

City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Planning Division: (307) 721-5207
Fax: (307)721-5248

February 8, 2021

To: Members of the Laramie Planning Commission

RE: Overview of nuisance abatement process

The Laramie Planning Commission acts as the Board of Appeals when someone properly files for an appeal related to a nuisance violation. The packet I have prepared for you consists of materials to assist you while I deliver a brief presentation on the nuisance abatement process (including the appeal process).

The materials are numbered at the bottom of the pages from 1 to 15. I will cover the material in sequence of page order. Please ask any questions you find relevant during the presentation.

The presentation normally lasts approximately 25 to 40 minutes.

There have been changes to the applicable municipal code sections as of September 1, 2020.

If you have any questions, you may contact me by telephone by dialing (307) 721-5285 or by emailing bforster@cityoflaramie.org.

Brian Forster
City of Laramie
Code Enforcement Inspector

Packet contents should be in the following order:

1. Cover letter
2. Packet contents
3. 8.32.170 Definitions (Front & Back)
4. 8.32.180 Abatement definitions
5. Snow removal ordinance
6. Offensive growth ordinance
7. Courtesy letter dated February 16, 2019
8. Violation letter dated March 1, 2019
9. 8.32.200 Abatement by owner
10. 8.32.190 Notice of violation (Front & Back)
11. 8.32.210 Appeal process
12. 8.32.220 Abatement by the city
8.32.260 Emergency abatement
13. 8.32.230 Appeal of charges
14. Billing letter dated May 1, 2019
15. Statement of charges

NUISANCE OVERVIEW

8.32.170 Junked vehicles and junk.

A. Definitions. For the purposes of this chapter, the following words and phrases shall have these meanings:

1. "Junk" means and includes any items which have been discarded, disassembled, dilapidated, abandon, or are not able to be used for their originally intended purpose or function. These items include, but are not limited to, scrap metal, wood, construction materials, yard waste, furniture, appliances and any item the city manager determines to be a nuisance under this section.
2. "Junked vehicle" means any motor vehicle as defined in subsection (A) of this section and tow-behind trailer which is wrecked, junked, dismantled, partially dismantled, inoperative, abandoned, unregistered or discarded or is unable to perform the function or purpose for which it was originally constructed.
3. "Motor vehicle" means any vehicle originally designed or constructed to be self-propelled, regardless of whether it contains an engine at any other time, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, and other off-road vehicles.
4. "Unsheltered" means located outside a garage or other building and visible from any public street, alley, sidewalk or right-of-way or any adjoining piece of property from ground level. Items stored entirely within an enclosed garage, covered or completely shielded by a fence and not visible from the street or other public or private property shall be considered to be sheltered whether or not the garage doors or fence are open from time to time.

B. Violation—Unsheltered Junked Vehicle. Except for the exceptions herein, any person who stores or maintains any unsheltered junked vehicle or any person who owns private property upon which an unsheltered junked vehicle is stored or maintained, or upon any other location specified by this chapter within the city shall be deemed the author of a nuisance. Such storage or maintenance of any unsheltered junked vehicle is declared to be a nuisance.

C. Exceptions to Unsheltered Junked Vehicle.

1. A person may store or maintain no more than one unsheltered junked vehicle covered with a fitted car cover commercially manufactured for that purpose and in good condition upon a lot, tract, or other individual property within the city.
2. This section does not apply to vehicle storage incident to an automobile sales, towing, storage or repair business licensed in such and operated in compliance with all applicable law.
3. This section does not apply to storage by governmental entities in compliance with applicable law.

NUISANCE OVERVIEW

D. Violation—Junk. Any person who stores or accumulates any unsheltered junk or any person who owns private property upon which unsheltered junk is stored or accumulated or upon any other area specified by this chapter within the city shall be deemed the author of a nuisance. Such storage or accumulation of any unsheltered junk is declared to be a nuisance.

E. Exceptions to Unsheltered Junk.

1. This section does not apply to the storage of junk incident to a lawful business licensed in junk and operated in compliance with all applicable law;
2. Any development site that has an active building or site plan permit;
3. This section does not apply to storage by governmental entities in compliance with applicable law.

F. Nuisances Not Exempt. Nothing in this section shall be construed to permit storage of junked vehicles or junk to be conducted in a manner which constitutes a public or private nuisance under other provisions of this code or other applicable law. This section does not preempt, require, or prevent civil actions by the city or private citizens to abate nuisances.

G. A person may apply to the city manager or the city manager's designee for an extension of up to six months within which to construct a shelter for junked vehicles or junk. The application shall be in writing and shall provide all information requested by the city manager or city manager's designee. Based upon the recommendations of city code enforcement, city police department or city fire department and that the applicant has made a good faith attempt to construct a shelter for junked vehicle(s) or junk, the city manager or the city manager's designee may issue an extension within which to construct the shelter provided for under this section.

1. The application may be made at any time within ten days after the city has given a notice to abate nuisance to the applicant under this chapter. Enforcement proceedings are suspended until the city manager has made a decision concerning the application. If the city manager does not permit the exception applied for, the applicant may appeal to the city board of adjustment or any other city board designated by the city council from the notice to abate nuisance within ten days following the denial of an exception.
2. No person shall have more than one extension for any location owned or controlled by him. The extension is personal. It applies to the vehicles or junk described in the application at the location applied for, is not transferable, and does not run with the land.
3. Any authority granted to the city manager in this chapter extends to the city manager's designee.

NUISANCE OVERVIEW

8.32.180 - Abatement—Definitions.

As used in this chapter:

1. "Abate" or "abatement" means the action taken to remove or alleviate a nuisance, including, but not limited to, demolition, removal, repair, boarding and securing or replacement of property.
2. "Board of appeals (board of adjustment)" shall mean the board designated by the city council as the proper board to hear appeals concerning this chapter on nuisances and associated matters.
3. "City manager" shall include the position of city manager and such designated positions as are employed thereby for the enforcement of the Municipal Code, or those individuals that are otherwise designated by the city manager to perform those functions.
4. "Notice of violation" shall mean that written notice prepared by the city to provide notice to individuals determined to be responsible for a public nuisance, or requiring notice of such due to their position, of that public nuisance and the steps deemed necessary to correct such nuisance.
5. "Nuisance" or "public nuisance" means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located or promotes urban blight and deterioration, or invites plundering, or creates fire hazards, or constitutes an attractive nuisance creating a hazard to the health and safety of minors, or creates a harborage for vermin, or to be injurious to the health, safety and general welfare of the public. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any nuisance declared in this chapter or municipal code and any item defined as "junk" or "junked vehicles."
6. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights and duties.
7. "Occupier" shall mean that person(s) actually occupying the property.
8. "Owner" or "property owner" shall mean that person(s) shown in Albany County tax records to be the recorded owner of the property. In the case of a landlord-tenant situation, regardless of any written lease, the owner shall be solely liable for any violation maintained on the real property or other locations specified by this chapter.

the real property or other locations specified by this chapter.

12.08.020 - Snow, ice and debris—Removal from sidewalks.

All persons shall keep the sidewalks in front of and adjacent to the tenements or grounds owned by them clear of obstructions such as snow, ice, mud, dirt, rubbish or filth. All obstructions may be treated as nuisance violations and may be abated in accordance with [Section 8.32.260](#), emergency abatement, of Laramie Municipal Code. Following any accumulation of snow, such persons shall cause the snow or ice to be removed from sidewalks by ten a.m. the following day. For any accumulation of snow or ice a minimum forty-two inch path or the entire sidewalk, including any ADA features must be cleared, whichever is less. For purposes of this section, adjacent sidewalks also include sidewalks crossing the alley up to the center line of the alley and any midblock sidewalk up to the centerline of the sidewalk.

If the obstruction is not cleared in accordance with [Section 12.08.020](#), snow, ice and debris—removal from sidewalks, of Laramie Municipal Code, the city manager's designee shall post a violation notice in a conspicuous place on the offending property and the owner shall have until ten a.m. the following day to remove the obstruction. If the obstruction is not removed by ten a.m. the following day, the city manager's designee may hire a contractor to remove the obstruction in accordance with [section 8.32.260](#), emergency abatement, of Laramie Municipal Code. For all violations of this section, the owner shall be charged the contractor's fee plus a fee of one hundred dollars or fifty percent of the contractor's fee, whichever is greater.

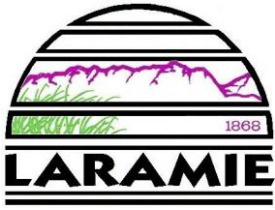
8.28.020 - Dead trees or limbs and offensive growth—Public nuisance violation.

The existence of offensive dead trees or limbs, weeds, long grass, or other rank growth on developed and undeveloped parcels which endanger safety and health, are offensive to the senses, are a threat to safety, obstruct street or sidewalk traffic, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property, constitutes a public nuisance violation specific to this chapter of the municipal code.

8.28.030 - Duty to remove dead trees and limbs and offensive growth.

A. **Developed Parcel.** It shall be the duty of every owner or occupier of a developed parcel to cut, destroy or remove, or cause to be cut, destroyed or removed, all dead trees or limbs and all weeds, long grass, or other rank growth having reached a height in excess of six inches growing thereon, and upon one-half of any road, street or alley abutting this property.

C. **Traffic Hazards.** It shall be the duty of every owner or occupier of a developed or undeveloped parcel to remove dead trees or limbs and offensive growth which obstructs street or sidewalk traffic. All dead trees or limbs and all offensive weeds, long grass, or other rank growth in developed and undeveloped areas shall also comply with and be subject to all requirements imposed under this code including [Chapter 12.16](#).



City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Planning Division: (307) 721-5207
Fax: (307)721-5248

February 18, 2019

F. Krueger
1428 Elm Street
Laramie, Wyoming 82072

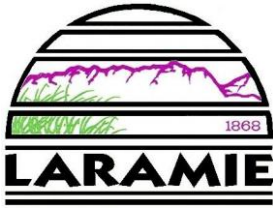
Dear property owner,

I inspected your property located at 1428 Elm Street in Laramie, Wyoming, on February 18, 2019, and found that nuisance violations as described in Section 8.32.180 in the Laramie Municipal Code exist on your property. The violations consist of assorted discarded wood, metal, and plastic items including a refrigerator, scrap lumber, automobile parts, carpet, building materials, a metal oxygen tank, and various other unused items.

To comply with Section 8.32.200 of the Laramie Municipal Code, you must remove or properly store the items described above.

If you have any questions, you may contact me by telephone by dialing (307) 721-5285 or by emailing bforster@cityoflaramie.org.

Brian Forster
City of Laramie
Code Enforcement Inspector



City of Laramie

Planning Division
P.O. Box C
Laramie, WY 82073

Planning: (307) 721-5207
Fax: (307)721-5248

March 1, 2019

F. Krueger

1428 Elm Street
Laramie, Wyoming 82072

Dear Property Owner,

I inspected your property located at 1428 Elm Street in Laramie, Wyoming, on March 1, 2019, and found that nuisance violations as described in Section 8.32.180 in the Laramie Municipal Code exist on your property. The violations consist of assorted unused wood, metal, and plastic items including a refrigerator, scrap lumber, automobile parts, carpet, building materials, a metal oxygen tank, and various other unused items.

To comply with Section 8.32.200 of the Laramie Municipal Code, you must remove or properly store the items described above by no later than March 16, 2019.

If these nuisance violations are not corrected by March 16, 2019, the City of Laramie intends to abate the nuisances by hiring a contractor and billing you (the property owner) for the expenses incurred plus an administrative fee of \$100.00 or one-half of the contractors fee, whichever is higher. If you fail to pay the fees by the prescribed date, the City of Laramie will pursue collecting the funds by either hiring a collection agency or by placing a lien against your property.

If you believe that no nuisance violations exist on your property, you may request a hearing before the City Board of Appeals by filing a written request with the Clerk of the Board of Appeals at 405 Grand Avenue, P. O. Box C, Laramie, WY, 82073, by March 16, 2019. The hearing, at which you may be represented by legal counsel, will be scheduled for the next prescheduled meeting or will be set for a special hearing date.

In addition to abatement requirements, each day of a continuing nuisance is a separate violation and the City of Laramie may impose a fine of up to \$750 for each violation, pursuant to Section 1.28.010 of the Laramie Municipal Code.

If you have any questions, you may contact me by telephone by dialing (307) 721-5285 or by emailing bforster@cityoflaramie.org.

Brian Forster
City of Laramie
Code Enforcement Inspector

8.32.200 - Abatement by owner.

A. Upon receipt of the notice as specified in [Section 8.32.190\(A\)\(3\)](#), the owner of the property shall abate the nuisance, and provide proof thereof to the city manager, within the fifteen days period specified in the notice of violation.

B. In the event that the owner is unable to complete the abatement within the prescribed period of time, but has undertaken substantial steps toward abatement, the city manager may grant an extension of the specified period of abatement for not more than an additional sixty days, subject to such conditions as may be specified by the city manager.

1. Any extension of time shall be in writing, as shall be any conditions imposed thereon.
2. No more than one extension shall be granted.

8.32.190 - Notice of violation.

A. Notice.

1. If, after inspection of the premises, the city manager determines that a public nuisance exists, a notice of violation shall be served upon the owner or the occupier of the property in one or more of the following ways:

- i. Personal service by the city manager, or his designee; or
- ii. Posting a copy of the notice in some conspicuous place on the offending property; or
- iii. Certified mail, electronic return receipt requested, signature required, to the address on file with the Albany County Assessor for tax purposes; or
- iv. In the event that service cannot be perfected by any of the above listed methods, then notice of the violation, and the contents thereof, shall be published in a newspaper of general circulation in the community one time per week for two consecutive weeks, and shall cause a copy of the notice to be conspicuously posted on the property, or left with any occupier of the property. In the event that notice is left with the occupier of the property, notice shall be sent via certified mail to the owner also.

2. The notice of violation shall contain not less than the following information:

- i. The address of the offending property.
- ii. The name of owner as disclosed in the tax records of Albany County, Wyoming, or otherwise recorded.
- iii. The date of the inspection of the property.

iv. A statement which clearly and concisely describes the nuisance that was observed on the property, including a brief description of any vehicle which might be considered to be a part of the violation.

v. A statement of remedial action required to correct the violation on a permanent basis. Alternative actions may be listed as well.

vi. The date by which the remedial action must be taken in order to comply with the notice. The date of remedial action required shall be not less than fifteen days from the date of delivery of the notice, except in cases of emergency and summary abatement.

vii. The possible consequences of failure to comply with the notice of violation by the date contained therein.

viii. The right of the owner to request a hearing before the board of appeals (board of adjustment) if the owner does not believe a nuisance exists, and the date before which the written request for hearing must be received by the municipal clerk. There shall also contain a brief statement of the appeals process and contact persons with associated addresses and telephone numbers.

3. Receipt of service of the notice shall be deemed completed upon delivery by personal service, by mailing of the certified letter plus three days, or upon the publication of the notice for the first time in the newspaper.

B. Each day of a continuing nuisance is a separate violation, subject to general penalty in accordance with [Section 1.28.010](#), and may be separately noticed to the property owner.

8.32.210 - Appeal process; hearing.

A. The owner or occupant of property who has been served with a notice of violation pursuant to this chapter may, within fifteen days from the date of service as defined in [Section 8.32.190\(A\)\(3\)](#), may submit a written demand to the planning division for a hearing before the board of appeals (board of adjustment) on the question of whether a nuisance exists. If no appeal is filed within that period, the appeal shall be deemed waived.

B. Upon filing of a written notice of appeal, the matter shall be placed on the agenda of the next regularly scheduled meeting of the board of adjustment no later than thirty calendar days after the notice of appeal has been filed. The board of appeals (board of adjustment) may hear the appeal at its regular meeting or set a special hearing date, at its discretion.

C. The hearing shall be scheduled and conducted by the board of appeals (board of adjustment) pursuant to the procedures contained within Municipal Code [Section 1.20.010](#) et seq., including maintaining an audio or video with audio transcript of the proceeding.

D. The alleged violator shall be given the opportunity to appear, with counsel if desired, and may present evidence at the hearing.

1. The burden shall be on the city to prove the existence of a nuisance by substantial evidence.

2. All relevant and reliable evidence shall be admitted by the board of appeals (board of adjustment).

E. After hearing the evidence and argument in the matter, the board of appeals (board of adjustment) shall make a finding as to the existence of a nuisance, and may make findings as to the abatement procedure proposed by the city or the alleged violator, the costs to be allocated to the parties if such has been abated by the city prior to the hearing and the time in which such abatement will be completed by the alleged violator, if not completed by the time of the hearing. If a nuisance is found to exist, the time for completion allowed by the board of appeals (board of adjustment) shall not exceed sixty days from the date of the final order.

8.32.220 - Abatement by the city.

A. In the event that a public nuisance is not abated during the period of time established in the notice of violation, an extension of time given by the city manager, or the time established by the board of appeals (board of adjustment) after hearing, then the city shall have the right to enter the property and abate the public nuisance found thereon. The abatement shall be in accordance with the proposal specified in the notice of violation, or such other means as is found to be reasonable at the time of abatement. The city shall make an effort to abate the nuisance at the least destructive or intrusive manner as is reasonable under the circumstances.

B. The city shall be entitled to employ private contractors to assist in the abatement of the public nuisance. If private contractors are utilized, the city shall impose a fee of one hundred dollars or fifty percent of the contractor's fee, whichever is greater, on the offending property owner.

8.32.260 - Emergency abatement.

If any nuisance exists in such a condition so menacing to the public health, peace or safety that it is necessary that it be summarily abated, the city manager, planning division, or designee may proceed to abate the nuisance without notice or hearing. The determination of costs, notice of assessment and an appeal of charges for an emergency abatement shall be subject to the provisions of [Section 8.32.230](#).

8.32.230 - Costs of abatement; notice of assessment; appeal of charges.

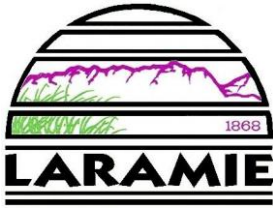
A. After compilation of the costs and charges incurred by the city for the abatement of the public nuisance, the city shall mail by certified mail to the owner of the property a statement of the outstanding balance owed by the owner to the city for the nuisance abatement. Such balance shall be due and owing not more than thirty days following the mailing of the notice. The statement shall also include a statement of the rights of the owner to appeal such amounts as have been expended on the abatement of the nuisance within ten business days of the date of mailing.

B. If the owner of the property wishes to contest the amount that was expended on the nuisance abatement, the owner may file a written notice of appeal, in person or by certified mail, to the planning division for a hearing before the board of appeals (board of adjustment) within ten business days from the date of mailing of the statement of charges. If no appeal is filed within that period, the appeal shall be deemed waived and the statement amount shall be immediately due and owing to the city.

C. Upon filing of a written notice of an appeal of the amount owed, the matter shall be placed on the agenda of the next regularly scheduled meeting of the board of appeals (board of adjustment) no later than thirty calendar days after the notice of appeal has been filed. The board of adjustment may hear the appeal at its regular meeting or set a special hearing date, at its discretion.

D. If payment in full is not received by the city within ten business days from the time the statement became final, then such may be entered as a lien against the property and filed with Albany County Clerk of Record or may be filed with a collection agency.

E. No entitlement for the property may be issued under [Title 15](#) of Laramie Municipal Code unless all payments have been paid in full. An entitlement issued in violation of [Title 15](#) is void.



City of Laramie

Code Administration
P.O. Box C
Laramie, WY 82073

Code Administration: (307) 721-5271
Fax: (307)721-5248

May 1, 2019

F. Krueger
1428 Elm Street
Laramie, Wyoming 82072

Dear Property owner,

The enclosed page is a bill for the service of removing nuisance items from your property located at 1428 Elm Street in Laramie, Wyoming on April 12, 2019. The items removed constituted nuisance violations according to Section 8.32.180 of the Laramie Municipal Code.

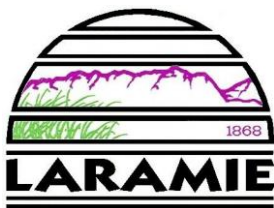
If you wish to contest the amount expended on the nuisance abatement, you may file a written notice of appeal with the Clerk of the Board of Appeals (Board of Adjustment) at 405 Grand Avenue, P. O. Box C, Laramie, WY 82073, either in person or by certified mail by no later than May 16, 2019. If you do not file an appeal by the due date, your right to appeal will be deemed waived and the statement amount shall be immediately due and owing the City.

The payment instructions are included on the enclosed billing document. The payment is due on June 4, 2019. If you have any questions, you may contact me by email at bforster@ci.laramie.wy.us, by telephone by dialing (307) 721-5285, or in person at 405 Grand Avenue in Laramie, Wyoming.

Brian Forster
City of Laramie
Code Enforcement Inspector

Enclosure: Statement of Account

Statement of Account



Phone: (307) 721-5324
 Fax: (307)721-5211

TO: F. KRUEGER
 1428 ELM STREET
 LARAMIE WYOMING 82072

DATE: 4/30/19

CUSTOMER NUMBER: 1059/128784

TYPE: NU – NUISANCE

CHARGE	DATE	DESCRIPTION	REF NUMBER	Due Date	TOTAL AMOUNT
	0/00/00	BEGINNING BALANCE			
NUIS	4/30/19	Nuisance Abatement	13316	5/30/2019	\$600.00
		1428 ELM STREET			
		TOM'S ODD JOBS INVOICE #65984	4/12/19		
		JUNK REMOVAL \$400.00			
		PLUS \$200.00 ADMINISTRATIVE FEE			
		TOTAL CHARGES BILLED TO PROPERTY OWNER: \$600.00			

CURRENT	OVER 30	OVER 60	OVER 90
\$600.00			

DUE DATE: 5/30/19

PLEASE DETATCH AND SEND THIS COPY WITH REMITTANCE

DATE: 4/30/19 DUE DATE: 5/30/19
 CUSTOMER NUMBER: 1059/128784

NAME: F. KRUEGER
 TYPE: NU – NUISANCE

REMIT AND MAKE CHECK PAYABLE TO:
 City of Laramie
 P. O. Box C
 Laramie WY 82073
 (307) 721-5222

TOTAL DUE: \$600.00

Violation Process

