

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 16-1 OF THE GILLETTE CITY CODE TO  
AMEND SENTENCING PENALTIES FOR VIOLATIONS OF GILLETTE CITY CODE,  
CITY ORDINANCE OR OTHER RULE OR REGULATION PROMULGATED BY THE  
CITY OF GILLETTE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE,  
WYOMING:

SECTION ONE. Section 16-1 of the Gillette City Code is amended to read as follows:

§16-1 Penalties.

A.

1. Penalties. Wherever in this Code, or in any ordinance of the City, or any rule or regulation promulgated by an officer or agency or the City under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, 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 not exceeding seven hundred fifty dollars (\$750.00) to which may be added court costs, with the exception of Sections 16-1(A)(3) and/or 16-1(B) set forth herein.

Community service may also be ordered by the Court. Community Service performed will be credited at the prevailing Federal Minimum Wage. The total of fine plus Community Service credit hours, cannot exceed seven hundred fifty dollars (\$750.00) for any one conviction of an ordinance violation. Each day or part thereof, any violation of this code or any such ordinance, rule or regulation continues shall constitute a separate and distinct offense.

2. Probation. After conviction or plea of guilty for any of the offenses in Sections 16-1(A)(3) and/or 16-1(B) set forth herein, and following entry of the judgment of conviction, the Court may:

- (i) Suspend the imposition or execution of sentence and place the defendant on probation; or
- (ii) Impose a fine applicable to the offense and place the defendant on probation.

(iii) The Court may impose, and at any time modify, any condition of probation or suspension of sentence. Compliance with the recommendations contained within a substance abuse evaluation may be a condition of probation.

3. Substance Abuse Evaluation. Whenever any person pleads guilty to, or is found guilty of §3-2 or §3-6 of the Gillette City Code, or §12-6-101(a) of the Wyoming Statutes as adopted by §3-12 of the Gillette City Code, for possession or use of any alcoholic or malt beverage or use of any controlled substance as defined in Wyoming Statutes they may be ordered to attend a substance abuse evaluation, as determined by the Municipal Judge.

B. In the case of a conviction on the charge of a violation of any of the following offenses:

3-1	Public Intoxication.
3-2	Minor in Possession.
3-3	Minor in Licensed Building.
14-19	Marijuana Use and Possession.
14-2	Assault and Battery.
14-23	Same - resisting arrest.
§ 31-5-229, Wyo. Statutes, as adopted by § 11-1 of the Gillette City Code	Reckless Driving

the offender shall be guilty of a misdemeanor punishable by imprisonment of a term of up to ninety (90) days, and a fine not exceeding seven hundred fifty dollars (\$750.00) plus Court Costs.

Upon conviction of any other sections of the Gillette City Code the offender shall be punished by a fine not exceeding seven hundred fifty dollars (\$750.00) to which may be added court costs, unless a lesser punishment is specifically established elsewhere in a particular section of the Gillette City Code.

SECTION TWO. This Ordinance shall be in full force and effect immediately upon publication.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Louise Carter-King, Mayor

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ATTEST:

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Karlene Abelseth, City Clerk

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