



# TOWN OF JACKSON

## TOWN COUNCIL

### AGENDA DOCUMENTATION

**PREPARATION DATE:** August 1, 2018  
**MEETING DATE:** August 6, 2018

**SUBMITTING DEPARTMENT:** Legal  
**DEPARTMENT DIRECTOR:** Audrey Cohen-Davis  
**PRESENTER:** Lea Colasuonno

**SUBJECT:** Amending the Penalty Provision of Jackson Municipal Code, Sec. 1.12.010

#### STATEMENT/PURPOSE

The purpose of this item is to amend Jackson Municipal Code § 1.12.010.

#### BACKGROUND/ALTERNATIVES

The Town Council enacted various provisions that carry administrative rather than criminal penalties. In order to clarify which provisions carry these different penalties, the Legal Department amended the General Penalty Provision of the Jackson Municipal Code, specifically § 1.12.010.

#### ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

This item aligns with providing effective and efficient service to the community.

#### ATTACHMENTS

- Ordinance O

#### FISCAL IMPACT

The fiscal impact of passage of this ordinance after third reading varies between \$250.00 and \$700.00 depending on the length of the ordinance. Whereas shorter ordinances average around \$350.00, a short franchise ordinance can reach \$700.00.

#### STAFF IMPACT

The staff impact of amending this Municipal Code section was minimal.

#### LEGAL REVIEW

Complete.

#### RECOMMENDATION

Staff recommends amending Jackson Municipal Code §1.12.010.

#### SUGGESTED MOTION

I move to approve Ordinance O at first reading.

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## ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 428, 289 AND 160 AND SECTION 1.12.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PENALTIES FOR MUNICIPAL CODE VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

### SECTION I.

Section 1 of Town of Jackson Ordinance Nos. 428, 289 and 160 and Section 1.12.010 penalties for municipal code violations of the Municipal Code of the Town of Jackson is hereby amended and reenacted to read as follows:

#### 1.12.010 Penalty for violations.

A. No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town shall be guilty of a misdemeanor and punished by a fine of not more than sSeven hHundred and fFifty eDollars (\$750.00).

B. Violations of the following provisions of the Jackson Municipal Code carry a civil penalty of Seven Hundred and Fifty Dollars (\$750.00):

1. Jackson Municipal Code Chapter 5.60 for a first offense.

2. Jackson Municipal Code Chapter 9.26.

A.C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, or for each separate offense committed, or for parking limitations for each additional limited period of time for which the violation is continued, and s/he shall be punished accordingly.

(Ord. \_\_\_\_\_; Ord. 428 § 1, 1991; Ord. 289 § 1, 1982; Ord. 160 § 1, 1973.)

### SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

### SECTION III.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

**SECTION IV.**

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

PASSED 2ND READING THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

PASSED AND APPROVED THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

TOWN OF JACKSON

BY: \_\_\_\_\_  
Pete Muldoon, Mayor

ATTEST:

BY: \_\_\_\_\_  
Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING     )  
  ) ss.  
COUNTY OF TETON     )

I hereby certify that the foregoing Ordinance No. \_\_\_\_ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the \_\_\_\_ day of \_\_\_\_\_, 2018.

I further certify that the foregoing Ordinance was duly recorded on page \_\_\_\_\_ of Book \_\_\_\_\_ of Ordinances of the Town of Jackson, Wyoming.

\_\_\_\_\_  
Sandy P. Birdyshaw  
Town Clerk

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- B. Violations of the following provisions of the Jackson Municipal Code carry a civil penalty of Seven Hundred and Fifty Dollars (\$750.00):
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  2. Jackson Municipal Code Chapter 9.26.
- C. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, or for each separate offense committed, or for parking limitations for each additional limited period of time for which the violation is continued, and s/he shall be punished accordingly.

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Sandy P. Birdyshaw  
Town Clerk