

Johnson County Zoning Regulations

PART V

DEFINITIONS & INTERPRETATION

SECTION 27. DEFINITIONS and INTERPRETATION

I. Interpretation

A. WORD USAGE

The following rules shall apply to the text of these *Regulations*:

1. The particular shall control the general.
2. The word “shall” is always mandatory and not discretionary.
3. The word “may” is permissive.
4. When not inconsistent with the context, words in the present tense shall include the future tense and words in the singular number shall include the plural.
5. The terms “use,” “land use,” and “use of land” shall be deemed to include use of buildings.
6. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases that may have a peculiar and appropriate meaning in these *Regulations* shall be construed and understood according to such peculiar or appropriate meaning.
7. Terms not herein defined shall have generally accepted meaning or principal use served.
8. Some Sections of these *Regulations* contain definitions specific to the subject matter in that Section and applied to those specific Sections.

B. DEFINITIONS DISPUTES

1. The Zoning Administrator shall administer and interpret these *Regulations*.
2. In case of any dispute over the meaning of a word, phrase or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purpose and intent of these *Regulations*.
3. An appeal may be taken from any such determination pursuant to *Part IV -- Section 20: Zoning Appeals and Variances*.

II. Definitions

A. For the purpose of these *Regulations*, certain terms used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory Structure -- A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to or subordinate to the use of the principal structure. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Accessory Use -- A use incidental to and subordinate to a principal use of the site or structure. An accessory use is operated on the same land parcel as the *Principal Allowable Use*, either in the same structure as the *Principal Allowable Use* or in an accessory structure.

Addition (to an existing building) -- Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition connected by a firewall or separated by independent perimeter load-bearing walls is new construction.

Administrative Zoning Certificate – see *Zoning Certificate, Administrative Administrator* – Zoning Administrator for Johnson County, Wyoming.

Agriculture -- The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to mankind, including but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats, or yaks or any hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; fish; trees and forest products; fruits and nuts of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forest management program; including structures or other improvements incidental to such activities.

Airport -- The Johnson County Airport.

Alley -- A public or private thoroughfare which provides only a secondary means of access to abutting property.

Allowable Use – see *Principal Allowable Use*

Alteration -- Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered as an alteration.

Amendment – see *Zoning Regulations Amendment or Zoning Map Amendment*

Animal Hospital or Clinic -- An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs).

Apartment -- see *Dwelling, Multi-Family*

Appeal – A formal process whereby a request is made to correct an alleged error in an order, requirement, decision, or determination by the Administrator or Commission.

Applicant -- The person submitting an application for development permission.

Arena -- An enclosure, with or without a ceiling, utilized for the display, performance, show, contest, or training of animals.

Automobile Body Repair -- The restoration, repair, and painting of the external bodies of passenger vehicles.

Automobile Repair -- The repair of internal, mechanical components of passenger vehicles.

Automobile Sales -- The sale of new and used passenger vehicles.

Automobile Service -- The minor repair, tune-up and routine servicing of passenger vehicles (see “*Service Station*”).

Barn -- An accessory building used primarily for the storage of agricultural products, agricultural equipment, and sheltering of animals and animal products.

Bed And Breakfast -- A private owner-occupied home where a portion is used to provide temporary accommodations for up to 30 consecutive days for a charge to registered guests. Must be licensed with the state as a bed and breakfast home prior to obtaining a *Use Permit* to operate within the County.

Blacksmith Shop – A business wherein a smith works in iron, including the forging and shaping of ferrous and non-ferrous metals with the use of a forge and other various tools.

Board -- The Board of Johnson County (Wyoming) Commissioners.

Boarder – A paying resident of a boarding house.

Boarding House -- A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty (20) persons. No separate cooking facilities for use of customer residents are allowed.

Bond – A type of financial instrument approved by the County to guarantee completion of required improvements.

Building -- A structure entirely separated from any other structure by space or by walls in which there are no communicating doors, windows, or similar openings.

Building Height -- The vertical dimension measured from the average elevation of the finished lot grade to the highest point of the average height between the plate and the ridge.

Canopy -- A permanent roof-like shelter extending from part or all of the building face and constructed of some durable material.

Care Facility -- A facility regulated by the State for the aged, chronically or incurably ill, and/or injured persons that are provided with food, shelter, or care for compensation. Examples include: nursing home, retirement home, continuing care facility, or assisted-living facility.

Clinic -- Any building designed for use of one (1) or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients are lodged overnight.

Cluster (Conservation) Development -- A specific subdivision process in which lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

Commercial -- Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.

Commercial Telecommunication Tower -- Telecommunication towers and antennas sited by licensed commercial telecommunication providers.

Commercial Telecommunication Provider -- Licensed commercial telecommunication services that include cellular, personal communication services, specialized mobilized radio, cable microcell networks, enhanced specialized mobilized radio, paging, and similar services that are marketed to the general public.

Commission -- The Johnson County (Wyoming) Planning and Zoning Commission.

Common Open Space -- Area within a development which is designed or intended for the use and enjoyment of the residents and their guests.

Community Water and Sewer -- see "*Water and Sewer, Community*"

Compatible -- Capable of existing together in harmony; consistent.

Condominium -- Real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership by the owners of those portions.

Construction -- The erection, relocation, alteration, or extension of a structure.

Corral -- A pen or enclosure for horses, cattle, or other animals.

County -- Johnson County, Wyoming.

County Road -- any public roadway under the jurisdiction of Johnson County.

DEQ -- Department of Environmental Quality. The State of Wyoming agency responsible for enforcing state and federal environmental laws. DEQ will be asked to review certain applications for *Zoning Certificates* for compliance with environmental regulations.

Day Care Center -- Supervised facility for the care of children or adults that complies with the State of Wyoming administrative rules for certification.

Density -- The total number of dwelling units in a development divided by the gross acreage of the land within the development.

Department -- Johnson County Planning and Zoning Department.

Development -- Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Discretionary Zoning Certificate -- see *Zoning Certificate, Discretionary*

District -- A section or sections of the County, for which these *Regulations* governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Duplex -- A building containing two single-family dwelling units totally separated from each other by a vertical division wall with each unit having its own separate, private entrance and utilities.

Dwelling Unit -- A structure, or a portion thereof, used for living purposes or constituting a separate, independent housekeeping unit for permanent, residential occupancy.

Family -- One (1) or more persons, not necessarily related by blood, adoption or marriage, occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel.

Feedlot -- A lot, yard, corral or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

Financial Guarantee -- Cash, letters of credit, payment and performance bonds, or similar financial instruments deposited with the County to assure that required improvements will be constructed or installed and will function as required for a specified period of time.

Foundation -- Footing and foundations constructed of masonry, concrete or treated wood extending below the frost line and made of solid material.

Fowl -- Any of the larger domestic birds used as food; e.g. chicken, duck, goose.

Fuel Dispensing Station -- A retail establishment engaged in the sale of automotive fuels, motor oil or other automobile accessories and providing incidental services including lubrication, hand washing and cleaning or minor mechanical work and repairs but shall not include painting or body work or the sale of butane or propane fuels.

Fur Bearing Animals -- Mammals raised for fur, including carnivores and rodents. Examples are fox, mink, rabbits, chinchillas, and muskrat.

Glare -- The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

"Grandfathering" -- see *Nonconforming Use; Nonconforming Structure; Nonconforming Lot or Parcel*

Gravel -- see *Sand and Gravel Operations*

Gross Floor Area -- The sum of the areas of the several floors of a building, measured between the exterior faces of the walls at each floor, excluding any floor area used exclusively as parking for motor vehicles.

Group Care Facility -- A facility or dwelling unit housing persons, not necessarily related by blood or marriage, and operating as a group family household; May include halfway houses, recovery homes, adult care, shelters for abuse victims and homes for the developmentally disabled.

Guest House -- A detached accessory building used to house guests of the occupants of the principal residence, and which is never rented or offered for rent.

Halfway House -- A facility or dwelling unit used as a work release facility for convicts or ex-convicts, alcoholism or drug treatment center, or other housing facilities serving as an alternative to incarceration.

Home-Based Business -- A lawful, gainful operation conducted by members of the family [*residing on the premises*] and no more than two non-family employees, within the dwelling or allowed accessory building, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof.

Hospital -- An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed and patient care.

Housing Unit – see “*Dwelling Unit*”

HUD Code – National Manufactured Housing Construction and Safety Standards as adopted by the U.S. Department of Housing and Urban Development.

Infrastructure – Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities including, but not limited to water, sewer and other utilities; streets and roads; communications; and public facilities such as fire stations, parks, and schools.

Kennel, Commercial -- A premises on which four or more adult dogs are kept for compensation.

Land Use Plan -- The 2005 *Johnson County, Wyoming, Land Use Plan*, adopted April 15, 2005, as it may be amended.

Line -- as used in document relative to setbacks

Lot Line: The property line bounding the lot.

Front Line: Any boundary line of a lot parallel to and abutting the right-of-way line of an officially approved road, street or highway.

Side Line: Any boundary or lot line, not a front line or a rear line.

Rear Line:

- a. on any lot, with but one (1) front line, the rear line shall be the boundary of the lot opposite the front line;
- b. on any lot with two (2) front lines, the rear line shall be fixed by the Department, taking into consideration the orientation and location of existing structures in the area, probable orientation of proposed structures and the use of the rear portion of lots in the district; and,
- c. on any lot with three (3) or more front lines, there shall be no rear line.

Street Line: A dividing line between a lot, tract or parcel of land and the contiguous street.

Livestock -- Includes, but is not limited to, horses, bovines, sheep, goats, other hoofed animals.

Loading Space -- A space on the lot, providing for the standing, loading or unloading of a vehicle.

Lot -- Unless otherwise provided in these *Regulations*, a lot is a parcel of land occupied or intended for occupancy by one (1) main building, together with its accessory buildings, including the open spaces required by these *Regulations*.

Lot Line: The property lines bounding the lot.

see “*Line, front; Line, rear; Line, setback; Line, side; Line, street; Line, property*”

Lot Size: The total land area within the lot lines of a lot.

Lot, Corner: A lot, as defined above, situated at the intersection of two (2) or more streets.

Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.

Luminaire – A lighting unit consisting of one or more electric lamps with all of the necessary parts and wiring.

Maintain – a condition or state of equivalent quality to that which was approved or required.

Manufactured Home -- A structure, transportable in one or more dependent sections, constructed in conformance with the *National Manufactured Housing Construction and Safety Standards Act*, which is built on a permanent chassis and designed to be used as a single-family residential dwelling unit. [A manufactured home has a HUD Code certificate.] See also definitions for “*Mobile Home*” and “*Modular Home*.”

Manufactured Home Park -- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for lease or rent.

Manufactured Home Subdivision -- A parcel of land planned, platted, and improved for placement of manufactured homes on single lots with private ownership of the lots.

Manufacturing -- A business use or activity at a scale greater than home industry involving manufacturing, fabrication, assembly, warehousing, and/or storage. Included are businesses serving primarily industry, and similar enterprises.

Manufacturing, Light -- Manufacturing including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs and products which by the nature of the materials, equipment and process utilized is to a considerable measure clean, quiet, and free of any objectionable or hazardous elements.

Meat Processing -- The cutting, packaging, freezing, and/or storage of meat conducted solely within an enclosed structure.

Medical, Dental, or Health Clinic -- see “*Clinic*”

Minimum Lot Size – The smallest total land area within the lot lines of a lot that is allowed by these *Regulations*.

Mining -- The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. Quarries are not considered ‘mines.’

Mixed Use Development -- A development concept containing more than one use.

Mobile Home -- A structure, transportable in one or more sections, designed for use as a single family residential dwelling unit, built on a permanent chassis that cannot provide certification of compliance with the National Manufactured Housing Construction and Safety Standards Act. Such a structure shall be considered to be a mobile home, whether or not the wheels originally mounted have been removed, and whether or not the structure has been placed upon a permanent foundation. See also definitions for “*Manufactured Home*” and “*Modular Home*.”

Modular Home -- A structure designed for use as a single-family residential dwelling unit, not built on a permanent chassis, which is transported from place of fabrication to the site on which it is to be erected, where it is placed on a permanent perimeter foundation and, when assembled, meets all of the provisions of a national uniform building code for residential dwelling units. See also definitions for “*Manufactured Home*” and “*Mobile Home*.”

Motor Vehicle Salvage -- The dismantling or demolition of motor vehicles for parts.

Multi-family Dwelling or Unit – A building containing three or more dwelling units, not counting accessory housing units.

New Construction – Any structure or subsequent improvements to an existing structure for which “start of construction” commenced after the effective date of these *Regulations*.

Nonconforming Lot -- A lot of record that legally existed at the time these *Regulations* were enacted and which is smaller than the present minimum lot size requirements of the District where it is located.

Nonconforming Structure -- Any structure that, on the effective date of these *Regulations* or as the result of subsequent amendments thereto, does not comply with the provisions of these *Regulations* for the District in which the nonconforming structure is located.

Nonconforming Parcel -- A parcel of record that legally existed at the time these *Regulations* were enacted and which is smaller than the present minimum size requirements of the District where it is located.

Nonconforming Use -- Any legal use which, on the effective date of these *Regulations* or as a result of subsequent amendments thereto, does not conform to the *Principal Allowable Uses* established for the District in which the nonconforming use is located.

Occupant – Tenant or person in actual possession.

Office Park – An area planned for occupancy of more than one office establishment with shared common areas.

Open Space – An area of land or water that is essentially unimproved and maintained in a natural state.

Parcel -- A contiguous area of land owned and recorded as the property of the same person or a single entity.

Parking Space -- An area surfaced for the purpose of storing one (1) parked automobile.

Permitted Use -- see *Principal Allowable Use*

Person -- An individual, a corporation, company, association, society, firm, partnership, or joint stock company.

Planned Commercial Development -- An area to be planned, developed, operated and maintained as a single entity, containing one or more structures to accommodate commercial uses.

Planned Unit Development (PUD) -- A professionally-planned residential, commercial or industrial tract of land under single ownership or unified control guided by a total design plan. A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses. A project with an integration of mixed uses that fosters design flexibility and compatible diversity in a single project site.

Planning Commission -- The Johnson County (Wyoming) Planning and Zoning Commission.

Principal Allowable Use -- Any use allowed by right in a District and subject to the restrictions applicable to that zoning district and to the particular use.

Principal Building -- A building in which is conducted the principal use of the lot or parcel on which it is located.

Principal Use -- The primary or predominant use of any lot or parcel.

Professional Office -- Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession.

Public Facility -- All government buildings, schools, hospitals, libraries, parks and other similar public or quasi-public uses.

Public Road -- Any public roadway under the jurisdiction of any governmental agency.

Public Utility -- Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under State or County regulations to the public electricity, gas, steam, telecommunication, transportation or water.

PUD -- Planned Unit Development

Recreation Facility -- A facility which provides health, fitness, and/or entertainment activities.

Recreational Vehicle Storage Facility or Area -- A private or public facility or area, designated for the parking of R.V.'s, boats or extra vehicles not in continual use.

Recreational Vehicle Park -- A tract of land upon which three (3) or more recreational vehicles or tent sites are located, established or maintained for occupancy by the general public.

Religious Institution -- Any structure used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque.

Renter -- (see *Tenant*)

Responsible Party -- The owner of record or person legally able to act on behalf of the owner.

Restaurant -- An establishment whose principal business is the sale of prepared food and beverages.

Road -- Any vehicular way, whether improved or unimproved.

Salvage Yard -- A lot, land or structure, or part thereof, used primarily for the collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded material; or the collection, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Sand and Gravel Operation – Any process by which aggregate, dirt, gravel, sand, shale, scoria or similar product is removed from the ground for commercial or industrial purposes, and shall include excavation, crushing, processing, stockpiling, sale, and on and off-site hauling of the product by the operator of the sand and gravel operation and/or by the contract hauler.

School –

Public: An elementary or secondary school supported by public funds and providing free education for children of a community or district.

Private: any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs.

Service Station -- A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.

Setback -- The distance required to comply with the provisions set forth in these *Regulations* as figured from the property line. In cases where the property line is the center of the road, the setback shall be figured from the edge of the road.

Sexually Oriented Business – see *Part III -- Section 17: Sexually Oriented Adult Business*

Sign -- see *Part III -- Section 11: Sign Requirements* for definitions of various types of signs.

Sign Area -- is defined as the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure. For two-sided signs, 'sign area' is computed as the sign area of one of the two faces.

Single Family Dwelling / Unit -- A building having accommodations for and occupied exclusively by one family.

Site -- A lot or parcel of land or combination of contiguous lots and parcels owned by the same owner.

Site Plan -- A plan to scale showing uses and structures proposed for a parcel of land as required by these *Regulations*.

Slaughterhouse -- Business that slaughters animals on-site, butchers to remove and dispose of entrails and hides and or prepares meat for human consumption.

State – State of Wyoming; Government of the State of Wyoming.

Start of Construction – The point in time when a substantial change or alteration in the physical properties of a lot or structure commences and where the incorporation of labor and materials upon said lot or within said structure will incur liabilities for labor and materials.

Steep Slope Areas -- Land where the grade of the land in its natural state is equal or greater to a 4 to 1 slope.

Storage Units, Self-Service -- A building or group of buildings consisting of individual, self-contained units leased or rented on an individual basis with no other commercial activity other than the rental of storage units.

Street -- A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

Structure -- Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Structure, Temporary – a structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Subdivision -- Any division of land defined as a subdivision by the *Johnson County Subdivision Regulations* and the Wyoming State Statutes.

Subdivision Regulations – *Johnson County (Wyoming) Subdivision Regulations*

Substantial Improvement -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement.

Tannery – A place where hides are tanned to make leather.

Tavern -- An establishment in which the primary function is the public sale and serving of alcoholic beverages.

Taxidermy -- An operation conducted solely within an enclosed building to include on-site preparation, and mounting of heads and skins of animals.

Tenant -- One who rents or leases, as from a landlord.

Use -- The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

Variance – Relief granted from the requirements of these Regulations for cause. A formal process is required by these *Regulations* whereby the Board of Zoning Appeals may grant a variance.

Vehicle, Motor – Any self-propelled vehicle designed primarily for transportation of persons or goods along public ways. Refer to *W.S. 31.1.1* for definitions of specific types of vehicles.

Violation – An infraction of, or failure to comply with, any provisions of these *Regulations*.

Water and Sewer –

Community: A system consisting of two or more users that is owned, operated, and maintained by a special service district, homeowners association, or organization other than a municipality or county.

Private: Privately owned and maintained individual wells and septic systems.

Public: A system owned, operated, or maintained by a municipality or county.

Wind Energy Systems -- see *Part III -- Section 15: Wind Energy Systems*

W.S. – Wyoming Statute

Zoning Administrator -- The administrative official designated by the Johnson County Board of Commissioners to administer these *Regulations*.

Zoning Certificate -- A required document issued in accordance with these *Regulations* which acknowledges that a use, structure, building, lot or other parcel of land either complies with or is legally non-conforming to the provisions of these *Regulations*, or is an authorized variance or modification. (see *Zoning Certificate Administrative*, and *Zoning Certificate Discretionary*,)

Zoning Certificate, Administrative -- A Zoning Certificate issued by the Zoning Administrator (Administrator), or their designee, upon determination that a proposed project complies with *Administrative Zoning Certificate* requirements set forth in these *Regulations*.

Zoning Certificate, Discretionary -- A Zoning Certificate issued by the Board, or its designee, following review and recommendation for approval by the Commission upon meeting the requirements of these *Regulations*.

Zoning Commission -- The Planning and Zoning Commission of Johnson County, Wyoming.

Zoning District -- A specifically designated area within the County for which uniform regulations govern the use, size, height, placement, and spacing of buildings. These *Regulations* also establish lot sizes and allowable use of land and open spaces. Johnson County Zoning Districts are listed in *Part II -- Section 6: Zoning Districts and Overlays* of these *Regulations*.

Zoning Map – Official electronic map(s), including approved amendments, as adopted by the Johnson County Board of Commissioners.

Zoning Map Amendment -- A change to the Zoning Map which changes the Zoning District designation applied to a site or area to another Zoning District designation wherein such change is properly effected in accordance with procedures set forth herein.

Zoning Regulations Amendment -- A revision, change, addition, or deletion in the text of the *Johnson County Zoning Regulations* properly effected in accordance with procedures set forth herein.