

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WORLAND,  
WASHAKIE COUNTY, STATE OF WYOMING, PASSED, APPROVED AND ADOPTED  
THIS 16TH DAY OF AUGUST, 2016.

**RESOLUTION NO. 2016-4**

**WAIVING WORLAND CITY CODE REQUIREMENTS  
FOR PROFESSIONAL SURVEYS WITH RESPECT TO  
FENCES AND CERTAIN BUILDING PERMITS**

A RESOLUTION WAIVING WORLAND CITY CODE REQUIREMENTS FOR  
PROFESSIONAL SURVEYS WITH RESPECT TO FENCES AND CERTAIN BUILDING  
PERMITS UNTIL SUCH TIME THAT AN ORDINANCE IS PASSED.

**BE IT RESOLVED** by the Governing Body of the City of Worland,  
Washakie County, Wyoming:

**WHEREAS**, on May 3, 2016, the Governing Body of the City of  
Worland passed, on third and final reading, Ordinance No. 834,  
establishing an assortment of new regulations within Chapter 24 of  
the Worland City Code entitled "Zoning;"

**WHEREAS**, in particular, a new regulation contained within  
Ordinance No. 834 establishes the requirement that real property  
owners, when constructing a fence or structure, are required to  
obtain a "**professional survey**" in certain situations;

**WHEREAS**, this new requirement has created some unintended  
consequences involving the expense of professional surveys  
essentially making it economically unfeasible to construct a fence  
and thereby hampering real property improvements;

**WHEREAS**, the Board of Adjustment and Planning Commission, and  
the Governing Body of the City of Worland, have heard from the  
public regarding this issue and both believe that it is in the  
best interests of the citizens of the City of Worland to  
immediately resolve to waive the professional survey requirement  
if certain conditions are met;

**WHEREAS**, this resolution does waive the professional survey  
requirement if certain conditions are met; however, it is the  
intentions of the Governing Body to forthwith present and pass an  
ordinance on three (3) readings changing the code to reflect  
the intentions of this Resolution;

**WHEREAS**, said Ordinance will also refer to an appeal process presently in the Code as well as disclaimer language for the purpose of protecting the City of Worland from liability associated with the status of lot lines when a professional survey is not required; and

**WHEREAS**, a real property owner who constructs a fence or structure in accordance with this Resolution without obtaining a professional survey, is thereby releasing and holding harmless the City of Worland from any and all liability associated with the location of such fence or structure.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Worland that, the waiver language contained within **EXHIBIT "A"** attached hereto and made a part hereof, shall be and is hereby immediately adopted and shall remain in effect until such time that an ordinance is presented and passed by the Governing Body permanently changing the Code.

**IT IS HEREBY DECLARED** that it is in the best interests of the citizens of the City of Worland to pass this Resolution and that the provisions contained herein shall remain in effect until the final passage of an ordinance and that a real property owner who constructs a fence or structure in accordance with this Resolution without obtaining a professional survey, is thereby releasing and holding harmless the City of Worland from any and all liability associated with the location of such fence or structure.

**PASSED, APPROVED AND ADOPTED** this 16TH day of **AUGUST, 2016**.

**CITY OF WORLAND, WYOMING**  
A Municipal Corporation

By: \_\_\_\_\_  
**DAVID M. DUFFY - Mayor**

**ATTEST:**

\_\_\_\_\_  
**TRACY A. GLANZ - Clerk**

## EXHIBIT "A"

### 24-10-3: FENCES:

#### B. Placement:

1. Rear and side yard fences may be placed on any portion of said rear and side yard area including along the boundary lot line(s) provided that the lot line(s) have been determined by finding existing legal corners or a professional survey. In the case of a corner lot structure being built as a reversed frontage design said rear and side yard fences shall not extend into the required front yard setback of the lot at rear of corner lot.

#### **24-10-3 B (1). (add the following at the bottom of B (1))**

*The administering authority may waive the requirements for professional survey provided that;*

- a. The property(s) in question are within the platted boundaries of a legally adopted addition or subdivision of the City of Worland;*
- b. The proposed fence does not encroach or appear to encroach into any other property boundaries including public rights-of-way, as determined from available documents, plats, and or surveys, provided by applicant;*
- c. The applicant, in writing, request to be exempted under these provisions by providing a signed affidavit with attached drawing(s) as an exhibit verifying the applicant's intentions.*

2. Front yard fences may be placed on any portion of said front yard including along the boundary lot line(s) provided that the lot line(s) have been determined by a professional survey.

#### **24-10-3 B (2). (add the following at the bottom of B (2))**

*The administering authority may waive the requirements for professional survey provided that;*

- a. The property(s) in question are within the platted boundaries of legally adopted addition or subdivision of the City of Worland;*
- b. The proposed fence does not encroach or appear to encroach into any other property boundaries including public rights-of-way, as determined from available documents, plats, and or surveys, provided by applicant;*
- c. The applicant, in writing, request to be exempted under these provisions by providing a signed affidavit with attached drawing(s) as an exhibit verifying the applicant's intentions.*

3. LI and HI zoning districts may have fences and boundary walls on any portion of said lot area including along the boundary lot line(s) provided that the lot line(s) have been determined by a professional survey.

4. Any fence may be built on the land dedicated to public use which lies between the inside boundary of the sidewalk line and the property line, provided:

- a. Such fence does not create a traffic hazard in the opinion of the enforcing authorities; and

- b. Such fence shall be removed at the owner's expense in the event the governing body decides by majority vote that such land is needed for public use.
  - c. The term "sidewalk line" shall mean the space occupied or to be occupied by the sidewalk.
5. Temporary fencing erected for the security of a construction site and/or construction materials shall not be required to meet the provisions of subsections B1 and B2 of this section provided that it is soundly erected, maintained during the construction period, removed immediately after construction is completed, and does not create any safety concern to pets, pedestrians and traffic. (Ord. 834, 5-3-2016)

**24-10-3 B (6). (create a new sub-section "6")**

*6. Interior fencing is exempted from the permitting and fencing requirements provided that; the height(s) do not exceed the provisions of 24-10-3 B (1); are located entirely with the rear and/or side yard; and are located a minimum of five (5) feet from any lot line as determined by the administering authority.*

**24-14: ADMINISTRATION AND ENFORCEMENT PROVISIONS:**

- B. Building Permits: No building permit shall be issued by the administering authority for the excavation for, or erection of a building, or part of a building, or for repairs to or alteration of, or for moving a building or part of a building, or for the use of any premises, until after a statement of its intended use has been filed by the applicant and unless the applicant and the plans and intended use indicate that the building and premises are to conform in all respects to the provisions of this chapter, or unless such proposed building or use shall have been duly authorized by the board.

All applications for building permits shall be accompanied by a plat in duplicate showing the lot to be built upon, the location of the building on the lot, accurate dimensions of the building and lot and other information as may be necessary to provide for the enforcement. Lot lines must be defined a professional survey. Property corner markers/monuments shall be physically present on the ground before construction of, or excavation for, a building or its associated amenities is commenced.

**24-14 B. (add the following at the bottom of section B)**

**1. Exemptions:**

*The administering authority may waive the requirements for professional survey provided that;*

- a. The property(s) in question are within the platted boundaries of a legally adopted addition or subdivision of the City of Worland;*
- b. The proposed improvement does not encroach or appear to encroach into any adopted setback as per Table 24-9-3 of the Worland City Code, as determined from available documents, plats, and or surveys, provided by applicant;*
- c. The applicant, in writing, request to be exempted under these provisions by providing a signed affidavit with attached drawing(s) as an exhibit verifying the applicant's intentions.*