

195 – ORDINANCE NO. 2009-51

AN EMERGENCY ORDINANCE GOVERNING RIGHTS OF WAY IN ALPINE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE THAT:

Section I: Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

Section II: Effective Date.

As an emergency ordinance, this ordinance will be effective as of its first and only reading. The current emergency is the immediate preservation of the health safety and welfare of the citizens of Alpine due to the presence of obstacles and impingements in the right of ways of the Town of Alpine.

Section III: Obstacles and Encroachment – Agreement Required

It is unlawful for any person to construct, place or maintain any object, obstruction, improvement, private building, or building foundation improvements, including building projections and canopies and building mounted signs within the Streets and Rights of way of the Town of Alpine without having first executed with the Town of Alpine an encroachment agreement setting forth the terms and conditions under which such object, obstruction or improvement may remain in place.

Section IV: Limited Exceptions

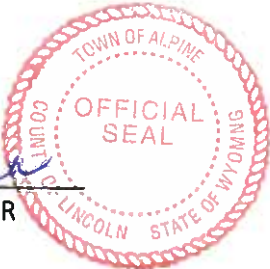
Notwithstanding the above prohibitions in section III, adjacent landowners may place low level –grade based improvements (no more than 3 inches above grade) within the right of way such as maintained grass or gravel (no more than one inch diameter). No other improvement shall be allowed in the right of way. Landowners will be solely responsible for the maintenance and upkeep of such improvements and such improvements may be required by the Town, to be removed by the landowner at their expense upon three weeks written notice. No such improvements may impede or otherwise interfere with vehicular traffic in the right of way. Vehicles may remain in the right of way for periods of up to 48 hours, but may not impede travel in the right of way.

Section IV: This ordinance passed and approved on the following dates:

Passed on the First and only reading as an emergency ordinance on August 4, 2009

VOTE: 4 YES, 0 NO, 1 ABSTAIN, 0 ABSENT

SIGNED: Victoria Decora
VICTORIA DECORA, MAYOR



ATTEST: Brenda Bennett
BRENDA BENNETT, CLERK

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING)
COUNTY OF LINCOLN)
TOWN OF ALPINE)

I hereby certify that the forgoing 195 Ordinance No. 2009-51 shall be duly posted for ten (10) days in the Town Clerk's Office.

I further certify that the foregoing Ordinance will be published at least once in the Star Valley Independent as soon as is practicable.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES IV, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:

BRENDA BENNETT, CLERK