

TITLE 1
ADMINISTRATION

Chapter/Subject	Page
CHAPTER 1 OFFICIAL TOWN CODE	3
CHAPTER 2 SAVING CLAUSE.....	5
CHAPTER 3 DEFINITIONS	7
CHAPTER 4 GENERAL PENALTY	11
CHAPTER 5 CORPORATE AND OFFICIAL PROVISIONS	13
CHAPTER 6 MAYOR AND TOWN COUNCIL.....	14
CHAPTER 7 TOWN OFFICERS AND EMPLOYEES	20
CHAPTER 8 ELECTIONS.....	25
CHAPTER 9 ORDINANCES	31
CHAPTER 10 ACCOUNTING.....	34
CHAPTER 11 SUPERIOR MUNICIPAL COURT	36

CHAPTER 1
OFFICIAL TOWN CODE

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 Superior. This town code of ordinances shall be known and cited as the SUPERIOR 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. (2005 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. (2005 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 revisions by ordinance shall be immediately forwarded to the codifiers, and the 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. (2005 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 such 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. Such 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. (2005 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. (1960 Code § 12-102; amd. 2005 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. (2005 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 word or implication, whether the repeal is in the ordinance making any new provision 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. (1960 Code § 12-103; amd. 2005 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. (2005 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. (2005 Code)
 - C. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board of officers, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done. (1960 Code § 12-104)
- 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.

CODE: The municipal code of the town of Superior.

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, Sunday or 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 Superior.

COUNTY: Sweetwater County, in the state of Wyoming, in which the town of Superior 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 Superior".

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.

KNOWINGLY: The term, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire any advantage.

LAND, REAL ESTATE, AND REAL PROPERTY: Include lands, tenements, hereditaments, water rights, possessory rights and claims.

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 Superior.

NEGLECT, NEGLIGENCE, NEGLIGENT AND NEGLIGENTLY: Impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

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 Superior". The word "officer" shall include officers and boards in charge of departments and the members of such boards.

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 or 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 Superior.

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: Shall include 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.

SIGNATURE: Includes any name, mark or sign written with the intent to authenticate any instrument or writing.

STANDARD TIME: When any time is specified in this code, it shall mean standard time, as distinguished from solar time, and the words "midnight" or "noon" shall be taken to be midnight or noon standard time.

STATE: The state of Wyoming.

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 town of Superior.

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 Superior, county of Sweetwater, state of Wyoming.

WHOLESALE: 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, unless otherwise specified. (1960 Code § 12-104; amd. 2005 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. (1960 Code § 12-109, amd. 2005 Code)

CHAPTER 4
GENERAL PENALTY

Section:

- 1-4-1: General Penalty
- 1-4-2: Application
- 1-4-3: Proof Respecting Intent
- 1-4-4: Aiding And Abetting
- 1-4-5: Prisoners To Perform Work
- 1-4-6: Liability Of Officers

1-4-1: GENERAL PENALTY ¹ :

- A. General Penalty: Whenever in this code, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code 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 punishable by a fine not exceeding seven hundred fifty dollars (\$750.00); provided, however, that no penalty shall be greater than the penalty provided for the same or a similar offense under the laws of the state.
- B. Continuing Violation: Each day any violation of this code continues shall constitute a separate offense.
- C. Nuisances: In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the town.
- D. Costs: In addition to any fine imposed under this section, the court shall impose a court automation fee of ten dollars (\$10.00). (Ord. 989, 11-12-1992; amd. 2005 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.
- 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

¹ See WS §§ 5-6-301, 6-10-103, and 15-1-103(a)(xii). See WS § 6-10-105 for commitment for refusal to pay fine or costs; rate per day.

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. (2005 Code)

1-4-3: PROOF RESPECTING INTENT:

Whenever by any of the provisions of this code an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association or body politic or corporate whatever. (1960 Code § 12-105)

1-4-4: AIDING AND ABETTING:

When the provisions of this code prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense. (1960 Code § 12-106)

1-4-5: PRISONERS TO PERFORM WORK:

Any person who shall violate any ordinance or any provisions of this code shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not more than seven hundred fifty dollars (\$750.00) to which may be added the costs at the discretion of the court and, in default of the payment of such fine and costs, be confined in the town jail at the rate of one day for each fifteen dollars (\$15.00) of the fine and costs so imposed, and while so confined, may be required to work on any street, alley, or other public work of this town for the benefit of this town. (1960 Code § 12-108; amd. Ord. 989, 11-12-1992; 2005 Code)

1-4-6: LIABILITY OF OFFICERS:

No provision of this town code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the town council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2005 Code)

CHAPTER 5
CORPORATE AND OFFICIAL PROVISIONS

Section:

- 1-5-1: Town Seal
- 1-5-2: Corporate Limits

1-5-1: TOWN SEAL:

A seal, the impression of which shall be as follows: In the center the word "Incorporated" and the figures "Mar. 21, 1911", and the outer edge the words "Town of Superior, Sweetwater County" shall be and the same is hereby adopted and declared to be the seal of the town of Superior. (1960 Code § 1-103; amd. 2005 Code)

1-5-2: CORPORATE LIMITS:

The corporate limits of the town shall be as shown on the official map as amended from time to time on file in the office of the town clerk-treasurer. (2005 Code)

CHAPTER 6
MAYOR AND TOWN COUNCIL

Section:

- 1-6-1: Elective Officers
- 1-6-2: Term
- 1-6-3: Compensation
- 1-6-4: Vacancies
- 1-6-5: Meetings

1-6-1: ELECTIVE OFFICERS:

The elective officers of the town shall be a mayor and four (4) councilmen who shall be elected in the manner hereinafter prescribed. (1960 Code § 1-501)

1-6-2: TERM:

The term of office of mayor shall be four (4) years and the councilmen four (4) years, and until their successors are qualified. (1960 Code § 1-502; amd. 2005 Code)

1-6-3: COMPENSATION:

A. Mayor:

1. No Town Administrator Employed: If a town administrator is not employed by the town, the salary of the mayor of the town shall be four thousand eight hundred dollars (\$4,800.00) per year, payable in twelve (12) equal monthly installments of four hundred dollars (\$400.00) each.

2. Town Administrator Employed: If a town administrator is employed by the town, the salary of the mayor of the town shall be two thousand four hundred dollars (\$2,400.00) per year, payable in twelve (12) equal monthly installments of two hundred dollars (\$200.00) each.

B. Council Members: The salary for council member positions 1, 2, 3, and 4 shall be fifty dollars (\$50.00) for actual attendance at each regular or special meeting.

C. Choice Not To Claim Salaries: The mayor and any council member may, at any time, choose not to claim any or all of the salaries due them. In such event, the town clerk-treasurer's records shall reflect that no payment or payments were made to that person.

- D. Construction Of Ordinance: Provided, that the ordinance codified in this section shall not be applied to increase the salary of any officer during his/her term in effect as of the date of adoption of the ordinance codified herein, except that the salary of the mayor may vary within the limits set forth above depending upon the presence of a town administrator. (Ord. 980, 3-16-1992; amd. 2005 Code)

1-6-4: VACANCIES:

Any vacancy occurring in the offices of mayor or councilmen, whether by death, removal from office, resignation, removal of residence or otherwise, shall be filled for the unexpired term thereof by appointment to be made by the town council; and when said vacancy shall be so filled, the person or persons so appointed shall continue in office until their successors shall be elected and qualified. (1960 Code § 1-509)

1-6-5: MEETINGS:

- A. Regular Meetings: Regular meetings shall be held on the second and fourth Thursday in each month at the hour of seven o'clock (7:00) P.M.; providing, however, that if such meeting date should be a legal holiday, then such meeting shall be held on the next working day that is not a legal holiday, or postponed until the following meeting date. (Ord. 1012, 8-13-1998)
- B. Rules And Regulations: The following rules and regulations are hereby adopted for the purpose of conducting and expediting the business of the town council, which rules and regulations until repealed, amended or changed shall be absolutely binding upon the town council and each and every member and officer thereof:

Rule 1, Order Of Business: At the hour appointed, the council shall be called to order by the mayor, or in his absence, by the president of the council, or in the absence of both, by the clerk-treasurer, in which latter case some member of the council shall then be elected to act as chairman temporarily who shall be styled, "acting president of the council". After the roll is called by the clerk-treasurer, if a quorum be present, the council shall proceed to the business before them in the order following:

1. Reading of the minutes of the last meeting. Amendment and approval of the same.
2. Presentation of petitions and reports of officers.
3. Reports of standing committees.
4. Reports of special committees.

5. Communications to the council.
6. Unfinished business of preceding meeting.
7. Miscellaneous business, motions, resolutions, notices, etc.

Rule 2, Adherence To Rules, Suspension: The rules of procedure and order of business shall be strictly adhered to by the council unless they shall be temporarily suspended by a two-thirds (2/3) vote of the members present.

Rule 3, Mayor To Preside; Vote: The mayor shall preside at all meetings of the town council and shall have one vote and no more on all questions coming before the council. In the absence of the mayor, the president of the council and in the absence of both, the acting president of the council shall preside.

Rule 4, Executive Session: When the council is in executive session, the town hall or place of meeting shall be cleared of all persons excepting the mayor, councilmen, and clerk-treasurer, and such members of the town government as may be requested to remain by the council, and if required, a record of the meeting shall be made and kept the same as when the council is in open session.

Rule 5, Deliberations: The deliberations of the council, when in open session, shall be governed by the rules and regulations of the town council so far as the same is applicable.

Rule 6, Clerk-Treasurer And Marshal To Attend: It shall be the duty of the clerk-treasurer and marshal to attend all meetings of the council.

Rule 7, Quorum; Power To Compel Attendance: At all meetings of the council, a majority of all the councilmen shall constitute a quorum for doing business, but a minority may adjourn from day to day and compel the attendance of absent members. When required, the marshal shall have the power to summon and bring the absent members to the council.

Rule 8, Duties And Privileges Of Presiding Officer: The mayor, or presiding officer in the absence of the mayor, shall preserve order and decorum and shall decide questions of order, subject to an appeal to the council.

Rule 9, Crossing Or Leaving Place Of Meeting: While the mayor is putting the question, no councilman shall walk across or out of the town hall or place of meeting.

Rule 10, Recognition By Chair: Every member, before speaking on any question, shall address himself to the mayor or proper chairman by his proper

title, but shall not proceed with his remarks until recognized and named by the chairman.

Rule 11, Duties And Privileges Of Councilmen: No councilman shall speak more than twice to the same general question, nor more than once to a previous question, without leave of two-thirds (2/3) of the members of the council, nor more than once in any case until every member choosing to speak shall have spoken.

Rule 12, Private Conversation: While a member of the council is speaking, no member shall entertain private conversation.

Rule 13, Member Called To Order: A member called to order shall immediately suspend his remarks unless permitted to explain. If there be no appeal, the decision of the chair shall be conclusive, but if the member shall appeal to the council, the council shall decide the case without debate.

Rule 14, Motions:

1. Order Of Precedence: Motions upon the subject under consideration shall have precedence in the following order:

- a. To lay on the table.
- b. To postpone.
- c. To commit.
- d. To amend.

2. Consideration; Withdrawal: All motions shall be reduced to writing if required by the chairman or any member of the council, and, when stated by the chairman, shall be open for consideration. All resolutions must be written and shall be open for consideration after being read by the chairman. No motion or resolution can be withdrawn after it shall have been amended or decided.

3. Previous Question; Motion To Postpone: A motion for a "previous question" shall preclude all amendments and debate on the main question until the motion for the previous question is decided, and a motion to postpone it to a day certain shall, until it is decided, preclude all amendments to the first question.

4. Form Of Previous Question: The previous question shall be put in this form: "Shall the main question be not put?", and effect when sustained by

the majority of the members present, shall be to put an end to all debate and bring the council to vote on the question or questions before it.

Rule 15, Ayes And Nays: On the question of the passage of any ordinance, bylaws or resolution, the ayes and nays shall be taken, and a record made of the same, and all other questions the ayes and nays shall be taken when called for by any member.

Rule 16, Adjournment: A motion to adjourn shall always be in order, and shall have precedence over all others, and shall be decided without debate.

Rule 17, Division Of Question: If the question before the council shall contain two (2) or more distinct propositions, any member may have the same divided on request.

Rule 18, Standing Committees:

1. Appointment: The standing committees shall be appointed annually.
2. Chairman: The persons first named on the committee shall be the chairman thereof.
3. Membership: The standing committees of the council shall consist of two (2) members each.

Rule 19, Special Committees: All special committees shall be appointed by the mayor, or in his absence by the president of the council, or in the absence of both by the "acting president of the council" unless otherwise ordered, in which case they may be appointed as council may direct.

Rule 20, Reports: All committees shall, in all cases, report in writing. All reports of committees shall be addressed to the mayor and council.

Rule 21, Passage Of Ordinances: Ordinances shall be passed in the following manner: The ordinance shall be read and placed upon its passage, the ayes and nays shall be called, and if the ordinance shall have passed by a majority vote, it shall be signed by the president of the council, with the date of passage, attested by the clerk-treasurer under the seal of the town, and then shall be transmitted to the mayor for his approval, and if approved by the mayor, shall return to the clerk-treasurer such ordinance with his approval and signature attached and date of approval ², and the clerk-treasurer shall file such ordinance safely away. The clerk-treasurer shall enter upon the journal a record of the passage and approval of all ordinances with the names of and how each member voted.

² See section 1-9-7 of this title for veto or failure to sign.

Rule 22, Journal: The council shall keep a journal of its proceedings, which shall be open at all times for inspection and shall be kept by the town clerk-treasurer.

Rule 23, Blanks: When a blank is to be filled and different sums and times proposed, the question shall first be put on the largest sum and longest time.

Rule 24, Questions Of Priority: All questions relating to the priority of business shall be decided without debate.

Rule 25, Amendment Of Rules: These rules may be amended at any meeting of the town council by a vote of two-thirds (2/3) of the members present, the same being presented in writing and read and the ayes and nays shall be called as in the passage of ordinances. (1960 Code § 1-702; amd. 2005 Code)

C. Special Meetings:

1. Power To Call: The mayor and any two (2) councilmen, or a majority of the councilmen, at any time shall have power to call a special meeting of the town council, the object of which shall be submitted to the council, in writing, and the call and object, as well as the disposition thereof, shall be entered upon the journal of the clerk-treasurer.

2. Written Call; Notice Of Meeting: The call for a special meeting shall be in writing, signed by the person calling the meeting and filed with the town clerk-treasurer. It shall be the duty of the marshal, or any deputy marshal, to notify the mayor and each council member, if within the town, personally, of the meeting, and the officer so serving shall make return of such service to council; provided, however, any council member may appear at the meeting and thus dispense with service of notice.

3. Business Transacted: No business not stated in the call shall be transacted at the special meeting.

4. Time And Place: The time and place of holding such special council meeting shall be stated in the call. (1960 Code § 1-703)

CHAPTER 7
TOWN OFFICERS AND EMPLOYEES

Section:

- 1-7-1: Appointive Officers
- 1-7-2: Qualifications
- 1-7-3: Oath: Bond
- 1-7-4: Town Administrator
- 1-7-5: Town Clerk-Treasurer
- 1-7-6: Town Marshal
- 1-7-7: Town Attorney
- 1-7-8: Vacancies; Removal

1-7-1: APPOINTIVE OFFICERS:

There shall be a town marshal; a town clerk-treasurer, who shall be ex officio town assessor; and a town attorney, each of whom shall be appointed by the mayor, by and with the consent and approval of the town council, and shall hold office during the term of the mayor who appoints him until his successor is appointed and qualified, unless sooner removed as provided by law. (1960 Code § 1-401; amd. 2005 Code)

1-7-2: QUALIFICATIONS:

All officers shall possess the qualifications of electors under the laws of the state of Wyoming. (1960 Code § 1-402)

1-7-3: OATH; BOND:

- A. Oath: Each and every officer appointed to any office of the town shall, before entering upon the discharge of the duties of office to which he has been appointed, subscribe on oath or affirmation to honestly and faithfully perform and discharge the duties of such office. (1960 Code § 1-403; amd. 2005 Code)
- B. Bond: The official bonds of the following appointed town officers shall run to the town with such reasonable conditions as the town council, by resolution or ordinance, shall direct. Such officers shall file bonds with sufficient sureties in the following amounts:

Clerk-treasurer	\$10,000.00
Deputy clerk	10,000.00
Court clerk	500.00

Assistant court clerk 500.00
Municipal judge 500.00

The mayor and council shall determine the amount of bond required for appointed officers not heretofore specifically mentioned. (1960 Code § 1-409; amd. 2005 Code)

1-7-4: TOWN ADMINISTRATOR:

- A. Position Established: There is hereby created and established the position of town administrator.
- B. Qualifications; Appointment; Removal: The town administrator shall be selected on the basis of his/her executive and administrative qualifications with special reference to training and experience. The town administrator shall be appointed and, for good cause, removed by the mayor but, in either case, only with the concurrence of a majority of the members of the town council.
- C. Compensation: The town administrator shall be compensated for his services as the council may from time to time determine.
- D. Residency: At the time of his appointment, the administrator need not be a resident of the town or state, but within a reasonable time following his appointment, he shall move to the area and thereafter reside in the town during his tenure.
- E. Chief Administrative Officer: The town administrator shall be the chief administrative officer of the town government and shall be responsible to the mayor and council for the administration of town affairs placed in his charge.
- F. Appointment, Discipline And Removal Powers: Subject to and except as otherwise provided by law, ordinances or rules and regulations of the town council, the town administrator shall have the power to appoint, discipline and remove all officers and employees with the approval of the mayor except the appointment and removal of the town attorney, municipal judge, chief of police and clerk-treasurer, which shall only be done by the mayor.
- G. Additional Functions And Duties: It is the function and duty of the town administrator to:
 - 1. Supervision Of Law And Ordinance Enforcement: Supervise the administration of the enforcement of, and enforce when necessary, all laws and ordinances of the town, save and except to the extent that the

administration of such enforcement is confined to other town officers by Wyoming Statutes;

2. Administration Of Departments: Be responsible to the town council for the administration of all departments of the town, save and except those departments confined to the supervision of other town officers by Wyoming Statutes; and to cooperate with and supervise the administrative functions of such departments to the extent requested or delegated by the town officers having primary responsibility for the operation of such departments;

3. Administrative Regulations And Procedures: Issue such administrative regulations and outline general administrative procedures applicable to areas and departments assigned to his supervision in the form of rules which are not in conflict with the laws of the state or other town ordinances;

4. Annual Budget: Prepare an annual budget and submit the same to the council;

5. Financial Condition: Keep the council fully informed as to the financial condition of the town;

6. Recommend Measures: Recommend to the council, for adoption, such measures as he deems necessary or proper for the efficient and proper operation of the town and to attend all council meetings;

7. Annual Report: Prepare and submit to the council an annual report of the town's affairs, including a summary of the reports of the operation of all town departments;

8. Purchase Materials; Authorize Expenditures: Subject to the requirements of statutes and ordinances, and in accordance with rules and regulations promulgated by the town council, to purchase materials and authorize expenditures of funds on behalf of the town; and

9. Other Duties: Perform such other duties as may be prescribed by ordinance or by direction of the mayor or town council.

H. Council And Mayor To Act Through Administrator: Directives issued by the mayor or council concerning policies or operations of the town council affecting the area of responsibility of the town administrator in the administration of any of these departments, shall be made so as to direct the town administrator to accomplish the necessary orders. (Ord. 955, 4-6-1988; amd. 2005 Code)

1-7-5: TOWN CLERK-TREASURER:

A. Duties As Clerk:

1. Corporate Seal; Papers And Books; Council Meetings And Proceedings: It shall be the duty of the town clerk-treasurer to keep the corporate seal, papers and books belonging to the town; to attend the sittings of the town council, and to keep a journal of all their proceedings.
2. Ordinances: The clerk-treasurer shall also keep a record and a journal of all ordinances passed by the town council, which record and journal, after the approval of each sitting of the town council, shall be signed by the mayor and attested by the town clerk-treasurer.
3. Orders And Drafts: The clerk-treasurer shall attest all orders and drafts upon the treasury and affix thereto the seal of the town, and keep an accurate record thereof in a book provided for that purpose.
4. Bonds And Licenses: The clerk-treasurer shall also attest and affix the corporate seal to all bonds and licenses issued in pursuance of the orders of the town council and the ordinances of the town. (1960 Code § 1-405)

B. Duties As Treasurer:

1. Town Monies: It shall be the duty of the town clerk-treasurer to receive all monies derived for the benefit of the town from every and any source and disburse the same only on proper orders signed by the mayor and attested by the town clerk-treasurer and having affixed thereto the corporate seal.
2. Receipts; Expenditures: The clerk-treasurer shall keep an accurate and full account of all receipts and expenditures in a book provided for that purpose.
3. Orders, Warrants And Drafts: The clerk-treasurer shall pay the orders on him drawn in the order of their issue and shall keep a register of all orders and drafts in a book provided for that purpose, and when any orders or warrants are not paid for want of funds, the clerk-treasurer shall endorse the date of presentation across the face of each order or warrant and the reason why not paid, and the holder will not be entitled to receive interest until paid at the rate of eight percent (8%) per annum. All orders and warrants on the clerk-treasurer shall have specified therein the service of indebtedness for which the same are drawn.
4. Inspection Of Books: The clerk-treasurer shall at all times keep his books open for inspection by the mayor and members of the town council and shall furnish them when required with a full statement of all expenditures and receipts.

5. Collect Taxes And Licenses: The clerk-treasurer shall collect all taxes and licenses, and turn them over to the town treasury, making his receipt for the same.

6. Other Duties: The clerk-treasurer shall perform such other duties as may be required of him by the council, charter and ordinances of the town. (1960 Code § 1-406; amd. 2005 Code)

1-7-6: TOWN MARSHAL:

It shall be the duty of the town marshal to see that the ordinances of the town are duly enforced and to perform such other duties as the town may require of him or that he is required to do by the ordinances of the town. He shall be the chief of police and perform the duties incumbent upon such office. (1960 Code § 1-404; amd. 2005 Code)

1-7-7: TOWN ATTORNEY:

It shall be the duty of the town attorney to prepare all papers requested by the town officers and to appear in all cases wherein the town is concerned. (1960 Code § 1-407)

1-7-8: VACANCIES; REMOVAL:

Any vacancy occurring in any of the appointed offices, whether by death, removal from office, resignation, removal of residence, or otherwise, shall be filled for the unexpired term thereof by appointment to be made by the town council; and when said vacancy shall be so filled, the person or persons appointed shall continue in office until their successors shall be appointed and qualified. Such officers shall at all times be subject to the supervision and control of the town council in the discharge of their official duties, and may be removed from office by a vote of three-fourths (3/4) of the council members, for any refusal or neglect to comply with their orders or directions, or any gross neglect in the discharge of their official duties; but such officers shall be entitled to have a specification of the charges against them, which are made the ground of removal, and an opportunity to be heard in their defense, and the cause of any such removal in all cases shall be made a matter of record by the town council. (1960 Code § 1-410)

CHAPTER 8 ELECTIONS

Section:

- 1-8-01: Constitutional Authority
- 1-8-02: State Election Law To Be Amended
- 1-8-03: Officers To Be Elected
- 1-8-04: Date, Time And Place Of Election
- 1-8-05: Town Clerk-Treasurer To Be Chief Election Officer
- 1-8-06: Notice Of Election
- 1-8-07: Precinct Officers
- 1-8-08: Canvassing Board; Composition; Compensation
- 1-8-09: Ballot Propositions
- 1-8-10: Inapplicable State Law
- 1-8-11: Vacancies In Nomination
- 1-8-12: Nomination Application; Filing Fee
- 1-8-13: Newspaper Publication Of Candidates
- 1-8-14: Preparation Of Ballots
- 1-8-15: Canvassing Results; Certification
- 1-8-16: Certificate Of Election
- 1-8-17: Commencement Of Term Of Office
- 1-8-18: Oath Of Office
- 1-8-19: Expense Of Election
- 1-8-20: Balance Of State Law Applicable

1-8-1: CONSTITUTIONAL AUTHORITY:

The charter ordinance codified in this charter is adopted pursuant to authority vested in cities and towns of the state of Wyoming by article 13, section 1, of Wyoming constitution, and enrolled act 131 house of representatives, forty third legislature of the state of Wyoming adopted on March 11, 1975. (Charter Ord. 86-1, 5-14-1986)

1-8-2: STATE ELECTION LAW TO BE AMENDED:

The town council does hereby elect to conduct elections pursuant to the terms of its charter ordinance and not in the same manner as statewide elections. (Charter Ord. 86-1, 5-14-1986)

1-8-3: OFFICERS TO BE ELECTED:

The positions on the Superior town council shall consist of position 1, 2, 3 and 4. At the May election of 1986, two (2) councilmen shall be elected for a four (4) year term to fill positions 3 and 4 on the town council, and a mayor shall be elected for two (2) years to replace the mayor elected in May 1984. At the May

election of 1988, two (2) council members shall be elected for a four (4) year term to fill positions 1 and 2 on the town council and a mayor shall be elected for another two (2) year term. At each subsequent general election, a mayor shall be elected to serve a two (2) year term and two (2) council members shall be elected to serve a four (4) year term. (Charter Ord. 86-1, 5-14-1986)

1-8-4: DATE, TIME AND PLACE OF ELECTION:

The town shall hold a general municipal election on the second Tuesday in May of all even numbered years at a place designated by the town clerk-treasurer. At each election, polls shall be opened at eight o'clock (8:00) A.M. and closed at seven o'clock (7:00) P.M. local time. (Charter Ord. 86-1, 5-14-1986)

1-8-5: TOWN CLERK-TREASURER TO BE CHIEF ELECTION OFFICER:

Pursuant to Wyoming Statutes section 22-23-202 (1977), as amended, the town clerk-treasurer of the town shall be the chief election officer for town elections. He or she is responsible for:

- A. Determining if a person seeking nomination is a qualified candidate;
- B. Preparing the ballots in substantially the same form as the statewide, general election, nonpartisan ballot;
- C. Designating polling places;
- D. Otherwise conducting the election. (Charter Ord. 86-1, 5-14-1986)

1-8-6: NOTICE OF ELECTION:

Wyoming Statutes section 22-2-109 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

Between forty (40) and thirty (30) days before each town election, the town clerk-treasurer shall publish once in a newspaper of general circulation in the town and post conspicuously in at least three (3) public places in town an election proclamation. The proclamation should include the date, time and place of the upcoming election, the titles and terms of office to be filled, the requirements for filing statements of campaign receipts and expenditure, the number of persons required by law to fill the office, and the legislative description of each proposed ballot proposition submitted to the voters of the town.

(Charter Ord. 86-1, 5-14-1986)

1-8-7: PRECINCT OFFICERS:

The town clerk-treasurer shall appoint precinct and election officials as required from among the qualified electors of the town. (Charter Ord. 86-1, 5-14-1986)

1-8-8: CANVASSING BOARD; COMPOSITION; COMPENSATION:

Wyoming Statutes section 22-16-101 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

The town canvassing board shall be the town clerk-treasurer and two (2) resident electors of different political parties appointed by the town council. The two (2) electors shall receive the same compensation as election judges for statewide elections. The town clerk-treasurer shall designate the time and place of the meeting of the town canvassing board to be within six (6) days after the election.

(Charter Ord. 86-1, 5-14-1986)

1-8-9: BALLOT PROPOSITIONS:

Wyoming Statutes section 22-23-204 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

A town ballot proposition to be voted on at an election shall be printed on the town ballot by the town clerk-treasurer.

(Charter Ord. 86-1, 5-14-1986)

1-8-10: INAPPLICABLE STATE LAW:

Sections 22-23-301, 22-23-303, 22-23-304, 22-23-305, 22-23-306 and 22-23-307 of the Wyoming Statutes (1977), as amended, shall not apply to the town of Superior. (Charter Ord. 86-1, 5-14-1986)

1-8-11: VACANCIES IN NOMINATION:

Wyoming Statutes section 22-23-308 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

A vacancy in nomination for a town office to be filled at a town election occurs if at the time of the town election there are no nomination applications for the office of mayor, or there are less than two (2) nomination applications for councilman. A vacancy in nomination shall be filled by the town council.

(Charter Ord. 86-1, 5-14-1986)

1-8-12: NOMINATION APPLICATION; FILING FEE:

Wyoming Statutes section 22-23-302 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

Not more than sixty (60) days nor less than forty (40) days preceding the town election, each candidate for a town office shall pay a filing fee of ten dollars (\$10.00) and sign and file with the town clerk-treasurer an application in substantially the following form:

State of Wyoming)

) ss.

Town of Superior)

I, _____, the undersigned, being years of age, a qualified elector of the town of Superior and the state of Wyoming, do hereby petition and request that my name be printed upon the official ballot at the next town election as a candidate for the office of . I hereby declare that if nominated and elected, I will qualify for the office.

Dated: _____

Signature of Candidate

Residence Address

(Charter Ord. 86-1, 5-14-1986)

1-8-13: NEWSPAPER PUBLICATION OF CANDIDATES:

The town clerk-treasurer shall furnish the names of all candidates, and the offices filed for, to a newspaper of general circulation within the town immediately after the names of all candidates are known. (Charter Ord. 86-1, 5-14-1986)

1-8-14: PREPARATION OF BALLOTS:

Wyoming Statutes section 22-23-401 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

The town clerk-treasurer shall prepare the ballots in substantially the same form as the statewide general election nonpartisan ballot. [Refer to Wyoming Statutes section 22-6-126 (1977).] The ballot must include the name of every candidate legally qualified to appear on it, the name of the office for which each candidate is running, the term of office and all town ballot propositions to be voted on at the election.

(Charter Ord. 86-1, 5-14-1986)

1-8-15: CANVASSING RESULTS; CERTIFICATION:

Wyoming Statutes section 22-23-403 (1977), as amended, as it applies to the town of Superior, is hereby amended to read as follows:

The town canvassing board shall canvass the returns of the town election and shall certify the results in writing to the town clerk-treasurer. The town council shall break a tie vote by casting lots.

(Charter Ord. 86-1, 5-14-1986)

1-8-16: CERTIFICATE OF ELECTION:

Upon receiving the official results of the general election from the town canvassing board, the town clerk-treasurer shall issue certifications of election to the persons receiving the highest number of votes for each office to be filed at the election. (Charter Ord. 86-1, 5-14-1986)

1-8-17: COMMENCEMENT OF TERM OF OFFICE:

Wyoming Statutes section 22-23-404 (1977), as amended, as it applies to the town of Superior, is hereby amended as follows:

The term of office of a person elected at the town election commences on June 1 following said election.

(Charter Ord. 86-1, 5-14-1986)

1-8-18: OATH OF OFFICE:

Wyoming Statutes section 22-23-405 (1977), as amended, as it applies to the town of Superior, is hereby amended as follows:

Before beginning their duties, the newly elected town officials shall sign and file with the town clerk-treasurer the constitutional oath of office set forth in article 6, section 20 of the Wyoming constitution.

(Charter Ord. 86-1, 5-14-1986)

1-8-19: EXPENSE OF ELECTION:

The town of Superior shall bear the entire expense of any election held pursuant to this chapter. (Charter Ord. 86-1, 5-14-1986)

1-8-20: BALANCE OF STATE LAW APPLICABLE:

Except for those sections of the Wyoming Statutes which have been amended, modified, or declared in applicable by this chapter, the provisions of the Wyoming election code of 1977 shall govern all matters concerning elections for town office or ballot propositions of the town of Superior. (Charter Ord. 86-1, 5-14-1986)

CHAPTER 9
ORDINANCES³

Section:

- 1-9-1: Title
- 1-9-2: Style
- 1-9-3: Readings
- 1-9-4: Passage
- 1-9-5: Appropriations
- 1-9-6: Amendment
- 1-9-7: Veto; Line Item Veto; Or Failure Of Mayor To Sign
- 1-9-8: Publication; Posting

1-9-1: TITLE:

Ordinances shall contain no subject which shall not be clearly expressed in its title. (1960 Code § 1-801)

1-9-2: STYLE:

The style of ordinance shall be: "Be it ordained by the mayor and council of the town of Superior". (1960 Code § 1-802; amd. 2005 Code)

1-9-3: READINGS:

Ordinances of a general or permanent nature shall be fully and distinctly read on three (3) different days, unless three-fourths (3/4) of the council shall vote to dispense with the rule. (1960 Code § 1-803)

1-9-4: PASSAGE:

Ordinances shall be passed in the following manner: Upon the third reading, unless reading of the ordinance on three (3) different days has been dispensed with as hereinbefore provided, the ordinance shall be placed upon its passage, the ayes and nays shall be called and if the ordinance shall have passed by a majority vote, it shall be signed by the president of the council, with the date of passage, attested by the clerk-treasurer under the seal of the town, and then shall be transmitted to the mayor for his approval, and if approved by the mayor, he shall return to the clerk-treasurer such ordinance with his approval and signature attached and date of approval, and the clerk-treasurer shall file such ordinance safely away. The clerk-treasurer shall enter upon the journal a record of the passage and approval, or nonpassage, of all ordinances with the names of and how each member voted. (1960 Code § 1-804)

³ WS § 15-1-114 et seq.

1-9-5: APPROPRIATIONS:

All ordinances and resolutions, or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all of the member elected to the council. (1960 Code § 1-805)

1-9-6: AMENDMENT:

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. (1960 Code § 1-806)

1-9-7: VETO; LINE ITEM VETO; FAILURE OF MAYOR TO SIGN:

- A. Power To Veto; Passage Over Veto: The mayor shall have the power to veto any ordinance, order, bylaw, award, or resolution passed by the town council; provided, that any ordinance, order, bylaw, award, or resolution vetoed by the mayor may be passed over his veto by a vote of two-thirds (2/3) of all the members elected to the council, notwithstanding his veto.
- B. Failure Of Mayor To Sign: Should the mayor neglect or refuse to sign any ordinance and refuse to return the same with his objections, in writing, at the next regular session of the council, the same shall become a law without his signature.
- C. Appropriation Bills: The mayor may veto any item or items of any appropriation bill and approve the remainder thereof, and the item or items so vetoed may be passed by the council over the veto as in other cases. (1960 Code § 1-807; amd. 2005 Code)

1-9-8: PUBLICATION; POSTING:

- A. Ordinances Of General Nature: All ordinances of a general nature shall, within one week after their passage, be posted in the office of the town clerk-treasurer and in such places as the town council may direct.
- B. Ordinances Fixing Penalty: Every ordinance fixing a penalty or forfeiture for its violation shall, before the same takes effect, be published once in any regular issue of any newspaper of general circulation in the town of Superior.
- C. Emergency Ordinances: In case of riots, infectious or contagious diseases, any impending danger, or any emergency requiring its immediate operation, such ordinance shall take effect ten (10) days after certified copies thereof have been posted in three (3) places within the town.

D. Book Or Pamphlet Form: When ordinances are published in book or pamphlet form, purporting to be published by authority of the town council, the same need not be otherwise published. (1960 Code § 1-808)

CHAPTER 10
ACCOUNTING

Section:

- 1-10-1: System Of Accounting
- 1-10-2: Records
- 1-10-3: Duty In Collecting Funds
- 1-10-4: Penalty

1-10-1: SYSTEM OF ACCOUNTING:

- A. Books Of Account: The town clerk-treasurer shall keep full, true, complete and correct records and books of accounts of all of his acts and doings in connection with his office, which shall show, among other things, all monies by him received and the source from which the same is received, all monies by him disbursed and the purpose for which it is so disbursed; also the balance on hand at all times.
- B. Warrants: The books shall be so kept, and the warrants drawn on the clerk-treasurer so charged, so that they will show at all times the amount drawn from each fund and the credit balance thereto.
- C. Monthly Report To Council: It shall be the duty of the town clerk-treasurer to make a full report of all his acts and doings and the condition of his books and accounts to the town council monthly, his report for each month to be filed with the town clerk-treasurer at or before the first regular meeting of the succeeding month. (1960 Code § 1-901)

1-10-2: RECORDS:

- A. Records Required: The town clerk-treasurer shall keep a complete record of his acts and doings as such clerk-treasurer, and full, true, complete and correct books of accounts in which shall be shown all warrants drawn by the town, and the fund on which each is drawn, also the true condition of each of the town's funds at all times, also all licenses in force in the town, with the date of their expiration, and this license record shall not only show all licenses issued by the town clerk-treasurer himself, but those issued by the county clerk as well.
- B. Monthly Report To Council: It shall be the duty of the town clerk-treasurer to make a full report to the town council monthly. His report for each month to be presented to the town council at their first regular meeting in the succeeding month; and said report shall show all new licenses during the month and all old licenses which may have been terminated or renewed, also the true condition of each of the town's funds, and the unexpended part of the appropriation remaining in each; the total amount of warrants issued for that

month and the total amount issued on each fund; and any other fact which may be of interest to the town council or on which they shall require a report. (1960 Code § 1-902)

1-10-3: DUTY IN COLLECTING FUNDS:

All officers of the town whose duty is to collect or handle any of the funds or monies of the town shall turn such funds or monies over to the proper officer, authorized to receive the same, within twenty four (24) hours after they have been collected or received by such officer. (1960 Code § 1-903)

1-10-4: PENALTY:

Any officer may be guilty of a violation of section 1-10-3 of this chapter may be removed by the town council upon satisfactory proof of his guilt in the manner provided by the statutes of the state of Wyoming. (1960 Code § 1-904)

CHAPTER 11
SUPERIOR MUNICIPAL COURT

Section:

- 1-11-1: Municipal Judge
- 1-11-2: Persons Arrested, Bond
- 1-11-3: Complaints
- 1-11-4: Defect In Form Not Fatal
- 1-11-5: Docket Entry; Form Of Warrant
- 1-11-6: Commitment Of Accused Pending Hearing
- 1-11-7: Rendition Of Judgment; Confinement
- 1-11-8: Governing Law
- 1-11-9: Costs For Malicious Prosecution

1-11-1: MUNICIPAL JUDGE:

- A. Appointment: The municipal court of the town of Superior shall hereafter consist of one judge who shall be styled the municipal justice, who shall be appointed by the mayor, by and with the consent of the council.
- B. Qualifications: The municipal judge shall possess the qualifications prescribed by the laws of the state.
- C. Term: The municipal judge shall hold his office for the term prescribed by the laws of the state.
- D. Oath; Bond: Before entering upon the discharge of the duties of the office, said municipal judge will subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office, and shall in addition thereto, give bond to the town of Superior in the sum of five hundred dollars (\$500.00).
- E. Compensation: The justice of the municipal court shall receive a two hundred twenty five dollar (\$225.00) per month retainer fee.
- F. Jurisdiction: The municipal judge shall have jurisdiction to try and determine all offenses arising under the ordinances of the town.
- G. Procedure: The procedure in such municipal court shall, as nearly as possible, conform to that provided by the general laws of the state in the courts of justices of the peace, but such additional rules of procedure as have been or shall be hereafter prescribed by the ordinances of the town, and which do not conflict with the general laws of the state, are and shall be in full force and effect.

H. Trial Costs: The costs in all trials coming before such municipal court shall be the same as those provided by the laws of the state for similar services in courts of the justices of the peace and all costs collected in said court shall be by the municipal judge turned into the treasury of the town as provided by law and ordinance. (1960 Code § 2-101; amd. 2005 Code)

1-11-2: PERSONS ARRESTED, BOND:

A. Admitted To Bail: Any person arrested for any offense under any ordinance of the town may be admitted to bail by executing a bond to the town with sufficient surety to be approved by the municipal justice in double the amount of the penalty of the offense charged, conditioned that he will appear on a day herein named before municipal judge and answer the accusation for which he has been arrested and not depart the court without leave, which bond shall be approved by the municipal judge and filed in his office.

B. Form: Such bond may be in the following form:

THE STATE OF WYOMING,)

COUNTY OF SWEETWATER, : ss.

TOWN OF SUPERIOR.)

Know all men by these presents, that we, A.B. and C.D., are severally and jointly held and bound unto the town of Superior in the penal sum of dollars, for the payment of which we jointly and severally bind ourselves, our heirs, executors and administrators.

Signed and sealed this day of , 20 .

The condition of the foregoing obligation is such that, whereas the above bonded A.B., has this day been arrested by O.S., town marshal (or police officer as the case may be), for the town of Superior, charged with a violation of an ordinance of the said town (here insert the title thereof), in this, to-wit: (here describe the particular breach in the language of the ordinance), on the day of , 20 .

Now, if the said A.B., shall personally appear before J.W., the police justice of said town, at his office on the day of , 20 , at o'clock M., and shall remain and abide the order of said justice, and not depart without leave, then this bond shall be void, otherwise to remain in full force and effect.

(SEAL)
(SEAL)

A.D., 20 , by the town council of the town of Superior, in such case made and provided, and against the peace and dignity of the said town.

Subscribed and sworn to before me this day of , A.D. 20 .

Municipal Judge

(1960 Code § 2-103; amd. 2005 Code)

1-11-4: DEFECT IN FORM OF COMPLAINT NOT FATAL:

No action before the municipal judge shall be dismissed for any defect in the form of said complaint if it substantially sets forth the nature of the violation alleged so as to give the defendant notice of the charge which he is to answer. Such complaint may include several persons charged with the same offense. (1960 Code § 2-104; amd. 2005 Code)

1-11-5: DOCKET ENTRY; FORM OF WARRANT:

Upon the filing of such complaint, the municipal judge shall enter the case upon his docket in the usual manner as required by law, and shall issue a warrant, which may be in the following form:

*THE STATE OF WYOMING,)
COUNTY OF SWEETWATER,) ss.
TOWN OF SUPERIOR.)*

*TO THE TOWN MARSHAL OR POLICE OFFICER OF SAID TOWN,
GREETINGS:*

Whereas, complaint has this day been made to me in writing, on oath, that did, on or about the day of , A.D. 20 , in the town of Superior, and state aforesaid, commit the offense of (set forth the offense as stated in the complaint) in violation of section , article , of ordinance , of said town entitled (here state caption of ordinance) .

Now, therefore, in the name of the town of Superior, you are commanded forthwith to apprehend the said and bring before me to be dealt with according to law.

Given under my hand this _____ day of , 20____ .

Municipal Judge

Whenever any person has been arrested on view, or otherwise according to law, without a warrant, after a complaint has been filed, the municipal judge shall enter in his docket the fact of the arrest, by whom made, and shall hear and determine said charge as if a warrant had been issued. (1960 Code § 2-105; amd. 2005 Code)

1-11-6: COMMITMENT OF ACCUSED PENDING HEARING:

A party in custody who cannot be tried on account of the absence of witnesses, or other causes, and who cannot give bail for his appearance may be confined in the town jail or other place of confinement not exceeding three (3) days, and in such case, the municipal judge shall deliver to the proper office a commitment stating the cause of the detention. (1960 Code § 2-106; amd. 2005 Code)

1-11-7: RENDITION OF JUDGMENT; CONFINEMENT:

Upon the rendition of the judgment against any defendant for the violation of any ordinance of this town, the municipal judge shall make an order and enter the same upon his docket, and if the defendant shall neglect or refuse to satisfy such judgment and cost of case, he shall be confined in the town jail or other place of confinement one day for each fifteen dollars (\$15.00) of such judgment and costs, not to exceed ninety (90) days. (1960 Code § 2-107; amd. 2005 Code)

1-11-8: GOVERNING LAW:

The municipal judge, the town marshal, and all police officers in all matters pertaining to the duties of their respective office in judicial proceedings and concerning which there is no specific provision in the general corporation law, or in the ordinances of the town, shall be governed by the laws of the state of Wyoming relating to and regulating the practice and proceedings in cases before justices of the peace and constables so far as the same may be applicable. (1960 Code § 2-108; amd. 2005 Code)

1-11-9: COSTS FOR MALICIOUS PROSECUTION:

In all prosecutions for fine or penalty when the defendant shall be acquitted, the informer or person instituting a prosecution, in the discretion of the municipal judge, may be adjudged to pay the costs if it appears to the satisfaction of the municipal judge that the prosecution was instituted vexatiously, maliciously and without reasonable cause, and the judgment may be so rendered and enforced as provided in section 1-11-7 of this chapter. (1960 Code § 2-109; amd. 2005 Code)