

TITLE 10

STREETS AND PUBLIC ACCESS

Chapters:

- 10-5 Streets and Public Access
- 10-10 Maintenance of Sidewalks
- 10-15 Tree and Plant Regulation

CHAPTER 5

STREETS AND PUBLIC ACCESS

Sections:

- 10-5-100 Obstructions In Streets, Alleys or Sidewalks
- 10-5-110 Permit For Construction, Repair or Excavation
- 10-5-120 Work To Comply With Permit
- 10-5-130 Marking Of Obstructions
- 10-5-140 Fees
- 10-5-150 Penalties

10-5-100. Obstructions In Streets, Alleys or Sidewalks Prohibited. No person in the Town of Big Piney shall in any manner encumber or obstruct any street, alley or sidewalk or erect or place any building, in whole or in part, upon any street alley or sidewalk, or other public grounds, without first obtaining permission of the Town Council. (Ord. 101, §5-501, 1972)

10-5-110. Permit For Construction, Repair or Excavation. No person shall construct, reconstruct, remove or excavate any part of a sidewalk or street within the Town of Big Piney without having first filed with the Building Inspector his application for a permit, together with specifications of the work to be done, the materials to be used, and the length of the time required to complete the work; and obtaining a permit from the Building Inspector authorizing said work to be done. (Ord. 101, §5-502, 1972; Ord. 6, §1, 1935)

10-5-120. Work To Comply With Permit. No work, reconstruction or excavation shall be done on any sidewalk or street except in strict compliance with the provisions of the permit issued therefor. All materials used shall strictly comply with the specifications filed in the office of said Town Clerk. (Ord. 101, §5-503, 1972; Ord. 6, §2, 1935)

10-5-130. Marking Of Obstructions. Any person, firm or corporation tearing up, removing or having any obstruction on any sidewalk in the Town of Big Piney between the hours of sunup and sundown shall post a notice not less than eighteen inches in length and

twelve inches in the width on each side of said danger point, with the word "DANGER" plainly printed in large letters of not less than four inches in length, and between the hours of sunup and sundown, if the sidewalk or any part thereof still remains unrepaired, they shall place one red lantern on each side of the approach to the danger point, and barricade the obstruction. (Ord. 101, §5-504, 1972; Ord. 6, §3, 1935; Ord. 39, §6, 1921)

10-5-140. Fees. A fee for a permit to repair, construct or excavate a sidewalk or street shall be paid to the Building Inspector in the amount indicated by the following rate schedule:

(a) If the estimated costs of the proposed work shall not be more than \$250.00, no fee shall be charged for said permit.

(b) If the estimated costs of the proposed work is more than \$50.00 but less than \$250.00, a fee of \$1.00 shall be charged.

(c) If the estimated costs of the proposed work is more than \$50.00 but less than \$500.00, a fee of \$2.00 shall be charged.

(d) If the estimated costs of the proposed work shall be more than \$500.00 but less than \$1,000.00, a fee of \$4.00 shall be charged.

(e) For each additional \$1,000.00 of estimated costs of the proposed work, an additional fee of \$1.00 shall be added. (Ord. 101, §5-505, 1972)

10-5-150. Penalties. Any person, firm or corporation violating any provisions of this Chapter shall be deemed guilty of a misdemeanor. (Ord. 98-16, 1999; Ord. 101, § 5-506, 1972)

TITLE 10
STREETS AND PUBLIC ACCESS

CHAPTER 10

MAINTENANCE OF SIDEWALKS

Sections:

10-10-100	Duty Of Adjoining Landowners
10-10-110	Order To Repair
10-10-120	Service On Landowner
10-10-130	Commencement Of Work
10-10-140	Repair By Municipality; Collection Of Costs
10-10-150	Disposition Of Money Collected

10-10-100. Duty Of Adjoining Landowners. All owners of the land adjoining any sidewalk shall maintain any said adjoining sidewalks in such condition so as to provide a safe walkway. Breaks in excess of one-half inch, cracks in excess of one-quarter inch, heaves or excessively weathered concrete shall constitute an unsafe condition. These conditions are not inclusive and other conditions may also constitute an unsafe walkway. (Ord. 86-H-19, 1986)

10-10-110. Order To Repair. The Town Council shall by resolution direct the Mayor to issue an Order to repair to any landowner having a sidewalk in an unsafe condition. The resolution and the Order to repair shall contain the finding of the Town Council as to what factors constitute an unsafe condition in regard to the sidewalk at issue, the location of the sidewalk to be replaced or repaired, the name of the landowner and a description of the land adjoining the sidewalk to be repaired or replaced. (Ord. 86-H-19, 1986)

10-10-120. Service On Landowner. The written order provided for in Section 10-10-110 shall be served personally upon the property owner, if he is to be found within the municipality by the Chief of Police or some member of the police force designated by the Chief of Police to make such service. Service shall be by registered or certified mail if the owner lives outside the municipality and his address is known; otherwise, such order shall be published once in a newspaper of general circulation published in the municipality. (Ord. 86-H-19, 1986)

10-10-130. Commencement of Work. When an order has been served, mailed or published, as provided for in 10-10-120 the owner shall, within two weeks after such service, mailing or publication, commence the reconstruct or repair of such, sidewalk and finish same without delay. Additional time may be granted by the Town Council if weather does not allow said timetable. (Ord. 86-H-19, 1986)

10-10-140. Repair by Municipality; Collection of Costs. In the event an owner fails to proceed as provided in Section 10-10-130, the Town of Big Piney shall proceed to cause the sidewalk to be reconstructed or repaired, paying for the cost thereof out of available funds of the municipality authorized by law, and shall immediately charge, assess and levy double the cost thereof against the lot or parcel of land upon which such sidewalk shall front and the owner thereof. Said charge is payable by the owner within 30 days of levy. If unpaid said charge shall be certified to the Town Attorney who shall take all necessary steps to collect said sum. If suit is filed, reasonable attorney's fees and costs shall be added to said charge and assessment. (Ord. 86-H-19, 1986)

10-10-150. Disposition Of Money Collected. All money collected and returned to the Town of Big Piney under the provisions of 10-10-140 shall be credited to the fund from which payment for the construction or repair of sidewalks or curbs was made. (Ord. 86-H-19, 1986)

TITLE 10
STREETS AND PUBLIC ACCESS
CHAPTER 15
TREE AND PLANT REGULATION

Sections:

- 10-15-100 Applicability
- 10-15-110 Definitions
- 10-15-120 Tree Advisory Board
- 10-15-130. Tree Species
- 10-15-140. Spacing
- 10-15-150. Distance from Curb and Sidewalk
- 10-15-160. Streets and Utilities
- 10-15-170. Landscaping
- 10-15-180. Public Tree Care
- 10-15-190. Tree Toppings
- 10-15-200. Hazardous Trees on Private Property
- 10-15-210. Tree Removal on Public Land
- 10-15-220 Trees Already in Place
- 10-15-230 Interference with Public Officials
- 10-15-240 Penalties

10-15-100 Applicability. This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the Town; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein. (Ord. 01-02, 2002)

10-15-110 Definitions. As used in this Chapter, the following definitions apply:

- (a) "Street trees" are trees on Town property lying between private property lines on either side of all streets, avenues, or ways within the Town.
- (b) A "Tree" is any self-supporting woody plant together with its root system growing upon the earth, usually with one trunk of at least one inch in diameter and a height of four and one-half feet above the ground, or a multi-stemmed trunk system with a definitely formed crown. (Ord. 01-02, 2002)

10-15-120 Tree Advisory Board.

(a) There is hereby created and established a Tree Advisory Board for the Town of Big Piney, which shall consist of five members, citizens and residents of this area, who shall be appointed by the Mayor with the approval of the Town Council. Members of the Board shall serve without compensation.

(b) The term of the members of the Tree Board shall be three years, except that the initial term of two members shall be for one year and the term for two members shall be

for two years. In the event a vacancy shall occur during the term of any member, a successor shall be appointed by the Mayor for the unexpired portion of the term.

(c) The Tree Board shall develop and administer a comprehensive community tree management program for the care of trees on public property.

(d) The Tree Board shall produce an annual work plan addressing planting, watering, fertilization, removal of dead and hazardous trees, safety, fine pruning, and insect and disease control.

(e) The Tree Board shall recommend to the Town Council needed action to carry out its annual work plan. Any such action approved by the Town Council shall be carried out by the Town. (Ord. 01-02, 2002)

10-15-130. Tree Species. Any trees which are hardy and adaptable to this altitude zone and recommended for growth in this area may be planted. Listings of trees recommended for growth in this area may be obtained from the Tree Advisory Board and from other public resources known to the Tree Advisory Board. The Tree Advisory Board will provide upon request, information and advice concerning tree species selection, care and planting of trees and other related information. (Ord. 01-02, 2002)

10-15-140. Spacing. The spacing of street trees will be in accordance with the recommendations of the Agricultural Extension Service, University of Wyoming, Laramie, Wyoming, or from the local County Extension Agent for the particular type of tree to be planted. Consideration shall be given for special plantings designed or approved by a landscape architect, landscape designer, or person engaged in the field of landscape contracting. (Ord. 01-02, 2002)

10-15-150. Distance from Curb and Sidewalk. The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the species and size of tree to be planted. No trees may be planted closer to any curb or sidewalk than the following, unless a root barrier is used:

- (a) For small trees, two feet.
- (b) For medium trees, three feet.
- (c) Large trees, four feet. (Ord. 01-02, 2002)

10-15-160 Streets and Utilities.

(a) No trees, other than small trees, may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(b) No street tree shall be planted closer than 30 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.

(c) No street tree shall be planted closer than ten feet of any fire hydrant or street light. (Ord. 01-02, 2002)

10-15-170 Landscaping. In new subdivisions or when the development of commercial property occurs, the Town Council upon recommendation of the Planning and Zoning Commission may require trees to be planted in any of the streets, parking lots,

parks and other public places contained on the plat of lands henceforth developed and/or subdivided. (Ord. 01-02, 2002)

10-15-180. Public Tree Care. The Town shall have the right, but does not have the obligation to plant, prune, spray, preserve and remove trees and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve the symmetry and beauty of such public grounds. The Town 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, other public improvements, or is affected by any injurious fungus, insect or other pest. (Ord. 01-02, 2002)

10-15-190. Tree Toppings. It shall be unlawful as a normal practice for any person, firm or Town Department to top any street 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 to 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 Section at the determination of the Town. (Ord. 01-02, 2002)

10-15-200. Hazardous Trees on Private Property.

(a) Upon the discovery of any tree which constitutes a hazard to life or property or of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease of insect infestations, the Town shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within a reasonable time to be specified in such notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owners.

(b) The Town through its designee has the authority to enter onto private property whereon there is located any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, or the free passage of pedestrians or vehicles; or a tree that poses a threat to safety, and to require the property owner to abate such condition or conditions. In the event of failure of owners to abate, the Town shall have the authority to abate such condition and charge the cost of abatement to the owners. (Ord. 01-02, 2002)

10-15-210. Tree Removal on Public Land. It shall be unlawful for any person, either for himself or another, to remove, destroy or cause to be destroyed any tree in or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town, without having first obtained a written permit thereof. Any person desiring a permit to remove a tree, as required by this Section, shall submit a written application to the Tree Advisory Board for each tree or groups of trees per location. Such application shall be set forth the name and address of the applicant and owner, the name and address of the person doing the work, the kind of species of tree to be removed, location, of the tree, purpose of tree removal and landscape or site plan if possible. The Town Council may

grant a removal permit upon recommendation by the Tree Advisory Board, which permit may contain such conditions as the Town Council may determine in the best interest of the Town in accordance with this Chapter. (Ord. 01-02, 2002)

10-15-220. Trees Already in Place. Trees already in place and growing at the effective date of this Chapter shall be exempt from Sections 10-15-130 through 10-15-160. Any replacement trees will be governed by said Sections. (Ord. 01-02, 2002)

10-15-230. Interference with Public Officials. It shall be unlawful for any person to prevent, delay or interfere with the Town, the Tree Advisory Board, or any other of their agents or servants, while engaging in planting, cultivating, mulching, pruning, spraying or removing of any street trees on private grounds, as authorized in this Chapter. (Ord. 01-02, 2002)

10-15-240 Penalties. Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to provisions of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$750.00 for each separate offense, with the understanding that the Municipal Judge may order as part of any fine that a replacement tree be purchased and planted at the direction of the Tree Advisory Board. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. (Ord. 01-02, 2002)