CHAPTER 1

GENERAL PROVISIONS

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CHAPTER 1

GENERAL PROVISIONS

SECTION 1-1. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in this chapter and the following chapters and sections shall constitute and be designated as "The Code of the City of Kemmerer" or "The Kemmerer City Code" and may be so cited.

SECTION 1-2. DEFINITIONS AND RULES OF CONSTRUCTION.

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

Administrative Official. The term "administrative official" shall mean the board, commission, committee, officer, agent or employee of the City of Kemmerer charged by the city council with the administration and enforcement of the particular provisions of this Code in which the term is used.

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.

Council. The word "council" or "city council" shall mean the mayor and the six (6) council persons of the City of Kemmerer, in the County of Lincoln, in the State of Wyoming.

County. The word "county" means the County of Lincoln, State of Wyoming.

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

Governing Body. The term "governing body" shall mean the Kemmerer city council.

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

Joint Authority. All words giving a joint authority to three (3) 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 city.

Person. The word "person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

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.

Pronoun Use. Whenever the pronoun "he" is used in City of Kemmerer Code, it shall be deemed to include and refer to all persons, partnerships, corporations, joint ventures, trusts, limited liability companies, associations, clubs, or any other legal entity or entities subject to the provisions of this ordinance chapter, regardless of gender, number, or legal classification. The use of the masculine pronoun is for convenience of reference only and shall not be construed to exclude any person or entity from the application, requirements, prohibitions, penalties, or enforcement provisions of this ordinance chapter. This rule of construction shall apply throughout the Code unless the context clearly indicates otherwise.

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

Quorum. A majority of the members of the city council constitutes a "quorum" for the transaction of business.

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, or any portion of a private lot providing an easement to the public for passage.

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

State Law. References to "state law" shall mean the Statutes of the State of Wyoming, as from time to time amended and supplemented.

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

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.

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.

SECTION 1-3. 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 re-enacted.

SECTION 1-4. SEVERABILITY OF PARTS OF CODE.

If for any reason any part, section, subsection, sentence, clause or phrase of this Code, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 1-5. GENERAL PENALTY; REMEDIES GENERAL; CONTINUING VIOLATIONS.

(a) Except as otherwise provided hereunder whenever in this Code or in any ordinance, resolution or regulation promulgated by any officer or agency of the City under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefor, or in the case of any penalty provision with respect to a misdemeanor, the violation of any such provision of this Code or any such ordinance, resolution or regulation shall be punished as follows:

(i) For a violation charged as a first offense or first violation, by a fine or incarceration not to exceed the maximum allowed by law, provided however, the court may in its discretion suspend all or any portion of the fine or incarceration and place the convicted person upon probation for a term of up to six (6) months.

(ii) For a violation charged as a second or subsequent offense or violation within five (5) years of conviction of a first offense or violation, by a fine of not more than the maximum fine allowed by law and/or by incarceration for a period not to exceed that allowable by law.

(iii) In addition to the foregoing, the court may, in its discretion, provide for the payment of a fine by a juvenile offender by means of community service as the court may determine.

(b) Except as otherwise provided, each day any violation of this Code or any ordinance, resolution or regulation of the City continues shall constitute a separate offense.

SECTION 1-6. ACTIONS FOR PENALTIES OR FINES.

(a) To be Brought in Name of "City of Kemmerer". All actions brought to recover any penalty or fine shall be brought in the name of the "City of Kemmerer".

(b) Disposition of Recoveries. The recoveries, when collected, shall be paid into the treasury of the City of Kemmerer.

(c) Recoveries; Warrants. The process in every such action shall be a warrant, and the person named therein shall be arrested and taken before the municipal court judge for trial.

SECTION 1-7. CITY SEAL.

(a) The design, specifications, approved variations, and authorized uses of the City Seal shall be established by resolution of the City Council and maintained by the City Clerk. The City Council may modify or replace the City Seal by resolution.

(b) The city seal shall be affixed to all vouchers, licenses, contracts, deeds, resolutions, ordinances, minutes of the city council and all other papers which are signed by the mayor and attested by the city clerk.