

CODE OF ORDINANCES

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CHAPTER 1. GENERAL PROVISIONS**Sec. 1-101. How Code designated and cited.**

The ordinances embraced in this title and the following titles and sections shall constitute and be designated as the "Code of the Town of Moorcroft, Wyoming" and may be so cited. (Prior Code, § 1-101)

State law references—Power to compile, codify and comprehensively revise all ordinances in force, and to provide for their distribution, etc., W.S. 15-1-103(a)(xxxviii); adoption of codification by ordinance authority, W.S. 15-1-115(a), 15-1-116(c); codification and recodification publication, W.S. 15-1-116(c).

Sec. 1-102. Definitions and rules of construction.

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

Administrative official. The term "administrative official" means the board, commission, committee, officer, agent or employee of the Town charged by the governing body with the administration, enforcement or both 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.

County. The term "County" means Crook County, Wyoming, in which the Town of Moorcroft is located.

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

Governing body. The term "governing body" means the elected legislative body of the Town.

In the municipality; in the corporate limits of the municipality. The term "in the municipality" or "in the corporate limits of the municipality" means and includes 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 (3) or more persons shall be construed as giving such authority to a majority of such persons.

Month. The term "month" means a calendar month.

Municipality. The term "municipality" means the city or town enacting the section in which the word "municipality" is used.

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

Oath. The term "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 term "owner," when applied to a building or land, includes not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of whole or part of such building of land, and includes any agent of such owner and, where such owner is a body corporate, the term "owner" includes the managing agent or officer within the Town.

Person. The term "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 terms "preceding" and "following" mean next before and next after, respectively.

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

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

Shall; may. The term "shall" is mandatory, and the term "may" is permissive.

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

State. The term "State" means the State of Wyoming.

State law. References to "State law" means the Wyoming Statutes as amended.

Street. The term "street" means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town.

Tenant; occupant. The terms "tenant" and "occupant," when 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.

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

Written; in writing. The term "written" or "in writing" includes printing, lithographing or 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 term "year" means a calendar year.
(Prior Code, § 1-102)

Sec. 1-103. Catchlines; headlines.

The catchlines of the sections and headings of titles, chapters, divisions and subdivisions of this Code are intended as mere catchwords to indicate the contents of the sections, titles, chapters, divisions and subdivisions, and shall not be deemed or taken to be titles of such sections, titles, chapters, divisions and subdivisions nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, title, chapter, division or subdivision, including its catchline or heading, is amended or reenacted.
(Prior Code, § 1-103)

Sec. 1-104. 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.
(Prior Code, § 1-104)

CHAPTER 2. INCORPORATION AND BOUNDARIES

Sec. 1-201. Town petition for incorporation.

(a) Now, to wit: On this 2nd day of October, 1906, comes Charles Kirby, et al., and presents a petition asking for the incorporation of Moorcroft. Also, comes now A. A. Simpson, and files a remonstrance against the proposed incorporation of Moorcroft for reason set out in said remonstrance.

(b) Now, on this 2nd day of October, 1906, come the opposing parties before the Board, the petitioners being represented by A. A. Simpson, in person. Evidence is heard and the matter is now submitted to the Board by consent of both parties, and after due consideration, upon motion, duly made and seconded, the application is granted and an order issued for said incorporation as established in Section 1-202.
(Prior Code, § 1-201)

Sec. 1-202. Order of the Board of County Commissioners.

(a) An application of Charles Kirby, et al., as required by law, has been duly presented to this Board of County Commissioners, asking for the incorporation of the Town under the name of the City of Moorcroft, including the territory described in said petition and as platted, and filed with said petition, and after considering said petition and all proofs and evidence in support thereof and also all objections thereto, we find that all the requirements of the laws of the State in regard to general incorporation of towns have been full complied with by said applicants, and that such territory contains the population required by Section 1521, R.S. Wyo. 1899.

(b) Therefore, it is hereby ordered that the territory as set forth in said application and petition, described as follows: beginning at the Township corner common to Townships 49 and 50 north and ranges 67 and 68 west of the 6th Principal Meridian; thence north 2,640 feet to the ¼ corner on west line of Sec. 31, Tp. 50, N. R. 67 W.; thence 5,280 feet east to ¼ corner on east line of same section; thence 5,280 feet south to ¼ corner on east line of Sec. 6, Tp. 49 N. R. 67 W.; thence 5,280 feet west to ¼ corner on west line of same section; and thence north 2,640 feet to place of beginning, and more particularly described as Lots 1, 2, 3, 4, and 5 SE ¼ NE ¼, and S ½ NE ¼ Sec. 6, Tp. 49, T. 67, Lots 3 and 4, E ½ SW ¼, SE ¼, Sec. 31, Tp. 50 N. R. 67 W. to place of beginning, be and the same is hereby declared to be known as the City of Moorcroft, as set forth in said petition, with all powers and privileges granted to cities and towns by the laws of Wyoming; and John F. Daily, F. C. Haselton and J. L. Michael are hereby appointed inspectors who shall at once call an election of all the qualified electors residing within the territory embraced within said limits as described and platted, to be held at some convenient place within said limits, the notice for which shall be given and all proceedings in connection therewith shall be had as provided in Section 1526 et seq., of the Revised Statutes of Wyoming, 1899.

Dated this 2nd day of October, AD, 1906.

s/C. L. Calvert
Chairman, Board of County Commissioners

Attest:
s/L. Mauch
Clerk

(Prior Code, § 1-202)

Sec. 1-203. Annexed territory subject to laws.

Any annexed territory to the Town, whether annexed prior to or subsequent to the adoption of this Code, shall be subject to all the laws, ordinances, rules and regulations of the Town, and shall be entitled to all of the rights, privileges and franchise services afforded the inhabitants thereof, including police and fire protection, sanitary facilities and utility service.

(Prior Code, § 1-203)

Sec. 1-204. 2011 Annexation.

(a) The following-described real property solely owned by the Town, to wit:

A tract of land located in the S ½ NE ¼, NE ¼ NE ¼ and NE ¼ SE ¼ of Section 36, Tp. 50 N. R. 68 W. of the 6th Principal Meridian, Crook County, Wyoming, described as follows:

Beginning at the east quarter corner of Section 36, Tp. 50 N. R. 68 W. of the 6th Principal Meridian, Crook County, Wyoming. Said east quarter corner is monumented with a three and one-quarter (3¼) inch brass cap by PLS 366 and is the true point of beginning;

Thence S. 0° 02' 41" E, a distance of 156.83 feet to the point of intersection of the east line of Section 36 with a curve concave to the northeast on the presently existing northeasterly right-of-way boundary of Interstate 90. Said point of intersection being monumented with a standard State Highway Department reference marker stamped "sta. 85+25.1";

Thence along the presently existing northeasterly right-of-way boundary of Interstate 90 through a curve concave to the northeast with a radius of 11,259.2 feet, a central angle of 2° 12' 08," a length of 432.76 feet and a chord bearing N. 67° 39' 19" W. 432.73 feet to the end of curve being monumented with a standard State Highway Department reference marker stamped "sta. 80+85.5";

Thence N. 46° 32' 10" W, a distance of 728.58 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a Standard State Highway Department reference marker stamped "sta. 74+00";

Thence N. 66° 34' 39" W, a distance of 449.86 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a broken State Highway Department reference marker (cap missing);

Thence N. 23° 25' 21" E, a distance of 100.00 feet along the presently existing northeasterly right-of-way boundary of Interstate 90 to a point monumented with a three and one-quarter (3¼) inch aluminum cap stamped PLS 8308;

Thence S. 62° 26' 40" E, a distance of 475.08 feet to a point being a three and one-quarter (3¼) inch aluminum cap stamped PLS 8308;

Thence S. 47° 28' 36" E, a distance of 457.36 feet to a point being a three and one-quarter (3¼) inch aluminum cap stamped PLS 8308;

Thence S. 50° 06' 47" E, a distance of 250.75 feet to a point being a three and one-quarter (3¼) inch aluminum cap stamped PLS 8308;

Thence S. 75° 40' 00" E, a distance of 362.58 feet to the true point of beginning.

The above described tract of land contains 3.286 acres, more or less.

Basis of bearing for this survey is S. 0° 02' 41" E between the east quarter corner and the southeast corner of Section 36, Tp. 50 N. R. 68 W.

shall be, and the same hereby is, annexed into the Town, and the boundaries of the corporate limits of the Town are hereby changed to include said land.

(b) In accordance with the requirements of W.S. 15-1-406, the Town Clerk/Treasurer shall file with the County Clerk a map of the area annexed hereunder together with a copy of the ordinance from which this section is derived, approved by the governing body, so that the corporate municipal boundaries of the Town can be changed to include said land and the same shall be reflected in the official real property records of the County.

(Ord. No. 7-2011, §§ 1, 2, 8-8-2011)

Sec. 1-205. 2012 Annexation.

(a) The following-described tract of land situated in the County, to wit: Lot 1 of Lower Valley Subdivision, being a residential minor subdivision in the W ½ SW ¼ NW ¼ and a portion of the NW ¼ SW ¼ in Section 31, Township 50 North, Range 67 West, 6th PM and the S ½ NE ¼, NE ¼ NE ¼ and NE ¼ SE ¼ of Section 36, Township 50 North, Range 68 West, 6th Principal Meridian, Crook County, Wyoming, according to the plat thereof recorded April 7, 2011, as instrument number 613908, shall be, and the same hereby is, annexed into the Town, and the boundaries of the Town corporate municipal limits are hereby extended and changed to include said tract of land.

(b) In accordance with the requirements of W.S. 15-1-406, the Town Clerk/Treasurer shall file with the County Clerk a map of the area annexed hereunder together with a copy of the ordinance from which this section is derived, approved by the governing body, so that the corporate municipal boundaries of the Town can be extended and changed to include said land and the same shall be reflected in the official real property records of the County. (Ord. No. 8-2012, § 1, 2, 8-13-2012)

CHAPTER 3. TOWN COUNCIL*

Sec. 1-301. Composition of Council.

The Town Council shall be comprised of the following:

- (1) Mayor.
 - (2) Four (4) Councilmembers.
- (Prior Code, § 1-301)

State law reference—Similar provisions, W.S. 15-2-102.

Sec. 1-302. Officers elected.

A Mayor shall be elected every two (2) years, and two (2) Councilmembers shall be elected every four (4) years on the municipal general election date upon the completion of the respective terms.

(Prior Code, § 1-302)

State law reference—Election date, W.S. 15-11-101.

Sec. 1-303. Constitutional oath of office.

Before entering his duties, a person elected to a Town office shall sign and file with the Town Clerk the same constitutional oath of office as County officers.

(Prior Code, § 1-304)

State constitution reference—Oath of office, Wyo. Const. Art. 6, § 20.

***State law reference**—Governing body, W.S. 15-2-101 et seq.

Sec. 1-304. Work sessions.

Work sessions may be called from time to time; provided, however, no formal or informal action shall be taken at any work session.

(Ord. No. 1-1995, § 1, 2-13-1995)

State law references—Meetings, W.S. 15-1-105; open public meetings, W.S. 16-4-401 et seq.

Sec. 1-305. Meetings of the governing body.

(a) Regular meetings of the governing body shall be at 7:00 p.m. on the second and the fourth Wednesday of each month. If the second or the fourth Wednesday of the month is a legal holiday as specified under State law, then the regular meeting shall be held at 7:00 p.m. on the next following business day (Monday through Friday) which is not a legal holiday.

(b) Regular, special and emergency meetings of the governing body shall be held in the Town's administrative offices, or at such other locations as may from time to time be determined by the governing body to accommodate special conditions.

(Prior Code, § 1-305; Ord. No. 1-1995, § 1, 2-13-1995; Ord. No. 1-2018, § 1, 2-12-2018; Ord. No. 8-2022, § 1, 10-10-2022; Ord. No. 1-2023, § 1, 6-14-2023)

State law reference—Meetings open to the public, W.S. 14-4-403.

Sec. 1-306. Special meetings; how called.

The Mayor and any two (2) Councilmembers, or a majority of the Councilmembers shall have the power to call special meetings of the Town Council, the object of which shall be submitted to the Council in writing, and the call and object, as well as the disposition thereof, shall be made a matter of record upon the journal, provided that no vote of the Town Council shall be reconsidered or rescinded at a special meeting, unless at such meeting there be present as large a number of Councilmembers as were present when such vote was taken.

(Prior Code, § 1-306)

Sec. 1-307. Quorum for transaction of business.

Two (2) Councilmembers and the Mayor, or three (3) Councilmembers in the absence of the Mayor, shall constitute a quorum for the transaction of all business, but a less number may adjourn from time to time.

(Prior Code, § 1-307)

Sec. 1-308. Mayor shall preside at Council meetings.

The Mayor shall preside at all meetings of the Town Council, and shall be entitled to one (1) vote on all questions and no more. In the absence of the Mayor, the Councilmembers shall appoint one (1) of their own number to preside, and, in the absence of the Town Clerk, the Councilmembers shall have power to appoint a Clerk Pro Tempore.

(Prior Code, § 1-308)

Sec. 1-309. Councilmembers to attend meetings.

It shall be the duty of the duly elected Councilmembers or successors to attend Council meetings. The attendance of any member of the Town Council who shall be absent from any meetings of the Council, without reasonable excuse therefor, may be compelled by order of the Town Council, and two (2) members of the Council shall be sufficient to make such order. (Prior Code, § 1-309)

Sec. 1-310. Removal for non-attendance.

It shall be the duty of the Chief of Police to execute such order as provided in Section 1-309 and bring such absentee before the Town Council. Gross and persistent delinquency in being absent from such meetings shall be cause for removal of any such member from his office. (Prior Code, § 1-310)

Sec. 1-311. Filling of vacancies; removal of appointees.

Any vacancy occurring in the office of Mayor and Councilmembers of the Town, whether by death, removal from office, resignation, removal of residence, or otherwise, and any vacancy occurring in any of the offices of the Town, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term thereof by appointment to be made by the Town Council, and, when so appointed, shall continue in office until their successors shall be elected, appointed or qualified. The said officers of the Town, other than the Mayor and Councilmembers, shall at all times be subject to the supervision and control of the Town Council in the discharge of their official duties, and may be removed from office by a vote of three-fourths ($\frac{3}{4}$) of the Councilmembers, for any refusal or neglect to comply with their orders or directions, or any gross neglect in the discharge of their official duties; but such officers shall be entitled to have a specification of the charges against them which are made on the ground of removal, and an opportunity to be heard in their defense, and the cause of any such removal in all cases shall be made a matter of record by the Town Council. (Prior Code, § 1-311)

State law reference—Vacancies in offices, W.S. 15-1-107.

Sec. 1-312. Proceedings of the Council.

(a) The order of business at all regular meetings of the Council shall be as follows, unless otherwise directed by a special order of the Council entered of record:

- (1) Reading, correcting if necessary, of the minutes of the last regular meeting, and of all intervening special meetings, and approve the same.
- (2) Presentation of petitions and reports of officers.
- (3) Reports of standing committees.
- (4) Reports of select committees.
- (5) Communications to the Town Council.
- (6) Unfinished business.

(7) Motions, resolutions, orders and ordinances and notices.

(8) New business.

(b) The order of business at special meetings shall be the same as at regular meetings. All questions of priority of business shall be decided by the Mayor, or other presiding officer without debate.

(Prior Code, § 1-312)

Sec. 1-313. Precedence in the order of business.

When a question is under debate, no motion shall be received, except to adjourn, to table for previous question, to postpone to a certain day, to commit, to amend, to postpone indefinitely. These motions shall have precedence in the order in which they are arranged.

(Prior Code, § 1-313)

Sec. 1-314. Amendment of suspension of order of business or rules.

The foregoing rules and order of business may be amended or suspended at any meeting only by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the Town Council, including the Mayor. All other bylaws, ordinances or parts of ordinances may be passed at any regular or special meeting called for that purpose by a majority of the quorum.

(Prior Code, § 1-314)

Sec. 1-315. Presentment of bills; approval.

All bills for labor or material shall be itemized giving the day and date that such labor was performed or material bought. All bills shall be approved by the officers or committee authorizing the expenditure, and the Finance Committee, before the same shall be acted upon by the Town Council.

(Prior Code, § 1-315)

Sec. 1-316. Committee appointments and committees.

(a) The standing committees of the Town are Finance and Personnel; Streets, Alleys and Buildings; Water and Wastewater; Sanitation and Landfill; Police and Emergency Services; and Parks, Recreation and Cemetery. Standing committees shall consist of two (2) Councilmembers appointed by the Mayor annually in January at a regular or special meeting, and each Councilmember shall serve on at least two (2) standing committees and continue to serve on such standing committees until his/her successor is appointed. The Mayor shall be an ex officio member of each standing committee. If the office of a Councilmember should become vacant, the person appointed to fill such vacancy shall serve on the same standing committees on which the vacating Councilmember served. In addition to such functions as may be provided in this Code, the purpose of each standing committee is to look into and make recommendations regarding issues involving the operations of the Town in the area for which the standing committee is appointed. In addition to standing committees, the governing body may authorize the creation of Select committees, which may

consist of Councilmembers and/or others, the purpose for which is to look into and make recommendations regarding specific limited matters. The members of a select committee shall be appointed by the Mayor, and such appointment shall expire on the completion of the object or purpose for which the select committee was created and authorized.

(b) There may be a special committee known as the Moorcroft Town Center Committee. If formed or continued by the Town Council, the Committee shall consist of members whose number, term and qualification shall be established by the Town Council by resolution. If appointed, Committee members shall serve without compensation. If formed or continued, Committee members shall be appointed by the Mayor with consent of the Council, and may be removed by the Mayor and Council with or without cause. The Moorcroft Town Center Committee may be formed or disbanded at any time by resolution of the Town Council. (Prior Code, § 1-316; Ord. No. 3-2018, § 1, 5-14-2018; Ord. No. 2-2022, § 1, 4-11-2022)

Sec. 1-317. Committee reports.

Committees shall report in writing when so ordered by the Mayor, and all reports shall be addressed to the Town Council. (Prior Code, § 1-317)

Sec. 1-318. Duty of Council to levy taxes and appropriate funds.

The Town Council shall, on or before the second Monday in July of each year, by ordinance, determine the amount of the general and specific taxes for the fiscal year July 1 through June 30, and shall also on or before the second Monday in July of each year pass an appropriation bill providing money for the conduct of the business of the Town for the fiscal year July 1 through June 30. (Prior Code, § 1-318; Ord. No. 9-1980, § 1-318, 5-12-1980)

Sec. 1-319. Meetings generally to be open; information required of attending public.

(a) All meetings of the governing body and all other boards, commissions and agencies of the municipality shall be open to the public at all times, except as provided in Sections 1-319 and 1-320. No action of such a body shall be taken except during a public meeting.

(b) A member of the public shall not be required, as a condition of attendance at any meeting, to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance except that a person seeking recognition may be required to give his name and affiliation. (Prior Code, § 1-319)

Sec. 1-320. Executive sessions.

Executive sessions, not open to the public, of the governing body and all other boards, commissions and agencies of the Town may be held:

- (1) With the Prosecuting Attorney, Municipal Attorney, Chief of Police or their respective deputies, or other offices of the law, on matters posing a threat to the security of public or private property or a threat to the public's right of access;

- (2) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or office requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive sessions, the governing body may deliberate on its decision in executive sessions;
- (3) On matters concerning litigation to which the governing body is a part or proposed litigation to which the governing body may be a party;
- (4) When the agency is a licensing agency which preparing, administering or grading examinations;
- (5) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;
- (6) To consider acceptance of gifts, donations and requests which the done has requested in writing be kept confidential;
- (7) To consider or receive any information classified as confidential by law;
- (8) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all such negotiations.

(Prior Code, § 1-320)

Sec. 1-321. Public meeting disruption.

If any public meeting is willfully disrupted by a person so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person who is willfully interrupting the meeting, the removal of such person from the meeting room may be ordered and the meeting continued, or the meeting may be recessed and reconvened at another location. Only matters appearing on the agenda may be acted upon a meeting recessed to another location. Procedures for readmitting an individual not responsible for disturbing the conduct of a meeting shall be established by the body conducting such meeting. Duly accredited members of the press or other news media except those who participated in a disturbance shall be allowed to attend any meeting permitted by this section.

(Prior Code, § 1-321)

CHAPTER 4. CORPORATE SEAL

Sec. 1-401. Corporate seal designed and adopted.

A seal, the impression of which shall be of circular form, bearing the words, "City of Moorcroft, Wyoming" on the outer edge, and the word, "Seal" in the center, is hereby adopted and declared to be the Seal of the Town.

(Prior Code, § 1-401)

Sec. 1-402. Validating act.

All documents heretofore executed by the Town requiring the Seal of the Town and bearing a seal substantially in the form prescribed in Section 1-401 are hereby validated and ratified and approved by the Town with the same force as if such Seal had then been the official Seal of the Town.

(Prior Code, § 1-402)

CHAPTER 5. TOWN OFFICERS AND EMPLOYEES**Sec. 1-501. Town Clerk; powers and duties.**

It shall be the duty of the Clerk to keep the corporate seal, papers and books belonging to the Town; to attend the meetings of the Town Council and keep a journal of all their proceedings; to keep a record of all the ordinances passed by the Town Council which, after approval of the Town Council, shall be signed by the Mayor and attested by the Clerk; to issue all licenses authorized by ordinances upon the presentation of the receipt of the Treasurer, showing that the money therefor has been paid to said Treasurer; to attest all warrants, bonds and licenses issued in pursuance to the orders and ordinances of the Town Council and to affix the corporate seal thereto; to keep an account in a suitable book, under appropriate heads, of all warrants drawn on the Treasury, and an account of all licenses issued, showing the date and amount thereof; to publish every bylaw, ordinance or resolution (unless passed under emergency clause), and to certify to all ordinances, bylaws and resolutions of the Town under the Seal of the Town, for the purpose of proving the same, which shall be read and received in all courts and places without further proof.

(Prior Code, § 1-502)

Sec. 1-502. Town Treasurer; powers and duties.

The Town Treasurer shall receive and disburse and be custodian of all monies of the Town, and be under the control of the Town Council, and shall keep his accounts as to show when and from what source all monies paid to him have been derived, and to whom and when such monies or any part thereof have been paid out. The Treasurer's books, accounts and vouchers shall, at all times, be subject to examination by the Town Council or any elector of the Town. The Treasurer shall make reports to and settlements with the Town Council, whenever called upon, of the exact status and condition of his office and, upon presentation, pay out of the funds of the Town all warrants drawn upon him, and duly signed by the Mayor and attested by the Clerk, provided that if there is not sufficient money in the treasury to pay the warrant, the Treasurer shall endorse on such warrant that the warrant has been presented for payment, stating the date thereof, and has not been paid for want of funds, and that thereafter, such warrant will draw interest at an appropriate rate to be determined by the Town Council.

(Prior Code, § 1-503)

State law reference—Treasurer's accounts, W.S. 15-2-203.

Sec. 1-503. Chief of Police; powers and duties.

The Chief of Police shall be ex officio Fire Warden, ex officio Street Commissioner, ex officio Cemetery Superintendent, and ex officio Water Commissioner. It shall be the duty of the Chief of Police to execute all orders of the Town Council, and enforce all bylaws and ordinances of The Town; and make and order arrests for any offense against the ordinances of the Town or the laws of the State; and bring the offender before the proper officer of the Town to be dealt with according to law; and at all times to guard and care for the best interests of the Town. The Chief of Police shall have the power, upon the written consent of the Mayor, when public occasion requires it, to appoint one (1) or more special police to perform police duty in the Town, who while on duty shall be designated by a badge with the words "Special Police" thereon, and possess the same power given to police officers.

(Prior Code, § 1-504)

Sec. 1-504. Police officers; powers and duties.

It shall be the duty of the Town police officers to arrest all offenders of the law of the State and the Town in the same manner as the Chief of Police. Such police officers, in the discharge of their duty, shall be subject to the orders of the Mayor and Chief of Police only.

(Prior Code, § 1-505)

Sec. 1-505. Civil defense unit.

The Mayor and all elected officials and all appointed officers and employees of the Town are authorized and directed to join with the Board of County Commissioners and all other elected officials and appointed officers of the County for the purpose of establishing a city-county civil defense unit under the provisions of the Wyoming Homeland Security Act, W.S. 19-13-101 et seq.

(Prior Code, § 1-506)

Sec. 1-506. Duties of Mayor and elected officials.

The Mayor and other duly elected officials and appointed officers of the Town are authorized and directed to do and perform each and every act that may be lawfully required of them by the Director of Homeland Security for the State under the provisions of the Wyoming Homeland Security Act, W.S. 19-13-101 et seq.

(Prior Code, § 1-507)

Sec. 1-507. Authority.

The Mayor and other duly elected officials and the appointed officers of the Town are authorized to continue such duties as may be required of them hereunder without further specific authority regardless of the personnel occupying such Town offices.

(Prior Code, § 1-508)

Sec. 1-508. Town Attorney; term.

The Town Attorney shall be appointed by the Mayor and confirmed by a majority of the Town Council. Such appointee shall be licensed and be admitted to practice law in the State. The Town Attorney shall hold his office from the time of his appointment until his successor is appointed and qualified.

(Prior Code, § 1-509)

Sec. 1-509. Duties of Town Attorney.

The Town Attorney shall be the legal advisor of the Council and Town officials; he shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the Town, or that may be ordered by the Council, and shall attend meetings of the Council and give his opinion upon any matter submitted to him, either orally or in writing, as may be required.

(Prior Code, § 1-510)

Sec. 1-510. Municipal Judge; powers; procedure before bonding.

The Mayor, by and with the consent of the Town Council, at the first meeting of the new Council after each Town election, and at such other times as they may deem necessary or proper, shall appoint a Municipal Judge, who shall hold office at the will of the Council.

(Ord. No. 1-1979, § 1, 1-8-1979)

Sec. 1-511. Jurisdiction.

The Municipal Judge shall have exclusive jurisdiction of and shall hear and determine all offenses against the provisions of this Code or other ordinances of the Town arising within the Town or within its police jurisdiction. The Municipal Judge shall have power to impose fines not to exceed seven hundred fifty dollars (\$750.00) for any one (1) offense, to which may be added costs, and imprisonment not to exceed six (6) months to enforce such fines and costs. The Municipal Judge shall have authority to enforce due obedience to all ordinances, rules and judgments made by him.

(Prior Code, § 1-511; Ord. No. 2-1982, § 1-511B, 2-8-1982)

Sec. 1-512. Elected officials, department heads and employees compensation.

(a) The Town Attorney, Police Chief, Clerk/Treasurer, Public Works Director, Engineer, Municipal Judge and other Town employees designated as department heads by ordinance shall be compensated in an amount as shall be determined by the governing body.

(b) Town employees shall be compensated in an amount as shall be determined by the governing body.

(c) The Mayor shall be compensated in the amount of five hundred dollars (\$500.00) per month.

(d) The Councilmembers shall be compensated in the amount of one hundred fifty dollars (\$150.00) for attendance at each regular or special meeting.
(Prior Code, § 1-512; Ord. No. 4-2018, § 1, 7-9-2018)

Sec. 1-513. Town officials bonds required.

The officers of the Town shall provide bond, in an amount to be determined from time to time, by the Town Council. This bond shall be to ensure the proper performance of duties and to ensure that all books, records, monies and other appurtenances of office shall be promptly turned over upon completion of duties.

(Prior Code, § 1-513)

State law reference—Bonds, W.S. 15-1-124.

Sec. 1-514. Town Engineer.

The Mayor, by and with the consent of the Council, may appoint a suitable and qualified person to the office of Town Engineer. Such engineer shall be a duly registered professional engineer or land surveyor.

(Prior Code, § 1-514)

Sec. 1-515. Duties of Town Engineer.

The Town Engineer shall have general supervision of all work done on the streets, alleys, parks, water wells, water mains and sewer mains, and shall have supervision of the Town dump ground and of the disposal of garbage, ashes and refuse in the Town, with all the powers of marshal of and in the Town. The Town Engineer shall make records of the minutes of his surveys and of all work done for the Town, including sewers, extension of water system, and accurately make such plats, sections, profiles and maps as may be necessary in the prosecution of any public work, which shall be public records and belong to the Town and be turned over to his successor. The Town Engineer shall make the estimates of the cost of labor and materials which may be done and furnished by contract with the Town, and shall perform such other duties as the Town Council may require.

(Prior Code, § 1-515)

Sec. 1-516. Removal of officer of Town for misconduct.

Any officer of the Town whose office is created either by statute or ordinance and made elective or appointive may be removed from office for misconduct in office by a vote of a majority of all members elected to the Town Council as Councilmembers, in the way and manner provided in this chapter.

(Prior Code, § 1-516)

Sec. 1-517. Institution of proceedings for removal.

Removal proceedings hereunder shall be instituted by written charges, clearly specifying any cause for such removal, properly sworn to and filed with the Town Clerk. It shall be the duty of the Town Clerk, upon filing of such charge, to cause notice thereof together with a

copy of said charges to be served forthwith upon the Mayor and members of the Town Council; providing further, that, if the charges are for the removal of the Mayor or a member of the Town Council, then the notice shall be served on the other parties not so charged.
(Prior Code, § 1-517)

Sec. 1-518. Call meeting to hear charges.

Upon the service of notice and copies as directed in this chapter, it shall be the duty of the Mayor to forthwith call a meeting of the Town Council for the purpose of considering the charges and take action thereon, provided that if the charges are against the Mayor, then the presiding Councilmember, as provided in Section 1-306, shall call the meeting of the Town Council.

(Prior Code, § 1-518)

Sec. 1-519. Procedure of Mayor and Council.

The Town Council, when convened for the purpose of considering charges, shall read said charges so filed and take a vote thereon, and if a majority of all the members elected to the Council as Councilmembers shall vote to try the accused on said charges, then a time shall be fixed for the hearing, and the Town Council shall cause a copy of said charges, together with notice of said hearing, to be served on the accused at least five (5) days previous to the date set for the hearing.

(Prior Code, § 1-519)

Sec. 1-520. Hearing to consider charges.

At the time and place set for the hearing of charges, the Town Council shall meet and proceed according to its rules to hear the evidence offered and against the accused, and evidence shall have been given and their decision rendered thereon. At such hearing, the Town Clerk shall administer oaths to witnesses and the Mayor shall be the presiding officer, except if he is the accused, then the presiding Councilmember shall preside. The Mayor shall not be entitled to vote on the guilt or innocence of the accused, and if a presiding Councilmember is the one presiding, then he shall not be allowed to vote.

(Prior Code, § 1-520)

Sec. 1-521. Parties may be represented by counsel.

The accused and the Town may be represented by counsel at their own expense.

(Prior Code, § 1-521)

Sec. 1-522. Charges to be voted on.

Within three (3) days after the evidence has been given, the Town Council shall vote by ballot upon the charges, and if the majority thereof find the accused guilty, then they shall adopt a resolution declaring the accused guilty as to the charges filed, his office vacant, and the accused removed from office.

(Prior Code, § 1-522)

Sec. 1-523. Bonding generally.

The Treasurer, Assistant Treasurer, Municipal Judge, Court Clerk, and Assistant Municipal Court Clerk shall be required to post bond in the amount determined by the governing body.

(Prior Code, § 1-525; Ord. No. 13-2000, § 1, 9-11-2000)

CHAPTER 6. ORDINANCES, PETITIONS, AND MEMORIALS**Sec. 1-601. Ordinances generally.**

(a) All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the Town Council. No ordinance, except one making appropriations or one for the codification or general revision of ordinances, may contain more than one (1) subject which shall be expressed clearly in the title. Ordinances making appropriations and ordinances relating to the codification or general revision of ordinances shall be limited to those subjects. The style of all ordinances shall be: "Be it ordained by the Town Council of the Town of Moorcroft."

(b) Every ordinance shall be publicly read on three (3) different days. Public reading may be by title only. At least ten (10) days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths ($\frac{3}{4}$) of the qualified members of the governing body. No franchise may be granted by emergency ordinance.

(c) Passage of an ordinance requires the affirmative vote of the majority of the qualified members of the governing body. Passage of an emergency ordinance requires the affirmative vote of three-fourths ($\frac{3}{4}$) of the qualified members of the governing body.

(Prior Code, § 1-601)

State law reference—Similar provisions, W.S. 15-1-115.

Sec. 1-602. Recording of vote.

Each member present shall vote upon every question put by the Chairman. The yeas and nays may be called by any member in which case the names of the members with their votes, shall be recorded on the minutes.

(Prior Code, § 1-602)

Sec. 1-603. Effective date; publication; recordation.

(a) Every ordinance, before becoming effective, shall be published at least once in a newspaper of general circulation which maintains a physical office at which advertisements are accepted and which is open to the public during regularly set business hours within the boundaries of the Town. The newspaper shall publish the ordinance within nine (9) days from the date of receipt. If there is no such newspaper, the ordinance shall be posted for at least ten (10) days in the Town Clerk's office and in such other places as the Town Council

determines. Emergency ordinances are effective upon proclamation of the Mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances.

(b) Every ordinance, within a reasonable time after passage, shall be signed by the Mayor, attested by the Clerk and recorded in a book kept for that purpose. The attestation of the Clerk shall show that the ordinance was duly published and posted.

(c) A recodification or revision of ordinances shall be published by title only together with a brief summary of the recodification or revision, in the manner provided in Subsection (a) of this section for newspaper publication, provided that a copy of the recodification or revision shall be available to the public at all reasonable hours in the office of the Town Clerk.

(Prior Code, § 1-603)

State law reference—Similar provisions, W.S. 15-1-116.

Sec. 1-604. Amendment and repeal.

Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended. No vote of the governing body may be reconsidered or rescinded at any meeting unless there are as many members present as there were when the vote was originally taken.

(Prior Code, § 1-604)

State law reference—Similar provisions, W.S. 15-1-117.

Sec. 1-605. Veto by Mayor; passage over veto; certificate to be attached.

Should the Mayor not approve an ordinance, he shall return it to the Town Council with his objections to the ordinance in writing on or before the date of the next regular meeting after the same was presented to him. When an ordinance is so returned by the Mayor, the Council shall proceed to reconsider the same. If, on such reconsideration, two-thirds ($\frac{2}{3}$) of all the members elected to the Council vote in the affirmative, the ordinance shall become a law notwithstanding the Mayor's veto.

(Prior Code, § 1-605)

Sec. 1-606. Ordinance passed without Mayor's signature; certificate to be annexed; contents of certificate.

Should the Mayor refuse or neglect to sign any such ordinance and return the same with his objections in writing, on or before the date of the next regular meeting after the same was submitted to him, it shall become a law without his signature. When any ordinance has become a law without the signature of the Mayor, as provided in this section, the Town Clerk shall annex to such ordinance a certificate to the effect that the Mayor has failed to sign or veto the same, and it has therefore become a law without his signature.

(Prior Code, § 1-606)

Sec. 1-607. Preserving and recording ordinances.

It shall be the duty of the Town Clerk to safely preserve the original ordinances.
(Prior Code, § 1-607)

CHAPTER 7. HOMELAND SECURITY**Sec. 1-701. Municipal Homeland Security Council created.**

There is hereby created the Town Municipal Homeland Security Council which shall consist of the following:

- (1) The Mayor, who shall serve as Chairman of the Council; and who shall also be known as the Director of Homeland Security of the Town.
- (2) The Chief of Police, who shall be charged with the preparation of the homeland security plan for the Town together with such other duties as the Director may prescribe.
- (3) The members of the Town Council.
- (4) Such other representatives from the civic, business, industry, labor, medical, veterans, professional or other groups as the Director, by and with the advice and consent of the Town Council, shall appoint.

(Prior Code, § 1-801)

Sec. 1-702. Duties of Chief of Police.

The Chief of Police is hereby authorized and directed to:

- (1) Appoint and commission such additional police as to him shall be deemed for the best interest of the Town, such additional police to have all the powers of regular police officers but to serve without pay, such appointments and the tenure of such office to be wholly at the discretion of the Chief of Police; and from time to time as the needs or emergencies may require, to appoint and commission other such special or provisional police as may by him be deemed for the best interests of the Town, each of such special or auxiliary police to subscribe to the oath of office required by the State, such oath of office to be filed with the City Clerk, provided only that, in case of emergency, such oath need not be required;
- (2) Control and direct the actual training of any and all such homeland security workers;
- (3) Determine all questions of authority and responsibility which may arise within such Homeland Security Council;
- (4) Declare, by and with the approval of the Town Council and of the Mayor of the Town, the existence of a state of emergency, provided only that, if the Town Council is not in session, the declaration of such an emergency by the Chief of Police and the Mayor shall be subject to confirmation by the Town Council at its next meeting;

- (5) Marshal, after the declaration of a state of emergency, all necessary personnel, equipment, or supplies from any department of the Town to aid in the handling of such emergency;
- (6) Issue all necessary proclamations as to the existence of an emergency, and to issue reasonable rules and regulations for the preservation of life and property during such emergency.

(Prior Code, § 1-802)

Sec. 1-703. Conflicting ordinance, orders, rules and regulations suspended.

At all times during the existence of a declared emergency, all reasonable rules and regulations promulgated for the duration of such declared emergency shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Prior Code, § 1-803)

Sec. 1-704. No conflict with State or Federal statutes.

This chapter shall not be construed to conflict with any State or Federal statute nor with any naval or military order, rule or regulation.

(Prior Code, § 1-804)

Sec. 1-705. Violations.

The obstruction, hindering or delaying of any such special or auxiliary police or of any member of the Homeland Security Council shall be construed as the resistance of the police authority of the Town and shall be subject to such penalties as are therein provided for the resistance of a police officer.

(Prior Code, § 1-805)

CHAPTER 8. GENERAL PENALTY AND ACTIONS*

Sec. 1-801. 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 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, 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, however, that the imposition of

***State law reference**—Penalty for ordinance violations, W.S. 15-1-103(a)(xli).

any such fine shall not bar institution of appropriate legal actions or proceedings by the Town to restrain, correct or abate the violation nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.

(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. (Prior Code, § 1-901; Ord. No. 17-1981, § 1, 11-9-1981; Ord. No. 3-1992, § 1, 3-24-1992; Ord. No. 1-2000, § 1, 2-14-2000)

Sec. 1-802. Penalty when ordinance does not provide; who liable for penalty.

Whoever violates any provisions of any ordinance of the Town, whether included in these revised ordinances or ordinances hereafter enacted, shall, unless otherwise provided, is liable to a penalty as stated in Section 1-801 for each offense. (Prior Code, § 1-902)

Sec. 1-803. Actions for penalties or fines.

All actions brought to recover any penalty or fine shall be brought in the corporate name of the Town. (Prior Code, § 1-903)

Sec. 1-804. Disposition of recoveries.

The recoveries, when collected, shall be paid into the treasury of the municipality. (Prior Code, § 1-904)

CHAPTER 9. AMBULANCE*

Sec. 1-901. Ambulance fees; collection of fees.

(a) The governing body shall establish the fees to be charged to persons receiving ambulance serviced from the Town. Such charges shall include transport fees, medication fees, supply fees, personnel fees and any other fees and costs associated with the ambulance services. Such charges shall be set forth in a written resolution and shall become effective upon publication in a newspaper of general circulation within the Town, if any, and if none, then upon being posted in the administrative office of the Town for three (3) consecutive days.

(b) All charges assessed by the Town for use of the Town's ambulance service shall be due and payable within one hundred twenty (120) days from the date of billing. If not paid in full within said one hundred twenty (120) days, interest shall accrue at the rate of eighteen (18) percent per annum. The Town shall have the right to pursue any remedy allowed by law to

***State law reference**—Wyoming Emergency Medical Services Act, W.S. 33-36-101 et seq.

collect any unpaid and delinquent ambulance charges and interest thereon. Any and all costs of collection incurred by the Town, including, but not limited to, reasonable attorney's fees, shall be added to the amount due.

(Ord. No. 3-2001, § 1(1-1001), 6-4-2001)

CHAPTER 10. INDEMNIFICATION

Sec. 1-1001. Indemnification.

The Mayor, any Councilmember, or any officer or employee of the Town who is liable for the payment of any claims or damages, excluding punitive damages, arising out of the course and scope of employment or while acting as a representative of the Town shall be entitled to indemnification by the Town, provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent. For the purposes of this section, the term "arising out of the course and scope of employment or while acting as a representative of the Town" shall not include any action which occurs during a period of time in which the Mayor, Councilmember, officer or employee is engaged in outside employment or is rendering contractual services to someone other than the Town. Whether the acts were done in good faith without malicious or felonious intent and within the course and scope of employment or while acting as a representative of the Town shall be determined by the Town, and such determination shall be final for the purposes of the representation and indemnity of this section; provided, however, that, in the event such representation and indemnity have been denied by the Town, if, upon a trial on the merits, the Town determines that the Mayor, Councilmember, officer or employee was acting in good faith, without malicious or felonious intent and within the scope of employment or while acting as a representative of the Town, the indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The Town shall not be liable for any settlement of any such claim or suit effected without its consent, and the Town reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient.

(Ord. No. 1-1986, 1-27-1986)

Sec. 1-1002. Representation in actions.

The Town shall have the right and duty to provide legal representation through the City Attorney, or in its discretion through the selection of outside legal counsel, to the Mayor, Councilmember, officer or employee of the Town sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of employment, or while acting as a representative of the Town, provided that the Mayor, Councilmember, officer or employee of the Town is entitled to indemnification as set forth in this chapter. Such legal representation shall be provided forth in this section. Such legal representation shall be provided at no cost to the Mayor, Councilmember, officer or employee of the Town, and the Mayor, Councilmember, officer or employee may have his or her own counsel assist in the defense at the sole expense of the Mayor, Councilmember, officer or

employee. The Mayor, Councilmember, officer, employee of the Town shall cooperate fully with the Town in preparation and presentation of the case, and the failure to cooperate shall waive such Mayor's, Councilmember's, officer's or employee's right to representation and indemnity under this section.

(Ord. No. 1-1986, 1-27-1986)

Sec. 1-1003. Limitation on indemnity.

For any suit or claim arising under the Wyoming Governmental Claims Act (W.S. 1-39-101 et seq.), the indemnity provided by this chapter shall be limited to the statutory limits applicable to the Town provided in said Act.

(Ord. No. 1-1986, 1-27-1986)

Sec. 1-1004. Applicability of indemnity.

The indemnity and legal representation provided by this chapter shall not be available in the event the Town has provided for such indemnity and legal representation through the acquisition of liability insurance which afford indemnity and provides legal representation as described in this chapter.

(Ord. No. 1-1986, 1-27-1986)

CHAPTER 11. HIRING AND DISCHARGE OF DEPARTMENT HEADS

Sec. 1-1101. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department heads means the Town's Clerk, Treasurer, Police Chief, Public Works Director, Attorney, Municipal Judge, Engineer, and other department heads as specified by ordinance.

(Ord. No. 6-1998, § 1, 6-29-1998; Ord. No. 3-2010, § 1, 2-22-2010; Ord. No. 1-2015, § 1, 4-27-2015)

Sec. 1-1102. Hiring of department heads.

(a) Department heads shall be hired by a majority vote of all of the members elected to the governing body. Action to hire a department head shall be by motion which is properly seconded at a regular, special or emergency meeting and voted upon in accordance with applicable State law and Town ordinances, resolutions and policies relating to the passage of motions.

(b) Department head positions may be full-time or part-time as determined by the governing body. The governing body, by ordinance, motion or resolution, may specify conditions for any department head position to which a person is employed under this

section, including, but not limited to, level or range of salary, description of duties and responsibilities, employment benefits, and disciplinary procedures. The governing body may employ one (1) person to hold more than one (1) department head position.

(c) Once employed, all department heads, except the municipal judges, shall serve without a specific term and remain in office until discharged by the governing body as provided hereinafter; provided, however, that nothing contained herein shall limit the authority of the governing body to appoint acting department heads to serve for temporary periods of time.

(d) Once employed, the municipal judges shall serve until the first regular meeting of the Town in January of each year, regardless of when the municipal judge was hired, unless earlier discharged by the governing body as provided hereinafter; provided, however, that nothing contained herein shall limit the authority of the governing body to appoint acting municipal judges to serve for temporary periods of time and/or in regards to specific cases.

(e) If a department head position becomes vacant for any reason, the governing body shall immediately proceed to employ another person. If there is a delay in securing another person to fill the vacancy, the governing body may temporarily assign the duties of said position to another department head or other Town employee until the vacancy can be filled.

(f) All department heads employed by the Town on the effective date of the ordinance from which this chapter is derived shall remain so employed subject to confirmation of such employment by a majority vote of all the members elected to the governing body at the first regular or special meeting of the governing body following the effective date of the ordinance from which this chapter is derived. Any department head whose employment is not so confirmed shall be deemed discharged from the employ of the Town and his/her position vacant.

(Ord. No. 6-1998, § 2, 6-29-1998)

Sec. 1-1103. Discharge of department heads.

(a) Once employed, all department heads, except the municipal judges, shall be at-will employees of the Town and serve at the pleasure of the governing body, and may be discharged at any time without cause upon a majority vote of all members elected to the governing body. Action to discharge a department head, except the municipal judges, shall be by motion which is properly seconded at a regular, special or emergency meeting and voted upon in accordance with applicable State law and Town ordinances, resolutions and policies relating to the passage of motions.

(b) Once employed, a municipal judge may be discharged at any time for cause during his/her term of office upon a majority vote of all members elected to the governing body. A municipal judge shall be entitled to a hearing before the governing body prior to discharge at which time he/she shall have the opportunity to respond to the causes for discharge alleged against him/her. After such hearing, an action to discharge a municipal judge shall be by

motion which is properly seconded at a regular, special or emergency meeting and voted upon in accordance with applicable State law and Town ordinances, resolutions and policies relating to the passage of motions.

(Ord. No. 6-1998, § 3, 6-29-1998)

State law reference—Municipal judge, W.S. 5-6-102—5-6-105.

ORDINANCE NO. 1-2026

AN ORDINANCE CREATING CHAPTER 12, ETHICAL OBLIGATIONS OF PUBLIC OFFICIALS, PUBLIC MEMBERS AND TOWN EMPLOYEES, OF THE MUNICIPAL CODE OF THE TOWN OF MOORCROFT, WYOMING, SPECIFYING THE ETHICAL DUTIES AND OBLIGATIONS OF PUBLIC OFFICIALS, PUBLIC MEMBERS AND EMPLOYEES OF THE TOWN OF MOORCROFT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOORCROFT, WYOMING AS FOLLOWS:

Section 1. That Chapter 12, Ethical Obligations of Public Officials, Public Members and Town Employees, of Title 1, Administration and Personnel, of the Town of Moorcroft, Wyoming, is hereby created as set out in this ordinance.

Section 2. Purpose and construction.

a. This chapter is promulgated in accordance with W.S. 15-1-127(c) and recognizes that every public official, public member and Town employee should act in the best interest of the Town and promptly disclose any potential or actual personal or private interest or conflict of interest when acting in their official capacity. The intent and purpose of this chapter is to recognize that the appearance of a public official having a personal or private interest or the appearance of a conflict of interest by a public member or Town employee can be as serious and potentially damaging to the public trust as a public official having an actual personal or private interest or a public member or Town employee having an actual conflict of interest. Accordingly, any potential personal or private interest or conflict of interest should be disclosed, evaluated and administered in a similar manner as any actual personal or private interest or conflict of interest.

Nothing in this chapter shall be construed to supersede the obligations imposed upon public officials under W.S. 9-13-101 through 9-13-109 or the requirements imposed under W.S. 15-9-220 or 16-6-118, which provisions shall control to the extent inconsistent with this chapter.

Section 3. Definitions.

a. As used in this chapter:

- i. "Conflict of interest" means any circumstance where a public member or Town employee is in the position in their official capacity to approve or influence a policy or action of the Town of Moorcroft, which policy or action will likely affect the financial interests of:

- A. The public member or Town employee or the public member's or Town employee's immediate family member or domestic partner;
 - B. Any public or private organization in which the public member, Town employee or an immediate family member or domestic partner of the public member or Town employee is a director, trustee or officer or has more than five percent (5%) equity or investment interest or the right to acquire any equity or investment interest of more than five percent (5%); or
 - C. Any public or private organization in which the public member, Town employee or an immediate family member or domestic partner of the public member or Town employee has a compensation arrangement of any kind. For purposes of this provision, a "compensation arrangement" shall mean and include any arrangement pursuant to which compensation is owed, paid, or received by the public member, Town employee or any immediate family member or domestic partner thereof.
- ii. "Town employee" means an appointed, classified or unclassified full-time or part-time employee of the Town of Moorcroft who receives a salary, or wage, or employment benefits of any kind, as remuneration for their time, service and efforts. A Town employee shall not include any person who serves the Town of Moorcroft as a volunteer, without any remuneration of any kind. For purposes of this provision, the term "remuneration" shall include State or local retirement benefits and health insurance.
 - iii. "Domestic partner" means a person with whom a public official, public member or Town employee maintains a household and an intimate relationship, other than to whom the public official, public member or employee is legally married.
 - iv. "Immediate family member" means a person's parent, brother, sister, spouse, child, or the child or spouse of an immediate family member;
 - v. "Official capacity" means an action of a public official, public member or Town employee, either exercisable alone or with others, to approve, disapprove, shape or otherwise direct the action of the Town council, the action of a Town board or commission or the action of a department of the Town of Moorcroft;
 - vi. "Personal or private interest" means an interest which is direct and immediate as opposed to speculative and remote and is an interest that provides the public official a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly

situated. In determining whether a public official has a personal or private interest in a matter, the public official shall first recognize the importance of his or her right to represent their constituency;

- vii. "Private benefit" means the receipt by a public official, public member or Town employee of a gift which resulted from him or her holding an office or position with the Town of Moorcroft. For the purposes of this paragraph, "gift" shall not include any loan, gift, gratuity, special discount or hospitality with a value of fifty dollars (\$50.00) or less;
- viii. "Public official" means any elected or appointed Council person.
- ix. "Public member" means any appointed board member serving on an appointed board or committee of the Town of Moorcroft.
- x.

Section 4. Determination of Conflict, Disclosure and Reporting of Conflict.

a. Self Disclosure. Every public official and public member shall have the affirmative duty to promptly and publicly disclose the existence of any conflict of interest or potential conflict of interest with respect to any proposed transaction, contract, policy, program or other matter under consideration by the public official or public member in their official capacity. When in doubt, the public official or public member shall disclose matters as potential conflicts of interest and disclose all relevant facts relating to the potential conflict. Disclosure of a matter as a potential conflict of interest may be made in writing by the public official or public member to the Town Clerk, or may be made orally at any public meeting called by the Council for the purpose of conducting general business of the Town. Any disclosure made by a public official or public member shall be sufficiently specific in detail as to allow the Council (or the remainder of the Council) to fully understand the nature of the potential conflict.

b. Third-Party Declaration of Conflict. If a public official or public member does not declare a conflict of interest, and if two-thirds of the remaining Council, not including any public official with the alleged conflict, determines that a conflict of interest exists as to any public official or public member on any proposed transaction, contract, policy, program or other matter under consideration, then a conflict of interest shall be deemed to exist. Determination of a conflict by the Council shall be made in open session and all facts supporting that determination shall be specifically detailed and shall become a part of the public record.

c. Non-Mandatory Removal from Meetings. If a public official or public member declares a conflict of interest on a proposed transaction, policy, program or other matter under consideration, or if two-thirds of the Council, less the public official with the alleged conflict, determines that a conflict of interest exists, the Council may, by an affirmative vote of two-thirds of the Council request that a conflicted public official or public member leave the meeting, and any future meetings, during the times where the matter may be discussed or considered. Except as set forth below, this provision shall not be construed to mandate the removal of a public official

or public member. Rather, this provision shall be construed to allow the Council absolute discretion in determining whether a conflicted public official or public member should be removed from any such meetings.

d. Mandatory Removal from Meetings. Notwithstanding the foregoing Section 4(c), pursuant to W.S. §16-6-118, any public official or public member who is interested in any public contract or the performance of any public work, or who represents any person, company or corporation that is interested in any public contract or public work, shall fully absent himself or herself from any and all public meetings while such public contract or public work is discussed or otherwise given consideration and shall not attempt to influence any of the contracting parties, either directly or indirectly. In the event a public official or public member is required to leave any meeting(s), the request of the Council and the absence of the conflicted public official or public member shall be recorded in the official minutes of the Council, board or committee. For purposes of this provision, the term “leave the meeting” shall mean the complete removal and absence of such public member from the meeting space.

Section 5. Conduct of Conflicted Member.

a. General Conduct. The public official or public member, upon the disclosure of a conflict of interest or a determination that conflict exists in accordance with this section, shall not engage in conduct, in their official capacity or appointed capacity, which is intended to influence or otherwise affect the outcome of an issue being considered by the Council for which the public official or public member is conflicted. Except in those events when a public official or public member is required to leave a meeting, this section shall not prohibit a conflicted public official or public member from engaging the public or the Council at a public meeting as a private citizen or constituent or as a party to any matter under consideration by the Council. Nothing herein shall be construed to prohibit a public official or public member from engaging the public or any other public official outside of a public meeting.

b. Voting. No public official shall decide or vote on any matter in their official capacity in which the public member is deemed to have a conflict of interest. Any public official who has a personal or private interest in a matter under consideration shall abstain from voting. Any abstention shall be recorded in the official records of the governing body. An abstention under this section shall only be required in clear cases of a personal or private interest. If a public official has previously voted on any matter in his or her official capacity, he or she shall decline to take any future financial ownership in the transaction, contract, arrangement, policy or other such matter upon which he or she previously voted for the entirety of the time that official is a member of Town council.

c. Incorporation of Wyoming Law. All provisions of Wyoming Statute §§15-1-127, 15-1-128, 9-13-101 through 109, 15-9-220, and 16-6-118, as may be amended from time to time, are hereby incorporated in this Ordinance as if fully set forth herein.

Section 6. Misuse of office; use of title prestige of office.

a. No public official, public member or Town employee shall:

- i. Supervise or manage an immediate family member or domestic partner who is in an office or position or has employment with the Town of Moorcroft;
- ii. Advocate or cause the employment, appointment, promotion, transfer or advancement of a family member or a domestic partner to an office or position of the Town of Moorcroft;
- iii. Use his or her office or position for their own private benefit or use public funds, time, personnel, facilities or equipment for his or her private benefit or that of another person or entity unless otherwise authorized by law.

Section 7. Violations by public members, public officials or Town employees.

a. A violation of any provision of this chapter shall constitute sufficient cause for termination of a person's employment with the Town of Moorcroft, or for the censure of a public official.

Section 8. Severability. Should the courts of this state or the United States declare any section, provision, paragraph, clause, sentence, phrase or part thereof of this Ordinance invalid or unconstitutional or in conflict with any other section, provision, paragraph, clause, sentence, phase, or part thereof of this Ordinance, then such decision shall affect only the section, provision, paragraph, clause, sentence, phase or part thereof declared to be unconstitutional or unauthorized and shall not effect any other part whatsoever of this Ordinance.

Section 9. Repealing Clause. Any portion of any ordinance, order, by-law or resolution in conflict with this ordinance is hereby repealed.

Passed, approved and adopted on the 25th day of February, 2026

FIRST READING: January 14, 2026
SECOND READING: February 11, 2026
THIRD AND FINAL READING: February 25, 2026



DALE PETERSEN, MAYOR

(SEAL) ATTEST.



JESSE CONNALLY, TOWN CLERK

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