

## TITLE 13

### LICENSING AND REGULATION OF OCCUPATION

#### Section

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*Title 13 Recodified by Ordinance 900 Effective 6-28-93*

**13-1-1 Board of Examiners; Duties of Same. -**

- a) The Board of Examiners shall be appointed by the Mayor, with the consent of the Council, and shall consist of five members who shall serve two-year terms. The five board members shall consist of one qualified plumbing contractor, one qualified electrical contractor, one qualified HVAC contractor, one qualified

building contractor, and one registered architect.

However, should it not be possible to maintain this board structure, it shall be at the discretion of the Mayor, with the consent of the Council, to fill vacancies with qualified licensed persons of the disciplines described.

The Building Inspector shall act as the staff assistant of the Board.

- b) The Board shall act as the Board of Appeals in all cases arising under Title 3 of the Municipal Code. (*Section 13-1-1(b) repealed Ordinance 925, effective May 2, 1994*)

**13-1-2. Enforcing and Licensing Authority.** - Except for Chapters 6, 7, 8, 10 and 11 concerning electricians, plumbers, building contractors, refrigeration repairmen and HVAC contractors, the Police Department shall be the authority changed with enforcement of the provision of this Title. The Building Inspector shall be the authority charged with enforcement of Chapters 6, 7, 8, 10 and 11 of this Title and for such purpose shall have the powers of a police officer. The City Clerk, or his duly appointed deputy, shall issue all licenses and collect all fees prescribed by this Title, except for Chapters 6, 7, 8, 10 and 11 where the Board of Examiners shall have such responsibility and be known as the licensing authority. The Board of Examiners may carry out this responsibility of issuing licenses through the Building Inspector who is an ex-officio member of the Board. (*Section 13-1-2 amended by Ordinance 925 effective May 2, 1994*)

**13-1-3. License Terms.** - Unless otherwise provided in subsequent chapters of this Title dealing with specific occupations or activities, the term of any license required shall be for one year and shall run from July 1 until June 30 of each year. Any license fee shall not be pro-rated from the date of purchase until the end of the license year, except for the license year. No license issued under this Title shall be transferable.

**13-1-4 Revocation of License.** - Any license issued under Chapters 6, 7, 8, 10 and 11 of this Title may be revoked by the Board of Examiners, upon a recommendation from the Building Inspector and after a review of the facts, upon three days prior written notice to the license holder mailed to the address shown on the application for the license, for any of the following reasons:

- a) any false information contained on the application for license;
- b) conviction for violation of any ordinance of the City pertaining to the activity or occupation license;

Any person aggrieved by the revocation of a license issued under this Title may file a written appeal to the City Council within 14 days of the effective date of such revocation, stating the reasons why such revocation should not stand. Such hearing shall be held upon not less than five nor

more than 14 days prior written notice to the applicant.

Any person whose license has been revoked in accordance with the provisions of this section may apply for a new license at the end of six months from the date of revocation of such previous license. Any application for a new license so filed by any such person shall be referred to the City Council for approval.

**13-1-5. Rules and Regulations.** - The enforcement and licensing authorities, with the advice and consent of the City Council may require such information on the application forms and may adopt such written rules and regulations as they deem advisable for the performance of their duties concerning the activities and occupations for which a license is required by this Title.

**13-1-6. Bond Requirement for Contractors.** - Every applicant for issuance or renewal of an electrical contractor, plumbing contractor, building contractor, refrigeration repair work or HVAC contractor license, pursuant to chapters 6, 7, 8, 10 or 11 of this title before such license shall be issued or renewed, shall furnish a bond to the City of Lander in the amount of two thousand dollars. Said bond shall be met by the posting of either a cash bond or a surety bond which shall name to the City of Lander as payee, or by providing the city with satisfactory proof that the applicant is the owner of real property located within the jurisdiction of the City of Lander which has an unencumbered value of at least two thousand dollars. The bond shall be conditioned that the licensee will comply with the requirements of this title, and the city, or any person damaged by failure of licensee to comply with such requirements, may be in its or his own name and for its or his own benefit upon such bond.

**13-1-7 Testing Certification for Plumbers, Building Contractors and HVAC;**  
**exception.** - All persons applying for a plumbers license pursuant to Section 13-7-2, a building contractors license pursuant to Section 13-8-2 or an HVAC license pursuant to Section 13-11-3 shall present a certificate that the applicant has successfully passed the Wyoming Association of Municipalities testing. Person's holding a valid City of Lander license on April 26, 1994 shall be deemed as licensed and shall not be required to present a certificate of having passed the WAM test, for so long as they maintain their City of Lander license in good standing. (*Section 13-1-7 created by Ordinance 925 effective May 2, 1994*)

**13-2-1. Amusement.** - It shall be unlawful for any person, either directly, or indirectly, to conduct, carry on, promote, or engage in any circus, carnival, or other similar show, or to exhibit for gain or profit any other exhibition, show or amusement without first obtaining a license therefor.

**13-2-2. Same; Application for and Terms of License.** - Among other information which may be required by the City Clerk, the application for a license under this Chapter shall require the applicant to state:

- (a) the name and owner of the activity to be licensed;
- (b) the number and character of the activities and exhibitions for which admission will be charged to the public; and
- (c) the date or dates upon which the activity or exhibition will be held.

Any license issued under this section shall be valid only for the dates of the exhibition or activity specified in the application and shall specify the hour of its effective and termination dates. Such license shall also show the number and character of the exhibitions or activities permitted, including all sideshows and the maximum prices authorized to be charged for admissions and for seats therein, if seats are sold.

**13-2-3. Same; License Fees.** - The fee for a license under this Chapter shall be \$100 plus \$20 for each additional day or part of a day over the first day that the exhibition or activity is open to the public.

**13-3-1. Auctioneers.** - No person shall carry on the business for profit of an auctioneer within the City without first obtaining a license therefor. This chapter shall not apply to sales made at public auction under and by virtue of any legal process or proceeding through a court of law of equity, or to sales under any mortgage or trust deed.

**13-3-2. Same; Fee.** - The fee for an auctioneer's license under this Chapter shall be \$50.

**13-4-1. Pawnbrokers, Definitions.** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

“Month” means that period of time from one date in a calendar month to the corresponding date in the following calendar month. If computations are made for a fraction of a month, a day shall be one-thirtieth (1/30) of one month.

“Pawnbroker” means any person, other than a bank, who is licensed pursuant to W.S. 40-14-634 and who advances or loans any money or other valuable thing on deposit of personal property security or who deals in the purchasing of personal property on the condition of selling the same back at a stipulated price and who is otherwise engaged in the business of making pawn transactions.

“Pawn Finance Charge” means the sum of all charges, payable directly or indirectly by the customer and imposed directly or indirectly by the pawnbroker as an incident to the pawn transaction.

“Pawnshop” means the location at which or premises in which a pawnbroker regularly

conducts business.

“Pawn Transactions” means the act of lending money on the security of pledged tangible personal property or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed period of time.

“Pledged Goods” means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

“Redemption Period” means that period of time from transaction date to maturity date of a pawn transaction.

**13-4-2. License - Required.** No person shall carry on the business of a pawnbroker within the City of Lander without first having obtained a license therefor.

**13-4-3. License – Initial Application.** Every person desiring to engage in business of a pawnbroker shall make application to the city clerk for a license to conduct such business. Such petition shall state the name of the person and, in the case of a firm or corporation, the names of the persons composing such firm or of the officers of such corporation and the names and addresses of all persons to be covered by such license shall also be stated. The application shall also state the place, street and number where the business is to be carried on. The steps are as follows:

Step 1: Complete a Pawnbroker License application and turn it in to the Clerk at City Hall with the requirements required for said license:

Step 2: Upon receipt of a completed Pawnbroker License application and all required attachments, the City will schedule a hearing before the City Council:

Step 3: The applicant should appear at the hearing to answer any questions or provide additional information as needed and requested by the City Council in deciding whether or not to issue the license:

Step 4: If the City Council approves the application, the applicant must pay all fees prior to the issuance of the License. Once all fees and the bond is furnished, the City will issue the license certificate.

Step 5: The City shall issue a license unless, upon investigation, the City finds that the financial responsibility, character and business qualifications of the applicant are such as to warrant belief that the business will not be operated honestly and fairly within the

purposes of this Ordinance.

**13-4-4. License - Fee.** The annual fee for each such license shall be the sum of One Hundred and No/100 Dollars (\$100.00) paid in advance. No license shall be issued for uses for more than one (1) year. Fees are not prorated for new licenses that begin mid-year.

**13-4-5. License - Qualifications.**

- A. Each applicant shall be over eighteen (18) years of age, except if the Applicant plans on dealing with firearms, he must have a federal firearms license and be twenty-one (21) year of age.
- B. Each person required by this Chapter to be licensed shall, as a condition to the issuance of such license, deliver to the City a surety bond in the amount of One Thousand and no/100 Dollars (\$1,000.00) assuring, during the term of such license and for a period of ninety (90) days thereafter, the faithful performance of the licensee of all of its obligations imposed by this Chapter or pursuant to any pawn transaction, and will pay all damages that may accrue to any person by reason of any fraud or misconduct in managing such business.
- C. Unless a person has first obtained a license from the administrator of the Wyoming Uniform Consumer Credit Code authorizing him to engage in business of making supervised loans, he shall not engage in business as a pawnbroker. A copy of the WUCCC license will be provided to the City of Lander.
- D. No license issued under this Chapter shall be transferable from one person to another, but it may be transferred from one location to another by consent of the city council on payment of a transfer fee of Fifty and No/100 Dollars (\$50.00).
- E. The applicant agrees to submit and sign a release provided by the City for access to the Fair and Accurate Credit Transactions Act (FACT), which exempts outside investigation from coverage under the Fair Credit Reporting Act. This information may include any criminal history records that might exist within the past seven (7) years and/or consumer or investigative reports.

**13-4-6. License - Renewal.** In June of each year, the City of Lander will mail out renewal applications for the following license year to all active licensees. Pawnbroker licenses expire June 30<sup>th</sup> of each year and the renewal process must be complete by that date for license holders to continue to operate. A renewal of a pawnbroker's license may not require a hearing; however, the City of Lander shall have the sole discretion as to whether or not a hearing would be required. If the

renewal process is not completed, the license will expire and may be subject to revocation by the city council.

**13-4-7. Same: Records Required.**

- A. Every pawnbroker shall keep at his place of business either on a computer or in a book, an accurate detailed description of all personal property, bonds, notes and other securities received on deposit or purchased, the date and time when each was deposited or purchased, and particularly mentioning any descriptive marks that may be on such property, bonds, notes or other securities together with the name or residence of the person or persons by whom they were left, pawned, sold or pledged, the amount for which they were pledged or purchased and the date upon which any pledge expires. Such entries shall be made on the day such property is taken in. On demand, such pawnbroker shall make and deliver to the Chief of Police each working day a substantial copy of the entries made on the preceding day as herein mentioned, which report shall include all the business done from the time of the last report to the day such report is made. No entry therein shall be erased, obliterated or defaced and all entries therein shall be made either in ink or with indelible pen or pencil.
- B. Persons subject to this Ordinance shall file notification with the administrator of the Wyoming Uniform Consumer Credit Code and pay fees pursuant to the provisions of Article 6, Part 2 of the Code.
- C. All records shall be kept in accordance with accepted accounting practices and such records shall be preserved or made available in the state for a period of four (4) years from the date of transaction, or two (2) years from the final entry made thereon, whichever is later.

**13-4-8. Same: Inspection of Records.** During ordinary business hours every business pawnbroker shall submit for inspection the book mentioned in Section 13-4-7 when requested to do so by a law enforcement officer or other officer of the City and permit any officers to make a copy thereof and shall also exhibit all goods, personal property, bonds, notes or other securities that may be left with such person for the inspection of any of the above-named officers when requested to do so.

**13-4-9. Same: Ten Day Hold for Inspection.** Any business pawnbroker who shall purchase any second-hand goods or new goods of any individual not engaged in trade as an established business shall keep the same for inspection for ten days before the same are resold and shall keep a record of the transaction the same as provided in Section 13-4-7.

**13-4-10. Same: Purchase from Person Under 18 Years of Age.** It is unlawful for any pawnbroker or junk dealer or second-hand dealer as defined in Wyoming Statutes Section 33-18-101 (1977) in the City to purchase, or to receive as collateral security, or to otherwise receive any goods of property from any person who is under the age of 18 years. The Pawnbroker shall obtain a copy of the driver's license or the number from the driver's license for every person the pawnbroker believes is under the age of 18 years. Lack of intent or lack of knowledge of minority shall not be a defense to any person charged with entering into a pawn transaction with a person under the age of 18 years.

**13-4-11. Limitation on Agreement and Practices.**

Even though a pawn transaction subject to this Ordinance creates a debtor-creditor relationship, no pawnbroker shall make any agreement requiring personal liability to a customer in connection with a pawn transaction and no customer has an obligation to redeem pledged goods or make any payment on a pawn transaction. The only recourse of a pawnbroker where the customer has pledged goods is to the pledged goods themselves.

**13-4-12. Prohibited Practices.** No pawnbroker shall:

- A. Divide or separate a pawn transaction into two (2) or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this Chapter.
- B. Accept any waiver, in writing or otherwise, of any right or protection accorded a customer under this Chapter.
- C. Fail to exercise reasonable care to protect pledged goods from loss or damage.
- D. Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction.
- E. Make any charge for insurance in connection with a pawn transaction.
- F. No person licensed as a pawnbroker shall take any article in pawn from any person appearing to be intoxicated or any person known to such pawnbroker to be a thief or to have been convicted of larceny or burglary, without first notifying a police officer.

**13-4-13. Return of Stolen Property.** When a person is found to be the owner of stolen property which has been pawned and confirmed as stolen property by the law enforcement officer, such property shall be returned by the pawnbroker to the owner thereof without the payment of the

amount advanced by the pawnbroker, or any costs or charges of any kind which the pawnbroker may have placed upon the same.

**13-4-14. Same: Limits on Amount Financed and Terms.** – It shall be unlawful for any pawnbroker to charge an interest rate of more than twenty percent (20%) per month on the unpaid principal balance on the sum loaned. Interest may be charged only on the sum actually received by the customer, which sum may not exceed Three Thousand and No/100 Dollars (\$3,000.00) to any one customer in any one transaction. Pawn tickets given to the customer shall show the interest rate which applies to the loan on the face of the ticket in legible and clearly readable size of print. The maturity date of a loan or redemption or repurchase agreement on a pawn transaction shall be thirty (30) days.

**13-4-15. Same: Limitation on Agreement and Practices.** – No pawnbroker shall make an agreement requiring the personal liability of a customer in connection with a pawn transaction. No customer may be required to redeem pledged goods or make any payment on a pawn transaction. The sole remedy of a pawnbroker for non-payment of a loan by a customer or failure to redeem or repurchase tangible personal property by a customer in a pawn transaction has the right to title of the pledged tangible personal property. Pawnbrokers shall not make any charge for insurance in connection with a pawn transaction.

**13-4-16. Violation - Penalties.**

- A. Any person found guilty of violating any provision of this Chapter, either by doing a prohibited act or by failing to do or perform a required act shall be fined in any sum not exceeding Seven Hundred Fifty and No/100 Dollars (\$750.00) for each such offense, in addition to which the license of any such person shall be revoked.
- B. Any pawn transaction entered into in violation of this Chapter shall be void and the customer shall not be obligated to pay either the amount financed or the pawn finance charge in connection with the transaction. Upon demand of the customer, the pawnbroker shall return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. In the event that a pawnbroker shall refuse to make a refund as provided in this Section within a reasonable time after demand, the customer shall have an action against the pawnbroker and in case of a successful action to enforce such liability, the costs of the action together with a reasonable sum for attorney's fees as determined by the Court shall be awarded the customer. (*Section 13-4-1 was amended by Ordinance 1158 effective August 30, 2009*)

**13-5-1.** *(Sections 13-5-1 – 13-5-9 was repealed by Ordinance 1154 effective 6/14/09)*

**13-5-10.** *(Section 13-5-10 was repealed by Ordinance 1144 effective 6/15/08)*

**13-6-1. Electrical Wiring.** - It shall be unlawful for any person to install, construct, maintain, or repair any electrical conductors, equipment or wiring within the City without first having obtained a license therefor. However, no person performing electrical work on property which such person owns in whole or in part and in which such person actually resides and which occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property.

**13-6-2. Same; Issuance of License.** - Electrical licenses as prescribed in this Chapter shall be issued by the Building Inspector for the City upon proof of proper qualifications for the license for which application is made and upon payment of the license fee.

**13-6-3. Same; Qualifications of Licensee.** - Electrical contractor's, master electrician's and journeyman electrician's license shall be issued only to persons who have been licensed by the Electrical Licensing Board of the State of Wyoming and who at the time of application for a license to the Board of Examiners presents the Building Inspector with a photostatic copy of a license issued by the State of Wyoming which is effective for the period for which application for license to the City is made. Such license shall entitle the applicant to perform only those electrical services for which he is qualified under Wyoming Law. Any licensed electrical contractor desiring to employ indentured apprentice electricians to assist master or journeyman electricians shall register the names and addresses of such apprentice electricians with the Building Inspector and a license for such apprentice electrician shall be issued upon the condition and with the restriction that the apprentice electrician shall work only in the presence of and under the immediate supervision of a master or journeyman electrician.

**13-6-4. Same; Fees.** - The fee for each electrical license issued shall be as follows:

Initial License Fee	\$200
Electrical Contractor	\$150 (a separate fee must be paid for each firm doing business in the City.)
Master Electrician	\$50
Journeyman Electrician	\$20
Apprentice Electrician	\$10

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the

initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1103 effective August 28, 2005.*)

**13-6-5. Same; Term of License.** - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-6-5 was amended by Ordinance 1080 effective April 27, 2004.*)

**13-7-1. Plumbers and Plumbing.** - It shall be unlawful for any person to install, construct, maintain or repair any plumbing, gas, drainage piping work, or any fixture, water heating or treating equipment within the City without first having obtained a license therefor. However, no person performing such work on property which such persons owns, in whole or part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on property. It shall further be unlawful for any person to install, construct, maintain, or repair any utility lines or facilities of whatever nature, specifically including television and telephone lines or facilities, in any street or alley within the City without first having obtained a license thereof.

**13-7-2 Same; Qualifications for License.** - A plumbing contractor's, journeyman plumber's, utility contractor's and sewage disposal contractor's license shall be issued by the licensing authority only to persons who pay the required fee therefore and who present a certificate from the Wyoming Association of Municipalities of having passed their testing or passed an I.C.C. (International Code Council) approved test. Provided that no person holding a valid license with the City of Lander as of April 26, 1994 shall be required to present a certificate from WAM or a certificate from I.C.C., for so long as their license is kept current.

Every person applying for a plumbing contractor's license must show proof of having completed four years as an apprentice and two years as a journeyman (a total of six years experience) or three years of mechanical engineering education and must have a business in a properly zoned area before he is eligible to apply. Every person applying for a journeyman plumber's license must show proof of having four year's experience as an apprentice before he is eligible to apply. (*Section 13-7-2 amended by Ordinance 1130 effective May 13, 2007.*)

**13-7-3. Same; Scope of Licenses.** - The licenses issued under this Chapter shall entitle the holder to perform plumbing services as follows:

(a) A plumbing contractor is a person who may conduct, carry on, or engage in the business of plumbing. A plumbing contractor may also engage in single hook-ups to water and sewer mains to the streets or alleys of the City.

(b) A sewage, cleaning or disposal contractor is a person who may conduct, carry on, or engage in the business of pumping, installing, altering, or repairing private sewage disposal system. The contractor may also clean sewer service lines in the municipal system.

(c) A journeyman plumber is a person who labors at the trade of plumbing as an employee.

(d) An apprentice plumber is a person who labors at the trade of plumbing as an employee under the direct supervision and in the presence of a plumbing contractor or journeyman plumber. No journeyman shall supervise more than two apprentices.

(e) A utility contractor is a person who may construct and install utility lines or facilities of whatever nature, specifically including water, sewer, television and telephone lines or facilities, in the streets and alleys of the City to within two feet of a dwelling or structure.

**13-7-4. Repealed - Ordinance 925 (effective May 2, 1994)**

**13-7-5. Same; License Fees.** - The fee for licenses issued under this Chapter shall be as follows:

Initial License Fee	\$200
Plumbing Contractor	\$150
Master Plumber	\$50
Journeyman Plumber	\$20
Apprentice Plumber	\$10
Sewage, Cleaning and Disposal Contractor	\$10
Utility Contractor	\$150

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of

the annual fee. (*Section 13-6-4 was amended by Ordinance 1103 effective August 28, 2005.*)

**13-7-6 - Same; Term of License.** - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-7-6 was created by Ordinance 1080 effective April 27, 2004.*)

**13-8-1. Building Contractors.** - It shall be unlawful for any person or contractor to build, erect, construct, alter, add to, repair or demolish any building or structure for compensation within the City without first having obtained a license therefore. However, no person performing building work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property, except as provided in Section 13-8-3(e) below. However, any contractor, subcontractor or builder working under a licensed general contractor within the city limits will not need to be licensed with the City of Lander. Any contractor, subcontractor or builder working under the general contractor will however need to be registered with the City of Lander and pay the registration fee of \$50.00 prior to commencing any work activity. The licensed general contractor will be responsible for all work performed on the project. (*Section 13-8-1 amended by Ordinance 1159 effective 8-16-09*)

**13-8-2 Same; Qualifications for Licenses.** - Licenses for Class I, Class II, and Class III Building Contractors shall only be issued by the licensing authority in the name of the individual who pays the required fee and who presents a certificate from Wyoming Association of Municipalities of having passed their testing, or passed an I.C.C. (International Code Council) approved test, or having previously passed an equivalent test to the satisfaction of the City, or having been pre-qualified by the City of Lander.

At least one person holding a valid electrician's, plumber's, contractor's or HVAC license as required by Chapters 6, 7, 8 and 11 of this Title is required to be under direct supervision of any construction project during the times that any such work is being performed. (*Section 13-8-2 was amended by Ordinance 1030 effective May 13, 2007.*)

**13-8-3. Same; Scope of Licenses.** - The licenses issued under this Chapter shall entitle the holder to perform contracting services as follows:

(a) Building Contractor - Class I: shall entitle the holder thereof to contract for construction, alteration, or repair of any type or size of structure permitted by the City Building Codes. He may also engage in single hook-ups to water and sewer mains in the streets

or alleys of the City within two feet of a dwelling or structure.

(b) Building Contractor - Class II: shall entitle the holder thereof to contract for the construction, alteration, or repair of residences up to and including an eight-plex and to make alterations to a commercial structure not to exceed 25% of the assessed building value.

(c) Building Contractor - Class III: (Building Contractor – Class III shall entitle the holder thereof to contract for the construction, alteration, or repair of residence up to and including multi (duplex) or single family dwellings (*Section 13-8-3(c) amended by Ordinance 1099, effective June 21, 2005*)

(d) Building Contractor - Class IV: shall entitle the holder thereof to contract for the construction, alteration, or repair of roofs, siding, fencing, masonry, concrete, and drywall only in any type or size or structure permitted by the City Building Codes. (*Section 13-8-3(d) was amended by Ordinance 1159, effective August 16, 2009*).

(e) Building Contractor - Class V: shall entitle the holder thereof, not more often than once every five years, to construct in whole one single family residence in which the holder and his immediate family, if any, actually resides.

**13-8-4.** The license fee applicable to those classes numerated in Section 13-9-3 shall be as follows:

- a) Class I: \$350 Initial Fee and \$150 annual renewal;
- b) Class II: \$250 Initial Fee and \$150 annual renewal;
- c) Class III: \$250 Initial Fee and \$150 annual renewal;
- d) Class IV: \$200 Initial Fee and \$150 annual renewal

(*Section 13-8-4 was amended by Ordinance 1068 effective August 24, 2003*)

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1103 effective August 28, 2005.*)

**13-8-5. Same; Term of License.** - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is

granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-8-5 was created by Ordinance 1080 effective April 27, 2004*).

**13-9-1. Waste Hauling Contractors.** - It shall be unlawful for any person to collect waste (as defined in Section 11-2-1) for hire within the City without first having obtained a license therefor. Applications for such license shall be available in the office of the City Clerk, who shall issue licenses upon approval and direction of the City Council.

**13-9-2. Same; License Fees.** - The fee for a license under this Chapter shall be \$100.

**13-9-3. Same; Specifications and Operations of Waste Collection and Hauling Equipment.** - All waste collection and hauling equipment used by a person licensed under this Chapter shall meet the specifications prescribed therefor by the State of Wyoming. Such equipment shall be kept in a clean condition, free from any offensive odor, and shall not be allowed to stand in any street, alley, or other public place longer than is necessary to collect waste. All waste so collected shall be conveyed to the County Sanitary Landfill.

**13-9-4. Same; Term of License.** - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-9-4 was created by Ordinance 1080 effective April 27, 2004*).

**13-10-1. Refrigeration Repair Work.** -

(a) It shall be unlawful for any person, firm or corporation to engage in the business of repairing, altering or working on any refrigeration machinery or equipment in the City of Lander without first having obtained a license therefor. However, no person performing refrigeration work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property. The provision hereof shall not apply to repair, alteration or work on motor vehicle air conditioning units.

(b) The fee for each refrigeration license shall be \$300.00 initial fee and \$100 annual renewal. The annual fee shall be paid on or before June 30th of each calendar year.

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. *(Section 13-6-4 was amended by Ordinance 1103 effective August 28, 2005.)*

(c) A refrigeration license shall be issued by the licensing authority only to persons who pay the required fee therefor and who successfully pass an examination conducted by the Board of Examiners or the Building Inspector. Said examination shall be graded as soon as possible after the exam is taken by the Building Inspector and one member of the Board of Examiners which is not a refrigeration repairman. Each grader shall initial the test after grading it. Any person who fails an examination may apply for re-examination after 30 days. After failure of the examination for the second time, a third application for examination may not be made for six months. Every person applying for a refrigeration license must show proof that he is qualified to engage in such business.

(d) No refrigeration machinery, equipment or mechanical systems shall be installed, altered, repaired, replaced or remodeled without first obtaining a permit as regulated by Chapter 3 of the Uniform Mechanical Code, from the Building Inspector or his authorized deputy.

(e) All refrigeration machinery, equipment or mechanical systems shall be regulated by the Uniform Mechanical Code.

(f) Any person doing refrigeration work, or who attempts to do such work without first obtaining a license and permit shall be deemed guilty of a misdemeanor and shall be punished by a maximum fine of \$750 or imprisonment for not more than six months, or both such fine and imprisonment.

**13-11-1. HVAC Contractors.** - It shall be unlawful for any person to install, construct, maintain, or repair any heating fixtures or appliances within the City without first having obtained a license therefor. However, no person performing HVAC work on property which such person owns in whole or in part and in which such person actually resides and which occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property.

**13-11-2. Same; Issuance of License.** - HVAC contractor licenses as prescribed in this chapter shall be issued by the licensing authority upon proof of proper qualifications for the

license for which application is made and upon payment of the license fee.

**13-11-3 Same; Qualifications of Licensee.** - HVAC contractor's, master HVAC mechanics and journeyman HVAC mechanics license shall be issued by the licensing authority only to persons who pay the required fee therefore and who present a certificate from the Wyoming Association of Municipalities of having passed their testing, or passed an I.C.C. (International Code Council) approved test. Provided that no person holding a valid license with the City of Lander as of April 26, 1994 shall be required to take and pass the examination, for so long as their license is kept current.

Any licensed HVAC contractor desiring to employ indentured apprentice HVAC mechanics to assist master or journeyman HVAC mechanics shall register the names and addresses of such apprentice mechanics with the Building Inspector and a license for such apprentice HVAC mechanic shall be issued upon the condition and with the restriction that the apprentice HVAC mechanic shall work only in the presence of and under the immediate supervision of a master or journeyman HVAC mechanic. (*Section 13-11-3 was amended by Ordinance 1030 effective May 13, 2007.*)

**13-11-4. Same; Fees.** - The fee for each HVAC mechanic license issued shall be as follows:

Initial License Fee .....	\$200
HVAC Contractor .....	\$150 (a separate fee must be paid for each firm doing business in the City)
Master HVAC Mechanic .....	\$ 50
Journeyman HVAC Mechanic .....	\$ 20
Apprentice HVAC Mechanic.....	\$10

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. (*Section 13-6-4 was amended by Ordinance 1103 effective August 28, 2005.*)

**13-11-5. Same; Term of License.** - All licenses provided for in this Chapter shall be granted for a period of one year from July 1 to June 30 of each year, except for the initial year if the initial year is only a fraction of the year. The initial year shall be from the time the license is

granted to June 30<sup>th</sup> of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee. A license may be renewed at any time by payment of the license fee and filing with the Building Inspector a copy of license issued by the State of Wyoming which will be current for the period of the renewal license. (*Section 13-11-5 was amended by Ordinance 1080 effective April 27, 2004*).

### **13-12-1. Street and Alley Excavations – Permits**

- (a) Required. No person, firm, entity or corporation shall make any excavation or dig any ditch in any paved, oiled, graveled, improved or unimproved right-of-way dedicated for street or alley purposes in the City of Lander unless the person, firm, entity or corporation shall first obtain a permit from the City Building Inspector.
- (b) Exceptions. This ordinance shall not be construed to mean that excavation permits are required for the installation of fences, and utility poles, or for excavation of any easement.
- (c) Application for permit. No excavation permit shall be issued by the Building Inspector or his designate unless all information required by the permit has been supplied. The permit shall state the applicants name, company name and the company mailing address, the purpose of the permit, the location of the work site and the owner of the property for said work. When approved, the Building Inspector and the applicant shall sign said permit. That signature shall constitute a legal permit to excavate and/or fill excavation within the public right-of-way.
- (d) Notification of utilities. Permittee shall notify all utilities within the area of the proposed excavation. Permittee shall also notify city police and fire department. Said notifications shall be made prior to digging.
- (e) Fees. A non-refundable fee of twenty-five dollars (\$25.00) will be charged for each permit to help cover costs of administration and inspection.
- (f) Emergency excavation. Nothing in this chapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for making emergency repairs outside of the normal working hours; provided, that the person making such excavation shall apply to the Building Inspector for an excavation permit on the first working day after such work is commenced; and further, that the city police, fire, and street departments shall be notified before the excavation of the intent to excavate and the reason for doing so. Only work necessary to satisfy the need that constitutes the excavation, as an emergency shall be done before obtaining a permit as outlined in this chapter. Permit fee may be doubled if procedures are not followed.
- (g) The City of Lander and city employees not liable: This chapter shall not be

construed as imposing upon the City of Lander or any employee thereof any liability or responsibility for and damages to any person injured or property damaged by the performance of any excavation work for which an excavation permit is issued or for an emergency excavation. Nor shall the City of Lander or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authority under this chapter, the issuance of any permit or the approval of any excavation work.

- (h) Exemption: The City and its employees while performing their duties shall be exempt from having to obtain a permit.

**13-12-2. Same: Bonding**

- (a) Any person, firm, entity or corporation holding a utility franchise for water, sewer, telephone, electricity, gas, or television license or cables shall post an annual bond in the amount of two thousand dollars (\$2,000) with the City Treasurer, payable to the city.
- (b) Except as described in “a” above, the permittee shall be required to post an annual bond in the amount of two thousand dollars (\$2,000), Letter of Credit or an affidavit with the City Clerk payable to the city.
- (c) Should the permittee fail to abide by this ordinance, the city shall cause such work to be accomplished correctly according to the latest addition of Wyoming Public Works Standards and the City of Lander Standards and Specifications. Upon completion of said work, the building inspector shall recommend that the permittee’s bond or deposit be called in order to indemnify the city for costs incurred.

**13-12-3. Same: Prompt completion of Work and Restoration Required**

After an excavation is commenced, the Permittee under this Ordinance shall proceed with due diligence and expedience all excavation work covered by the excavation permit and shall promptly complete such work and restore the public place to its original condition, or as near as possible, so as not to obstruct the public place or travel thereon more than is reasonably necessary.

During the months when Hot Asphalt Mix is not available the permittee shall use a cement treated fill or other materials that will prevent settlement or heaving of the excavated area as a **temporary patch**. The permittee shall maintain the surface the excavation level with the surrounding road surface until the final resurfacing is completed. Upon notification from the City of Lander the need for additional maintenance of this excavation shall be completed no later than the following workday. If the contractor fails to perform said maintenance work, the City of Lander will not issue any additional excavation permits to said contractor until final and complete resurfacing is completed. The permittee shall complete the final resurfacing within thirty (30) days

from the time that Hot Asphalt materials are available.

During the time when Hot Asphalt is available, the Permittee shall complete the final resurfacing within thirty (30) days from the time of the permit issuance. The excavated area shall be maintained level with the surrounding road surface until the final resurfacing is completed.

**13-12-4. Same: Disposal of Excavated Materials**

All materials excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or other users of the street and sidewalk and so that as little inconvenience as possible is caused to those using the streets and adjoining property. Where the confines of the area being excavated are too narrow to permit piling of excavated material beside the trench, the Building Inspector shall have the power to require that the permittee under this Ordinance to haul the excavated material to a storage site and then return it to the trench site at the time of backfilling. Moving of material will be at no expense to the city.

**13-12-5. Same: Trench or Piled Excavated Material-Acceptance of Liability**

A permittee under this chapter, in accepting and acting under an excavation permit agrees to assume full responsibility and shall pay for injury and damage to persons or property incurred because of said excavation trench or piled material and further agrees to pay all costs involved. Permittee shall hold harmless and indemnify the City of Lander and its employees for any injuries to individuals and for any property damage including any attorney fees and costs in defense of any claim.

**13-12-6. Same: Normal Storm Flows**

Normal storm flows shall be maintained or temporarily rerouted by the permittee if necessary and property and existing facilities shall be protected. Following the completion of the excavation work, the original drainage shall be restored.

**13-12-7. Same: Backfilling**

All backfill and resurfacing shall be completed to Wyoming Public Works Standards and City of Lander Standards and Specifications.

**13-12-8. Same: Settlement- Warranty Period**

The contractor shall, for a period of one (1) year after completion, repair any trench settlement or heaving which may occur and shall make suitable repairs to any pavement, sidewalks or curb and gutter which may become damaged as a result of backfill settlement or heaving.

**13-12-9. Same: Settlement**

A permittee under this chapter, in accepting and acting under an excavation permit,

agrees to assume full responsibility and shall pay for injury and damage to persons or property incurred because of any settlement of the restored area and further agrees to pay all costs involved in reconditioning such area.

**13-12-10. Same: Surface Restoration**

- (a) The permittee shall restore paved surfaces with material similar in quality or exceeding the quality of the existing pavement. The existing pavement shall be saw cut and removed to a line at least twelve (12) inches from the firm banks of the trench. Road base material shall be placed to a depth of not less than six (6) inches under all areas to be resurfaced. Acceptable road base material shall be placed to a depth of six (6) inches or match the existing road base depth; whichever is greater, under all areas to be resurfaced.
- (b) Bituminous asphalt material shall conform to the requirements of the state public works standard specifications and the City of Lander Standards and Specifications as amended from time to time. Material shall be placed to a final thickness of not less than three (3) inches on minor streets, four (4) inches on major arterial streets.
- (c) The final surface shall be uniform, free from irregularities, and flush with the existing pavement. The City of Lander Street Supervisor or the Public Works Director using a ten-foot straightedge at selected locations may test the surface. The variations of the surface shall at no point exceed one-half inch. Removing defective work and replacing it with new material as specified shall correct all humps or depressions exceeding the specified tolerance.
- (d) In the event that the permanent surface cannot be installed within thirty (30) days, a temporary surfacing will be required. *(Section 13-12-1 through 13-12-10 was created by Ordinance 1060 effective February 25, 2003)*