

GENERAL PROVISIONS

CHAPTER 1.

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Sec. 1-1. How Code designated and cited.

The ordinances embraced in this Code shall be designated and cited as "The Code of the Town of Wheatland, Wyoming."

For state law as to authority of town to cause compilations, codifications and comprehensive revisions of ordinances, see W.S., 1977, 15-1-103. As to the manner and form of enactment of codifications or general revisions of ordinances, see W.S., 1977, 15-1-115. As to the publication of recodification of ordinances, see W.S., 1977, 15-1-116. As to adoption of Codes by reference see W.S., 1977, 5 15-1-119.

Sec. 1-2. Code adoption--Copy of file.

There is hereby adopted by the town council that certain Code entitled "The Code of the Town of Wheatland, Wyoming," containing certain ordinances of a general and permanent nature as compiled, consolidated, codified and indexed in chapters 1 to 19, both inclusive, of which one copy has been and is now filed in the office of the town clerk. [Formerly §1-1.1 of 1984 Supplementa-tion]

Sec. 1-3. Effective date--Repeal of earlier ordinances.

The provisions of this Code shall be in force from and after third reading of Ordinance No. 650, and all ordinances of a general and permanent nature adopted before third reading of Ordinance No. 650, and not contained in such Code are hereby repealed, except as hereinafter provided. [Formerly § 1-1.2 of 1984 Supplementation.]

WHEATLAND TOWN CODE Sec. 1-4. Effect of

repeal on past actions and obligations. The repeal provided for in section 1-3 shall not affect:

(a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before final reading of Ordinance No. ;

(b) Any prosecution, suit or proceeding pending or any judgment rendered prior to final reading of Ordinance No. ___;

(c) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issue of any bonds of the town or any evidence of the town's indebtedness or any contract or obligation assumed by the town;

(d) Any annual tax levy;

(e) Any fee schedules or charges the town levies for services provided unless specifically stated;

(f) Any right or franchise conferred by ordinance or resolution of the town on any person or corporation;

(g) Any ordinance adopted for purposes which have been consummated;

(h) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;

(i) Any ordinance relating to the salaries of the town officers or employees;

(j) Any ordinance annexing territory to the town;

(k) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town;

(l) Any ordinance relating to zoning;

(m) Any ordinance concerning zoning, building, electrical, fire and other uniform codes.

(n) Any ordinance concerning the providing of electrical power to inhabitants of the town. [Formerly § 1-1.3 of 1984 Supplementation.]

Sec. 1-5. Definitions and rules of construction.

In the construction of this Code and all ordinances of the Town, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the town council or the context clearly requires otherwise:

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[Formerly § 1-2 of 1984 Supplementation.]
For definitions and rules of construction for statutes generally, see W.S., 1977 §§ 8-1-102 and 8-1-103. NOTE: Statutes referred to have been corrected.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day unless the last day is a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

For state law as to legal holidays, see W.S., 1977, § 8-4-101 to 8-4-104.

County. The word "county" shall mean Platte County, Wyoming.

Gender. Words importing the masculine gender include the feminine and neuter.

Governing body. The term "governing body" shall mean the council constituting the elected legislative body of the town.

In the town; in the corporate limits of the town. The words "in the town" or "in the corporate limits of the town" shall mean and include any territory within the corporate limits of the town, the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the town by general or special act.

Joint authority. All words giving a joint authority to three or more persons shall be construed as giving such authority to a majority of such persons.

Month. The word "month" shall mean a calendar month.

Number. Words used in the singular include the plural and words used in the plural include the singular.

Oath. The word "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."

Owner. The word "owner," when applied to a building or land, shall include not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land and shall include any agent of such owner, and where such owner is a body corporate, it shall include the managing agent or officer within the town.

person. The word "person" includes a firm, partnership, association of persons, corporation, organization or any other

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group acting as a unit, as well as an individual.

*For similar state law, see W.S., 1977,
§ 15-1-101.*

Personal property. The term "personal property" includes every species of property, except real property.

Preceding. following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall: may. The word "shall" is mandatory and the word "may" is permissive.

Sidewalk. The word "sidewalk" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

State., The word "state" shall mean the State of Wyoming.

State law. References to "state law" and "Wyoming Statutes" shall mean the Wyoming Statutes of 1977, as amended. References to "rules of civil procedure" and "rules of criminal procedure" shall mean the Wyoming Rules of Civil Procedure as amended and the Wyoming Rules of Criminal Procedure as amended.

Street. The word "street" shall mean and include public streets, avenues, highways, roads, alleys, lanes, bridges and the approaches thereto and all other public thoroughfares in the town.

Tenant; occupant. The words "tenant" and "occupant," when applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town, The word "town" shall mean the Town of Wheatland, Wyoming.

*For state law definitions of "city or town,"
and "town," see W.S., 1977, § 15-1-101.*

Town council. The "town council" shall consist of the elected or appointed councilpersons and, together with the mayor, shall constitute the legislative body of the town.

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For similar state law, see W.S. 1977, § 15-1-101.

Written; in writing. The words "written" or "in writing" shall include printing, lithographing or other modes of representing words and letters; provided, that, in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark, shall be required.

Year. The word "year" shall mean a calendar year.

Sec. 1-6. Catchlines; headings.

The catchlines of the sections and the headings of chapters, articles, divisions and subdivisions of this Code are intended as mere catchwords to indicate the contents of the sections, chapters, articles, divisions and subdivisions and shall not be deemed or taken to be titles of such sections, chapters, articles, divisions and subdivisions nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, chapter, article, division or subdivision including its catchline or heading, is amended or reenacted. [Formerly § 1-3 of 1984 Supplementation.]

Sec. 1-7. Severability of parts of Code.

It is the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this chapter and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this chapter or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter or the Code hereby adopted. [Formerly § 1-4 of 1984 Supplementation.]

Sec. 1-8. General penalty: remedies generally; continuing violations.

(a) Whenever in this Code or in any ordinance, resolution or regulation promulgated by any officer or agency of the town under authority vested by law or ordinance, any act is prohibited or is declared to be unlawful, an offense or a misdemeanor, and no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance, resolution or regulation shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00); provided, that, the imposition of any such fine shall not bar institution of appropriate legal actions or proceedings by the town to restrain, correct or abate the violations, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

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(b) Except as otherwise provided, each day any violation of this Code or any such ordinance, resolution or regulation continues shall constitute a separate offense. [Formerly § 1-5 of 1984 Supplementation.]

For state law as to authority of town to enforce ordinances, resolutions and regulations by imposition of fines or imprisonment, see W.S., 1977, § 15-1-103.

As to violations of Development Code, see § 7-8 of this Code. As to violation of motor vehicle traffic laws, see § 10-124.