

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 City Seal
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Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adopted.
- 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.
- 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.

1.01.010 Adopted. There is adopted the “Powell Municipal Code” as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 7-1992 § 1, 1992)

1.01.020 Title—Citation—Reference. This code shall be known as the “Powell Municipal Code” and it shall be sufficient to refer to said code as the “Powell Municipal Code” in any 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 “Powell Municipal Code”. Further, reference may be had to the titles, chapters, sections and subsections of the

1.01.030—1.01.080

“Powell Municipal Code” and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 7-1992 § 2, 1992)

1.01.030 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of Powell, Wyoming. (Ord. 7-1992 § 3, 1992)

1.01.040 Ordinances passed prior to adoption of the code. The last ordinance included in the initial code is Ordinance No. 1, 1992, passed February 18, 1992. The following ordinances, passed subsequent to Ordinance No. 1, 1992, but prior to the adoption of this code, are adopted and made a part of this code: Ordinances: No. 2, 1992, passed March 16, 1992; No. 3, 1992, passed March 16, 1992; No. 5, 1992, passed September 21, 1992; No. 6, 1992, passed September 21, 1992. (Ord. 7-1992 § 4, 1992)

1.01.050 Reference applies to all amendments. Wherever a reference is made to this code as the “Powell Municipal Code” or to any portion thereof, or to any ordinance of the City of Powell, Wyoming, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 7-1992 § 5, 1992)

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained in this code 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. 7-1992 § 6, 1992)

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. 7, 1992 § 7, 1992)

1.01.080 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter nor be construed as a waiver of

1.01.090

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 ordinance relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation 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. 7-1992 § 8, 1992)

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 decisions shall not affect the validity of the remaining portions of this code. The Council declares that it would have adopted this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 7-1992 § 10, 1992)

Chapter 1.04

GENERAL PROVISIONS

Sections:

1.04.010	Designation—Citation.
1.04.020	Definitions and rules of construction.
1.04.030	Compatibility.
1.04.040	Rules incorporation by reference.
1.04.050	Amendment and repeal of ordinances.
1.04.060	Repeal shall not revive.
1.04.070	Effective period.
1.04.080	Provisions considered a continuation of existing ordinances.
1.04.090	Catchlines.
1.04.100	Jurisdiction.
1.04.110	Severability.

1.04.010 Designation—Citation. The ordinances published in this code shall constitute and be designated as “the Code of the City of Powell, Wyoming”, and may be so cited. The code may also be cited as “Powell City Code”.

1.04.020 Definitions and rules of construction. In the construction of this code and of all ordinances of the City the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Council or the context clearly requires otherwise.

**Area Regulated.** All regulatory ordinances shall be deemed to apply in areas outside the corporate limits of the City over which such regulatory power has been conferred by the State.

**Boards, Commissions and Committees.** Authority duly granted to any board, commission or committee may be executed by a majority of the numbers thereof in a properly called meeting, unless the laws of the state require more than a majority.

“City” means the City of Powell, in the county of Park, in the State of Wyoming.

“City Council” and the term “council” mean the members of the City Council of the City of Powell, Wyoming.

**Computation of Time.** In computing any period of days prescribed or allowed by this code, the day such period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Sunday or a legal holiday in which event the period shall run until the end of the next day which is neither Sunday nor a holiday.

## 1.04.020

“County” means the County of Park in the State of Wyoming.

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

“Governing body” means the Mayor and Council of the City of Powell, Wyoming.

“In the City” means and includes any territory within the corporate limits of the City, and the police jurisdiction and planning and zoning jurisdiction thereof, and any other territory over which regulatory power has been conferred upon the City by general or special act, except as otherwise specified.

“Month” means a calendar month.

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

“Oath” includes an affirmation in all cases in which, by law, an affirmation may be subscribed for an oath, and in such cases the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed”.

The word “or” may be read as “and” and the word “and” as “or”, where the sense requires it.

“Owner” applied to a building or land, shall include not only the owner of the whole, but 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”, includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual or individuals.

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

The words “preceding” and “following” mean next before and next after, respectively.

“Presiding officer”, means the Mayor, or in his absence the President of the Council, or other person serving as Chairman of the meeting.

“Property” includes real, personal and mixed property.

“Real property” includes lands, tenements and hereditaments.

The word “shall” is mandatory. The word “may” is permissive.

“Sidewalk” means any portion of a street between the curb lines and the adjacent property line intended for the use of pedestrians.

The words “signature” and “subscription” include a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as a witness.

“State” means the State of Wyoming.

“Street” means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, thoroughfares, bridges, and the approaches thereto and all other thoroughfares, in the City.

“Tenant” and “occupant” applied to a building or land, mean any person who occupies the whole or a part of such building or land, whether alone or with others.

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

The words “writing” and “written” include typewriting, printing on paper and any other understandable mode of representing words, letters, and numerals.

“Year” means a calendar year, except where otherwise provided.

1.04.030 Compatibility. All articles or ordinances in any title shall be considered as related to each other and all portions thereof shall, so far as practicable, apply to all other articles of the same title and to other titles.

1.04.040 Rules incorporated by reference. A. Other rules or regulations incorporated by reference are a part of this Code and also a part of such ordinances as may incorporate them by reference.

B. Copies of all special rules or regulations which are in current use from time to time shall be kept on file in the office of the City Clerk and also in the office of such other City departments as may be instrumental in requiring compliance with such rules or regulations.

1.04.050 Amendment and repeal of ordinances. A. When any ordinance or any part of an ordinance shall be repealed or amended, such ordinance of amendment or repeal shall state the section of the ordinance which is thereby amended or repealed.

B. Whenever it is provided in an ordinance that all ordinances or parts of ordinances in conflict therewith are thereby repealed, such repeals shall be prospective only and all ordinances so repealed shall continue in force after said repeal for the purpose of all rights acquired, fines, penalties, forfeitures, and liabilities incurred and actions therefore or thereunder.

1.04.060 Repeal shall not revive. When any ordinance repealing a former ordinance, clause, or provisions shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein expressly provided.

1.04.070—1.08.020

1.04.070 Effective period. All ordinances shall remain in full force and effect unless repealed, and all provisions thereof shall remain in full force and effect until repealed and amended unless specifically otherwise provided.

1.04.080 Provisions considered a continuation of existing ordinances. The provisions appearing in this code, so far as they are the same as those of the code and ordinances existing at the time of the adoption of this code, shall be considered as a continuation thereof and not as new enactments.

1.04.090 Catchlines. The catchlines of the sections of this code merely indicate the contents of the sections. No catchline is to be construed as a part of any section nor considered in the interpretation thereof.

1.04.100 Jurisdiction. The extent of the jurisdiction of the City outside of the corporate limits of the City shall be construed in all matters to extend to the maximum extra-territorial jurisdiction permitted by the State law, but not more than such maximum in any case.

1.04.110 Severability. Should any portion, paragraph or phrase of any ordinance be declared unconstitutional or invalid, such ruling shall not effect the remaining portions, paragraphs or phrases of said ordinance which shall remain in full force and effect.

Chapter 1.08

CITY SEAL

Sections:

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|----------|--------------|
| 1.08.010 | Description. |
| 1.08.020 | Use.         |

1.08.010 Description. The corporate seal of the City shall be a circular form with the words “City of Powell, Park County, Wyoming” on the outer edge and the words “Municipal Seal” in the center.

1.08.020 Use. The City seal shall be affixed to all oaths, licenses, deeds, resolutions, ordinances, and all other instruments (with the exception of warrants) which are signed by the Mayor and attested by the City Clerk, and

any other instrument the formality of which requires the use of said seal.

Chapter 1.12

WARDS AND PRECINCTS

Sections:

- 1.12.010        Wards.
- 1.12.020        Voting precincts.

1.12.010 Wards. The city is divided into three wards, to be known as Ward I, Ward II and Ward III, the boundaries of which are described as follows:

- A. Ward I shall consist of the following sections of the City:
  - 1. All of that portion of the City from Division Street to Clark Street between Third Street and Fifth Street;
  - 2. All of that portion of the City from Division Street to Hamilton Street between Fifth Street and Seventh Street.
  - 3. All of that portion of the City from Division Street to Gilbert Street north of Seventh Street.
- B. Ward II shall consist of the following sections of the City:
  - 1. All of that portion of the City north of Highway 14-A/ Coulter Avenue and west of Division Street.
- C. Ward III shall consist of the following sections of the City:
  - 1. All of that portion of the City lying south and east of the boundaries of Wards I and II.  
(Ord. 1-2006)

1.12.020 Voting precincts. The voting precincts in each ward for any election shall be as now or hereafter established by the Board of County Commissioners.

1.16.010—1.16.020

Chapter 1.16

GENERAL PENALTY

Sections:

1.16.010      General penalty.  
1.16.020      Violation.

1.16.010 General penalty. Whenever in any ordinance no fine or penalty is provided for the violation thereof, any person who shall be convicted of any violation thereof shall be adjudged to a pay fine of not more than seven hundred fifty dollars together with costs of prosecution.

1.16.020 Violation. Violation of any ordinance is hereby deemed a misdemeanor and is punishable by fine or imprisonment as by each ordinance provided or in case no penalty is provided in any ordinance, then as is provided in Section 1.16.010.

