

ORDINANCE NO. 462

AN ORDINANCE AMENDING CHAPTER 9.36 PERTAINING TO  
CURFEW AND LOITERING IN THE TOWN OF MILLS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING, THAT CHAPTER 9.36 OF THE MILLS MUNICIPAL CODE BE AND HEREBY IS REPEALED AND REPLACED WITH THE FOLLOWING:

Sections:

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| 9.36.010 | Definitions                              |
| 9.36.020 | Acts constituting prohibited loitering   |
| 9.36.030 | Enforcement authority - Failure to leave |
| 9.36.040 | Supervision and care of minors           |
| 9.36.050 | Curfew - Hours - Exceptions              |
| 9.36.060 | Not in violation - When                  |
| 9.36.070 | Violation - Penalty                      |

9.36.010 Definitions

As used in this chapter:

A. "Loitering" means remaining idle in essentially one location, and shall include the concepts of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and shall also include the colloquial expression "hanging around".

B. "Public Place" means any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, areas, parks and school grounds or parking lots thereof.

C. "Knowingly" means and includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of the minor in the adult's custody.

D. "Person" or "persons" means any person and shall not be limited to include parent or parents, legal guardians, but shall include any other person having the care or custody of a child.

9.36.020 Acts constituting prohibited loitering

It is unlawful for any person to loiter, either along and/or in consort with others, in a public place in such a manner as to:

A. Create or cause to be created a danger of a breach of the peace;

B. Obstruct the free passage of pedestrians or vehicles;

C. Obstruct, molest or interfere with, in a rude or angry manner, any person lawfully in any public place, as defined in this chapter; this subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature, or which are calculated to annoy or disturb the person to, or in whose hearing, they are made;

D. Create or cause to be created any noise or disturbance which disturbs, or tends to disturb, the peace or good order of a school session or class.

9.36.030 Enforcement authority - Failure to leave

Whenever any person causes or commits any of the conditions enumerated in Section 9.36.020, any police officer who, in the exercise of reasonable judgment, deems it necessary for the preservation of the public peace and safety, may arrest such person violating this chapter, or order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

9.36.040 Supervision and care of minors

A. It is unlawful for the parent or legal guardian having the care, control or custody of a person under the age of eighteen years, to knowingly permit or allow, including by insufficient control, such juvenile to loiter or otherwise violate any provision of this chapter.

B. It shall be no defense to any violation of this section that the responsible adult was indifferent to the activities, conduct or whereabouts of the juvenile. The provisions of this subsection do not apply if the responsible adult has made a missing person notification to the appropriate police or other authority prior to the juvenile's violation of any provision of this chapter.

9.36.050 Curfew - Hours - Exceptions

It is unlawful for any person under the age of eighteen years to loiter, walk, run or ride, or in any other way be on or about any street, avenue, highway, road, sidewalk, curb, gutter, parking lot, alley, vacant lot, park, playground, yard, building, place of amusement or eating place, whether public or private, without the consent or permission of the owner or occupant thereof, during the hours beginning at twelve a.m. to six a.m., Friday night through Sunday morning, and, beginning at eleven p.m. to six a.m. on Sunday night through Thursday night, unless the juvenile is accompanied by a legal parent or guardian.

9.36.060 Not in violation - When

No person shall be charged with a violation of Section 9.36.050 or arrested therefor, if such person was:

- A. Not loitering; or
- B. In a parked, standing or moving motor vehicle while accompanied by a parent or legal guardian; or
- C. In a motor vehicle in interstate travel; or
- D. Engaged in any employment, school, religious activity, or going to or returning from any such activity, or going to or from any other activities of any kind, which are supervised or directed by a parent or adult person over the age of twenty-one years; or
- E. Returning from, via a direct and uninterrupted route, without detour or stop, an event or activity expressly sanctioned by the parent or legal guardian; or
- F. When attending or traveling directly to or from an organized activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion; or
- G. Married or an emancipated minor; or
- H. Involved in a life or property-threatening emergency.

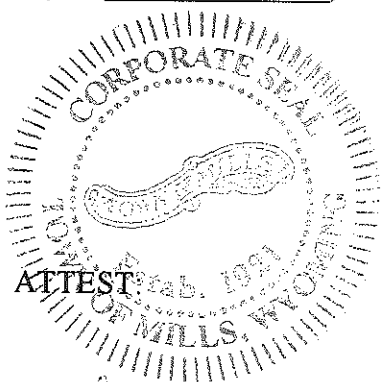
9.36.070 Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine not to exceed Seven Hundred Fifty Dollars (\$750.00) to which Court costs may be added as provided by law. If any violation is continuing, each and every day's violation shall be deemed a separate offense.

PASSED on 1st reading the 7th day of April, 1999.

PASSED on 2nd reading the 5 day of May, 1999.

PASSED, APPROVED, AND ADOPTED on the 3rd and final reading on the 9th day of June, 1999.



TOWN OF MILLS, WYOMING  
A Municipal corporation,

By:

Robert L. Goff  
Robert L. Goff  
Mayor

Sue Regennas  
Sue Regennas, Town Clerk

I, Sue Regennas, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance NO. 462, entitled, "AN ORDINANCE AMENDING CHAPTER 9.36 PERTAINING TO CURFEW AND LOITERING IN THE TOWN OF MILLS". Passed on third and final reading by the Governing Body of the Town of Mills, Wyoming, at a regular meeting held on the 9th day of June, 1999.

Signed: Sue Regennas  
Sue Regennas, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed and certified copies of this Ordinance No. 462, approved and passed as certified above, were, following its passage by the Governing Body, posted in the Mills Post Office and the Town Clerk's Office for a period of ten days as required by law, that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 25th day of June, 1999.

Signed: Sue Regennas  
Sue Regennas, Town Clerk