

Title 9

PUBLIC PEACE AND WELFARE

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Chapter 9.04

OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.04.010 Impersonating officer.
- 9.04.020 False reporting.
- 9.04.030 Introduction of articles into jail or to prisoners.
- 9.04.040 Assistance to prisoner.
- 9.04.050 Communication with prisoners.
- 9.04.060 Resisting officer.
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- 9.04.080 Orders by police during emergency.
- 9.04.090 Trespass by employees.
- 9.04.100 Interference with city employees—Right-of-entry.

9.04.010 Impersonating officer. It is unlawful for any person to impersonate any policeman or other law enforcement officer by wearing a star, badge, uniform, or other insignia, or by representing himself falsely to be such policeman or other law enforcement officer or in any other manner whatsoever.

9.04.020 False reporting. It is unlawful for any person knowingly to report falsely to a law enforcement agency or a fire department that (1) a crime has been committed or that (2) an emergency exists. As used in this section, “emergency” means a crime or situation which could result in a public official responding in an authorized emergency vehicle or which could jeopardize public safety or could result in the evacuation of any area, building, structure, vehicle or other place people may enter.

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**9.04.030 Introduction of articles into jail or to prisoners.** It is unlawful for any person to introduce or cause to be introduced any intoxicating liquors or drugs of any kind or any weapon of any kind or any tool or other instrument of any kind into any jail or other place of confinement, or to give any such liquor, drug, tool, weapon or other instrument to any person in the custody of a duly appointed law enforcement officer.

**9.04.040 Assistance to prisoner.** It is unlawful for any person to aid or to assist, or to attempt to aid or to assist, any person in custody of any duly appointed law enforcement officer, or any person confined in the City jail or other place of confinement to escape from said officer or from such place of confinement.

**9.04.050 Communication with prisoners.** A. It is unlawful for any person to visit or communicate with or attempt to visit with or communicate with any prisoner in the City jail through the windows of the jail.

B. It is unlawful for any person being a prisoner in the City jail to visit or communicate or attempt to visit or communicate through the jail windows with any person on the outside.

C. It is unlawful for any person to stand, wait, or loiter around the windows of the City jail on the outside of the City jail.

D. It is unlawful for any person to visit or communicate with or attempt to visit or communicate with any person in the City jail except with the express permission of the Police Department.

**9.04.060 Resisting officer.** It is unlawful for any person to resist any duly appointed law enforcement officer in the performance of his duty or to aid any other person in resisting said officer in the performance of his duty.

**9.04.070 Assaulting officer.** It is unlawful for any person to assault or to attack, or to aid in an assault or attack upon any officer while said officer is engaged in the performance of his duty as such officer.

**9.04.080 Orders by police during emergency.** It is unlawful for any person during any riot, rout, affray, fire, accident, or other emergency situation of whatever nature to willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with the responsibility of the enforcement of the laws and ordinances of the City, the protection of the health

and safety of the citizens, and the keeping of the peace.

**9.04.090 Trespass by employees.** It is unlawful for any officer or employee of the City to trespass upon the property of another except when required to do so in the course of his duties as an employee or officer of the City.

**9.04.100 Interference with City employees—Right-of-entry.** A. It is unlawful for any person to interfere in any way with any City employee in the performance of his work or to displace any stakes or landmarks deposited or installed by any employee, or in any manner to molest, interfere with, disturb or carry away any tools, instruments or equipment to be used by such employee in the duties assigned by him.

B. It is unlawful for any person to maintain any dangerous or unsafe conditions upon his property or to keep, allow or maintain any dangerous, fierce or vicious animal upon his property whether as a tenant or an owner, if such animal or condition shall threaten, impede or interfere with the performance of inspections, repairs, reading of meters, or other duties of any authorized agent or employee of the City or shall place him in reasonable apprehension of his health or safety. Any such animal or condition shall be deemed to constitute a nuisance and the owner or the occupant of the property shall be deemed to be the author thereof and shall be subject to the penalties provided in Chapter 1.16. In addition thereto, any and all utility services or other services or inspections by the City may be discontinued, terminated, revoked or cancelled by following the procedure set forth in Section 13.04.050 until such animal is disposed of or such condition is abated to the satisfaction of the Administrator of the City, and any permit for occupancy or building or other purpose which may have been granted for such property, and which requires continuing inspection, may be suspended until such animal is disposed of or condition abated to the satisfaction of the Administrator of the City. In addition thereto, during any period that such condition or animal may exist and prior to the time that is corrected or abated, the balance owed for utilities consumed upon the property and premises may be estimated by the City.

C. Any request for or subscription to or use of utility services of the City and any application for a building permit or an occupancy permit or any other permit requiring inspection by an employee of the City prior to issuance, shall constitute an implied consent on the part of the person so subscribing, requesting or using such utility service or requesting any such permit for the employees and agents of the City to enter upon the property where such

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utilities are to be used or provided, or for which any such permit is to be granted, for the purpose of inspection, repair and reading of City-owned meters and equipment and customer-owned equipment by any authorized employee or agent of the City who may if he desires, be accompanied by any law enforcement officer of the City, and shall further constitute implied consent to and acceptance of the rules and regulations of the City pertaining to such utility service or permit requirement. (Ord. 15-1991 §1, 1991)

Chapter 9.08

OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.08.010 Disorderly houses.
- 9.08.020 Indecent exposure.
- 9.08.030 Obscenity.
- 9.08.040 Peeping toms.
- 9.08.050 Disorderly conduct.
- 9.08.060 Gambling—Definitions.
- 9.08.070 Gambling—Unlawful.
- 9.08.080 Alcoholic beverage—Open container in public areas unlawful.
- 9.08.090 Alcoholic beverage—Open container in restaurant.
- 9.08.100 Consumption and possession of alcoholic beverages in open containers by operator of vehicle prohibited – definitions.
- 9.08.110 Possession of Controlled Substances.

9.08.010 Disorderly houses. A. It is unlawful for any person to keep, maintain, operate or occupy or aid, abet or participate in or permit or allow the keeping, maintaining, operating or occupying of any room, house, building, or other place or premise within the City for the practice or purpose of fornication, adultery, prostitution, or any other lewd or immoral practice.

B. Any person being the owner, agent, occupant or tenant of any premises or being employed within any premises kept, maintained, operated or occupied within the City for the practice or purpose of fornication, adultery, prostitution or any other lewd or immoral practice shall be presumed to have aided, abetted or participated in or permitted or allowed the keeping, maintaining or occupying of such premises for such practices or purposes.

C. It is unlawful for any person being the owner, agent, occupant, tenant or employee of an inn, bowling alley, saloon, liquor store, pool hall, café, restaurant or other public place to knowingly suffer any drunkenness, quarreling, fighting, unlawful or riotous games or disorderly conduct whatsoever in or on such premises, and in

addition to the other penalties provided, if such person is licensed by the City, such license may be revoked by the City Council upon conviction of such person for violating the provisions of this section.

D. It is unlawful for any person being the owner, occupant, tenant or guest of an owner, occupant or tenant of any private home, apartment, or other residential unit of any kind whatever, whether temporary or permanent, to knowingly suffer any conduct thereon with knowledge or probable cause to believe that said conduct will disturb the peace of any other person, and the owner, tenant, occupant or guest of an owner, tenant or occupant of any such premises on which such disturbances occur, shall be presumed to have knowingly suffered the same. (Ord. 4-2003)

9.08.020 Indecent exposure. It is unlawful for any person to appear in any public place within the City in a state of nudity or in an indecent or lewd dress or to make an indecent exposure or exhibition of his person.

9.08.030 Obscenity. A. Definitions. As used in this section:

“Disseminate” means to sell, distribute, provide, exhibit or otherwise make available to another;

“Material” includes any form of human expression or communication intended for, or capable of, visual auditory or sensory perception;

“Obscene” is material which the average person would find:

- a. Applying contemporary community standards, taken as a whole, appeals to the prurient interest;
- b. Applying contemporary community standards depicts or describes sexual conduct in a patently offensive way; and
- c. Taken as a whole, lacks serious literary, artistic, political or scientific value.

“Produce or reproduce” means to bring into being regardless of the process or means employed. Undeveloped photographs, films, molds, casts, printing plates and like articles may be obscene notwithstanding that further processing or other acts are necessary to make the obscenity patent or to disseminate or exhibit the obscene material;

“Sexual conduct” means:

- a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated;
- b. Sado-masochistic abuse; or
- c. Patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibitions of the genitals.

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**B. Promoting Obscenity—Penalties.**

1. A person commits the crime of promoting obscenity if he:
  - a. Produces or reproduces obscene material with the intent of disseminating it;
  - b. Possesses obscene material with the intent of disseminating it; or
  - c. Knowingly disseminates obscene material.
2. Promoting obscenity is a misdemeanor punishable upon conviction by a fine of not more than seven hundred fifty dollars.
3. This section shall not apply to any person who may produce, reproduce, possess or disseminate obscene material:
  - a. In the course of law enforcement and judicial activities;
  - b. In the course of bona fide school, college, university, museum or public library activities or in the course of employment of such an organization.

**9.08.040 Peeping toms.** It is unlawful for any person to invade, or attempt to invade, the privacy of another person by resorting to “peeping”, which is hereby defined as the stealthy, clandestine or surreptitious visual invasion, or attempted visual invasion, of a person’s privacy.

**9.08.050 Disorderly conduct.** It is unlawful for any person in any public place to quarrel or fight with another, or aid or abet in any fight, or ask, invite or defy another to fight or quarrel, or to use abusive language and thereby intentionally create a risk of assault, or intentionally disrupt any lawful assembly or meeting of persons without lawful authority, or intentionally obstruct vehicular or pedestrian traffic without lawful authority. (Ord. 16-1991 § 1, 1991)

**9.08.060 Gambling—Definitions.** As used in this section:

“Calcutta wagering” means wagering on the outcome of amateur contests, cutter horse racing, dog sled racing, professional rodeo events or professional golf tournament in which those who wager bid at auction for the exclusive right to “purchase” or wager upon a particular contestant or entrant in the event and when the outcome of the event has been decided the total wagers comprising the pool, less a percentage “take-out” by the event’s sponsor, is distributed to those who “purchased” or wagered upon the winning contestants or entrants;

“Gain” means the direct realization of winnings.

“Gambling” means risking any property for gain contingent in whole or in part upon lot, chance, the operation

of a gambling device or the happening or outcome of an event, including a sporting event, over which the person taking a risk had no control, but does not include:

1. Bona fide contests of skill, speed, strength, or endurance in which awards are made to entrants or the owners of entries;
2. Bona fide business transactions which are valid under the law of contracts;
3. Other acts or transactions now or hereafter expressly authorized by law;
4. Bingo games conducted, or pull tabs sold by charitable or nonprofit organizations where the tickets for the bingo are sold only in this state and the pull tabs are sold only on the premises owned or occupied by the charitable or nonprofit organization provided that:
  - a. Bingo games and pull tab games shall only be conducted by charitable or nonprofit organizations which have been in existence in this state for at least three (3) years;
  - b. In conducting bingo games and pull tab games, the organization shall use only volunteers who are bona fide members of the charitable or nonprofit organization or employees or contractors who are paid by the organization to assist in the operation of the game;
  - c. Players of bingo games or pull tab games shall be eighteen (18) years or older;
  - d. At least sixty-five percent (65%) of all gross sales shall be redeemed as winnings each month. The net proceeds after payment of winnings shall be restricted as follows:
    - (i) No more than forty percent (40%) of net proceeds shall be paid to distributors or manufacturers of supplies or equipment necessary to conduct the game; and
    - (ii) Seventy-five percent (75%) of the net proceeds remaining after payment for all costs and supplies shall be donated within one (1) year by the organization to a bona fide charitable or benevolent purpose.
  - e. The charitable or nonprofit organization conducting the bingo game or pull tab game may purchase supplies or equipment necessary to conduct the game from a distributor or manufacturer at a price based on a per card or pull tab basis subject to the limitations provided in subdivision (4)(D)(i) of this paragraph.
5. Any game, wager, or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling; or
6. Calcutta wagering on contests or events conducted by a bona fide

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nationally chartered veterans, religious, charitable, educational or fraternal organization or nonprofit local civic or service club organized or incorporated under the laws of the State, provided that:

- a. The contest or event is conducted solely in this State;
- b. Any rules affecting the contest or requirements for participants are clearly posted;
- c. The total prizes or prize money paid out in any one (1) contest or event does not exceed ninety percent (90%) of the total wagers;
- d. A minimum of ten percent (10%) of the total wagers on each contest or event is donated within one (1) year by the sponsoring organization to a bona fide charitable or benevolent purpose;
- e. No separate organization or professional person is employed to conduct the contest or event or assist therein;
- f. The sponsoring organization before conducting the contest or event gives thirty (30) days written notice of the time and place thereof to the governing body of the county or municipality in which it intends to conduct the contest or event and the governing body does not pass a resolution objecting thereto;
- g. The sponsoring organization has complied with the relevant sections of the internal revenue code of 1954 as amended, relating to taxes on wagering.

7. Display or private use of antique gambling devices in the owner's residence;

8. Raffles conducted for charitable purposes.

"Gambling device" means any device, machine, paraphernalia or equipment except an antique gambling device that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine;

"Gambling premise" means any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed used or intended to be used for professional gambling. Any place where a gambling device is found is presumed to be intended to be used for professional gambling;

"Gambling proceed" means all money or property at stake or displayed in or in connection with professional gambling;

"Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(Ord. 9-2009)

9.08.070 Gambling—Unlawful. It is unlawful for any persons to engage in gambling.

9.08.080 Alcoholic beverages—Open container in public areas unlawful. A. It is unlawful for any person to possess an alcoholic beverage in an open container in any open space, except with a valid beer/champagne permit in designated City park areas, provided that open containers shall not be taken upon the Park County Fairgrounds, except with the consent of the management and in areas designated by the management.

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B. The governing body may grant exceptions to the open container restrictions provided in subsection A of this section for special occasions open to the public and community at large, which exceptions may be provided by the governing body on its own recognition of the need thereof, otherwise upon application for exception made at a regular meeting not less than thirty days prior to the event. Specific hours and conditional requirements and other limitations imposed with the waiver shall be ordered by the governing body at the time of approval. All such exceptions shall be granted by special resolution of the governing body. (Ord. 12-2000 § 1, 2000; Ord. 4-1998 § 1, 1998)

9.08.090 Alcoholic beverages—Open container in restaurant. It is unlawful for any person to possess or consume alcoholic liquors or malt beverages in or from an open container within an unlicensed restaurant or for any owner, lessee, operator, or employer to permit or suffer such conduct to occur within an unlicensed restaurant.

9.08.100 Consumption and possession of alcoholic beverages in open containers by operator of vehicle prohibited – definitions.

A. As used in this section:

(i) “Alcoholic beverage” means alcoholic liquor or malt beverages as defined in Wyoming Statute 12-1-101 (a)(i), (vii) and (x).

(ii) “Recreational vehicle” means a self-propelled motor vehicle designed primarily with living quarters for recreational, camping, vacation or travel use but excludes any vehicle that does not have plumbing and an electrical system that operates above twelve (12) volts.

B. No person shall consume, transport or possess any alcoholic beverage in a motor vehicle while the motor vehicle is in motion on a City street or highway unless the beverage is:

(i) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed bottle of wine may be transported as provided in Wyoming Statute 12-4-410 (e);

(ii) In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;

(iii) In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window;

(iv) In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or

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(v) Secured in a cabinet or compartment of a recreational vehicle, and the cabinet is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

C. This section shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of passengers for compensation. The driver of any vehicle under this subsection is prohibited from consuming or having an alcoholic beverage within the driver's zone of control. (Ord. 19-2008)

9.08.110 Possession of Controlled Substances

A. As used in this Section, "controlled substance" means a drug, substance or immediate precursor listed in Schedules I through III, inclusive, of the Wyoming Controlled Substance Act (Schedules are found in W.S. 35-7-1014 through 35-7-1018, inclusive).

B. It is unlawful for any person within the city limits to knowingly or intentionally possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as is authorized by the Wyoming Controlled Substance Act. Any person who violates this Section shall be punished as provided in the general penalty of this code. (Ord. 1-2009)

9.08.120 Persons Using or Under the Influence of Controlled Substances.

A. No person shall knowingly or intentionally use or be under the influence of a controlled substance listed in Schedules I, II or III, as defined by W.S. §35-7-1014, W.S. §35-7-1016 and W.S. §35-7-1018 except when administered or prescribed by or under the direction of a licensed practitioner. (Ord. 6-2009)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.12.010 Spotlights.
- 9.12.020 Drunkenness.
- 9.12.030 Unlawful assembly.
- 9.12.040 Disturbing the peace.
- 9.12.050 Excessive noise—Unlawful.
- 9.12.060 Excessive noise—Definitions.

- 9.12.070 Individual and joint violations prohibited.
- 9.12.080 Determination of noise level.
- 9.12.090 Permits for relief.
- 9.12.100 Exception for emergency vehicles.

9.12.010 Spotlights. It is unlawful to turn on or use searchlights, spotlights or bright headlights within the corporate limits of the City, except in the operation of emergency vehicle.

9.12.020 Drunkenness. It is unlawful for any person who is under the influence of alcohol to a degree which renders himself a hazard, to walk or be upon any street or

thoroughfare or in any public place or in or on any vehicle within the City. (Ord. 2-1996, 1996)

**9.12.030 Unlawful assembly.** It is unlawful for any and all persons to collect or stand in crowds in front of or about any public building or premises or to collect or stand in crowds or obstruct the free and uninterrupted passage of any sidewalk or any hall or passageway leading to any public building or premises.

**9.12.040 Disturbing the peace.**

A. A person commits a disturbance of the peace if he disrupts the peace of a Community or its inhabitants by unreasonably loud noise or music, or by using threatening, abusive or obscene language, or violent actions with the knowledge or probable cause to believe he will disturb the peace. (Ord. 3-2003)

B. It is unlawful for any person to fight in a public place or challenge another person in a public place to fight. (Ord. 17-1991 § 1, 1991) (Ord. 3-2003)

**9.12.050 Excessive noise—Unlawful.** The making and creating of excessive noise within the City is declared to be unlawful.

**9.12.060 Excessive noise—Definitions.** The term “excessive noise” shall have the following meaning:

A. When related to a sound from a vehicle with a manufacture’s gross weight rating of ten thousand pounds during the hours of seven a.m. to six p.m. the term shall mean any sound which exceeds eighty-eight decibels.

B. When related to all other sounds, from whatever source, the term shall mean any such sounds which exceed eighty decibels.

**9.12.070 Individual and joint violations prohibited.** No person shall operate any type of vehicle or carry on any other activity in violation of this chapter, nor shall any group of two or more persons operating separate vehicles or carrying on other separate activities do so together, at the same time, jointly, concertedly, or as a fleet, in such close proximity of each other or to one another that the total collective sound emitted exceeds the limits hereinabove set forth.

**9.12.080 Determination of noise level.** For the purpose of determining and classifying any noise as excessive and in violation of this chapter, the following measurement and requirements shall be applied:

A. The noise shall be measured on a sound meter which conforms to American Noise Standard Institute and International Standards and Quality, operated on an “A” weighing scale.

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B. The noise shall be measured at a distance of at least thirty-five feet from its source, when located within a dedicated public right-of-way.

C. If the noise is located on private property or public property, other than a dedicated public right-of-way, it shall be measured at least twenty-five feet from the property line of the property on which its source is located.

9.12.090 Permits for relief. A. Applications for a permit for relief from noise levels designated in this chapter may be made to the Chief of Police. Any permit granted by the Chief of Police hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police may grant the relief as applied for if he finds:

1. That additional time is necessary for the applicant to alter or modify his activities or operations to comply with this chapter; or
  2. The activity, operation or noise will be of temporary duration, and cannot be done in a manner that would comply with this chapter; or
  3. That no other reasonable alternative is available to the applicant;
- and
4. That failure to issue the permit would constitute an undue hardship.

B. The Chief of Police may prescribe any requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, as a condition to the issuance of a permit.

C. The Chief of Police shall either issue or reject any application submitted to him in writing within five days after receipt thereof, and the applicant may appeal, in writing to the City Council any decision of the Chief of Police within ten days after such decision is rendered.

9.12.100 Exception for emergency vehicles. The requirements, prohibitions and terms of this chapter shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefore has been granted by the City, including, but not limited to parade and fireworks displays.

Chapter 9.16OFFENSE AGAINST PROPERTYSections:

9.16.010	Vandalism—Vehicles.
9.16.020	Vandalism—Traffic signs.
9.16.030	Defacing City property.
9.16.040	Posters and placards.
9.16.050	Removal of sod.
9.16.060	Occupancy of City property.
9.16.070	Electrical distribution system.
9.16.080	Shoplifting—Detention and interrogation of suspects.
9.16.090	Petit thief.
9.16.100	Dumping refuse from cement trucks.
9.16.110	Violation—Penalty.
9.16.120	Property Destruction and Defacement

9.16.010 Vandalism—Vehicles. It is unlawful for any person not the owner or operator thereof to tamper, meddle, or interfere with any vehicle, or to start or attempt to start the motor thereof, or to puncture or otherwise mutilate the tires, or to scratch, dent, mark or otherwise deface the body or any equipment, machinery, or apparatus thereon, or to take or remove from the vehicle any part or portion of the machinery, equipment or other apparatus, or to throw, cast or hurl any rock, snowball, glass, water, water-filled balloon or other thing or missile at any vehicle or the occupants thereof.

9.16.020 Vandalism—Traffic signs. It is unlawful for any person to remove or tamper, meddle or interfere with any traffic sign, painted line, or other device, symbol or marking or street sign constructed or maintained in the City.

9.16.030 Defacing City property. It is unlawful for any person, unless he shall have a permit therefor from the Mayor or Council, to cut, break, or in any way injure or deface any tree, shrub, plant, flower or turf, or any building, fence, bridge, or other structure, or any street, alley, curb, gutter, water or sewer intake, or any tools, equipment, or anything whatsoever that has been planted, built, constructed, or installed or is maintained by, or is the property of the City.

B. It is unlawful for any person to interfere with any real or personal property that is owned, built, constructed, installed or maintained by the City, or to interfere with or interrupt the beneficial use thereof by the

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City, even though no permanent damage may result.

9.16.040 Posters and placards. It is unlawful for any person to affix in any manner whatever any placard or other sign upon any pole or structure or other property of any kind belonging to the City.

9.16.050 Removal of sod. It is unlawful for any person to dig, remove, or cause to be removed any sod, stone, earth, sand, or gravel from any street, alley or public ground or other property owned by the City without having first obtained permission from the City Clerk, Mayor or Council.

9.16.060 Occupancy of City property. It is unlawful for any person to occupy for any purpose whatsoever any land owned by the City without first having secured a lease or other official agreement from the Council to occupy the land.

9.16.070 Electrical distribution system. A. It is unlawful for any person other than the authorized official or employees of the City to fasten or attach any device or other thing to or climb any electric light pole or line or to tamper, molest, or interfere with the electrical distribution system of the City or any electric appliance, structure, apparatus or device belonging thereto.

B. It is unlawful for any person to take unmetered power from the City or to install any wires or other devices that by-pass City meters in the service of electric power to any premises or to direct or permit any other person to do the same.

C. It is unlawful for any person being the owner or occupant of any premises within the City to receive City power by means of wires or other devices by-passing City meters.

D. Neither knowledge nor intent shall be an element of any criminal prosecution brought under subsection B or subsection C of the section.

E. Any person convicted under this section (1) shall be fined in any amount not exceeding seven hundred fifty dollars and the cost of prosecution, and (2) shall be liable to the City for its electrical revenue loss resulting from such by-pass device.

9.16.080 Shoplifting—Detention and interrogation of suspects. A. Shoplifting Unlawful. Any person who willfully conceals or willfully takes possession of any goods offered for sale by a mercantile establishment with intent to convert the goods to his own use without paying the purchase price therefore is guilty of shoplifting.

B. **Detention and Interrogation of Suspects.** Any peace officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting may detain and interrogate such person in regard thereof in a reasonable manner and for a reasonable time.

**9.16.090 Petit theft.** A. Any person who steals, takes or carries, leads or drives away the property of another with intent to convert is guilty of petit theft.

B. Any bailee or other person entrusted with the control, care or custody of money or other property who, with intent to steal or deprive the other thereof, converts the property to his own or another's use is guilty of petit theft.

C. A person who alters, defers, changes or removes a price tag or marker on or about the property offered for sale by any business establishment with intent to obtain the property at less than the marked or listed price is guilty of a misdemeanor.

D. Any person who obtains services or prepared products or self-service products or any combination of the same and leaves the premises or property where such services or prepared products or self-service products or combination thereof are obtained or provided without paying the price therefore is guilty of petit theft.

**9.16.100 Dumping refuse from cement trucks.** It is unlawful for any person to dump or discard any refuse, residue or rinsing material from cement trucks or other cement mixing equipment or carriers or containers within the corporate limits of the City except upon private property with the consent of the owner thereof.

**9.16.110 Violation—Penalty.** Any person violating the provisions of Section 9.16.080 or Section 9.16.090 of the City Code shall be guilty of a misdemeanor and upon conviction shall be fined a sum not less than one hundred dollars nor more than seven hundred fifty dollars.

**9.16.120 Property Destruction and Defacement.** A person is guilty of property destruction and defacement if he knowingly defaces, injures or destroys property of another without the owner's consent.

Chapter 9.20

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.20.010 Persons Under Twenty-one Years of Age - Prohibited from being under the influence or possessing alcoholic beverages.
- 9.20.020 Curfew hours for minors under sixteen years of age.
- 9.20.030 Purchase, Possession or Use of Tobacco by Minors Prohibited.

9.20.010 Persons Under Twenty-one Years of Age Prohibited from being under the influence or possessing alcoholic beverages.

A. No person under the age of twenty-one (21) years shall consume, possess or have any alcoholic liquor or malt beverage in his or her possession or shall be intoxicated or under the influence of alcoholic liquor or malt beverage to any degree anywhere within the City. This section shall not apply to possession by a person under the age of twenty-one years making delivery of such alcohol or malt beverage pursuant to his or her employment, nor to the possession or consumption by such person who is in the actual physical presence and has prior specific consent of his or her parent or legal guardian and who is not in a public place or place to which the general public has access.

9.20.020 Curfew hours for minors under sixteen years of age. A.

Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

“Curfew hours” means from September 1<sup>st</sup> through May 31<sup>st</sup>, eleven p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until five a.m., on the following day and twelve p.m. until five a.m. on any Friday or Saturday; and from June 1<sup>st</sup> through August 31<sup>st</sup>, twelve p.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, Friday or Saturday until five a.m., on the following day.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

“Guardian” means a person who, under court order, is the guardian of the person or minor; or a public or private agency with whom a minor has been placed by a court.

“Operator” means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

“Parent” means a person who is a natural parent, adoptive parent, or step-parent of another person, or at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor.

“Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

“Remain” means to linger or stay, or fail to leave premises when requested to do so by a Police Officer or the owner, operator or other person in control of the premises.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Years of age” continues from one birthday, such as the fifteenth to (but not including the date of) the next, such as the sixteenth birthday, making it clear that fifteen or less years of age is herein treated as equivalent to the phrase “under sixteen years of age”. The latter phrase and practice, unfortunately, having confused a number of persons into the mistaken thought that sixteen years old might be involved. Similarly, for example, eleven years of age means “under twelve years of age”.

**B. Offenses.**

1. Any person fifteen or less of age (under sixteen) commits an offense if he remains in any public place or on the premises of an establishment within the City during curfew hours.

2. A parent or guardian of a minor fifteen or less of age (under sixteen) commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator or any employee of an establishment commits an offense if he knowingly allows any person fifteen or less of age, (under sixteen years of age) to remain upon the premises of the establishment during curfew hours.

**C. Defenses.** It is a defense to prosecution under subsection B of this section that the person fifteen or less of age (under sixteen) was:

1. A person fifteen or less of age (under sixteen) accompanied by their parent or guardian;

2. On an errand at the direction of the parent or guardian of any persons fifteen or less of age (under sixteen), without any detour or stop;

3. In a motor vehicle involved in interstate travel;

4. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. A person fifteen or less of age (under sixteen) on the sidewalk abutting their residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the presence of the person fifteen or less of age (under sixteen);
7. Attending an official school, religious or other recreational activity supervised by adults or sponsored by the City of Powell, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Powell, a civic organization, or another similar entity that takes responsibility for the person fifteen or less of age (under sixteen);
8. Exercising First Amendment rights protected by the United States Constitution, such a free exercise of religion, freedom of speech, and the right of assembly, by first delivering to the person designated by the City's Chief of Police to receive such information, a written communication, signed by the person fifteen or less of age (under sixteen) and countersigned, if practical by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the minor will be in a public place during the hours when the ordinance is applicable to said person fifteen or less of age (under sixteen) in the exercise of the First Amendment rights specified in such communication;
9. Married or had been married or had disabilities of minority removed in accordance with law;
10. It is a defense to prosecution under subsection (B) (3) of this section, that the owner, operator or employee of an establishment promptly notified the Police Department that a person fifteen or less of age (under sixteen) was present on the premises of the establishment during curfew hours and refused to leave.

D. Enforcement. Before taking any enforcement action under this section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection C of this section is present.

E. Penalties. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed seven hundred fifty dollars.

**9.20.030 Purchase, Possession or Use of Tobacco by Minors Prohibited.**

A. No person under the age of eighteen (18) years shall purchase, attempt to purchase tobacco products, or misrepresent his identity or age or use any false or altered identification for the purpose of purchasing or attempting to purchase tobacco products.

B. It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products.

**Chapter 9.24**

**WEAPONS**

**Sections:**

- 9.24.010 Discharge of weapons.
- 9.24.020 Concealed weapons.
- 9.24.030 Disposing of weapons to minors.
- 9.24.040 Exceptions to weapons control.
- 9.24.050 Weapons in licensed premises.

**9.24.010 Discharge of weapons.** It is unlawful for any person to shoot or discharge any gun or firearm, or to discharge any explosive substance or matter of any kind or description. It is further unlawful for any person or persons in any manner to use airguns, B-B guns, pellet guns, sling shots, flippers or other potentially dangerous devices or weapons within the City except as follows:

1. With the written permission of the Mayor or City Administrator, and subject to conditions imposed by the Mayor or City Administrator such as date, occasion, place and times allowed. Permission to discharge under this subsection shall be subject to revocation at any time by the Mayor or City Administrator. Denial of a request to

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discharge under this subsection shall be appealable to the governing body; or

2. Within the Wyoming National Guard indoor firing range; or

3. For any event approved by the Park County Fair Board and which event is to take place on the Park County Fairgrounds located within the City; or

4. Nothing in this section shall prevent the use or possession of “paint ball guns” within the City. (Ord. 14-2000 § 1, 2000)

9.24.020 Concealed weapons. It is unlawful for any person to wear or carry any deadly weapon which includes, but is not limited to, a firearm, explosive, incendiary material, animal or other device, instrument, material or substance, which in the manner it is used or intended to be used is reasonably capable of producing death or serious bodily injury, unless the person is a Police Officer or possesses a permit as authorized by Wyoming Statutes Section 6-8-104. (Ord. 18-1991 § 1, 1991)

9.24.030 Disposing of weapons to minors. It is unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, bowie knife, slingshot, knucks, or any other deadly weapon of any kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years of age cartridges manufactured and designed for use in a pistol.

9.24.040 Exceptions to weapons control. The provisions of this chapter shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

9.24.050 Weapons in licensed premises. It is unlawful for any person to carry any dangerous or deadly weapon in any bar, package liquor store, or other place where alcoholic beverages are sold or dispensed, including private clubs, regardless of whether such weapons are concealed or not. Provided that this chapter shall not apply to bona fide law enforcement personnel; nor shall it be construed to prevent the management of any such establishment from keeping a weapon on the property.