

ORDINANCE NO. 758

AN ORDINANCE REPEALING THE EXISTING TITLE 1 ON GENERAL PROVISIONS IN ITS ENTIRETY AND REPLACING IT WITH A NEW TITLE 1 ON GENERAL PROVISIONS

WHEREAS, The City of Mills, Wyoming has had the occasion to review Title 1 of its Ordinances and to revise the same; and

WHEREAS, after said review and due deliberation, the City of Mills has decided that the attached text better serves the needs of the public and the City of Mills as of the current date;

NOW THEREFORE, The City Council of the City of Mills hereby repeals the entire exiting Title 1 and replaces the same with the attached text, which shall be the new Title 1 upon the effective date of adoption

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1st reading the 9th day of March, 2021.

PASSED on 2nd reading the 23rd day of March, 2021.

PASSED, APPROVED AND ADOPTED on 3rd and final reading this 13th day of April, 2021.

TOWN OF MILLS, WYOMING

Seth Coleman, Mayor

Sara McCarthy, Council

Darla R. Ives, Council

James Hollander, Council

Brad Neumiller, Council

ATTESTED:

Christine Trumbull, Town Clerk



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CITY OF MILLS
NATRONA COUNTY CLERK

TITLE 1 GENERAL PROVISIONS

Chapters:

<u>1.01</u>	<u>In General</u>
<u>1.02</u>	<u>Boundaries</u>
<u>1.03</u>	<u>Penalties and Remedies</u>
<u>1.04</u>	<u>Corporate Seal</u>
<u>1.05</u>	<u>Official Newspaper</u>
<u>1.06</u>	<u>Depository</u>

CHAPTER 1.01 **IN GENERAL**

1.01.010 – The Code of the City of Mills.

This Code is and shall constitute the Code of the City of Mills. The Code shall reflect and constitute codification of ordinances of Mills.

1.01.020 How Code Designated and Cited.

The ordinances embraced in this Chapter and the following Chapters and sections shall constitute and be designated as the “Code of the City of Mills” and shall be cited as such. In this publication, and other documents, the “Code of the City of Mills” may be referred to as the City Code or Code.

1.01.030 Definitions and Rules of Construction.

A. In the construction of this Code and Ordinances of the City of Mills, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Governing Body or the content clearly requires otherwise.

- i. Administrative Official – The term “administrative official” shall mean a board, commission, committee, officer, agent or employee of the City of Mills charged by the Governing Body with the administration and enforcement of the particular provisions of this Code in which the term is used.
- ii. Computation of Time – The time within which an act is to be done shall be computed by excluding the day of the event and including the last day of the time period unless the last day is a Saturday, Sunday or a State of Wyoming legal holiday, in such case the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- iii. County – The word “county” shall mean Natrona County in the State of Wyoming, in which the City of Mills is located.

- iv. Gender – Words importing the masculine gender include the feminine and neuter.
- v. Governing Body – The term “Governing Body” shall mean the elected and serving legislative body of the City of Mills.
- vi. In the City; in the Corporate Limits of the City – The words “in the City” or “in the corporate limits of the City” shall mean and include any and all territory within the corporate limits of the City of Mills, and other territory over which regulatory or police power has been conferred for the City of Mills by general or special act of Natrona County, or the State of Wyoming.
- vii. Joint Authority – All words giving joint authority to three or more persons shall be construed as giving such authority to a majority of such persons.
- viii. Month – The word “month” shall mean the particular calendar month.
- ix. Municipality – The word “Municipality” shall mean the City of Mills.
- x. Number – Words used in the singular include the plural and words used in the plural include the singular.
- xi. Oath – The word “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”.
- xii. Owner – The word “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 officers.
- xiii. Person – The word “person” includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.
- xiv. Personal Property – The term “personal property” includes every type of property, except real estate property which is defined later in this section.
- xv. Preceding, Following – The words “preceding” and “following” shall mean next before and next after, respectively.
- xvi. Professional Services – The term “professional services” includes every type of licensed or certified profession.
- xvii. Property – The sole use of the word “property” includes real and personal property.
- xviii. Real Property – The term “real property” includes lands, tenements, and hereditament.
- xix. Revision – Revision is to correct errors, make changes, and update the Municipal Code of Mills within existing Titles, Articles, and Sections.
- xx. Shall – The word “shall” is mandatory, and the word “may” is permissive.
- xxi. Sidewalk – The word “sidewalk” means any portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

- xxii. State – The word “State” shall mean the State of Wyoming.
- xxiii. State Law or State Statute – Reference to “state law” shall mean the Wyoming Statutes as amended.
- xxiv. Street – The word “street” shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, bridges and the approaches and all other public thoroughfares in the City of Mills.
- xxv. Tenant – The words “tenant” and “occupant” when applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.
- xxvi. Tense – Words used in the past or present tense include the future as well as the past and present.
- xxvii. Written – The words “written” or “in writing” shall include printing, lithographing, or other modes of representing words and letters; provided in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark shall be required.
- xxviii. Year – The word “year” shall mean a calendar year, unless defined otherwise.

1.01.040 – Catch Lines; Headings.

The catch lines of the sections and the headings of Titles, articles, sections, and subsections of this Code are intended merely, and only, as catchwords to indicate and give guidance to the contents of the titles, articles, and sections.

1.01.050 Severability of Parts of the Code.

If for any reason any part, section, subsection, sentence, clause or phrase of the Code of the City of Mills, or the application to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Code of the City of Mills. In the event any part, paragraph, clause or section of the Code of the City of Mills is declared by a court of competent jurisdiction to be invalid for any reason, it is declared and determined the Mayor and Governing Body would nevertheless have passed the remainder and the remaining parts shall remain in full force and effect.

1.01.060 – Effect of Repealing Ordinance.

The repeal of ordinances as provided shall not effect any right which has accrued, and duly imposed, any penalty incurred, nor any action or proceedings as commenced under or by virtue of the ordinance repealed, nor the tenure of office of any person holding office at the time when such ordinances take effect; nor shall the repeal of any ordinances have the effect of reviving any ordinance repealed or superseded; nor shall the repeal of any ordinance have the effect of giving meaning for the purposes of construction of any ordinance repealed or superseded.

1.01.070 Preserving and Recording Ordinances.

It shall be the duty of the City Clerk to safely preserve the original ordinances, and when passed and approved to record the same in a book provided for that purpose. The City Clerk shall attach a certificate to each ordinance, so recorded, to the effect the same is a true and correct copy of the original ordinance as passed.

1.01.080 Updating Code.

The City Clerk twice yearly, or more often, shall compile amendments, changes, alterations, repeals or additions to the Code of the City of Mills, which shall be submitted to an designated individual for updating compilation and maintenance of a master set of ordinances at the Mills City Hall.

1.01.090 Numbering.

Each ordinance passed by the Governing Body shall be systematically identified by a number assigned to such ordinance pursuant to the systematic numbering system used in the Code of the City of Mills. The numbering system so adopted shall reflect the sequence of adoption of all the City of Mills' ordinances from the implementation of such numbering system and shall assign a particular number to only one ordinance.

1.01.101 – Amendment, Repeal, Revision, and Recodification of Code.

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

- i. Ordinances amending existing sections shall designate by section number, the sections which are affected and set out in full the new language of each such section;
- ii. Ordinances repealing existing sections shall designate, by section number, the sections which are repealed;
- iii. Ordinances adding sections to the Code shall designate where such sections are to be inserted;

B. The City Clerk shall maintain a list of all affected ordinances and shall proceed as is consistent with Section 1-1-8 of the Code of the City of Mills.

C. The revision, updating, and recodification of ordinances may be published by title only together with a brief summary of the recodification or revision, in the manner set out in W.S. § 15-1-116, and the actual recodification and revision shall be available to the public at all reasonable hours in the office of the City Clerk and in a public location in the City Hall.

D. The Governing Body may amend existing schedules, tables or singular costs, expenses, fines or other monies to be collected by resolution, where not contrary to State Statute.

When such amendment has been made by resolution, those parts of the Code affected shall be deleted from the Code and the following shall be inserted as its replacement:

The schedule, tables, rates, fines, or other designation of costs, expenses, fines or other fees have been deleted from this section. The subject addressed in this section has now been amended by resolution. The resolution may be obtained from the City Clerk's office from the official book of resolutions.

1.01.102 Numbering of Sections, Articles, or Chapters Not Be Given Importance.

The sequence of sections, articles or chapters in the Code shall not be deemed to imply any substantive intent to a particular ordinance.

1.01.103 Validating Act.

All ordinances of the City of Mills approved, passed, and adopted prior to or simultaneously with the date of 8-10-2016 shall be and are presumptively valid except where repealed. If any ordinance or part of any ordinance is found to be invalid, all other ordinances or parts of ordinances shall be and remain valid.

CHAPTER 1.02
BOUNDARIES

1.02.010 Official City Boundary.

The official City boundary of the City of Mills is established as provided by ordinance and amendments. The legal description is on file with the City Engineer and the City Clerk.

1.02.020 Order Creating Municipality.

The City of Mills was duly incorporated as a Municipal Corporation under the laws of the State of Wyoming on May 10, 1921.

CHAPTER 1.03
PENALTIES AND REMEDIES

1.03.010 General Penalties; Remedies Generally; Continuing Violation.

Where not otherwise specified in this Code, the penalty for violating an Ordinance, Rule or Regulation passed by the governing body of the City of Mills shall be:

(a) Any misdemeanor committed in the City of Mills, Wyoming, shall be punishable by a fine of no more than seven hundred fifty dollars (\$750.00) and/or six (6) months in jail, to which court costs and assessments may be added as set by the Municipal Court, not to exceed the amount allowed by State Statute, for each violation;

(b) Provided, however, where the State of Wyoming has authorized another penalty, the same may be imposed.

1.03.020 Action for Penalties or Fines.

All actions brought to recover any penalty or fine shall be brought in corporate name of the City of Mills.

1.03.030 Disposition of Recoveries.

The recoveries when collected shall be paid into the treasury of the City of Mills.

CHAPTER 1.04
CORPORATE SEAL

1.04.010 City Seal Designed and Adopted.

A seal, the impression of which shall be of circular form, bearing the words, "City of Mills, Wyoming, Est. 1921" is adopted as the City Seal.

1.04.020 Authentication.

A document possessing the seal as set out in Section 1.04.010 of the Code of the City of Mills shall be prima facie evidence the document is authentic.

1.04.030 Validating Act.

Documents executed by the City of Mills requiring the seal of the City and bearing a seal in the form above prescribed are validated and ratified, and approved by the City of Mills with the same force as if such seal had then been the official seal of the City of Mills.

1.04.040 Custodian.

The Clerk of the City of Mills shall be the Custodian of the Corporate Seal and shall affix the seal imprint upon all official documents.

CHAPTER 1.05
OFFICIAL NEWSPAPER

1.05.010 Designated.

The City of Mills designates the City website, courthouse, library, City Hall, Senior Center, and United States post office as locations for the postings of official and public notices. The City of Mills reserves the right to designate other locations through resolution.

CHAPTER 1.06
DEPOSITORY DESIGNATED

1.06.010 Depository Designated.

The City of Mills shall annually designate such financial institution as authorized by the State of Wyoming to keep and deposit City monies as designated and directed by the Governing Body by Resolution. The Governing Body of the City of Mills may by resolution designate additional or alternate depositories for funds of the City.

CHAPTER 1.07
SAVINGS PROVISION

Should any provision of these Ordinances in whole or in part be found to be illegal, the remainder of these Ordinances, including their subparts, shall not be affected.