

Title 1
GENERAL PROVISIONS

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Chapter 1.01
CODE ADOPTION

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1.01.010 Adoption. Pursuant to provisions of Section 15-1-103(a)(xxxviii) W.S. (1980), there is adopted the “Hanna Municipal Code,” as compiled, edited and published by the Book Publishing Company, Seattle, Washington.

1.01.020 Title-Citation-Reference. This code shall be known as the “Hanna Municipal Code” and it shall be sufficient to refer to the code as the Hanna 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, correction or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Hanna Municipal Code. Further reference may be had to the titles, chapters, sections and sub=sections of the Hanna Municipal Code and such references shall apply to that numbered title, chapter, section or sub-section as it appears in the code.

1.01.030 Codification Authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Hanna, codified pursuant to the provisions of section 15-1-103(a) (xxxviii)W.S. (1980)

1.01.040 Ordinances Passed Prior to Adoption of the Code. The last ordinance included in the initial code is Ordinance 170, passed June 15, 1982. The following ordinances, passes subsequent to Ordinance 170, but prior to adoption of this code, are adopted and made a part of this code: Ord. 171, 172 and 173.

1.01.050 Reference Applies to all Amendments. Whenever a reference is made to this code as the Hanna Municipal code, or to any portion thereof, or to any ordinance of the Town of Hanna, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

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.

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.

1.01.080 Effect of Code on Past Ordinances and Obligations. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the Town 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 eh effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions for 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.

1.01.090 Effective Date. This code shall become effective on the date the ordinance adopting this code as the Hanna Municipal Code becomes effective.

1.01.100 Constitutionality. If any section, sub-section, 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 hereby declares that it would have passed this code, and each section, sub-section, 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 in valid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Code Designated and Cited
- 1.04.020 Definitions and Rules of Construction
- 1.04.030 Catch-lines-Headings
- 1.04.040 Severability of Parts of Code.

1.04.010 Code Designated and Cited. The ordinance embraced in this chapter and the following chapters and sections shall constitute and be designated as “The Code of the Town of Hanna” and may be so cited.

1.04.020 Definitions and Rules of Construction. In the construction of this Code and of all ordinances of the municipality, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the governing body or the context clearly requires otherwise.

A. “Administrative Official” means the board, commission, committee, officer, agent, or employee of the municipality charged by the governing body with the administration, enforcement or both the administration and enforcement of the particular provisions of this Code in which the term is used.

B. “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, a Sunday or legal holiday.

C. “County” means the county, in the state of Wyoming, in which the municipality is located.

- D. "Gender." Words importing the masculine gender include the feminine and neuter.
- E. "Governing Body" means the elected legislative body of the municipality.
- F. "In the Municipality" or "In the Corporate Limits of the Municipality" means and includes any territory within the corporate limits of the municipality, the police jurisdiction thereof and any territory over which regulatory power has been conferred on the municipality by general or special act.
- G. "Joint Authority." All words giving a Joint *Prior ordinance history: Ord 4. Authority to three or more persons shall be construed as giving such authority to a majority of such persons.
- H. "Month" means the calendar month.
- I. "Municipality" means the city or town enacting the section in which the word "Municipality" is used.
- J. "Number." Words used in the singular include the plural and words used in the plural include the singular.
- K. "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."
- L. "Owner," when applied to a building or land, means and includes not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land and includes any agent of such owner, and where such owner is a body corporate, it includes the managing agent or officer within the municipality.
- M. "Person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
- N. "Personal Property" includes every species of property, except real property.
- O. "Preceding" and "Following" means next before and next after, respectively.
- P. "Property" includes real and personal property.
- Q. "Real Property" includes lands, tenements and hereditaments.
- R. "Shall" is mandatory, and "May" is permissive.
- S. "Sidewalk" means any portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.
- T. "State" means the state of Wyoming.
- U. "State Law" means the Wyoming Statutes of 1957, as amended.

V. “Street” means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the municipality.

W. “Tenant” and “Occupant,” when applied to a building or land, means any person who occupies the whole or a part of such building or land, whether alone or with as the past and present.

Y. “Written” or “In Writing” includes printing, lithographing or other 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.

Z. “Year” means a calendar year.

1.04.030 Catch-lines-Headings. The catch-lines of the sections and the headings of chapters, articles, divisions, and subdivisions of this Code are intended as mere catchwords to indicate the contents of the sections, chapters, articles, divisions and subdivisions and shall not be deemed or taken to be titles of such sections, chapters, articles, divisions and subdivisions nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, chapter, article, division or sub-division including its catch-line or heading, is amended or reenacted.

1.04.040 Severability of Parts of Code. If for any reason any part, section, sub-section, sentence, clause or phrase of this Code, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this code.

Chapter 1.08

PROCEDURES FOR WRITING AND PASSING ORDINANCES

Sections:

- 1.08.010 Amendment or Repeal of Code Provisions
- 1.08.020 Repeal of Repealers
- 1.08.030 Numbering

1.08.010 Amendment or Repeal of Code Provisions. The amendment or repeal of existing provisions of this Code or the insertion of additional provisions in this Code shall be done in the following manner:

A. Ordinances amending existing sections shall designate, by section number, the sections which are affected and set out in full the new language of each such section.

B. Ordinances amending existing sections shall designate, by section number, the sections which are repealed.

C. Ordinances adding sections to the Code shall designate where such sections are to be inserted.

1. Sections which should be placed between existing sections shall be numbered decimally as illustrated in the following example: An ordinance adding three sections which should logically fall between Sections 1.04.010 and 1.04.020 would be numbered 1.04.011, 1.04.012, 1.04.013 respectively.

2. Ordinances adding new material not presently covered by a chapter heading in the Code shall be inserted in alphabetical order between existing chapters based on the subject matter of the ordinance. The new chapter shall be numbered decimally as illustrated in the following example: An ordinance adding a new chapter which should be inserted between existing Chapter 2.04 and 2.08 would be numbered e.g., 2.06 with the individual sections of such chapter being numbered 2.06.010, 2.06.020 et seq.

3. Nothing in this sub-section shall be interpreted as prohibiting the rearrangement of such additional materials by the official codifier of the municipality's ordinances in order to insure the proper codification of such ordinances.

1.08.020 Repeal of Repealers. The repeal of an ordinance which repeals a former ordinance or provision of this Code shall not revive the former ordinance or provisions of this Code unless expressly so provided.

1.08.030 Numbering. Each ordinance passed by the governing body shall be systematically identified by a number assigned to such ordinance pursuant to a systematic numbering system adopted by the governing body. The numbering system so adopted shall reflect the sequence of adoption of all the municipality's ordinances from the implementation of such numbering system and shall assign a particular number to only one ordinance.

Chapter 1.12

TOWN SEAL

Sections:

1.12.010 Affixation to Official Papers

1.12.010 Affixation to Official Papers. The town seal shall be affixed to all vouchers, licenses, contracts, deeds, resolutions, ordinances, minutes of the governing body and all other papers which are signed by the Mayor and attested by the Town Clerk.

Chapter 1.16

GENERAL PENALTY

Sections:

- 1.16.010 Penalty for Violations of Town Ordinances
- 1.16.020 Actions for Penalties or Fines
- 1.16.030 Disposition of Recoveries

1.16.010 Penalty for Violations of Town Ordinances. Whenever in any ordinance of the Town of Hanna an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of such ordinance shall be punished by a fine of not exceeding seven hundred fifty dollars; or a similar offense under the laws of the state. Each day any violation of any ordinance continues shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of any ordinance, such nuisance may be summarily abated by the police department of the Town. In addition to any fine imposed under this section, such violator shall be taxed not exceeding ten dollars cost.

1.16.020 Actions for Penalties or Fines. All actions brought to recover any penalty or fine shall be brought in the corporate name of the municipality.

1.16.030 Disposition of Recoveries. The recoveries, when collected, shall be paid into the Treasury of the Municipality.

1.26

SURCHARGE FOR WYOMING VICTIM COMPENSATION FUND

Sections:

- 1.26.010 Surcharge to be Assessed
- 1.26.020 Surcharge in Deferral or Diversion Agreement

- 1.26.030 Ability to Pay
- 1.26.040 Time for Payment
- 1.26.050 Application of Moneys to Surcharge

1.26.010 Surcharge to be Assessed. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, or is convicted of the following criminal offenses shall be assessed a surcharge of not less than fifty dollars:

- A. Any crime enumerated in W.S. 6-1-101 through 6-10-203;
- B. Any violation of W.S. 31-5-229 or 31-53233;
- C. Any violation of W.S. 35-7-1001 through 35-7-1057;
- D. Any violation of W.S. 14-3-104 through 14-3-105
- E. Any violation of a Municipal ordinance which has substantially similar elements to the criminal offenses specified in subsections B through D of this section or any other violation of a Municipal ordinance which causes actual damage to persons or property.

1.26.020 Surcharge in deferral or Diversion Agreement. The surcharge enumerated in Section 1.26.010 of this chapter shall be imposed upon any defendant for whom prosecution, trial or sentence is deferred or who participates in any other diversion agreement

1.26.030 Ability to Pay. Under no circumstances shall the court fail to impose the surcharge required by this chapter if the court determines the defendant has an ability to pay.

1.26.040 Time for Payment. The surcharge shall be paid within ten days of imposition. Failure to comply is punishable as contempt of court. Contempt proceedings or other proceedings to collect the surcharge may be initiated by the prosecuting attorney or by the court on its own motion.

1.26.050 Application of Moneys to Surcharge. Moneys paid to the court by a defendant shall be applied to the surcharge before being applied to any fine, penalty, cost or assessment imposed upon the defendant. The proceeds from the surcharge imposed by this section shall be remitted promptly by the Clerk of the Court to the Town Clerk for transmittal to the crime victims commission for deposit in its account.