

**TITLE 1**  
**ADMINISTRATION**

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## CHAPTER 1

**CLEARMONT TOWN CODE**

## SECTION:

1-1-1:	Title
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1-1-4:	Code Alterations

1-1-1:       **TITLE:** Upon adoption by the town council, this code is hereby declared to be and shall hereafter constitute the official town code of Clearmont. This code of ordinances shall be known and cited as the *CLEARMONT TOWN CODE* and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document. (2015 Code)

1-1-2:       **ACCEPTANCE:** This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2015 Code)

1-1-3:       **AMENDMENTS:** Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each

1-1-3

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copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of this code. (2015 Code)

1-1-4:           **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Said code, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk when directed so to do by order of the town council. (2015 Code)

## CHAPTER 2

**SAVING CLAUSE**

## SECTION:

- 1-2-1: Repeal Of General Ordinances; Exceptions
- 1-2-2: Court Proceedings
- 1-2-3: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES; EXCEPTIONS:** All general ordinances of the town passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

- A. Ordinances promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness.
- B. Any appropriation ordinance providing for the levy of taxes or prescribing salaries for town officers.
- C. Ordinances relating to boundaries and annexations.
- D. Franchise ordinances and other ordinances granting special rights to persons or corporations.
- E. Contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants, or accepting the beneficial interest in any trust.
- F. Ordinances establishing, naming or vacating streets, alleys or other public places.
- G. Improvement ordinances.

- H. Ordinances relating to elections.
- I. Ordinances relating to the transfer or acceptance of real estate by or from the town.
- J. All special ordinances. (2015 Code)

1-2-2: **COURT PROCEEDINGS:**

- A. **Prior Acts:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Extend To All Repeals:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. **Current Pending Actions:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this code. (2015 Code)

- 1-2-3: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof or any portion adopted by reference therein is for any

reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof or any portion adopted by reference therein. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2015 Code)

## CHAPTER 3

**DEFINITIONS AND INTERPRETATIONS**

## SECTION:

- 1-3-1: Construction Of Words; Interpretations
- 1-3-2: General Definitions
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS; INTERPRETATIONS:**

- A. Liberal Construction: All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the mayor and town council may be fully carried out.
- B. Minimum Requirements: In the interpretation and application of any provision of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare.
- C. Gender: A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.
- D. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. Words used in the plural number may also include the singular unless a contrary intention plainly appears.
- E. Tense: Words used in the past or present tense include the future as well as the past and present.
- F. May/Shall: The word "may" is permissive, and the word "shall" is mandatory.

- G. Nontechnical And Technical Words: Words and phrases which are not specifically defined shall be construed according to the common and accepted usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- H. Officers And Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the town of Clearmont".
- I. Ordinance: The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to town ordinances is not meant to amend passage and effective dates of such original ordinances. (2015 Code)

1-3-2: **GENERAL DEFINITIONS:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

CODE:	The town code of the town of Clearmont, Wyoming.
COUNCIL:	The town council of the town of Clearmont, Wyoming. "All its members" or "all council members" means the total number of council members holding office.
COUNTY:	The county of Sheridan, Wyoming.
MAYOR:	The mayor of the town.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
STATE:	The state of Wyoming.



1-3-2

1-3-3

STATUTORY  
REFERENCES:

References to statutes of the state of Wyoming as they now are or as they may be amended to be.

TOWN:

The town of Clearmont, county of Sheridan, state of Wyoming.

WS:

Wyoming Statutes, as amended. (2015 Code)

1-3-3:       **CATCHLINES:** The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2015 Code)

## CHAPTER 4

**GENERAL PENALTY**

## SECTION:

- 1-4-1: General Penalty  
 1-4-2: Application Of Provisions  
 1-4-3: Liability Of Officers

1-4-1: **GENERAL PENALTY<sup>1</sup>:**

- A. **Penalty Imposed:** Whenever in this code or in any ordinance of the town an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this code or the ordinances of the town the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punishable by a fine of not exceeding seven hundred fifty dollars (\$750.00) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- B. **Continuing Violation:** Each day any violation of any provision of this code or any ordinance shall continue shall constitute a separate offense. (2015 Code)

1-4-2: **APPLICATION OF PROVISIONS:**

- A. **Application Of Penalty:** The penalty provided in section 1-4-1 of this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section.
- B. **Acts Punishable Under Different Sections:** In all cases where the same offense is made punishable or is created by different clauses

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1. WS §§ 6-10-103, 15-1-103(a)(xli).

or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

- C. Breach Of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2015 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for failure to perform such duty, unless the intention of the town council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2015 Code)

## CHAPTER 5

**MAYOR AND TOWN COUNCIL**

## SECTION:

- 1-5-1: Council Composition; Terms
- 1-5-2: Council President And President Pro Tem
- 1-5-3: Council Meetings
- 1-5-4: Order Of Business
- 1-5-5: Approval Of Bonds
- 1-5-6: Ordinance Passage; Amendments
- 1-5-7: Parliamentary Practices
- 1-5-8: Conflict Of Interest
- 1-5-9: Compensation

1-5-1: **COUNCIL COMPOSITION; TERMS:** The town council shall consist of a mayor and four (4) council members, all of whom shall serve for four (4) year terms. (Ord. 17, 10-10-1921; amd. 2015 Code)

1-5-2: **COUNCIL PRESIDENT AND PRESIDENT PRO TEM:**

- A. President: The mayor shall be president of the town council and shall preside at its meetings. He shall sign every resolution or ordinance passed by the council.
- B. President Pro Tem: The council, at the first meeting after their election, shall appoint one of their members president pro tem who shall, in case of the absence of the mayor, preside at all meetings of the council, and in case of a vacancy in the office of mayor, or his absence or inability, the president pro tem shall perform the duties of mayor until the vacancy is filled or the disability of the mayor removed. (Ord. 17, 10-10-1921)

**1-5-3: COUNCIL MEETINGS:****A. Regular Meetings:**

1. Regular meetings of the town council shall be held at the council chambers on the third Monday of each month commencing at six o'clock (6:00) P.M. (Ord. 17, 10-10-1921; amd. Ord. 105, 12-17-2012)

2. The town council has the authority, if necessary, to reschedule the date and time of regular meetings to ensure a quorum is present to conduct town business. (Ord. 105, 12-17-2012)

**B. Special Meetings:**

1. Calling Special Meetings: Special meetings of the council may be held at the council chambers at any time called by the mayor and any two (2) council members, or a majority of the council members. (Ord. 17, 10-10-1921)

2. Notice: Notice of such special meetings shall be given to all council members. Said notice shall be posted in two (2) locations around town. The notice shall specify the time and place of the special meeting and the business to be transacted.

**C. Quorum: Any three (3) members of the council shall constitute a quorum for the transaction of business at any meeting, and an affirmative vote of three (3) members of the council shall be necessary to adopt any motion, resolution or ordinance, or to pass any measure.****D. Voting: Upon every vote the ayes and nays shall be recorded. Every resolution or ordinance shall be reduced to writing and read before the vote is taken. (Ord. 17, 10-10-1921; amd. 2015 Code)****1-5-4: ORDER OF BUSINESS:****A. At the meetings of the council, whether regular or special, the order of business shall be as follows unless otherwise directed by the council: (Ord. 17, 10-10-1921)**

No. 1. Call to order

No. 2. Visitors

No. 3. Reading, correcting if necessary, and approving the minutes of the last meeting

No. 4. Bills and claims

No. 5. Report of officers

No. 6. Unfinished business

No. 7. New business (Ord. 17, 10-10-1921; amd. 2015 Code)

1-5-5:       **APPROVAL OF BONDS:** All official bonds presented for approval shall be approved by the council at any regular or special meeting. (Ord. 17, 10-10-1921; amd. 2015 Code)

1-5-6:       **ORDINANCE PASSAGE; AMENDMENTS:**

- A.   Introduction: Every proposed ordinance shall be introduced by the mayor or by one of the council members, and for the purpose of identification shall be given a number.
  
- B.   Reading: All proposed ordinances of a permanent or general nature shall be fully and distinctly read on three (3) different days, unless by majority vote the council shall dispense with the rule. Under the suspension of this rule, as aforesaid, any ordinance may be passed after reading the same in full once, and by its title only the second and third times, all on the same day of its introduction, or part on that day and the rest on any other day.
  
- C.   Amendment Of Proposed Ordinance: Amendments to a proposed ordinance may be made at any time before the proposed ordinance is put upon its final passage, and if amendments are adopted, the proposed ordinance shall be put upon its final passage as amended. It shall, however, not be necessary to show on the records of the town clerk that amendments have been made, or the nature thereof, if the amendments are made by insertions or interlineations in the proposed ordinance at the time such amendments are adopted. The ordinance as finally passed shall be submitted to the mayor for his signature and approval. Provided, however, the council may order that the ordinance passed shall be rewritten or reprinted, as the case may be, before the same is signed and recorded. (Ord. 17, 10-10-1921)

D. Effective Date; Publication And Posting:

1. All ordinances hereafter passed by the council and approved by the mayor shall take effect and be in force ten (10) days from and after their passage and publication as hereinafter provided, unless otherwise expressly provided therein. The town clerk shall, on the day following the passage and approval of such ordinances, publish the same by posting certified copies thereof in the following three (3) public places in the town: Clearmont Town Hall, U.S. post office, and the Clearmont Library. (Ord. 32, 4-17-1922; amd. 2015 Code)

2. In all ordinances hereafter passed, the provisions of this subsection D may, for the sake of brevity and convenience, be referred to and incorporated therein by stating generally that the clerk shall publish the same by posting in manner and form as required by ordinance. Every ordinance shall, after its final passage and before the same takes effect, be recorded by the clerk in the ordinance book provided for that purpose. (Ord. 32, 4-17-1922)

1-5-7: **PARLIAMENTARY PRACTICES:** In all parliamentary practices at the meetings of the council not herein provided for, "Robert's Rules Of Order" shall govern so far as applicable and not inconsistent with law, or the ordinances of the town. (Ord. 17, 10-10-1921; amd. 2015 Code)

1-5-8: **CONFLICT OF INTEREST:**

A. Prohibition: No elected or appointed member of the town council, or any member of that qualified member's immediate family, may receive any monetary or other economic benefit from any contract to which the town, or anyone for its benefit, is a party.

B. Exception: The prohibition of subsection A of this section, and Wyoming Statutes section 15-1-127(a), shall not apply if the member of the town council complies with the following:

1. Shall not participate in the consideration or discussion relating to the contract;

2. Shall not attempt to influence the other members of the town council in any way relating to the contract;

3. Shall reveal the nature and extent of any monetary and other economic benefit he or any member of his immediate family may receive to the other members of the town council prior to consideration of the contract;
4. Shall not vote on the matter of granting the contract;
5. Shall absent himself during the consideration, discussion and vote on the contract; and
6. Shall not act, directly or indirectly, for the town council in inspection, operations, administration or securing performance under said contract. (Ord. 95, 2-11-2002)

1-5-9:           **COMPENSATION:**

- A.    Mayor's Salary: The mayor shall be paid the sum of two hundred dollars (\$200.00) per month. This amount shall cover the time spent performing town business and attending required meetings which the mayor is required to attend while holding this position. Travel expenses and mileage will be separate from this amount.
- B.    Council Reimbursement: The council members shall be reimbursed the sum of twenty dollars (\$20.00) per meeting which they attend regarding the town. Travel expenses and mileage will be separate from this amount. (Ord. 101, 4-10-2006, eff. 6-1-2006)



CHAPTER 6

**TOWN OFFICERS AND EMPLOYEES**

SECTION:

1-6-1: Conflict Of Interest

1-6-1: **CONFLICT OF INTEREST:**

A. Definitions: The terms used in this section are defined as follows:

**BUSINESS:** A corporation, partnership, sole proprietorship, firm, organization, or other legal entity engaged in buying, selling or exchanging goods or services.

**CONFIDENTIAL INFORMATION:** Information which, by law or practice, is not available to the general public.

**EMPLOYEE:** Every appointed, classified or unclassified, full time or part time employee of the town who receives compensation in the form of a salary or wage.

**FINANCIAL INTEREST:** Any interest, which yields, directly or indirectly, a monetary or other material benefit, other than salary or compensation for services to the town, to the employee or to any person employing or retaining the services of the employee.

**PERSONAL INTEREST:** Any interest arising from blood, marital or adoptive relationship whether or not any financial interest is involved.

B. Policy Statement: Employees should avoid both actual and potential conflicts between their private self-interest and public interest.

C. Use Of Town Property And Services:

1. Except as authorized by the town council, no employee shall grant or make available to any person or business any consideration, treatment, advantage or favor beyond that which is the general practices to grant or make available to the public at large.

2. No employee shall request, use or permit the use of any town owned property, vehicle, equipment, labor or service for the personal convenience or private advantage of himself or any other person. This rule does not prohibit an employee from requesting, using or permitting the use of town owned property, vehicle, equipment, material, labor or service which is the general practice to make available to the public, or which is provided as a matter of contract or stated public policy for the use of employees and the conduct of town business.

D. Conflict Of Interest:

1. No employee, either on his or her own behalf, or on behalf of any other person, shall have any financial or personal interest in any business transaction with the town unless he or she first makes full disclosure of the nature and extent of such interest. Disclosure should be made in writing to the town clerk at the time the conflict first occurs. Additionally, it shall be the duty of each employee to inform his or her supervisor or the town council of such financial interest at the time he or she acquires it. Information contained on written disclosures, filed with the town clerk, except for evaluations attributed to the reported interest, shall be made available for public inspection. Provided, however, valuation of any such interest shall be confidential.

2. Whenever the performance of his or her duty requires any employee to take any action or make any decision upon any matter involving his or her financial or personal interest, he or she shall disclose the nature and extent of such interest as provided herein, after which the employee may proceed with the permission of his or her supervisor or the town council, or shall disqualify himself or herself from participating in the decision. "Participation in a decision" includes discussions and deliberations leading up to a decision.

3. No employee shall engage in private employment with, or render services for, any person or business engaged in business transactions with the town, unless the employee first makes full disclosure

of the nature and extent of such employment or employees shall not be affected by this provision.

4. No employee shall appear on behalf of any person or business other than himself or herself before the town council.

5. No employee shall, without prior formal authorization of the town council, disclose any confidential information concerning any town official or employee, or any other person or any property or government affairs of the town. This provision does not pertain to public records as defined by state law.

6. Whether or not it involves disclosure, no employee shall use or permit the use of any confidential information to advance his or her financial or personal interest, or that of any other person.

E. Enforcement:

1. Failure to comply with this section constitutes improper conduct.

2. Upon the sworn complaint of any person alleging facts which, if true, would constitute improper conduct by a town employee, the town council shall conduct a hearing in accordance with the requirements of due process of law, and in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the subject employee.

3. When, based upon its findings, the town council determines that action against the employee is warranted for violation of this section, the offending employee may be disciplined, which discipline may include discharge from employment. (Ord. 94, 2-11-2002)