

RAWLINS MUNICIPAL CODE

Title 1

GENERAL PROVISIONS

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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption.**
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Section 1.01.010 Adoption.

Pursuant to the provisions of Wyoming Statutes § 15-1-103(a)(38) (1977), there is hereby adopted the "Rawlins Municipal Code," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 8-83 § 1)

Section 1.01.020 Title--Citation--Reference.

This code shall be known as the "Rawlins Municipal Code" and it shall be sufficient to refer to the code as the "Rawlins Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Rawlins Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Rawlins Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 8-83 § 2)

Section 1.01.030 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Rawlins, Wyoming, codified pursuant to the provisions of Wyoming Statutes § 15-1-103(a)(38) (1977). (Ord. 8-83 § 3)

Section 1.01.040 Ordinances passed prior to adoption of the code.

The last ordinance included in the initial code is Ordinance No. 3E-82, passed March 20, 1982. The following ordinances, passed subsequent to Ordinance No. 3E-82, but prior to adoption of this code, are adopted and made a part of this code: 4-82, 4A-82, 5-82, 8-82, 8A-82, 8B-82, 4-83, 5A-83, 5B-83, 5C-83, 5D-83, 6-83, 6A-83 and 6C-83. (Ord. 8-83 § 4)

Section 1.01.050 Reference applies to all amendments.

Whenever a reference is made to this code as the "Rawlins Municipal Code" or to any portion thereof, or to any ordinance of the city of Rawlins, Wyoming, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 8-83 § 5)

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Section 1.01.060 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 8-83 § 6)

Section 1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 8-83 § 7)

Section 1.01.080 Effect of code on past actions and obligations.

Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city of Rawlins shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 8-83 § 8)

Section 1.01.090 Effective date.

This code shall become effective on the date the ordinance adopting this code as the "Rawlins Municipal Code" becomes effective. (Ord. 8-83 § 9)

Section 1.01.100 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 8-83 § 10)

Section 1.01.110 Fees by Resolution.

All fees set, imposed, or collected by the City Council, except where specifically required to be set by ordinance, shall be established by special resolution of the City Council, which shall be effective not less than thirty (30) days following passage. The special resolution shall require one (1) public hearing and one (1) vote passed by a majority of the City Council. The final fee resolution shall be published in the same manner as an ordinance. All fees shall be reviewed by the City Council annually in the month of January. Fees shall be attached to the Rawlins Municipal Code as Appendix "A Fees". (Ord. No. 6-97, Enacted, 06/17/97)(Ord. 08a-2008, Amended, 08/19/2008; Ord. 06b-2003, Amended, 06/17/2003)

Chapter 1.04
COMMITTEES

Sections:

- 1.04.010** **Definition.**
- 1.04.020** **Creation and appointment.**
- 1.04.030** **Dissolution.**

Section 1.04.010 **Definition.**

The term "committee" includes ad hoc committees, standing committees, advisory boards, commissions, and other such bodies created by the City Council and appointed by the Mayor and/or City Council. (Ord. No. 1A-94, Enacted, 01/18/94)

Section 1.04.020 **Creation and appointment.**

- (a) Ad hoc committees shall be created by Resolution of the Council. Membership, method of appointment, purpose, and dissolution of such committees shall be as prescribed in the resolution.
- (b) Standing Committees shall be created by ordinance or resolution. Membership, terms, method of appointment, purpose, and goals of standing committees shall be prescribed in the ordinance or resolution. (Ord. No. 1A-94, Enacted, 01/18/94)

Section 1.04.030 **Dissolution.**

A committee not mandated by state or federal law shall be automatically dissolved if such committee does not hold an official meeting for 12 consecutive months. (Ord. No. 1A-94, Enacted, 01/18/94)

Chapter 1.06

GENERAL NOTICE

Sections:

1.06.010 Notice, Hearing and Appeal- Abate code violation- Emergency Action

Section 1.06.010 Notice, Hearing and Appeal- Abate code violation- Emergency Action

- A. Whenever the city manager or his appointed representative is of the opinion that any condition is a violation of any ordinance of this code regarding licensing, price fixing, or the legal rights, duties or privileges of any parts is sought by the city in a manner other than criminal citation and a specific notice procedure is not described in the code to inform the violator that the violation exists, the city manager or representative shall attempt to give written notice to the owner of the land where the condition is located, if the condition involves chattel property the owner of the chattel property, and to any other person or entity known by the city manager to have a security interest in the property where the condition is located. The notice shall be attempted by regular U.S. mail, or certified mail or personal service or the notice shall be posted at the site or on the premises where the violation exists.
- B. Such notice shall include substantially the following information:
1. A statement that a certain condition is a violation of the municipal code and identify the code provision violated;
 2. A description of the real property, by street address or otherwise, on which the condition exists;
 3. A statement describing the date the violation must be brought into compliance and the action that the City intends to take if the violation is not abated by the date;
 4. A statement that if the action results in cost to the city the cost of abatement may be assessed against the land upon which the violation exists;
 5. A statement that a hearing upon the allegation of a violation of the code and the assessment of costs may be requested by the owner of the land where the condition is located, any person or entity having a security interest in the property or if the condition involves chattel property the owner of the chattel property by giving written notice to the city clerk within ten days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that upon request a hearing will be scheduled with the city manager or a board, individual or hearing examiner selected by the city manager to determine if a violation of the code exists and as to the assessment of administrative costs and the costs of abatement; **that if a hearing is not so requested the right to a hearing shall be waived;**
 6. That the notice, hearing and appeal procedure that applies, can be found at section 1.06.010 of the municipal code.
- C. In the event that notice, as provided in subsection A and B of this section, cannot be given to each individual known by the city manager or his representative to have an interest in the property where the condition exists, service shall be made by publication. Such notice by publication shall be made by one publication in a newspaper of general circulation in Carbon County. The notice of publication shall contain the same information required in the notice described in subsection B of this section. Notice by publication may contain multiple listings of code violations.
- D. Proof of notice shall be made by the certification of any officer or employee of the city, or affidavit of any person over eighteen years of age, naming the person to whom notice was given and specifying the time, place and manner thereof. Proof of notice shall be made in each case and maintained for a period of two years from the date of abatement of the violation for which notice has been given.
- E. In the event a request for hearing is filed as provided, and a hearing procedure is not described in the code or filed with the registrar of rules a hearing shall be held before the city entity or individual described in the code or in the event an entity or individual is not named then before the city manager or such other individual or group as designated by the city manager to act as hearing examiner. The

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purpose of the hearing shall be to confirm or deny the existence of a violation of the code and for taking such further action by the city as described in the notice. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing to the requesting parties and the city attorney.

- F. At such hearing, all parties and the city shall be afforded an opportunity to present evidence, to cross-examine and present argument; provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the, hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.
- G. At or after such hearing, and in the event of confirmation that a violation exists, the city manager or the hearing examiner, as the case may be, may resolve or order that the violation be abated and authorize the city to take action as described in the notice described above; provided, however, that if the circumstances justify, in the opinion of the city manager or person or board presiding at the hearing, the time for abatement may be delayed or with the stipulation of all parties the action to be taken by the city altered. In the event a violation of the code is confirmed, administrative and abatement costs may also be assessed at the hearing. If it is found that a violation of the code does not exist, abatement authority shall be denied and costs shall not be assessed.
- H. In the event an appeals process is not described in the code then appeals from adverse decisions rendered by the hearing examiner, board or city manager may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of Section 16-3-114 of the Wyoming Statutes, 1977. The city manager, hearing examiner or board is an agency within the meaning of the Wyoming Administrative Procedures Act and adverse decisions may be appealed in the manner provided therein.
- I. In the event a request for hearing or appeal, as provided, is not timely filed, the right to a hearing shall be considered to have been waived.**
- J. Nothing in this provision shall prevent emergency action whether or not a specific appeal process is available. Whenever the city manager determines that an emergency exists as a result of natural or manmade condition, or threatened natural or manmade condition, causing imminent danger to the health or safety or danger of injury to or damages to persons or property, he or she shall, have authority to declare an emergency and take any precautionary measure or abatement which is reasonable under the circumstances and give notice which is reasonable under the circumstances and any cost may be assessed against the land upon which the condition existed. Hearing on the assessed cost may be requested as provided in B (5) above.
- K. This ordinance shall be filed with the registrar of rules pursuant to W.S. §16-3-102 and shall apply to any political subdivision of the City that has not filed procedures for contested cases as defined by W.S. §16-3-101.

(Ord. 03a-2007, Amended, 03/20/2007; 11-2005, Amended, 11/16/2005)

Chapter 1.08

GENERAL PENALTY AND AUTHORITY TO ISSUE CITATIONS

Sections:

1.08.010 Penalties for violations.

1.08.020 Municipal Officers authorized to issue citations in addition to certified peace officers

Section 1.08.010 Penalties for violations.

A. Fines. Whenever this code, or any ordinance of the city, prohibits an act or a failure to act, or makes such an offense unlawful or a misdemeanor and no specific penalty is provided therefor, the violation of such provision shall be punished by a fine not to exceed seven hundred fifty dollars.

B. Restitution. Whenever a violation of this code, or any city ordinance, results in damage to a victim, the Municipal Court may order restitution be paid to the victim for any losses resulting from or associated with the violation.

C. Incarceration. In addition to the fine that may be imposed for the violation of the ordinances of the city, violations of the following ordinances may upon recommendation of the City Attorney and with the approval of the court be punished by a period of incarceration not exceeding six months:

- 5.08.530 Sale (of liquor) to minors.
- 9.04.020 Interference with an officer.
- 9.04.030 Resisting arrest.
- 9.04.010 Disobeying a lawful order.
- 9.08.010 Assault and battery.
- 9.12.020 Larceny.
- 9.16.020 (E) and (F) Breach of peace.
- 9.20.060 Shoplifting.
- 9.28.030 Endangering the Welfare of a Minor.
- 9.32.010 Concealed weapon.
- 10.03.010 Fleeing and eluding.
- 10.15.060 Driving while suspended.
- 10.24.020 Speeding in excess of 35 MPH over the posted speed limit.
- 10.48.030 Reckless driving.
- 10.48.150 Driving under the influence.

All persons charged with one of these offenses will be advised at arraignment that a jail sentence is possible. If the City Attorney's office does not notify the Court within ten (10) days of arraignment that the City will not seek incarceration then the possibility of incarceration and all applicable rights to the defendant including the right to a jury trial shall apply.

D. Costs. In addition to any fine or incarceration imposed under this section, there shall be imposed upon the violator court costs which conforms to W.S. §5-6-108(a) and court automation fees which conforms with W.S. §5-6-108(a)(i).

1. The City shall retain automation fees established by W.S. §5-6-204.
 - a. There is created an account entitled "eCitation account". Funds within the account shall be used for the purchase, maintenance, and operation of computer hardware and software to enhance the communications, records, interfaces and management of the eCitation system. (Ord. 08-2017, Amended 8/1/2017)

E. Separate Offenses. Each day a violation of an ordinance of the city occurs or continues shall constitute a separate offense and be subject to separate penalties.

F. Nuisances. In the event that a violation is designated as a nuisance under the provisions

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of the respective ordinance, the nuisance may be summarily abated by the city manager, or his designee. The cost of such abatement may be taxed to the violator upon conviction or entry of plea of guilty to the violation if such conforms to the conditions specified in W.S. 15-4-204. (Ord. 10-91: Ord. 8G-83: Ord. 4C-81: Ord. 9-78 § 1: prior code § 1-12)

G. Costs of Incarceration.

1. In addition to any other penalty imposed by the Municipal Court, in the event that the Court imposes any incarceration in the county jail, the Court may order that the defendant pay the county in which he is incarcerated for the expenses of incarceration, both before and after conviction, on a daily basis at the rate established by the county sheriff. The costs ordered to be paid shall be the actual cost billed to the City from the county sheriff.

2. The Court shall not impose the costs of incarceration in the event that one or more of the following conditions are found to exist by the Court:

a. The defendant has no ability to pay and that no reasonable probability exists that the defendant will have an ability to pay; or,

b. In the judgment of the Court, the costs would impose a manifest hardship on the inmate, or the property of the inmate is needed for the maintenance and support of the inmate's family.

3. Willful violations of a special order entered by the Court under this section may be enforced by the contempt powers of the Court, and may include the costs of any ordered incarceration.

(Ord. No. 9A-96, Amended, 09/17/96; Ord. No. 9A-96, Amended, 09/17/96; Ord. No. 9A-96, Amended, 09/17/96; Ord. No. 10a-00, Amended, 10/17/00)

(Ord. 08-2007, Amended, 08/07/2007; Ord. 10-2006, Amended, 10/03/2006; 1.08.010, Amended, 10/17/2000; Ord 08-2017, Amended 8/1/2017, 1.08.010 D)

Section 1.08.020 Municipal Officers authorized to issue citations in addition to certified peace officers

The following special municipal officers, who are not certified as peace officers, are hereby authorized to issue citations to individuals for the limited purpose of enforcing ordinances, resolutions and regulations relating to animal control, parking and municipal code enforcement.

Any individual having completed training approved by the City Manager and designated by the City Manager with enforcement authority in the following areas may issue citations pursuant to WY Statute §15-1-103.

- 1. Animal Control
- 2. Parking
- 3. Building and Uniform Codes
- 4. Zoning and Subdivision
- 5. Nuisance Enforcement

(Ord. 08-2007, Add, 08/07/2007)

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Chapter 1.09
JURISDICTION

DELETED. (Ord. 08-2016)