicles and parts or remains thereof parked upon private property, public property, public streets, alleys, easements, right of ways or other ways are declared to be nuisances. The presence of an abandoned, wrecked, dismantled, derelict or inoperative vehicle, on private or public property, is declared to constitute a public nuisance that may be abated as such in accordance with the provisions of this chapter. The tearing down, stripping or junking of such vehicles shall be permitted only where such use is specifically authorized, permitted or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building, then only provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the city.

A vehicle shall be deemed to be "abandoned" under any of the following circumstances: provided, however, that a vehicle left unattended due to adverse road or weather conditions, act of God, or mechanical difficulties shall not be deemed to be abandoned for the period required to see the passage of the conditions or a reasonable time to remove the vehicle for repairs:

If the vehicle has been left unattended on private property without the consent of the owner or person in lawful possession thereof.

Derelict Vehicles. A vehicle, or parts thereof, shall be deemed to be "derelict" if the vehicle is:

1. Inoperable to the extent that is unable to perform its original intended function;
2. Partially or wholly dismantled;
3. In a condition that prevents legal operation;
4. Junked or intended to be recycled or scrapped;

This section defining derelict and abandoned vehicles shall not apply to the following:

1. A vehicle that is enclosed in a secure building.
2. A vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise as determined by the Mayor or his/her designated agent with written authorization.
3. A vehicle in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;
4. An antique motor vehicle as defined in W.S. 31-2-210 which is licensed as provided by law.
5. A vehicle which is covered by an intact custom car cover made for the specific type and size of vehicle which it covers.

- a. In no instance may a person have more than two (2) such covered vehicles on his or her property.
- b. No custom covered vehicle may be stored on public property or right-of-way.

6. A race car that is currently actively engaged in racing and equipped for racing with roll cage, windows removed, drivers name, sponsors and number displayed. Demolition race cars shall be considered derelict vehicles two weeks after the demolition race.

7. An automobile repair shop may only have derelict vehicles on the premises for the time necessary under agreement for repair with business customers; automobile dealers may not have derelict vehicles on the premises for resale.

J. Junk. Any iron, glass, weeds, metal, lumber, stumps, grass, trash, straw, hedge trimmings, cut tree branches, paper, cordage, cloth, construction debris building material not intended for immediate use or other waste or discarded material of any nature or substance whatsoever or any scrap or salvage materials which are left or permitted to remain for any unreasonable period of time upon any real property within the city or any city property within or without the corporate limits of the city or upon or within the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel, public utilities and rights of way.

K. Foul, Offensive Conditions. Any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises owned or occupied by any person, which becomes nauseous, foul, offensive or injurious to the public health, or any grounds or other premises in such condition as to be offensive and/or unwholesome to the neighborhood.

L. Any refrigerator or freezer, electronic equipment or appliance which is not being utilized for its intended use.

SEC. 15-3. NOTICE TO ABATE NUISANCE – COMPLIANCE REQUIRED.

A. It shall be the duty of any person receiving the notice of a public nuisance as provided in this Chapter to comply with the provisions of the notice and to abate such nuisance within ten days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisance within ten days from receipt of such notice within just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisance persists shall constitute a separate violation.

B. It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property.

C. If the nuisance is not abated within the time provided, and after notice as provided by this Section 15-3, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both.

SEC. 15-4. NOTICE TO ABATE NUISANCE – CONTENTS -- PROCEDURE.

A. Whenever the City Council determines that a nuisance exists, the Mayor or his/her designated agent or representative shall attempt to give written notice to the owner of the condition, if his or her address is known, to the owner of the land where the condition is located, and to any other person or entity known by the Mayor or his/her designated agent to have a security interest in the vehicle or junk. The notice shall be attempted by registered mail or personal service, if the address of the individual or entity is known. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of junk, the notice shall be posted at the site or on the premises where the nuisance exists.

B. Such notice shall include substantially the following information:

- 1. A statement that a certain condition is a nuisance within the provisions of Section 15-1; in the case of a vehicle, the notice should include make, year and vehicle identification number if reasonable possible;
- 2. A description of the real property, by street address or otherwise, on which the nuisance exists;
- 3. A statement that such nuisance must be abated within ten days from the date on the notice;

4. A statement that if the nuisance is not abated within the time provided, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both;

5. A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the clerk of municipal court within ten days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that upon request a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement; that if a hearing is not so requested the right to a hearing shall be waived;

6. A statement that failure to abate the nuisance may result in a city abatement and/or criminal charges.

C. In the event that notice, as provided in subsection A of this section, cannot be given to each individual known by the Mayor or his/her designated agent or his representative to have an interest in the vehicle or junk, service shall be made by publication. Such notice by publication shall be made by one publication in a newspaper of general circulation in Johnson County. The notice of publication shall contain the same information required in the notice described in subsection A of this section. Notice by publication may contain multiple listings of public nuisances.

D. Proof of notice shall be made by certification of any officer or employee of the city, or affidavit of any person over eighteen years of age, naming the person to whom notice was given and specifying the time, place and manner thereof. Proof of notice shall be made in each case and maintained for a period of two years from date of abatement of the nuisance for which notice has been given.

SEC. 15-5. HEARING PROCEDURE.

A. A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the municipal court clerk within ten days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and nature of the interest held by the requesting party in the vehicle or junk.

B. In the event of a public nuisance as defined in Section 15-1, of which notice has been given, and which remains unabated for more than ten days, the Mayor or his/her designated agent or his representative is granted the authority to abate, remove or cause the removal of the vehicle or junk; provided however, that is a proper request for hearing if filed, abatement shall only proceed upon order of the municipal judge or hearing examiner.

C. In the event a request for hearing is filed as provided, a hearing shall be held before the municipal judge or such other individual or group as designated by the city council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny the existence of a public nuisance and for taking such further action as is authorized under this chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing to the requesting parties and the city attorney.

D. At such hearing, all parties and the city shall be afforded an opportunity to present evidence, to cross-examine and present argument; provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the municipal judge or hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.

E. At or after such hearing, and in the event of confirmation that a public nuisance exists, the municipal judge or the hearing examiner, as the case may be, may resolve or order that the Mayor or his/her designated agent and/or his employees or agents remove or otherwise abate the nuisance; provided, however, that in the circumstances justify, in the opinion of the municipal judge or person presiding at the hearing, the time for abatement may be delayed. In the event a nuisance is confirmed, administrative and removal costs may also be assessed at the hearing. If it is found that a public nuisance does not exist, abatement authority shall be denied and costs shall not be assessed.

F. Appeals from adverse decisions rendered by the hearing examiner or municipal judge pursuant to subsection D of this section may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of Section 16-3-114 of the Wyoming Statutes, 1977. The municipal judge or hearing examiner, as provided in subsection C of this section, is an agency within the meaning of the Wyoming Administrative Procedures Act and adverse decisions may be appealed in the manner provided therein.

G. In the event a request for hearing or appeal, as provided, is not filed, the right to a hearing shall be considered to have been waived.

SEC. 15-6. REMOVAL-VOLUNTARY CONSENT-AFFIDAVIT.

The owner of any vehicle or junk or the owner of real property where any junk or vehicle has been abandoned my voluntarily consent to the removal of such property by the city. In order to give such consent, all owners of the property shall execute an affidavit in a form acceptable to the city attorney, stating that there are no other owners of the property, or lien holders having security interest in the property; that the owners will reimburse the city for the actual costs of removal or such other costs as are established by the Mayor or his/her designated agent for such removal; and that such reimbursement will be made to the city within thirty days of removal. Such affidavit shall constitute a statement by the owners signing such affidavit that they will indemnify the city for any loss or expense alleged by any other party as a result of removal or disposal. The execution of such affidavit shall also release the city from any obligation to account or pay over to the owners any amount the city receives for the property.

SEC. 15-7. DISPOSAL—ASSESSMENT COSTS.

A. Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of Section 7-2-105 of the Wyoming Statutes, 1977, or Sections 31-13-108, 31-13-109 and 31-13-110 of the Wyoming Statutes, 1977.

B. The Mayor or his/her designated agent shall, from time to time, determine and fix an amount to be assessed as administrative costs in relation to enforcement of this chapter. This cost of administration may be set as a fixed sum per removal or as a percentage of the actual cost of removal under this chapter. The city may take any action allowed by law to collect, the actual costs of removal and storage of any property constituting a public nuisance. Nothing herein shall prohibit the city the right to waive cost of removal.

C. Upon the owner's failure and /or refusal to comply with the written notice to remove the nuisance within the specified time period, the Mayor or his/her designated agent or his designee may, in addition to issuing the owner a citation, after due process of law, authorize the removal of such nuisance, and the owner of the lot or parcel from which the nuisance is removed, shall be liable for all costs of the removal.

D. The Mayor or his/her designated agent or his designee may initiate legal proceedings for the collection of costs of the removal against the owner of the lot or parcel, upon the owner's failure and/or refusal to pay the costs within the thirty (30) days, following demand for payment by the Mayor or his/her designated agent or his designee.

SEC. 15-8. SEARCH WARRANT.

A. The Mayor or his/her designated agent or his representative may make application to the municipal court for authority to enter upon land to examine vehicles or junk for the purpose of making a determination as to whether a public nuisance exists and/or securing information as to the ownership of a vehicle or junk thought to constitute a public nuisance and/or securing information as to the identity of the person or persons in control of the land where the vehicle or junk is situated.

B. The municipal court has authority to issue search warrants and other process necessary to enforce this chapter.

C. A warrant shall issue only upon affidavit sworn to before a municipal judge that establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the applications exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the purpose of the search, and naming or describing the place to be searched. The warrant shall be directed to the Mayor or his/her designated agent, his representative or to any officer authorized to enforce or assist in enforcing the laws of the state or of the city. The warrant shall state the ground or probable cause for is issuance and the names or the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. The warrant shall direct that it be served in the daytime, but for good cause shown, the warrant may direct that it be served at any time.

SEC. 15-9. PROPERTY MAINTENANCE – OWNER AND OCCUPANT RESPONSIBILITY.

A. The owner or person in control of any private property shall at all times maintain the premises including easements, alley, public utility easement (P.U.E.), public thoroughfare and right of ways on or across the premises free of litter. This requirement applies not only to removal of loose litter, but to materials on, or that become trapped on, such locations as abutting city sidewalks, strips, parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points. Any contract with a realtor for sale or management of unoccupied property shall list who the responsible party is for purposes of this section.

B. Persons owning or occupying places of business which face on municipal sidewalks and strips or parkways between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter. Cleanliness of the alleyways, public utility easement (P.U.E.), public thoroughfares if the responsibility of the contiguous property owners.

C. It is unlawful to sweep or push litter from sidewalks and strips or parkways, public utility easement (P.U.E.), public thoroughfares into streets. Sidewalk, strip, parkway, public utility easement (P.U.E.), public thoroughfares sweepings must be picked up and put into household commercial solid waste containers.

D. Waster material or refuse used in the manufacture or remanufacture of salable products may be stored in an approved manner on the premises and with the written permission of the health, fire and building departments.

E. Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways, public utility easement (P.U.E.) or public thoroughfares. Such material must be stored on private property in a safe manner and in such a way to prevent rodent harborage.

SEC. 15-10. ABATEMENT – COURT ACTION AUTHORIZED.

The city attorney is authorized to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property, entity or individual for which the charge for abating a nuisance under this chapter has remained unpaid for a period of thirty days after a bill therefor has been rendered to the owner of the property involved.

SEC. 15-11. LITTER REMOVAL –AUTHORIZATION – NOTICE – COST TO BE A LIEN.

In addition to any other penalties or remedies, the Mayor or his/her designated agent or his designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to remove litter from his private property. If the litter is not removed within five days after service of notice, the manager or his designee shall have it removed and the cost of removal shall be assessed against the property and constitutes a lien thereon. The owner shall be notified, in writing, of the amount assessed, and if it is not paid, it shall be collected in the same manner as provided by Section 15-10.

SEC. 15-12. LITTERING – GENERAL RESTRICTION -- PROSECUTION.

It is unlawful for any person to throw, discard, place, deposit, distribute, cause or allow to be thrown, discarded, placed, deposited, or distributed, litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.

SEC. 15-13. DEAD ANIMALS.

All game and animal hides, heads, carcasses and feet must not be kept on any premises and must be disposed of at the sanitary landfill within twelve hours after being dressed.

SEC. 15-14. NUISANCE CITATIONS.

Code Enforcement Officers are hereby granted authority to enforce the ordinances found in this Chapter through the use of forfeitable citations through the Buffalo Municipal Court using the bond schedule developed by the Buffalo Municipal Court.

SEC. 15-15. TITLE TO IMPOUNDED VEHICLES.

Title to any impounded vehicle not reclaimed by the registered owner or any lien holder within thirty days of the date of the requirements of Section____shall vest tin the city. A change in the title may be obtained by the city pursuant to the authority of this chapter and procedure established in state statutes to obtain a change in title.

SEC. 15-16. NOTICE TO REMOVAL.

A. Upon removal of any vehicle by the city, a written report of the removal shall be sent to the last address of the owner, if known, otherwise such notice shall be sent to the Wyoming Department of Revenue and Taxation. The report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the place of impoundment of the vehicle.

B. Proof of providing the report shall be made by the certificate of any city employee involved in the impoundment of the vehicle, specifying the person to whom the report was directed and the date and manner the report was provided.

C. Such report shall not be required if the retail value of the vehicle is less than six hundred dollars as reasonable determined by the chief of police or his designee.

SEC. 15-17. RESIDENTIAL OUTSIDE STORAGE.

All residential outside storage shall;

1. Have a residential building on site or a building permit prior to any residential outside storage being permitted. Any and all permitted residential outside storage shall be limited to residential zoned lots or residential use lots only.

2. Be no closer than the front building line of the residence or twenty five feet (25 ft.) from the front property line whichever is less.

3. Be limited to an area of no more than one hundred twenty square feet (120 sq. ft.) per lot or combination of lots as legally described for the primary residence and on file with the Johnson County Assessor's Office, with the exception of firewood that is stacked and stored in accordance with and as defined in Section 10-1.4 of this code.

4. Be limited to a height of five feet (5 ft.).

5. The outside storage of tires shall not be permitted on any residentially zoned lots or residential use lots.

6. Residential outside storage of construction materials may be allowed, provided that the construction materials are for use on site pursuant to a current, valid construction permit. All other construction materials for projects not requiring a building permit and any other construction materials may be stored subject to all other limitations of this code. (R.O. 1955, § 62-3; R.O. 1394 5/18)