

## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 1 Enforcement**

#### **6-1-1 Continuing Violations**

Each day of a continuing violation of this Title shall be deemed a separate offense.

#### **6-1-2 Enforcement**

The Law Enforcement Officer shall have authority to enforce the provisions of this Title.

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Title 6 Health and Safety  
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Chapter 8 Created by Ordinance #331 on December 11, 2002  
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## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 2 Waste**

#### **6-2-1**

#### **Definitions** [*§6-2-1 Amended by Ordinance 382 adopted 9/9/09*]

For the purposes of this chapter, “waste” is defined as any discarded or abandoned matter, liquid or solid, with the following exceptions:

- a. Sand, mineral earth, dust, leaves, and seeds swept or washed from improved walkways and driveways
- b. Snow and ice removed from walkways and driveways
- c. Compost, defined as a mixture of grass clippings, leaves, hay, or other vegetable matter kept in an orderly manner and having no significant odor.
- d. Waste Collection User Fees shall include all fees as set by the Governing Body.

#### **6-2-2**

#### **Waste Collection**

- a. It shall be the responsibility of all persons to provide for the regular collection and removal of waste from premises under their control, including ditches running across such premises, and gutters and ditches for drainage and irrigation that may extend along any street, alley, or highway adjacent to such premises. The premises shall be maintained in a clean and orderly condition at all times and no deposits or accumulations of waste shall be permitted.

*[§Ordinance No. 370 Amended 6-2-2(b) on 9/26/07]*

- b. The following provisions shall apply to waste disposal and waste containers:
  - i. Waste Containers shall be supplied by the waste collector for the town. No waste containers may be used other than waste containers supplied by the waste collector for the town.
  - ii. All waste containers shall be kept with the lids down, if available, except during the process of disposing of waste.
  - iii. Waste containers shall be placed in a reasonably accessible location for pickup, however no waste container shall be located within the right-of-way of a street, alley, or sidewalk, without the express consent of the town, except on the day that the same is scheduled to be picked up by the waste collector, or without the express consent of the town.
  - iv. On waste collection days, waste containers may be placed upon the right-of-way of a street, alley, or sidewalk, provided that the same shall be placed as near the edge of the right-of-way as possible.

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- v. Wet garbage shall be appropriately bagged before placement in the container.
- vi. If the waste container is lost or damaged, the person assigned the waste container shall be assessed a replacement cost.

*[§Ordinance No. 370 Amended 6-2-2(c) on 9/26/07]*

- c. It shall be unlawful for any person or entity, including officers and employees of the entity, to place any waste for collection on Public or Private property, including placement of waste within waste disposal containers on public or private property, without the consent of the owner of said property.

*[§Ordinance No. 382 Amended 6-2-2(d) on 9/09/09]*

- d. Each owner or occupant of any dwelling or business which receives other Town Services (i.e., water and/or sewer services) shall be billed a user fee for garbage services pick-up with their bill for other Town Services. Also persons or businesses within Town limits may request and pay for garbage services even if they do not receive water and/or sewer services. The fee for garbage services shall be as set by a schedule for such services in such amount as may be determined from time to time by the Governing Body by resolution.

### **6-2-3**      **Transportation of Waste**

Waste transported by vehicle must be tied, covered, or secured so that it cannot blow away or drop from the vehicle carrying it.

### **6-2-4**      **Disposal of Dead Animals**

The owner of all game animal hides, heads, carcasses and feet, and all dead non-game animals, within 12 hours of processing or discovery, shall preserve said items by indoor refrigeration or chemical process, or dispose of said items at the Dubois Transfer Station or otherwise remove said items from the town.

### **6-2-5**      **Burning of Waste Prohibited**

No person shall burn any materials outdoors or in any indoor fireplace or stove, except for wood, coal or other clean burning fuel.

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**6-2-6**

**Connection to Sewer Required**

All plumbing fixtures, except for outdoor faucets, shall connect and drain into the town sewer system on premises where connection to the Town Sewer System is available.

**6-2-7**

**Littering**

- a. No person shall throw, drop, deposit, or abandon any waste, spital, excrement, or filth on public or private property with or without the consent of the property owner.
- b. This section does not apply to:
  - i. Messages placed in a prominent and secure position;
  - ii. Objects or substances deposited in receptacles for waste materials,  
or
  - iii. Individual objects of a readily marketable value of \$5.00 or more.
- c. The driver of a vehicle from which any waste has been dropped or thrown may be held liable under this section without proof as which occupant of the vehicle was responsible.

## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 3 Fire Safety Regulations**

#### **6-3-1**

#### **Fire Hazard**

- a. If the Fire Department responds to the scene of any fire or other incident, the Fire Chief or his designee may inspect the premises, vehicle or equipment which was the subject of the response. If, in the opinion of the Fire Chief, or his designee, the premises, vehicle, or equipment presents a hazard of further fire, collapse, or other dangerous conditions the Fire Chief or his designee may prepare and serve on the owner, lessee, or custodian of such property an order relative to the premises, vehicle, or equipment. If the owner, lessee, or custodian cannot be located, the order may be posted upon the premises, vehicle, or equipment.
- b. Said order may provide, any or all of the following:
  - i. That the premises be vacated;
  - ii. That any vehicle or equipment or any appliance or fixture upon the premises not be operated until it is repaired and / or certified that it is safe to operate.
  - iii. That the owner, lessee, or custodian, within five (5) days, contact the Town Building Inspector to arrange for an inspection and comply with any directives of said inspector.
- c. It shall be a misdemeanor for any person to occupy any structure ordered to be vacated, operate any vehicle, equipment, appliance, or fixture in violation of the Fire Chief or his designee, or to fail to arrange any inspection ordered by the Fire Chief or his designee.

#### **6-3-2**

#### **Right-of-Way of Fire Department Vehicles Attending Fires**

Vehicles and apparatus of the volunteer fire department and of the chief and other officers and members of the department and representatives of public utilities whose presence at a fire is required shall have the right-of-way on any street and through any procession in route to such fire. On the approach of any such vehicle or apparatus responding to a fire call and giving the proper visual and audible signals the driver of any other vehicle shall immediately drive to the curb at the right and stop.

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**6-3-3**

**Racing to and from fires**

Racing to and from fires by any person not a member of the fire department or a representative of a public utility whose presence at the fire is required is unlawful.

**6-3-4**

**Obstruction Prevention and Distance**

*[6-3-4(a) and (b) Created by Ordinance 396 effective June 23, 2011]*

- a. A four foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.
- b. Irrespective of the provisions; posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 4 Abandoned Appliances**

#### **6-4-1 Abandoned Containers or Appliances on Private Property**

No person shall permit any heavy appliance such as a refrigerator, stove, bathtub, or other airtight container to remain on any private property outside of a fully enclosed structure for longer than 30 days, and during such 30 day period such appliance or container shall be rendered in a safe condition to prevent any persons from being entrapped therein.

#### **6-4-2 Abandoned Appliances Deemed a Nuisance**

Abandoned containers or heavy appliances kept contrary to the provisions of Section 6-4-1 above are deemed a nuisance and the town may abate the same by serving notice upon any owner of the premises. If the container or heavy appliance is not removed within five (5) days of notice, the town may remove and dispose of the container or heavy appliance at the owner's expense.

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## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 5 Weeds and Trees**

#### **6-5-1**

#### **Nuisance Weeds**

- a. General growth of grass or weeds in excess of 12 inches and any growth of the following particular weeds is determined a nuisance:  

Canadian Thistle, Musk Thistle, Scotch Thistle, Plumeless Thistle, Leafy Spurge, Hoary Cress (White Top), Perennial Pepperweed (Giant White Top), Russian Knapweed, Quack Grass, Field Blindweed, Dalmation Toadflax, Yellow Toadflax, Skeletonleaf Bursage, Common Burdock, Ox-Eye Daisy, Perennial Sow Thistle, Wild Oat
- b. Upon determining that such a nuisance exists, the Law Enforcement Officer shall notify the owner of the affected property by written notice to the owner's most recent address as shown on the records of the Fremont County Assessor, specifying the areas to be cut or the weeds to be removed. The owner shall thereupon correct the condition of the premises within five days of such notice.
- c. If the owner fails to correct the condition within ten days of the notice, the town may proceed to correct the condition, and the owner of the premises shall be liable for the expenses so incurred, which shall be a lien against such property, in addition to any penalties or fees prescribed by this Title.
- d. If such expenses are not paid by the owner within 30 days of the date that a notice specifying the amount and reason for the assessment is mailed to the owner, at his most recent address as shown on the records of the Fremont County Assessor, they shall draw interest at 12% per annum, and the recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney fee, may also be collected by civil action filed in the name of the town against the property owner.

#### **6-5-2**

#### **Owner or Occupant to Remove Weeds and Maintain Grass**

- a. It shall be the duty of every owner or occupant and agent of any owner or occupant of any lot or parcel of ground in the Town of Dubois, to keep the alleyways abutting the lot or parcel, and the sidewalk area in front thereof

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or if no sidewalk is present the area between the lot or parcel and the street, reasonably free and clear from weeds, grass clippings, limbs, and waste, and to keep any grass area trimmed in a reasonable state.

- b. Upon determination by the Law Enforcement Officer that the provisions of section A hereof have not been complied with, the provisions, procedures and remedies as are contained in Section 6-5-1(B) through 6-5-1(D) shall be followed and be applicable to this section.

**6-5-3**                    **Tree Sizes, Species, and Definitions**

“Street Trees” are herein defined as trees, shrubs, bushes, and all woody vegetation on land lying between property lines on either side of all streets, avenues, ways or alleys within the town.

“Park Trees” are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

The following tree size classification shall apply in all this chapter:

- Small Tree: up to 25 feet projected height at maturity
- Medium Tree: 25 feet - 40 feet projected at maturity
- Large Tree: over 40 feet projected height at maturity

**6-5-5**                    **Distance from Curb and Sidewalk**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 6-5-3, and trees may be planted closer to any curb or sidewalk than the following: Small trees, 2 feet; Medium trees, 3 feet; and Large tree, 4 feet.

**6-5-6**                    **Utilities**

No “street trees” other than small trees as defined in Section 6-5-3 may be planted under or within 10 lateral feet of any underground water line, sewer line, transmission line or other utility.

**6-5-7**                    **Public Tree Care**

The town shall have the right to plant, prune, preserve and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure safety when servicing town utilities or to preserve the symmetry and beauty of such public grounds. The town at its option,

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may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements.

**6-5-8 Pruning; Corner Clearance**

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view from any street intersection, and so that there shall be a clear space of 8 feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The town shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

**6-5-9 Tree Topping**

It shall be unlawful as a normal practice for any person, firm, or Town Department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Council.

**6-5-10 Dead or Diseased Tree Removal on Private Property**

The town shall advise private land owners as to the proper way to remove any dead or diseased trees on private property within the town, when such trees constitute a severe threat to life and property, or harbor insects or disease which constitute a potential threat to other trees within the town. The town shall have the right to cause to be removed any tree within the town limits that is diseased or has been declared a hazard. Hazard trees are defined as trees with severe structural defects, splits, dead or damaged parts. The town will notify, in writing, the owners of such trees. Removal or pruning is the responsibility of the owners of such trees and shall be accomplished within time limits set by the town.

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The property owner may appeal the order of the town in writing to the Town Council within ten days after the date of such order. The Town Council shall, within ten days after the receipt of the written appeal, set the matter for hearing and notify the property owner of the time and date of such hearing, at which the property owner may be present or represented by counsel. Said hearing shall be conducted pursuant to Wyoming Administrative Procedure Act. At such hearing, the Town Council will review the order of the town and unless the order is revoked or modified, it shall remain in full force and effect and be obeyed by the property owner.

If the property owner fails to comply with the final order within ten days after the mailing of the order, then the town may cause such live or dead tree, shrub, overhanging bough or hedge to be removed or destroyed and shall assess the expense thereof against the property owner. The provisions of this section shall not apply in cases of emergency. Cases of emergency are defined as conditions which pose an immediate safety and health hazard to the public.

#### **6-5-11**

#### **Exemptions**

Trees already in place and growing on September 13, 1995 are exempted from Sections 6-5-4, 6-5-5, and 6-5-6. However, any replacement trees shall be governed by those sections.

#### **6-5-12**

#### **Arborist License and Bond**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing trees within the town without first applying for and procuring a license. Prior to obtaining a license they must show certification from the International Society of Arboriculture. Proof of such certification shall be filed with the Town Clerk. Arborist shall adhere to ANSI A300 COMMON PRUNING PERFORMANCE STANDARDS and refrain from unsound trimming practices, such as stubbing or topping trees. Unsound practices are subject to review by the Town Council for possible suspension or revocation.

The license fee shall be \$25.00 annually in advance, however, that no license shall be required of any town employee or public service company doing such work in the pursuit of their public service endeavors. Before any such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the Town of Dubois or any person injured or damaged resulting from the pursuit of endeavors as herein described.

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## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 6 Abandoned Vehicles**

#### **6-6-1**

#### **Definitions**

“Inoperative Vehicle” shall mean any motor vehicle which cannot be operated lawfully on public street or highway within the state for any reason other than the lack of current vehicle registration or which cannot be moved under its own power.

“Screened from Ordinary Public View” shall mean in a manner which does not constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means.

“Driveway” means that portion of land in private ownership which is improved, designated, or ordinarily used for vehicular parking on a day to day basis which complies with the Town Zoning Ordinances, but shall exclude areas used for permanent parking or storage.

#### **6-6-2**

#### **Keeping or Parking Prohibited**

- a. A person shall not keep, store, park, or maintain or otherwise permit any vehicle or component thereof in areas zoned “A”, “B”, “C” or “D”, in the front yard, corner side yard, and any additional area of a lot or parcel of land situated between the street and any building or structure located thereon, unless screened from ordinary public view, except for the parking of vehicles, except inoperable vehicles, on a driveway is permitted. This Section shall not apply to business property in “D” zoned property if the vehicle or components are kept, stored, parked, or maintained in conjunction with business purposes of the business located upon the land upon which they are located.
- b. A person shall not keep, store, park, maintain or otherwise permit an inoperative vehicle in an area zoned “A”, “B”, “C” or “D”, unless screened from ordinary public view. Inoperative vehicles in non-compliance with the provision hereof shall be removed within 30 days from the effective date hereof and thereafter within five days of notice as provided by Section 6-6-3. This Section shall not apply to business property in “D” zoned property if the vehicle or components are kept,

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stored, parked, or maintained in conjunction with business purposes of the business located upon the land upon which they are located.

### **6-6-3**

#### **Removal of Vehicles**

- a. The Law Enforcement Officer, upon determining a violation of Section 6-6-2, shall notify the owner of the property upon which the violation exists of the violations, by sending written notice to the owners last known address as shown on the records of the Fremont County Assessor or by personal delivery of the notice to the owner of the property.
- b. The notice shall contain the request for removal within five days, and the notice shall advise that upon failure to comply with the notice to remove, the town or its designee shall undertake such removal with the cost of removal to be levied against the owner of the property.
- c. The persons to whom the notice is directed, or their duly authorized agents, may file a written request with the Town Clerk for hearing before the Town Council within the five day period of compliance prescribed in subsection (b) above for the purpose of defending the charges by the town.
- d. The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five days in advance thereof. The hearing shall be conducted in accordance with the Wyoming Administrative Procedures Act.
- e. If within five days after notice has been given, the violation continues, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of a violation is affirmed by the Town Council, the Law Enforcement Officer shall cause the offending vehicle(s) to be removed at the owner's and property owner's expense.
- f. Within 48 hours of the removal of such vehicle, the Law Enforcement Officer shall give notice by certified mailing to the registered owner and lien holder of such vehicle, if known, and also to the owner and/or occupant of the private property from which the vehicle was removed, that said vehicle(s) has been impounded. The notice shall give the location of the vehicle(s) and the costs incurred by the town for removal.
- g. Any vehicle removed by the town under the provisions of this chapter may, after the redemption period of 30 days has passed which starts on the date the Notice of Removal, as outlined in subsection F above, has been sent, be sold by the Sheriff in accordance with the provisions of the Wyoming Statutes on abandoned vehicles.

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- h. The owner of any vehicle seized under the provisions of this chapter may redeem such motor vehicle at any time after its removal but prior to sale or destruction thereof upon proof of ownership and payment to the Town Clerk of such sum as he may determine and fix for the actual and reasonable expense for removal, and any preliminary sale advertising expense, plus \$2.00 per day for storage for each motor vehicle redeemed.
- i. Upon the failure of the owner of the property on which the abandoned vehicle have been removed by the town to pay the unrecovered expenses incurred by the town in such removal, a lien shall be place upon the property for the amount of such expenses.

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## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 7 Snow Removal**

#### **6-7-1 Removal of Snow**

All persons owning, occupying or having control of premises located within Business “D” zone shall clear the sidewalks in front of said premises located adjacent to a public street after any fall of snow within 48 hours. All persons owning, occupying, or having the control of premises located within all other zones of the town shall cause such fall of snow to be removed from sidewalks on the boundary of said premises within five days.

#### **6-7-2 Removal Costs**

In the event the person owning, occupying or having control of premises within the town refuses, neglects, or otherwise fails to promptly remove accumulations of snow from sidewalks as required by Section 6-7-1, the town may cause the same to be removed and to assess all costs therefore against the property. The Law Enforcement Officer shall notify the owner of the affected property at the owner’s most recent address as shown on the records of the Fremont County Assessor, of the amount and the reason for the assessment, and if such expenses are not paid within 30 days of the mailing such notice, they shall draw interest at 12% per annum. The recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collecting delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney’s fee, may also be collected by civil action filed in the name of the town against the property owner.

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## **TITLE 6 HEALTH AND SAFETY**

### **Chapter 8 Flood Damage Prevention**

*[Created by Ordinance #331 adopted on December 11, 2002]*

#### **Section 1 Statutory Authorization, Findings of Fact, Purpose and Objectives**

**6-8-1.1 Statutory Authorization** The Legislature of the State of Wyoming has in Wyoming State Statute 15-1-103 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Governing Body of the Town of Dubois, Wyoming does ordain as follows:

#### **6-8-1.2 Findings of Fact**

- 1) The flood hazard areas of Dubois, Wyoming are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other area. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**6-8-1.3 Statement of Purpose** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money for costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

*Town of Dubois Code  
Title 6 Health and Safety*

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- 6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- 8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**6-8-1.4 Methods of Reducing Flood Losses** In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- 4) Controlling, filling, grading, dredging, and other development which may increase flood damage; and
- 5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**6-8-1.5** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Section 2** **Definitions**

*[Section 2 Amended by Ordinance #400 Adopted 9/14/2011]*

**"Appeal"** means a request for a review of the Building Inspector and/or City Engineer's interpretation of any provisions of this ordinance or a request for a variance.

**"Area of special flood hazard"** means the land in the flood plain within a community is subject to a one percent or greater chance of flooding in any given year.

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**"Base flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

**"Expansion to an Existing Manufacture Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, either final site grading or pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary conditions of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation or runoff of surface water from any source.

**"Flood Insurance Rate Map (FIRM)"** means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study"** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**"Flood Proofing"** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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*Includes Ordinance #400 adopted September 14, 2011*

**“Historic Structure”** - means any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. by an approved state program as determined by the Secretary of the Interior or;
  - b. directly by the Secretary of the Interior in states without approved programs.

**"Lowest floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**“Manufactured Home Park or Subdivision”** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**“Mean Sea Level”** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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Includes Ordinance #400 adopted September 14, 2011*

**“Violation”** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

**"Recreational Vehicle"** means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Town of Dubois Code  
Title 6 Health and Safety  
Codified on 7/10/02 By Ordinance # 322  
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Includes Ordinance #400 adopted September 14, 2011*

**"Structure"** means a walled and roofed building or manufactured home that is principally above ground.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- 2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**"Variance"** means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**"Violation"** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**Section 3**      **General Provisions** [6-8-3.2 and 6-8-3.7 Amended by Ordinance #400 Adopted 9/14/2011]

**6-8-3.1**      **Lands to which this Ordinance Applies** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Dubois, Wyoming.

**6-8-3.2**      **Basis for Establishing the Areas of Special Flood Hazard** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Fremont County and Incorporated Areas" dated September 16, 2011 with an

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Title 6 Health and Safety  
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accompanying Flood Insurance Rate Maps (FIRM) and any amendments or revisions thereto will hereby be adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM will be on file at The Dubois Town Hall, 712 Meckem, Dubois Wyoming.

- 6-8-3.3 Compliance** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
- 6-8-3.4 Abrogation and Greater Restrictions** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.
- 6-8-3.5 Interpretation** In the interpretation and application of this ordinance, all provisions shall be:
- 1) Considered as minimum requirements;
  - 2) Liberally construed in favor of the governing body; and,
  - 3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- 6-8-3.6 Warning and Disclaimer of Liability** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Dubois, Wyoming, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- 6-8-3.7 Severability** This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 4**      **Administration** [6-8-4.7 Amended by Ordinance #400 Adopted 9/14/2011]

**6-8-4.1**      **Establishment of Development Permit** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in 6-8-3.2. Application for a development permit shall be made on forms furnished by the Building Inspector and/or Engineer and may include, but not be limited to:

Plans in duplicate drawn to the scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- 1)      Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- 2)      Elevation in relation to mean sea level to which any structure has been flood proofed;
- 3)      Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in 6-8-5.7; and,
- 4)      Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**6-8-4.2**      **Designation of the Building Inspector and/or Engineer** The Building Inspector and/or Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

**6-8-4.3**      **Duties and Responsibilities of the Building Inspector and/or Engineer** Duties of the Building Inspector and/or Engineer shall include, but not be limited to:

**6.8.4.4**      **Permit Review**

- 1)      Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2)      Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
- 3)      Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 6-8-5.11 are met.

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Title 6 Health and Safety  
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Includes Ordinance #400 adopted September 14, 2011*

**6-8-4.5 Use of Other Base Flood Data** When base flood elevation data has not been provided in accordance with 6-8-3.2, Basis for Establishing the Areas of Special Flood Hazard, the Building Inspector and/or Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with 6-8-3.2 Specific Standards.

**6-8-4.6 Information to be Obtained and Maintained** Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

For all new or substantially improved flood proofed structures:

Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.

(ii) Maintain the flood proofing certifications required in 6-8-4.1.

(iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**6-8-4.7 Alteration of Watercourses** Notify adjacent communities and the Wyoming Office of Homeland Security prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

**6-8-4.8 Interpretation of FIRM Boundaries** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in 6-8-4.7.

**6-8-4.9 Variance Procedure**

**6-8-4.9.1 Appeal Board**

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Includes Ordinance #400 adopted September 14, 2011*



- 1) The Dubois Board of Adjustment, as established by the Town of Dubois, Wyoming, shall hear and decide appeals and request for variances from the requirements of this ordinance.
- 2) The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector and/or Engineer in the enforcement or administration of this ordinance.
- 3) Those aggrieved by the decision of the Board of Adjustment or any taxpayer, may appeal such decisions to the District Court of Fremont County, Wyoming, as provided in Wyoming State Statutes 15-1-707(b).
- 4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding or erosion damage; the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners; the importance of the services provided by the proposed facility to the community;
  - (v) the necessity to the facility of a water front location, where applicable; the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; the compatibility of the proposed uses with the existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
- 5) Upon consideration of the factors of 6-8-4.9.1(4) and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the

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granting of variances as it deems necessary to further the purposes of this ordinance.

- 6) The Building Inspector and/or Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

#### **6-8-4.9.2 Conditions for Variances**

- 1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in 6-8-4.9.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.
- 2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this Section.
- 3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 5) Variances shall only be issued upon:
  - (i) a showing of good and sufficient cause;
  - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in 6-8-4.9.1(4) or conflict with existing local laws or ordinances.
- 6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

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Includes Ordinance #400 adopted September 14, 2011*

**Section 5**      **Provisions for Flood Hazard Reduction; General Standards**    In all areas of special flood hazards, the following standards are required:

**6-8-5.1**      **Anchoring**

- 1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- 2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - (i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side; frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; all components of the anchoring system be capable of carrying a force of 4,800 pounds; and, any additions to the manufactured home be similarly anchored.

**6-8-5.2**      **Construction Materials and Methods**

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**6-8-5.3**      **Utilities**

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

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Includes Ordinance #400 adopted September 14, 2011*

- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**6-8-5.4 Subdivision Proposals**

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

**6-8-5.5 Specific Standards** In all areas of special flood hazards where base flood elevation data has been provided as set forth in 6-8-3.2, Basis for Establishing the Areas of Special Flood Hazard or 6-8-4.5, Use of Other Base Flood Data, the following provisions are required:

**6-8-5.6 Residential Construction** New construction and substantial improvement of any residential structure shall have the lowest flood (including basement) elevated to or above the base flood elevation.

**6-8-5.7 Non-residential Construction** New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- 3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in 6-8-4.6.

### 6-8-5.8

**Openings in Enclosures Below the Lowest Floor** For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- 1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- 2) The bottom of all openings shall be no higher than one foot above grade;
- 3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### 6-8-5.9

#### **Manufactured Homes**

- 1) Manufactured homes shall be anchored in accordance with 6-8-5.1.
- 2) All manufactured homes or those to be substantially improved shall conform to the following requirements:
  - (i) Require that manufactured homes that are placed or substantially improved on a site,
    - (a) outside of a manufactured home park or subdivision,
    - (b) in a new manufactured home park or subdivision,
    - (c) in an expansion to an existing manufactured home park or subdivision,
    - (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
  - (ii) Require that manufactured homes to be placed or substantially improved on sites in the existing manufactured home parks or subdivisions that are not subject to the provisions in (a) above be elevated so that either
    - (a) the lowest floor of the manufactured home is at or above the base flood elevation, or

*Town of Dubois Code*

*Title 6 Health and Safety*

*Codified on 7/10/02 By Ordinance # 322*

*Chapter 8 Created by Ordinance #331 on December 11, 2002*

*Chapter 9 Created by Ordinance #351 on February 8, 2006*

*§6-2-2(b) and (c) Amended by Ordinance No. 370 on September 26, 2007*

*§6-2-1 and §6-2-2(d) Amended by Ordinance #382 on September 9, 2009*

*6-3-4(a) and (b) Created by Ordinance 396 on June 23, 2011*

*Includes Ordinance #400 adopted September 14, 2011*

- (b) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**6-8-5.10 Recreational Vehicles** Require that recreational vehicles either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

**6-8-5.11 Floodways** Located within areas of special flood hazard established in 6-8-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood water which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- 1) Prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

If 6.8.4.4(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5 Provisions for Flood Hazard Reduction.

**6-8-5.12 Below-Grade Residential Crawlspace Construction**  
*[6-8-5.12 Created by Ordinance #400 adopted 9/14/2011]*

New construction and substantial improvement of any below-grade crawlspace shall:

- 1. Have the interior grade elevation that is below base flood elevation no lower than two feet
- 2. Have the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceeding four feet at any point;
- 3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
- 4. Be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads;

5. Be constructed with materials and utility equipment resistant to flood damage;
6. Be constructed using methods and practices that minimize flood damage;
7. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding
8. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria:
  - a. A minimum of two opening having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one foot above grade

Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

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**TITLE 6 HEALTH AND SAFETY**

**Chapter 9 Adoption for the Uniform Code for the Abatement of Dangerous Buildings by Reference**

*[Chapter 9 Created by Ordinance #351 adopted February 8, 2006]*

**6-9-1      Adoption of Uniform Code for the Abatement of Dangerous Buildings**

The Uniform Code for the Abatement of Dangerous Buildings, 1994 edition, and any amendments thereto, is hereby adopted in full, except as modified by Ordinance.

**6-9-2      Copies on file.**

A copy of the Uniform Code for the Abatement of Dangerous Buildings shall be kept on file by the Town Clerk and the Building Inspector. The copies shall be available for inspection during regular office hours.

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