

Title 1 General Provisions

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 Statute.**
- 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.

Pursuant to the provisions of § 15-1-3 (37) Wyoming Statutes (1957), as amended, there is adopted the "Municipal Code of Jackson, Wyoming" as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 171 § 1, 1974.)

1.01.020 Title--Citation--Reference.

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.

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 W.S. §15-1-103(xli) as amended, all to be effective within the corporate limits of the Town, in the area within 1/2 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 (5) miles of said corporate limits for the enforcement of health, or quarantine ordinance and regulation thereof. (Ord. 898 § 1, 2008; Ord. 812 § 1, 2005; Ord. 171 § 3, 1974.)

1.01.040 Ordinances passed prior to adoption of the code.

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.

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 Statute.

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.

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.

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.

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.

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.

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.

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.

Save those affecting water, sewer and wastewater service fees or rates, or fees or rates concerning properties outside of the Town corporate boundaries, wherever in this code there exists a schedule of fees or rates which by the terms of the ordinance to which it relates may be altered, modified or amended 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. At the time the resolution is considered by the Town Council, public comment shall also be received. (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.

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:

- A. "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.
- B. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.
- C. "Council" means the Town Council of the Town of Jackson, Wyoming. "All its members" or "all councilmen" mean the total number of councilmen provided by the general laws of the State of Wyoming.
- D. "County" means the county of Teton, Wyoming.
- E. "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.
- F. "May" is permissive.
- G. "Month" means a calendar month.
- H. "Must" and "shall," each is mandatory.
- I. "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."
- J. "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.
- K. "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.
- L. "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.
- M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements, and hereditaments.
- Q. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- R. "State" means the State of Wyoming.

- S. "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.
- T. "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.
- U. "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.
- V. "Written" includes printed, typewritten, mimeographed or multigraphed.
- W. "Year" means a calendar year.
- X. 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.
- Y. 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.
(Ord. 158 § 1, 1973.)
- Z. "Town Administrator" means the person appointed Town Administrator or Town Manager.
(Ord. 869 § 2, 2008).

1.04.020 Grammatical interpretation.

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

- A. Gender. The masculine gender includes the feminine and neuter genders.
- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.
- D. 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.

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.

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 FOR INSPECTION

Sections:

1.08.010 Authority.

1.08.010 Authority

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation 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 him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 163 § 1, 1973.)

Chapter 1.12

GENERAL PENALTY

Sections:

1.12.010 Penalty for violations.

1.12.010 Penalty for violations.

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 punished by a fine of not more than seven hundred fifty dollars.

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 he shall be punished accordingly. (Ord. 428 § 1, 1991; Ord. 289 § 1, 1982; Ord. 160 § 1, 1973.)

1.12.020 Probation.

Probation may be imposed for any municipal ordinance conviction or plea agreement pursuant to Wyoming law provided that the terms of probation are directly related to an element or circumstance for that conviction or charge, or for the terms or conditions for paying fines, costs, fees or restitution. A period of probation not to exceed one year may be ordered in all sentences or plea agreements, consistent with this ordinance. In convictions which carry no possible jail sentence, all or a portion of the fine may be suspended when probation is ordered. In convictions for which a jail sentence is possible, then all such terms of probation as authorized by Wyoming law may be ordered. (Ord. 949 § 1, 2009.)

Chapter 1.16

MUNICIPAL JUDGE

Sections:

1.16.010 Office created--Jurisdiction--Compensation--Qualifications.

1.16.020 Punishment of violators – bond schedule authorized.

1.16.030 Appeals from judgment or sentence.

1.16.040 Disposition of fines and penalties.

1.16.050 Monthly report.

1.16.070 Judgment to include costs.

1.16.010 Office created--Jurisdiction--Compensation--Qualifications.

The office of Municipal Judge is created in the Town and said officer shall have the jurisdiction to fine, enter judgment, sentence, imprison, and hear and determine all cases arising under the ordinances of the Town, and the practice before such judge, in all cases shall conform to the provisions of the Wyoming Rules of Civil Procedure and Wyoming Rules of Criminal Procedure, and as near as may be to the provisions of the Municipal Court Judge administrative rules, all as promulgated by the Supreme Court of the state. Such Municipal Judge shall be entitled to such compensation as may be provided from time to time of the Town Council. The Mayor, with the advice and consent of the Town Council, shall have the authority to appoint a Municipal Judge and alternative judge or justices and all such Municipal Judges or alternate Municipal Judges shall be qualified electors of Teton County, Wyoming. (Ord. 870 § 1, 2008; Ord. 526 § 1, 1996; Ord. 300 § 1, 1983; Ord. 18 § 1, 1926.)

1.16.020 Punishment of violators – bond schedule authorized.

Any person convicted before the Municipal Judge shall be punished by such fine or imprisonment as may be defined by ordinance; provided, that no fine shall be greater than seven hundred fifty dollars. The Municipal Judge shall have the power to punish for contempt in the same manner and to the same extent as the district court. The Municipal Judge of the Town 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. 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.

An appeal from the judgment or sentence of the Municipal Judge shall be taken to the district court in and for Teton County, Wyoming, in the same manner as now provided by the law governing appeal from Circuit Courts in all criminal cases. (Ord. 870 § 1, 2008; Ord. 18 § 3, 1926.)

1.16.040 Disposition of fines and penalties.

All fines and penalties collected, arising from any breach of the ordinances of the Town, shall be paid into the treasury, by the Municipal Judge collecting the same. Any special assessments duly authorized and collected arising from any breach of the ordinances of the Town, shall be paid to the appropriate agency or organization, by the Municipal Judge collecting the same. (Ord. § 1, 2008; Ord. 524 § 1, 1996; Ord. 18 § 4, 1926.)

1.16.050 Monthly report.

Such Municipal Judge shall present his monthly report, in writing to the Town Council at a regular meeting thereof, of all cases that may have come before him, the disposition of the same, and all fines collected during the proceeding month. (Ord. § 1, 2008; Ord. 528 § 1, 1996; Ord. 18 § 5, 1926.)

1.16.070 Judgment to include costs.

Every judgment by the Municipal Judge that any person shall pay as a fine for the violation of any ordinance of this Town of Jackson, shall include the cost of state or locally authorized surcharges and be paid by the defendant with such fine. (Ord. § 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.**
- 1.18.040 Persons arrested--Admission to bail.**
- 1.18.050 Trial before Municipal Judge.**
- 1.18.060 Penalty for violations.**
- 1.18.070 Violations--Person charged--Election to appear or pay fine – Failure to appear.**

1.18.010 How commenced.

Actions for violations of ordinances may be commenced by filing with the municipal judge a statement of information stating the nature of the offense, signed by the Town Attorney, police officer, or any inhabitant of the Town, which complaint may be in the following form: "I, do solemnly swear that on the day of, 20., in said Town of Jackson, County and State did then and there (here describe the particular breach in the language of the Ordinance) and so did contrary to the form of the Ordinance in such case made and provided and against the peace and dignity of the Town of Jackson.

.
Subscribed and sworn to before me this day of, 20.
.
Municipal Judge" (Ord. 871§ 2, 2008; Ord. 162 § 33, 1973.)

1.18.020 Duty of municipal judge.

Upon the filing of such statement of information the Municipal Judge shall enter the case upon his docket in the usual manner required by law, and shall issue a statement of information returnable forthwith or at such time as the defendant may be apprehended. Whenever any person has been arrested on view, or otherwise according to law, without a warrant, the Municipal Judge shall enter in this docket the fact of his arrest, and by whom made, and also take from the officer making the arrest a statement of information of the cause of arrest. (Ord. 871 § 2, 2008; Ord. 162 § 34, 1973.)

1.18.030 Warrant issuance.

In case a complaint on oath shall charge a violation of one or more of the ordinances of the town, the municipal judge shall issue either a warrant or summons, whichever he deems appropriate, which may be substantially in the following forms:

A. Warrant:

"STATE OF WYOMING)
COUNTY OF TETON) SS.
TOWN OF JACKSON)

WHEREAS,, has complained on oath before me that has violated an ordinance of the Town of Jackson (here describe the particular breach in the language of the Ordinance) on the day of, 20. Now, therefore, you are hereby

commanded to take the body of and bring him forthwith before me to be dealt with according to law.

Given under my hand at the Town of Jackson, this day of, 20.

.....

Municipal Judge"

B. Summons:

"STATE OF WYOMING)
COUNTY OF TETON) SS.
TOWN OF JACKSON)
THE TOWN OF JACKSON

Plaintiff,

vs.

.....,

TO:, Defendant.

YOU ARE HEREBY SUMMONED to appear before the undersigned Municipal Judge at . . .m. the day of, 20., at the (here state place) to answer to the charge of (here state charge in language of Ordinance).

If you fail to appear as above required an arrest warrant may be issued for your immediate arrest and confinement.

Dated this day of, 20.

.....

Municipal Judge" (Ord. 871 § 2, 2008; Ord. 162 § 35, 1973.)

1.18.040 Persons arrested--Admission to bail.

Any person arrested by virtue of a warrant as hereinbefore provided may be admitted to bail by executing a bond to the town, to be approved by the Municipal Judge, in such amount as the municipal judge may fix, conditioned that he will appear on the day therein to be named, before the Municipal Judge and not depart without leave, which bond shall be attested by the Municipal Judge and filed in his office, and an entry of filing thereof shall be made in his docket; provided, that in no case the penalty of such bond shall exceed seven hundred fifty dollars. (Ord. 871§ 2, 2008; Ord. 289 § 11, 1982; Ord. 162 § 36, 1973.)

1.18.050 Trial before municipal judge.

Pursuant to an arrest being made, as provided by any of the ordinances of the Town, the defendant shall be entitled to a speedy trial; the procedure of such trial shall conform as near may be, to that of trials of misdemeanors as provided by the laws of the state before circuit court judge; provided, that in no case before such Municipal Judge the defendant shall be entitled to a jury. (Ord. 871 § 2, 2008; Ord. 162 § 37, 1973.)

1.18.060 Penalty for violations.

Any person convicted for a violation of the provisions of this title is guilty of a misdemeanor and shall be punished in accordance with Section 1.12.010 of this code. (Ord. 871 § 2, 2008; Ord. 162 § 32, 1973.)

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

Any person charged with an offense for which the payment of a fine may be made to the Town without appearing before the Municipal Judge shall have the option of paying such fine within the time specified in the citation, summons or notice of arrest by depositing the amount of the fine as may be required, or may have the option of appearing before the Municipal Judge and such person shall be entitled to a trial as authorized by law. The deposit of a fine as required by a citation, summons or notice of arrest shall be deemed an acknowledgment of conviction of the alleged offense. It is unlawful for any person who opts not to pay such fine within the specified time to refuse or intentionally fail to appear personally or through counsel, to respond to a parking/traffic citation, summons or notice of arrest delivered to him, or mailed to him at his last known address, or to violate his written promise to appear given to an officer upon the issuance of a municipal ordinance citation, summons or notice of arrest, and violation of this section shall be punishable pursuant to 1.12.010 of the Municipal Code of the Town of Jackson. (Ord. 871 § 2, 2008; Ord. 610 § 1, 1998; Ord. 131 § 36, 1970).

Chapter 1.20
TOWN SEAL

Sections:

1.20.010 Description--Adoption.

1.20.010 Description--Adoption.

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.)