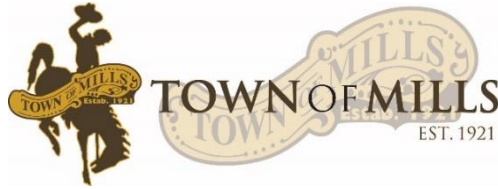


WORK SESSION
October 27, 2020
6:00 PM
Town Hall



Mayor:
Seth Coleman
Council President:
Sara McCarthy
Council Members:
Darla Ives
James Hollander
Ron Wales

AGENDA

CALL TO ORDER

AGENDA ITEMS

1. Mayor:

Agenda Review

Title 2

Title 9

ADJOURNMENT

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at 307-234-6679 within 48 hours prior to the meeting in order to request such assistance.

TITLE 2
ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04 - TOWN COUNCIL

2.04.010 - Organization.

a. The municipal officers of the town shall consist of a mayor and four councilmen, who shall be a body corporate and politic, and shall constitute the governing body of the town.

b. Everywhere in the Town ordinances for the Town of Mills, the use of the word “town” or “city” shall be deemed to have the same meaning, and shall refer to the municipality.

2.04.020 - Mayor.

The mayor shall preside at meetings of the governing body and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the Constitution of the state of Wyoming, statutes, or the provisions of this code. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes and by the government for the purposes of military law. The Mayor shall be the manager of the Departments and their personnel and may do so through such designees as he may appoint.

2.04.030 - Election of president.

At the first meeting of the official year following the election, the governing body shall elect from its membership a president of the council, who shall conduct the meetings in the absence of the mayor, and perform such other duties as shall be conferred and imposed upon him by ordinance or statute in the event the mayor is rendered unable to act by reason of absence or disability. The president of council shall, in that capacity, be authorized to sign official documents for the town and checks, in the absence of the mayor.

The president of the council shall also serve as the mayor pro tem.

2.04.040 - Powers and duties—Generally.

The corporate authority of the town shall be vested in the council, as the governing body of the town. The governing body shall have and shall exercise the powers, privileges and duties granted and conferred by statute.

2.04.050 - Power to make regulations, ordinances, and resolutions.

The governing body shall have the power to make and publish ordinances, resolutions, and regulations not inconsistent with the laws of the state for carrying into effect or discharging the

powers and duties conferred by statute; and to enforce obedience to such ordinances by municipal court fines not exceeding seven hundred fifty dollars (\$750.00), and where appropriate and provided by Ordinance, levy and enforce such civil penalties as provided by ordinance or statute

2.04.060 - Appointment of city officials.

(a) The mayor shall appoint a city administrator, city clerk, city treasure, clerk of court, city judge, chief of police, fire chief, city engineer, city attorney, community development director, building official, and public works director and fix their salaries or compensation. The Mayor shall also appoint members of the Planning and Zoning Board, and all members of all other boards and committees created in code. The Town Council shall vote to confirm or reject any said appointment, with a majority of the Town Council being required in order to approve the appointment. The salary or compensation may be changed from year to year and these appointed officials may be discharged and their employment terminated at any time at the discretion of the mayor provided, however, that no such termination may occur within the first thirteen (13) months of the term of a new mayor who did not serve in the prior term without the permission of the Town Council.

(b) All other Town positions shall be made by the mayor or his designee. Said positions may be terminated at any time at the discretion of the mayor or his designee, after the 13th month of his first term. The Mayor may consult the Governing Body on personal matter when he deems prudent or necessary.

2.04.070 - Power to make laws relating to health and welfare.

In addition to all other powers, the governing body may make any provisions or regulations not in conflict with state law and deemed necessary for the health, safety, or welfare of the town.

2.04.080 - Filling vacancies in position of councilperson.

(a) A vacancy exists in the office of councilperson in the event of removal from the town, conviction of a felony, or any other reason specified in Wyoming Statutes 1977, as amended, Section 22-18-101.

(b) If a vacancy occurs, the town council shall appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified.

(c) The procedure for appointment to fill a vacancy in the office of councilperson shall include:

- (i) Application in writing to the town clerk on a form prepared by the town clerk;
- (ii) Interviews of applicants, conducted by the town council in executive session, at a regular meeting of the town council or at a special meeting of the town council following notice as required by law;

- (iii) Appointment by motion and vote of the town council at a regular meeting of the town council or at a special meeting of the town council following notice as required by law.

(d) The procedure for appointment to fill a vacancy in the office of councilperson may include consideration and deliberation of the appointment in executive session, if approved by a majority of the members of the town council present.

2.04.070 Conduct of Councilpersons

Members of the Town Council shall all times conduct themselves with the decorum required of the office. No member shall disparage the Council or individual Councilpersons at any time. Members of the Council shall:

- (a) Attend all Council meetings of which they have notice unless a matter of sufficient importance precludes them from doing so, in which case they shall provide notice to the Town Clerk of their anticipated absence as soon as practical. In no case shall a Councilperson miss more than 25% of regular Town Council work session and general sessions in any one year.
- (b) Excuse themselves from matters in which they have a direct financial interest or personal conflict.
- (c) Make reasonable efforts to remain informed of Town Council business and matters at all times.
- (d) Accept such appointments as the Town Council shall make of individual Councilpersons.
- (e) Perform those duties ordinarily and customarily incumbent upon a Town Councilperson.
- (f) Town Councilpersons shall submit to the same drug testing policies and procedures as Town of Mills employees with it a positive test indicating illegal or impairing drug use being deemed improper conduct in office.
- (g) Should 75% of the Town Council judge that a Councilperson has failed in to perform in accordance with the provisions set forth above, the Town Council may take censure the Town Councilman as the Town Council sees fit, including fining said Town Councilman an amount not in excess of \$750.00. Should the Council, by unanimous consent, view an action as warranting removal, the Town Council may vote to remove a Town Councilman with the removal taking effect immediately upon the Town Council so voting.
- (h) Should 35% of the registered voters in the Town of Mills sign a petition to have a member of the governing body removed the Council must have a hearing on the same within thirty days of the petition being received and the signatures verified. Any vote to remove the Councilman shall be by unanimous consent. A vote to remove a Councilperson under this section shall take effect immediately.
- (i) No Councilperson may be removed through these provisions except through a hearing in which the Councilperson has a right to participate and provide testimony and evidence.

2.04.090 - Meetings—Regular.

Regular meetings of the governing body shall be held at City Hall on the second and fourth Tuesday in each month. Regular meetings shall be held at the hour of seven (7:00 p.m., 19:00).

In the event of a conflict or other need, the Mayor may cancel the meeting and call a new time and date as provided by law or choose to not hold any meeting until the next scheduled meeting.

2.04.100 - Meetings—Special.

(a) The Mayor or any two Council members shall have power to call special meetings of the city 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 made a matter of record upon the journal.

(b) It is the duty of the city clerk to notify the governing body, the public, and post on the website of the Town and at the Town Hall, Mills Police Department, Mills Public Library and the United States Post Office in Mills Wyoming of any special meeting, which notices shall give the time and place of such special meeting and indicate the business to be transacted at such meeting. No other business shall be considered at a special meeting.

2.04.110 - Meetings—Executive session.

When the nature of the business falls within Wyoming Statutes 1977, Section 16-4-405, the governing body may, by a majority vote of the members present, go into executive session and exclude the public thereon. Such sessions shall be held:

(a) With the attorney general, county attorney, district attorney, city attorney, sheriff, chief of police or their respective deputies or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public's right of access;

(b) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

(c) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(d) On matters of national security;

(e) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

(f) To consider acceptance of gifts, donations, and bequests;

(g) To consider or receive any information classified as confidential by law;

(h) To consider accepting or tendering offers concerning wages, salaries, benefits, and terms of employment during all such negotiations.

- (i) No votes shall be conducted or taken during an Executive Session.

2.04.120 - Meetings—Adjourned or recessed.

Adjourned or recessed meetings may be reconvened at such time as the council may determine.

2.04.130 – Work sessions.

The governing body may hold public study sessions in order to study, discuss or analyze matters which have been, are, or may be subject to the consideration of the governing body. No "action" as defined by Wyoming Statutes 2007, Section 16-4-402, may be taken at a study session. Work sessions shall be held every 1st Tuesday of the month, and one (1) hour prior to scheduled regular council meetings, or as called by the Mayor.

2.04.140 - Rules of order—Generally.

The rules of parliamentary practice contained in "Robert's Rules of Order" shall guide the conduct of regular and special meetings of the governing body of the city on all matters where same are applicable and in which same are not inconsistent with the provisions of state law; in which case the provisions of state law shall prevail.

2.04.150 - Call to order—Quorum.

(a) At the hour appointed for its meeting, the governing body shall be called to order by the presiding officer.

(b) A majority of the governing body constitutes a quorum for the transaction of business at any meeting.

2.04.160 - Record of proceedings.

(a) The town clerk or designated person shall attend all regular and special meetings of the governing body and make an accurate record of all business transacted at each meeting. The manner in which each member of the governing body votes upon any proposition or upon the passage of any bylaw, resolution or ordinance shall be entered in the minutes. The name of the member making a motion shall also be entered in the minutes.

(b) The minutes of the proceedings shall be open for inspection at any reasonable time.

(c) The governing body shall publish to the Town's website the minutes of all its regular and special meetings and the titles of all ordinances passed. The minutes shall include

every bill presented to the governing body showing the amount of the bill, the amount allowed, what the bill was for, and by whom claimed. Publication shall be made once.

2.04.170 - Preservation of order.

The mayor or presiding officer at council meetings shall preserve order, prevent personal reflections, confine members in debate to the question and shall decide who shall be first heard when two members arise at the same time. Any member of the council when called to order by the presiding officer shall at once suspend his remarks.

2.04.180 - Minutes of executive sessions.

Minutes of executive sessions of the town council, as authorized by Wyoming Statutes 1977, as amended, Section 9-11-105, shall be sealed and entered in an official journal of the town in the appropriate fashion, subject to production by appropriate legal process.. The minutes of executive sessions shall contain the following:

- (a) A record of the vote approving the executive session.. The vote having been taken before discussion of the executive matter;
- (b) The location of the executive session;
- (c) The names of the members of the town council present at the executive session;
- (d) The names of the members of the town council absent from the executive session;
- (e) The time that the executive session was called to order and the time adjourned;
- (f) The topic of the executive session, as described by the appropriate subsection of Wyoming Statutes 1977, as amended, Section 16-4-405, or the appropriate portion thereof.

CHAPTER 2.08
ORDINANCES AND RESOLUTIONS

Article I. - Ordinances

2.08.010 - Required for legislation.

All municipal legislation shall be by ordinance, unless provided otherwise by law.

2.08.020 - Form.

All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the governing body. No ordinance, except one making appropriations or one for the codification or general revision of ordinances, may contain more than one (1) subject which shall be expressed clearly in the title. Ordinances making appropriations and ordinances relating to codification or general revision of ordinances shall be limited to those respective subjects.

2.08.030 - Ordaining clause.

The style of all ordinances shall be: "Be it ordained by the Town Council of the Town of Mills, Wyoming"

2.08.040 - Public reading.

Every ordinance shall be publicly read on three (3) different days. Public reading may be by title only. At least ten (10) days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths ($\frac{3}{4}$) of the elected and qualified members of the governing body. No franchise may be granted by emergency ordinance.

2.08.050 - Vote required for passage.

Passage of an ordinance requires the affirmative vote of the majority of the elected members of the governing body. The passage of an emergency ordinance requires the affirmative vote of three-fourths ($\frac{3}{4}$) of the elected and qualified members of the governing body.

2.08.060 - Effective date.

Every ordinance before becoming effective shall be published on the Town website. An ordinance shall become effective after passage, approval, and publication by the governing body.

2.08.070 - Signature and attestation.

Every ordinance shall, within seven (7) days after passage, be signed by all members of the governing body, and attested by the clerk, who shall affix the seal of the town thereto and record the ordinance in the book of ordinances. The attestation of the clerk shall show the ordinance was duly published. The ordinance shall subsequently be recorded with the County Clerk of Natrona County Wyoming, in accordance with the applicable provisions of law and procedures of the County Clerk.

2.08.080 - Emergency ordinances.

Emergency ordinances shall become effective upon proclamation of the mayor, and as soon thereafter as is practicable, they shall be published to the Town website.

2.08.100 - Amendment and repeal.

Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended.

2.08.110 - Charter ordinances.

(a) Except for statutes uniformly applicable to all cities and towns and statutes prescribing limits of indebtedness, the town may by charter ordinance exempt itself from the effects of all or any part of a statute that otherwise would apply to it.

(b) Such charter ordinance shall be titled and may provide that the whole or any part of any statute, which would otherwise apply to the town, as specifically designated in the ordinance shall not apply to the town. Such ordinance may provide other provisions on the same subject.

(c) Passage of a charter ordinance requires the affirmative vote of two-thirds (2/3) of the elected members of the governing body.

(d) Every charter ordinance shall be published once each week for two (2) consecutive weeks in the official town newspaper. No charter ordinance shall take effect until the sixtieth (60th) day after its final publication. Referendum procedures may be initiated prior thereto as provided for in Article 13, Section 1(c) of the State of Wyoming Constitution.

(e) An approved charter ordinance, after becoming effective, shall be recorded by the town clerk in a book maintained for that purpose with a certificate of the procedures of adoption. A certified copy of the ordinance shall be filed with the Secretary of State.

Article II. - Resolutions

2.08.120 - When used.

A resolution shall be used when the order of the governing body is of a special or temporary character or an expression or opinion concerning some particular business and is not intended to permanently direct and control matters.

2.08.130 - Form.

All resolutions shall be in writing and passed pursuant to rules and regulations adopted by the governing body.

2.08.140 - Style.

The style of all resolutions shall be: "Be it resolved by the Town Council of the Town of Mills, Wyoming"

2.08.150 - Vote required for passage.

Passage of a resolution requires the affirmative vote of the majority of the elected members of the governing body.

2.08.160 - Effective date.

A resolution shall become effective after it has been publicly read and approved by the governing body.

2.08.170 - Signature and attestation.

After a resolution has been approved, the same shall be signed by every member of the Governing body and attested to by the town clerk who shall attach the seal of the town thereto and record the resolution in the book of resolutions.

Chapter 2.12 - TOWN ADMINISTRATOR

2.12.010 - Exemption from state statute.

The city shall not be governed by the provisions of Wyoming Statutes 2007, as amended, Sections 15-3-204, 15-1-108, and 15-1-103 (a) (xxxvii).

2.12.020 - Employment—Salary.

The governing body shall employ a city administrator, city attorney and municipal judge, and fix his salary. The city administrator is an employee and serves at the pleasure of the Mayor. The salary may be changed from year to year, and the city administrator may be discharged, and that employment terminated at any time by the Mayor as long as such complies with 2.04.060. **The City Administrator may also serve as a department head of any of the various departments of the City while also serving as the City Administrator. His salary will be set by the Mayor taking into account the responsibilities and functions he performs. The salary shall not exceed the appropriations made by the annual budget set by the Governing Body.**

2.12.025 - Duties of mayor.

The mayor shall:

- (a) Preside at all meetings of the governing body, and in the mayor's absence a council President shall act as mayor pro tem;
- (b) Have superintending control of all officers and affairs of the city.
- (c) Oversee compliance with the ordinances and laws;
- (d) Sign commissions and appointments and all bonds, contracts and other obligations required to be signed in the name of the city; and
- (e) Have one (1) vote on all matters coming before the governing body upon which a vote is taken, except a vote:
 - (i) To override a veto;

(ii) To confirm an appointment other than a vote to break a tie vote of the governing body; and

(f) Pursuant to a hearing for removal or discharge as provided in W.S. Sections 15-2-102(b)(iv)(C) or 15-3-204(b)(iv)(C) (2007).

2.12.040 - Expert services.

The Mayor may employ experts to perform unusual or special services.

2.12.045 – **Duties of Town Administrator**

The Town Administrator shall report to the Mayor and shall take all direction from the office of the Mayor. ~~The Town Administrator shall be the conduit of information of the operations of the Town to the governing body. Members of the governing body shall direct all questions and requests for information or data through the City Administrator so he may insure all of the governing body receives such information and remains appropriately informed on all relevant issues.~~

2.12.050 - Appointment powers.

(a) All employees shall be appointed, suspended, transferred, and removed by the Mayor or appointee, subject to the personnel regulations of the city as adopted by the governing body.

(b) ~~The Mayor shall appoint a city clerk, city treasurer, clerk of court, city Engineer, city attorney, community development director, chief of police, public works director, and fire chief. The Mayor shall make appointments to these positions and removal from these positions, when necessary, in accordance with 2.01.060.~~ All of the appointees of the Mayor shall report to the city administrator for issues concerning the day to day operations of the City so he may stay informed on those issues he is to report to the Mayor and Governing Body.

(c) ~~The city administrator when acting as the designee of the Mayor~~ may appoint and remove all subordinates, clerks, assistants, laborers, and servants and fix the compensation of those appointed by him within the limits fixed by the governing body and the law, consistent with the city's ability to pay. Appointment shall be on the basis of merit. He shall seek the advice of the governing body on personnel matters as he deems necessary.

2.12.060 - Duties—Generally.

The city administrator shall:

(a) Oversee the operation of the day to day administration of the city. The Mayor shall provide the city administrator direction and set the policies for the operation and administration of the city. The governing body shall direct any questions, issues, or concerns regarding the operation and/or administration of the city through the ~~City Administrator. City Administrator~~ or his

designee shall investigate and provide clear, complete, and unbiased information in response to such questions, issues, or concerns to the entire governing body to assist the governing body in making policy decisions for the city. Mayor shall also provide input and recommendation to the governing body on such requests.

(b) Attend all meetings of the governing body and may recommend to the governing body adoption of such measures as the city administrator deems necessary for the health, safety, and welfare of the community or for the improvement of municipal services.

(c) Perform all duties imposed on the position consistent with state laws or ordinances. ~~The city administrator shall be the purchasing agent for the city and subject to the requirements of statutes and ordinances, in accordance with rules and regulations now or hereafter promulgated by the governing body, shall purchase materials and authorize expenditures of funds on behalf of the city.~~

(d) Supervise the enforcement of all laws, ordinances, rules, regulations, policies, and procedures of the city adopted by the governing body.

~~(e) Issue rules and regulations requested by the governing body, subject to the approval, amendment, or rejection of the governing body.~~

(f) Be responsible to the Mayor for the administration of all departments of the city and supervise the administrative functions of such departments.

(g) Prepare and submit to the governing body reports that are required or that the administrator or governing body may consider advisable.

(h) Keep the governing body fully advised of the financial status of the city, presenting a monthly report on the financial condition and future needs.

(i) Prepare a proposed budget annually, submit it to the Mayor and be responsible for its administration after adoption by the governing body.

(j) Perform all duties imposed on the position by ordinances adopted by the governing body which is not inconsistent with state laws.

(k) Prepare annually recommendations to the governing body on the compensation plan and fringe benefits package for all city positions and shall also make recommendations to the governing body concerning the personnel manual position descriptions and position classification changes.

2.12.070 - Management of utilities.

(a) The city administrator shall manage any utility owned and operated by the city. Subject to the laws relating to public utilities, the governing body shall fix all rates and compensation to be paid by consumers of water, sewer, sanitation, or any service furnished by any other public

utility owned or operated by the city. ~~The administrator shall enforce all necessary rules, regulations, and penalties to enforce their collection or for the protection of the property and rights pertaining to public utilities.~~

(b) All utilities servicing the Town or existing in the Town, to include water, sewer, sanitation, shall be required to have a franchise agreement, irrespective of whether they are providing those services within the Town itself and pursuant to the authority granted to municipalities under WS 15-1-101 et seq.

Chapter 2.16 - TOWN OFFICES—GENERALLY

2.16.010 - Departments and department heads enumerated.

The administrative services of the city shall be divided in the following department and offices and shall be under the control and supervision of a department head who shall have the title indicated:

Office of the City Clerk	City Clerk
Community Development Office	Community Development Director
Finance Office	City Treasurer/ Finance Director
Emergency Services Office A. Police Department B. Fire Department	Director of Emergency Services Chief of Police Fire Chief
Public Works Department	Public Works Director

2.16.020 - Responsibilities of department and office heads.

(a) Each department and office heads shall perform all duties required of his office by state law, the charter, this code and ordinances of the town, and such other duties not in conflict therewith as may be required by the town administrator.

(b) The heads of the various administrative departments and offices shall be immediately responsible to the town administrator for the effective administration of their respective department and all activities assigned thereto. The administrator may set aside any action taken by a department head and may supersede him in the functions of his office **if doing so advances the directives he has been given by the Mayor.** Two (2) or more departments may be headed by the same individual. In the case of a vacancy in any office or during the absence of any department head, the administrator may designate an interim acting head of the department or may perform, personally, the functions of the office.

(c) Department heads to be salaried positions.

2.16.030 - Department authority over employees.

Each department head shall have the authority to appoint and remove, subject to the personnel regulations and the approval of the administrator, all subordinates under him. Each department head may, subject to the approval of the administrator, promulgate rules and regulations for the orderly management of their respective departments. Department heads shall consult with the Town administrator, and or Mayor, before terminating a subordinate in an effort to have peer review to ensure Town policies, and best employment practices are followed and that the subordinate’s rights are not infringed. All department heads are authorized to communicate with the city attorney on personal matters when the need arises. In doing so they shall also inform the Mayor and city administrator of such communication, unless doing so would likely create a conflict of interest.

Chapter 2.20 – OFFICE OF EMERGENCY SERVICES

2.20.010—Office Established.

There shall be an Office of Emergency Services which shall contain the Police Department and the Fire Department. The purpose of the Office of Emergency Services shall be to coordinate, organize and direct the overall emergency and safety response for the Town of Mills.

2.20.010---Director of Emergency Services.

The Office of Emergency Services shall be presided over by the Director of Emergency Services. The Director of Emergency Services shall be the Chief of Police unless the Mayor determines that a separate Director of Emergency Services is necessary, and the Town Council approves the hiring a separate Director.

Chapter 2.20.020 - POLICE DEPARTMENT Established

There shall be a Police Department which shall be charged with enforcing the laws and ordinances of the Town of Mills, Natrona County, the State of Wyoming and the United States, as appropriate and as authorized for a municipal police department under the laws of the State of Wyoming.

2.24.010 – Police Chief—Duties.

The police department shall be headed by the police chief who shall be the commanding officer of the police force. He shall have the following responsibilities and powers:

- (a) To direct the police work of the town and be responsible for the enforcement of the law and order throughout the town;

(b) To prescribe such policies and procedures for the orderly management and general governance of the city police department, as shall be approved by the city council;

(c) The performance of other related duties as directed by the town administrator or town council.

(d) The administration of the community service division consisting, animal control and code enforcement.

2.24.020 - Powers of police officers.

(a) The chief of police and any sworn officer shall have all the powers granted to peace officers by the laws of this state.

(b) Police officers shall have power to arrest all persons found in the act of violating any law or provisions of this code or law of the state or aiding or abetting in any such violation, and shall arrest any person found under circumstances which would warrant a reasonable man in believing that such person had committed a crime.

(c) Police officers shall have the power and authority, and it shall be their duty to serve and execute warrants and other process for the summoning, apprehension and commitment of any person charged with a violation of any provision of this code.

2.20.010 - Fire chief—Appointment—Term of office.

The Mayor shall appoint a fire chief, who shall hold his office for a term of five (5) years, and until his successor is appointed and qualified, unless sooner removed for cause in accordance with 2.04.060.

2.20.020 - Fire chief—Powers and duties.

(a) The fire chief shall be responsible for the administration and enforcement of the Uniform Fire Code, adopted by the town, all ordinances relating to fire prevention and suppression and all applicable state statutes.

(b) The chief of the fire department shall be the administrative officer of the department, subject to the rules and regulations prescribed and the orders and ordinances made from time to time by the governing body and shall have the following powers and duties:

(i) To be responsible for all property belonging to the department and all firemen and fire companies in the service of the department, in the proper discharge of their duties;

- (ii) To see that the ordinances of the town applicable to the fire department are faithfully observed;
- (iii) To have sole command at all fires over all officers and all persons who may be present, and to take all proper measures for the extinguishment of fires, the protection of lives and property and the preservation of law and order;
- (iv) To examine into the condition of the apparatus, buildings and other property belonging to the town and used by the fire department and see that all fire hydrants are in good working order at all times. Under his supervision, all hose belonging to the department must be tested at least once a year;
- (v) To keep a complete and correct inventory of all property belonging to the department;
- (vi) To keep a roll of members showing attendance at all monthly meetings and fires and report the same to the governing body. The fire chief shall present a monthly written report to the governing body showing all fires and shall, in addition to showing the fires, show the number of meetings held, and, upon request of the governing body, shall include any other information or data that may be necessary or required.

2.20.030 - Fire chief—Emergency powers.

(a) The chief of the fire department, or any assistants in command, may prescribe limits in the vicinity of any fire within which no persons excepting those who reside therein, firemen and policemen, and those admitted by any order of any officer of the fire department shall be permitted to come.

(b) The fire chief or any assistant in command shall have the power to cause the removal of any property, whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire or to protect adjoining property.

(c) The fire chief and the fire marshal shall have the power of a police officer in performing their duties under the Uniform Fire Code.

2.20.040 - Appointment of firemen.

The fire department shall be composed of the chief and such other subordinate officers and firemen as may be approved by the governing body. All firemen shall be appointed by the chief of the fire department. The fire chief shall have the authority to suspend from duty any fireman for cause.

2.20.050 - Duties of members.

All members of the fire department shall perform such duties as may be required of them by the fire chief or other authorized officials.

2.20.060 - Fire marshal—Powers and duties.

There is created the office of fire marshal who shall be recommended by the fire department with the approval of the governing body. His duties shall be:

(a) To inspect, as often as may be necessary, all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any other violation of the purpose or provisions of the Uniform Fire Code and of any other law or standard affecting fire safety;

(b) To investigate promptly the cause, origin and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury or destruction or damage to property and, if it appears to the fire marshal that such fire is of suspicious origin, he shall take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.

2.20.070 - Fire marshal—Compensation.

The fire marshal shall receive such compensation as is deemed appropriate by the Mayor for the performance of his duties unless he is also the fire chief.

2.20.090 - Compensation.

The chief of the fire department and the firemen shall receive such pay as may be from time to time established by the governing body for each fire and department meeting attended, or as set by resolution.

2.20.100 - Appropriation of funds.

(a) Funds shall be appropriated from the general fund for the use of the department. Such funds shall be available for the operation of the fire department, which will be responsible to the town administrator for the expenditure of such funds.

(b) Expenditures of the fire department shall not exceed the money budgeted for the use of the department.

2.24.030 - Lost and found property.

(a) The police department will book into the property room, safeguard, and properly dispose of all property which comes into its custody. The department shall strive to maintain property in the same condition as received for possible presentation as evidence in court. Unless property is contraband or must be used as evidence in court, every reasonable effort shall be made to insure its return to its rightful owner. Property which cannot be returned to its rightful owner shall be disposed of in accordance with the procedure as set forth in subsection B of this section.

(b) Lost and found property, other than contraband, turned into the police department shall be disposed of in the following manner:

- (i) If the owner of the property is known, or the name of the owner can be discovered, the owner shall be notified by certified mail, return receipt requested, that the property must be claimed within thirty (30) days of receipt of the letter. The letter will specifically point out that if the property is not claimed within thirty (30) days, and if no extension has been granted by the police department, the property shall be sold at public auction.
- (ii) If the identity of the owner is not known and cannot be established, the property shall be held by the police department for a period of not less than ninety (90) days and posted to Town website. If at the end of ninety (90) days the property is still unclaimed, the property shall be disposed of as the Town sees fit.

2.24.040 – Disposal of lost and found property.

(a) Notice of sale shall be published on the Town’s website for at least ninety (90) days. Such notice shall contain a full description of the property to be disposed of, and the time, date, and place of such disposal.

(b) The sale of abandoned motor vehicles shall be in accordance with Wyoming Statutes 1977, as amended, Sections 31-14-101 through 31-14-110, inclusive.

(c) Contraband and property having no value shall be destroyed in accordance with departmental procedures.

(d) Proceeds of any sale of property shall be turned into the town treasurer for deposit into the general fund. All expenses incurred in such a sale shall be paid from the general fund.

(e) Auctions shall be conducted by a disinterested party who shall be appointed by the chief of police. In no case shall the auctioneer or member of the auctioneer's family be permitted to bid on items that are to be sold. No auctioneer shall enter into any agreement to have a friend bid on any item with the intent to obtain the item from the friend at a later time. All sales will be recorded to include an item description and amount received. The funds shall be turned over to the town treasurer and a receipt shall be given by the treasurer, which receipt shall be placed in the police department's permanent records with a record and description of the property sold.

Chapter 2.28 – PUBLIC WORKS DEPARTMENT

2.28.010 - Functions and responsibilities.

The utility department shall be headed by the utility department director who shall have the following responsibilities:

(a) The construction, operation, and maintenance of the town's water system, including collection and distribution and treatment;

(b) The construction, operation, and maintenance of the sanitary sewage disposal system of the town and for the collection and disposal of rubbish, garbage, and trash throughout the town;

(c) The performance of other related duties as directed by the town administrator or the governing body.

2.28.020 - Billing and customer service.

The department of administration shall be responsible for utility billing and customer service relations. Records of customer accounts, billings for services and all other pertinent financial data shall be provided to the town treasurer, who shall see that such accounts shall be kept distinct from other town accounts and in such manner as to show the true and complete financial result of town ownership and operation.

2.28.030 - Reserved.

Chapter 2.32 - PUBLIC WORKS DEPARTMENT

2.32.010 - Functions and responsibilities.

The public works department shall be headed by the public works director who shall have the following responsibilities:

(a) The maintenance of all streets, the cleaning of improved streets, the removal of snow and the maintenance of alleys;

(b) The planning, development, maintenance and operation of all parks and cemeteries in the town and the planting of trees throughout the town in any public area;

(c) The repair, maintenance and inventory control of all municipal equipment and vehicles;

(d) The control, operation, and maintenance of the sanitary landfill operations;

(e) The performance of other related duties as directed by the town administrator or governing body.

Chapter 2.36 - COMMUNITY DEVELOPMENT DEPARTMENT¹¹

2.36.010 - Functions and responsibilities.

The community development department shall be headed by the community development director. The community development director shall be responsible for:

- (a) The preparation of comprehensive reports or presentations on community development projects to boards and commissions.
- (b) The review of all preliminary development proposals, site plans and maps, petitions for rezoning, special reviews, conditional use permits, annexation, and subdivision maps;
- (c) The development and maintenance of the city land use plan and other applicable local laws;
- (d) The supervision of the building safety division, which shall be headed by the building official;
- (e) The performance of other related duties as directed by the city administrator or the governing body.

2.36.020 - Building official duties and responsibilities.

The building official shall be the designated building inspector and shall have the powers and duties to administer and enforce all provisions of the International Building, Residential, Energy Conservation, Plumbing, Fuel Gas, and Mechanical Codes, the National Electrical Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Code For Building Conservation, the city zoning code and all other building regulations of the city, presently enacted or which may be amended from time to time.

Chapter 2.40 - FINANCE DEPARTMENT

2.40.010 - Functions and responsibilities.

The finance department shall be headed by the town treasurer director who shall have the following responsibilities:

- (a) To receive any money derived for the benefit of the town from any and all sources and to credit such money to the proper funds;
- (b) To disburse money for the town only on proper orders signed by the town clerk or the town treasurer and countersigned by the mayor;
- (c) To keep permanent, accurate and complete accounts and records of all receipts, orders, and warrants;

(d) To endorse upon or attach to every bond or other evidence issued by the town pursuant to law a certificate that the same is within the lawful debt of the town and is issued pursuant to law;

(e) To perform such other duties as may be directed by the town administrator or governing body or by law.

Chapter 2.44 - OFFICE OF THE TOWN CLERK

2.44.010 - Functions and responsibilities.

The office of the town clerk shall be headed by the town clerk who shall have the following responsibilities:

(a) To attend the meetings of the governing body and record the minutes thereof, which minutes, after approval, shall be signed by the mayor and attested by the town clerk;

(b) To safely keep the corporate seal, papers, records, and books belonging to the town;

(c) To preserve consecutive records of all resolutions and ordinances passed by the governing body;

(d) To attest the signature of the mayor and affix the town seal to all resolutions and ordinances passed, all bonds and business licenses issued, and such other documents as may require the same;

(e) To attest all orders and warrants upon the town treasurer, keeping an accurate permanent record thereof;

(f) To issue business licenses, liquor licenses, cemetery permits and deeds and other permits in accordance with town code or state statute;

(g) To perform other related duties as directed by the town administrator, the governing body or by law.

Chapter 2.46 - CITY ENGINEER

2.46.010 - Appointment.

A city engineer shall be appointed according to the provisions of Section 2.12.050. The city engineer shall be a registered professional engineer licensed to do business in the state of Wyoming. Nothing in these ordinances shall be read to preclude the appointment of a city engineer who is a contractor to the city, rather than a full-time employee of the city. The city engineer shall have the authority to designate an employee or employees subordinate to him to perform tasks under his direction and control.

2.46.020 - Duties.

The city engineer shall be responsible for:

- (a) Preparation of plans, specifications, contract documents, estimates, reports, inspections, construction supervision, construction surveying and property surveys for all construction, changes, and improvements in the physical properties of the city;
- (b) The performance or supervision of the survey of all streets, alleys, avenues, public ways and all other such places as shall be required by the governing body;
- (c) The review of subdivision public improvement plans with city staff and developers;
- (d) The approval of engineering plans prepared by other engineers for conformance with city standards;
- (e) The performance of related duties as directed by the governing body.

2.46.030 - Specialty projects.

The city may, upon the recommendation of the city engineer, city council, and/or the city administrator, request proposals from other engineers, architects or surveyors that possess expertise to perform services for city projects that require expertise outside of the registered abilities and/or expertise of the city engineer.

Chapter 2.48 - TOWN ATTORNEY

2.48.010 - Appointment.

The Mayor shall appoint a town attorney as provided in Section 2.04.060. The town attorney shall be the legal representative of the town and shall advise the governing body and town officials in matters relating to their official powers and duties. The town attorney shall be an attorney at law admitted to practice in Wyoming. The Mayor may appoint such deputy attorneys and assistants as they may deem necessary. Nothing in this ordinance shall be read to preclude the appointment of a town attorney who is a contractor rather than an employee of the Town. The town attorney shall have the authority to designate an employee or employees subordinate to him to perform tasks under his direction and control.

2.48.020 - Duties.

- (a) The town attorney or his deputy shall represent the town in legal proceedings, supervise the drafting of all ordinances and the preparation of all legal documents. The attorney or his deputy

shall prosecute violations of the provisions of this code in municipal court. He or his deputy shall attend all council meetings and shall perform all services incident to his position as may be required by law or municipal ordinance.

(b) Nothing shall preclude the Town from appointing deputy attorneys who are not full time employees of the town and who are not employees of the Town Attorney, provided however that they shall remain a deputy of the Town Attorney in his official capacity.

2.48.030 - Special counsel.

The governing body may, on its own motion or upon request of the town attorney, in special cases employ special counsel to represent the town.

Chapter 2.52 - MUNICIPAL COURT

Article I. - In General

2.52.010 - Created and established.

There is created and established in the town a municipal court for the trial of all offenses arising under the ordinances of the town. The office of police justice (municipal judge) is established to preside over the municipal court.

2.52.020 - Jurisdiction—Venue change.

(a) The municipal court and the municipal judge presiding therein shall have exclusive jurisdiction to hear and determine all cases arising under this code and the ordinances of the town for a violation thereof, and no change of venue shall be granted in any case.

(b) The municipal judge shall have jurisdiction to fine, enter judgment, and hear, try, and determine all cases arising under any provision of this code or the ordinances of the town.

2.52.030 - Appointment—Qualifications.

The municipal judge and alternate municipal judges shall be appointed by the mayor with the consent of the town council, shall be a resident of the County, and meet the criteria set forth for Circuit Court Judges set forth at WS Section 5-9-111 and shall become vacant at that age for mandatory vacancy set by Wyoming Const. Art 5 Section 5..

2.52.040 - Term of office—Compensation.

The governing body shall set the salary of the municipal judge. The salary may be changed from year to year and the municipal judge may be discharged and his employment terminated at any time by a majority vote of the governing body. The regular term of the municipal judge shall be as otherwise set forth in these statutes.

2.52.050 - Bond.

The municipal judge shall give a bond to the town in the amount set by resolution conditioned for the performance of all his duties in accordance with law and the ordinances of the town and that he will turn over to the parties entitled thereto or as may be prescribed by the ordinances of the town, all moneys collected by him by virtue of his office as municipal judge.

2.52.060 - General court procedure.

The procedure of the municipal court shall, as nearly as possible, conform to that provided by the general laws of the state in courts of the justice of the peace. In addition, the town may, by ordinance, provide such additional rules of procedure as may be found necessary for the proper conduct of the municipal court; provided, that the same do not conflict with the general laws of the state and appeals to the district court from the judgments and decisions of the police justice shall be allowed, in all cases, such appeals to be taken in the manner now provided by law for appeals from justices of the peace.

2.52.070 - Postponement of trial—Recognizance generally.

Whenever a person charged with a violation of a city ordinance is held to appear for examination or trial before the police justice, the police justice may postpone the trial or the case to a certain day, in which case he may require the defendant to enter into a recognizance, with sufficient sureties, conditioned that he will appear before the police justice at the time and place appointed, then and there to answer the complaint alleged against him.

2.52.080 - Postponement of trial—Deposit—Breach of recognizance.

When a person is ordered by the police justice to enter into a recognizance, he may, at the discretion of the police justice, be permitted to sign his own recognizance, or furnish sureties, or deposit with the police justice or his designee the amount named in the bond, in cash, and should said person so recognized fail to appear and comply with all of the requirements of the bond, the police justice having cognizance of the same shall, if there are no mitigating circumstances, at once declare the bond forfeited and order the cash so deposited to be turned into the general fund of the treasury of the town. If in the progress of any trial before the police justice, it should appear that the accused ought to be put on trial for an offense not cognizable before the justice, he shall immediately stop all further proceedings before him, and proceed as in other cases exclusively cognizable before the district court.

Article II. - Punishment—Appeals

2.52.090 - Punishment by fine—Contempt.

Any person convicted before the police justice shall be punished by such fine as may be provided by ordinance and bond schedule; provided, that no such fine shall be greater than seven

hundred fifty dollars (\$750.00) as authorized by Wyoming Statutes 1980, Section 15-1-103(a)(xli). The police justice shall have the same power to punish for contempt as justices of the peace have in like cases.

2.52.100 - Appeals from municipal court.

Appeals from the judgment or sentence of the police justice may be taken to the district court in the same manner as is now provided by law for appeals from justice courts in criminal cases and shall be dealt with by the courts as criminal cases.

2.52.110 - Disposition of fines.

All fines and penalties collected, arising from a breach of the ordinances of the town, shall be paid into the town treasury.

2.52.120 - Monthly reports to council.

The clerk of courts shall make monthly reports, in writing, to the governing body of all cases which may have come before him, the disposition of the same and all fines collected during the preceding month.

Article III. - Clerk of the Court

2.52.130 - Powers and duties under direction of court.

The clerk of the court shall exercise the powers conferred and perform the duties enjoined upon him by statute and by the common law; and in the performance of his duties he shall be under the direction of his court.

2.52.140 - Duties designated.

The clerk shall file together and carefully preserve in his office, all papers delivered to him for that purpose in every action or proceeding. He shall not permit the papers to be taken from his office except to be used at a session of the court or upon legal process, and he shall be liable upon his official bond to the party suffering injury on account of any violation of this section. Upon the order of the judge of the district, the clerk may transmit by express or registered mail to an attorney of the state appearing in the action or proceeding, who resides in a different county or away from the town, such original files as are not represented by copies in the clerk's office, and the clerk shall take the attorney's receipt for each paper in each case.

2.52.150 - Endorsement of papers.

The clerk shall endorse upon every paper filed with him the date of the filing thereof, and upon every order for a provisional remedy, and upon every undertaking given under the same, the date of its return to his office.

2.52.160 - Recordkeeping.

The clerk shall keep the journals, records, books, and papers appertaining to the court, and record its proceedings.

Chapter 2.56 - BOARDS AND COMMISSIONS—GENERALLY

2.56.010 - Appointment.

Unless otherwise provided by ordinance, all boards and commissions shall be appointed by the Mayor and all such boards and commissions shall be advisory in character unless otherwise provided. Any vacancy occurring in the membership of any board or commission shall be filled by the Mayor by appointment. Governing body members may be members of Board of Commissioners.

2.56.020 - Expenses.

Except as otherwise provided in this chapter and Chapters 2.60 through 2.72, all members of boards and commissions shall serve with compensation at an amount to be determined by the Town Council on a per meeting basis but shall be paid necessary expenses incurred in the discharge of their official duties.

2.56.030 - Selection of chairman—Adoption of rules of procedure.

Each board and commission shall provide and choose its own chairman from its membership and shall have powers to make and adopt such rules of procedure and regulations not inconsistent with other provisions of this code, as may be necessary for the proper conduct of its business and the effective accomplishment of its functions and duties. A copy of such rules of procedure and regulations shall be filed with the town clerk.

2.56.040 - Boards and commissions enumerated.

The following boards and commissions having been duly created in accordance with this chapter are continued and vested with all powers and duties conferred upon such boards by statute or municipal ordinance:

- (a) Board of adjustment, with the Planning and Zoning Committee sitting in this role.;
- (b) Board of appeals; with the Governing Body plus the Town Engineer sitting in this role
- (c) Planning and zoning commission; and

- (d) Other advisory boards as needed.

Chapter 2.72 - DISASTER AND CIVIL DEFENSE UNIT

2.72.010 - Established.

The mayor and all elected officials and all appointed officers and employees of the town are authorized and directed to join with the board of county commissioners and all other elected officials and appointed officers of the county for the purpose of establishing a town-county disaster and civil defense unit under the provisions of Wyoming Statutes 1977, as amended, Sections 19-5-101 through 19-5-116.

2.72.020 - Duties of officials.

The mayor and other duly elected officials and the appointed officers of the town are authorized and directed to do and perform every act that may be lawfully required of them by the Director of Disaster and Civil Defense for the state under the provisions of Wyoming Statutes 1977, as amended, Sections 19-5-101 through 19-5-116.

Chapter 2.76 - ELECTION AND TERMS OF MAYOR AND COUNCILMEN

2.76.010 - Elective offices established—Term.

The elective officers of the city shall be a mayor and four councilmen. The term of office of the mayor and the councilmen shall be four years and until successors are qualified. The mayor shall be elected at large. Pursuant to the provisions found at Article 13, Sec 1, of the Wyoming Constitution the, the Town of Mills shall provide that councilmen shall be elected at large and not by wards or districts, and therefore the provisions of WS § 15-11-103 and WS 22-23-103 pertaining to wards shall not apply to the city

2.76.020 - Coordination of municipal and primary elections.

The city municipal primary and general elections shall be held at the same time, in the same manner, at the same polling places, and conducted by the same precinct officials, using the same poll lists, as the statewide primary and general elections.

2.76.030 - Candidates for municipal and primary elections.

All candidates for municipal office shall be nominated at the municipal primary election. Candidates equal to twice the number to be elected to each office who receive the highest number of votes at the primary election are nominated to run for the office at the next general election.

2.76.040 - Commencement of term.

The term of office of a person elected at the municipal general election commences on the first regularly scheduled Town Council meeting in January following the general election.

2.76.050 - Terms on which existing offices expire upon a Councilperson’s successor being sworn in.

A person shall hold their appointment to the Town Council until their successor is sworn in at the January meeting following the general election.

2.76.060 - Residency requirements.

All elective municipal officers shall be qualified electors resident in the city.

2.76.070 - Exemption of certain state statutes.

The city is exempted by the Charter ordinance codified in this chapter from the provisions of Wyoming Statutes WS 15-5-101 15-11-103, 15-11-202, 22-23-103, 22-23-503, 22-23-602 and 15-3-104 (1977, as amended.) These statutory provisions shall not apply to the city.

Chapter 2.80 - OATH OF OFFICE AND BONDS

2.80.010 - Town administrator, department heads and other officials.

The town administrator, each department head, law enforcement officer and elected official shall, before entering upon the performance of the duties of such office, subscribe an oath to honesty and faithful performance and discharge the duties of such office to the best of his ability.

2.80.020 - Officers having custody of money.

Each town officer, or clerk of the town, having custody of money belonging to the town shall, before entering upon the performance of his respective duties, be required to furnish a bond in the amount prescribed in this chapter for such office, which bond shall be conditioned upon the following:

- (a) The faithful performance by such officer or clerk of all the duties of his office as prescribed by law;
- (b) The safekeeping of all money which may come into his hands by virtue of his office;
- (c) The prompt payment thereof to those persons who are legally authorized to receive the same in the manner provided by law;

(d) The delivery by him to his successor in office of all money then held by him as such officer.

Each of such officers and his sureties, respectively, shall be responsible for the safekeeping and paying over according to law of all funds which shall come into his hands by virtue of his office.

2.80.030 - Minimum amounts.

The bonds of the various town officers and clerks shall be in minimum amounts as follows:

Town treasurer	Set by Resolution.
Blanket bond all employees	Set by Resolution.

When approved, such bonds shall be filed in the town clerk's office.

The governing body may, by resolution, increase the amounts of such bonds, and may also require similar bonds to be furnished by any employee having custody of town funds.

2.80.040 - Premiums due to surety company.

When the bond of any officer of the town shall be furnished by a surety or guaranty company, the premium due such company for furnishing such bond shall be paid out of the public funds of the town.

2.80.050 - Sureties—Qualifications.

Whenever any bond, recognizance or other obligation is by law, ordinance, rules or regulations of the town required or permitted to be tendered or filed with sureties, and whenever the performance of any act or obligation or the refraining from any act or obligation is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed either by a guaranty or surety company qualified to act as surety or guarantor under the laws of the state.

Chapter 2.84 - COMPENSATION OF OFFICERS AND EMPLOYEES

2.84.010 - Salary structure.

The salary structure shall be established by council action during the annual budget process, or at such other times as may be appropriate. No employee shall be assigned to a salary grade or step not in accordance with the salary structure.

2.84.030 - Compensation for elected officials.

The mayor shall be paid Two Thousand and no/100 dollars (\$2,000.00) per month for his or her services. Each councilmember shall be paid One Hundred Fifty and no/100 dollars (\$150.00) per actual regular meeting attended. In addition, members of the governing body shall be reimbursed for expenses incurred in the performance of their official duties.

2.84.040 - Fringe benefits.

(a) All full-time permanent employees of the town shall be provided employee benefits as may be established by the governing body by resolution.

(b) The Town may, by resolution of the Town Council, provide benefits to permanent part time employees.

(c) The town treasurer is authorized to deduct any participating employee's share for the benefits from the employee's paycheck.

Chapter 2.88 - PERSONNEL RULES AND REGULATIONS

2.88.010 - Rules and regulations established.

The town administrator shall establish comprehensive rules and regulations providing for the recruitment of employees, terms of employment, disciplinary action, grievance procedures and such other matters relating to personnel management as the town administrator may deem necessary. These rules and regulations shall be compiled in a manual of personnel rules and regulations which is to be adopted by the governing body by resolution. Such manual shall be made available to all employees. The manual shall include a pay plan which shall apply to all positions in the town service except elected officials and council-appointed positions. The pay plan shall provide for job descriptions, position classification, performance evaluation, job evaluation and salary structure.

2.88.020 - Equal employment opportunity policy.

(a) It shall be the policy of the town to provide equal employment opportunity for employment and advancement to all qualified applicants and employees. It shall be the responsibility and duty of all town officials and department heads to carry out the policies, guidelines and corrective measures as set forth in the manual of personnel rules and regulations.

(b) Contractors, subcontractors, and suppliers conducting business with the town shall affirm and subscribe to the fair practices and nondiscrimination policies as set forth by the town.

2.88.030 Civil Service Commission Not Required.

Under the provisions of Article 13, Sec 1 of the Wyoming Constitution, the Town of Mills exempts itself from the requirement of having a Civil Service Commission under WS 15-5-101 et seq.

2.88.040 Fund Raising and Representation of the Town

(a) No Town Office, Town Official, Town Councilman or Town Employee shall use a personal website, publication, or electronic media in a fashion which purports to represent the Town of Mills or any of its subdepartments or branches.

(b) No Town Employee shall appear in a uniform or part of a uniform associated with his office as part of an effort to solicit funds or participation in any matter except as authorized by the Town of Mills through the Town Council.

(c) No official symbols or insignia of the Town of Mills shall be used by any employee in an effort to solicit funds or participation in any matter except as authorized by the Town of Mills through the Town Council.

(c) Any funds solicited in violation of this provision shall be deemed to belong to the Town of Mills and shall be turned over to the Town of Mills upon the Town providing notice to any party violating this section. Upon providing such notice, said party shall account for said funds and their whereabouts within forty-eight (48) hours of having received notice.

(d) Any fundraising that is in any way related to an employee’s employment, an official’s position, or a Councilman’s office with the town shall require said individual to **complete** an annual financial disclosure form to the town clerk that details expenditures and revenues. This shall include the submission of the same that are associated with political campaigns, fund raising efforts by entities that are associated with the Town or its subdivisions or employees. Unions or associations of town employees that represent town employees in any capacity shall likewise submit annually a financial disclosure as set forth in this subsection.

2.88.040 Handbook not a contract

Should the Town of Mills choose to issue an Employee Handbook, that handbook shall not be deemed to constitute a Contract of Employment. The Town may elect to change the provisions of said handbook, without notice, at any time. All Town Employee Handbooks issued after the adoption of this provision shall include a notice of this provision.

Chapter 2.90—Miscellaneous Provisions.

2.90.10 Appeals by Contractors.

All appeals of matters by licensed Contractors or those seeking to be licensed Contractors that relate to their licensure or work performed under their licenses shall be to the Town Council of the Town of Mills which shall sit, in that capacity, in place of a Board of Appeals for the purpose of hearing said appeals.

2.90.20 Pay for Commissions and Boards

The Town Council may set, where otherwise not set by State Statute, such pay for members of Town Boards and Commissions as it sees fit. Pay in such instances shall be set by Resolution and shall remain in place until such time as it is altered or rescinded by Resolution.

2.90.30 Legal Advertisements.

Pursuant to the Provisions found at Article 13, Sec. 1, of the Wyoming Constitution, in all instances in which there exists a Statute requiring the Town of Mills to advertise or place notices in a newspaper, the Town of Mills shall instead place said notice or advertisement, except where it elects to do the same in a newspaper, on the Town's website and three designated public places in the Town of Mills. Unless provided for otherwise, the public places will be the Mills Town Hall, the Mills Library, and the United States Post Office in the Town of Mills. All such notices shall remain in place for that period specified by State Statute for running an advertisement or a notice in a newspaper.

Nothing in this provision shall preclude the Town from running an advertisement or notice in a newspaper should it choose to do so.

TITLE 9
GENERAL OFFENSES

Chapters:

- 9.01 General Offenses
- 9.02 Penalties and Fines
- 9.04 Disorderly or Unlawful Conduct
- 9.08 Offenses Against a Person
- 9.12 Offenses Against Property
- 9.20 Offenses Against Public Peace
- 9.24 Offenses Against Public Decency
- 9.28 Controlled Substances
- 9.32 Gambling
- 9.40 Offenses Concerning Minors

CHAPTER 9.01
GENERAL OFFENSES

9.01.010-General offenses.

(a) The following provisions of Title 9 of the Town Code of the Town of Mills, Wyoming, are enacted in order to provide for the general health, welfare, and safety of the residents of the Town of Mills, Wyoming. This Title deals with matters that have been defined to be specific criminal offenses within the Town of Mills.

(b) Nothing in this Title shall be read to abrogate any offenses set forth in the other sections of the Town Code of the Town of Mills nor shall anything be read to in any way suggest any waiver or abrogation of the application of the laws of the State of Wyoming or the United States of America.

CHAPTER 9.02
PENALTIES AND FINES

9.02.010—Penalties and Fines for Violation of Title 9

Penalties and fines for violation of Title 9 are set out in Title 1 in the Town Code where Penalties and Remedies for violation of the Town Code of the Town of Mills are set forth, unless otherwise specified in this Title.

CHAPTER 9.04
DISORDERLY OR UNLAWFUL CONDUCT

9.04.010 - Resisting arrest - Interfering with police officers.

(a) No person shall willfully resist a member of the police department, or other member of any law enforcement department, in the discharge of duties, if known to be or identified as a police officer.

(b) No person shall willfully assist any person in the custody of a police officer, or any other law enforcement officer, to escape, or rescue or attempt to rescue any other person so in custody.

(c) No person shall willfully interfere, hinder or prevent a police officer or any other law enforcement officer from discharging his lawful duties.

9.04.011 - Interference with the public employee.

It shall be unlawful for any person to interfere with a public employee while on duty performing their assignments, duties, and responsibilities.

9.04.020 - Police dogs.

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department in the performance of the functions or duties of such department, nor shall any person unwarrantably interfere with or meddle with any such dog while being used by the police department or any officer or member in the performance of any of the functions or duties of the department or of such officer or member.

9.04.030 - False report of crime.

It is unlawful for any person to make or to file with the police department of the Town false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the Town.

9.04.031 - False alarm or report of need for fire, police, or ambulance assistance.

It shall be unlawful for any person to intentionally make, turn in, or give a false alarm for fire assistance, need for police assistance, or for ambulance assistance, or to aid and abet in the commission of such an act.

9.04.032 - Interference with fire alarm system.

It shall be unlawful to interfere with any part of a fire alarm system unless the system is owned by the person or by permission of the chief of the fire department.

9.04.040 - Impersonating police officers.

No person shall impersonate a police officer by wearing a star, uniform or otherwise give the impression as acting as a police officer.

9.04.050 – Prisoners - Transfer of certain articles prohibited.

No person shall deliver to any prisoner confined or in the custody of any police officer any weapon, tool, intoxicating substance or other article or attempt to do so, without the consent of the officer in charge.

9.04.060 - Unauthorized use of fire extinguishing devices.

No person shall turn on or otherwise activate any fire hydrant, standpipe, sprinkler system or other extinguishing mechanism or device except at the express direction of a properly authorized representative of the fire department or in case of a present emergency and pending the arrival of the fire department.

CHAPTER 9.08
OFFENSES AGAINST THE PERSON

9.08.010 - Assault and Battery.

(a) Whoever, having the present ability to do so, unlawfully attempts to commit an injury on the person of another, or threatens injury and has the ability to carry out a battery, is guilty of an assault.

(b) Whoever, in a rude, insolent or angry manner unlawfully touches another, is guilty of a battery.

9.08.020 - Reckless Endangerment of Another Person.

It shall be unlawful for a person in a reckless manner to engage in conduct which places or may place another person in danger of death or serious bodily injury.

CHAPTER 9.12
OFFENSES AGAINST PROPERTY

9.12.010 - Petit larceny

(a) A person who steals, takes and carries, leads or drives away the property of another with the intent to deprive the owner or lawful possessor of the property, with the value of said property less than five hundred dollars, is guilty of petit larceny.

(b) For the purpose of this section, "deprive" means to withhold property of another permanently or for such an extended period as to appropriate a major portion of its economic value or with intent to restore the property only upon payment of reward or other compensation, or to dispose of the property so as to make it unlikely the owner will recover the property.

9.12.020 - Shoplifting.

(a) Any person who willfully conceals or willfully takes possession of goods offered for sale by a wholesale or retail store or other mercantile establishment without the knowledge or consent of the owner and with intent to convert the goods to his own use without paying the purchase price is guilty of shoplifting.

(b) Any peace officer, merchant or merchant's employee who has reasonable cause for believing a person has committed the crime of shoplifting, as defined under this section, may detain and interrogate such person in a reasonable manner and for a reasonable time.

9.12.030 - Trespassing—Prohibited.

(a) A person is guilty of trespassing if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so by a posted sign, or after being notified to leave or depart or to not trespass. For purposes of this section, notice is given by:

- (i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or
- (ii) Posting of signs reasonably likely to come to the attention of intruders.

9.12.040 - Trespassing—School grounds or buildings.

(a) It is unlawful for a person, not a student, faculty member or employee of a particular school within the Town or a person not authorized by a school official, unless attending or participating in scheduled activities open to the public, to enter or remain upon school grounds or buildings.

(b) It is unlawful for any person to remain on school grounds or buildings within the Town after having been asked to leave by a school official.

9.12.060 - Tearing down authorized notices prohibited.

No person shall, without authority, tear down or deface any ordinance, bill, public notice, advertisement or any other paper of a business of legitimate character lawfully posted within the Town.

9.12.070 - Pits, traps and deadfalls - Prohibited when.

No person shall willfully prepare a deadfall, dig a pit or arrange a trap with the intent to injure another's person or property.

9.12.080 - Injuring, defacing and destroying property of another.

No person shall willfully injure, deface or destroy or attempt to willfully injure, deface or destroy any building or fixture of, or injure, destroy or secrete any goods, chattels or valuable papers of another, or take down, injure or remove any monument, street sign or any tree marked

as a boundary of any land or Town lot, or destroy, deface or alter the marks of any monument or street sign, or injure or destroy any fence, fountain, shade or fruit tree or any other public or private property, or deface any sidewalks with painted or printed handbills or signs, posters or advertisements.

9.12.090 - Defrauding public establishment.

(a) A person who, with intent to defraud, procures food, drink, services or accommodations at a public establishment without paying, in accordance with his agreement with the public establishment is guilty of a misdemeanor. Ass used in this section:

- (i) "Agreement with a public establishment" means a written or verbal agreement on the price charged for, and the acceptance of, food, beverages, service or accommodations, where the price charged is printed on a menu or schedule of rates shown to or made available by the public establishment to the patron. Acceptance of food, beverages, service, or accommodations for which a reasonable charge is made is an agreement with a public establishment.
- (ii) "Public establishment" means an establishment selling or offering for sale, prepared food or beverages, leasing or renting overnight sleeping accommodations to the public generally or providing entertainment or recreational services upon the payment of a specified fee. "Public establishment" includes theaters, recreational facilities, restaurants, cafes, coffee shops, boardinghouses, hotels, motor hotels, motels, and rooming houses, unless the rental thereof is on a month-to-month basis, or for a longer period of time.

9.12.100 - Theft of services.

A person who, with intent to defraud, obtains services, including public rides, which he knows are available only for compensation, without paying for the services is guilty of a misdemeanor.

CHAPTER 9.20
OFFENSES AGAINST PUBLIC PEACE

9.20.010 - Disturbing the peace—Described—Prohibited.

- (a) A person is guilty of disturbing the peace if he:
 - (i) Causes, provokes or engages in any physical fight or brawl so as to endanger the life, limb, health or property of another person;
 - (ii) Disrupts any lawful assembly or meeting of persons without having the lawful authority to do so;
 - (iii) Obstructs pedestrian or vehicular traffic without lawful authority to do so, or refuses or intentionally fails to cease such activity when ordered to do so

by a police officer or other lawful authority known to be such. "Obstruct" means to render impassable, and the subject passersby to unreasonable inconvenience or hazard;

- (iv) Commits any act in a violent or tumultuous manner toward another person, whereby the property of any person is placed in danger of being destroyed or damaged;
- (v) Fails to obey a lawful order to disperse by a police officer, where one or more persons are disturbing the peace in the immediate vicinity, and the public health and safety is threatened;
- (vi) Resists or obstructs the performance of duties by any police officer, fireman or other authorized official of the Town;
- (vii) Interferes with another person's pursuit of a lawful activity by threats of or acts of violence;
- (viii) Uses threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

(b) No person shall knowingly permit upon any premises owned or possessed by him or her, or under his order or control, any person disturbing the peace as defined in this section.

9.20.020 - Fighting at public gatherings.

(a) No person shall engage in a physical fight, provoke a fight or create or cause disturbance in any public gathering, or place of public gathering within the Town.

(b) For the purposes of this section, "public gathering" means any assemblage of people gathered together for a lawful purpose or purposes. "Place of gathering" means any building, structure, enclosure or open place where people are accustomed to gather together for any lawful purpose.

9.2 0.021 Public Intoxication.

(a) It shall be unlawful for any person to be in a state of intoxication on any highway, street or other public place.

(b) Intoxication is defined as under the influence of alcohol or scheduled drugs.

(c) Public place shall include private property outside a building or dwelling. Open porches and decks are part of the outside of the building which is within site or hearing of members of the public

9.20.030 - Telephone calls.

(a) Whoever in calling on any telephone in the Town fails to give his true name and true address if requested or shall use any telephone for the purpose of using threatening, abusive or obscene language or for any other rude behavior, or for the purpose of interrupting, disturbing

or harassing any citizen or inhabitant, or for the purpose of coercing or frightening any inhabitant of the Town is guilty of a breach of peace.

(b) No person by means or use of the telephone shall disturb or tend to disturb the peace, quiet or right of privacy of any other person or family by repeated and continued anonymous or unidentified telephone messages intended to harass or disturb the person or family to whom the call is directed or by a single call or repeated calls, use obscene, profane, indecent or offensive language, or suggest any lewd or lascivious act over or through a telephone in the Town.

(c) No person shall, by means of a telephone, attempt to extort money or other thing of value from any person or family by means or use of the telephone, or to threaten any physical violence or harm to any person or family.

(d) Any person who induces any other person to abuse telephone service is guilty of provoking a breach of peace.

(e) The normal use of the telephone for the purpose of requesting payment of debts or obligations or for other legitimate business purposes shall not constitute a violation of subsections A or C of this section if in compliance with Federal or State law.

9.20.040 - Definitions for Sections 9.20.050 through 9.20.080.

For the purposes of Sections 9.20.050 through 9.20.080 the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Affray" means the fighting of two or more people in a public place.

(b) "Announced" means any funeral for which there has been a notice of the commencement time and place of the funeral:

- (i) Published in a newspaper regularly printed on at least a weekly basis within the Town; or
- (ii) Conspicuously posted on the property where the funeral is to be held.

(c) "Funeral" means the ceremonies, services, memorial services and processions, including vehicular processions, held in connection with the death, burial or cremation of any deceased person.

(d) "Picketing" means protest activities engaged in by a person or persons stationed before or about a cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other place for announced funeral services, within one hour prior to, during, and two hours following commencement of a funeral.

(e) "Riot" means a tumultuous disturbance of the peace by three or more persons assembled and acting with a common interest, either in executing a lawful enterprise in a violent

or turbulent manner, to the terror of the people, or in executing an unlawful enterprise in a violent or turbulent manner.

(f) "Rout" means a meeting of three or more persons with the intention of cooperating in the forcible and violent execution of some unlawful enterprise, and making advances toward the commission thereof.

(g) "Soliciting" means to distribute any written materials.)

9.20.050 - Affrays, riots or routs.

No person shall participate in any affray, riot or rout.

9.20.060 - Incitement to crime.

No person shall in any manner or by any means incite, advise, advocate, suggest or encourage crime, and in so doing create thereby a clear and present danger that same will be committed, whether action may follow such incitement or not.

9.20.070 - Funeral picketing.

(a) It is the purpose of this section to:

- (i) Protect the privacy of grieving families within one hour prior to, during and two hours following commencement of funerals;
- (ii) Preserve the peaceful character of cemeteries, mortuaries, churches, mosques, synagogues, temples, other place for religious observances, or other places for funeral services within one hour prior to, during and two hours following the commence of funerals;
- (iii) Protect and preserve public safety for those attending funerals, those picketing, the general public, neighboring property owners and businesses, and public and private property interests;
- (iv) Protect the rights of those attending funerals to peaceably and freely assemble and associate, and express and exercise religious beliefs; and
- (v) Protect the rights of those picketing to peaceably and freely assemble and associate, and express and exercise religious beliefs and political views.

(b) The Town Council finds that:

- (i) It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
- (ii) The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations;
- (iii) Picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals;

- (iv) Full opportunity exists under the terms and provisions of this chapter for the exercise of freedom of speech and other constitutional rights at times other than one hour prior to, during and two hours following the commencement of funerals;
 - (v) Full opportunity exists under the terms of this chapter for the exercise of freedom of speech and other constitutional rights at places other than where announced funerals are held, any adjoining sidewalks and adjacent or adjoining streets, or nearby public property as set forth in this chapter;
 - (vi) Emotional disturbance and distress caused by picketing funerals provides substantial risk of physical altercations between those picketing and the family and others mourning the loss of the deceased;
 - (vii) Many places within the Town where funerals are held do not have sidewalks or open public areas large enough to avoid substantial risk of physical altercations between those picketing and the family and others mourning the loss of the deceased;
 - (viii) Streets adjoining and adjacent to places where funerals are held need to and shall be kept free of those picketing for their protection, and to provide access to family and mourners attending funerals; and
 - (ix) The provisions of this chapter promote traffic safety and the orderly movement and access of pedestrians and crowds on sidewalks and streets.
- (c) It shall be unlawful for any person to engage in picketing or in soliciting:
- (i) During the period from one hour prior to, during and two hours following the commencement of announced funerals at any cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other places for funeral services;
 - (ii) On the sidewalk adjoining the property where a funeral or memorial service is held;
 - (iii) In the street or roadway adjoining or adjacent to the property where a funeral or memorial service is held;
 - (iv) On any public area between the property where a funeral or memorial service is held and an adjoining or adjacent street or roadway, including, but not limited to, the curb, nature strip or area between the street and sidewalk (if a sidewalk exists) commonly referred to as an "easement"; or
 - (v) On any public property within one hundred (100) yards of the property where the funeral is held, if any entrance of the building is located on that side of the property.

9.20.080 - Severability.

If any provision of this chapter or the application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application. To this end, the provisions of this chapter are severable.

CHAPTER 9.24
OFFENSES AGAINST PUBLIC DECENCY

9.24.010 - Disorderly houses.

(a) For the purpose of this section, "disorderly house" means any public or private building, place, or house of public resort kept or maintained for the exclusive or nonexclusive purpose of carrying on or promoting:

- (i) Prostitution;
- (ii) Illegal gambling;
- (iii) Fighting;
- (iv) Sale, consumption or disposition of liquor or controlled substances, contrary to law; or
- (v) Any other illegal activity, including animal fighting.

(b) It is unlawful for any person to keep or knowingly allow to be kept any disorderly house, by which the peace, comfort or decency of the immediate neighborhood is habitually disturbed.

(c) It is unlawful for any landlord or property manager to keep or knowingly allow to be kept any inn, property, residence, apartment or tenement as a disorderly house.

9.24.020 - Public indecency.

(a) For the purposes of this section, the following definitions shall apply:

- (i) "Sexual intrusion or sexual intercourse" means:
 - (A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or
 - (B) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.
- (ii) "Intimate parts" means the external genitalia, perineum, anus or pubes of any person or the breast of a female person.
- (iii) "Sexual contact" means touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.

(b) A person is guilty of public indecency if, while in a public place where he or she may be reasonably expected to be viewed by others, he

- (i) Performs an act of sexual intrusion or sexual intercourse;
- (ii) Exposes his or her intimate parts; or

- (iii) Engages in sexual contact, with or without consent, with the intent of arousing the sexual desire of himself, herself or of another person.

9.24.040 - Prostitution—Defined—Prohibited.

- (a) For the purposes of this section:
 - (i) "Prostitution" means knowingly or intentionally performing or permitting, or offering or agreeing to perform, any act of sexual intrusion or intercourse for money or other consideration;
 - (ii) "Sexual intrusion" means and is defined as in Section 6-2-301 of the Wyoming Statutes, to wit:
 - (A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse, or
 - (B) Sexual intercourse, cunnilingus, fellatio, analingus or anal intercourse with or without emission.

(b) No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution, or permit any person to remain therein for such purpose.

(c) No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

(d) No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

(e) No person shall engage in or solicit prostitution, or aid or abet prostitution, by solicitation or by any means whatsoever.

9.24.070 - Invasion of privacy.

No person shall invade or attempt to invade the privacy of another person by resorting to "peeping," which is defined as the stealthy, clandestine or surreptitious visual invasion or attempted visual invasion of a person's privacy.

9.24.080 - Urinating or defecating in public.

It is unlawful, except in the use of appropriate facilities in restrooms designed for public use, for any person to urinate or defecate on any public street or sidewalk, or in any other public place, or in any place open to the public view.

9.24.090 - Spitting in public prohibited where.

No person shall spit upon any public sidewalk or upon the floor of any public conveyance for the transportation of passengers or of any theater, hall, assembly room, public building or building where any considerable number of people gather or assemble together.

CHAPTER 9.28
CONTROLLED SUBSTANCES

9.28.010 - Possession of drug paraphernalia.

It is unlawful for any person knowingly or intentionally to possess controlled substances or drugs as defined by Federal and State law or paraphernalia suitable for the ingestion or consumption of the same, except as otherwise provided by law.

9.28.020 - Inhalation or sale of glue or toxic vapors prohibited when.

(a) No person shall for the purpose of causing or resulting in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, shall intentionally smell or inhale the fumes from any glue or similar toxic vapor; or consume or use any otherwise legal substances for a purpose or not in accordance with its legitimate use or purpose as is generally known, used and advertised; provided, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes, when administered or directed by a licensed physician or dentist.

(b) No person shall for the purpose of violating or aiding another to violate any provisions of this section, intentionally possess, buy, sell, transfer possession or receive possession of any substances herein provided.

CHAPTER 9.32
GAMBLING

9.32.010 - Gambling prohibited.

(a) No person shall permit gambling, as defined by Section 6-7-101 of the Wyoming Statutes, to be played, conducted, dealt or carried on in any building, tent, booth or shed.

(b) In any prosecution for a violation of this section, it shall only be necessary to prove the accused to be the owner or occupant of the building, and the game had been carried on.

CHAPTER 9.40
OFFENSES CONCERNING MINORS

9.40.010 - Definitions.

(a) "Knowingly" means and includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of the minor in the adult's custody.

(b) "Loiter" or "loitering" means remaining idle in essentially one location, and shall include the concepts of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and shall also include the colloquial expression "hanging around."

(c) "Person" or "persons," as used in Section 9.40.030, means any person and shall not be limited to include parent or parents, legal guardian or legal guardians, but shall include any other person having the care or custody of a child.

9.40.020 - Supervision and care of minors.

(a) It is unlawful for the parent or legal guardian having the care, supervision, control or custody of a person under the age of eighteen years, to knowingly permit or allow, including by insufficient control, such juvenile to loiter or otherwise violate Section 9.40.030.

(b) It shall be no defense to violation of this section the responsible adult was indifferent to the activities, conduct or whereabouts of the juvenile. The provisions of this subsection do not apply if the responsible adult has reasonable and justifiable belief of the whereabouts of a minor or made a missing person notification to the appropriate police authority prior to the juvenile's violation of Section 9.40.030.

9.40.030 - Curfew—Hours—Exceptions.

It is unlawful for any person under the age of eighteen years to loiter, walk, run or ride, or in any other way be on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place, whether public or private, without the consent or permission of the owner or occupant, during the hours beginning at eleven p.m. to five a.m., unless the juvenile is accompanied by a legal parent or guardian.

9.40.031 - Not in violation—When.

No person shall be charged with a violation of Section 9.40.030 or arrested for, if such person was:

(a) Not loitering; or

(b) In a parked, standing or moving motor vehicle while accompanied by a parent or legal guardian; or

- (c) In a motor vehicle in interstate travel; or
- (d) Engaged in any employment, school, religious activity, or going to or returning from any such activity, or going to or from any other activities of any kind, which are supervised or directed by a parent or adult person over the age of twenty-one years; or
- (e) Returning from, via a direct and uninterrupted route, without detour or stop, an event or activity expressly sanctioned by the parent or legal guardian; or
- (f) When attending or traveling directly to or from an organized activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion; or
- (g) Married or an emancipated minor; or
- (h) Involved in a life or property-threatening emergency.

9.40.032 - Determination of enforcement action.

Before taking any enforcement action under Section 9.40.030, a police officer shall ask the apparent offender's age and purpose of his location. The officer shall not issue a citation or make an arrest under Section 9.40.030 unless the officer reasonably believes an offense has occurred and based upon any response and other circumstances and no other defense or reason exists.

9.40.130 - Nuisance declared.

Abandoned, unattended or discarded iceboxes, refrigerators and other containers are a constant menace to the health, welfare and safety of the children of the Town and are declared to be a nuisance.

9.40.140 - Abandoned refrigerators and similar containers prohibited when.

It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released for opening from the inside of the icebox, refrigerator or container. It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other device thereon without first removing the snaplock or doors from the icebox, refrigerator or container.

9.40.150 - Definitions.

(a) "Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(b) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

9.40.160 - Prohibited sales or delivery.

(a) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen years. Tobacco products shall be, to the extent possible, kept behind a counter or otherwise made inaccessible to purchasers of the tobacco product, and control and access to the tobacco product in the business establishment shall be maintained by the retailer, his agent or employee.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

- (c) It is an affirmative defense to a prosecution under subsection A of this section that:
- (i) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen years of age; or
 - (ii) The tobacco product was given or delivered to the person under eighteen years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

9.40.170 - Posted notice required; location of vending machines.

(a) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen years of age is prohibited by law.

- (b) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
- (i) Businesses, factories, offices or other places not open to the general public;
 - (ii) Places to which persons under the age of eighteen years of age are not permitted access; or

(iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen years of age is prohibited.

(c) Any person violating subsection A or B of this section is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars. Each day of continued violation shall be deemed a separate offense.

9.40.180 - Purchase by minors prohibited.

(a) No person under the age of eighteen years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve month period; and five hundred dollars for third and subsequent offenses in any twelve month period. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service, if available.

9.40.190 - Possession or use by minors prohibited.

(a) It is unlawful for any person under the age of eighteen years to possess or use any tobacco products.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve month period; and five hundred dollars for third and subsequent offenses in any twelve month period. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars for each hour of work performed.

(c) It is an affirmative defense to a prosecution under subsection A of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, a parent or guardian.

9.50.150 - Definitions.

(a) "Alcohol products" means any substance of liquor or malt beverage for consumption.

(b) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

9.50.160 - Prohibited sales or delivery.

(a) No person shall sell, furnish, give or cause to be sold, furnish or give away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

- (i) Possess any alcoholic liquor or malt beverage;
- (ii) Purchase or attempt to purchase any alcoholic liquor or malt beverage;
- (iii) Solicit another person to purchase alcoholic liquor or malt beverage;
- (iv) Consume any ethyl alcohol;
- (v) Have measurable blood, breath or urine alcohol concentration in his body;
or
- (vi) Enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

(d) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:

- (i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;
- (ii) As party of a church's or religious organization's religious services; or
- (iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 - (A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 - (B) Pursuant to a lawful prescription.

(e) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of twenty-one (21) years specified in this section shall not apply:

- (i) When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;
- (ii) When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or
- (iii) To a person who is a licensee under this title.

(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(g) Any person who violates this section, or aids, abets or incites any violation hereof is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(h) A motor vehicle driver’s license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth or Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

CHAPTER 9.44
WEAPONS

9.44.010 - Throwing of stones and other missiles prohibited when.

No person shall throw any stone or other missile upon or at any building or any public or private property, or upon or at any person or upon or at any vehicle, within the Town.

9.44.020 - Weapons.

(a) Authority and Purpose: This ordinance is enacted pursuant to the authority vested in the Town of Mills, Wyoming, to regulate weapons as provided in Wyoming Statutes Sections 6-8-401 and 15-1-103(a)(xviii), in order to prevent conduct which disturbs or jeopardizes the public health, safety, peace or morality by the wearing or carrying of concealed weapons except as provided by state law and the carrying of weapons in or to meetings of the Town of Mills as provided herein.

(b) It is unlawful for any person not a law enforcement officer, to wear, carry into, or have in their possession any deadly weapon in or at any meeting of the Town, provided however that the Town Council may authorize any such carrying at its discretion to such members of the public, or the general public, as it sees fit.

(c) For the purposes of this section, the following terms shall be defined as follows:

- (i) "Action" means the transaction of official business by the Mills Town Council or any agency of the Town of Mills, including a collective decision of the governing bodies thereof, a collective commitment or promise by any such governing body to make a positive or negative decision, or an actual vote by any such governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance.
- (ii) "Agency" means the Town Council and any other authority, council, bureau, board, commission, committee, or subagency of the Town of Mills.
- (iii) "Deadly weapon" shall be defined as it is under Wyoming state law, and shall include, but not be limited to, any firearm, bow, crossbow, or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, , or explosive device, or any functioning replica of any such deadly weapon.
- (iv) "Law enforcement officer" means and includes any federal, state, county, town or Mills official vested with the authority or duty to enforce any criminal law or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.
- (v) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the purposes of discussion, deliberation, presentation of information, or taking action regarding public business.

9.44.030 - Discharge of firearms and other weapons.

(a) No person shall discharge any firearm, bow, crossbow or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, within the limits of the Town, except in self-defense, or in the case of a law enforcement officer or other authorized civil officer, Wyoming Game and Fish personnel, or a member of the Armed Forces of the United States of America or the state in the discharge of his official duty, or within an area or zone designated by the Town Council by written agreement or lease for recreational or instructional purposes. Toy firearms, toy bows and toy crossbows are exempt from the provisions of this section if marked as toys.

(b) An animal control officer, or Wyoming Game and Fish personnel, in the course of his/her official duty, may discharge a chemical tranquilizer gun for the purpose of capturing animals as authorized by law.

(c) If all other methods of extermination have failed, or are impractical due to public peace, health, safety and welfare considerations, the Mayor or his/her designee, may authorize certain individuals to discharge firearms within the limits of the Town, for the purpose of controlling non-protected and nongame animals and birds, which are a nuisance or are threatening property or persons. This authorization may also be given for game animals, when and as authorized by law. The authorization shall be in writing. The authorized individual must have this authorization in his/her possession at all times while in the act of controlling animals or birds.

(d) The Mayor or his/her designee may grant written permission to those individuals in possession of valid big game licenses to utilize said licenses on Town-owned lands. The Mayor or his/her designee shall notify the Mills police division of his/her decisions.

(e) The Mayor or his/her designee may grant written permission to certain lessees of Town-owned properties for discharge of firearms and other weapons, during events such as sports shows and expositions. Lessees must provide written proof of insurance as required by the lease agreement.

CHAPTER 9.48
MISCELLANEOUS OFFENSES

9.48.010 - Camping restricted.

No person shall camp within the Town, other than at a regularly established and maintained tourist camping area. Owners of property and their immediate family may temporarily camp on their property for no more than five days. Temporary venues and times as approved by the Town Council may be allowed by special resolution.

9.48.020 - Barbed wire fences prohibited where.

No person shall erect or cause to be erected or maintain any barbed wire, razor wire, or other similar sharp pointed metal fence, electric fence or any nature of a fence so constructed as to be potentially dangerous to human beings, along or adjacent to any public street below the height of six feet from ground level, provided, however, in residential districts barbed wire, razor wire, or other similar sharp pointed metal fences, electric fence or any nature of fence so constructed as to be potentially dangerous to human beings are entirely prohibited.

9.48.040 - Jumping or diving off bridges in the Town—Prohibited.

No person shall jump, dive, or cause or assist another person to jump, or dive from any bridge within the Town of Mills.

9.48.050 - Littering, dumping of objects, or polluting.

It shall be unlawful for any person to throw, dump, place or dispose in any manner upon any highway, street, alley, public property, or road right of way garbage, trash, litter, rubbish, debris, carcass parts of dead animals, wrecked or abandoned vehicles or similar apparatuses, equipment or machinery or parts of equipment or machinery, cans, scrap iron, glass, bottles, paper, cardboard, cellophane, refuse or burning cigarettes or other burning objects, or cigarettes not lit, or any substance which would likely injure a person, animal, vehicle or which would in any way detract from the appearance of the land within any highway, street, alley, public property or road white right-of-way.