

TITLE 3

POLICE AND MUNICIPAL COURT

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Chapter 5

POLICE IN GENERAL

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3-5-100. Police Department Established; Composition; Appointment. There is hereby established a police department for the Town of Ranchester to be composed of the Town Marshal who shall be the chief law enforcement officer and such number of subordinate policemen of such rank as the governing body shall from time to time determine. The Town Marshal shall be appointed by the mayor, subject to the approval of the town council. The Town Marshal and all subordinate policemen shall be Peace Officers as defined in Wyoming State Statute 7-2-101 (Ord. 213, 2001)

3-5-110. Duties of Town Marshal and Subordinate Policemen. It shall be the duty of the Town Marshal and all subordinate police officers to issue citations and make arrests for any offense against the ordinances of the Town of Ranchester, or the laws of the State of Wyoming. Provided that all arrests shall be made in accordance with the requirements set forth in Wyoming State Statute 7-2-102. (Ord. 213, 2001; Ord. 31 §1, 1914)

3-5-120. Complaints and Citations.

a) It shall be the duty of the arresting officer to make a complaint under oath, setting forth the essential facts of the offense charged unless a citation is authorized or required by the ordinances of the Town of Ranchester or by the Statutes of the State of Wyoming.

b) Complaints alleging violations of the ordinances of the town may be in the form of a uniform citation/complaint form when:

- 1) A violation of a municipal ordinance has been or is being committed by a subject in the presence of the complainant or;

2) An agent of the town has probable cause to believe a misdemeanor has been committed and that the person to be issued a citation/complaint has committed the misdemeanor. (Ord. 213, 2001)

3-5-130. Authority of Town Marshal and Subordinate Officers. The Town Marshal and all subordinate officers shall have all of the authority granted to them as peace officers of the State of Wyoming. (Ord. 213, 2001)

3-5-140. Failure to Do Duty. The Town Marshal and all subordinate police officers are at will employees for the Town of Ranchester. (Ord. 234, 2009; Ord. 213, 2001)

3-5-150. Citizen Complaint Procedure

- a) In the event a citizen of the Town has a complaint concerning a violation of the Town's junk Ordinance or Nuisance Ordinance, that citizen must first make a written complaint to the Town Marshall or employee designated by the Mayor to enforce ordinances that the violation has occurred. Upon receiving the complaint, the Town Marshall or employee designated by the Mayor shall investigate the alleged violation. If the Town Marshall or employee designated by the Mayor has reason to believe that a violation occurred, he/she must first provide the violator notice of the violation and five (5) days to abate the violation. If after five (5) days the Town Marshall or employee designated by the Mayor discovers that the violation has not been abated, he may then issue a citation.
- b) Each day following the five (5) day abatement period shall constitute a separate violation.
- c) Nothing in this section shall restrict or limit the Town Marshall's ability or Mayor designated employee's ability to issue a citation for a Junk Ordinance violation absent a citizen complaint. (Ord. 242, 2011; Ord. 234, 2009)

3-5-160. Search Warrant and Right of Peace Officer Entry

- a) The Town Marshall or employee designated by the Mayor shall have authority to make application to the Court for authority to enter upon land to examine the premises for the purposes of making a determination as to whether a violation of the Town's Junk Ordinance, nuisance ordinance or building codes has occurred and/or securing information as to the identity of the person or persons in control of the land where the violation has occurred.
- b) The municipal court has authority to issue search warrants and other process necessary to enforce this section.
- c) A warrant shall only be issued upon the municipal judge receiving a sworn affidavit from the officer, which establishes the grounds for issuing the warrant. If the judge is satisfied that grounds for the search warrant exist or that there is probable cause to believe that grounds exist, the judge shall issue a warrant identifying the purpose of the search and naming or describing the place to be searched. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. (Ord. 242, 2011; Ord. 234, 2009)

TITLE 3

POLICE AND MUNICIPAL COURT

Chapter 10

POLICE JUDGE; MUNICIPAL COURT

Sections:

3-10-100	Appointment, Jurisdiction, and Procedure
3-10-110	Fees
3-10-120	Disposition of Fines
3-10-130	Non-payment of Fines
3-10-140	Assessment of Costs
3-10-150	Promise to Appear and Failure to Appear
3-10-160	Contempt of Court

3-10-100. Appointment, Jurisdiction, and Procedure. The municipal judge shall be appointed by the Mayor with the approval of the Town Council. The judge shall be a qualified elector of the State of Wyoming. The judge of the municipal court of the Town of Ranchester shall have jurisdiction to try and determine all cases arising under the ordinances of the Town of Ranchester. The practice before such judge shall be in accordance with the Wyoming Rules of Criminal Procedure for municipal courts. (Ord. 213, 2001; Ord. 6 §1, 1911)

3-10-110. Fees. Such judge shall be entitled to fees as agreed upon by the Town Council and the judge in accordance with Wyoming State Statutes. (Ord. 213, 2001; Ord. 6 §3, 1911)

3-10-120. Disposition of Fines. All fines and penalties collected arising from any violation of the ordinances of the Town of Ranchester shall at once be paid into the Town Treasury by the officer collecting the same. (Ord. 213, 2001)

3-10-130. Non-payment of Fines. When any such fine is imposed and the same is not paid when ordered by the police justice, the municipal judge shall promptly issue a bench warrant for the arrest of the defendant. (Ord. 213, 2001)

3-10-140. Assessment of Costs.

a) In each case the defendant, or each defendant if more than one, shall be charged with costs that are the maximum allowed by the State of Wyoming in addition to whatever fine may be levied.

b) In each case in which the bond is posted prior to trial, the amount of bond shall include \$10.00 costs, and if such bond is forfeited, the costs shall be forfeited at the same time. (Ord. 234, 2009; Ord. 213, 2001)

3-10-150. Promise to Appear and Failure to Appear. The provisions of Wyoming Statutes 31-5-1205, 1206, and 1207 shall be incorporated into this code. Any defendant, which fails to appear for any Town of Ranchester Municipal Code violation, other than for a traffic violation, shall be held in Contempt of Court and face penalties outlined in Section 3-10-160 of this ordinance. (Ord. 234, 2009; Ord. 213, 2001)

3-10-160. Contempt of Court. The maximum possible penalty for contempt of court shall be a fine of not more than \$750.00 or imprisonment for not more than six months for each such contempt. Any penalty for contempt committed in open court may be imposed summarily by the court. Indirect contempt may be brought before the court by bench warrant, in which event the defendant shall be taken into custody and taken before the municipal judge within a reasonable amount of time not exceeding 72 hours. (Ord. 213, 2001)

3-1-170. Public Defender Fees. If a defendant requests and obtains court-appointed counsel as a result of a Contempt of Court charge, the Court shall require, as part of the defendant's sentencing, reimbursement to the Town of Ranchester for attorney's fees incurred. (Ord. 234, 2009)