

CHAPTER 1

OFFICIAL TOWN CODE¹

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:**

Upon the adoption by the town council, this town code is hereby declared to be and shall hereafter constitute the official town code of Basin. This town code of ordinances shall be known and cited as the *BASIN TOWN CODE* and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this town code by title in any legal document. (2003 Code)

1-1-2: **ACCEPTANCE:**

The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2003 Code)

1-1-3: **AMENDMENTS:**

Any ordinance amending the town code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this town code. All such amendments or

1. WS ' 15-1-103(a) (xxxviii).

revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this town code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the town code. (2003 Code)

1-1-4: CODE ALTERATIONS:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this town code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the town council. The town clerk-treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk-treasurer. Any person having custody of a copy of the town code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the town clerk-treasurer. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk-treasurer when directed so to do by order of the town council. (2003 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES:

All general ordinances of the town passed prior to the adoption of this town code are hereby repealed, except such as are included in this town code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances. (2003 Code)

1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this town code or by virtue of the preceding section, excepting as the town code may contain provisions for such matters, in which case, this town code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2003 Code)

1-2-3: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Extend To All Repeals: This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

C. Currently Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this town code. (2003 Code)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this town code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2003 Code)

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS:

A. Whenever any word in any section of this town code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this town code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this town code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

B. The word "ordinance" contained in the ordinances of the town has been changed in the content of this town code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the town's ordinances is not meant to amend passage and effective dates of such original ordinances. (2003 Code)

1-3-2: DEFINITIONS, GENERAL:

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT:	A person acting on behalf of another with authority conferred, either expressly or by implication.
CLERK:	The clerk-treasurer of the town of Basin.
CODE:	The municipal code of the town of Basin.
COMPUTATION OF TIME:	The time within which an act is to be done shall be computed by excluding the first and including the last day unless the last day is a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday.
COUNCIL:	Unless otherwise indicated, the town council of the town of Basin.
COUNTY:	Big Horn County, in the state of Wyoming, in which the town of Basin is located.
EMPLOYEES:	Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words "of the town of Basin".
GENDER:	A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
GOVERNING BODY:	The elected legislative body of the municipality, i.e., the mayor and town council.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MAY:	Permissive.
MONTH:	A calendar month.
MUNICIPALITY OR MUNICIPAL:	The town of Basin.

- NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.
- OATH:** Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed".
- OCCUPANT:** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
- OFFENSE:** Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
- OFFICERS:** Whenever reference is made in this code to a town officer by title only, this shall be construed as though followed by the words "of the town of Basin".
- OPERATOR:** The person who is in charge of any operation, business or profession.
- OWNER:** When applied to a building or land, shall include not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of the whole or part of such building of land and shall include any agent of such owner; and where such owner is a body corporate, it shall include the managing agent or officer within the town of Basin.
- PERSON:** Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, fraternal organization, company, corporation, business, trust, or their

manager, lessee, agent, servant, officer, or employee or any of them.

PERSONAL PROPERTY: Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PRECEDING,
FOLLOWING: The next before and next after, respectively.

PROPERTY: Includes both real and personal property.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SHALL: Mandatory.

STATE: The state of Wyoming.

STREET: Includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town of Basin.

TENANT; OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TOWN: The town of Basin, county of Big Horn, state of Wyoming.

TREASURER: The clerk-treasurer of the town of Basin.

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WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: Includes printing, lithographing or modes of representing words and letters; provided, that in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark, shall be required.

YEAR: A calendar year. (2003 Code)

1-3-3: **CATCHLINES:**

The catchlines of the several sections of the town code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2003 Code)

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-2: Application Of Provisions

1-4-1: **GENERAL PENALTY²:**

- A. General Penalty; Remedies Generally: Whenever in this code or in any ordinance, resolution or regulation promulgated by any officer or agency of the town under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to lie unlawful or an offense or a misdemeanor, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, resolution or regulation shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00), plus court costs; provided, however, that the imposition of any such fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violation, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.
- B. Continuing Violations: Except as otherwise provided, each day any violation of this code or any such ordinance, resolution or regulation continues shall constitute a separate offense. (2003 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

- A. The penalty provided in this chapter, unless otherwise provided, shall be applicable to every section of this town code the same as though it were a part of each and every separate section.

2. WS " 5-6-301, 6-10-103, and 15-1-103(a) (xli).

- B. In all cases where the same offense is made punishable or is created by different clauses or sections of this town code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this town code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2003 Code)

CHAPTER 5

GENERAL AND CORPORATE PROVISIONS

SECTION:

- 1-5-1: Ordinances
- 1-5-2: Budget Amendments
- 1-5-3: Elections; Absentee Votes
- 1-5-4: Returned Checks

1-5-1: **ORDINANCES:**

A. Required For Legislation:

1. Required: All municipal legislation shall be by ordinance, unless provided otherwise by law, except that licenses may be granted by resolution.
2. How Proved: All ordinances shall be proved by the certificate of the town clerk-treasurer, under the seal of the town, and when printed or published in book or pamphlet form, and purporting to be published by authority of the town, shall be read and received in all courts and places without further proof.

B. Form And Style; Presumption; Manner Of Enactment; Vote Required:

1. Form And Style: All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the governing body. No ordinance, except one making appropriations or one for the codification or general revision of ordinances, may contain more than one subject which shall be expressed clearly in the title. Ordinances making appropriations and ordinances relating to codification or general revision of ordinances shall be limited to those subjects. The style of all ordinances shall be: "Be it ordained by the governing body of the town of Basin".

2. **Presumption:** Every ordinance relating to the codification or general revision of ordinances which has been passed and adopted prior to the effective date hereof, and is otherwise in conformance with this section, is deemed to meet the requirement that an ordinance shall not contain more than one subject which shall be expressed clearly in the title.
3. **Manner Of Enactment:** Every ordinance shall be publicly read on three (3) different days. Public reading may be by title only. At least ten (10) days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths ($\frac{3}{4}$) of the qualified members of the governing body. No franchise may be granted by emergency ordinance.
4. **Vote Required:** Passage of an ordinance requires the affirmative vote of the majority of the qualified members of the governing body. Passage of an emergency ordinance requires the affirmative vote of three-fourths ($\frac{3}{4}$) of the qualified members of the governing body.

C. **Publication Required; Exception; Attestation; Recodification Or Revision:**

1. **Publication; Exception:** Every ordinance before becoming effective shall be published at least once in the Basin Republican Rustler. The newspaper shall publish the ordinance within nine (9) days from the date of receipt. If there is no such newspaper, the ordinance shall be posted for at least ten (10) days in the town clerk-treasurer's office and in such other places as the governing body determines. Emergency ordinances are effective upon proclamation of the mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances.
2. **Attestation:** Every ordinance, within a reasonable time after passage, shall be signed by the mayor, attested by the clerk-treasurer and recorded in a book kept for that purpose. The attestation of the clerk-treasurer shall show that the ordinance was duly published and posted.
3. **Recodification Or Revision:** A recodification or revision of ordinances shall be published by title only together with a brief summary of the recodification or revision, in the manner provided in subsection C1 of this section for newspaper publication, provided that a copy of the recodification or revision shall be available to the public at all reasonable hours in the office of the town clerk-treasurer.

- D. Amendment And Repeal: Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended. No vote of the governing body may be reconsidered or rescinded at any meeting unless there are as many members present as there were when the vote was originally taken.
- E. Effect Of Governmental Change On Ordinances: If the town acquires a new classification or changes its form of government, all ordinances, bylaws and resolutions shall continue in force until amended or repealed, except insofar as they may be inconsistent with the provisions of the law governing the new class or form of government. (2003 Code)

1-5-2: **BUDGET AMENDMENTS:**

- A. Statute Inapplicable: Subsections 15-2-201(a) and (d), Wyoming Statutes, are hereby made inapplicable to the town.
- B. Amendments: At the request of the mayor, or upon its own motion, after five (5) days' publication of notice, the town council may, by resolution, amend its annual budget at any time after its adoption:
1. To include anticipated or unanticipated revenues or expenditures;
 2. To correct errors and omissions;
 3. To transfer any unencumbered or unexpended appropriation from one fund, department, or account to another;
 4. To increase or decrease departmental expenditures;
 5. To increase or decrease the appropriation of any fund; or
 6. Any other matters which may ensure fiscal responsibility. (Charter Ord. 433, 1-11-1982)

1-5-3: **ELECTION; ABSENTEE VOTES:**

Any qualified elector of the town who is absent from the town on the day any general or special election is held may vote at any such election in the manner now provided by the Wyoming Statutes for the casting of ballots by absent voters at any general elections in the county insofar as said election laws are applicable. (Ord. 252, 5-1-1939)

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1-5-4: **RETURNED CHECKS:**

Any person who writes a check to the town for the payment of utilities or other payment, which is returned to the town for any reason whatsoever, shall have added to said check the sum of thirty dollars (\$30.00) as and for a returned check fee. (Ord. 576, 8-4-2008)

CHAPTER 6

MAYOR AND TOWN COUNCIL

SECTION:

- 1-6-1: Composition
- 1-6-2: Qualifications
- 1-6-3: Compensation
- 1-6-4: Quorum
- 1-6-5: Mayor To Preside
- 1-6-6: Meetings
- 1-6-7: Mayoral Veto
- 1-6-8: Conduct And Journal Of Proceedings
- 1-6-9: Vacancies

1-6-1: **COMPOSITION:**

The town council shall consist of the mayor and four (4) councilmen.
(Ord. 60, 6-3-1907; amd. 2003 Code)

1-6-2: **QUALIFICATIONS:**

A resident who is qualified to run for the office of mayor or the office of any councilman for the town shall meet the following requirements:

- A. Qualified Elector: He or she shall be a qualified elector of the town.
- B. Felony Conviction: He or she shall never have been convicted of a felony. (Ord. 467, 2-1-1988; amd. 2003 Code)

1-6-3: **COMPENSATION:**

- A. Mayor: Beginning January 1, 1985, the mayor shall be paid the sum of fifteen dollars (\$15.00) for actual attendance at each regular or special meeting; such salary to be paid not less than monthly during the year.

B. Councilman: Beginning January 1, 1985, each elected councilman shall receive a salary of ten dollars (\$10.00) for actual attendance at each regular or special meeting; such salaries to be paid not less than monthly during the year. (Ord. 444, 10-1-1984)

1-6-4: **QUORUM:**

A majority of the council shall constitute a quorum for the transaction of business, but no business can be transacted unless concurred in by a majority of all the members of the council. (Ord. 60, 6-3-1907)

1-6-5: **MAYOR TO PRESIDE:**

At all meetings of the council, the mayor shall preside if present; but in his absence, the acting mayor, appointed each January by the mayor, shall, for the time being, have the same authority as the mayor. (Ord. 60, 6-3-1907; amd. 2003 Code)

1-6-6: **MEETINGS:**

- A. Regular: The regular meetings of the council shall be on the second Tuesday of each month at the hour seven o'clock (7:00) P.M. at the city hall; provided, that all meetings may be adjourned from time to time, and by such adjournment be held at any other convenient time or within the limits of town. (03-07-11)
- B. Special: Special meetings may be held at any time when called by the mayor or by two (2) or more councilmen. Notice of such meeting shall be given in the Basin Republic Rustler when practicable; otherwise all members of the council shall be notified, if within the corporate limits of the town, by the chief of police who shall serve either written or verbal notice on such members as shall not have joined in the call for such meeting. Should any member of the council be absent from town, such notice shall be left at his usual residence or place of business. (Ord. 60, 6-3-1907; amd. 2003 Code)
- C. Emergency: The council may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty eight (48) hours.

- D. Recessed Meetings: The council may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting is held.
- E. Executive Sessions: The council may hold executive sessions not open to the public:
1. With the attorney general, county attorney, district attorney, town attorney, sheriff, chief of police, or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;
 2. To consider the appointment, employment, right to practice or dismissal of a public officer or employee, or to hear complaints or charges brought against an employee or officer, unless the employee or officer requests a public hearing. The council may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the council may deliberate on its decision in executive decisions;
 3. On matters concerning litigation to which the council is a party or proposed litigation to which the council may be a party;
 4. To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;
 5. To consider acceptance of gifts, donations and bequests which the donor has requested, in writing, be kept confidential;
 6. To consider or receive any information classified as confidential by law;
 7. To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations.
- F. Open Meetings:
1. All meetings of the council are public meetings, open to the public at all times, except as otherwise provided. No action of the council shall be taken except during a public meeting following notice of the

meeting as provided in this chapter. Action taken at a meeting not in conformity with this chapter is null and void and not merely voidable.

2. A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation.

3. Minutes Of Meeting:

- a. Minutes are required to be recorded but not published from meetings when no action is taken by the council;

- b. Minutes are not required to be recorded or published for day to day administration activities of the council.

- G. Disruption Of Meetings: If any public meeting is wilfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are wilfully interrupting the meeting, the council may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. The council shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media, except those who participated in a disturbance, shall be allowed to attend any meeting permitted by this section. (2003 Code)

1-6-7: **MAYORAL VETO:**

- A. Power To Veto: The mayor is entitled to sign or veto any ordinance passed by the governing body and to sign or veto any order, bylaw, resolution, award or vote to enter into any contract or the allowance of any claim. The mayor may veto any item of any appropriation ordinance and approve the remainder thereof. The items vetoed may be passed over the veto as in other cases.
- B. Overriding Veto: A veto may be overridden by a vote of two-thirds ($\frac{2}{3}$) of the qualified members of the council. The mayor does not have a vote in any matter involving the override of a veto.

- C. **Failure To Act:** If the mayor neglects or refuses to sign an ordinance and fails to return it with his objections in writing at the next regular meeting of the governing body, it becomes law without his signature. (2003 Code)

1-6-8: CONDUCT AND JOURNAL OF PROCEEDINGS:

The council shall determine the rules for the conduct of its proceedings, and shall keep a journal thereof which is a public record. The manner in which each member of the council votes on any matter upon which a vote is taken shall be entered in the journal. (2003 Code)

1-6-9: VACANCIES:

- A. **Vacancy In Office:** A vacancy exists in the office of mayor or councilman if during the term for which elected any mayor or councilman:
1. Is convicted of a felony;
 2. Fails to attend four (4) or more consecutive regularly scheduled meetings of the council without an excused absence as determined by a majority of the council according to procedures adopted pursuant to subsection B of this section;
or
 3. Meets any other condition specified in Wyoming Statutes section 22-18-101.
- B. **Procedure For Determining Vacancy:** The council, by ordinance, shall specify the procedure for determining whether a vacancy exists.
- C. **Appointment Of Successor:** If a vacancy is determined to exist, the council shall, at the next regular council meeting, appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified. If the entire council is vacant, the district judge for the district in which the town is located shall appoint a person to fill each vacancy and serve until the next general municipal election at which time a successor shall be elected to fill the unexpired portion of each term.
- D. **Office Of Mayor:** A vacancy in the office of mayor shall be filled only from the council.

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E. Appointive Offices: Vacancies in appointive offices shall be filled in the manner provided for initial appointments. (2003 Code)

CHAPTER 7

TOWN OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Statute Amendment
- 1-7-2: Term
- 1-7-3: Motion To Accept Appointments
- 1-7-4: Conditions For Any Office Or Position
- 1-7-5: Compensation
- 1-7-6: Drug Free Workplace

1-7-1: **STATUTE AMENDMENT:**

Wyoming Statutes subsection 15-2-102(a) shall be changed so that it shall read as follows:

(a) The officers of a town are a mayor and four (4) councilmen, all of whom shall be elected. Unless otherwise provided by ordinance, the clerk, treasurer, marshal, attorney, municipal judge and department heads as specified by ordinance shall be appointed by the mayor with the consent of the governing body and may be removed by the mayor for incompetency or neglect of duty, if done with the consent of the council. All other appointments and removals, not specifically indicated herein, shall be made by the mayor with the consent of the governing body. The governing body shall determine the method of appointing members of a board of commission, unless the method of appointing such members is specified by separate statute.

(Ord. 530, 1-6-2003)

1-7-2: **TERM:**

All appointed employees of the town who are appointed to serve in their capacity by the mayor with the approval of the town council shall serve for one calendar year from the date of their appointment in January of each year until the following January. (Ord. 447, 1-7-1985)

1-7-3: MOTION TO ACCEPT APPOINTMENTS:

At the first meeting of the council in January of each year, the council shall make a motion to accept the appointments submitted by the mayor. For vacated appointments, the mayor shall make an appointment to fill such vacancy with the approval of the council. (2003 Code)

1-7-4: CONDITIONS FOR ANY OFFICE OR POSITION:

The council, by ordinance or resolution, may specify conditions for any office or position to which a person is appointed under this chapter including:

- A. Level or range of salary;
- B. A description of the duties and responsibilities of the office or position;
- C. Term of appointment;
- D. Requirements for:
 - 1. Promotion;
 - 2. Suspension; and
 - 3. Hearing of appeals from decisions of the mayor to remove or discharge an appointee other than members of a board or commission, after which the council may affirm, modify or reverse the mayor's decision; and
- E. Other matters which are part of the personnel policies of the town. (2003 Code)

1-7-5: COMPENSATION:

The salaries of the appointed town officials shall be as determined from time to time by resolution of the town council. (2003 Code)

1-7-6: DRUG FREE WORKPLACE:

The following policy shall be strictly enforced to protect the town's status as a responsible source for the award of federal contracts and grants:

- A. Declaration; Definition: Effective immediately, any location at which town business is conducted, whether at this or any other site, is declared to be a drug-free workplace. This means all employees are absolutely prohibited from unlawfully manufacturing, distributing, possessing, or using controlled substances in the workplace.
- B. List Of Substances: The following is a partial list of controlled substances:
1. Narcotics (heroin, morphine, etc.);
 2. Canalis (marijuana, hashish);
 3. Stimulants (cocaine, diet pills, etc.);
 4. Depressants (PCP, LSD, "designer drugs", etc.).
- Personnel can be provided a complete list and explanation of controlled substances.
- C. Education Program: Employees have the right to know the dangers of drug abuse in the workplace, the town's policy about this and what help is available to combat drug problems. This section spells out the town's policy. The town will institute an education program for all employees on the dangers of drug abuse in the workplace. The following help may be available for combating drug abuse problems:
1. Medical benefits for substance abuse treatment;
 2. Information on community resources for assessment and treatment;
 3. Counseling program;
 4. Employee assistance program.
- D. Supervisory Training: The town will provide supervisory training to assist in identifying and addressing illegal drug use by employees.
- E. Voluntary Use Of Resources: It is the town's position that these resources are best used voluntarily before workplace problems occur. If an employee has failed to avail him or herself of such help and such problems do occur, the town will have little choice but to act severely and terminate such abusers in the interest of protecting all its employees.

F. Acknowledgement And Agreement Condition Of Employment: All employees are to acknowledge that they have been informed of this policy and agree to abide by it in all respects. By law, such acknowledgment and agreement shall be required of the town's employees as a condition of continued employment.

G. Violation:

1. Disciplinary Action: Any employee violating the above policy will be severely disciplined up to and including termination for the first offense.
2. Notice Of Conviction: Any employee convicted of violating a criminal drug statute in the workplace must inform the town of such conviction (including pleas of guilty or nolo contendere) within five (5) days of the conviction occurring. Failure to so inform the town will result in severe disciplinary action up to and including termination for the first offense. By law, the town will notify the federal contracting officer within ten (10) days of receiving a notification from an employee or otherwise receiving notice of such conviction.
3. Rehabilitation Or Drug Abuse Assistance Program: The town reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline, with the employee required to participate and complete satisfactorily as a condition of continued employment. (Ord. 501, 1-2-1996)

CHAPTER 8

MUNICIPAL COURT

SECTION:

- 1-8-1: Created And Established
- 1-8-2: Municipal Court Judge
- 1-8-3: Court Procedure

1-8-1: CREATED AND ESTABLISHED:

There is hereby created and established a municipal court for the town for the trial of all offenses arising under the ordinances of the town. (Ord. 118, 8-9-1911)

1-8-2: MUNICIPAL COURT JUDGE:

- A. Appointment: The judge of such municipal court shall be styled a municipal court judge, shall be appointed by the mayor with the consent of the council and shall be a qualified elector and resident of Big Horn County.
- B. Term: The term of office of the municipal court judge shall be one year, and compensation shall be as prescribed by ordinance.
- C. Bond: The municipal judge shall be required to give a five hundred dollar (\$500.00) bond to the town conditioned for the performance of all his duties in accordance with law and the ordinances of the town, including the duty to turn over to the parties entitled or as prescribed by ordinance of the town, all monies collected by him by virtue of his office. (Ord. 118, 8-9-1911; amd. 2003 Code)

1-8-3: COURT PROCEDURE:

- A. Commencement Of Criminal Actions: Criminal actions for the commission of offenses against the ordinances of the town shall be

commenced before the municipal court judge by a complaint subscribed and sworn to and filed with the municipal court judge.

B. Form Of Complaint: The information may be substantially in the following form:

The State of Wyoming, :
 : ss.
County of Big Horn. :

The Town of Basin,
-VS-
A.B., Defendant.

Before Municipal Court Judge (here insert name of the Municipal Court Judge)

The defendant is accused of the crime or offense. For that the defendant on the ____ day of _____, A.D.____, at the (here name the city and township) in the county aforesaid, (here state the act or omission constituting the offense as in an indictment).

C. Warrant For Arrest: Immediately upon the filing of such information, the municipal court judge may, in his discretion, issue a warrant for the arrest of the defendant, directed in the same manner as a warrant of arrest upon a preliminary examination, and it may be served in like manner.

D. Warrant To Be Issued On Complaint: Whenever a complaint, in writing and upon oath signed by the complainant, shall be filed with the municipal court judge charging any person with the commission of any offense, it shall be the duty of such municipal court judge to issue a warrant for the arrest of the person accused if he shall have reasonable grounds to believe that the offense charged has been omitted.

E. Requisites Of Warrant: The warrant shall be directed to the chief of police, and reciting the accusation, shall command the officer to forthwith take the accused and bring him before the municipal court judge issuing the warrant, or some other justice having cognizance of the case, to be dealt with according to law.

F. Execution Of Warrant: The officer who receives the warrant must serve the same by arresting the defendant, if in his power, and bring him, without unnecessary delay, before the municipal court judge who issued the same.

- G. Arrest Of Accused: If any person charged as aforesaid with the commission of an offense shall flee from justice, it shall be lawful for the officer in whose hands the warrant for such person has been placed, to pursue and arrest such person in any other county of the state and him to convey before the municipal judge issuing the warrant, or any other judge having cognizance of the case, of the county where such offense was committed.
- H. Authority Of Officer In Executing Warrant: In executing a warrant for the arrest of a person charged with an offense, the officer may break open any outer or inner door or window of a dwelling house or other building, if, after notice of his office and purpose, he be refused admittance.
- I. Who May Make Arrests: Every sheriff, deputy sheriff, constable, chief of police, police officer, or watchman is hereby vested with authority to arrest and detain any person found violating any legal ordinance of the town, until a legal warrant can be obtained.
- J. Arraignment: When the defendant is brought before the municipal court judge, the charge against him must be distinctly read to him, and he shall be asked whether he is represented by his right name and be required to plead. If he objects that he is wrongfully named in the information, he must give his right name, and if he refuses to do so or does not object to the name used in the information, the municipal court judge shall make an entry thereof in his docket, and he is thereafter precluded from making any such objections.
- K. Pleas By Defendant: The defendant may plead the same pleas as upon an indictment; his pleas may be either oral or written, and must be entered upon the docket of the municipal court judge. (Ord. 189, 12-4-1922)
- L. Postponement Of Trial:
1. Power To Postpone: If a person charged with a violation of a town ordinance is held to appear for examination or trial before a municipal judge, the judge may postpone the trial of the case to a certain day.
 2. Recognizance Generally: The judge may require the defendant to enter into a recognizance with sufficient sureties conditioned that he will appear before the judge at the time and place appointed to answer the complaint alleged against him.

3. Sureties Or Deposit May Be Required: When a person is ordered by the municipal judge to enter into a recognizance, he may, at the discretion of the municipal judge, be permitted to sign his own recognizance, furnish sureties or deposit in cash with the judge or his designee the amount named in the bond.
 4. Failure To Appear: If the person so recognized fails to appear and comply with all of the requirements of the bond, the judge having cognizance shall, if there are no mitigating circumstances, declare the bond forfeited and order the cash deposited into the general fund of the treasury of the town.
 5. Proceed Before District Court: If it appears to the judge the accused is triable for an offense not cognizable before the judge, the judge shall halt further proceedings and proceed as in other cases exclusively cognizable before the district court. (2003 Code)
- M. Change Of Venue: No change of venue shall be allowed from the municipal court of the town.
- N. Jury Trial: Before the municipal court judge has heard any testimony upon the trial, the defendant may demand a jury, which in all cases, shall be allowed.
- O. Retirement Of Jury; Oath Of Bailiff: If the jury does not immediately agree upon a verdict, they must retire with the chief of police or with some person appointed by the municipal court judge, who shall be sworn to the following: "You do swear that you will well keep the jury together in some private place without food or drink, unless otherwise ordered by the court; that you will not allow any person to speak to them, nor speak to them yourself, unless it be to ask them whether they have agreed upon a verdict, and that you will return them into court when they have so agreed."
- P. Verdict Of Jury: When the jurors have agreed on their verdict, they must deliver it publicly to the municipal court judge, who shall enter it on his docket.
- Q. Jury To Be Kept Together: The jury must be kept together after the case is submitted to them until they have agreed upon and rendered their verdict, unless for good cause, the municipal court judge sooner discharges them.
- R. Second Trial When Jury Disagrees: If the jury be discharged as provided in subsection Q of this section, the municipal court judge

may proceed again to the trial in the same manner as upon the first trial, and so on until a verdict is rendered.

- S. Judgment On Conviction: When the defendant pleads "guilty" or is convicted either by the municipal court judge or a jury, the municipal court judge shall render judgment thereon, a fine and the payment of costs of prosecution shall be added to and made a part of the sentence.
- T. Acquittal: When the defendant is acquitted, either by the municipal court judge or by a jury, he must be immediately discharged.
- U. Security For Costs: The municipal court judge before issuing the warrant, may, at his discretion, require the complainant to acknowledge himself responsible for costs in case the complaint shall be dismissed, which acknowledgment of security for costs shall be entered on the docket, and the judge, on dismissal, may, if in his opinion the complaint was without probable cause, enter a judgment against such complainant for the costs made thereon, and in case said judge shall consider such complainant wholly irresponsible, such judge, may, in his discretion, refuse to issue any warrant unless the complainant procure some responsible security, to the satisfaction of such municipal court judge, for said costs in case of such dismissal, and said complainant shall acknowledge himself so bound and the municipal court judge shall enter it on his docket. (Ord. 189, 12-4-1922)
- V. Execution Of Judgment: Upon assessment of any fine and costs for the conviction of a violation of any ordinance of the town, judgment shall be entered against the defendant in favor of the town. If the judgment is not paid within ninety (90) days from the date of judgment, the town may collect judgment by execution in circuit court or justice of the peace court in the manner provided by law. Except as otherwise provided by law, all amounts recovered pursuant to this subsection shall be deposited with the town clerk-treasurer, used for the benefit of the town, and credited against the fine and reasonable costs of collection. (2003 Code)
- W. Disposition Of Fine: If a fine be imposed and paid before commitment, it shall be received by the municipal court judge and by him paid over to the town clerk-treasurer within thirty (30) days after the receipt thereof, for the use of the general fund of the town.
- X. Appeal To District Court: The defendant may appeal from the judgment to the district court of the county in which the trial was had

in the manner and form provided by law for appeal to the district court from judgment in a court of the justice of the peace.

- Y. Defendant Informed Of Right To Appeal: The municipal court judge rendering a judgment against the defendant must inform him of his right to an appeal therefrom, and make an entry on his docket of the giving of such information, and the defendant may thereupon take an appeal by giving notice orally to the municipal court judge that he appeals, and the municipal court judge must make an entry on his docket of the giving of such notice.
- Z. Undertaking Of Appeal: The municipal court judge must, thereupon, enter an order on his docket fixing the amount in which bail may be given by the defendant, and the execution of the judgment against the defendant shall not be stayed, unless bail in that amount be put up by an undertaking substantially in the following form:

State of Wyoming :
 : ss.
County of Big Horn :

The Town of Basin,
 -vs-
A.B., Defendant.

A.B., having been convicted before C.D., a municipal court judge of said town, of the crime of (here designate it generally as in the complaint) by a judgment rendered on the ____ day of _____ A.D.____, and having appealed from said judgment to the district court of said county, we, A.B., as principal, and E.F., as surety, hereby undertake that the said A.B. will appear in the district court of said county at the next term thereof, and abide the judgment of the said court, and not depart without leave of the same, or that he will pay to the state of Wyoming the sum of ____ dollars, (the amount of bail affixed).

A.B.
 E.F.

Acknowledged before and accepted by me at _____ in the county of _____ this ____ day of ____ A.D. ____.

C.D., Municipal Court Judge.

(Ord. 189, 12-4-1922)

AA. Costs:

1. The costs in municipal court shall be the same as those prescribed by Wyoming Statutes for the trial of misdemeanors or performance of services by the justice of the peace. (Ord. 189, 12-4-1922; amd. Ord. 588, 9-7-2010)
2. Costs and fees assessed and collected in the Basin municipal court shall be fixed by the town of Basin, but shall not exceed ten dollars (\$10.00). The automation fee is a cost to be paid by every person guilty of a violation of a town of Basin ordinance or Wyoming state statute, and if so prescribed, those fees shall be remitted to the judicial systems automation account established by Wyoming Statutes 5-2-120. Such costs shall be remitted to the town of Basin clerk-treasurer each month. (Ord. 588, 9-7-2010)

BB. Juvenile Offenders:

1. Definitions: As used in this subsection, the following words and terms shall have the meanings ascribed to them in this section:

JUVENILE
DETENTION
FACILITY:

Any facility which may legally and physically restrict and house a child, other than the Wyoming boys' school, the Wyoming girls' school, the Wyoming state hospital or other private or public psychiatric facility within the state of Wyoming. A juvenile detention facility may be housed within an adult jail or corrections facility if the facility otherwise meets the requirements of state law.

MINOR:

An individual who is under the age of eighteen (18) years.

STATUS OFFENSE:

An offense which, if committed by an adult, would not constitute an act punishable as a criminal offense by the laws of this state or a violation of a municipal ordinance, but does not include a violation of Wyoming Statutes subsections 12-6-101(b) or (c) or any similar municipal ordinance.

2. Detention In Jail Prohibited: No minor charged with violating a municipal ordinance defined as a "status offense" under subsection BB1 of this section shall be detained in a jail.
 3. Incarceration:
 - A. No minor convicted of a status offense shall be sentenced to a term of imprisonment.
 - B. A minor convicted of a misdemeanor or of violating a municipal ordinance, other than a status offense, for which a term of imprisonment is authorized, shall only be imprisoned in a juvenile detention facility.
 4. Special Probation For Minor Defendants: As a condition of probation or suspension of sentence, the court may require a defendant who is a minor to successfully complete a juvenile service program offered by a community juvenile services board under the community juvenile services act, Wyoming Statutes sections 14-9-101 through 14-9-108.
- CC. Statewide Bench Warrant: The municipal judge may issue a statewide bench warrant for violation of a municipal ordinance which contains the same elements as a comparable state statute. The town shall be responsible for all costs incurred in executing the warrant, including costs of housing and transporting a person arrested under the warrant. (2003 Code)

CHAPTER 9

EMERGENCY MANAGEMENT

SECTION:

- 1-9--1: Purpose
- 1-9--2: Organization Created; Membership
- 1-9--3: Declaration Of Emergency
- 1-9--4: Emergency Operations Plan
- 1-9--5: Rules And Regulations
- 1-9--6: Emergency Operations Center
- 1-9--7: Succession Of Authority
- 1-9--8: Recommendation To Governor
- 1-9--9: Designated Agents
- 1-9-10: Coordinator

1-9-1: **PURPOSE:**

This chapter is hereby declared to be a measure necessary to provide coordination with county, state and federal emergency management departments and for the immediate preservation of the public peace, health and safety and shall take effect and be in the force from and after passage. (Ord. 423, 5-4-1981)

1-9-2: **ORGANIZATION CREATED; MEMBERSHIP:**

- A. Created; Membership: There is hereby created the Basin town emergency management organization which shall be governed by a council consisting of the mayor and town council members.
- B. Chairman: The chairman of the council shall be the mayor.
- C. Vice Chairman: The vice chairman shall be the designated council person.
- D. County Emergency Management Council: The council will become an integral part of the county emergency management council during a countywide disaster. (Ord. 423, 5-4-1981)

1-9-3: DECLARATION OF EMERGENCY:

The primary responsibility for initiating action at the time of an emergency or disaster rests with the elected government of the town. A declaration of an emergency and subsequent assistance requests during or on account of an emergency or disaster in the town will be honored only when the emergency is declared by the chief elected official and/or emergency council. (Ord. 423, 5-4-1981)

1-9-4: EMERGENCY OPERATIONS PLAN:

The Basin emergency council is empowered to prepare, review and recommend to the Big Horn County/city emergency management council an emergency operations plan for Basin. (Ord. 423, 5-4-1981)

1-9-5: RULES AND REGULATIONS:

It shall be the duty of the emergency council to promulgate such rules and regulations necessary for the efficient management and operation of the Basin town emergency management organization. (Ord. 423, 5-4-1981)

1-9-6: EMERGENCY OPERATIONS CENTER:

- A. The Basin emergency council shall designate a suitable location for the establishment of an emergency operations center to include essential communications, operating equipment and, if practicable, fallout protection.
- B. The emergency operations center for Basin shall be located at sheriff's office in Basin, Wyoming. Emergency situations may warrant the establishment of a point of operation at the scene of the disaster. (Ord. 423, 5-4-1981)

1-9-7: SUCCESSION OF AUTHORITY:

The succession of authority within the Basin emergency council will be:

- A. Mayor;
- B. A designated council member;
- C. A designated council member;
- D. A designated council member;

1-9-7

1-9-10

E. A designated council member;

F. Town attorney. (Ord. 423, 5-4-1981)

1-9-8: RECOMMENDATION TO GOVERNOR:

The town emergency council shall recommend to the governor of Wyoming a person to serve as coordinator for the council who shall serve at the pleasure of the council and the governor. (Ord. 423, 5-4-1981)

1-9-9: DESIGNATED AGENTS:

The Basin emergency council will, with the consent of the governor, designate agent(s) to receive services, equipment, funds, etc., offered by federal/state grant or loan and other donors. (Ord. 423, 5-4-1981)

1-9-10: COORDINATOR:

The coordinator is hereby empowered and directed:

- A. To prepare a local emergency operating plan for Basin and assist in the development of a countywide emergency operations plan.
- B. To assist in the coordination of emergency responsibilities and functions of other departments, industry and citizens of Basin.
- C. To execute directives and policies established by the Basin emergency council.
- D. To coordinate training, planning, management and operational activities with the county emergency management department. (Ord. 423, 5-4-1981)