

# **Title 12 Streets and Other Public Places**

## **Title 12 STREETS AND OTHER PUBLIC PLACES**

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## **Chapter 12.04 STREET IMPROVEMENTS**

### **Sections:**

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#### **12.04.010 Standards**

- A. The standards utilized within the town of Jackson with respect to the construction of street improvements shall be those contained within the latest edition of the Wyoming Public Works Standard Specifications, as said specifications are periodically updated, and those standards specifically adopted by the Town to augment the Wyoming Public Works Standard Specifications. Should a conflict arise between the Wyoming Public Works Standard Specifications and those standards specifically adopted by the town, the town's standards shall take precedence.
- B. The standards for Right-of-Way Telecommunications Wireless Facilities, as defined herein, in the Town of Jackson Right of Way are governed by, in addition to the standards in Section A, the Town of Jackson Wireless Telecommunication Facility Design Standards, as defined herein.

(Ord. 1228 § 1, 2019; Ord 571 § 1, 1996.)

#### **12.04.020 Sidewalk Plan**

Sidewalks within the town shall be installed in accordance with the adopted sidewalk plan and the adopted town standards for sidewalk construction.

(Ord 571§ 1, 1996.)

## Chapter 12.08 ENCROACHMENTS

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### **12.08.010 Short title**

This chapter shall be known and may be cited as the "Street Encroachment Ordinance of the Town of Jackson."(Ord 571 § 1, 1996.)

### **12.08.020 Definitions**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Applicant" is any person making written application to the town for an encroachment permit hereunder.

- B. "Encroachment agreement" is a recordable agreement executed between the town and a private party, which agreement provides for the erection and long-time maintenance of private building and building foundation improvements, including building projections and canopies and building-mounted signs, within the streets of the town.
  - C. "Encroachment permit" is a permit issued by the town to allow encroachment work of limited time duration and those activities for which a permit is required under the provisions of this chapter.
  - D. "Encroachment work" is the encroachment and other work permitted under an encroachment permit and required to be performed under this chapter.
  - E. "House-moving" is the moving, over the public rights-of-way of the town of Jackson, of a house or other similar structure which previously was attached to a foundation and is being moved with the ultimate intention of being attached to new or different foundation at a different location than the structure's original location.
  - F. "Occupy" is the blocking, to facilitate construction-related activities, of all or part of the width of a street travel lane such that the lane may not, in the opinion of the public works director, be safely used for its normal purpose of accommodating vehicular traffic, of all or part of a time-restricted parking space such that it may not, in the opinion of the public works director, be safely used for its normal purpose of accommodating parked vehicles, or of enough of the width of any alley located within or adjacent to commercially-zoned property (UC, UC2, AC, BC, and BP zoning districts) such that vehicles may not, in the opinion of the public works director, readily pass.
  - G. "Permittee" is any person who has been granted and has in full force and effect an encroachment permit issued hereunder.
  - H. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
  - I. "Public Works Director" is the public works director of the Town of Jackson or his/her designee for the purposes and intent of this chapter.
  - J. "Right-of-Way Wireless Telecommunication Facility" is a telecommunications facility in the Town of Jackson Right-of-Way.
  - K. "Street" is any street, highway, sidewalk, alley, avenue, or other public way, easement, or public grounds in the town.
  - L. "Time-restricted parking space" is any parking space located within those portions of the streets identified in Sub-Sections A and B of Schedule 9 of Section 10.04.390 of the Municipal Code of the Town of Jackson.
  - M. "Town" is the Town of Jackson.
  - N. "Town Council" or "Council" is the Town Council of the Town of Jackson.
  - O. "Town Engineer" is the Town Engineer of the Town of Jackson or his/her designee for the purpose and intent of this chapter.
- (Ord.1228 § 1, 2019; Ord.571 § 1, 1996.)

**12.08.025 Effect of an Encroachment Permit.**

- A. Not in Lieu of Other Required Permits or Authorizations. Any Encroachment Permit to work in the Public Right of Way ("ROW") issued under this Chapter authorizes construction at a location as proposed and as approved in the permit, with the permission of the Town. It is not in lieu of building permits, electrical permits, franchise agreements,

licensing agreements, or any other permits or authorizations that may be required as a condition of construction or operation of the permanent facility or utility, and it does not excuse compliance with any other law, regulation, practice or other requirement under federal, state or local law.

- B. Franchise, consent and/or license agreements required for access to public ROW: Prior to installing in the public ROW any telecommunications facility, or any pole built for the sole or primary purpose of supporting a communications facility, or any tower, a person shall enter into, including, but not only, a franchise agreement, a consent agreement and/or a license agreement with the Town expressly authorizing use of the public ROW for the telecommunications facility, pole or tower proposed to be installed.

(Ord. 1228 § 1, 2019).

#### **12.08.030 Agreement-Required**

It is unlawful for any person to construct or maintain private building or building foundation improvements, including building projections and canopies and building-mounted signs, within the streets of the town without first having executed with the town an encroachment agreement setting forth the terms and conditions under which such improvements may remain in place. (Ord 571 § 1, 1996.)

#### **12.08.040 Encroachment Permit - Required**

- A. An Encroachment Permit is required:

1. to construct public infrastructure improvements such as, but not limited to, sidewalk, boardwalk, curbs, gutters, telecommunication facilities, utilities and/or street paving within any street;
2. to dig up, break, excavate, tunnel, undermine, or in any manner break up any street;
3. to make or cause to be made any excavation in or under the surface of any street for any purpose;
4. to place, deposit, or leave upon any street any earth or other excavated material, construction supplies, equipment, dumpsters or materials obstructing or tending to interfere with the free use of the street;
5. to move an existing house, building, or structure on or over any street;
6. to occupy any street, sidewalk or any time-restricted parking space for the purposes of construction, excavation, tunneling, or storage of materials.

(Ord. 1228 § 1, 2019; Ord. 947 § 1, 2009; Ord. 571 § 1, 1996.)

- B. No encroachment permit to occupy any street travel lane or time-restricted parking space for the purposes of construction, excavation, tunneling, or storage of materials or for activities which would facilitate such shall be issued for the time period between and including June 15th and September 25 of each calendar year for properties which are entirely within the area described in the below map of area and described as follows: beginning at the intersection of North Jackson and West Gill southward along Jackson to Simpson Street the eastward along Hansen to Willow then northward along Willow to E Gill then westward along Gill to North Cache then northward along Cache to Mercill Avenue then eastward along Mercill to North Millward then south along Millward to west Gill the westward along Gill to the point of beginning, except for reasons which the Public Works Director deems are: 1) unavoidable on the part of the applicant; 2) for the purposes

of routine maintenance, or 3) acceptable pursuant to an approved Construction Plan and/or Staging Plan as set forth in section 12.08.045 below.



- C. No encroachment permit shall be issued without an approved construction plan and/or staging plan from the Town Planning Director and Town Engineer as required and set forth in this chapter.  
(Ord. 947 § 1, 2009; Ord. 571 § 1, 1996.)

**12.08.045 Encroachment Permit - Construction Plan and/or Staging Plan**

- A. An applicant for an encroachment permit shall be required to obtain approval of a construction plan and/or staging plan for the public infrastructure improvements from the Town Planning Director and Town Engineer. Based on the magnitude of the development, the Town Planning Director and Town Engineer may require that the applicant conduct a meeting with property owners in the affected area to review and provide input on the proposed construction and/or staging plan. To minimize the impact to the general public, the Town Planning Director and Town Engineer will have the authority to require modifications to the construction and/or staging plan. The Town Planning Director and Town Engineer may allow construction related activity to work within the right-of-way during the restricted time period referenced in section 12.08.040 above if deemed appropriate in their discretion.
- B. Should the applicant, Town Planning Director and Town Engineer not agree on an appropriate construction and/or staging plan, the applicant will have the option to request a review by the Town Council.  
(Ord. 947 § 1, 2009; Ord. 579 § 2, 1997.)

**12.08.050 Permit-Application-Contents**

No encroachment permit shall be issued unless a written application for the issuance of an encroachment permit is submitted to the town. The written application shall state the name and address of the applicant, the nature, location and purpose of the encroachment, the date of commencement and date of completion of the encroachment, and other data as may reasonably be required by the town. The application shall be accompanied by plans showing the extent of the proposed encroachment work and, as appropriate, the dimensions and elevations of both the existing ground prior to said encroachment and of any proposed excavated surfaces after said encroachment work, the location of the encroachment work and such other information as may be prescribed by the town. (Ord 571 § 1, 1996.)

**12.08.055 Material Change Affects the Application and Permit Process.**

Unless otherwise agreed to in writing by the Town, any material changes to an Encroachment Permit application, as determined by the Town in its sole discretion, shall be considered a new application and the prior application shall be deemed withdrawn. (Ord. 1228 § 1, 2019; Ord 571 § 1, 1996.)

**12.08.060 Permit fees**

Permit fees charged for the issuance of encroachment permits shall be in an amount established by resolution and shall be in addition to all other fees for permits or charges relative to any proposed construction work. (Ord. 1280 § 7, 2021; Ord 571 § 1, 1996)

**12.08.070 Permit-Placard-Display required**

The town shall provide each permittee at the time a permit is issued hereunder a suitable placard plainly written or printed in English letters at least one inch high with the following notice: "Town of Jackson," Permit No.....Expires..... and in the first blank space there shall be inserted the number of the permit and after work "expires" shall be stated the date when the permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the encroachment work. It is unlawful for any person to exhibit such placard at or about any encroachment not covered by such permit or to misrepresent the number of the permit or the date of the expiration of the permit. (Ord 571 § 1, 1996.)

**12.08.080 Surety bond**

Before an encroachment permit as herein provided is issued, the applicant shall deposit with the town a surety bond in the amount of one thousand dollars payable to the town. The required surety bond must be:

- A. With good and sufficient surety;
- B. By a surety company authorized to transact business in the state;
- C. Satisfactory to the town attorney in form and substance;
- D. Conditioned upon the permittee's compliance with this chapter and to secure and hold the town and its other costs arising from the encroachment and other work covered by the excavation permit or for which the town, the town council or any town officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the encroachment or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore

and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the town public works director, all openings and excavations made in streets. Any owner of real estate constructing, modifying, or repairing or engaging another to construct, modify, or repair his own sidewalk shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the town by reason of the negligence or default of the permittee, upon the town's giving written notice to the permittee of such suit or claim, any final judgment against the town requiring it to pay for such damage shall be conclusive upon the permittee and his surety. An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount of twenty thousand dollars (\$20,000) and in other respects as specified above but applicable as to all encroachment work in streets by the principal in such bond during the term of one year from said date. Individual bonds shall be released at the completion of the permitted work consistent with the restrictions of Section 12.08.380. (Ord 571 § 1, 1996.)

#### **12.08.090 Routing of traffic**

The permittee shall take appropriate measures to assure that during the performance of the encroachment work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the town public works director may permit the closing of streets to all traffic for a period of time prescribed by him if in his opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the town police department. The following steps shall be taken before any highway may be closed or restricted to traffic:

- A. The permittee must receive the approval of the town public works director and the police department therefor;
- B. The permittee must notify the chief of the fire department of any street so closed;
- C. Upon completion of construction work the permittee shall notify the town public works director and town police department before traffic is moved back to its normal flow so that any necessary adjustments may be made;
- D. Where flagmen are deemed necessary by the town public works director they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without aid of detours, if possible. In instances in which this would not be feasible the town public works director will designate detours. The town shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee but in case there are no existing highways the permittee shall construct all detours at its expense and in conformity with the specifications of the town public works director. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment. (Ord 571 § 1, 1996.)



**12.08.100 Clearance for fire equipment**

The encroachment work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions. (Ord 571 § 1, 1996.)

**12.08.110 Protection of traffic**

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of plank, timbers, and blocking or steel plates of adequate size and thickness to accommodate vehicular traffic safely. Decking shall be not less than four inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking three inches thick, twelve inches wide, and of adequate length, together with necessary blocking or other materials meeting the satisfaction of the town public works director. The walk shall be not less than three feet in width and shall be provided with a railing as required by the town public works director. (Ord 571 § 1, 1996.)

**12.08.120 Removal and protection of utilities**

The permittee shall not interfere with any existing utility without the written consent of the town public works director and the utility company or person owning the utility. If it becomes necessary to remove an existing utility this shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the encroachment work, and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. (Ord 571 § 1, 1996.)

**12.08.130 Protection of adjoining property**

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose and if he cannot obtain a license from such owner the town public works director may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the encroachment work and shall be responsible for all damage to public

or private property or highways resulting from its failure properly to protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this chapter. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner, or in the case of public property the appropriate town department or town official having control of such property.  
(Ord 571 § 1, 1996.)

#### **12.08.140 Sidewalk excavations**

Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over the excavation on the line of the sidewalk, which bridge shall be at least three feet wide and securely railed on each side so that foot passengers can pass over safely at all times. (Ord 571 § 1, 1996.)

#### **12.08.150 Protective measures**

The permittee shall erect such fence, railing or barriers about the site of the encroachment work as shall prevent danger to persons using the town street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of encroachment and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. Whenever through traffic on a street is cut off by virtue of the encroachment, the permittee shall erect detour signs at each intersection on either side of the encroachment. It is unlawful for anyone to remove or tear down the fence, railing, protective barriers, lights, or detour signs provided at or near the encroachment for the protection of the public. (Ord 571 § 1, 1996.)

#### **12.08.160 Attractive nuisance**

It is unlawful for the permittee to suffer or permit to remain unguarded at the place of encroachment any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.  
(Ord 571 § 1, 1996.)

#### **12.08.170 Care of excavated material**

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the town public works director shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.  
(Ord 571 § 1, 1996.)

**12.08.180 Damage to existing improvements**

All damage done to existing improvements during the progress of the encroachment work shall be repaired by the permittee. Materials for such repair shall conform with the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the town public works director shall have the authority to cause the necessary labor and materials to be furnished by the town and the cost shall be charged against the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.  
(Ord 571 § 1, 1996.)

**12.08.190 Tracked construction vehicles**

Except by special permission of the public works director, no tracked construction vehicle shall travel over the streets of the town except on a trailer. (Ord 571 § 1, 1996.)

**12.08.200 Property lines and easements**

Property lines and limits of easements shall be indicated on the plan of encroachment submitted with the application for the encroachment permit and it shall be the permittee's responsibility to confine encroachment work within these limits. (Ord 571 § 1, 1996.)

**12.08.210 Clean-up**

As the encroachment work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such encroachment shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the public works director. From time to time as may be ordered by the town public works director and in any event immediately after completion of the work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within twenty-four hours after having been notified to do so by the town public works director the work may be done by the town and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.  
(Ord 571 § 1, 1996.)

**12.08.220 Protection of watercourses**

The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the town public works director may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.  
(Ord 571 § 1, 1996.)

**12.08.230 Breaking through pavement**

Whenever it is necessary to break through existing pavement for encroachment purposes, the pavement shall be removed to at least twelve inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a twelve-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining

pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver or jackhammer may be used in breaking up the pavement.

Whenever it is necessary to break through existing concrete curb and gutter for encroachment purposes, a power-driven concrete saw shall be used, and the curb and gutter shall be cut at the interface with the asphalt street surface and at full curb and gutter section lines and shall be replaced to those full section lines. (Ord 571 § 1, 1996.)

#### **12.08.240 Tunnels**

Tunnels under pavement shall not be permitted except by permission of the town public works director and if permitted shall be adequately supported by timbering and backfilling under the direction of the town public works director. (Ord 571 § 1, 1996.)

#### **12.08.250 Backfilling**

Backfilling in any street opened or excavated pursuant to an encroachment permit issued hereunder shall be carried out in conformance with the adopted street and alley excavation and backfill standard of the town. (Ord 571 § 1, 1996.)

#### **12.08.260 Restoration of surface**

- A. The permittee shall restore the surface of all streets, broken into or damaged as a result of the encroachment work in accordance with the adopted street and alley excavation and backfill standard of the town and any additional requirements imposed by the town public works director. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restoration in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the town public works director. If in the judgment of the town public works director it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.
- B. Permanent restoration of the street shall be made by the permittee in strict accordance with the adopted street and alley excavation and backfill standard of the town.
- C. Except as expressly permitted in writing by the public works director, the completion of street surface restoration shall be achieved by the permittee within forty-eight (48) hours of the completion of the work for which the permit is issued. (Ord 571 § 1, 1996.)

**12.08.270 Town's right to restore surface**

If the permittee has failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or has otherwise failed to complete the encroachment work covered by such permit, the town public works director, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the encroachment work. The permittee shall be liable for the actual cost thereof and twenty-five percent of such cost in addition for general overhead and administrative expenses. The town shall have a cause of action for all fees, expenses and amounts paid out and due it for such work and shall apply in payment of the amount due it for any funds of the permittee deposited as herein provided and the town shall also enforce its rights under the permittee's surety bond provided pursuant to this chapter. (Ord 571 § 1, 1996.)

**12.08.280 Trenches in pipe laying**

Except by special permission from the town public works director, no trench shall be excavated more than two hundred fifty feet in advance of pipe laying nor left unfilled more than five hundred feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by Wyoming OSHA. No timber bracing, lagging, sheathing or other lumber shall be left in any trench. Except where otherwise permitted by the public works director, trenches shall be closed at the end of each day of work. (Ord 571 § 1, 1996.)

**12.08.290 Prompt completion of work**

The permittee shall prosecute with diligence and expedition all encroachment work covered by the encroachment permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the encroachment permit therefor. (Ord 571 § 1, 1996.)

**12.08.300 Urgent work**

If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest require that the encroachment work be performed as emergency work, the town public works director shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four hours a day to the end that such encroachment work may be completed as soon as possible. (Ord 571 § 1, 1996.)

**12.08.310 Emergency repairs**

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an encroachment permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an encroachment permit not later than the end of the next succeeding day during which the town offices are open for business, and shall not proceed with permanent repairs without first obtaining an encroachment permit hereunder. (Ord 571 § 1, 1996.)

**12.08.320 Winter excavations**

Except by special permission of the public works director, and then only under those conditions of approval deemed appropriate by the public works director, no encroachment permit shall be issued for excavations within the streets of the town between October 15 of a calendar year and April 15 of the following calendar year. (Ord 571 § 1, 1996.)

**12.08.330 Noise, dust and debris prevention**

Each permittee shall conduct and carry out the encroachment work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the encroachment work noise, dust and unsightly debris and, between the hours of nine p.m. and seven a.m., shall not use, except with the express written permission of the town public works director or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. (Ord 571 § 1, 1996.)

**12.08.340 Excavations barred in new street improvements**

- A. Whenever the town council authorizes the paving or repaving of any street, the town engineer shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under the street or any real property whether improved or unimproved, abutting the street. Such notice shall notify such persons that no encroachment permit shall be issued for openings, cuts or excavations in the street for a period of five years after the date of the completion of the street paving or repaving project. Such notice shall also notify such persons that applications for encroachment permits for work involving excavations within the street to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the permit may be completed prior to the commencement of the street paving or repaving project. The town engineer shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting the street for their information and to state agencies and town departments or other persons that may desire to perform excavation work in the town street.
  
- B. Within forty-five days every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this chapter, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting the street fails within said forty-five days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five years from the date of the completion of the street paving or repaving project. During said five year period no excavation permit shall be issued to open, cut, or excavate in the street unless in the judgment of the town public works director, an emergency as described in this chapter exists which makes it absolutely essential that the encroachment permit be issued. If no such emergency exists, the public works director may also, at his discretion, allow a requested opening, cut, or excavation to take place, provided that as a condition of issuance of the encroachment permit the permittee is obligated to install a one (1) inch pavement overlay over the entire street surface of the block of the street within which the opening, cut, or excavation takes place.

- C. Every town department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in the street is directed to take appropriate measures to perform such excavation work in a timely manner so as to avoid the necessity for making any openings, cuts or excavations in the new pavement in the town street during said five-year period. (Ord 571 § 1, 1996.)

**12.08.350 Preservation of monuments**

The permittee shall not disturb any surface monuments or hubs found on the line of encroachment work until ordered to do so by the town public works director.  
(Ord 571 § 1, 1996.)

**12.08.360 Trash receptacles**

Trash receptacles stored within public alleys, including "dumpsters", shall be construed as encroachments and shall not be allowed without an encroachment agreement. No development permit, including building permits, shall be issued for any property adjacent to a public alley for which storage of trash within the property boundaries has not been provided.  
(Ord 571 § 1, 1996.)

**12.08.370 Tracking of mud**

Parties carrying out excavation, earth-moving, or earth-storage activities, whether on private property or within public streets, shall take whatever measures are necessary to avoid the tracking of mud onto the streets of the town. (Ord 571 § 1, 1996.)

**12.08.380 Inspections - Enforcement**

The Town Public Works Department and Town Building Department shall make such inspections as are reasonably necessary in the enforcement of this chapter and shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

For all permitted work which occurs that is not in compliance with an approved construction staging and/or encroachment plan, enforcement procedures shall be as follows:

**First offense** - The project will receive verbal and written notice of the obligations to conform to the approved encroachment and/or staging plan.

**Second offense** - The project will receive verbal and written notice of the obligations to conform to the approved encroachment and/or staging plan.

**Third offense** – The project will receive written notice of the infractions and their obligations to conform to approved staging plan and receive “red tagged” (shut down) for a 24-hour period.

**Forth offense** – The project will receive written notice of the infractions, be “red tagged” for a period of 24 hours and be given a citation to the Jackson Municipal Court.

**Fifth offense** and beyond – The project will receive written notice of the infractions, be “red tagged” for a 3 or more working days depending on the level of the infraction and receive an additional citation to appear in the Jackson Municipal Court.

No release of the surety bond required under Section 12.08.080 shall take place without the prior approval of the Public Works Director. (Ord. 943 § 1, 2009; Ord 571 § 1, 1996.)

**12.08.390 Map and As-Built Drawings.**

- A. Users of subsurface street space shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the Town Engineer within sixty (60) days after new installations, changes or replacements are made. Maps shall be provided to the Town in both reproducible hardcopy format and also shall be provided to the Town in an electronic format compatible with the Town’s geographic information system and acceptable to the Town Engineer.
  
- B. Permittees must meet the standards set forth in Section A for all aboveground structures associated with Communications Facilities, Poles built for the sole or primary purpose of supporting communications facilities, and/or Towers in the Public ROW.  
(Ord. 1228 § 1, 2019; Ord 571 § 1, 1996.)

**12.08.400 Chapter inapplicable to town work**

The provisions of this chapter shall not be applicable to any excavation work under the direction of competent town authorities by employees of the town or by any contractor of the town performing work for and in behalf of the town necessitating openings or excavations in streets. (Ord 571 § 1, 1996.)

**12.08.410 Public service companies-Applicability of provisions**

The provisions of this chapter shall be applicable to all persons operating public utilities in the town under franchises granted by the town and having the right either by general or special permission to enter upon streets and open and excavate pavements, sidewalks or disturb the surface thereof by excavation or other work, and such persons shall be required to apply for a permit and to comply with all other provisions of this chapter, except that the fee schedule set forth in Section 12.08.060 shall not apply to such persons. (Ord 571 § 1, 1996.)

**12.08.420 Insurance required**

A permittee, prior to the commencement of encroachment work hereunder, shall furnish the town satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the encroachment permit public liability insurance of not less than five hundred thousand dollars for any one person and five hundred thousand dollars for any one accident and property damage insurance of not less than five hundred thousand dollars duly issued by an insurance company authorized to do business in this state. (Ord 571 § 1, 1996.)

**12.08.430 Liability of town**

This chapter shall not be construed as imposing upon the town or any official or employee any liability or responsibility for damages to any person injured by the performance of



any encroachment work for which an encroachment permit is issued hereunder; nor shall the town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any encroachment work. (Ord 571 § 1, 1996.)

**12.08.440      Penalty for violations**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the provisions of Section 1.12.010 of this code. Each day such violation is committed or permitted to continue constitutes a separate offense and shall be punishable as such hereunder. In addition to the penalties set forth, the town may institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove any encroachment activities taking place in violation of this ordinance. (Ord 571 § 1, 1996.)

## **Chapter 12.12 MUNICIPAL CEMETERY**

### **Sections:**

- 12.12.010 Short title.**
- 12.12.020 Definitions.**
- 12.12.030 Adoption of rules and regulations.**
- 12.12.040 Superintendent--Appointment.**
- 12.12.050 Superintendent--Duties.**
- 12.12.060 Rules for interment.**
- 12.12.070 Lot valuation.**
- 12.12.080 Perpetual care plan.**
- 12.12.090 Records of ownership.**
- 12.12.100 Cemetery accounts and reports.**
- 12.12.110 Purchase of lots and graves--Applications--Certificate.**
- 12.12.120 Penalties for violation.**

### **12.12.010 Short title.**

This chapter shall be known and may be cited as the "Town of Jackson Municipal Cemetery Ordinance." (Ord. 409 § 2 (part), 1990.)

### **12.12.020 Definitions.**

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Municipal cemetery" or "cemetery" means the municipal cemetery of the town of Jackson, also known as the "Aspen Hill Cemetery" and the additions thereto.
- B. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- C. "Superintendent" means the superintendent of the municipal cemetery.
- D. "Town" means the town of Jackson, Teton County, Wyoming. (Ord. 409 § 2 (part), 1990.)

### **12.12.030 Adoption of rules and regulations.**

The cemetery superintendent as such position is hereinafter created shall recommend to the town council and the town council shall, in their discretion, adopt rules and regulations for the use of the cemetery relating to:

- A. Subdividing the cemetery into lots, streets and walkways;
- B. Capacity of each lot;
- C. Limiting the number of cemetery lots which shall be owned by the same person at the same time;
- D. Location of graves;
- E. Digging of graves and the proper interment of the dead therein;

- F. Enclosing and adorning cemetery lots, including types of planting, monuments and markers that will be permitted for the proper and most attractive development of the cemetery, keeping in mind the natural charm of the present hillside cemetery with its native trees, shrubs, wildflowers and other vegetation;
- G. Upkeep and maintenance of the cemetery, including the prevention of erosion by grading, draining or widening, narrowing or abandonment of streets and walkways and the building of embankments, retaining walls and gutters; provided, however, that any subdivision of the cemetery or any changes or additions in lots, streets or walkways shall be by competent surveyor or engineer and such changes shall be recorded in the manner prescribed by law, on the existing plats or maps of the cemetery now on file in the office of the town clerk and in the office of the county clerk of Teton County and ex officio register of deeds;
- H. To establish a fund, known as the town of Jackson cemetery fund, into which all moneys received by the board from donations, the sale of grave spaces, lots and blocks in the cemetery, from appropriations by the town, or from any other sources, on account of the cemetery shall be paid, which fund shall be kept in a separate account and paid out in the same manner in which all claims against the town are now paid; provided that all claims against the cemetery fund shall be made by a voucher, signed by the claimant and approved by the town. The town shall at no time go into debt on account of the cemetery in any manner whatsoever except with the written approval of the town council first obtained; and
- I. To purchase tools and implements for the use of the superintendent or other employees of the cemetery and to provide a place for safekeeping of the same. (Ord. 409 § 2 (part), 1990.)

**12.12.040 Superintendent--Appointment.**

The town administrator, with the consent of the mayor and town council, may appoint, hire and fire a superintendent and/or other employees of the municipal cemetery for part-time or full-time as in the town council's discretion may be required, and the town council shall fix the amount of the salaries and provide for the supervision of their work. (Ord. 409 § 2 (part), 1990.)

**12.12.050 Superintendent--Duties.**

- A. Direct Cemetery. The superintendent shall look after and take proper care of the cemetery and see that no lot therein is used or occupied in violation of this chapter or of any rule or regulation promulgated by the town council.
- B. Collect and Turn Over Fees. All fees and charges collected by the superintendent for duties and services performed in connection with the cemetery shall be for use of the town and shall immediately be turned over by him to the town clerk. (Ord. 409 § 2 (part), 1990.)

**12.12.060 Rules for interment.**

No deceased person shall be interred in the cemetery until the town clerk has found:

- A. That the burial permit has been obtained from the public health officer or such other person as may be designated as required by law;
- B. That the lot in which burial is to be made has been fully paid for or arrangements made for payment in accordance with the rules and regulations promulgated by the town council;
- C. That the person arranging for such burial has the right to the use of such lot;
- D. That such lot is not used beyond its capacity; and

- E. That the proper record is made of the name and age of the deceased person and of the exact location of the grave. (Ord. 409 § 2 (part), 1990.)

**12.12.070 Lot valuation.**

The town council shall from time to time place a value on all unsold lots in the cemetery, and shall record such valuations on an official map or plan of such cemetery, which shall be kept on file, open to public inspection, in the office of the town clerk. Such valuation shall be the fixed and established value of such lots and the price at which such lots shall be sold. There shall be no discrimination in the sale of lots, on any basis. Any person desiring to purchase a particular lot, or lots, for the purpose for which intended, shall be permitted to do so upon payment of the price fixed for such lot or upon making arrangements, according to the rules and regulations that may be established by the town council, for the purchase of such lots on an installment plan. All receipts from the sale of lots shall be utilized exclusively for the care, maintenance and upkeep of the cemetery. (Ord. 409 § 2 (part), 1990.)

**12.12.080 Perpetual care plan.**

- A. The town council shall from time to time, determine the minimum amount of money which they may accept from lot owners or any other persons for the perpetual care of any specified lot or grave in the cemetery and when such moneys are accepted and received, the town shall be obligated to care for such lots or graves in perpetuity.
- B. For the purpose of this section, "perpetual care" means the filling of sunken graves, the stabilization of monuments or markers, seeding and watering, control of grass, weeds, brush, trash, erosion and rodents. The cemetery superintendent or his designated representative shall, when practical, consult with the owners of lots or graves on the type of care to be given to any particular lot or grave, and be guided by their wishes insofar as they do not conflict with the provision of this chapter or the rules and regulations promulgated by the town, provided, however, that the building or repair of rock, cement or other type retaining walls shall not be obligatory under the perpetual care plan.
- C. All moneys accepted for perpetual care shall be placed into a town municipal cemetery perpetual care trust fund. The town treasurer may, with the advice and approval of the town council, manage and invest such funds for the production of revenue in any manner not in conflict with applicable laws. The revenues derived therefrom shall be placed in the above mentioned trust fund and may be invested and reinvested, and all moneys received for perpetual care and the income derived therefrom shall be used for providing perpetual care as provided in this section. The town may accept moneys in any amount to be added to the perpetual care trust fund and may also make rules and regulations whereby owners or interested parties may make arrangements for payment of the minimum amount, assuring perpetual care, for any designated lot, upon the installment plan, and the town may also accept donations from owners or interested parties. (Ord. 409 § 2 (part), 1990.)

**12.12.090 Records of ownership.**

The cemetery superintendent shall keep full and complete records of the ownership of all lots in the cemetery, of the burial capacity of each lot, sold and unsold, of the location of each grave, of the names of each person buried in each grave that has been or hereafter shall be used, and of the date of burial of each. The record shall also show the lots or graves for which the town

is obligated to provide perpetual care. All such records shall be kept at the office of the town clerk. (Ord. 409 § 2 (part), 1990.)

**12.12.100 Cemetery accounts and reports.**

The cemetery superintendent shall keep full and detailed accounts of the receipts and expenditures on account of the cemetery and the cemetery superintendent shall make semiannual reports on the condition of the cemetery, and the cemetery fund to the town council. The cemetery superintendent shall also make an annual report on the condition of the cemetery providing the town council with all information necessary to recommending the amount that shall be appropriated for the cemetery in the budget. All proceeds arising from the sale of lots and all other income and revenue thereof, shall be exclusively applied, appropriated or used in improving, preserving and embellishing such cemetery, and its appurtenances, and to paying the necessary operating expenses thereof, provided, that such income and revenue may be used for purchasing or acquiring additional adjacent grounds for cemetery purposes only. (Ord. 409 § 2 (part), 1990.)

**12.12.110 Purchase of lots and graves--Applications--Certificate.**

All applications for the purchase of cemetery squares, lots or graves, shall be made to the town clerk, who shall, with the approval of the cemetery superintendent, issue to the applicant therefor a burial lot certificate upon the payment of the required sum for such square, lot or grave, which certificate shall be signed by the mayor of the town and attested by the clerk thereof, with the seal of the town affixed thereto. (Ord. 409 § 2 (part), 1990.)

**12.12.120 Penalties for violation.**

Any person found guilty of violating any of the provisions of this chapter shall be punished in accordance with the provisions of Section 1.12.010 of this code. (Ord. 409 § 2 (part), 1990.)

## **Chapter 12.16 AIRPORT**

### **Sections:**

- 12.16.010 Definitions.**
- 12.16.020 General rules.**
- 12.16.030 Law enforcement jurisdiction.**
- 12.16.035 Special Municipal Officers.**
- 12.16.040 Conduct of Business.**
- 12.16.050 Authority of Director.**
- 12.16.060 Control of pets.**
- 12.16.070 Firearms and explosives.**
- 12.16.080 Sanitation.**
- 12.16.090 Unattended property.**
- 12.16.100 Alcohol and controlled substances.**
- 12.16.110 Motor Vehicles.**
- 12.16.120 Loitering.**
- 12.16.130 Aircraft operating rules.**
- 12.16.140 Cleaning and storage restrictions.**
- 12.16.150 Smoking and open flames.**
- 12.16.160 Offenses against persons.**
- 12.16.170 Compliance with security requirements.**
- 12.16.180 Violation—Penalty.**

### **12.16.010 Definitions.**

As used in this Chapter:

- A. “Airport” means the Jackson Hole Airport, including all property described in the Agreement between the Jackson Hole Airport Board and the United States Department of Interior, dated April 27, 1983, and amendments thereto. (Ord. 923 § 2, 2009; Ord. 175 § 1, 1975.)
- B. “Airport Board” means the Jackson Hole Airport Board, created by joint Teton County Resolution and Town Ordinance No. 109 (codified as Chapter 2.36 of this code). (Ord. 923 § 2, 2009; Ord. 175 § 1, 1975.)
- C. “Airport Terminal Building” is that building on the Airport at which commercial air carrier aircraft arrive and depart. (Ord. 923 § 2, 2009.)
- D. “Business” means any advertising, offering, producing or delivering, in whole or in part, services or goods to or for another in exchange for payment or other thing of value. By way of example and not limitation, Business shall be deemed to be conducted at or upon the Airport by: (1) owning or operating an aircraft at the Airport used for the provision of commercial activities originating or terminating at the Airport; (2) maintaining a base of operations for any commercial activity offering services to the public at the Airport, whether operated directly or through agents or contractors; and/or (3) operating a commercial activity on, from, or to the Airport, or advertising in any way the availability of services or goods on, from, or to the Airport. (Ord. 923 § 2, 2009.)
- E. “Director” means the Airport Director or manager appointed by the Airport Board to manage and protect the Airport, pursuant to W.S. §10-5-202(d). (Ord. 923 § 2, 2009.)

- F. “Person” means any individual, or entity, including any firm, partnership, corporation, company, or association; and includes any trustee, receiver, assignee or other similar representative. (Ord. 923 § 2, 2009; Ord. 175 § 1, 1975.)
- G. “Public Use Areas” means those areas provided for and used by the public, such as but not limited to the lobby and restaurant eating area of the passenger terminal building and the vehicle parking lot open to public use. It excludes private offices, lessee working areas and private and governmental facilities used by Airport staff or lessees. (Ord. 923 § 2, 2009; Ord. 175 § 1, 1975.)
- H. “Restricted Area” means any area where a person’s entry, movement or presence is controlled by the Airport Board or Airport tenant. A restricted Area may or may not be identified with signage stating the restrictions to and/or requirements for entry, movement, or presence within the area. Restricted Areas include, but are not limited to, runways, taxiways, ramps, and Airport property adjacent to them; boarding areas; air carrier aircraft; private offices; lessee work areas; and private and governmental facilities used by Airport staff or lessees. (Ord. 923 § 2, 2009; Ord. 175 § 1, 1975.)
- I. “Service Animal” means a police canine in the performance of its duties or an animal that is individually trained to perform tasks for people with disabilities, such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. (Ord. 923 § 2, 2009.)
- J. “Solicitation” means to approach with a request, plea, offer or proposition and shall include signs and advertising. (Ord. 923 § 2, 2009.)

**12.16.020 General rules.**

- A. All Persons on any part of the Airport shall be governed by this Chapter, by ordinances contained in Chapter 5.50 and Titles 7, 9 and 10 of the Town of Jackson Municipal Code, as those Titles now exist or as they may hereafter be amended, and rules duly adopted by the Airport Board. (Ord. 923 § 2, 2009; Ord. 175 §2(part), 1975.)
- B. The Airport Board is authorized to adopt by resolution, and pursuant to W.S. §10-5-101(b) and 10-5-202(a), as amended from time to time, additional rules not inconsistent with State and Federal law and Town ordinance, to implement the purposes of this Chapter, and to ensure safe and efficient operations on the Airport. Any such rules shall be adopted by the Airport Board in public meeting, and after public notice published in a newspaper of general circulation in Teton County. No rule shall be effective until filed with the Teton County Clerk and in the Airport administrative offices. All rules so adopted and filed shall be open to public inspection at all reasonable times. (Ord. 923 § 2, 2009; Ord. 175 §5, 1975.)

**12.16.030 Law enforcement jurisdiction.**

Pursuant to authority contained in Section 10-5-101(b) of the Wyoming State Statutes, the Teton County Sheriff’s Office and the Jackson Police Department are empowered to enforce duly adopted rules of the Airport Board, applicable state statutes, and all ordinances of the Town of Jackson Municipal Code, as those Titles now exist or as they may hereafter be amended, all of which shall apply to activities at the Airport. (Ord. 1208 §1, 2019; Ord. 923 § 2, 2009; Ord. 175 § 2(a), 1975.)

**12.16.035 Special Municipal Officers.**

The Aircraft Rescue Fire Fighter/Operation Officers at the Airport, appointed as Special Municipal Officers by the Town of Jackson, shall have specific authority to issue citations to

individuals for violations, occurring on the Airport, of Sections 12.16.040, 12.16.060, 12.16.070, 12.16.080, 12.16.090, 12.16.110, 12.16.120, 12.16.130, 12.16.140, 12.16.150 and 12.16.170 of the Jackson Municipal Code, and any rule and regulation duly adopted by the Airport Board pursuant to Sections 12.16.110A or 12.16.130C of this Chapter, as authorized by W.S. § 7-2-103(e) and W.S. § 15-1-103(a)(xlx). (Ord. 966 §1, 2010.)

**12.16.040 Conduct of Business.**

- A. It shall be unlawful for any Person to conduct any Business to, from or on the Airport without having entered into a written agreement, lease, or contract with the Airport Board on such terms as it may establish.
- B. Public solicitation of Business on the Airport by other than lessees or contractors of the Board is prohibited, except with permission of the Director under such terms and conditions as he or she may prescribe.
- C. No Person shall post, distribute or display signs, advertisements, circulars, or printed or written matter at the Airport except with the approval of the Director and in such manner as the Airport Board may prescribe.
- D. It is unlawful for any Person to conduct any Business to, from, or on the Airport in violation of any agreement, lease, or contract with the Airport, or while its authority to do so under the same has been suspended.

(Ord. 923 § 2, 2009; Ord. 175 § 2(b), 1975.)

**12.16.050 Authority of Director.**

- A. The Director shall at all times have authority to take such lawful action as may be necessary to safeguard the public in attendance at the Airport.
- B. The Director may suspend or restrict any or all aeronautical or non-aeronautical operation at the Airport without regard to weather conditions, wherever such action is deemed necessary in the interest of safety.

(Ord. 923 § 2, 2009; Ord. 175 §2(c), 1975.)

**12.16.060 Control of pets.**

- A. No Person shall enter a Restricted Area of the Airport with a dog or other animal, unless it is restrained by leash or confined in such other manner as to be under control.
- B. No Person shall cause a dog or other animal to enter the Public Use Areas of the Airport Terminal Building, except a Service Animal, unless such animal is arriving or departing the Airport by commercial air carrier.

(Ord. 923 § 2, 2009; Ord. 175 § 2(e), 1975.)

**12.16.070 Firearms and explosives.**

- A. Unless otherwise permitted by law, no Person shall carry or possess a firearm, explosive, or incendiary or carry same in their accessible property when entering a Restricted Area of the Airport.



B. Unless otherwise permitted by law, no Person shall carry or possess any explosives or incendiary on the Airport without the written permission of the Director. (Ord. 923 § 2, 2009; Ord. 175 § 2(f), 1975.)

**12.16.080 Sanitation.**

In addition to the requirements imposed by Title 8 of the Jackson Municipal Code, no Person shall dispose of garbage, papers, refuse or other material on the Airport except in the receptacles provided for that purpose. (Ord. 923 § 2, 2009; Ord. 175 § 2(g), 1975.)

**12.16.090 Unattended property.**

No Person shall leave any personal property unattended on the Airport without the consent of the Director. Such property shall be subject to confiscation and immediate disposal. (Ord. 923 § 2, 2009; Ord. 175 § 2(h), 1975.)

**12.16.100 Alcohol and controlled substances.**

A. All laws, ordinances and/or resolutions of the Town as to use and possession of alcoholic beverages or drugs shall apply to all activities at the Airport. (Ord. 923 § 2, 2009; Ord. 175 § 2(i), 1975.)

B. No Person shall consume alcoholic beverages in Public Use Areas of the Airport, except in such areas as may be prescribed by the Director. (Ord. 923 § 2, 2009; Ord. 175 § 4(b), 1975.)

**12.16.110 Motor Vehicles.**

A. Parking any motor vehicle on the Airport in violation of posted parking restrictions or prohibitions established by rule of the Airport Board, or by the Town, is prohibited. Vehicles parked in violation of this section, may be ticketed, and may be impounded and towed at the owner's or operator's expense. The presence of any vehicle on the Airport parked in violation of this subsection shall be prima facie evidence that the Person in whose name the vehicle is registered as owner, committed or authorized the commission of such violation. (Ord. 923 § 2, 2009; Ord. 175 § 3(b), 1975.)

B. Operating any motor vehicle on the Airport in violation of any posted speed limit or operating restriction established by rule of the Airport Board, or by the Town, is prohibited.

**12.16.120 Loitering.**

Other than Persons engaged in emergency operations when authorized by the Director, no Person shall be permitted to camp on Airport property or otherwise attempt to reside at the Airport. (Ord. 923 § 2, 2009; Ord. 175 § 4(d), 1975.) No Person shall be permitted to remain on the Airport, except for a purpose which is related to operation of the Airport, or the business of Airport lessees or contractors, or is otherwise authorized by the Director. (Ord. 923 § 2, 2009.)

**12.16.130 Aircraft operating rules.**

A. The operation of any aircraft at the Airport which has a single-event noise level which exceeds ninety-two on the DBA scale on approach is prohibited. Compliance with the single event noise standard will be determined by reference to Federal Aviation Administration Advisory Circular 36-3C. No adjustments for gross weight will be allowed. Aircraft types and models which are not listed in Advisory Circular 36-3C will be allowed, if the Federal Aviation Administration determines that the aircraft type and model would meet the noise limits stated above, if it were tested according to Federal Aviation Administration procedures

and the operator obtains approval of the Airport Board certifying that operation of the aircraft is compatible with conditions for operation of the Airport.

- B. The operation of Stage 2 aircraft at the Airport weighing less than 75,000 pounds shall be prohibited, except for any such operation (1) which is responding to a bona fide in-flight aircraft emergency as defined by Federal Aviation Regulations; or (2) conducted for an emergency medical purpose; or (3) otherwise conducted in furtherance of the public health, safety or welfare, including fire suppression and rescue, provided that such operation has (i) been recognized as serving one or more of such purposes in an agreement with the Airport Board, or (ii) has received authorization from the Director, the Teton County Sheriff, or their authorized representative. For purposes of this subsection B, a “Stage 2 aircraft” shall have the same meaning as that term has in Chapter 475 of Title 49, United States Code, and “operation” shall mean to either land or take-off at the Airport.
- C. The operation of an aircraft at the Airport in violation of any aircraft operating rule, duly adopted by the Airport Board pursuant to Section 12.16.020B of this ordinance, to protect the health or safety of persons at the Airport, is prohibited.

(Ord. 923 § 2, 2009.)

#### **12.16.140 Cleaning and storage restrictions.**

- A. No Person shall use flammable, volatile liquids in the cleaning of aircraft, aircraft engines, propellers and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus. (Ord. 923 § 2, 2009; Ord. 175 § 6(a), 1975.)
- B. No Person shall use volatile flammable substances for cleaning floors in the hangars or in other buildings on the Airport, and shall keep such floors free and clear of oil, grease and other flammable material. (Ord. 923 § 2, 2009; Ord. 175 § 6(e), 1975.)
- C. No Person shall store or stock material or equipment in such manner as to constitute a fire hazard or store any flammable liquids, gases, signal flares or other similar material in any building on the Airport. Lessees of hangars or hangar space shall provide suitable metal receptacles for the storage of oily wastes, rags and other rubbish. (Ord. 923 § 2, 2009; Ord. 175 § 6(c), 1975.)

#### **12.16.150 Smoking and Open Flames.**

- A. No Person shall smoke in any hangar, building, room or in any other place on the Airport where it is specifically prohibited by the Director. (Ord. 923 § 2, 2009; Ord. 175 § 6(d), 1975.)
- B. No Person shall smoke or have an open flame within fifty feet of an aircraft or fuel storage area or in any other place on the Airport where prohibited. (Ord. 923 § 2, 2009; Ord. 175 § 6(d), 1975.)
- C. No Person shall conduct open-flame operations in any hangar, on any ramp, or part thereof unless specifically authorized by the Director. (Ord. 923 § 2, 2009; Ord. 175 § 6(b), 1975.)
- D. It shall be unlawful to smoke or carry lighted tobacco in any form in any enclosed public facilities owned or controlled by the Airport Board. (Ord. 923 § 2, 2009.)

#### **12.16.160 Offenses against persons and property.**

- A. No Person shall interfere with any security screener, Airport employee, or flight-crew member engaged in the performance of his or her duties.

- B. No Person shall verbally or through written communication threaten the safety and well-being of any passenger or flight-crew member aboard any aircraft or of any aircraft operating to or upon the Airport.
- C. No Person shall seize, confine, or kidnap another person against his or her will or without authority of law, or shall threaten the safety and well-being of any Person, with the intent to hold such person hostage or use such person for the purpose of aircraft hijacking.
- D. Any violation of this Section 12.16.160, or Title 9 - Chapters II, III, IV, or V of this code, occurring on any aircraft in flight which next lands at the Airport is deemed to have a materially harmful effect on the governmental processes and community welfare of the Town. Any such violation is deemed (1) to be a continuing offense from the beginning of the offense until termination of the flight at the Airport, (2) to be interference with the peaceful arrival of such aircraft at the Airport, and (3) to be completed at the Airport. Any such violation is prohibited. (Ord. 923 § 2, 2009.)

**12.16.170 Compliance with security requirements.**

- A. No Person shall tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure implemented at the Airport.
- B. No Person shall enter or be present in a Restricted Area without complying with the systems, measures, procedures, screening and/or inspection being applied to control access to or presence in such areas.
- C. No Person shall use or allow any other person to use or cause to be used any Airport Board issued or approved access medium or identification medium in any manner other than that for which it was authorized and issued.
- D. This section does not apply to authorized Person performing such tests of compliance as may be otherwise authorized by ordinance, statute, or applicable laws and federal regulations. (Ord. 923 § 2, 2009.)

**12.16.180 Violation--Penalty.**

Violation of any of this Chapter shall be punished in accordance with Section 1.12.010 of this code. (Ord. 923 § 2, 2009; Ord. 175 § 7, 1975.)

**Chapter 12.20**  
**SNOW AND ICE REMOVAL**

**Sections:**

**12.20.010 Definitions.**

**12.20.020 Snow and ice to be removed from sidewalks by private persons.**

**12.20.030 Depositing of snow and ice restricted.**

**12.20.040 Violations--Work done--Liability therefor--Penalty.**

**12.20.050 Penalties.**

**12.20.010 Definitions.**

- A. "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- B. "Business day" means any day not a Sunday or a national holiday.
- C. "Business hours" means the hours between eight a.m. and six p.m. on any business day.
- D. The building inspector is the duly appointed town building inspector and town engineer or, in his absence, his duly designated and acting representative. (Ord. 236 § 1 (part), 1977.)

**12.20.020 Snow and ice to be removed from sidewalks by private persons.**

- A. Every person, partnership, corporation, joint-stock company or syndicate, or other entity, which is in charge or control of any building or lot of land within the Town fronting or abutting on a paved sidewalk or board sidewalk whether as tenant, owner, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from so much of the sidewalk as is in front of or abuts on the building or lot of land, pursuant to any Town of Jackson snowplowing policy set forth by a resolution of the Town Council.
  - 1. Except as provided in subsection B of this section, snow and ice shall be removed from sidewalks in all business districts within the Town by six (6) business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is longer.
  - 2. Except as provided in subsection B of this section, snow and ice shall be removed from all other included sidewalks within the town of the same day of the cessation of any fall of snow, sleet or freezing rain or within the first six (6) hours of daylight after the cessation of any such fall, whichever period is longer.

(Ord. 1075 § 1, 2014)

- B. In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its removal, shall, within the time mentioned in subsection A of this section, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause the sidewalk to be thoroughly cleaned. (Ord. 476 § 1, 1994; Ord. 236 § 1 (part), 1977.)

**12.20.030 Depositing of snow and ice restricted.**

No person, partnership, corporation, joint-stock company or syndicate shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk or roadway, except that snow and ice may be windrowed on public roadways incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks in business districts. (Ord. 236 § 1 (part), 1977.)

**12.20.040 Violations--Work done--Liability therefor--Penalty.**

- A. In the event of the failure of any person, partnership, corporation, joint-stock company or syndicate to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as provided in this chapter, or cause this to be done, the building inspector, as soon as practicable after such failure, shall cause such work to be done by town personnel or by independent private persons or firms.
- B. The building inspector shall ascertain and keep a record of the exact cost of all work he causes to be done or contracts to be done in accordance with this section on account of each act or omission of each person, partnership, corporation, joint-stock company or syndicate; and he shall identify these persons with particularity.
- C. Each person, partnership, corporation, joint-stock company or syndicate whose act or omission makes it necessary that the building inspector cause work to be done or contract work to be done in accordance with this section shall be liable to the town for the cost of such work plus an amount equal to twenty percent of such costs for administration, record keeping and notice. It shall be the duty of the town clerk to sue for these costs and penalties, and it shall be the duty of the town attorney to assist in the bringing of these suits. (Ord. 262 § 1, 1979; Ord. 236 § 1 (part), 1977.)

**12.20.050 Penalties.**

Any person, partnership, corporation, joint-stock company or syndicate who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1.12.010. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this chapter. (Ord. 236 § 1 (part), 1977.)

## **Chapter 12.24 PROTECTION AND CARE OF TREES**

### **Sections:**

- 12.24.010 Definitions**
- 12.24.020 Tree Sizes and Species**
- 12.24.030 Distance from Curb and Sidewalk**
- 12.24.040 Distance from Street Corners and Fireplugs**
- 12.24.050 Utilities**
- 12.24.060 Exemptions**
- 12.24.070 Public Tree Care**
- 12.24.080 Pruning - Corner Clearance**
- 12.24.090 Adjacent Landowners Responsibility**
- 12.24.100 Tree Topping**
- 12.24.110 Dead, Diseased or Hazard Trees on Private Property**
- 12.24.120 Arborist Certification**
- 12.24.130 Town Urban Forest Council**
- 12.24.140 Penalty**

### **12.24.010 Definitions**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. Street trees: “Street trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, ways or alleys within the city.
- B. Park trees: “Park trees” are herein defined as trees, shrubs, bushes, and all other woody vegetation in parks and all areas owned by the city, or to which the public has free access.
- C. Public (Urban) Community Forest: Public (Urban) community forest is defined as all street and park trees and other trees owned by the city as a total resource.
- D. Community Forest Manager: The community forest manager is defined as the official (public employee) representative of the Town of Jackson and the Town Urban Forest Council and as such is responsible for administration of the community forest program. The Teton County/Jackson Parks and Recreation Department Park Planner shall be the Community Forest Manager.

(Ord. 984 § 1, 2011)

**12.24.020 Tree Sizes and Species**

The following tree size and classification shall apply in subsequent sections:

Small tree: up to (25) twenty five feet projected height at maturity.

Medium trees: (25) twenty five feet – (40) forty feet projected height at maturity.

Large trees: over (40) forty feet projected height at maturity.

New planting of nuisance species as determined by the Town Urban Forest Council shall be discouraged.

(Ord. 984 § 1, 2011)

**12.24.030 Distance from Curb and Sidewalk**

There shall be no trees planted on public rights-of-way for streets or alleys unless authorized by Town Urban Forest Council. Upon authorization, deciduous trees may be planted in public rights-of-way no closer to any curb or sidewalk as follows: small trees, (2) two feet; medium trees, (3) three feet; large trees, (4) four feet. Conifer trees may require additional separation.

(Ord. 984 § 1, 2011)

**12.24.040 Distance from Street Corners and Fireplugs**

There shall be no trees planted on public rights-of-way for streets or alleys unless authorized by the Town Urban Forest Council. Upon authorization, trees shall not be planted closer than (20) twenty feet of any street corner, measured from the point of nearest intersecting curb or curb lines. Trees shall not be planted closer than (10) ten feet of any fireplug.

(Ord. 984 § 1, 2011)

**12.24.050 Utilities**

There shall be no trees planted on public rights-of-way for streets or alleys unless authorized by Town Urban Forest Council. Upon authorization, no “Street trees” other than those described as small in this ordinance may be planted under or within (10) ten lateral feet of any overhead utility wire, or over or within (5) five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 984 § 1, 2011)

**12.24.060 Exemptions**

Trees already in place and growing at the date of this Ordinance shall be exempt from sections 12.24.030, 12.24.040 and 12.25.050. However, any replacement trees shall be governed by this chapter.

(Ord. 984 § 1, 2011)

**12.24.070 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 may, at its option, when advised by the Town Urban Forest Council, 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 or is infected with any injurious fungus, insect or other pest which, in the opinion of the Town Urban Forest Council, may constitute a severe threat to other trees in the area.

(Ord. 984 § 1, 2011)

#### **12.24.080 Pruning - Corner Clearance**

Every owner of any tree overhanging any street or right-of-way within the Town shall prune branches so 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 (12) twelve feet above the surface of the street or right-of-way, or (10) feet above a sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a hazard to public safety. The Town shall have the right to trim any tree or shrub on private property when it interferes with the proper function of streetlights along the street or when it interferes with the visibility of any traffic control device or sign, if the owner refuses to comply with the standards of the ordinance. Such trimming shall be confined to the area immediately adjacent to the right –of-way.

(Ord. 984 § 1, 2011)

#### **12.24.090 Adjacent Landowners Responsibility**

No person other than Town employees or their designees shall plant, remove, cut above the ground, or disturb any tree on any street, park or other public place.

(Ord. 984 § 1, 2011)

#### **12.24.100 Tree Topping**

It shall be unlawful as a normal practice for any person, firm or Town department to top any Street tree, Park trees, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than (3") 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 obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Town Urban Forest Council.

(Ord. 984 § 1, 2011)

#### **12.24.110 Dead, Diseased or Hazard Trees on Private Property**

The Town may 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 constitutes a potential threat to other trees within the Town. The Town shall have the right to cause to be removed any public or private tree within the Town limits that is diseased or has been declared a hazard tree. 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 Community Forest Manager.

##### **A. Appeal**

The property owner may appeal the order of the Community Forest Manager in writing to the Town Governing Body within (10) ten days after the date of such order. The Town Governing Body shall, within (10) 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 time the property owner may be present or represented by counsel. At such hearing, the Town Governing Body will review the order of the Community Forest Manager and unless the order is revoked or modified, it shall remain in full force and be obeyed by the property owner.

If the property owner fails to comply with the final order within (10) 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.

(Ord. 984 § 1, 2011)

#### **12.24.120 Arborist Certification**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Urban Community Forestry without first providing proof of current and good standing certification from the International Society of Arboriculture. Proof of such certification shall be filed with the Community Forest Manager.

(Ord. 984 § 1, 2011)

#### **12.24.130 Town Urban Forest Council**

##### **A. Creation and establishment**

There is hereby created and established a Town Urban Forest Council for the Town of Jackson, Wyoming, which shall consist of the Community Forest Manager, Town of Jackson Public Works Department representative, Town of Jackson Planning Department representative, and (2) two members of the Teton County/Jackson Parks and Recreation Board.

##### **B. Duties and responsibilities**

1. It shall be the responsibility of the Town Urban Forest Council to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, trimming, replanting, removal, or disposition of trees and shrubs in public ways, parks, pathways, streets and alleys.
2. Such a plan shall be presented annually to the governing body, and upon their acceptance and approval shall constitute the official comprehensive Town tree plan for Jackson, Wyoming.
3. The Town Urban Forest Council shall develop and maintain a list of desirable trees for planting as street trees with suggested spacing and planting distances from curbs, sidewalks, and foundations. A list of trees not suitable for planting as street trees will also be created and maintained by the Town Urban Forest Council.
4. The Town Urban Forest Council, on its own initiative, or when requested, by the Governing Body, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

##### **C. Interference with Town Urban Forest Council**

It shall be unlawful for any person to prevent, delay or interfere with the Town Urban Forest Council, or any of their agents or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street trees, Park trees or trees on private ground, as authorized in this Ordinance.

**D. Review by Governing Body**

The Governing Body of the Town of Jackson shall have the right to review the conduct, acts and decisions of the Town Urban Forest Council. Any person may appeal from any ruling or order of the Town Urban Forest Council to the Governing Body who may hear the matter and make final decision.

(Ord. 984 § 1, 2011)

**12.24.140 Penalty**

Any person or persons violating any provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, except in cases where a specific penalty or removal provision is provided, shall be punished in accordance with Section 1.12.010 of this Code.

(Ord. 984 § 1, 2011)

## **Chapter 12.28 SPECIAL EVENTS**

### **Sections:**

- 12.28.010 Purpose**
- 12.28.020 Findings and Intent**
- 12.28.030 Definitions**
- 12.28.040 Special Event Permit—When Required, Exceptions**
- 12.28.050 Special Event Permit—Application Procedure—Filing Period**
- 12.28.060 Parking Restrictions or Road Closures for Special Event—Signs**
- 12.28.070 Special Event Permit—Conditions of Issuance—Grounds for Denial**
- 12.28.080 Special Event Permit—Notice of Rejection**
- 12.28.090 Duties of Permittee**
- 12.28.100 Special Event Permit—Revocation Conditions**
- 12.28.110 Penalty**

### **12.28.010 Purpose**

The purpose of this chapter is to provide a process for the issuance of a Special Event Permit from the Town in order to regulate Special Events in or upon public property including streets, alleys, public parks, George Washington Memorial Park, the Town Square, public buildings and sidewalks in the interest of public health, safety and welfare.

### **12.28.020 Findings and Intent**

- A. This chapter is enacted to protect and preserve the public health, safety and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.
- B. It is expressly the purpose of this chapter and any procedures adopted hereunder to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be specially protected or benefited by the terms of this chapter or any procedures adopted hereunder.
- C. It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the permittee, and no provision is intended to impose any duty upon the Town, or any of its officers, employees or agents. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be construed to create or form the basis for liability on the part of the Town, its officers, employees or agents, for any injury or damage resulting from the failure of permittee to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or any procedures adopted hereunder by the Town, its officers, employees or agents.

### **12.28.030 Definitions**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and

words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “Alcoholic Beverage” means alcoholic liquor or malt beverage as defined in W.S. § 12-1-101(a)(i), (vii) and (x), or as amended.
- B. “Applicant” means any person or organization seeking a permit from the Town to conduct or sponsor a Special Event governed by this chapter. An applicant must be eighteen (18) years of age or older.
- C. “Catering Permit” for a Special Event means the permit authorizing the sale of alcoholic and malt beverages at a Special Event pursuant to Wyoming State Statutes.
- D. “Expressive Activity” shall mean a parade, assembly, meeting or similar gathering conducted for the purpose of exercising free speech activity protected by either the First Amendment to the United States Constitution or the Wyoming Constitution.
- E. “George Washington Memorial Park” means the actual park area within the Town Square.
- F. “Malt Beverage Permit” for a Special Event means the permit authorizing the sale of malt beverages only pursuant to Wyoming State Statutes.
- G. “Permittee” means any person or organization to whom or which has been issued by the Town a Special Event Permit.
- H. “Public Building” is property owned fully or jointly by the Town for a public purpose and is held out to the public and not leased to a third party.
- I. “Public Parks” shall mean a public playground, public recreation center or area, and other public areas, created, established, designated, maintained, provided or set aside by the Town, for the purposes of public rest, play, recreation, enjoyment or assembly, and all buildings, facilities and structures located thereon or therein.
- J. “Special Event” means a preplanned single gathering, event or series of related gatherings or events of an entertainment, cultural, recreational, educational, political, religious or sporting nature, or of any other nature including, but not limited to, any parade, march, protest, demonstration, public ceremony, street fair, art and craft show, carnival, block party, soap box derby, farmer’s market or jubilee day, athletic event, show, exhibition, pageant or procession of any kind, or any similar display, in the Town, including the Town Square.
- K. “Special Event Permit” means a permit as required by this chapter for Special Events in or upon a publicly owned street, alley sidewalk, public building, the Town Square or public park, or that enlists the services of Town personnel.
- L. “Town Square,” is defined to include George Washington Memorial Park and the boardwalk, sidewalk, and streets surrounding the park area.

#### **12.28.040 Special Event Permit—When Required, Exceptions**

A Special Event Permit shall be obtained for the following:

- A. Any Special Event in or upon a street, alley, sidewalk, public building or public park.
- B. An event in the Town Square for the purpose of informing, engaging or inviting the public with ten (10) or more people in attendance, including the applicant and its representatives and/or which may attract or accumulate ten (10) or more people as determined at the discretion of the Town Manager or designee. Events in the Town Square for the purpose of informing, engaging or inviting the public with less than ten (10) people in attendance, including the applicant and its representatives and/or which may attract or accumulate less than ten (10) people as determined at the discretion of the Town Manager or designee are required to file an application with the Town Clerk on forms prepared by the Town Manager or designee within the timeframe outlined in Section 12.28.050(B) of this Chapter. The forms provided by the Town Clerk shall require information reasonably necessary to make a fair determination as to whether a Special Event Permit should be required and/or issued.
- C. To request or enlist the services of Town personnel for a Special Event.
- D. This chapter shall not apply to:
  - 1. Funeral processions or oversize load escorts;
  - 2. Regularly scheduled school events, such as athletic events, which use existing parking, traffic controls and public safety support;
  - 3. The Town of Jackson acting within the scope of its functions, or an event sponsored in whole or in part by the Town;
  - 4. Any section or part of any public park or public building declared closed to the public by the director of the Parks and Recreation Department or designee or the Town Manager or designee and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses, as the Town Manager or designee or the director of the Parks and Recreation Department or designee finds reasonably necessary;
  - 5. Events in public parks managed by the Parks and Recreation Department, with the exception of George Washington Memorial Park, when no services of Town personnel are requested or enlisted or when no exemptions from Town of Jackson Municipal Code are requested, and when the proper applications have been approved by the Parks and Recreation Director or designee;
  - 6. When police services are enlisted or requested for private events when a Special Event Permit is not otherwise required and when the proper applications have been approved by the Chief of Police or designee;
  - 7. When START services are enlisted or requested for events when a Special Event Permit is not otherwise required and when no other services of Town personnel are enlisted or requested, when no exemptions from Town of Jackson Municipal Code are requested, and when the proper applications have been approved by the START Board or designee;
  - 8. Events held at the Fair Grounds and approved by the Fair Board, when no services of Town personnel are requested or enlisted or when no exemptions from Town of Jackson Municipal Code are requested; or
  - 9. Expressive Activity in traditional public forums as alternative channels of communication by the public, provided such use is for the free exercise of

constitutionally protected activities, does not exceed the number or persons threshold set forth in Section 12.28.040(B), does not require sound amplification and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public. Such Expressive Activity, however, is subject to the same requirements and/or permits for signs, banners or structures, including but limited to height or dimensional limitations, as set forth in this chapter, the Land Development Regulations, and/or Municipal Code.

**12.28.050 Special Event Permit—Application Procedure—Filing Period**

- A. A person or organization seeking a Special Event Permit in or upon a street, alley, sidewalk, public building or a public park shall file an application with the Town Clerk on forms prepared by the Town Manager or designee. The forms provided by the Town Clerk shall require information reasonably necessary to make a fair determination as to whether a Special Event Permit should be issued.
- B. Special Event applications shall be filed with the Town Clerk at least twenty-one (21) days prior to the date that a Special Event is proposed to be conducted. The Town Clerk shall determine if the application is complete or requires Town Council approval.
  - 1. Applications requesting Town Council exemption from Town of Jackson Municipal Code 6.40.050 prohibiting the consumption of alcoholic beverages in George Washington Memorial Park shall not be accepted or processed by the Town Clerk.
  - 2. Any application filed less than twenty one (21) days before the date such Special Event is proposed to be conducted shall be subject to any conditions or restrictions deemed necessary by Town Council, or the Town Manager or designee. Such conditions or restrictions may be placed on the application prior to or after Town Council approval until such time the application and any other application associated with the Special Event may be fully reviewed by all Town Departments, Teton County Fire Department, Parks and Recreation Department, Pathways Department, and other agencies.
- C. The Town Council shall approve or deny all Special Event Permit applications and related additional permits or applications, which are filed less than twenty one (21) days before the date such Special Event permit is proposed to be conducted or are new Special Event Permit applications. The following Special Event Permit applications may be approved at the Staff level:
  - a. Applications for Special Events that have been previously approved by the Town Council in prior years and no significant or material changes are requested.
  - b. Applications in which all potentially impacted Town, County and Joint departments have reviewed the application and signed off on the Special Event.
  - c. Applications in which the anticipated or estimated number of attendance/participants is 250 people or less.
  - d. Applications involving only minor changes to a previously approved Special Event (e.g. a date change).
- D. If the applicant's event constitutes expressive activity within the meaning of this chapter, or the applicant asserts that the proposed event constitutes expressive activity within the meaning of this chapter, application shall be subject to the review of the Town Attorney.
- E. Once a Special Event application is complete, the Town Clerk shall circulate and refer the application to all Town departments, Teton County Fire Department, Parks and

Recreation Department and Pathways Department for their comments, suggestions for conditions of approval and estimate of fees for services of Town personnel as a condition of approval for the Special Event.

- F. Fees. The fees for each Special Event Permit application submitted to the Town shall be in an amount established by resolution.  
(Ord. 1280 § 7, 2021; Ord. 1112 § 1, 2016; Ord. 1011 § 1, 2012; Ord. 1003 § 1, 2012)
- G. Additional permits or applications may be required for submission with a Special Event Application, including but not limited to:
  - 1. A Malt Beverage or Catering Permit pursuant to Wyoming State Statutes if seeking to sell alcoholic beverages at a Special Events. All sales of alcoholic beverages shall be in compliance with Title 6 of Town of Jackson Municipal Code and Chapter 12 of Wyoming State Statute.
  - 2. A Sign Permit if temporary banners or signs will be utilized. All signs shall be in accordance with Division 4600 of the Land Development Regulations.
  - 3. A Temporary or Transient Merchant and Exposition License applications if goods will be sold at the Special Event. All sales of goods shall be in compliance with Title 5 of this Municipal Code with the exception of Sponsorship listed in 12.28.050(K) of this section.
- H. Noise. Any Special Event which generates noise from any source exceeding eighty (80) decibels as measured under Section 9.44.040 of this Municipal Code requires permission from the Town Council as part of the Special Event application. Such noise is not permitted beyond the special event parameters approved by Town Council, plus any conditions or restrictions to the Special Event including but not limited to event location, date and hours of operation. Special Event applicants may conduct post-event production such as breaking down equipment and cleaning up from the Special Event until midnight on the day of the Special Event provided that the applicant utilize minimal production lighting and equipment which does not generate noise exceeding eighty (80) decibels as measured under Section 9.44.040 of this Municipal Code.
- I. Permission and/or permits may also be required from other State or local organizations, including but not limited to the following:
  - 1. Wyoming Department of Transportation permit (e.g. to close any state highway);
  - 2. Teton County Fire Department (e.g. fireworks permit; tents);
  - 3. Teton County Parks and Recreation Department (e.g. use of equipment);
  - 4. Teton County Health Department (e.g., temporary food service permit);
  - 5. Teton County Pathways Department;
  - 6. Teton County Fair board (e.g. Special Events during fair);
  - 7. Town Public Works/Engineering Department (if event will substantially interfere with any construction or maintenance work scheduled to take place upon, on in, through or under Town streets, alleys, parks, right-of-way, etc.);
  - 8. START Bus (e.g. if request requires public transportation service to Special Event or will interfere with a START Bus route).
- J. Insurance: An insurance certificate naming the Town of Jackson as an additional insured including its Officers, Officials, Employees, and Volunteers and stating that coverage is primary and non-contributory is required for every Special Event and must be submitted to the Town Clerk at least ten (10) days prior to the Special Event. Insurance limits must be at least \$1,000,000/occurrence and \$1,000,000 aggregate. The additional insured language on the certificate may not include any limitations or exclusions. The policy shall

include general liability insurance protecting against liability for bodily injury, death, and property damage in an amount not less than \$1,000,000 each occurrence. The Town Manager, or designee, or Town Attorney, may require additional insurance requirements to be met by the applicant when deemed necessary. Associated Catering and/or Malt Beverage permits for Special Events are required to include liquor liability insurance.

- K. Sponsorship. The Town Council may approve the sale of goods, products and/or services, food or alcohol by for-profit vendors or applicants during a Special Event that is on public property or in a public park provided that Special Event is sponsored by a non-profit organization. The applicant shall submit to the Town Clerk with the Special Event Application a letter from the non-profit sponsor which describes in detail the direct benefit the non-profit sponsor will receive as a result of the Special Event, financial or otherwise.

(Ord. 1112 § 1, 2016; Ord. 1011 § 1, 2012; Ord. 1003 § 1, 2012)

#### **12.28.060 Parking Restrictions or Road Closures for Special Event—Signs**

A Special Event application shall include requests for special parking restrictions or road closures in connection with a Special Event. Town Council, the Town Manager or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, highway or an alley, or any part thereof constituting a part of the Special Event, unless such is in the WYDOT right-of-way in which case a WYDOT permit will be required. The Town Manager or designee shall have signs posted regarding the prohibition or restrictions approved. All roads closed for and during a Special Event shall maintain a clear and unobstructed width of twenty (20) feet to allow for emergency vehicle traffic.

#### **12.28.070 Special Event Permit—Conditions of Issuance—Grounds for Denial**

- A. The Town Council may approve a Special Event application partially or in its entirety for events as provided for under this chapter unless the Town Council finds, from a consideration of the application and from such other information and recommendations and/or conditions obtained from the Town police department, Town fire department, planning department, Town Attorney, Town administration and Town public works, that it may be denied on the grounds that:
1. The conduct of the Special Event Permit will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
  2. The conduct of the Special Event will require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town;
  3. The conduct of such Special Event will require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of movement and the areas contiguous thereto;
  4. The concentration of persons, animals and vehicles at assembly points of the Special Event in or upon a street, alley, sidewalk, public building or public park will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
  5. The conduct of such Special Event will interfere with the movement of firefighting equipment in route to a fire;



6. The size, nature or location of the Special Event is reasonably likely to cause a clear and present danger of injury to persons and property;
  7. Information contained in the application for a Special Event Permit or any other permit associated with the Special Event or supplemental information requested from the applicant, is found to be false in a material detail;
  8. The applicant fails to complete the application form or fails to submit insurance that meets the requirements of 12.28.050(I) of this chapter after having been notified of the additional information or documents required;
  9. Another Special Event Permit has been received prior in time or has already been approved for the same time and place requested by the applicant or so close in time and place to that requested by the applicant that the issuance of both permits would cause undue traffic or parking congestion or cause the police or fire departments to be unable to meet the needs for police or fire services for both events;
  10. The location of the Special Event will substantially interfere with Town operations, or any construction or maintenance work scheduled to take place upon Town streets, right-of-way, alleys, parks or Town property; or
  11. The Special Event will violate a Town ordinance or Wyoming state statute.
- B. An applicant for a Special Event Permit and any other permit application associated with a Special Event desiring to accept the modified Special Event Permit or any other permit associated with a Special Event shall, after receiving notice of the action of the Town Council, file a written notice of acceptance with the Town Clerk or designee prior to the event. The modified Special Event Permit shall conform to the requirements of, and shall have the effect of, a Special Event Permit and any other permit associated with the Special Event Permit under this chapter.
- C. The Town Council may condition or restrict the issuance of a Special Event Permit or any other permit associated with a Special Event by imposing reasonable requirements concerning the time, place and route of the event and such requirements as are necessary to protect the health, safety or welfare of persons and property and control of traffic.
- D. The applicant will be notified upon approval of the Special Event including any conditions or restrictions to the application.

**12.28.080 Special Event Permit—Notice of Rejection**

If the Town Council disapproves the application for failure to meet the conditions as outlined in Section 12.28.060 of this chapter, the Town Clerk shall state in writing the reason for the recommendation of denial or stipulate additional conditions.

**12.28.090 Duties of Permittee**

- A. A permittee under this chapter shall comply with all terms, directions and conditions of the Special Event Permit or any other permits in association with the Special Event and with all applicable laws and ordinances.
- B. The permittee shall ensure that the person in charge of the Special Event is familiar with all the provisions of the Special Event Permit and carries the Special Event Permit and any applicable permits in association with the event upon his or her person during the duration of the Special Event.

- C. The permittee may be required to have sufficient volunteers to assist with requests such as traffic control posts, information officers, or other responsibilities in connection with a Special Event.

**12.28.100 Special Event Permit—Revocation Conditions**

The Town Manager or designee shall have the authority at any time to, in writing, revoke or terminate a Special Event Permit or any other permit(s) associated with a Special Event issued under this chapter upon violation of the standards for issuance as set forth in this chapter and/or conditions placed on the issuance of the Special Event Permit or any other permit(s) in association with the Special Event, or any chapter of the Town of Jackson Municipal Code or Land Development Regulations, or if the continuation of the Special Event presents a clear and present danger to the participants or the public.

**12.28.110 Penalty**

Any individual violating any of the provisions of this ordinance shall, upon conviction thereof, be punishable as provided in Section 1.12.010 of the Jackson Municipal Code. (Ord. 1011 § 1, 2012; Ord. 1003 § 1, 2012)

**Chapter 12.32**  
**PATHWAYS**

**Sections:**

- 12.32.010 General Regulations**
- 12.32.020 Pathway Use Regulations**
- 12.32.030 Speed Limits Generally**
- 12.32.040 Schedules; Amendment**
- 12.32.050 Minors**
- 12.32.060 Penalty**

**12.32.010 General Regulations**

It shall be unlawful for any person within or on the Pathways in the Town of Jackson to:

- A. Ride, operate or use any device other than Bicycles, Electric Bicycles (as defined in this Code), pedestrian travel, cross country skis, or horses.
- B. Place or utilize additional obstacles or other material (including but not limited to ramps or jumps) that are not expressly authorized by the Jackson/Teton County Pathways Coordinator.
- C. Fail to obey any rule or regulation posted on or at the entrance to the Pathway at the direction of the Town Council, Town Manager, his or her designee, or the Jackson/Teton County Pathways Coordinator.

**12.32.020 Pathway Use Regulations**

- A. Pathway users proceeding in opposite directions shall pass each other to the right and each user shall give to the other at least one-half (1/2) of the main-traveled portion of the Pathway as nearly as possible.
- B. All Pathway users shall travel upon the right half of the Pathway, except as follows:
  - 1. When overtaking and passing another Pathway user proceeding in the same direction; or
  - 2. When a stationary obstruction or hazard exists making it necessary to operate left of the center of the Pathway, but any user doing so shall yield the right-of-way to all users traveling in the proper direction upon the unobstructed portion of the Pathway within such distance as to constitute an immediate hazard.
- C. Overtaking:
  - 1. The overtaking user has the duty to do so with safety and caution.
  - 2. The user overtaking another user proceeding in the same direction shall pass to the left thereof at a safe distance and shall not return to the right side of the pathway until safely clear of the overtaken user.
  - 3. No Pathway user shall overtake another user proceeding in the same direction by utilizing the left side of the center of the Pathway unless the left side is clearly visible and free of oncoming users for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with any user approaching from the opposite direction. In every event the overtaking user must return to the right side of the Pathway as soon as practicable.

4. Every Pathway user overtaking another shall announce their presence before overtaking such that the user being overtaken can hear the announcement and have sufficient time to acknowledge and prepare for the overtaking user.
  5. If a group of more than one Pathway user is overtaking one or more Pathway users, said overtaking shall be done in a single-file line.
- D. The Pathway user employing the higher-speed mode of travel has the duty to avoid slower mode-of-travel users.

#### **12.32.030 Speed Limits**

- A. No person shall operate a device on a Pathway at a greater speed than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- B. Except when a special hazard exists that requires lower speed for compliance with subsection A above, the speed limit on the Pathway shall be as indicated and posted on appropriate signs.

#### **12.32.040 Schedule; Amendment**

- A. The schedule referred to in this Chapter and set out in subsection B is a part of this Chapter that may be amended from time to time by the Town Council by resolution without amending this Chapter. Any amendments made by resolution of the Town Council becomes a part of this Chapter as fully as though written herein, provided such resolution is duly published with the minutes of the Town of Jackson and a copy maintained in the office of the Town clerk of Jackson.
- B. Schedule 1. Speed Limits

#### **12.32.050 Minors**

All minors riding, operating or using the devices authorized in Sec. 12.32.010 within or on the Pathways in the Town of Jackson must:

- A. If using an Electric Bicycle, follow the provisions of the laws of the state applicable to drivers of motor-driven cycles, as set forth in Wyo. Stat. Ann. § 31-5-101 *et seq.* as amended, and all provisions of the ordinances of the Town.

#### **12.32.060 Penalty.**

A violation of any provision of this Chapter is an infraction punishable as provided by Section 1.12.010 of this Code.