

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 5, OF THE SUPERIOR TOWN CODE AS IT APPLIES TO THE POLICE DEPARTMENT

WHEREAS, the governing body of the Town of Superior has reviewed Chapter 1 of Title 5 of the Superior Town Code and has found that said Chapter is overly burdensome and cumbersome and places undue restrictions on the management of the police department of the Town of Superior; and

WHEREAS, the governing body of the Town of Superior desires to replace the existing Chapter 1 of Title 5 with a new Chapter 1 of Title 5 of the Town Code of the Town of Superior; and

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF SUPERIOR, WYOMING that Chapter 1 of Title 5 of the Superior Town Code is hereby revised in its entirety in the manner attached hereto, and by this reference, incorporated herein.

SECTION 1: Ratification. The above provisions are hereby ratified and affirmed.

SECTION 2: Authority. This Ordinance is adopted pursuant to the authority found in Wyoming Statutes Annotated, Section 15-1-103(a)(v) and (xxxiv) (Lexis 2009).

SECTION 3: Short Title. This Ordinance Shall be known, cited and referred to as Regulation of the Police Department, Chapter 1, Title 5 of the Town Code of the Town of Superior.

Passed and approved this _____th day of June, 2010.

Richelle Johnson, Mayor

Attest:

By: _____
Town Clerk

ATTESTATION OF TOWN CLERK

State of Wyoming)
 :SS
County of Sweetwater)

I hereby certify that the foregoing Ordinance No. ____ was duly posted for 10 days in the Town Clerk's Office. If further certify that the foregoing Ordinance was duly recorded on _____ of Ordinances of the Town of Superior, Wyoming.

Town Clerk

Exhibit A
New Chapter 1 to Title 5 of the Superior Town Code

CHAPTER 1
POLICE DEPARTMENT

Section:

- 5-1-1: Membership
- 5-1-2: Marshal
- 5-1-3: Deputies
- 5-1-4: Qualification of Marshal and Deputies
- 5-1-5: Special Deputies
- 5-1-6: Oath
- 5-1-7: Duties

5-1-1: MEMBERSHIP:

The police force of the town shall consist of the town marshal, who shall be chief of police, and such deputy marshals as the mayor, by and with the consent of the council, shall deem proper to appoint. (1960 Code § 8-101)

5-1-2: MARSHAL:

- A. Powers: The marshal shall have full control and authority over all deputy marshals appointed hereunder, both regular and special, and may make such rules and regulations regarding the police force of the town as he shall deem proper, so long as they do not conflict with the ordinances of the town or the laws of the state of Wyoming.
- B. Grievance By Deputy: If the deputy marshal shall consider the rules imposed by the marshal harsh or unjust, he shall make complaint thereof to the mayor, and the mayor, if he considers it advisable, may order the rules imposed by the marshal discontinued and annulled.
- C. Grievance Against Deputy: If the marshal shall have any reason to complain of any act of any deputy by reason of his failing to obey any regulation imposed under the provisions of this chapter or by reason of his failing to perform his duty, or for any other just cause, such complaint shall be made to the town council, and the council shall take such action on the premise as to them shall seem just and proper. (1960 Code § 8-104)

5-1-3: DEPUTIES:

- A. Appointment: The mayor, by and with the advice and consent of the council, shall appoint such regular deputy marshals as shall seem proper for the preservation of the law and order of the town and for enforcing the ordinances of the town.

- B. Supervision; Daily Reports: Every deputy appointed hereunder shall be under control and authority of the marshal, and shall make a full report to such marshal each day of all arrests made and other acts performed by him during the preceding day in connection with the duties of his office. (1960 Code § 8-106)

5-1-4: QUALIFICATION OF MARSHAL AND DEPUTIES

A. Any person appointed Marshal or Deputy Marshall shall be qualified to serve as peace officer as provided in Wyoming Statutes, Section 9-1-704 (Lexis 2009) or as provided in Wyoming Statutes, Section 9-1-706 (Lexis 2009) .

B. If the position of Marshal or Deputy Marshal is vacant, and the governing body of the Town of Superior seeks to fill the position, preference is to be given to qualified applicants who are residents of the Town of Superior. In the event that no qualified applicant resides within the town limits of the Town of Superior the Town may fill the position with a qualified individual residing outside of the town limits of the Town of Superior.

5-1-5 SPECIAL DEPUTIES:

- A. Power To Appoint: When the town marshal shall deem such a course necessary for the preservation of law and order in the town, he shall appoint such special deputies as he may deem necessary for that purpose; provided, that such appointment shall be made in writing and; provided further, that no appointment made under the provisions of this section shall extend beyond the next regular meeting of the town council; and at such meeting, the marshal shall make a full report of all appointments made by him hereunder, setting forth fully the causes for such appointments.
- B. Rights And Powers: Such special deputies shall have the same rights and powers and shall be governed by the same rules and regulations as are the regular deputy marshals appointed hereunder.
- C. Compensation: Every such special deputy to be paid at a rate to be determined from time to time by resolution of the town council for all services performed by him in such capacity. (1960 Code § 8-103; amd. 2005 Code)

5-1-6: OATH:

Every officer appointed under the provisions of this chapter shall, before entering upon the duties of his office, subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office. (1960 Code § 8-108)

5-1-7: DUTIES:

It shall be the duty of every officer appointed hereunder to see that the ordinances of the town are enforced and that every person guilty of a violation thereof is brought before the municipal judge for trial. (1960 Code § 8-107; amd. 2005 Code).