

CHAPTER SIXTEEN.

MUNICIPAL JUDGE, FINES, AND IMPRISONMENT.

Revised October 2017

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Article I. In General.

§ 16-1. Penalties.

A.

1. Penalties. Wherever in this Code, or in any ordinance of the City, or any rule or regulation promulgated by an officer or agency or the City under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, the violation of any such provision of this Code, or any such ordinance, rule or regulation shall constitute a misdemeanor and shall be punished by a fine not exceeding seven hundred fifty dollars (\$750.00) to which may be added court costs, with the exception of Sections 16-1(A)(3) and/or 16-1(B) set forth herein.

Community service may also be ordered by the Court. Community Service performed will be credited at the prevailing Federal Minimum Wage. The total of fine plus Community Service credit hours, cannot exceed seven hundred fifty dollars (\$750.00) for any one conviction of an ordinance violation. Each day or part thereof, any violation of this code or any such ordinance, rule or regulation continues shall constitute a separate and distinct offense.

2. Probation. After conviction or plea of guilty for any of the offenses in Sections 16-1(A)(3) and/or 16-1(B) set forth herein, and following entry of the judgment of conviction, the Court may:

(i) Suspend the imposition or execution of sentence and place the defendant on probation; or

(ii) Impose a fine applicable to the offense and place the defendant on probation.

(iii) The Court may impose, and at any time modify, any condition of probation or suspension of sentence. Compliance with the recommendations contained within a substance abuse evaluation may be a condition of probation.

3. Substance Abuse Evaluation. Whenever any person pleads guilty to, or is found guilty of §3-2 or §3-6 of the Gillette City Code, or §12-6-101(a) of the Wyoming Statutes as adopted by §3-12 of the Gillette City Code, for possession or use of any alcoholic or malt beverage or use of any controlled substance as defined in Wyoming Statutes they may be ordered to attend a substance abuse evaluation, as determined by the Municipal Judge.

B. In the case of a conviction on the charge of a violation of any of the following offenses:

3-1	Public Intoxication.
3-2	Minor in Possession.
3-3	Minor in Licensed Building.
14-19	Marijuana Use and Possession.
14-2	Assault and Battery.
14-23	Same - resisting arrest.
§ 31-5-229, Wyo. Statutes, as adopted by § 11-1 of the Gillette City Code	Reckless Driving

the offender shall be guilty of a misdemeanor punishable by imprisonment of a term of up to ninety (90) days, and a fine not exceeding seven hundred fifty dollars (\$750.00) plus Court Costs.

Upon conviction of any other sections of the Gillette City Code the offender shall be punished by a fine not exceeding seven hundred fifty dollars (\$750.00) to which may be added court costs, unless a lesser punishment is specifically established elsewhere in a particular section of the Gillette City Code. (Ord. 1650 6-1-88 ; Ord. 3085, 8-16-99; Ord. 3632, 7-6-2009, Ord. 3936, 9-26-2017.)

16-2. Extra-Territorial Jurisdiction of the Municipal Court

The jurisdiction of the Municipal Court shall include violations of the following specific titles within chapters 3, 11 and 14 of the Gillette City Code occurring within one half (1/2) mile of the boundaries of the City of Gillette, as they are now and as they may be extended by annexation in the future, pursuant to the terms of W. S. § 15-3-202. Members of the Gillette Police Department are authorized to enforce the terms of those sections of the Gillette City Code listed in this section outside of the City limits as follows:

CHAPTER THREE

- 3-1. Intoxication.
- 3-2. Purchase, etc., of intoxicating liquor by minor; penalty; suspension of imprisonment.
- 3-7. Endangering The Welfare of A Minor.

CHAPTER ELEVEN

- §11-1. Uniform Act Regulating Traffic on Highways Adopted.
- §11-2. Driving, etc., vehicles while under the influence of alcohol or controlled substances prohibited; evidence; suspension.
- §11-3. Placement of official signs and devices.
- §11-4. Speed limits.
- §11-5. Riding or driving on sidewalks.
- §11-6(b). Failure to Maintain a Proper Lookout.
- §11-7. Evading traffic control device prohibited.
- §11-8. Speed or acceleration contest or exhibition on highways.

CHAPTER FOURTEEN

- §14-1. Assault.
- §14-2. Assault and battery.
- §14-3. Same--Disturbance of assemblages generally.
- §14-4. Same--Disturbance of religious worship.
- §14-7. Dogs of police department--Cruelty to; interference with.
- §14-15. Destroying, defacing, etc., property.
- §14-18. Breach of the peace.
- §14-22. Officers and employees of city--Police--Impersonation.
- §14-23. Resisting arrest; refusal to assist in making arrest.

- §14-24. Interference with police officers.
 - §14-25. Interfering with firemen.
 - §14-26. Peeping toms.
 - §14-27. Petit Larceny and shoplifting.
 - §14-33. Weapons--Carrying pistol, knife, etc., on person.
- (Ord. 3305, 1-20-2004)

Article II. Special Municipal Officers.

§16-3. Special Municipal Officers

A. Special Municipal Officers are appointed by the Governing Body of the City of Gillette to issue citations to individuals for the limited purposes of enforcing ordinances, resolutions and regulations in the areas of animal control, parking and municipal code enforcement. The appointment is subject to the conditions and limitations of Wyoming Statutes § 15-1-103(a)(l). Special Municipal Officers are not certified police officers, are not required to carry a firearm and do not have the power of arrest. They are municipal employees whose job descriptions and duties include the enforcement of municipal ordinances including parking control, animal control, nuisance abatement, contractor licensing, building code enforcement and zoning.

B. Upon a written request from the appropriate Department Head, approval by the City Administrator and completion of specific training directed by the City Administrator, designated individuals filling these positions shall have the authority to act as Special Municipal Officers. The following positions are appointed to enforce particular ordinances associated and listed with the title of each position.

Position Title	Authority
Animal Control Supervisor, Animal Control Officer, and Shelter Assistants	Animal Control Ordinances Chapter 4 of the Gillette City Code Parking Violations Chapter 11 of the Gillette City Co
Building Division Supervisor	Adopted Construction Codes and Contractor Licensing Chapter 5 of the Gillette City Code
Code Compliance Inspector	Nuisance Abatement

	Chapter 13 of the Gillette City Code
Community Development Director	Zoning Violations Zoning Ordinance
Community Services Officer	Parking Violations Chapter 11 of the Gillette City Code Animal Control Ordinances Chapter 4 of the Gillette City Code

(C.O. 1948, § 24.; Ord. 3305, 1-20-2004 ; Ord. 3514, October 1, 2007)

§ 16-4 Repealed

(Ord. 634, 10-13-70.; Ord. 3305, 1-20-2004; Ord. 3514, October 1, 2007)

Article III. Municipal Judge.

§ 16-5. Establishment of position; duties generally.

There is hereby established the position of municipal judge. The judge shall perform all of the duties of such position under the laws of the state and the provisions of this Code and other ordinances of the city. (C.O. 1948, Section 55.; Ord. 3305, 1-20-2004)

§ 16-6. Appointment; term.

The mayor, by and with the consent of the city council at their first meeting after each city election and at such other times as they may deem necessary or proper, shall appoint a judge, who shall hold office at the will of the council. (C.O. 1948, Section 79; Ord. 439, Section 1.; Ord. 3305, 1-20-2004).

§ 16-7. Salary.

The salary or compensation of the judge shall be as may be fixed and determined by the city council. (Ord. 439, Section 1.; Ord. 3305, 1-20-2004).

§ 16-8. Appointment and term of alternate or assistant judges.

The mayor, by and with the consent of the city council at their first meeting after each city elect and at such other times as they may deem necessary or proper, shall appoint such number or alternate or assistant judges to act in the absence or inability to act as the municipal judge, as the council shall deem proper, with alternate or assistant judges shall hold office at the will of the council. (C.O. 1948, Section 79; Ord. 439, Section 1.; Ord. 3305, 1-20-2004)

§ 16-9. Salary of alternate or assistant municipal judges.

The salary or compensation of alternate or assistant judges shall be as may be fixed and determined by the city council. (C.O. 1948, Section 70.; Ord. 3305, 1-20-2004)

§ 16-10. Bond

Before entering upon his duties, the municipal judge shall give a bond to the city in the sum of twenty-five hundred dollars, conditioned for the faithful performance of all his

duties in accordance with law and the ordinance of the city and that he will tour over to the parties entitled thereto, or as may be prescribed by the ordinances of the city, all moneys collected by him by virtue of his office as judge. (C.O. 1948, Section 71.; Ord. 3305, 1-20-2004).

§ 16-11. Jurisdictions, etc.

The judge shall have the jurisdiction as provided by law and as may be provided in the Code and other ordinances of the city. He shall have power to fine, enter judgment, sentence of imprison, and hear and determine all cases arising under this Code or other ordinances of the city. The procedure of the court shall be in compliance with the Rules of Criminal Procedure for Justice of the Peace Courts and Municipal Courts. (C.O. 1948, Sec. 58.; Ord. 3305, 1-20-2004).

§ 16-12. Judgment to include costs; payment of costs.

Every judgment by the judge requiring any person to pay a fine for the violation of any provision of this Code or other ordinance of the city and every case where the defendant is convicted under any provision of this Code or other ordinance of the city, such judgment shall include the costs of the proceedings in the amount of ten dollars (\$10.00) and shall be paid by the defendant. The court shall impose a court automation fee of twenty-five dollars (\$25.00) in every criminal case wherein the defendant is found guilty, enters a plea of guilty or not contest or is place on probation under WYO. STAT. § 7-13-301, pursuant to W.S. 5-6-108. (C.O. 1948, Section 59; Ord. 3162, 8-6-2001.; Ord. 3305, 1-20-2004; Ord. 3925, 6-6-2017).

§ 16-13. Disposition of fines and costs collected.

The judge shall turn into the city treasurer all fines and costs by him collected, except, ten dollars (\$10.00) of each court automation fee assessed shall be retained by the City solely for the purpose of defraying costs and expenses related to establishing and maintaining an electronic citation system. (C.O. 1948, § 56.; Ord. 3305, 1-20-2004, Ord. 3925, 6-6-2017).

§ 16-14. Admission to bail.

Any person arrested for any offense undo any provision of this Code or other ordinance of the city may be admitted to bail by executing a bond to the city, with sufficient surety to be approved by the judge in such sum as is required, conditioned for his appearance upon a day mentioned an that he will not depart without leave, which bond

shall be approved by the judge and filed with the court. (C.O. 1948, § 64.; Ord. 3305, 1-20-2004).