

ORDINANCE NO. 180

AN ORDINANCE TO ESTABLISH A MUNICIPAL COURT FOR THE TOWN OF MILLS, TO PROVIDE FOR THE APPOINTMENT OF A POLICE JUSTICE, AND TO PROVIDE FOR THE PROCEDURES TO BE FOLLOWED BY THE POLICE JUSTICE IN CARRYING OUT THE DUTIES OF HIS OFFICE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING.

SECTION ONE: CREATION OF MUNICIPAL COURT: APPOINTMENT, QUALIFICATION, TERM OF OFFICE, REMOVAL, BOND, DUTIES AND JURISDICTION OF POLICE JUSTICE. There is hereby created and

established in the Town of Mills, Wyoming, a municipal court for the trial of all offenses arising under the ordinances of the said Town of Mills, Within thirty days after his election, the Mayor of the Town with the advice and consent of the Town Council shall appoint one qualified elector and resident of the Town to serve as Police Justice, whose term of office shall run concurrently with that of the Mayor, except that unless sooner removed as provided herein, the duly appointed and qualified Justice shall continue in office beyond such term until his successor is appointed and qualified to assume the office. The Justice is subject to removal from office by the Mayor with the consent of three members of the Council for inefficiency, incompetency or maladministration of his office. The Justice shall be required to execute a bond to the people of Mills with sureties acceptable to the Town Council, conditioned for the faithful performance of the duties of his office in accordance with law and with the ordinances of the Town of Mills; that the Justice will remit to the Town or to those parties entitled thereto, all monies collected by him by virtue of his office, and will turn over to the Town at the expiration of his term of office all books and records of his office; such bond to be in a sum of not less than Five-Hundred Dollars (\$500.00). Such bond shall be filed with the Town Clerk. The Police Justice shall have such rights, authority and jurisdiction as are provided by the laws of the State of Wyoming and by the ordinances of the Town of Mills, and shall perform such duties for the Town as are established by the ordinances of the Town. The Justice shall be paid a salary in accordance with Ordinance No. One Hundred Seventy Four,

Section 3A, 1967.

SECTION TWO:

LEGAL PROCESS, COMPELLING ATTENDANCE
AT TRIAL, PUNISHMENT FOR CONTEMPT.

The Police Justice shall be the conservator of the peace and he shall have exclusive jurisdiction over, and it shall be his duty to hear and determine all cases arising from any breach of the ordinances of the Town, or from any alleged breach of such ordinances, committed within the corporate limits of the said Town; he shall have authority to issue warrants for arrest, search warrants and subpoenas to secure the attendance of witnesses, and to compel any witness to be sworn in a manner prescribed by law and to answer all pertinent and proper questions; he shall have power to enforce due obedience to all orders, rules and judgments made by him, and to punish for contempt any person or persons, guilty of resistance to, or disobedience of, any lawful order or process made or issued by him, or guilty, during any proceedings before him, of making any unnecessary noise or disturbance, or other breach of the peace, or of disorderly, contemptuous or insolent conduct toward him which tends to interrupt such proceedings or to impair the respect due his authority; provided, that if the offender be present, he may be summarily arraigned and proceeded against by the Police Justice, in the same manner as if a warrant had been previously issued and the offender arrested thereon, but no person shall be punished for contempt of court without an opportunity having first been given him to be heard in his own defense; and provided further, that such punishment shall be by means of a fine of not more than Twenty (\$20.00) Dollars, or imprisonment in jail for a period of not more than two (2) days, or by both such fine and imprisonment.

SECTION THREE:

COMMENCEMENT OF ACTION, COMPLAINT,
WARRANT AND SEARCH WARRANT.

Any action to be heard before the said Police Justice, shall be commenced by the filing with such Justice of a complaint stating the name of the State and the Town and the name of the Justice with whom complaint is filed, the name of the defendant if it be known and if not, such name as given by the complainant; a statement of the facts constituting the charge, in ordinary and concise language, the time and place of the commission of the offense as nearly as may be, the number of the Section of the Mills Municipal Code alleged to have been violated; but no complaint shall be received or filed by the Police Justice unless such complaint be signed by the complaining witness, under oath.

When any complaint has been signed as aforesaid, the Police Justice shall thereupon certify the same and shall file such complaint, and, unless the defendant has already been arrested for an offense committed in the presence of the Town Marshal, it shall thereupon become the duty of the Police Justice, if there be reasonable cause to believe that the offense has been committed and that the accused is guilty thereof, to issue a warrant for the arrest of the accused; but if the Justice has cause to doubt the guilt of the accused person, he may at his discretion refuse to issue any warrant unless the complainant give a bond with a good and sufficient surety or with cash deposit, in such sum as the Justice may deem necessary, to secure the payment of all costs that accrue in the action; but if such complainant give such bond, it shall be the duty of the Justice to issue a warrant for the arrest of the person accused in such sworn and secured complaint. Such warrant shall recite all of the information contained in the complaint, and shall be directed to the Town Marshal, commanding him to forthwith arrest the accused and bring him before the Police Justice to be dealt with according to law. All search warrants shall clearly and definitely describe the building or place to be searched and the article, articles or goods to be seized if found therein, and shall command the officer to whom such warrant is directed, to search such premises during the hours of daylight, unless the Justice is **satisfied** that there is urgent necessity for making such search in the nighttime, in which case he shall so specify in such warrant, and no search warrant shall be served in the nighttime unless the issuing Justice shall have in such warrant, so commanded. No search warrant shall issue except upon the filing with the Police Justice, in addition to the formal complaint hereinbefore described, an affidavit particularly describing the house or place to be searched, the person to be seized, the things to be searched for, and allege substantially the offense in relation thereto, and that the complainant verily believes that such things are there concealed; and that such affidavit, duly subscribed, shall be attached to the warrant issued pursuant thereto. The purposes for which search warrants may be issued shall be as established by the laws of the State of Wyoming. All warrants shall be signed by the Police Justice.

SECTION FOUR:

TRIAL WITHOUT JURY, SESSIONS OF MUNICIPAL COURT, RECOGNICANCE FOR APPEARANCE.

The Police Justice shall try and determine all cases within his jurisdiction coming before him, without the intervention of a jury, and the proceedings of his court shall,

except as herein and otherwise further regulated by ordinance, conform as nearly as possible to that prescribed by the general laws of the State for courts of Justices of the peace. The Municipal Court shall be in session at the Town Hall at the hour of seven o'clock P.M. on each Wednesday of each week unless any particular Wednesday falls on a national holiday, and at such other days and at such hours as may be designated from time to time by the Police Justice. The Justice shall make himself available to sign and issue warrants at all times, but in the event he will not be available, it shall be his duty to furnish the Town Marshal with a written order naming the sum of money (not in any case to be excessive) to be demanded by the Marshal as recognizance from any defendant apprehended but not committed to jail pending the time when the Police Justice may be available for the hearing of the case in which such defendant is involved. Provided, however, that if the accused appear voluntarily before the Police Justice, such Justice shall enter a statement to that effect upon his docket and shall proceed to trial, judgment and execution, in all respects and in the same manner as if a warrant had been issued, served and returned.

SECTION FIVE: CONDUCT OF TRIAL, WITNESSES, CONTINUANCE.

Upon opening any session of municipal court, the said Justice shall declare his court to be in session and shall clearly and distinctly read to each defendant coming before him the charge brought against him and shall inquire whether the defendant be named by his right name in the charge so read and whether the defendant be guilty or not guilty of the said charge. After accepting the defendant's plea, if such defendant plead not guilty, the Justice shall place all prosecution and defense witnesses, including the defendant, if he is to testify in his own behalf, under oath and proceed to try the matter according to law. In the event the defendant or the prosecution shall name a person possessing knowledge of the case but refusing to appear voluntarily in court to make a statement concerning the same, the Justice shall continue the case and shall issue a subpoena, naming therein the said person and directing the Town Marshal or other officer to bring him to Court at a time appointed for continuance of the proceedings, to answer proper questions concerning the case. Provided, that any witness so subpoenaed shall be paid One (\$1.00) Dollar for his attendance before the said Justice and that such payment shall be tendered in advance to the said witness. Upon being brought before the Police Justice, if any witness shall refuse to testify or answer to such pertinent and proper questions as are directed to him by the Justice,

the prosecuting attorney, the defendant's attorney or by the defendant, the said witness shall be held in contempt of court and punished as hereinbefore provided, unless there be good and sufficient reason for such refusal to testify. Upon continuance of any case as is herein provided, or in the case of any postponement of the hearing of a case, which may be for any good and sufficient cause, the Police Justice shall require the defendant to enter into recognizance with sufficient security or with cash deposit of the amount thereof, conditioned that he will appear before the said Justice at the time and place appointed, then and there to answer the complaint alleged against him. Should the person so recognized fail to appear and comply with all the requirements of the said recognizance, the Police Justice shall, unless there be valid mitigating circumstances, at once declare the security or cash deposit forfeited, and shall order the amount so forfeited to be turned into the general fund of the treasury of the Town. The verbal declaration of the continuance or postponement by the Justice and the announcement by him of the time and place at which the hearing of such case is to be resumed, shall be deemed sufficient notice to all persons present, and shall be binding on all witnesses and others concerned with the case the same as though the said Justice had issued to each a written order for them to attend at the continuance of such hearing.

SECTION SIX: JUDGMENT, COSTS, SURETY FOR PAYMENT OF FINE.

If at any time during the conduct of a trial before him, the Police Justice shall be convinced that the defendant is not guilty, he may forthwith dismiss the case and order the discharge of the said defendant. But if the defendant confess his guilt, or if following the hearing of all pertinent testimony, the Justice be convinced of the guilt of the accused person, that the act was committed by him as charged and that the said act did constitute a violation of the ordinance of the Town as stated in the complaint and warrant, or of any lawful ordinance of the said Town, the Justice shall render his verdict that the defendant is found guilty as charged, and shall assess the punishment and render judgment according to the ordinances of the Town of Mills, In any case where there is involved any disobedience by the defendant of any lawful order of any officer of the Town, the judgment of the Police Justice shall include the requirement that such disobeyed order be complied with. The defendant shall have the right to produce before the Police Justice, one or more sureties to the satisfaction of the said Justice, which sureties shall with the defendant, confess a judgment for the amount of the fine or penalty imposed, with costs of suit if costs there be, and the Justice shall enter such confession of judgment upon his docket, and render judgment accordingly in the name of the State of Wyoming, against them for the amount

of the said fine and costs, and if said judgment is not paid within ninety days (90) of the date of such confession, the Justice shall issue execution and collect the amount of the said fine and costs, in the manner provided by law for collecting judgments by execution in the Justice of the Peace Court. Provided, however, that no costs of execution shall be assessed against any defendant in the Municipal Court of the Town of Mills, except in those cases in which such costs have actually accrued by reason of the necessity of subpoenaing witnesses, but no costs shall be included for the issuance or serving of any process, nor for the hearing of the case; and that punishment assessed against the defendant shall be by means of fine or imprisonment. Provided further, that unless a lesser amount or a shorter term of imprisonment is provided in the ordinance for the breach of which the defendant has been found guilty, no fine assessed shall be for a sum of more than One Hundred Dollars (\$100.00), and no imprisonment shall be for a period longer than three (3) months.

SECTION SEVEN: RIGHT OF APPEAL. In all cases the defendant shall be informed by the Justice of his right to appeal his case to the District Court in and for Natrona County, but no appeal shall be taken unless such defendant shall within ten (10) days after rendition of the judgment enter into recognizance with sufficient sureties to be approved by the Police Justice, condition for the payment of the fine and costs of appeal, and that the defendant will abide the judgment of the court and not depart without leave of the same, the procedure of such appeal to be as prescribed for appeals from Courts of Justices of the Peace in criminal cases.

SECTION EIGHT: COMMITMENT FOR NON-PAYMENT OF FINE. When a fine is assessed and is not paid, nor sureties produced for the later payment of such fine as is hereinbefore provided, the Police Justice shall deliver the defendant to the Town Marshal, together with a written statement of his findings in the case against the said defendant and an order contained therein for the commitment of the said defendant to jail for the period of time necessary to satisfy the judgment of the court against the said defendant, or until the fine or the balance owing thereon is paid. The judgment shall be reduced by One Dollar and Fifty Cents (\$1.50) for each day the defendant remains in jail.

SECTION NINE: PAYMENT OF FINES TO TOWN TREASURY. The Police Justice shall remit to the Town Treasurer all monies accrued from fines collected and forfeited, recognizance, bonds or other costs and penalties collected by virtue of his office, such remittance to be made regularly, but not less than once monthly.

SECTION TEN: DOCKET AND RECORD OF CASES. The

Police Justice shall keep a docket in which he shall record the title of all cases commenced before him, the time when process was issued against the defendant, the particular nature thereof and the name of the officer to whom such process was delivered; the time when the parties appeared before the Justice, whether without or upon return of process, every adjournment, continuance or postponement thereof and stating the reason therefor and at whose request granted and for what time; his findings in the case and in those cases in which the judgment of the court is in favor of the defendant the fact that the defendant was discharged; and in those cases in which the judgment of the court is against the defendant, the amount of the fine assessed, together with all information as to whether the fine was immediately paid or whether sureties were accepted for its payment at a later time, or whether the defendant was committed to jail, and in the latter case the time of execution against the defendant and the name of the officer into whose custody he was committed and the Justice shall also record in the docket the satisfaction of judgment and when such satisfaction was made or completed.

SECTION ELEVEN: MAYOR TO ACT IN ABSENCE OF JUSTICE. In

the absence or disability of the Police Justice for any period of time longer than forty-eight (48) hours, the Mayor shall have the authority and it is hereby made his duty to perform the duties of the Police Justice, either until that officer returns or until his successor in office is appointed and duly qualified; provided, however, that the Town Council may by vote, duly entered upon their journal, name any other bonded officer of the Town to perform the duties of an absent Police Justice in place of the Mayor as is herein provided.

SECTION TWELVE: JUVENILE PROCEDURE.

1. Section Twelve of this ordinance is to be known as "Juvenile Procedure Section." The term "Juvenile" means a person who has not yet reached his eighteenth birthday.
2. The terms of this section shall be applicable to all violations of ordinances of the town of Mills by juveniles, except traffic violations and where applicable, shall be liberally construed to the end that any juvenile coming within the jurisdiction of the municipal court shall receive such care, guidance and control, preferably in his own home, as will be conducive to such juvenile's welfare and to the best interests of the Town.
3. Nothing contained in this Section Twelve shall be construed as

altering the other procedures now provided by laws and ordinances of the Town, it being the Town Council's intention to make available the proceedings herein provided for persons made subject to the procedures of this article.

4. It is the intent and purpose of the Town Council that the Municipal Judge and the Town Marshal shall, as necessary to carry out the purposes of this article, consult with parents, guardians, clergy, school officials and teachers for the rehabilitation and improvement of juveniles coming under the provisions of this article.

5. Whenever any juvenile is arrested or apprehended by the Town Marshal or any duly appointed deputy for violation of any provision of the Mills Municipal Code, except traffic offenses, the Town Marshal shall notify the juvenile's parents, guardian or custodian, if known, as soon as possible following such arrest or apprehension. Whenever desirable, such juvenile shall be released to the custody of the parent, guardian or custodian upon the written promise of such person or persons to produce the juvenile in the Municipal Court at such time as the Marshal or the Court shall direct. If such person shall fail to produce the juvenile as agreed and upon direction from the Justice, a warrant may be issued for the apprehension of such juvenile.

6. In any case where the parent, guardian or custodian of the juvenile apprehended cannot be located, then the Town Marshal shall have the right to detain such juvenile until such time as some other responsible adult procures such juvenile's release upon a written promise to produce him as written in subsection 5.

7. Trial or hearings of juvenile offenses in Municipal Court under this Section, shall be conducted separate and apart and at different times from the trial of adults. The parent, guardian or custodian of any juvenile, if there be one, shall if at all possible be present at the trial or hearing. Nothing herein shall be construed to prevent the appearance of an attorney for in behalf of any such juvenile.

8. Whenever a juvenile pleads guilty or shall be found guilty of the offense charged, the Municipal Judge is empowered to impose a fine as provided in the Mills Municipal Code or ordinance violated and is further empowered, if so provided in the violated provision, to imprison the juvenile.

9. It being the object of this article to correct the delinquency of juveniles charged with offenses through probationary procedures and home control rather than punishment or confinement wherever and whenever possible, the Municipal Judge may, at his discretion, suspend the trial of such juvenile, or the sentence and fine if trial is held and the juvenile pleads or is found guilty of the offense charged, for such reasonable period as the Judge deems appropriate during which time the

juvenile defendant may be placed on probation to any responsible adult or to the Court, the condition of such probation being that such juvenile shall be law abiding and respectable and that he shall appear at such specified times and places at such intervals to be fixed by the Justice for the purpose of reporting on his conduct during the period of such probation. Probation may be extended by the Court from time to time with appropriate notice to the defendant and to the person under whose supervision the juvenile has been placed. When the Justice is assured that such probation has served its purpose, he may dismiss the charge, discharge the juvenile, and if sentenced, make satisfaction of the sentence permanent.

10. If, during any probationary period, the juvenile defendant shall fail to make the necessary reports or shall fail to conduct himself as a law abiding and respectable person, the Judge may issue a warrant for the arrest of such juvenile, and may proceed to trial if no trial has been held, or if the juvenile has plead or has been found guilty of the offense charged, may impose sentence upon the juvenile as if there had been no deferment thereof.

11. The records of juveniles dealt with under the terms of this article shall be kept separate from the records of adult offenders, and such juvenile records shall not be open to public inspection.

PASSED ON FIRST READING THE 7th day of June, 1968.

PASSED ON SECOND READING THE 12th day of July, 1968.

PASSED ON THIRD READING THE 6th day of September, 1968.

PASSED, APPROVED AND ADOPTED THE 6th day of September, 1968

THE TOWN OF MILLS, A Municipal Corporation

BY

George Sword
GEORGE SWORD, MAYOR

SEAL

ATTEST:

Norene Reed
NORENE REED, TOWN CLERK

I, Norene Reed, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 180, entitled, "AN ORDINANCE TO ESTABLISH A MUNICIPAL COURT FOR THE TOWN OF MILLS, TO PROVIDE FOR THE APPOINTMENT OF A POLICE JUSTICE AND TO PROVIDE FOR THE PROCEDURES TO BE FOLLOWED BY THE POLICE JUSTICE IN CARRYING OUT THE DUTIES OF HIS OFFICE," passed on third and final reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held in the Council Chambers of the Town Hall, on the 6th day of September, 1968.

Sign

Norene Reed
NORENE REED, TOWN CLERK

I regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance no. 180, approved and passed as certified above, were, following its passage by the Town Council, posted up in the Mills Post Office and the Town Clerk's Office for a period of ten days, as required by law, that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 7th day of October, 1968.

SIGN

Norene Reed
NORENE REED, TOWN CLERK