

Article 3-4

OFFENSES CONCERNING PUBLIC HEALTH AND GENERAL WELFARE

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- 3-401 Definition.**

All conditions and things in this Ordinance prohibited to be maintained or kept or placed in, upon, or over any place or premises within the City of Rock Springs,

and all conditions and things kept, maintained, or placed in, upon or over any place or premises within said City in any manner prohibited herein, are hereby declared to be nuisances, to be dealt with as in this Ordinance provided. All persons maintaining, keeping, or placing in or upon or over any place or premises in said City any or all conditions or things in this Ordinance prohibited, and all persons maintaining, keeping or placing in or upon or over any place or premises in said City any or all conditions or things in any manner prohibited in this Ordinance, shall be deemed guilty of maintaining a nuisance, and shall be punished as in this Ordinance provided. (17-1, Rev. Ord. 1938; Rev. Ord. 1963).

3-402 Depositing Offal.

It shall be unlawful for any person to throw, place, conduct, or deposit into any street, sidewalk, alley, or lot any decaying or putrid matter, or any skins of any kind or any kind of animal offal or any decayed vegetables or fruits or the offal thereof, or any decaying or offensive matter whatsoever, or anything likely to become offensive; and it shall be unlawful for any person to allow such filth, offal, or other offensive matter, as aforesaid, to be or remain upon his or her premises, or upon the premises occupied by him or her, or in any outhouse, stables, privies, or other places used or occupied by him or her, or in any street, sidewalk, alley, or in any place within the corporate limits of the City of Rock Springs. (Ord. No. 21, Sec. 13, 14 and 15, 8-12-04; 17-2, Rev. ord. 1938; Rev. Ord. 1963).

3-403 Flowing Liquids.

It shall be unlawful for any distiller, brewer, livery stable keeper, inn keeper, or other person, by himself or by another, to discharge out of or permit to flow from any still house, workshop, manufactory, livery stable or other house or place, any foul or nauseous or offensive liquor or liquids or substances of any kind whatever, into or upon any adjacent ground or lot, into any

street, alley, sidewalk, ditch, watercourse, or other public place within this City. (17-3, Rev. Ord. 1938; Rev. Ord. 1963).

3-404 Filthy Premises.

It shall be unlawful for any person to permit or allow any cellar, vault, privy, drain, sewer, or grounds or premises belonging to or occupied by him or her to become nauseous, foul, offensive, injurious to public health or comfort, or offensive in any manner. (Ord. No. 21, Sec. 1, 8-12-04; 17-4, Rev. Ord. 1938; Rev. Ord. 1963).

3-405 Stagnant Water.

It shall be unlawful for any person to permit water to become stagnant upon premises owned or occupied by him in this City, or permit water to flow or trickle over or across or upon the same, so as to cause the said water to become stagnant either on said premises or at any other place, or to become obnoxious or offensive. (Ord. No. 21, Sec. 5, 8-12-04; 17-5, Rev. Ord. 1938; Rev. Ord. 1963).

3-406 Privies, Vaults and Cesspools.

(a) Dwellings, etc., to Have Suitable Privies, Water Closets, etc. Each and every dwelling, residence, store, tenement house, factory and workshop within the City of Rock Springs shall be furnished with suitable drainage, a suitable privy or water closet, and a cesspool, but no privy or privies vault or cesspool shall hereafter be constructed within the City of Rock Springs without a permit for that purpose first having been obtained from the City Health Officer. No privy, vault or cesspool shall hereafter be constructed within a legal sewer district and all cesspools, vaults or privies already existing within legal sewer districts are hereby declared nuisances, and are condemned. No water closets or urinals shall be permitted to exist in apartments which are not thoroughly ventilated.

(b) Drainage System Must Be Connected With City Sanitary Sewer, Where There Is One. The water closets in or belonging to any residence, factory, dwelling, mill, warehouse, workshop,

tenement house, store and office, together with the drainage from any bath tubs, sinks and basins therein, located on a line of any street or alley through which there is a public, private or district sewer, within the City of Rock Springs, shall be connected by the owner or owners of the property, or his or their agents, or other person having charge of or receiving rents of the same with such public, private or district sewer, when possible, whenever required to do so by order of the City Health Officer, which notice shall be served upon the owner or owners, or other person having charge of said property, by any policeman of the City, or the City Health Officer; and if said owner or owners or his or their agent, or other person having charge of said property, who shall have been served with said notice, shall fail, within the time indicated in such notice, to comply with the requirements of such order, or fail to show good cause before the City Health Officer why he cannot or ought not to comply with such order (for which purpose he shall be entitled to be heard if he requests it), he shall, upon conviction, be fined as hereinafter provided.

(c) Use of Storm Sewer Prohibited. No privy, vault or cesspool shall be connected with the storm sewer.

(d) Construction of Water Closets. Within the City of Rock Springs, every water closet or group of water closets within a building shall be flushed from a separate tank or cistern, or by means of a suitable and efficient flushing device. All water closets shall be connected by means of brass, lead or iron connections, properly fitted to closets so that a tight joint will be insured. Outside hopper water closets must be separately trapped with a clean-out trap. The soil pipe from floor to hopper trap must be iron soil pipe flanged, made for the purpose or provided with a combination lead ferrule caulked with lead and flange on floor to receive hopper. Hopper must be flushed with a seat attachment to valve by heavy iron chain; waste from valve must be trapped into house side of trap or soil pipe, and connected to same by brass soldering nipple. The trap and valve to be set in valve

below freezing and the valve to be securely fastened to soil pipe by iron clamp. The valve must not be secured to woodwork, and a stop-cock must be provided either in house or vault to control supply to same. The iron soil pipe from trap must extend outside of wall of vault at least twelve inches. Hopper vaults to have four-inch wall, brick and cement. In no case shall a hopper water closet be installed inside of any residence, rooming house, store building, factory, or workshop, and wherever installed adjoining any residence or alley line, same shall be vented with a 2 inch (two-inch) galvanized pipe, subject to the approval of the Building Department.

(e) Condition of Water Closets. Whenever, in the opinion of the City Health Officer, any water closet, urinal, privy, vault, cesspool, or the drainage from bath tubs, sinks and basins, within the City of Rock Springs, has become the receptacle of infectious disease or has become a menace to health, he shall have power to order such water closet, urinal, privy, cesspool, or drainage disinfected or filled in and abandoned. (Ord. No. 21, Sec. 10, 8-12-04; Amend. Ord. 58, 1-3-05; 17-6, Rev. Ord. 1938; Rev. Ord. 1963).

3-407 Regulation of Watering During Water Shortages.

1. The Mayor, upon receiving notice of an existing water shortage or a pending water shortage, may, by order published in the local newspaper or announced on a local radio or television station, restrict the use of water for watering landscape vegetation until the risks of the shortage have passed.

(a) The Mayor may restrict the watering of landscape vegetation by ordering a particular schedule for watering or by prohibiting the watering of landscape vegetation entirely.

(b) Landscape Vegetation shall mean all outside plants including, but not limited to the following: trees, lawns and gardens.

2. Any person who waters landscape vegetation in a manner contrary to an order of the Mayor shall be guilty of a misdemeanor.

(a) No person shall be cited for a violation of this subsection unless he or she first receives a warning, either verbal or written, from a police officer or other employee of the City. (Ord. No. 94-27, 7-19-94).

3-413 Slaughtering in City Limits.

It shall be unlawful for any person to slaughter or kill any cattle, calves, sheep, or swine within the limits of this City, or occupy or use any yard, pen, enclosure or building therein for the purpose aforesaid. (Ord. No. 21, Sec. 14, 8-12-04; 17-13, Rev. Ord. 1938; Rev. Ord. 1963).

3-414 Rendering Tallow and Lard.

It shall be unlawful for any person, within this City to steam, boil or in any way render tallow or any animal offal whatever, nor shall any person render any lard within the limits of this City, except by steaming, and then only in such a way as not to cause any offensive or obnoxious odor or smell, and in no case shall said lard be rendered within said limits so as to cause said offensive or obnoxious smell or odor. This section shall not apply to rendering lard or tallow by any person within his or her residence, rendered for his or her individual use only or for the use of his or her family. (Ord. No. 21, Sec. 4 and 17, 8-12-04; 17-14, Rev. Ord. 1938; Rev. Ord. 1936).

3-415 Tainted Meat.

It shall be unlawful for any person to expose for sale or sell, in any market, house, shop or elsewhere in the City of Rock Springs, any tainted or putrid meat or provisions.

3-416 Excavations on Private Premises.

(a) It shall be unlawful for any person or persons, company or corporation to leave any well, cellar or other excavation in any open or uncovered condition, or in such condition as may cause danger to life or property, upon any premises of which such person or persons, company or corporation is the owner agent or other

representative, unless the ground upon which such open well, cellar or other excavation is situated, is enclosed by a substantial fence.

(b) In case any open well, cellar or other excavation shall be found to exist upon property, the owner of which is a non-resident of this City, then it shall be lawful for the said well, cellar, or other excavation, if open or uncovered, or not well secured, and situated upon uninclosed ground, to be filled up with dirt, which may be taken from the streets of the City, or with ashes which are removed from said City; but such filling shall be done under the direction of the Street Commissioner of this City. (17-16, Rev. Ord. 1938; Rev. Ord. 1963).

3-417 Dead Animals Must Be Removed.

(a) It shall be the duty of every person being the owner of or having in his possession or under his control or charge, any horse, ox, or other animal, not slain for food, which shall come to its death within the limits of this City, immediately, before the same becomes offensive, to remove the body or carcass of such horse, ox, or other animal, beyond the City limits, and bury the same at least three feet with earth, or burn the same; provided, however, that this section shall not be construed as preventing such person from using or disposing of the said animal, or any part thereof, in any other manner that may be lawful.

(b) If any person, being the owner of, or having in his possession or under his control or charge, any horse, ox, or other animal, shall permit or allow the same to run or be at large, and such horse, ox, or other animal, not slain for food, shall come to its death within the limits of the said City, while so at large, it shall be the duty of such person, immediately, before the same becomes offensive, to remove the body or carcass beyond the limits of the said City, and bury the same at least three feet with earth, or there burn the same. This section shall not be construed as depriving such person of the right of otherwise lawfully disposing of such animal.

(c) All persons engaged in keeping, or having in charge any livery or feed stable, barn or corral, cattle yard or other place where horses, oxen or other animals may be kept, fed or confined, shall be deemed and held to have the custody, possession and charge of such horses, or other animal left with him, or upon his premises, within the meaning of the two preceding subsections, (a) and (b). Nothing in this subsection contained shall bar or preclude the said City from prosecuting the owner or other person who may have placed any horse, ox, or other animal in the possession of the owner, keeper, or person having charge of any livery or feed stable, barn or corral, or cattle yard, for the violation of the two preceding subsections, or any part thereof. (Ord. No. 21, Sec. 4, 8-12-04; 17-17, Rev. Ord. 1938; Rev. Ord. 1963).

3-418 Soliciting and Peddling Prohibited.

(a) The practice of going in and upon private residences in the City of Rock Springs, Wyoming, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of the same, is hereby forbidden and declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

(b) The City Marshal and Police Force of the City of Rock Springs are hereby required and directed to suppress the same, and to abate any such nuisance as is described in subsection (a) hereof.

(c) Any person convicted of perpetrating a nuisance, as described and prohibited in subsection (a) hereof, upon conviction thereof, shall be fined in a sum not less than Twenty-five (\$25.00) Dollars or more than One Hundred Dollars (\$100.00), together with costs of proceedings, which said fine may be satisfied, if not paid in cash, by execution

against the person of anyone convicted of committing the misdemeanor herein prohibited. (Ord. No. 405, 7-6-31; 17-18, Rev. Ord. 1938; Rev. Ord. 1963).

3-419 Nuisance in General.

It shall be unlawful for any person to cause, or be in any manner whatever instrumental in causing any nuisance of any nature or kind within the limits of this City; and it shall be unlawful for any person to permit or allow to exist any nuisance of any kind upon any place or premises within this City, owned or occupied by him, or over which he has charge and control. (Ord. No. 21, 8-12-04; 17-19, Rev. Ord. 1938; Rev. Ord. 1963).

3-420 Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than One Hundred (\$100.00) Dollars to which may be added the costs at the discretion of the Court. (Ord. No. 21, 8-12-04; 17-20, Rev. Ord. 1938; Rev. Ord. 1963).

3-421 Examination of Nuisances.

For the purpose of further carrying the provisions of this Ordinance into effect, the City Marshal and such other officers as may be directed by the Council or the Mayor, from time to time, shall have power at all times, between the rising and setting of the sun, to enter any store, house, stable, or other building, and cause the floors to be raised, if he or they shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains, and to enter upon all lots or grounds. (Ord. No. 21, Sec. 18, 8-12-04; 17-21, Rev. Ord. 1938; Rev. Ord. 1963).

3-422 Abatement of Nuisances.

In order to further carry out the provisions of this ordinance, it shall be the duty of the City Marshal, or such other officer as may be directed by the City Marshal, or Mayor, to serve a notice in

writing upon the owner, occupant, or agent of any lot, building or premises, in or upon which any nuisance may be found, or upon which conditions and things exist which are prohibited thereon in this Ordinance, or serve such notice upon him who may be the cause of any such nuisance, or the responsible party thereof, requiring any such person immediately to abate such nuisance, and remove the conditions or things prohibited in this Ordinance, from the place where such conditions or things, prohibited thereon in this Ordinance or such nuisance, may be, or within forty-eight (48) hours from receipt of said notice to appear before the Police Justice and show good cause why the requirements of said notice should not be complied with. Such notice shall specify the time, making the same reasonable, in which such requirement shall be complied with, and the notice shall be sufficient, if in a general way it points out the duty or lack of duty of the person notified. If, after the expiration of the time fixed in said notice, such owner, occupant, or agent, shall continue to keep or maintain, on said premises so owned, occupied or controlled by him, the nuisance, in reference to which such person may have been notified, or continue or allow the continuance of, on the said premises so owned, occupied or controlled by him, any of the conditions or things in violation of this Ordinance in reference to which such person is notified, provided good cause has not been shown, then every such person so notified shall be guilty of a misdemeanor and shall be fined in any sum not exceeding One Hundred (\$100.00) Dollars and costs of the action, for each offense, and such unlawful continuance, or permitting such unlawful continuance, after the expiration of the time fixed in said notice, for each and every day of such continuance, shall constitute a separate offense, and shall be punishable as such. (Ord. No. 21, Sec. 17, 8-12-04; 17-21, Rev. Ord. 1938; Rev. Ord. 1963).

3-423 Abatement After Notice.

Upon the expiration of the time fixed in the notice mentioned in the preceding

section, if the requirement of the notice has not been complied with, provided good cause has not been shown, the City Marshal, or other police officer of this City, or person directed by the Mayor, or City Marshal, shall abate the nuisance ordered to be abated, and remove the conditions or things prohibited in this Ordinance, as herein contemplated, if such removal has not been effected by the person notified, or someone else. (Ord. No. 21, Sec. 17, 8-12-04; 17-23, Rev. Ord. 1938; Rev. Ord. 1963).

3-424 Abatement Without Notice.

(a) Whenever the owner, occupant, or agent of any premises, in or upon which any such nuisance or any such conditions or things may be found, is unknown, or cannot be found, the Marshal, any Deputy Marshal, or other person directed by the Mayor or Marshal, shall proceed to remove and abate the same without notice.

(b) Whenever necessary or imperative that any nuisance should be abated at once, such abatement may be effected without notice as in this Ordinance contemplated. (Ord. No. 21, Sec. 17, 8-12-04; 17-24, Rev. Ord. 1938; Rev. Ord. 1963).

3-425 Expense of Abatement.

The nuisances abated and conditions and things removed from any premises, as contemplated in 3-423 of this Ordinance, shall be so abated and removed at the expense of the person causing such nuisance or partially causing the same, or the person allowing or permitting such nuisance, or unlawful condition or things to exist. Said expense may be recovered in a civil action, or may be taxed as costs in a prosecution for violating any provisions of this ordinance in respect to such nuisance or unlawful condition or things; provided such person prosecuted be found guilty of keeping, causing, or maintaining such nuisance, or unlawful condition or things; or the said expense may be assessed against the property on which such nuisance has been abated, or from which the unlawful condition or things have been removed, if the premises or property is private. The

Marshal or person performing the duty of such abatement or removal, shall make an itemized return to the Council of the expense thereof. If the Council deems it proper, a notice in writing shall be given to the owner of the premises, by mailing to him at his last known residence address a statement of the amount due, and citing him to appear before the Council at its next regular meeting to show cause why an assessment against such property should not be made for the amount of expense therein mentioned. At the time set, the Council shall hear and determine the matter, unless such matter is continued as it may be, and if it determines that the owner of such property should pay the same, and he has not done so, then such expense, or so much thereof as such owner should equitably pay, shall be ordered assessed against the said property of such owner, as in case of other taxes, and the same shall be collected as other taxes, and be deemed delinquent from the time such expense has been entered upon the tax list; provided, however, that no such assessment against such property shall be made, in case the property owner is not liable for such expense, as mentioned and contemplated in 3-422 hereof. (Ord. No. 21, Sec. 20, 8-12-04; 17-25, Rev. Ord. 1938; Rev. Ord. 1963).

3-426 Maintaining, Keeping or Feeding Certain Animals in the City Limits Prohibited--Annexation Exceptions.

(a) It shall be unlawful for any person to keep, maintain, or feed within the limits of the City of Rock Springs as such limits existed on January 1, 1974, any horses, cows, pigs, sheep or goats.

(b) The Planning and Zoning Commission of the City of Rock Springs may provide, when so authorized by any annexation ordinance, for the appropriate zoning of any portion of any territory annexed since January 1, 1974, to provide for exceptions to the provision of subparagraph (a) of this Ordinance.

(c) Any person violating any of the provisions of this Ordinance shall be

deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed One Hundred and No/100 (\$100.00) Dollars, to which shall be added costs.

(d) This Ordinance shall not apply to the shipping of any horses, cows, pigs, sheep or goats from the shipping corrals situated within the City Limits of Rock Springs, Wyoming. (Ord. No. 1927, 5-3-71; Ord. No. 2271, 12-2-74).

3-427 Keeping, Maintaining, or Feeding Fowls Within City Limits Prohibited.

(a) It shall be unlawful for any person to keep, maintain, or feed within the limits of the City of Rock Springs, any chickens, ducks, geese or pigeons.

(b) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not to exceed Twenty-five (\$25.00) Dollars, to which shall be added costs. (Ord. No. 1929, 5-3-71; Ord. No. 87-9, 6-2-87; Ord. No. 89-8, 3-7-89).

3-428 Rabbits as Pets.

(a) It shall be unlawful for any person to keep, maintain or feed, as pets or otherwise, more than three adult rabbits within the limits of the City of Rock Springs.

(b) Any rabbit over the age of 90 days shall be considered an adult rabbit.

(c) Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not to exceed Twenty-five (\$25.00) Dollars, to which shall be added costs. (Ord. No. 1928, 5-3-71).