

RAWLINS MUNICIPAL CODE

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.04
CITY COUNCIL

Sections:

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Section 2.04.010 Meetings.

- A. The City Council shall hold regular meetings on the first and third Tuesday evenings of each month, except when such a Tuesday is an established City holiday, or when rescheduling is necessary due to other circumstances determined by the City Council, in which case the regular meeting shall be rescheduled to a different date and duly noticed in accordance with W.S. 16-4-404(a).
- B. Regular meetings shall begin at 6:00 PM and may begin earlier or later when duly noticed.
- C. Workshops or informational sessions may be conducted immediately following the adjournment of the regular meeting on the same date or as otherwise scheduled and noticed.
- D. Special and emergency meetings may be called by the mayor or the majority of the qualified members of the Council after giving the required notices specified in W.S. 16-4-404(b) and (d).

(Ord. 10-83 § 1; Ord. 6-83 § 1; Ord. 2C-80 § 1; Ord. 6D-77 § 1; prior code § 2-16) (Ord. No. 9B-94, Amended, 06/20/94; Ord. No. 7-95, Amended, 07/05/95) (Ord. 9-2025, Amended 09/02/2025)

Section 2.04.020 Remote Access Meetings.

The city council understands that issues and events may arise resulting in a city council member being out of town on a regularly held meeting. The city council desires to help increase continuity of government and give rise to increased representation for those members who are out of town and unavailable to attend the meeting in person. In an effort to provide increased representation of their constituents, the city council authorizes the use of technology to accommodate those rare instances. The city council has adopted the following guidelines to provide the necessary authority and framework to conduct business remotely.

- 1. Rawlins City Council Members are strongly encouraged to attend every meeting in person, however, the City Council understands that life events occur and it is the intent of this council to utilize technology to provide better representation of the community by its elected officials when they are out of town and unavailable for City Council Meetings. The following remote access procedures are available for emergency purposes with the consent of the council.
- 2. There shall be a physical quorum of the duly elected Rawlins City Council in City Council Chambers located at 521 West Cedar Street, Rawlins, Wyoming, for every meeting of the Rawlins City Council.
- 3. Duly elected Rawlins City Council Members shall call in prior to the commencement of the meeting and shall be available for the initial roll call and throughout the entire meeting until the meeting is recessed and/or the commencement of entering into Executive Session.
- 4. Duly elected Rawlins City Council Members shall hear and participate in all public discussions involving all matters brought before the Rawlins City Council.
- 5. Duly elected Rawlins City Council Members shall not participate in any Executive Sessions through remote access.

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6. In the event of technological failure (i.e. including but not limited to any power outage, loss of phone service or internet connection issues) the Rawlins City Council may grant a reasonable time to reestablish a connection to the Council Member appearing by remote access. This time allotment will be left to the sole discretion of the Mayor with the consent of the Council. (Ord. 02-2016, 2/2/16)

Section 2.04.030 Election of Mayor and Vice Mayor.

Beginning with the general election in the year 1996, and with each general election thereafter in which members of the City Council are elected by the citizens of the City, the Mayor and the Vice-Mayor of the City of Rawlins shall be elected from and by the members of the City Council which takes office beginning in January following the general election. The election shall be held during the first regular council meeting of the calendar year following the general election, and shall be the first item of new business of that meeting. The retiring Council shall conduct the old business portion of the meeting and then retire to have the new council members sworn and seated. The Council may then retire to executive session on a personnel matter and discuss the election issue prior to holding the election in the open meeting. The election shall be held by motion or by nomination and ballot, at the option of the council. Each member of the Council shall have one vote for each office. (Ord. 8H-83: prior code § 2-34) (Ord. No. 4-96, Amended, 4-16-96)

Section 2.04.040 Determination of vacancy in elected office.

A vacancy in an elected office within the city shall be determined to exist at such time as the council, by motion, finds that the incumbent:

- A. Dies;
- B. Resigns;
- C. Is determined by a court having jurisdiction to be insane or mentally incompetent;
- D. Is disqualified from holding office for any reason specified by law;
- E. Is convicted of a crime involving moral turpitude or constituting a breach of his oath of office;
- F. Refuses to take the oath of office;
- G. Refuses to give or renew an official bond if required by law;
- H. The election is voided by a court decision; or
- I. No longer resides within the ward from which he/she was elected. (Ord. 10-88)

Section 2.04.050 Elections--Term of office.

A. As a result of the municipal election of November, 1990, the council positions for Rawlins Ward 1 shall be filled by the two candidates receiving the highest number of votes, with the candidate receiving the highest number of votes shall serve a four-year term, and the candidate receiving the second highest number of votes shall serve a two-year term. Thereafter, each elected candidate shall serve a four-year term.

B. As a result of the municipal election of November, 1992, the council positions for Rawlins Ward 2 shall be filled by the two candidates receiving the highest number of votes, with one four-year term and one two-year term as described in subsection A of this section. Thereafter, each elected candidate shall serve a four-year term.

C. As a result of the municipal election of November, 1992, the council positions for Rawlins Ward 3 shall be filled by the two candidates receiving the highest number of votes, with one four-year term and one two-year term as described in subsection A of this section. Thereafter, each elected candidate shall serve a four-year term. (Ord. 5A-90)

Chapter 2.08

CITY PERSONNEL

Sections:

- 2.08.010** **City employees.**
- 2.08.020** **Manager's duties.**
- 2.08.030** **Bonds of employees.**
- 2.08.040** **Indemnification and legal representation of the city council, officers and employees of the city.**

Section 2.08.010 **City employees.**

The governing body shall employ a city manager and a city attorney and fix their salaries. All other employees of the city shall be employed by the city manager. The governing body shall appoint one or more municipal judges with jurisdiction to hear and determine all cases arising under the ordinances of the city or town. The rules of practice before the municipal judges shall conform as nearly as possible to the provisions of the justice code concerning complaints, continuances and trial, but no change of venue may be granted in any case. (Ord. 8U-83)

Section 2.08.020 **Manager's duties.**

- A. In addition to his specific duties, the manager shall:
 - 1. See that all laws and ordinances are observed and enforced;
 - 2. Attend all meetings of the governing body and may recommend necessary and expedient measures;
 - 3. Prepare and submit to the governing body reports required by it, or that he considers advisable;
 - 4. Keep the governing body fully advised of the city's financial condition and its future needs;
 - 5. Serve as the city's purchasing agent;
 - 6. Perform all duties imposed upon him;
 - 7. Recommend rules and regulations necessary for the efficient and economical conduct of the business of the city;
 - 8. Enforce all statutes, ordinances and regulations relative to public health, comfort and safety;
 - 9. Unless a board of public utilities has been established, control and manage any public utility owned and operated by the city;
 - 10. Control and manage the fire department and the police department and may appoint a chief of the fire department, a chief of the police department and any other employees necessary in those departments; and;
 - 11. The manager shall appoint a city clerk. He may also appoint a city engineer and a city treasurer. The city clerk may be appointed to act as treasurer, but he shall not receive more than the salary of one position. The manager may appoint and remove any other necessary employees and fix their compensation within the limits specified by the governing body and the law. Except as otherwise provided by law, he shall prescribe the powers and duties of all employees and may require any employee to perform duties in two or more departments. He shall file with the clerk a list of the names of all employees together with a statement of the salary or compensation each is to receive. (Ord. 8J-83)

Section 2.08.030 **Bonds of employees.**

The governing body may require the manager and any other employee to post bonds for the performance of their duties. The bonds shall be from a surety company, be approved by the governing body and be filed with the county clerk of the county in which the city is located, or with the city clerk, as the governing body directs. The cost of the bonds and their filing shall be paid by the city. (Ord. 8K-83)

Section 2.08.040 Indemnification and legal representation of the city council, officers and employees of the city.

A. Indemnification. Any council person, officer or employee of the city 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 city shall be entitled to indemnification by the city provided that the acts or omissions resulting in such liability were done in good faith and without malicious or felonious intent and not as a result of gross negligence or willful or wanton misconduct. 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 city" shall not include any action which occurs during a period of time in which the council person, officer or employee is engaged in outside employment or is rendering contractual services to someone other than the city. Whether the acts were done in good faith without malicious or felonious intent, and not as a result of gross negligence or willful or wanton misconduct, and within the course and scope of employment or while acting as a representative of the city, shall be determined by the city, 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 city, if upon a trial on the merits the city determines that the council person, officer or employee was acting in good faith, without malicious or felonious intent and not as a result of gross negligence or willful or wanton misconduct, and within the scope of employment or while acting as a representative of the city, and indemnification hereunder shall be granted and reasonable legal expenses incurred in the defense of the claim reimbursed. The city shall not be liable for any settlement of any such claim or suit affected without its consent, and the city reserves the right to assert any defense and make any settlement of any claim or suit that it deems expedient.

B. Representation in Actions. The city 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 council person, officer or employee of the city sued in connection with any claim for damages or other civil action against such person arising out of the course and scope of his employment, or while acting as a representative of the city; provided, that the council person, officer or employee of the city is entitled to indemnification as set forth in this section. Such legal representation shall be provided at no cost to the council person, officer or employee of the city, and the council person, officer or employee may have his or her own counsel assist in the defense at the sole expense of the council person, officer or employee. The council person, officer or employee of the city shall cooperate fully with the city in preparation and presentation of the case, and the failure to cooperate shall waive such council person's, officer's or employee's right to representation and indemnity under this section.

C. Limitations on Indemnity. For any suit or claim arising under the Wyoming Governmental Claims Act, the indemnity provided by this section shall be limited to the statutory limits applicable to the city provided in the act.

D. Applicability of Indemnity. The indemnity and legal representation provided by this section shall not be available in the event the city has provided for such indemnity and legal representation through the acquisition of comparable or substantially equivalent liability insurance which affords indemnity and provides legal representation as described in this section. (Ord. 3-86 § 1)

Chapter 2.12

FIRE DEPARTMENT

Sections:

- 2.12.010** **Inspection authority.**
- 2.12.020** **Assistance at fires.**
- 2.12.030** **Interference with firefighting.**
- 2.12.040** **Suspension or expulsion of firemen.**
- 2.12.050** **Property protection.**
- 2.12.060** **Quarterly report.**

Section 2.12.010 **Inspection authority.**

A. It shall be the duty of the chief of the fire department to inspect or cause to be inspected by the fire department officers or members, or members of the police department, as often as may be necessary, all buildings, premises and public thoroughfares, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any provision of this code or ordinance of the city relative to fire hazards.

B. Whenever any officer or member of either the fire department or police department finds in any building, or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property, or finds obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the fire department, or egress of occupants in case of fire, or finds any other condition dangerous to life or property by reason of the fire hazard, he shall order the same to be removed or remedied, and the order shall forthwith be complied with by the owner or occupant of the premises or buildings, subject to appeal within twenty-four hours to the mayor, who shall within ten days review the order and file his decision thereon, and, unless the order is revoked or modified, it shall remain in full force and be obeyed by the owner or occupant.

C. Any owner or occupant failing to comply with the order within ten days after the appeal has been determined, or if no appeal is taken, then within ten days after the service of the order, shall be guilty of a misdemeanor. (Prior code § 12-17)

Section 2.12.020 **Assistance at fires.**

Every person who is present at a fire shall be subject to obedience to the orders of the chief of the fire department, the mayor, councilmen and police officers in extinguishing the fire and removing and protecting property. It is unlawful for any person to refuse to obey any such orders. (Prior code § 12-16)

Section 2.12.030 **Interference with firefighting.**

Any person not a member of the fire department who interferes with the work thereof at any fire by giving orders or otherwise shall be deemed guilty of a misdemeanor. (Prior code § 12-2)

Section 2.12.040 **Suspension or expulsion of firemen.**

Any fireman failing or neglecting to perform his duties after due notice, trial and conviction shall be suspended or expelled. (Prior code § 12-13)

Section 2.12.050 **Property protection.**

In all cases where personal property or merchandise is in danger from fire or water, the members of the fire department shall remove the property to a safe place and guard it until otherwise disposed of if at all possible. (Prior code § 12-15)

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Section 2.12.060 Quarterly report.

The chief of the fire department shall report quarterly to the city council the names of all persons received as members of the fire department, also the names of all members suspended and expelled. (Prior code § 12-14)

Chapter 2.16

POLICE DEPARTMENT

Sections:

- 2.16.010** **Civil service rules adopted.**
- 2.16.020** **Appointment and duties.**
- 2.16.030** **Duties generally.**
- 2.16.040** **Chief duties.**
- 2.16.050** **Policemen duties.**
- 2.16.060** **Jurisdiction over school property.**

Section 2.16.010 **Civil service rules adopted.**

The rules and regulations of the police department civil service commission of the city, a copy of which shall be kept on file in the office of the city clerk, are adopted and made an adjunctive part of this chapter by reference, the same as though incorporated in this chapter at length. (Prior code § 24-16)

Section 2.16.020 **Appointment and duties.**

The appointment and duties of all members of the police department shall be in accordance with the rules and regulations of the police department civil service commission. (Prior code § 24-17)

Section 2.16.030 **Duties generally.**

It shall be the duty of the city marshal, who is the chief of police, and all members of the police department to fully comply with the civil service rules and regulations, to preserve peace, law and order, and protect the rights of persons and property by the enforcement of all laws and ordinances, and orders of the mayor and city council. (Prior code § 24-18)

Section 2.16.040 **Chief duties.**

It shall be the duty of the chief of police to see that all provisions of this code and ordinances of the city are duly enforced and to perform such other duties as the city council may require of him, or that are required by the provisions of this code and ordinances of the city. (Prior code § 24-19)

Section 2.16.050 **Policemen duties.**

The policemen of the city shall possess all the privileges and be subject to all the duties imposed upon such officers by state law, this code and ordinances of the city. (Prior code § 24-20)

Section 2.16.060 **Jurisdiction over school property.**

The police department of the city shall have the authority to exercise jurisdiction on and over all properties within the city owned by or under the control of Carbon County School District Number One. (Ord. 9A-78 § 1)

Chapter 2.20

PLANNING & ZONING COMMISSION

Sections:

- 2.20.010 Created.**
- 2.20.020 Number of Members and Appointment.**
- 2.20.030 Term, Removal and Vacancy Filling.**
- 2.20.040 Rules, Organization and Meetings.**
- 2.20.050 Employees, Contracts and Funds.**
- 2.20.060 Expenditure of Funds.**
- 2.20.070 Estimate of Expenditures.**
- 2.20.080 Zoning, Subdivision and Annexation Hearings.**
- 2.20.090 Advice to City Council.**
- 2.20.100 Master Plan Creation and Review.**
- 2.20.110 Capital Improvement Program Review.**
- 2.20.120 Cooperation with Other Agencies.**
- 2.20.130 Recommendations to City Council.**
- 2.20.140 Long-Range Master Plan Change Review.**

Section 2.20.010 Created.

There is created an official Planning & Zoning Commission to promote the health, safety, order, beauty, prosperity and general welfare of the city and to secure efficiency, economy and concerted effort in its growth and development. (Ord. 11-77 § 1)

Section 2.20.020 Number of Members and Appointment.

The Planning & Zoning Commission shall consist of not less than five (5) voting members and not more than seven (7) voting members. Five (5) of these members shall be municipal utility customers of the City of Rawlins and shall represent the City of Rawlins. No more than two (2) members may be qualified as electors residing in the unincorporated area within three (3) miles of the corporal limits of the City of Rawlins and shall represent the unincorporated area within three (3) miles of the corporal limits of the City of Rawlins. If at any time the board membership is reduced to less than seven (7) members, the above membership qualification will be reduced accordingly to ensure that municipal utility customer members hold a majority. No meeting will be held whereby a majority of the unincorporated representatives outnumber the municipal city customer representatives. (Ord. 4A-88 (part): Ord. 8I-78 § 1: Ord. 11-77 § 2; Ord. 6A-94, Amended 6-21-94; Ord. 03-2015, Amended 3/17/15) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.030 Term, Removal and Vacancy Filling.

The members of the commission shall be appointed for terms of three years; provided however, that of the appointments first made under this chapter, two shall be appointed for each one-year and two-year terms, and three shall be appointed for three-year terms. Removal of members and filling of vacancies shall be in accordance with the then current city policy for appointment to boards and commissions. (Ord. 4A-88 (part): Ord. 11-77 § 3) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.040 Rules, Organization and Meetings.

The Planning & Zoning Commission shall elect its own chairman and shall create and fill such other offices as it may determine it requires for the proper conduct of the affairs and business of the commission. The chairman shall be eligible for reelection. The commission shall hold at least one regular meeting in each quarter at such time and place as may be fixed by the commission. Special meetings of the commission

may be called by the chairman, or in their absence, by any of the members of the commission. A majority of the commission shall constitute a quorum for the transaction of business. Any member of the Planning & Zoning Commission shall automatically disqualify himself from voting on any decision in which he may have a personal interest by virtue of the ownership of land to be affected by zoning or other similar situation. All meetings shall be open to the public. The commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, which rules and regulations shall not be inconsistent with the ordinances of the city and the laws of the state. The commission shall keep a record of its resolutions, transactions, findings and determinations which record shall be a public record. The commission shall make each year a report to the mayor and city council of its proceedings with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year. (Ord. 11-77 § 4) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.050 Employees, Contracts and Funds.

A. The Planning & Zoning Commission may, by and with the consent of the city council, appoint employees to perform necessary duties and may also, with the approval of the city council, contract with municipal planners, engineers, landscape architects, legal counsel and other consultants for such services as may be required.

B. The Planning & Zoning Commission shall, when it deems necessary or appropriate, recommend to the city council that it contract for, accept and expend grants from the federal government available for the purpose of urban planning and renewal and from any agency of the state which might have funds available for such purposes. (Ord. 11-77 § 5) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.060 Expenditure of Funds.

All moneys appropriated by the city council and all moneys received from grants, gifts and other sources for the use and benefit of the Planning & Zoning Commission fund shall be deposited with the city treasurer to the credit of the commission fund and shall be paid out only on warrants of the commission approved by the city council. (Ord. 11-77 § 6) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.070 Estimate of Expenditures.

The Planning & Zoning Commission shall, on or before the first day of each fiscal year, concurrently with the city budget offices, prepare and file with the city clerk an estimate of the expenditures of the commission for the ensuing fiscal year, itemizing the expenses, the amounts and the purposes. (Ord. 11-77 § 7) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.080 Zoning, Subdivision and Annexation Hearings.

The Planning & Zoning Commission shall conduct public hearings on the matters of zoning and special use permits; shall take action and submit their certified recommendations to the city council in accordance with the provisions of the zoning ordinance; and shall review and make recommendations to the city council on annexations and subdivision plats. (Ord. 11-77 § 8(a))(Ord. 07-2014) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.090 Advice to City Council.

The Planning & Zoning Commission shall advise the city council on matters of urban planning and development including land use studies, creation of a short and a long range master plan and related studies, and other studies requested by the city council. (Ord. 11-77 § 8(b)) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.100 Master Plan Creation and Review.

The Planning & Zoning Commission shall cause a master plan to be created which will include overall planning and development policies and shall recommend same to the city council for adoption. The

planning commission shall annually review the master plan and its components and recommend needed changes to the city council for adoption. (Ord. 11-77 § 8(c)) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.110 Capital Improvement Program Review.

The Planning & Zoning Commission shall annually review the capital improvements program and make recommendations to the city council regarding its relationship to the master plan. (Ord. 11-77 § 8(d)) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.120 Cooperation with Other Agencies.

The Planning & Zoning Commission is authorized to cooperate with the county planning commission and other agencies in planning matters. (Ord. 11-77 § 8(e)) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.130 Recommendations to City Council.

Any and all recommendations of the Planning & Zoning Commission shall be submitted in writing to the city council for approval or disapproval. Such actions by the city council must be by a recorded vote of the majority of the city council. Failure of the city council to act within sixty days from and after the date of the official submission of a recommendation of the Planning & Zoning Commission shall be deemed approval. Upon approval of a recommendation of the commission, the city council shall within a reasonable time take action to implement the recommendation or plan by appropriate administrative procedure, resolution or ordinance. (Ord. 11-77 § 9) (Ord. 04-2020, Amended 4/7/2020)

Section 2.20.140 Long-Range Master Plan Change Review.

Whenever the mayor and city council have adopted the long-range master plan or any portion thereof, no matter involving a change in the plan or portion thereof shall be decided by the mayor and city council until the matter has been submitted and approved by the Planning & Zoning Commission; provided, that in the case of disapproval the commission shall communicate its reasons to the mayor and the city council which shall have the power to overrule the disapproval by a majority vote of the city council. Failure of the commission to act upon any proposed change within sixty days from and after the date of official submission to the commission shall be deemed approval. (Ord. 11-77 § 10) (Ord. 04-2020, Amended 4/7/2020)

Chapter 2.24

RECREATION BOARD OF TRUSTEES

Sections:

- 2.24.010** **Created.**
- 2.24.020** **Membership and appointment.**
- 2.24.030** **Term, removal and vacancies.**
- 2.24.040** **Organization.**
- 2.24.050** **Employees, contracts and funds.**
- 2.24.060** **Expenditure of funds.**
- 2.24.070** **Estimate of expenditures.**
- 2.24.080** **Recreational system recommendations.**
- 2.24.090** **Park rules recommendations.**
- 2.24.100** **Recreational planning.**
- 2.24.110** **Individual project recommendations.**
- 2.24.120** **Priority review.**
- 2.24.130** **Cooperation with other agencies.**
- 2.24.140** **Rules authority.**
- 2.24.150** **Council action on recommendations.**
- 2.24.160** **Master plan changes recommendations.**

Section 2.24.010 **Created.**

There is created an official recreation board of trustees for the purpose of advising the governing body of the city in promoting the physical and mental well-being of all ages, in enhancing the beauty of the community, in augmenting the health, morals, safety, prosperity and general welfare of the community, with the purpose of adding meaning to the leisure time of the entire community. (Ord. 3B-78 § 1)

Section 2.24.020 **Membership and appointment.**

The recreation board of trustees shall consist of nine members who shall be qualified electors of the city. The members shall be appointed in accordance with the then current city policy for appointment to boards and commissions. (Ord. 4A-88 (part): Ord. 3B-78 § 2)

Section 2.24.030 **Term, removal and vacancies.**

The members of the recreation board shall be appointed for terms of three years; provided, however, that of the appointments first made under this chapter, three shall be appointed for each one-year, two-year and three-year terms. Members may be reappointed. Removal of members and the filling of vacancies on the board shall be in accordance with the then current city policy for appointment to boards and commissions. (Ord. 4A-88 (part): Ord. 3B-78 § 3)

Section 2.24.040 **Organization.**

The recreation board of trustees shall elect its own president, secretary and treasurer and shall create and fill such other offices as it may determine is required for the proper conduct of the affairs and business of the board of trustees. The president shall be eligible for reelection. The board and all officers shall serve without compensation. The board shall hold at least one regular meeting in each month at such time and place as may be fixed by the board. Special meetings of the board may be called by the president, or in his absence, by any of the members of the board. A majority of the board shall constitute a quorum for the transaction of business. Any member of the board shall automatically disqualify himself from voting on any decision in which he may have a personal interest by virtue of the ownership of land to

be affected by a recreation project or other similar situation. All meetings shall be open to the public. The board shall adopt such other rules and regulations governing its organization and procedure as it may deem necessary, which rules and regulations shall not be inconsistent with the ordinances of the city and the laws of the state. The board shall keep a record of its resolutions, transactions, findings and determinations, which records shall be a public record. The board shall make each year a report to the mayor and city council of its proceedings with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year. (Ord. 3B-78 § 4)

Section 2.24.050 Employees, contracts and funds.

The board shall make recommendations to the city council as to the appointment of employees for the performance of any duties deemed necessary by the city council. The board may also recommend or request that the city council contract with municipal planners, engineers, architects, recreational planners, legal counsel or other consultants for such services as may become necessary in achieving the purposes of this chapter. The board shall, when it deems necessary or appropriate, recommend to the city council that the city council contract for, accept and expend grants from the federal government available for the purpose of recreation and from any agency of the state which might have funds available for such purposes. (Ord. 3B-78 § 5)

Section 2.24.060 Expenditure of funds.

All moneys expended by the city council and all moneys received from grants, gifts, donations, bequests, devises or contributions of money or property and other sources for the use or purpose of recreation shall be deposited with the city treasurer and payable only upon warrants issued and approved by the city council. (Ord. 3B-78 § 6)

Section 2.24.070 Estimate of expenditures.

The board shall, on or before the first day of June of each year, concurrently with the city budget officer, prepare and file with the city treasurer an estimate of the expenditures of the board for the ensuing year, itemizing the expenses, the amount and the purposes. (Ord. 3B-78 § 7)

Section 2.24.080 Recreational system recommendations.

The recreation board of trustees shall conduct public hearings on the priorities of recreation, and methods of achieving these priorities; shall make recommendations to the city council on matters of recreational concern; and shall review and make recommendations to the city council on additions or changes in the city's recreational system. (Ord. 3B-78 § 8(a))

Section 2.24.090 Park rules recommendations.

The recreation board shall recommend to the city council reasonable rules and regulations for the government of parks and other recreational properties in the city for the conservation of peace and good order on and within the recreational properties, and to promote the use and enjoyment thereof and to declare what shall constitute a nuisance upon a given recreational property. (Ord. 3B-78 § 8(b))

Section 2.24.100 Recreational planning.

The recreation board of trustees shall advise the city council on matters of recreational planning, including short-term and long-term studies. (Ord. 3B-78 § 8(c))

Section 2.24.110 Individual project recommendations.

The recreation board of trustees shall recommend to the city council master plans for overall planning and development of the individual parks and recreational projects, and for general development of city-wide recreational master plans, when, in the opinion of the recreation board of trustees, such plans are

necessary. (Ord. 3B-78 § 8(d))

Section 2.24.120 Priority review.

The recreation board of trustees shall annually review the priorities of city recreation, and any short-term or long-term planning necessary to the achievement of these priorities. (Ord. 3B-78 § 8(e))

Section 2.24.130 Cooperation with other agencies.

The recreation board of trustees, upon approval of the city council, is authorized to cooperate with agencies of the county, state and federal government in matters of recreation to the extent of their powers in this chapter. (Ord. 3B-78 § 8(f))

Section 2.24.140 Rules authority.

All rules and regulations adopted by the recreation board of trustees shall be promulgated in accordance with the terms of the provisions of the Wyoming Administrative Procedure Act. (Ord. 3B-78 § 8(g))

Section 2.24.150 Council action on recommendations.

Any and all recommendations of the recreation board of trustees shall be submitted in writing to the city council for approval or disapproval. Such action by the city council must be by a recorded vote of the majority of the city council. Failure of the city council to act within sixty days from and after the official submission of a recommendation of the recreation board of trustees shall be deemed approval. Upon approval of a recommendation of the board, the city council shall, within a reasonable time, take action to implement the recommendation or plan by appropriate administrative procedure, resolution or ordinance. (Ord. 3B-78 § 9)

Section 2.24.160 Master plan changes recommendations.

Whenever the mayor and city council has adopted a long-range or short-range master plan or any portion thereof, as provided in this chapter, no matter involving a change in the plan or portion thereof shall be decided by the mayor and city council until the matter has been submitted to the recreation board of trustees for their recommendation. In case the board disapproves the change, the board shall communicate its reasons to the mayor and city council. (Ord. 3B-78 § 10)

Chapter 2.28

MUNICIPAL COURT

Sections:

- 2.28.010 Filing complaint.**
- 2.28.020 Warrant issuance.**
- 2.28.030 Entry on docket.**
- 2.28.040 Defect of form not to be cause for dismissal.**
- 2.28.050 Bond--Form and amount.**
- 2.28.060 Bond--Failure to appear.**
- 2.28.070 Bond--Forfeiture hearing.**

Section 2.28.010 Filing complaint.

Actions for violations of this code or city ordinances may be commenced by filing with the municipal court a statement or complaint, stating the nature of the offense, signed by the city attorney, any member of the police department, or any responsible citizens of the city. (Prior code § 17-1) (05-2003, Amended, 05/06/2003)

Section 2.28.020 Warrant issuance.

If any creditable person, on oath, makes complaint that anyone has violated any provisions of this code or ordinance of the city, setting forth the ordinance and section and violation thereof, it shall be lawful for the municipal court to issue a warrant for the apprehension of the offender as provided in this chapter. (Prior code § 17-2)(05-2003, Amended, 05/06/2003)

Section 2.28.030 Entry on docket.

Upon the filing of a statement or complaint, the municipal court shall enter the case upon the docket, in the usual manner required by law, and shall issue a summons returnable forthwith or at such time not exceeding ten days, as the municipal court may designate or warrant as the case may require. (Prior code § 17-3)(05-2003, Amended, 05/06/2003)

Section 2.28.040 Defect of form not to be cause for dismissal.

No action before the municipal court shall be dismissed for any defect of form in the statement or complaint, if it substantially sets forth the nature of the violation alleged, so as to give the defendant notice of the charge which he is required to answer and the statement or complaint may include several persons charged with the same offense. (Prior code § 17-4) (05-2003, Amended, 05/06/2003)

Section 2.28.050 Bond--Form and amount.

Any person arrested by virtue of a warrant issued as provided in this chapter may be admitted to bail by executing a bond to the city, to be approved by the municipal court, conditioned that he/she will appear on a day therein named before the municipal court, and not to depart this court without leave. The bond shall be attested by the municipal court and filed in his office, and an entry of the filing thereof shall be made in his docket. (Prior code § 17-5) (05-2003, Amended, 05/06/2003)

Section 2.28.060 Bond--Failure to appear.

If the defendant fails to appear according to the conditions of the bail bond, or appearing shall depart the court without leave, the municipal court may enter judgment against the Defendant and their sureties for the penalty of the bond. (Prior code § 17-6) (05-2003, Amended, 05/06/2003)

Section 2.28.070 Bond--Forfeiture hearing.

Upon entering judgment of forfeiture of a bail bond, it shall be the duty of the municipal court to issue process in behalf of the city against the parties liable on the bond, requiring them to appear before the court on a day to be mentioned therein, and show cause, if they have any, why judgment should not be confirmed against them, and execution issued on the judgment, and any judgment entered against them may be set aside by the municipal court if the defendant personally appears before the municipal court at the time mentioned in the process and show good cause for setting aside the judgment by affidavit of some creditable person; and it is lawful for the sureties in the bond to appear before the municipal court 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 municipal court. (Prior code § 17-7) (05-2003, Amended, 05/06/2003)

Chapter 2.32

ELECTIONS

Sections:

2.32.010 Wards.

Section 2.32.010 Wards.

The territory embraced within the corporate limits of the city shall be and the city is divided into three wards, a map of which is on file in the office of the city clerk. (Prior code § 10-2)

Chapter 2.36

PERSONNEL REGULATIONS AND BENEFITS

Sections:

2.36.010 Employee policy manual adopted.

Section 2.36.010 Employee policy manual adopted.

The city council may from time to time adopt by resolution an employee policy manual which sets forth the benefits and regulations for which employees of the city shall be subject to, a copy of which shall be maintained in the office of the city manager. (Ord. 7-81: prior code § 2-52)

Chapter 2.40

DISPOSITION OF UNCLAIMED PROPERTY

Sections:

- 2.40.010 Possession and maintenance.**
- 2.40.020 Records.**
- 2.40.030 Redemption.**
- 2.40.040 Liability.**
- 2.40.050 Public sale.**
- 2.40.060 Notice of sale.**
- 2.40.070 Disposition of proceeds of sale.**
- 2.40.080 Perishables.**

Section 2.40.010 Possession and maintenance.

The chief of police is authorized to take possession and maintain all unclaimed articles or property that may be entrusted to the care of the police department or otherwise come into their possession in the course of the duties of the department. (Ord. 11-78 § 1)

Section 2.40.020 Records.

A record shall be kept on all unclaimed articles received by the police department containing a description of the property, the time, date and circumstances under which it was received, the person or persons from whom it was received, the name and address of the owner if known, and the date and manner of its disposition. (Ord. 11-78 § 2)

Section 2.40.030 Redemption.

The owner or person entitled to possession of the property may claim the property at any time prior to the first publication of notice of sale by proving to the satisfaction of the chief of police, his ownership of the property and paying all expenses incurred therein including the charges for storage. (Ord. 11-78 § 4)

Section 2.40.040 Liability.

The chief of police shall be responsible for the care and preservation of all unclaimed property until it is sold or returned to the lawful owner thereof, but in no event shall he be liable for damages for the loss or damage to the unclaimed property. (Ord. 11-78 § 3)

Section 2.40.050 Public sale.

The chief of police or his representative is authorized to sell at public auction, to the highest bidder, all unclaimed articles or property. The public sale may be conducted at intervals of three months or semiannually as may be deemed advisable, but in no case may an article be sold that has been in the possession of the police department for a period of less than thirty days. (Ord. 11-78 § 5)

Section 2.40.060 Notice of sale.

When a sale of any article or property is to be held pursuant to this chapter, notice of the time and place of the sale shall be given at least ten days prior to the date of the sale in one of the following manners:

- A. By posting a notice of the sale in three public places in the city;
- B. By one publication thereof in some newspaper of general circulation published in the city;

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C. By mailing a written notice to the owners of the various articles to be sold at their last known or given address. (Ord. 11-78 § 6)

Section 2.40.070 Disposition of proceeds of sale.

A. In case any article or property is sold for more than a sufficient amount to make recompense on the purpose for which it was held or to pay any necessary charges of the police department plus incidental expenses for advertising or notification, etc., such excess shall be deposited with the city treasurer and upon order of the city council, paid to the person entitled to possession of the property, provided claim and proof is duly made thereof before the city council.

B. In the event no claim for the proceeds of any article offered for sale is made within thirty days after the sale, the proceeds thereof shall be listed as "sale of personal property" and remitted to the city treasurer as part of the police department's receipts. (Ord. 11-78 § 7)

Section 2.40.080 Perishables.

Unclaimed perishable property may be sold at public auction in the manner set forth in this chapter for personal property other than perishable property at any time prior to the expiration of the thirty-day period, if such is appropriate in the interest of preserving the value thereof. (Ord. 11-78 § 8)

Chapter 2.44

POLICE PENSION

Sections:

- 2.44.010 Establishment and membership.**
- 2.44.020 Elections.**
- 2.44.030 Terms of membership.**
- 2.44.040 Powers and duties.**
- 2.44.050 Officers and staff support.**
- 2.44.060 Meetings.**
- 2.44.070 Record.**
- 2.44.080 Discovery and subpoenas.**
- 2.44.090 Decisions.**

Section 2.44.010 Establishment and membership.

There is hereby established a police pension board. The board shall consist of the governing body (city council) and three members elected from the city's police department. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.020 Elections.

The police department shall elect three (3) regular qualified members to the board every two (2) years, in accordance with Section 15.5.303 of the Wyoming Statutes. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.030 Terms of membership.

The board terms of the members of the city council shall be coterminous with their terms on the city council. The board terms of the police members of the department shall be two (2) years, with each term commencing on the first day of each odd numbered year. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.040 Powers and duties.

(A) The police pension board shall manage the police pension fund(s) in accordance with Article 3 of Title 15, Subtitles 5 of the Wyoming Statutes.

(B) The board has the power to compel witnesses to attend and testify before it upon all matters connected with the operation of this article in the same manner as provided by law for the taking of testimony in courts of record in this state. The chair or any member of the board may administer oaths to witnesses.

(C) The board may provide for the payment from the fund of all necessary expenses and printing not to exceed five percent (5%) of the annual revenue. However, no compensation or evolvment may be paid to any member of the board for any duty required or performed under this chapter.

(D) The board may make all necessary rules and regulations for its guidance in conformity with the provisions of this chapter.

(E) The board shall:

(1) At least once in every six (6) year period cause an actuarial valuation of the accounts within the fund to be made;

(2) At least once every two (2) years cause an actuarial investigation of all the experience under the accounts within the funds(s) to be made;

(3) Pay out of funds which shall be provided by the city the cost of the valuations and investigations under paragraphs (1) and (2) of this section;

(4) Reduce employee and employer contribution rates under W.S. 15.5.302(b), in an amount to be actuarially determined, if at any time the assets in the existing or new accounts of the fund(s) exceed the

liabilities in those accounts.

(5) Send to the city treasurer on a monthly basis a list of all persons entitled to payment from the fund, stating the amount and purpose of the payments. The list shall be certified to and signed by the chair and secretary of the board, attested under oath, and shall be filed by the treasurer in his office as a permanent record. The city treasurer shall then make out a regular city voucher for each of the persons named on the list for the amounts specified, showing the purpose for which it is granted. The vouchers, without further individual certification, shall be approved by the governing body for payment from viable funds of the pension fund(s) at the next meeting at which vouchers are handled. The vouchers shall be paid in the same manner in which other claims against the city are paid. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.050 Officers and staff support.

The mayor is ex-officio chair of the pension board, and the members of the board shall elect other officers as deemed necessary. The city manager shall provide a member of the city staff to serve as secretary of the board. The secretary shall make annual reports to the governing body on the condition of the fund(s), the receipts and disbursements thereto, together with a complete list of the beneficiaries of the fund, and the amount paid to each. The city treasurer shall furnish the secretary with any pertinent information needed to compile the reports or to furnish the board with necessary information. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.060 Meetings.

The board shall meet at least once each month as scheduled by the board and otherwise upon the call of the chair. It shall keep a record of its proceedings, which is a public record. A majority of all the members of the board constitutes a quorum with the power to transact business. (Ord. No. 5A-95, Enacted, 05/2/95)

Section 2.44.070 Record.

The record shall consist of:

- A. All formal or informal notices, pleadings, motions and intermediate rulings;
- B. Evidence received or considered including matters officially noticed;
- C. Questions and offers of proof, objections and rulings thereon;
- D. Any proposed findings and exceptions thereto;
- E. Any opinion, findings, decision or order of the hearing board and report by the officer presiding at the hearing. (Ord. 6-87 § 7)

Section 2.44.080 Discovery and subpoenas.

The chairman shall upon application of any party issue subpoenas requiring the appearance of witnesses for the purpose of taking evidence or requiring the production of documents relevant and material to the matter. Failure to obey any subpoena may be remedied in the manner provided by the Wyoming Administrative Procedures Act. Upon timely motion, the chairman may quash or modify any subpoena if it is unreasonable or oppressive.

Discovery may be permitted in the same manner as allowed by the Wyoming Administrative Procedures Act. (Ord. 6-87 § 8)

Section 2.44.090 Decisions.

Informal disposition of the matter may only be made upon stipulation between the city manager and the department head and approved by the governing body. The council, after receiving evidence, shall declare the hearing closed. The council may ask any party to render proposed conclusions of law and statement of facts as they may deem advisable and shall take the case under advisement. In the event a

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recommended decision is rendered, all parties shall be afforded a reasonable opportunity to file exceptions thereto which shall be deemed a part of the record. All parties as a matter of right shall be permitted to file a brief with the hearing board. A decision shall be declared in writing within a reasonable time following consideration of all the matters presented at the hearing, but not later than fifteen days from the conclusion of the hearing. The council shall arrive at their decision by majority vote of those present at the hearing, provided that a majority of the council is present for all proceedings. The decision of the council shall be in writing setting forth specific findings of facts and conclusions of law and the decision directed to the parties. Findings of fact shall be based exclusively on the evidence of record and matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The council shall either confirm the decision of the city manager or reverse the decision and reinstate the department head. If the department head is reinstated, the department head shall receive all lost wages and employee benefits occasioned by the dismissal. Parties shall be notified either personally or by mail of any decision or order. A copy of the decision and order shall be delivered or mailed forthwith to each party or to his attorney of record. (Ord. 6-87 § 9)

Chapter 2.48

HISTORIC PRESERVATION

Sections:

- 2.48.010 Short title.**
- 2.48.020 Findings and purpose.**
- 2.48.030 Endorsement of Certified Local Government Program.**
- 2.48.040 Definitions.**
- 2.48.050 Commission--Creation.**
- 2.48.060 Commission--Appointment.**
- 2.48.070 Commission--Number of members and terms.**
- 2.48.080 Commission--Compensation.**
- 2.48.090 Commission--Residency.**
- 2.48.100 Commission--General qualifications.**
- 2.48.110 Commission--Specific credentials.**
- 2.48.120 Commission--Authorization to seek outside expertise.**
- 2.48.130 Commission--Records of proceedings.**
- 2.48.140 Commission--Annual report.**
- 2.48.150 Commission--Frequency of meetings.**
- 2.48.160 Commission--Vacancies.**
- 2.48.170 Commission--Attendance at educational meetings.**
- 2.48.180 Commission--Funding.**
- 2.48.190 Commission--Rules of procedure.**
- 2.48.200 Commission--Duties and powers.**
- 2.48.210 Inventory of significant cultural resources.**
- 2.48.220 Designation of local cultural resources.**
- 2.48.230 Participation with National Register Process.**

Section 2.48.010 Short title.

This chapter may be called "the historic preservation ordinance." (Ord. 5B-88 § 1(a))

Section 2.48.020 Findings and purpose.

The state of Wyoming and the city have a wide range of cultural resources that include prehistoric and historic sites which are invaluable relics that remain to illustrate our state's past. The city council finds that the state and city are noteworthy for their historic sites and natural beauty. The city has large numbers of historic buildings and institutions with significant cultural importance. In recent years many significant structures, and historic and archaeological sites have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the properties for use in economically productive ways. Citizens of the city share that belief that Wyoming's cultural resources enhance the quality of life for all and promote the city's general welfare. It is declared a matter of public policy that the protection, enhancement and perpetuation of significant historical, archaeological and architectural relics of value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political, engineering and architectural history;
- B. Safeguard the city's historic, archaeological and cultural heritage, as embodied and reflected in such historic structures, sites and districts;
- C. Stabilize and improve property values;

- D. Foster civic pride in the beauty and noble accomplishments of the past;
- E. Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry to strengthen the economy of the city;
- F. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the city. (Ord. 5B-88 § 1(b))

Section 2.48.030 Endorsement of Certified Local Government Program.

The city enacts the ordinance codified in this chapter as stated in Section 2.48.020 to help preserve Wyoming's heritage. The city also endorses the state of Wyoming's Certified Local Government Program and agrees to participate in this historic preservation program. The city has the ability to participate in the CLG program by provisions specified in Wyoming Statutes, 1977, Section 16-1-101. (Ord. 5B-88 § 1(c))

Section 2.48.040 Definitions.

For purposes of clarity, the following definitions will apply throughout this chapter:

- A. "Historic preservation commission" or "commission" means a board, council or commission, or other similar body established by local legislation or regulation.
- B. "Local government" means a city, town, county or any other political subdivision within the state.
- C. "National Register of Historic Places" means the federal government's official list of properties judged to be worthy of preservation. The National Register program in Wyoming is administered by the Wyoming SHPO.
- D. "State Historic Preservation Officer" or "SHPO" means the individual appointed by the Governor to administer Wyoming's historic preservation program. (Ord. 5B-88 § 2)

Section 2.48.050 Commission--Creation.

The ordinance codified in this chapter authorizes the creation of an historic preservation commission known as the Rawlins landmark committee. (Ord. 5B-88 § 3(a))

Section 2.48.060 Commission--Appointment.

The mayor shall appoint board members to the commission; each appointment will be subject to approval by the city council. The mayor shall attempt to draw upon a wide range of backgrounds and interests to represent the city's diverse heritage. (Ord. 5B-88 § 3(b))

Section 2.48.070 Commission--Number of members and terms.

The commission shall consist of nine members. Initially, three members shall be appointed to one year terms, three appointed to two year terms, and three appointed to three year terms. Thereafter terms shall be three years for each member and shall expire on the first of the respective February. (Ord. 5B-88 § 3(c)) (Ord. No. 11A-93, Amended, 11/02/93)

Section 2.48.080 Commission--Compensation.

Members of the commission shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the performance of their duties. (Ord. 5B-88 § 3(d))

Section 2.48.090 Commission--Residency.

At least two members of the commission must reside within the boundaries of the local jurisdiction. (Ord. 5B-88 § 3(e))

Section 2.48.100 Commission--General qualifications.

All commission members must have a demonstrated interest, knowledge or experience in the fields

related to historic preservation as described in Section 2.48.110. (Ord. 5B-88 § 3(f))

Section 2.48.110 Commission--Specific credentials.

To the extent that such professionals are available in the community, at least two members of the commission shall be professionals in fields related to historic preservation (e.g., history, architectural history, archeology, historical architecture, planning or other related disciplines such as: American civilization, cultural geography or cultural anthropology). If historic preservation professionals do not reside within the county, expertise may be obtained from other Wyoming communities. Information on the credentials of the commission members must be kept on file and available for public inspection. (Ord. 5B-88 § 3(g))

Section 2.48.120 Commission--Authorization to seek outside expertise.

When an appropriate discipline is not represented among the commission members, the commission may seek the appropriate expertise when considering National Register nominations or other actions that will impact properties which are normally evaluated by a professional in such disciplines. (Ord. 5B-88 § 3(h))

Section 2.48.130 Commission--Records of proceedings.

Minutes or records of the proceedings of the commission shall be transmitted to the city as well as to members of the commission. The commission shall monitor and report to the SHPO any activity affecting significant property within its jurisdiction. (Ord. 5B-88 § 3(i))

Section 2.48.140 Commission--Annual report.

An annual report of the activities of the commission shall be submitted to the city and the SHPO. Such reports shall include but are not limited to items such as: the number and type of cases reviewed, review decisions, proposed nominations, updated resumes of commission members, appointments to the commission, meeting attendance records, progress reports on survey activities, and National Register nominations reviewed. (Ord. 5B-88 § 3(j))

Section 2.48.150 Commission--Frequency of meetings.

Commission meetings must be held at least twice a year. (Ord. 5B-88 § 3(k))

Section 2.48.160 Commission--Vacancies.

The appointing authority shall act within ninety days to fill a vacancy. (Ord. 5B-88 § 3(l))

Section 2.48.170 Commission--Attendance at educational meetings.

Each commission member is required to attend at least one informational or educational meeting per year as sponsored by the SHPO that pertains to the work and functions of the commission or to historic preservation. The SHPO will provide information to all historic preservation commissions. (Ord. 5B-88 § 3(m))

Section 2.48.180 Commission--Funding.

The commission in addition to the appropriations made by the city shall have the right to receive, hold and spend funds which it may legally receive from any and every source both in and out of the state for the purpose of carrying out the provisions of this chapter. (Ord. 5B-88 § 3(n))

Section 2.48.190 Commission--Rules of procedure.

The commission shall adopt rules of procedure for the conduct of its business in accordance with the

provisions of this chapter. Such rules of procedure shall be filed with the city. Terms of the commission members and the election of officers shall be discussed within the commission's rules of procedure. (Ord. 5B-88 § 3(o))

Section 2.48.200 Commission--Duties and powers.

The historic preservation commission shall have powers to:

A. Conduct cultural resource surveys of structures and areas for the purpose of determining those of architectural, historical, cultural and/or archaeological significance; to maintain and revise detailed listings of significant structures and districts;

B. Propose to the city council criteria and evaluation and designation of districts, buildings, structures, sites or objects located within the city. The criteria should be compatible with the Department of Interior's criteria for evaluation of potential entries to the National Register of Historic Places as listed below:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history,

2. That are associated with the lives of persons significant in our past, or

3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

4. That have yielded, or may be likely to yield, information important in prehistory or history;

C. Designate districts, sites, buildings, structures and objects shall be entitled locally as specified in subsection A of Section 2.48.220. Ultimately, designations by the historic preservation commission shall be submitted to the city council for ratification;

D. Act as advisors on historic preservation issues to appropriate local government agencies and the city council;

E. Act as advisors to residents and property holders on matters of historic preservation;

F. Promote historic preservation awareness through a wide range of activities such as walking tours, educational seminars and published materials;

G. Retain assistance of staff members or consultants to carry out the duties as listed above;

H. Request and receive any appropriate information, cooperation, assistance or studies from any government departments, boards, agencies or commissions. (Ord. 5B-88 § 4)

Section 2.48.210 Inventory of significant cultural resources.

A. As stated in subsection A of Section 2.48.200, the historic preservation commission with assistance from local officials and the SHPO shall conduct a cultural resource survey of neighborhoods, commercial and rural areas, for the purpose of evaluating each area's potential for local designation. The inventory shall serve as the data base for preservation decisions and possibly a guide for planning and zoning decisions.

B. The local inventory shall:

1. Be accessible to the public unless access to archaeological or historic information must be restricted for protective purposes;

2. Be updated periodically to reflect new information;

3. Incorporate information about buildings, sites, structures, districts or objects enrolled in, or eligible for, listing in the National Register of Historic Places;

4. Be supplied to the SHPO through the use of duplicates for use in SHPO inventory files.

C. Current historic preservation methodology as established by the Department of the Interior and the SHPO shall serve as a guideline for the cultural resource survey.

D. Cultural resource consultants may be retained to perform the survey duties of the commission. (Ord. 5B-88 § 5)

Section 2.48.220 Designation of local cultural resources.

A. Based upon the results of the cultural resource inventory, the commission shall complete a list of districts, buildings, structures, sites or objects that meet the criteria for eligibility as specified in subsection B of Section 2.48.200, the Department of the Interior's criteria for the

National Register of Historic Places. The commission shall establish an official list of locally significant cultural resources called the Rawlins Record of Historically Significant Sites.

B. The commission shall submit the proposed designation of local sites to the city council for ratification.

C. The designation shall contain specific boundaries for proposed designations.

D. A landowner or other interested parties may submit a recommendation to the commission for consideration of local listing. The commission must duly process this petition.

E. Notice of a proposed designation shall be sent by certified mail to the owner of property proposed for designation, describing the property proposed and announcing a public hearing by the commission to consider said designation.

F. All property owners shall be notified of public hearing as above in subsection E of this section. The local government shall advertise the meeting once in each daily local newspaper at least fifteen days prior to the commission meeting.

G. At the public meeting:

1. The commission may solicit expert testimony regarding the historical, architectural, cultural or archaeological importance of the site, building, structure, district or object under consideration for designation.

2. The commission may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural, cultural, or archaeological importance of the proposed designation.

3. The commission shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the importance of the proposed designation.

4. The owner of the property proposed for designation shall be afforded the right to representation by counsel and reasonable opportunity to cross-examine witnesses presented by the commission.

5. Any interested party may present testimony or documentary evidence regarding the proposed designation at the public hearing.

6. The commission must submit its decision to city council within thirty days of the public hearing and city council must act on the resolution for approval within sixty days of the public hearing.

H. Owners must be notified of the designation decision within fourteen days of the commission meeting. The State Historic Preservation Office and other agencies as appropriate shall be notified of designation by the commission. Within thirty days of the date on which the city council ratifies designation of any site, building, structure, district or object as worthy of preservation, the commission shall cause to be filed with the appropriate legal entity a certificate of notification that such property is designated, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the commission.

I. The commission may rescind the designation of a site, building, structure, district or object if, due to professional error, the property was incorrectly designated. The commission shall follow the public notification procedures as specified above to rescind a local designation. (Ord. 5B-88 § 5)

Section 2.48.230 Participation with National Register Process.

A. The commission shall review each pending National Register nomination that lies within the boundaries of its specified jurisdiction.

B. The commission will comply with Section 4 of the "Rules and Regulations Pertaining to the Certification of Local Governments" as written by the SHPO and officially approved by the Department of the Interior. (Ord. 5B-88 § 6)

Chapter 2.52

DOWNTOWN DEVELOPMENT AUTHORITY

Sections:

- 2.52.010** **Establishment and boundaries.**
- 2.52.020** **Downtown development authority board--Appointment and qualification.**
- 2.52.030** **Powers and duties of the board.**

Section 2.52.010 **Establishment and boundaries.**

A. There is created and established within the boundaries as hereinafter defined a downtown development authority, hereinafter the "authority," with all of the powers, duties and obligations provided in W.S. 15-9-201 et seq. In the event that any ordinance or resolution is adopted by which bonds are issued pursuant to the authority of W.S. 15-9-201 et seq., such shall specify the maximum net effective interest rate of such bonds.

B. The boundaries of the Downtown Development district, hereinafter referred as the "district," within the corporate boundaries of the city shall be as follows:

Beginning at a point where the centerline of 6th Street intersects the centerline of Pine Street; then Southerly along the centerline of 6th Street to intersect a line parallel to and ten feet (10') to the North of the Northerly-most rail of the Union Pacific Railroad line currently in place; thence Easterly along said line to a point that intersects with 2nd Street; thence Northerly along east of centerline of 2nd Street that intersects with Pine Street; thence Westerly along the centerline of Pine Street to the point of beginning. The entire District is of the U.P. 1st Addition to the City of Rawlins, Carbon County, Wyoming.

(Ord. 10C-91 (part)) (Ord. No. 9C-94, Amended, 09/20/94)(Ord. 06A-2012, Amended, 6/19/12)

Section 2.52.020 **Downtown development authority board--Appointment and qualification.**

A. The affairs of the authority shall be under the direct supervision and control of a Downtown Development Authority Board, hereinafter the "Board," consisting of nine (9) members and described as consisting of the following positions:

1. Position #1 shall be a member of the governing body and shall serve at the pleasure of the governing body.
2. Position #2 shall be a representative of the Rawlins-Carbon County Chamber of Commerce and shall serve at the pleasure of the Chamber of Commerce Board of Directors.
3. Position #3 shall be appointed to serve initially until December 31, 2000, and then every four (4) years thereafter.
4. Positions #4 and #5 shall be appointed to serve initially until December 31, 2001, and then every four years thereafter.
5. Positions #6 and #7 shall be appointed to serve initially until December 31, 2002, and then every four years thereafter.
6. Positions #8 and #9 shall be appointed to serve initially until December 31, 2003, and then every four years thereafter.

B. A majority of the members of the board, excepting the member appointed from the city council, shall reside, be a lessee or own real property in the District, or be an officer or director of a corporation having its place of business in the District. No officer or employee of the City, other than the one above-specified member of the board appointed from the City Council, shall be eligible for appointment to the board.

C. A member of the Board shall serve until a successor has been appointed and qualified, death, resignation or removal for cause by the City Council. Vacancies shall be filled by the City Council within thirty (30) days from the time such vacancy is declared for the remainder of the unexpired terms of their

predecessors.

D. Each member of the Board, prior to assuming the duties of the office, shall qualify by taking and subscribing to the oath of office required of other officials of the City. (Ord. 10C-91 (part)) Amended, 09/21/99)

Section 2.52.030 Powers and duties of the board.

A. The board, subject to the provisions of this chapter and other applicable provisions of law, shall have all the powers customarily vested in the board of directors of a corporation in the state of Wyoming. It shall exercise supervisory control over the activities of the authority, any director, and staff of such in achieving the goals and objectives of the authority.

B. The authority may appoint and remove a director and other staff members, who shall be employed upon the recommendation of the director, and prescribe their duties and fix their compensation.

C. The authority, upon the request of the council, shall prepare an analysis of the economic changes occurring in the district and present such to the council.

D. The authority may study and analyze the impact of metropolitan growth upon the district.

E. The authority shall prepare and submit to the council within the first year of existence a detailed comprehensive plan of improvements, development and redevelopment for private and public properties within the district, including removal, site preparation, renovation, repair, remodeling, reconstruction or other changes in existing buildings and structures which may be necessary or appropriate to the execution of a plan to aid and improve the district. The plan shall be completed in cooperation with the city planning commission and the city planning department taking into account the long-range citywide comprehensive plan, with the objective to promote the goals and objectives of the authority, promote the economic growth of the district, implement education, and persuade the property owners and business proprietors to implement such plans to the fullest extent possible.

F. The authority may implement such plans as have been approved by the council by resolution after holding a public hearing, which is to be advertised in the official newspaper once in the week preceding the hearing, and which will assist the authority to achieve its objectives and goals. The council shall approve a plan of development if it finds there is a need to take corrective actions to prevent or halt deterioration of property values or structures within the district or to halt or prevent the growth of blighted areas therein, and that the plan will afford maximum opportunity, consistent with the sound needs and plans of the city as a whole, for the development and redevelopment of the district by the authority and by private enterprise.

G. The authority may retain and fix the compensation of legal counsel to advise the board in the proper performance of its duties.

H. The authority may make and execute such contracts as are necessary or incidental to the exercise of its powers and the performance of its duties.

I. The authority may acquire by purchase, lease, license, option, gift, grant, devise or otherwise, any property or interest therein.

J. The authority may, in connection with public facilities, improve land and construct, reconstruct, equip, improve, maintain, repair and operate buildings and other improvements, whether on land of the authority or otherwise.

K. The authority may lease or sublease any property owned or leased by it or under its control on such terms and conditions as may be established by the board for residential, recreational, commercial, industrial or other uses in accordance with the plan of development.

L. The authority may sell or otherwise dispose of property of the authority, or any interest therein, subject to such covenants, conditions and restrictions as it may deem necessary or desirable to carry out the purposes and objectives of the authority, for residential, recreational, commercial, industrial, public or other uses in accordance with the plan of development. Any sale or letting of property by the authority shall be at not less than its fair value as determined by the authority and the council for uses in accordance with the approved plan of development. In determining the fair value of real property for such uses, the authority shall consider the uses provided in the development plan; the restrictions upon and the covenants, conditions

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and obligations assumed by the purchaser or lessee; and the objectives of the development plan.

M. The authority may fix, charge and collect fees, rates, tolls, rents and charges for the use of any property of the authority or any property under its control and to pledge any such revenues in support of any obligations of the authority.

N. The authority may cooperate with the city and any other governmental agency or public body and to enter into contracts with any such agency or body.

O. The authority may make to and receive from the city or Carbon County conveyances, leasehold interests, grants, contributions, loans and any other rights and privileges.

P. The authority may invest any funds of the authority not required for immediate disbursement in property or securities in which public bodies may invest funds, and to redeem any bonds issued by the city at the redemption price established therein or purchase such bonds at less than redemption price, all bonds so redeemed or purchased to be canceled.

Q. The authority may deposit any funds not required for immediate disbursement in any depository authorized by law to receive and hold public funds. For the purpose of making such deposits, the board may appoint, by written resolution, one or more persons to act as custodians of the funds of the authority. Such persons shall give surety bonds in such amounts and form and for such purposes as the board requires.

R. The authority may demolish and remove buildings and improvements located on, and to install, construct or reconstruct improvements and facilities, including public facilities, on any land owned by the authority or the city in preparation for conveyance to purchasers or lessees, or otherwise. (Ord. 10C-91 (part))

Chapter 2.60

BOARD OF ADJUSTMENT

Sections:

- 2.60.010 Purpose, powers and duties.**
- 2.60.020 Number of members, appointments, and terms.**
- 2.60.030 Rules and organization.**
- 2.60.040 Meetings.**
- 2.60.050 Reports and recommendations to the city council.**

Section 2.60.010 Purpose, powers and duties.

There is hereby created a board of adjustment as provided for in Section 15-1-605 of the Wyoming Statutes, which shall have all of the powers and duties of State law and no others except as specifically set forth in this or any other ordinance of the City of Rawlins. The purpose of the board is to grant variances in appropriate cases, hear and decide specific planning and zoning appeals, and issue or deny conditional use permits, all in accordance with Chapter 19.76 of the Rawlins code. (Ord. No. 3C-95, Enacted, 03/07/95)

Section 2.60.020 Number of members, appointments, and terms.

The Board of Adjustment shall be composed of seven members, each of which shall be qualified electors of the city, appointed by the Mayor with the approval of the City Council. The Council may remove any board member for cause upon written charges after public hearing. Terms of the members shall be three years, and shall be staggered so that at least two terms expire on the last day of January of each year. Vacancies shall be filled for the unexpired portion of a term. Members may be reappointed for additional terms. (Ord. No. 3C-95, Enacted, 03/07/95)

Section 2.60.030 Rules and organization.

The board shall elect a chairman from its membership during its first meeting after January 31 of each calendar year. The board shall prescribe rules of procedure for the conduct of its affairs and the carrying out of its purpose, powers, and duties. (Ord. No. 3C-95, Enacted, 03/07/95)

Section 2.60.040 Meetings.

Board meetings shall be held at the call of the chairman and at such other times as the board determines. The chair, or acting chair in the chair's absence, may administer oaths and compel the attendance of witnesses. All board meetings are open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or if the member was absent or failed to vote. The board shall also keep records of its examinations and other official actions. All minutes are public records and shall be filed in the board's office. The city manager shall provide a secretary for the board. (Ord. No. 3C-95, Enacted, 03/07/95)

Section 2.60.050 Reports and recommendations to the city council.

The board shall submit a written report to the city council during January of each year, summarizing all of its activities for the previous calendar year. The board may also make such recommendations to the council that it deems appropriate as part of its report. (Ord. No. 3C-95, Enacted, 03/07/95)