

ORDINANCE NO. 2020-7

**AN ORDINANCE EXEMPTING THE TOWN OF MILLS, WYOMING,
FROM THE PROVISIONS OF WS § 15-7-303, 15-7-106 15-7-107, 15-1-110, 15-6-
202, AND VARIOUS OTHER PROVISIONS OF WYOMING STATE STATUTES
REQUIRING MUNICIPAL CORPORATIONS TO PROVIDE NOTICE OF ACTIONS,
HEARINGS AND INFORMATION BY WAY OF LEGAL NOTICES OR PUBLICATIONS
IN NEWSPAPERS**

WHEREAS, The Town of Mills, Wyoming has had the occasion to review Title 2 of its Ordinances and to revise the same and in the course of the same has reviewed WS § 15-3-104 deals with Officers of first class city; terms: how elected, and requires a ward system of municipal government and terms as there set forth, and the Town Council chooses for these provisions not to be applicable to the Town of Mills Wyoming and instead chooses the system and terms set forth in the attached Title 2; and

WHEREAS, Article 13 Section 1 of the Wyoming Constitution provides

(c) Each city or town may elect that the whole or any part of any statute, other than statutes uniformly applicable to all cities and towns and statutes prescribing limits of indebtedness, may not apply to such city or town. This exemption shall be by charter ordinance passed by a two-thirds (2/3) vote of all members elected to the governing body of the city or town. Each such charter ordinance shall be titled and may provide that the whole or any part of any statute, which would otherwise apply to such city or town as specifically designated in the ordinance shall not apply to such city or town. Such ordinance may provide other provisions on the same subject. Every charter ordinance shall be published once each week for two consecutive weeks in the official city or town newspaper, if any, otherwise in a newspaper of general circulation in the city or town. No charter ordinance shall take effect until the sixtieth (60th) day after its final publication. If prior thereto, a petition, signed by a number of qualified electors of the city or town, equaling at least ten per cent (10%) of the number of votes cast at the last general municipal election, shall be filed in the office of the clerk of such city or town, demanding that such ordinance be submitted to referendum, then the ordinance shall not take effect unless approved by a majority of the electors voting thereon. Such referendum election shall be called within thirty (30) days and held within ninety (90) days after the petition is filed. An ordinance establishing procedures, and fixing the date of such election shall be passed by the governing body and published once each week for three (3) consecutive weeks in the official city or town newspaper, if any, otherwise in a newspaper of general circulation in the city or town. The question on the ballot shall be: "Shall Charter Ordinance No. Entitled (stating the title of the ordinance) take effect?". The governing body may submit, without a petition, any charter ordinance to referendum election under the procedures as previously set out. The charter ordinance shall take effect if approved by a majority of the electors voting thereon. An approved charter ordinance, after

becoming effective, shall be recorded by the clerk in a book maintained for that purpose with a certificate of the procedures of adoption. A certified copy of the ordinance shall be filed with the secretary of state, who shall keep an index of such ordinances. Each charter ordinance enacted shall prevail over any prior act of the governing body of the city or town, and may be repealed or amended only by subsequent charter ordinance, or by enactments of the legislature applicable to all cities and towns.

(d) The powers and authority granted to cities and towns, pursuant to this section, shall be liberally construed for the purpose of giving the largest measure of self-government to cities and towns.

and

WHEREAS, WS § 15-7-303, 15-7-106 15-7-107, 15-1-110, 15-6-202, and various other provisions of Wyoming State Statute require municipal corporations to provide notice of actions, hearings and information by way of legal notices or publications in newspapers; and

WHEREAS, the Town Council of the Town of Mills, Wyoming chooses to exempt the town from those provisions requiring a notice in newspapers as it is an inefficient means of providing notice at the present time, fails to give adequate notice, and is an expense imposed upon the town which is not calculated to achieve the desired effect, the Town undertakes to instead provide such notice as follows:

2.90.30 Legal Advertisements.

Pursuant to the Provisions found at Article 13, Sec. 1, of the Wyoming Constitution, in all instances in which there exists a Statute requiring the Town of Mills to advertise or place notices in a newspaper, the Town of Mills shall instead place said notice or advertisement, except where it elects to do the same in a newspaper, on the Town's website and three designated public places in the Town of Mills. Unless provided for otherwise, the public places will be the Mills Town Hall, the Mills Library, and the United States Post Office in the Town of Mills. All such notices shall remain in place for that period specified by State Statute for running an advertisement or a notice in a newspaper.

Nothing in this provision shall preclude the Town from running an advertisement or notice in a newspaper should it choose to do so.

NOW THEREFORE, The Town Council of the Town of Mills hereby exempts itself under Art 13 Sec. 1 of the Wyoming Constitution from the provisions of WS § 15-7-303, 15-7-106 15-7-107, 15-1-110, 15-6-202, and various other provisions of Wyoming State Statute require municipal corporations to provide notice of actions, hearings and information by way of legal notices or publications in newspapers.

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1st reading the _____ day of December 2020.

PASSED on 2nd reading the _____ day of _____, 2020.

PASSED, APPROVED AND ADOPTED on 3rd and final reading this _____ day of _____, 2020

TOWN OF MILLS, WYOMING

Seth Coleman, Mayor

Sara McCarthy, Council

Darla R. Ives, Council

James Hollander, Council

Brad Neumiller, Council

ATTESTED:

Christine Trumbull, Town Clerk