

CHAPTER 14

MUNICIPAL COURT

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ARTICLE I. POLICE JUSTICE.

SEC. 14-1. APPOINTMENT; COMPENSATION; TERM; DUTIES. ¹

The Mayor shall appoint, with the advice of the City Council, a Police Justice at a regular salary to be determined by the Mayor and Council, provided, however, that this salary shall not be diminished during the term of office. The Police Justice shall perform the duties incident to such office and such duties as may be provided and defined by the laws of the State of Wyoming. The Police Justice shall hold office until removed by the Mayor and Council. The Police Justice shall be considered as an employee of the City of Buffalo for all purposes, and subject to all appropriate rules and regulations of employees thereof; provided that nothing herein shall be construed to mean that the Police Justice shall be amenable to the instructions of the Mayor and Council in rendering a decision or disposition of any case properly before him. (Ord. 980, § 1, 3/82)

1. For state law as to appointment and qualifications of Police Justices, see W.S. 1977, § 5-6-103. As to term of office and compensation, see W.S. 1977, § 5-6-104.

SEC. 14-2. QUALIFICATIONS; RECORDS TO BE KEPT; OATH AND BOND. ²

The duly appointed Police Justice shall be a qualified elector and resident of the City of Buffalo, who shall hold court in a room designated by the Mayor and Council for that purpose. He shall keep all dockets, papers, records and other documents relating to his office in a place of safekeeping. Such Police Justice shall, before entering upon his duties as Police Justice, take or subscribe to such oath of office as the Mayor and Council may prescribe and which may be consistent with the constitution and laws of the state, and shall then give a bond in a sum of five hundred dollars (\$500.00) for the faithful performance of his duties. (Ord. 980, § 2, 3/82)

2. For state law as to qualifications, see W.S. 1977, § 5-6-103. As to bond, see W.S. 1977, § 5-6-105.

SEC. 14-3. ALTERNATE JUSTICE.

The Mayor and Council shall have the authority to appoint any alternate or temporary Police Justice to serve during the absence, illness, disability or vacancy of the regularly appointed Police Justice, who shall hold the same qualifications and perform such duties as may be required of the regularly appointed Police Justice; and, the alternate or temporary Police Justice shall receive a salary to be determined by Mayor and Council. (Ord. 980, § 3, 3/82)

SEC. 14-4. DISPOSITION OF COSTS AND FINES.³

The Police Justice, upon determination of cases properly before him, in which fines and costs are properly assessable, shall immediately pay over or cause the parties chargeable to pay over to the City Clerk-Treasurer all fines and costs or other money lawfully received by him or by others under his direction or authority by lawful process issued from the Municipal Court; provided, that the Court shall assess Court Costs in an amount not to exceed ten dollars (\$10.00) in each case for which Court costs are properly assessable; and the City Clerk-Treasurer shall properly account for such money to the Mayor and Council at the regular meeting thereof next succeeding the month of such collections. (Ord. 797)

SEC. 14-4.1. ADOPTION OF CRIMINAL PROCEDURE.

The procedure for proceedings relating to trial of offenses against the Ordinances of the City of Buffalo shall be governed by the Wyoming Rules of Criminal Procedure for Justice Courts then in effect and if there is any conflict between procedures established by Ordinance and the Wyoming Rules of Criminal Procedures for Justice Courts, the Wyoming Rules of Criminal Procedures for Justice Courts shall apply. (Ord. 980, § 4, 3/82)

3. For state law as to costs and fines, see W.S. 1977, §§ 5-6-108, 5-6-106.

ARTICLE II. PROCEDURE AND COMMENCING ACTIONS.⁴

4. For state law generally as to procedure in Municipal Courts, see W.S. 1977, § 5-6-106.

SEC. 14-5. COMPLAINT.

Section 14-5 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 5, 3/82)

SEC. 14-6. FORM OF WARRANT.

Section 14-6 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 6, 3/82)

SEC. 14-7. DOCKETING CASE; ISSUANCE OF WARRANT OR SUMMONS.

Section 14-7 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 7, 3/82)

SEC. 14-8. BAIL.

Section 14-8 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 8, 3/82)

SEC. 14-9. JUDGMENT ON BAIL BOND.

If the defendant fails to appear according to the conditions of any bond executed pursuant to Wyoming Rules of Criminal Procedure for Justice Courts the Police Justice may enter judgment against him and his securities for the amount of such bond. Upon entering such judgment, it shall be the duty of the Police Justice to issue process on behalf of the City of Buffalo against the parties liable on such bond requiring them to appear before him on a day to be mentioned therein, and show cause, if any they have, why judgment should not be confirmed against them and execution issued upon such judgment, and any judgment entered up as aforesaid may be set aside by the Police Justice if the defendant shall personally appear before the Police Justice at the time mentioned in the process and show cause for setting aside the judgment by affidavit of some creditable person; and it shall be lawful for the sureties on such bond to appear before the Police Justice at the time aforesaid and make the same defense that is allowed for the nonappearance of the principal under the laws of this state in similar cases before the Justice of the Peace. (Ord. 980, § 9, 3/82)

SEC. 14-10. DETENTION OF ACCUSED PENDING DELAY IN TRIAL.

Section 14-10 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 10, 3/82)

SEC. 14-11. JUDGMENT ON DEFAULT.

When a defendant duly summoned fails to appear at the time the suit is set for trial, the Police Justice shall hear and examine the testimony offered on the part of the City of Buffalo and shall render judgment by default for such an amount under the ordinances as the Police Justice may deem best. (R.O. 1955, § 16-9)

SEC. 14-12. PAYMENT OF COSTS BY PROSECUTING WITNESS.

In all prosecutions for fines or penalties when the defendant shall be acquitted, the informer or prosecutor may, in the discretion of the Police Justice, be adjudged to pay the costs, if it appears to the satisfaction of the Police Justice that the prosecution was instituted vexatiously, maliciously or without probable cause, and judgment shall be so rendered and execution issued therefore. (R.O. 1955, § 16-11)

SEC. 14-13. GENERAL PENALTY; CONTINUING VIOLATIONS.⁵

Whenever in this Code or in any ordinance, rule or regulation promulgated by any officer or agency of the City of Buffalo under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code, or any such ordinance, rule or regulation shall constitute a misdemeanor and shall be punished by a fine of not more than seven hundred and fifty dollars (\$750.00).

Each day any violation of this Code or of any such ordinance, rule or regulation continues shall constitute a separate offense. (Ord. 980, § 11, 3/82; RO. 1303 06/08)

5. For state law establishing the maximum punishment for violation of ordinances, see W.S. 1977, § 15-1-103 (xi).

SEC. 14-13A.1. PENALTIES FOR VIOLATION OF MUNICIPAL ORDINANCES.

Probation, community service or assessments may be imposed for any municipal ordinance conviction provided that the terms of probation, community service or assessment are directly related to an element or circumstance for that conviction, or for the terms or conditions for paying fines, costs, fees or restitution. A period of probation not to exceed one (1) year may be ordered in all sentences, consistent with this ordinance. (Ord. 1337 11, 3/2009)

SEC. 14-13A.2. CONTEMPT OF COURT.

The Municipal Judge shall have the power to punish for contempt in the same manner and to the same extent as the district court. (Ord. 1337 11, 3/2009)

SEC. 14-14. CONFINEMENT IN LIEU OF PAYMENT OF FINE.

Section 14-14 of the Code of the City of Buffalo, 1980, is hereby repealed. (Ord. 980, § 12, 3/82)

CHAPTER 15

NUISANCES¹

1. For state law as to authority of towns in relation to nuisances, see W.S. 1977, § 15-1-103 (xvii).

As to hogs in the City limits being declared a nuisance, see § 4-1 of this Code. As to unsafe buildings being considered a nuisance, see § 5-25. As to foul premises generally being declared a nuisance, see § 16-15. As to hawkers, peddlers, solicitors, etc., entering private premises without invitation being considered a nuisance, see § 16-18. As to nuisances in connection with trailers and trailer courts, see § 24-4.

- § 15-1. Authority generally to abate nuisances; Right of entry.
- § 15-2. Notice to abate; Failure to obey notice.
- § 15-3. Abatement where cost not chargeable against land or owner.

SEC. 15-1. AUTHORITY GENERALLY TO ABATE NUISANCES; RIGHT OF ENTRY.

For the purpose of carrying into effect the provisions of this Code or any other ordinances of the City of Buffalo, relative to nuisances and other like offenses, it shall be the duty of the Chief of Police and such other officers as may be directed or deputed by the Council or Mayor, to ascertain and cause all nuisances declared to be such by the provisions of this Code or any other ordinance of the City of Buffalo to be abated.

SEC. 15-2. NOTICE TO ABATE; FAILURE TO OBEY NOTICE.

In order to carry out the various provisions of this Code and any other ordinances of the City of Buffalo, relative to nuisances and their abatement, it shall be the duty of the Chief of Police or such other officer as may be directed by the Council or Mayor, to serve a written notice upon the owner, occupant or agent of any lot, building or premises, in or upon which any nuisance may be found or upon the person who may be the owner or cause of such nuisance. Such notice shall require that the nuisance shall be abated in such manner as may be prescribed in the notice, and prescribed within a reasonable time after having received such notice; provided, that it shall not be necessary in any case for such officer to specify in his notice the manner in which such nuisance shall be abated, unless he shall deem it advisable to do so. If such owner, occupant or agent shall refuse to comply with the requirements of such order, within the time specified, he shall be punished as provided in Sec. 14-13. It shall be the duty of such officer to proceed at once, upon the expiration of the time specified in the notice, to cause the nuisance to be abated; provided, further, that whenever the owner, occupant or agent of any premises in or upon which any nuisance may be found is unknown or cannot be found, the officer shall proceed to abate the same without notice. (R.O. 1955, § 62-2)

SEC. 15-3. ABATEMENT WHERE COST NOT CHARGEABLE AGAINST LAND OR OWNER.

In all cases arising under this chapter or any other provisions of this Code or other ordinances of the City of Buffalo, relative to nuisances, where the expenses of removing any nuisance cannot be made chargeable to any real estate or owner of any real estate, notice may be given to the author of such nuisance, when known, to abate the same in the manner required by Sec. 15-2. In case of such neglect or refusal to abate the same in accordance with such notice, it shall be the duty of the officer serving such notice to cause such nuisance to be abated and report the expense thereof to the Council for collection. (R.O. 1955, § 62-3)