

ORDINANCE 1287

AN ORDINANCE AMENDING AND REENACTING TITLE 1 OF THE TOWN OF JACKSON MUNICIPAL CODE PROVIDING FOR GENERAL PROVISIONS 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 the Town of Jackson Ordinance Nos. 18, 158, 160, 163, 171, 179, 289, 300, 428, 502, 524, 526, 527, 528, 530, 542, 610, 798, 812, 870, 898, 942, 949, 1034, 1035, 1037, 1038, 1054, 1180, 1181 AND 1202; Section 2 of the Town of Jackson Ordinance Nos. 18, 869 AND 871; Section 3 of the Town of Jackson Ordinance Nos. 18 AND 171; Section 4 of the Town of Jackson Ordinance No. 18; Section 5 of the Town of Jackson Ordinance No. 18; Section 7 of the Town of Jackson Ordinance No. 18; Section 11 of the Town of Jackson Ordinance No. 289; Section 32 of the Town of Jackson Ordinance No. 162; Section 33 of the Town of Jackson Ordinance No. 162; Section 34 of the Town of Jackson Ordinance No. 162; Section 35 of the Town of Jackson Ordinance No. 162; Section 36 of the Town of Jackson Ordinance Nos. 131 AND 162; Section 37 of the Town of Jackson Ordinance No. 162 and Sections 1.01.010, 1.01.030, 1.01.120, 1.04.010, 1.08.010, 1.12.010, 1.12.020, 1.16.010, 1.16.020, 1.16.030, 1.16.040, 1.16.050, 1.16.070, 1.18.010, 1.18.020, 1.18.030, 1.18.040, 1.18.050, 1.18.060, 1.18.070, and 1.18.080 of the Town of Jackson Municipal Code are hereby amended and reenacted to read as follows:

Title 1

GENERAL PROVISIONS

Chapters:

1.01. CODE ADOPTION

1.04. GENERAL PROVISIONS

1.08. RIGHT OF ENTRY FOR INSPECTION

1.12. GENERAL PENALTY

1.16. MUNICIPAL JUDGE

1.18. ACTIONS FOR VIOLATIONS OF ORDINANCES

1.20. TOWN SEAL

Chapter 1.01
CODE ADOPTION

Sections:

- 1.01.010. Adoption.**
- 1.01.020. Title--Citation--Reference.**
- 1.01.030. Codification authority.**
- 1.01.040. Ordinances passed prior to adoption of the Code.**
- 1.01.050. Reference applies to all amendments to Municipal Code.**
- 1.01.055. Reference applies to all amendments to Wyoming State Statutes.**
- 1.01.060. Title, chapter and section headings.**
- 1.01.070. Reference to specific ordinances.**
- 1.01.080. Effect of Code on past actions and obligations.**
- 1.01.090. Constitutionality.**
- 1.01.100. Distribution and sale.**
- 1.01.110. Effective date.**
- 1.01.120. Fee schedules allowed to be changed by resolution subject to public hearing.**

1.01.010. Adoption.

A. Pursuant to the provisions of Wyo. Stat. Ann. 15-1-103(xli), as amended, there is adopted the "Municipal Code of Jackson, Wyoming," as compiled, edited and published by Book Publishing Company, Seattle, Washington.

(Ord._____, §___; Ord. 171 § 1, 1974.)

1.01.020. Title--Citation--Reference.

A. This Code shall be known as the "Municipal Code of Jackson" or the "Jackson Municipal Code," and it shall be sufficient to refer to said Code in such manner in the prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Municipal Code of Jackson" or the "Jackson Municipal Code." Further reference may be had to the titles, chapters, sections, subsections of the "Municipal Code of Jackson," hereinafter referred to as the "Code," and such references shall be applied to that numbered title, chapter, section or subsection as it appears in the Code.

(Ord. 171 § 2, 1974.)

1.01.030. Codification authority.

A. This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Jackson, Wyoming, codified pursuant to the provisions of Wyo. Stat. Ann. 15-1-103(xli), as amended, all to be effective within the corporate limits of the Town, in the area within one-half mile of said corporate limits, including police power to enforce provisions of state criminal statutes and these municipal ordinances, and over all places within five miles of said corporate limits for the enforcement of health, or quarantine ordinance and regulation thereof. The provisions of this Code shall apply outside the limits of the city to the maximum extent authorized by state law.

(Ord. _____, § ___; Ord. 898 § 1, 2008; Ord. 812 § 1, 2005; Ord. 171 § 3, 1974.)

1.01.040. Ordinances passed prior to adoption of the Code.

A. The last ordinance included in the initial code was Ordinance 164, passed November 20, 1973. The following ordinances passed subsequent to Ordinance 164, but prior to the adoption of this Code, are adopted and made a part of this Code: Ordinance 165, Ordinance 166, Ordinance 167, Ordinance 168 and Ordinance 169.

(Ord. 171 § 4, 1974.)

1.01.050. Reference applies to all amendments to Municipal Code.

A. Whenever a reference is made to this Code as the "Municipal Code of Jackson" or the "Jackson Municipal Code," or to any portion thereof, or to any ordinance of the Town, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 171 § 5, 1974.)

1.01.055. Reference applies to all amendments to Wyoming State Statutes.

A. Whenever a reference is made to the "Wyoming State Statute" or the "Wyoming State Statutes," or to any portion thereof, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

(Ord. 869 § 1, 2008.)

1.01.060. Title, chapter and section headings.

A. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

(Ord. 171 § 6, 1974.)

1.01.070. Reference to specific ordinances.

A. The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number, or otherwise, and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Ord. 171 § 7, 1974.)

1.01.080. Effect of Code on past actions and obligations.

A. Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the Town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violations thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Ord. 171 § 8, 1974.)

1.01.090. Constitutionality.

A. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Town Council declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code is declared invalid or unconstitutional, then the original ordinances shall be in full force and effect.

(Ord. 171 § 9, 1974.)

1.01.100. Distribution and sale.

A. The Town Council may, by resolution, provide for the distribution and sale of copies of the Code.

(Ord. 171 § 10, 1974.)

1.01.110. Effective date.

A. The Code shall become effective on the date the ordinance adopting this Code as the "Municipal Code of Jackson" becomes effective.

(Ord. 171 § 11, 1974.)

1.01.120. Fee schedules allowed to be changed by resolution subject to public hearing.

A. Wherever in this Code it is provided that fees, rates or charges are in the amount established by resolution or are as established by resolution, such resolution shall be subject to a public hearing at a regular or special meeting of the Town Council prior to the date at which the resolution is considered for passage by the Town Council.

(Ord. _____, § ____; Ord. 942 § 1, 2009; Ord. 542 § 1, 1996; Ord. 502 § 1, 1995.)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010. Definitions.

1.04.020. Grammatical interpretation.

1.04.030. Prohibited acts include causing and permitting.

1.04.040. Construction.

1.04.010. Definitions.

A. The following words and phrases whenever used in the ordinances of the Town of Jackson, Wyoming, shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. *Town* means the Town of Jackson, Wyoming, or the area within the territorial limits of the Town of Jackson, Wyoming, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.
2. *Computation of time* means the time within which an act is to be done. In computing any period of time prescribed or allowed, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the town offices inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. As used in this rule, the term "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the governor or the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.
3. *Council* means the Town Council of the Town of Jackson, Wyoming. The term "all its members" or "all councilmen" means the total number of councilmen provided by the general laws of the State of Wyoming.
4. *County* means the County of Teton, Wyoming.
5. *Law* denotes applicable federal law, the constitution and statutes of the State of Wyoming, the ordinances of the Town of Jackson, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
6. *May* is permissive.
7. *Month* means a calendar month.
8. *Must* and *shall*, each, is mandatory.
9. *Oath* shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

10. *Ordinance* means a law of the Town; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.
11. *Owner*, applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
12. *Person* means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
13. *Personal property* includes money, goods, chattels, things in action and evidences of debt.
14. *Preceding* and *following* mean next before and next after, respectively.
15. *Property* includes real and personal property.
16. *Real property* includes lands, tenements, and hereditaments.
17. *Sidewalk* means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
18. *State* means the State of Wyoming.
19. *Street* includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this Town which have been or may hereafter be designated in any law of this state.
20. *Tenant* and *occupant*, applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
21. *Title of office*. Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the Town.
22. *Written* includes printed, typewritten, mimeographed or multigraphed.
23. *Year* means a calendar year.
24. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
25. When an act is required by an ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.
26. *Town manager* means the person appointed Town Manager.

(Ord.____, § __; Ord. 869 § 2, 2008; Ord. 158 § 1, 1973.)

1.04.020. Grammatical interpretation.

A. The following grammatical rules shall apply in the ordinances of the Town of Jackson, Wyoming:

1. *Gender*. The masculine gender includes the feminine and neuter genders.
2. *Singular and plural*. The singular number includes the plural and the plural includes the singular.

3. *Tenses.* Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
4. *Use of words and phrases.* Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

(Ord. 158 § 2, 1973.)

1.04.030. Prohibited acts include causing and permitting.

A. Whenever in the ordinances of the Town of Jackson any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

(Ord. 158 § 3, 1973.)

1.04.040. Construction.

A. The provisions of the ordinances of the Town of Jackson, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.

(Ord. 158 § 4, 1973.)

Chapter 1.08

RIGHT OF ENTRY

Sections:

1.08.010. Authority.

1.08.010. Authority.

A. Whenever necessary to make an inspection to enforce any ordinance, health or safety regime, permit, license, or registration, or whenever there is probable cause to believe there exists a violation of any ordinance, health or safety regime, permit, license, or registration in any building or upon any premises within the jurisdiction of the Town, any authorized officials of the Town may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon them; provided that, except in emergency situations or when consent of the owner and/or occupant to the entry has been otherwise obtained, they shall give the owner and/or occupant, if they can be located after reasonable effort, 24 hours' written notice of the authorized official's intention to enter.

(Ord._____, §___; Ord. 163 § 1, 1973.)

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010. Penalty for violations.

1.12.020. Probation.

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 \$750.00.

B. Repealed.

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. 1202 § 1, 2018; Ord. 428 § 1, 1991; Ord. 289 § 1, 1982; Ord. 160 § 1, 1973.)

1.12.020. Probation.

A. Probation may be imposed for any municipal ordinance conviction or plea agreement pursuant to Wyoming law.

(Ord. _____, § ___; Ord. 1034 § 1, 2013; Ord. 949 § 1, 2009.)

Chapter 1.16

MUNICIPAL JUDGE

Sections:

1.16.010. Office created; Qualifications.

1.16.020. Bond schedule authorized.

1.16.030. Appeals from judgment or sentence. Repealed.

1.16.040. Disposition of fines and penalties. Repealed.

1.16.050. Monthly report. Repealed.

1.16.070. Judgment to include costs. Repealed.

1.16.010. Office created; Qualifications.

- A. The office of municipal judge is created in the Town.
- B. Such municipal judge may, from time to time, be appointed as a hearing officer pursuant to the Town of Jackson Contested Case Rules for administrative cases and in said role has jurisdiction to hear all contested cases arising within the Town and the authority set forth in the Town of Jackson Contested Case Rules
- C. The mayor, with the advice and consent of the town council, shall have the authority to appoint alternative judges and all such alternate municipal judges shall be qualified electors of Teton County, Wyoming.
- D. Every municipal judge of the Town of Jackson shall:
 1. Be an active member of the Wyoming State Bar in good standing for at least five years prior to appointment; and
 2. Be free from any discipline by any State Bar or State Supreme Court for a period of five years prior to appointment; and
 3. Successfully complete an employment screening.

(Ord.____, §___; Ord. 1180 § 1, 2017; Ord. 870 § 1, 2008; Ord. 526 § 1, 1996; Ord. 300 § 1, 1983; Ord. 18 § 1, 1926.)

1.16.020. Bond schedule authorized.

A. Repealed.

B. The Municipal Judge may designate specified offenses of this Town in respect to which payment of fines may be accepted by paying the amount designated without appearance before the Municipal Judge, and shall specify by suitable schedules the amount of such fines, provided such fines are within the limits declared by law or ordinance.

(Ord.____, §___; Ord. 1180 § 1, 2017; Ord. 870 § 1, 2008; Ord. 798 § 1, 2005; Ord. 527 § 1, 1996; Ord. 179 § 1, 1975; Ord. 18 § 2, 1926.)

1.16.030. Appeals from judgment or sentence. Repealed.

(Ord._____, §___; Ord. 870 § 1, 2008; Ord. 18 § 3, 1926.)

1.16.040. Disposition of fines and penalties. Repealed.

(Ord._____, §___; Ord. 870 § 1, 2008; Ord. 524 § 1, 1996; Ord. 18 § 4, 1926.)

1.16.050. Monthly report. Repealed

(Ord._____, §___; Ord. 1180 § 1, 2017; Ord. 870 § 1, 2008; Ord. 528 § 1, 1996; Ord. 18 § 5, 1926.)

1.16.070. Judgment to include costs. Repealed.

(Ord._____, §___; Ord. 870 § 1, 2008; Ord. 530 § 1, 1996; Ord. 18 § 7, 1926.)

Chapter 1.18

ACTIONS FOR VIOLATIONS OF ORDINANCES

Sections:

1.18.010. How commenced.

1.18.020. Duty of municipal judge.

1.18.030. Warrant issuance. Repealed

1.18.040. Persons arrested – Admission to bail. Repealed.

1.18.050. Trial before municipal judge. Repealed.

1.18.060. Penalty for Violations. Repealed.

1.18.070. Violations – Person Charged – Election to appear or pay fine -- Failure to appear.

1.18.080. Administrative fees assessed in municipal court; court costs assessed in municipal court.

1.18.010. How commenced; Proceed.

A. Criminal actions in municipal court shall be commenced and proceed pursuant to the Wyoming Rules of Criminal Procedure.

B. Administrative actions for violations of ordinances may be commenced in accordance with the procedures set forth in the Town of Jackson Contested Case Rules.

(Ord._____, §___; Ord. 1181 § 1, 2017; Ord. 871 § 2, 2008; Ord. 162 § 33, 1973.)

1.18.020. Duty of municipal judge.

A. The Municipal Judge shall keep dockets, papers, files, and all associated court records, electronic or otherwise, in a manner and state compliant with state law, the rules of judicial ethics, and Wyoming Supreme Court rules.

(Ord._____, §___; Ord. 1181 § 1, 2017; Ord. 871 § 2, 2008; Ord. 162 § 34, 1973.)

1.18.030. Warrant issuance. Repealed.

(Ord._____, §___; Ord. 1181 § 1, 2017; Ord. 871 § 2, 2008; Ord. 162 § 35, 1973.)

1.18.040. Persons arrested – Admission to bail. Repealed.

(Ord._____, §___; Ord. 1037 § 1, 2013; Ord. 871 § 2, 2008; Ord. 289 § 11, 1982; Ord. 162 § 36, 1973.)

1.18.050. Trial before municipal judge. Repealed.

(Ord._____, §___; Ord. 1035 § 1, 2013; Ord. 871 § 2, 2008; Ord. 162 § 37, 1973.)

1.18.060. Penalty for Violations. Repealed.

(Ord._____, §___; Ord. 1035 § 1, 2013; Ord. 871 § 2, 2008; Ord. 162 § 32, 1973.)

1.18.070. Failure to appear.

A. Repealed

B. Any person charged with violating any provisions of this Code, who fails to appear in Municipal Court as scheduled, after:

1. Signing a written promise to appear on the date scheduled;
2. Executing an appearance bond guaranteeing a court appearance on the date indicated;
3. Requesting and obtaining from the Court a continuance to another date;
4. Being served (personally or by certified mail) with a summons to appear or a must appear citation; or
5. Having been ordered to appear in Municipal Court;

is guilty of a misdemeanor.

(Ord._____, §___; Ord. 1038 § 1, 2013; Ord. 871 § 2, 2008; Ord. 610 § 1, 1998; Ord. 131 § 36, 1970.)

1.18.080. Administrative fees assessed in municipal court; Court costs assessed in municipal court.

A. All individuals convicted of driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances in accordance with this Code or state statute shall be assessed an administrative fee of \$800.00, All individuals subject to a disposition pursuant to W.S. 7-13-301 for driving or having control of a vehicle while under the influence of intoxicating liquor or controlled substances in accordance with this Code or state statute shall be assessed an administrative fee of \$750.00.

B. All individuals convicted of or subject to a disposition pursuant to W.S. 7-13-301 for public intoxication in accordance with this Code or state statute shall be assessed a fee of \$25.00.

C. The administrative fee for vehicles referred to the Boot List shall be \$50.00.

D. Court costs shall be assessed in municipal court and shall be fixed at \$10.00.

(Ord._____, §___; Ord. 1054 § 1, 2014.)

Chapter 1.20

TOWN SEAL

Sections:

1.20.010. Description--Adoption.

1.20.010. Description--Adoption.

A. A seal the impression of which shall be in circular form bearing the words "Town of Jackson, Teton County, Wyoming," on the outer edge, and the words "Incorporated 1914" in the center is adopted and declared to be the seal of the Town of Jackson.

(Ord. 7 § 1, 1926.)

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 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 _____, 2021.

PASSED 2ND READING THE ____ DAY OF _____, 2021.

PASSED 3RD READING AND APPROVED THE ____ DAY OF _____, 2021.

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)

) ss.

COUNTY OF TETON)

I hereby certify that the foregoing Ordinance _____ was duly published in the Jackson Hole News & Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the ____ day of _____, 2021.

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

Lynsey Lenamond, Town Clerk