

1082011

ORDINANCE NO. 738

AN ORDINANCE REPEALING THE EXISTING TITLE 9 OF THE MILLS MUNICIPAL CODE DEALING WITH GENERAL OFFENSES AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER 9 DEALING WITH GENERAL OFFENSES

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

The following text attached hereto and fully incorporated herein is adopted in its entirety, on the date set forth below, and which, further repeals, in its entirety, Title 9 of the Mills Municipal Code, that existed prior to the date below listed, with the newly adopted ordinance, which replaces Title 9 of the existing Mills Municipal Code in the form attached hereto.

PASSED ON FIRST READING THE 14th DAY OF January 2020.

PASSED ON SECOND READING THE 28th DAY OF January 2020.

PASSED, APPROVED AND ADOPTED ON THRID AND FINAL READING THE 26th DAY OF May 2020.


Seth Coleman, Mayor


Christine Trumbull, Town Clerk


Darla, R. Ives, Council


Sara McCarthy, Council


James Hollander, Council


Ronald Wales, Council





TITLE 9
GENERAL OFFENSES

Chapters:

<u>9.04</u>	<u>Disorderly or Unlawful Conduct</u>
<u>9.08</u>	<u>Offenses Against a Person</u>
<u>9.12</u>	<u>Offenses Against Property</u>
<u>9.20</u>	<u>Offenses Against Public Peace</u>
<u>9.24</u>	<u>Offenses Against Public Decency</u>
<u>9.28</u>	<u>Controlled Substances</u>
<u>9.32</u>	<u>Gambling</u>
<u>9.40</u>	<u>Offenses Concerning Minors</u>

CHAPTER 9.04
DISORDERLY OR UNLAWFUL CONDUCT

9.04.010 - Resisting arrest - Interfering with police officers.

(a) No person shall willfully resist a member of the police department, or other member of any law enforcement department, in the discharge of duties, if known to be or identified as a police officer.

(b) No person shall willfully assist any person in the custody of a police officer, or any other law enforcement officer, to escape, or rescue or attempt to rescue any other person so in custody.

(c) No person shall willfully interfere, hinder or prevent a police officer or any other law enforcement officer from discharging his lawful duties. *(Ord. No. 678; 7-27-2016)*

9.04.011 - Interference with the public employee.

It shall be unlawful for any person to interfere with a public employee while on duty performing there assignments, duties, and responsibilities. *(Ord. No. 678; 7-27-2016)*

9.04.020 - Police dogs.

No person shall willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department in the performance of the functions or duties of such department, nor shall any person unwarrantably interfere with or meddle with any such dog while being used by the police department or any officer or member in the performance of any of the functions or duties of the department or of such officer or member. *(Ord. No. 678; 7-27-2016)*

9.04.030 - False report of crime.

It is unlawful for any person to make or to file with the police department of the Town false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the Town. *(Ord. No. 678; 7-27-2016)*

9.04.031 - False alarm or report of need for fire, police, or ambulance assistance.

It shall be unlawful for any person to intentionally make, turn in, or give a false alarm for fire assistance, need for police assistance, or for ambulance assistance, or to aid and abet in the commission of such an act. *(Ord. No. 678; 7-27-2016)*

9.04.032 - Interference with fire alarm system.

It shall be unlawful to interfere with any part of a fire alarm system unless the system is owned by the person or by permission of the chief of the fire department. *(Ord. No. 678; 7-27-2016)*

9.04.040 - Impersonating police officers.

No person shall impersonate a police officer by wearing a star, uniform or otherwise give the impression as acting as a police officer. *(Ord. No. 678; 7-27-2016)*

9.04.050 – Prisoners - Transfer of certain articles prohibited.

No person shall deliver to any prisoner confined or in the custody of any police officer any weapon, tool, intoxicating drink or other article or attempt to do so, without the consent of the officer in charge. *(Ord. No. 678; 7-27-2016)*

9.04.060 - Unauthorized use of fire extinguishing devices.

No person shall turn on or otherwise activate any fire hydrant, standpipe, sprinkler system or other extinguishing mechanism or device except at the express direction of a properly authorized representative of the fire department or in case of a present emergency and pending the arrival of the fire department. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.08
OFFENSES AGAINST THE PERSON

9.08.010 - Assault and Battery.

(a) Whoever, having the present ability to do so, unlawfully attempts to commit an injury on the person of another, or threatens injury and has the ability to carry out a battery, is guilty of an assault.

(b) Whoever, in a rude, insolent or angry manner unlawfully touches another, is guilty of a battery. *(Ord. No. 678; 7-27-2016)*

9.0 8.020 - Reckless Endangerment of Another Person.

It shall be unlawful for a person in a reckless manner to engage in conduct which places or may place another person in danger of death or serious bodily injury. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.12
OFFENSES AGAINST PROPERTY

9.12.010 - Petit larceny

(a) A person who steals, takes and carries, leads or drives away the property of another with the intent to deprive the owner or lawful possessor of the property, with the value of said property less than five hundred dollars, is guilty of petit larceny.

(b) For the purpose of this section, "deprive" means to withhold property of another permanently or for such an extended period as to appropriate a major portion of its economic value or with intent to restore the property only upon payment of reward or other compensation, or to dispose of the property so as to make it unlikely the owner will recover the property. *(Ord. No. 678; 7-27-2016)*

9.12.020 - Shoplifting.

(a) Any person who willfully conceals or willfully takes possession of goods offered for sale by a wholesale or retail store or other mercantile establishment and removes the goods from a store without the knowledge or consent of the owner and with intent to convert the goods to his own use without paying the purchase price is guilty of shoplifting.

(b) Any peace officer, merchant or merchant's employee who has reasonable cause for believing a person has committed the crime of shoplifting, as defined under this section, may detain and interrogate such person in a reasonable manner and for a reasonable time. *(Ord. No. 678; 7-27-2016)*

9.12.030 - Trespassing—Prohibited.

(a) A person is guilty of trespassing if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so by a posted sign, or after being notified to leave or depart or to not trespass. For purposes of this section, notice is given by:

- (i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or
- (ii) Posting of signs reasonably likely to come to the attention of intruders. *(Ord. No. 678; 7-27-2016)*

9.12.040 - Trespassing—School grounds or buildings.

(a) It is unlawful for a person, not a student, faculty member or employee of a particular school within the Town or a person not authorized by a school official, unless attending or participating in scheduled activities open to the public, to enter or remain upon school grounds or buildings.

(b) It is unlawful for any person to remain on school grounds or buildings within the Town after having been asked to leave by a school official. (*Ord. No. 678; 7-27-2016*)

9.12.060 - Tearing down authorized notices prohibited.

No person shall, without authority, tear down or deface any ordinance, bill, public notice, advertisement or any other paper of a business of legitimate character lawfully posted within the Town. (*Ord. No. 678; 7-27-2016*)

9.12.070 - Pits, traps and deadfalls - Prohibited when.

No person shall willfully prepare a deadfall, dig a pit or arrange a trap with the intent to injure another's person or property. (*Ord. No. 678; 7-27-2016*)

9.12.080 - Injuring, defacing and destroying property of another.

No person shall willfully injure, deface or destroy or attempt to willfully injure, deface or destroy any building or fixture of, or injure, destroy or secrete any goods, chattels or valuable papers of another, or take down, injure or remove any monument, street sign or any tree marked as a boundary of any land or Town lot, or destroy, deface or alter the marks of any monument or street sign, or injure or destroy any fence, fountain, shade or fruit tree or any other public or private property, or deface any sidewalks with painted or printed handbills or signs, posters or advertisements. (*Ord. No. 678; 7-27-2016*)

9.12.090 - Defrauding public establishment .

(a) A person who, with intent to defraud, procures food, drink, services or accommodations at a public establishment without paying, in accordance with his agreement with the public establishment is guilty of a misdemeanor as used in this section:

- (i) "Agreement with a public establishment" means a written or verbal agreement on the price charged for, and the acceptance of, food, beverages, service or accommodations, where the price charged is printed on a menu or schedule of rates shown to or made available by the public establishment to the patron. Acceptance of food, beverages, service, or accommodations for which a reasonable charge is made is an agreement with a public establishment.

- (ii) "Public establishment" means an establishment selling or offering for sale, prepared food or beverages, leasing or renting overnight sleeping accommodations to the public generally or providing entertainment or recreational services upon the payment of a specified fee. "Public establishment" includes theaters, recreational facilities, restaurants, cafes, coffee shops, boardinghouses, hotels, motor hotels, motels, and rooming houses, unless the rental thereof is on a month-to-month basis, or for a longer period of time. *(Ord. No. 678; 7-27-2016)*

9.12.100 - Theft of services.

A person who, with intent to defraud, obtains services, including public rides, which he knows are available only for compensation, without paying for the services is guilty of a misdemeanor. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.20
OFFENSES AGAINST PUBLIC PEACE

9.20.010 - Disturbing the peace—Described—Prohibited.

- (a) A person is guilty of disturbing the peace if he:
 - (i) Causes, provokes or engages in any physical fight or brawl so as to endanger the life, limb, health or property of another person;
 - (ii) Disrupts any lawful assembly or meeting of persons without having the lawful authority to do so;
 - (iii) Obstructs pedestrian or vehicular traffic without lawful authority to do so, and refuses or intentionally fails to cease such activity when ordered to do so by a police officer or other lawful authority known to be such. "Obstruct" means to render impassable, and the subject passersby to unreasonable inconvenience or hazard;
 - (iv) Commits any act in a violent or tumultuous manner toward another person, whereby the property of any person is placed in danger of being destroyed or damaged;
 - (v) Fails to obey a lawful order to disperse by a police officer, where one or more persons are disturbing the peace in the immediate vicinity, and the public health and safety is threatened;
 - (vi) Resists or obstructs the performance of duties by any police officer, fireman or other authorized official of the Town;
 - (vii) Interferes with another person's pursuit of a lawful activity by threats of or acts of violence;
 - (viii) Uses threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

(b) No person shall knowingly permit upon any premises owned or possessed by him or her, or under his order or control, any person disturbing the peace as defined in this section. *(Ord. No. 678; 7-27-2016)*

9.20.020 - Fighting at public gatherings.

(a) No person shall engage in a physical fight, provoke a fight or create or cause disturbance in any public gathering, or place of public gathering within the Town.

(b) For the purposes of this section, "public gathering" means any assemblage of people gathered together for a lawful purpose or purposes. "Place of gathering" means any building, structure, enclosure or open place where people are accustomed to gather together for any lawful purpose. *(Ord. No. 678; 7-27-2016)*

9.2 0.021 Public Intoxication.

(a) It shall be unlawful for any person to be in a state of intoxication on any highway, street or other public place.

(b) Intoxication is defined as under the influence of alcohol or scheduled drugs.

(c) Public place shall include private property outside a building or dwelling. Open porches and decks are part of the outside of the building. *(Ord. No. 678; 7-27-2016)*

9.20.030 - Telephone calls.

(a) Whoever in calling on any telephone in the Town fails to give his true name and true address if requested or shall use any telephone for the purpose of using threatening, abusive or obscene language or for any other rude behavior, or for the purpose of interrupting, disturbing or harassing any citizen or inhabitant, or for the purpose of coercing or frightening any inhabitant of the Town is guilty of a breach of peace.

(b) No person by means or use of the telephone shall disturb or tend to disturb the peace, quiet or right of privacy of any other person or family by repeated and continued anonymous or unidentified telephone messages intended to harass or disturb the person or family to whom the call is directed or by a single call or repeated calls, use obscene, profane, indecent or offensive language, or suggest any lewd or lascivious act over or through a telephone in the Town.

(c) No person shall, by means of a telephone, attempt to extort money or other thing of value from any person or family by means or use of the telephone, or to threaten any physical violence or harm to any person or family.

(d) Any person who induces any other person to abuse telephone service is guilty of provoking a breach of peace.

(e) The normal use of the telephone for the purpose of requesting payment of debts or obligations or for other legitimate business purposes shall not constitute a violation of subsections A or C of this section if in compliance with Federal or State law. (*Ord. No. 678; 7-27-2016*)

9.20.040 - Definitions for Sections 9.20.050 through 9.20.080.

For the purposes of Sections 9.20.050 through 9.20.080 the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(a) "Affray" means the fighting of two or more people in a public place.

(b) "Announced" means any funeral for which there has been a notice of the commencement time and place of the funeral:

- (i) Published in a newspaper regularly printed on at least a weekly basis within the Town; or
- (ii) Conspicuously posted on the property where the funeral is to be held.

(c) "Funeral" means the ceremonies, services, memorial services and processions, including vehicular processions, held in connection with the death, burial or cremation of any deceased person.

(d) "Picketing" means protest activities engaged in by a person or persons stationed before or about a cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other place for announced funeral services, within one hour prior to, during, and two hours following commencement of a funeral.

(e) "Riot" means a tumultuous disturbance of the peace by three or more persons assembled and acting with a common interest, either in executing a lawful enterprise in a violent or turbulent manner, to the terror of the people, or in executing an unlawful enterprise in a violent or turbulent manner.

(f) "Rout" means a meeting of three or more persons with the intention of cooperating in the forcible and violent execution of some unlawful enterprise, and making advances toward the commission thereof.

(g) "Soliciting" means to distribute any written materials. (*Ord. No. 678; 7-27-2016*)

9.20.050 - Affrays, riots or routs.

No person shall participate in any affray, riot or rout. (*Ord. No. 678; 7-27-2016*)

9.20.060 - Incitement to crime.

No person shall in any manner or by any means incite, advise, advocate, suggest or encourage crime, and in so doing create thereby a clear and present danger that same will be committed, whether action may follow such incitement or not. (*Ord. No. 678; 7-27-2016*)

9.20.070 - Funeral picketing.

- (a) It is the purpose of this section to:
 - (i) Protect the privacy of grieving families within one hour prior to, during and two hours following commencement of funerals;
 - (ii) Preserve the peaceful character of cemeteries, mortuaries, churches, mosques, synagogues, temples, other place for religious observances, or other places for funeral services within one hour prior to, during and two hours following the commence of funerals;
 - (iii) Protect and preserve public safety for those attending funerals, those picketing, the general public, neighboring property owners and businesses, and public and private property interests;
 - (iv) Protect the rights of those attending funerals to peaceably and freely assemble and associate, and express and exercise religious beliefs; and
 - (v) Protect the rights of those picketing to peaceably and freely assemble and associate, and express and exercise religious beliefs and political views.

- (b) The Town Council finds that:
 - (i) It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
 - (ii) The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations;
 - (iii) Picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals;
 - (iv) Full opportunity exists under the terms and provisions of this chapter for the exercise of freedom of speech and other constitutional rights at times other than one hour prior to, during and two hours following the commencement of funerals;
 - (v) Full opportunity exists under the terms of this chapter for the exercise of freedom of speech and other constitutional rights at places other than where announced funerals are held, any adjoining sidewalks and adjacent or adjoining streets, or nearby public property as set forth in this chapter;
 - (vi) Emotional disturbance and distress caused by picketing funerals provides substantial risk of physical altercations between those picketing and the family and others mourning the loss of the deceased;
 - (vii) Many places within the Town where funerals are held do not have sidewalks or open public areas large enough to avoid substantial risk of

- physical altercations between those picketing and the family and others mourning the loss of the deceased;
- (viii) Streets adjoining and adjacent to places where funerals are held need to and shall be kept free of those picketing for their protection, and to provide access to family and mourners attending funerals; and
 - (ix) The provisions of this chapter promote traffic safety and the orderly movement and access of pedestrians and crowds on sidewalks and streets.
- (c) It shall be unlawful for any person to engage in picketing or in soliciting:
- (i) During the period from one hour prior to, during and two hours following the commencement of announced funerals at any cemetery, mortuary, church, mosque, synagogue, temple, other place for religious observances or other places for funeral services;
 - (ii) On the sidewalk adjoining the property where a funeral or memorial service is held;
 - (iii) In the street or roadway adjoining or adjacent to the property where a funeral or memorial service is held;
 - (iv) On any public area between the property where a funeral or memorial service is held and an adjoining or adjacent street or roadway, including, but not limited to, the curb, nature strip or area between the street and sidewalk (if a sidewalk exists) commonly referred to as an "easement"; or
 - (v) On any public property within one hundred (100) yards of the property where the funeral is held, if any entrance of the building is located on that side of the property. (*Ord. No. 678; 7-27-2016*)

9.20.080 - Severability.

If any provision of this chapter or the application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or application. To this end, the provisions of this chapter are severable. (*Ord. No. 678; 7-27-2016*)

CHAPTER 9.24
OFFENSES AGAINST PUBLIC DECENCY

9.24.010 - Disorderly houses.

(a) For the purpose of this section, "disorderly house" means any public or private building, place, or house of public resort kept or maintained for the exclusive or nonexclusive purpose of carrying on or promoting:

- (i) Prostitution;
- (ii) Illegal gambling;
- (iii) Fighting;

- (iv) Sale, consumption or disposition of liquor or controlled substances, contrary to law; or
- (v) Any other illegal activity, including animal fighting.

(b) It is unlawful for any person to keep or knowingly allow to be kept any disorderly house, by which the peace, comfort or decency of the immediate neighborhood is habitually disturbed.

(c) It is unlawful for any landlord or property manager to keep or knowingly allow to be kept any inn, property, residence, apartment or tenement as a disorderly house. (*Ord. No. 678; 7-27-2016*)

9.24.020 - Public indecency.

- (a) For the purposes of this section, the following definitions shall apply:
 - (i) "Sexual intrusion or "sexual intercourse" means:
 - (A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse; or
 - (B) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.
 - (ii) "Intimate parts" means the external genitalia, perineum, anus or pubes of any person or the breast of a female person.
 - (iii) "Sexual contact" means touching, with the intention of sexual arousal, gratification or abuse, of the victim's intimate parts by the actor, or of the actor's intimate parts by the victim, or of the clothing covering the immediate area of the victim's or actor's intimate parts.

(b) A person is guilty of public indecency if, while in a public place where he or she may be reasonably expected to be viewed by others, he

- (i) Performs an act of sexual intrusion or sexual intercourse;
- (ii) Exposes his or her intimate parts; or
- (iii) Engages in sexual contact, with or without consent, with the intent of arousing the sexual desire of himself, herself or of another person. (*Ord. No. 678; 7-27-2016*)

9.24.040 - Prostitution—Defined—Prohibited.

- (a) For the purposes of this section:
 - (i) "Prostitution" means knowingly or intentionally performing or permitting, or offering or agreeing to perform, any act of sexual intrusion or intercourse for money or other consideration;

- (ii) "Sexual intrusion" means and is defined as in Section 6-2-301 of the Wyoming Statutes, to wit:
 - (A) Any intrusion, however slight, by any object or any part of a person's body, except the mouth, tongue or penis, into the genital or anal opening of another person's body if that sexual intrusion can reasonably be construed as being for the purposes of sexual arousal, gratification or abuse, or
 - (B) Sexual intercourse, cunnilingus, fellatio, anilingus or anal intercourse with or without emission.

(b) No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution, or permit any person to remain therein for such purpose.

(c) No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

(d) No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

(e) No person shall engage in or solicit prostitution, or aid or abet prostitution, by solicitation or by any means whatsoever. *(Ord. No. 678; 7-27-2016)*

9.24.070 - Invasion of privacy.

No person shall invade or attempt to invade the privacy of another person by resorting to "peeping," which is defined as the stealthy, clandestine or surreptitious visual invasion or attempted visual invasion of a person's privacy. *(Ord. No. 678; 7-27-2016)*

9.24.080 - Urinating or defecating in public.

It is unlawful, except in the use of appropriate facilities in restrooms designed for public use, for any person to urinate or defecate on any public street or sidewalk, or in any other public place, or in any place open to the public view. *(Ord. No. 678; 7-27-2016)*

9.24.090 - Spitting in public prohibited where.

No person shall spit upon any public sidewalk or upon the floor of any public conveyance for the transportation of passengers or of any theater, hall, assembly room, public building or building where any considerable number of people gather or assemble together. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.28
CONTROLLED SUBSTANCES

9.28.010 - Possession of marijuana and marijuana paraphernalia.

It is unlawful for any person knowingly or intentionally to possess marijuana or marijuana paraphernalia except as otherwise provided by law. *(Ord. No. 678; 7-27-2016)*

9.28.020 - Inhalation or sale of glue or toxic vapors prohibited when.

(a) No person shall for the purpose of causing or resulting in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, shall intentionally smell or inhale the fumes from any glue or similar toxic vapor; or consume or use any otherwise legal substances for a purpose or not in accordance with its legitimate use or purpose as is generally known, used and advertised; provided, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes, when administered or directed by a licensed physician or dentist.

(b) No person shall for the purpose of violating or aiding another to violate any provisions of this section, intentionally possess, buy, sell, transfer possession or receive possession of any substances herein provided. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.32
GAMBLING

9.32.010 - Gambling prohibited.

(a) No person shall permit gambling, as defined by Section 6-7-101 of the Wyoming Statutes, to be played, conducted, dealt or carried on in any building, tent, booth or shed.

(b) In any prosecution for a violation of this section, it shall only be necessary to prove the accused to be the owner or occupant of the building, and the game had been carried on. *(Ord. No. 678; 7-27-2016)*

CHAPTER 9.40
OFFENSES CONCERNING MINORS

9.40.010 - Definitions.

(a) "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.

(b) "Loiter" or "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."

(c) "Person" or "persons," as used in Section 9.40.030, means any person and shall not be limited to include parent or parents, legal guardian or legal guardians, but shall include any other person having the care or custody of a child. *(Ord. No. 678; 7-27-2016)*

9.40.020 - 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 Section 9.40.030.

(b) It shall be no defense to violation of this section 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 reasonable and justifiable belief of the whereabouts of a minor or made a missing person notification to the appropriate police authority prior to the juvenile's violation of Section 9.40.030. *(Ord. No. 678; 7-27-2016)*

9.40.030 - 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, during the hours beginning at eleven p.m. to five a.m., unless the juvenile is accompanied by a legal parent or guardian. *(Ord. No. 678; 7-27-2016)*

9.40.031 - Not in violation—When.

No person shall be charged with a violation of Section 9.40.030 or arrested for, 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. (*Ord. No. 678; 7-27-2016*)

9.40.032 - Determination of enforcement action.

Before taking any enforcement action under Section 9.40.030, a police officer shall ask the apparent offender's age and purpose of his location. The officer shall not issue a citation or make an arrest under Section 9.40.030 unless the officer reasonably believes an offense has occurred and based upon any response and other circumstances and no other defense or reason exists. (*Ord. No. 678; 7-27-2016*)

9.40.130 - Nuisance declared.

Abandoned, unattended or discarded iceboxes, refrigerators and other containers are a constant menace to the health, welfare and safety of the children of the Town and are declared to be a nuisance. (*Ord. No. 678; 7-27-2016*)

9.40.140 - Abandoned refrigerators and similar containers prohibited when.

It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released for opening from the inside of the icebox, refrigerator or container. It is unlawful for any person to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snaplock or other device thereon without first removing the snaplock or doors from the icebox, refrigerator or container. (*Ord. No. 678; 7-27-2016*)

9.40.150 - Definitions.

(a) "Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(b) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (*Ord. No. 678; 7-27-2016*)

9.40.160 - Prohibited sales or delivery.

(a) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen years. Tobacco products shall be, to the extent possible, kept behind a counter or otherwise made inaccessible to purchasers of the tobacco product, and control and access to the tobacco product in the business establishment shall be maintained by the retailer, his agent or employee.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(c) It is an affirmative defense to a prosecution under subsection A of this section that:

- (i) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen years of age; or
- (ii) The tobacco product was given or delivered to the person under eighteen years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.
(Ord. No. 678; 7-27-2016)

9.40.170 - Posted notice required; location of vending machines.

(a) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen years of age is prohibited by law.

(b) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:

- (i) Businesses, factories, offices or other places not open to the general public;
- (ii) Places to which persons under the age of eighteen years of age are not permitted access; or
- (iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen years of age is prohibited.

(c) Any person violating subsection A or B of this section is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars. Each day of continued violation shall be deemed a separate offense. *(Ord. No. 678; 7-27-2016)*

9.40.180 - Purchase by minors prohibited.

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

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve month period; and five hundred dollars for third and subsequent offenses in any twelve month period. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service, if available. *(Ord. No. 678; 7-27-2016)*

9.40.190 - Possession or use by minors prohibited.

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

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve month period; and five hundred dollars for third and subsequent offenses in any twelve month period. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars for each hour of work performed.

(c) It is an affirmative defense to a prosecution under subsection A of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, a parent or guardian. *(Ord. No. 678; 7-27-2016)*

9.50.150 - Definitions.

(a) "Alcohol products" means any substance of liquor or malt beverage for consumption.

(b) For purposes of this section, "ethyl alcohol" means any substance which is or contains ethyl alcohol.

9.50.160 - Prohibited sales or delivery.

(a) No person shall sell, furnish, give or cause to be sold, furnish or give away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient or member of his own immediate family.

(b) Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(c) Except as otherwise provided in this title, no person under the age of twenty-one (21) years shall:

- (i) Possess any alcoholic liquor or malt beverage;
- (ii) Purchase or attempt to purchase any alcoholic liquor or malt beverage;
- (iii) Solicit another person to purchase alcoholic liquor or malt beverage;
- (iv) Consume any ethyl alcohol;
- (v) Have measurable blood, breath or urine alcohol concentration in his body;
or
- (vi) Enter or remain in an establishment that is primarily for off-premise sales of alcoholic liquor or malt beverages unless accompanied by a parent, spouse or legal guardian who is twenty-one (21) years of age or older.

(d) This section shall not apply to possession of alcoholic liquor or malt beverages or consumption of ethyl alcohol by a person under the age of twenty-one (21) years in accordance with this title:

- (i) Who is in the physical presence of his parent, spouse or legal guardian who is twenty-one (21) years of age or older;
- (ii) As party of a church's or religious organization's religious services; or
- (iii) For medicinal purposes if the alcoholic liquor, malt beverage or ethyl alcohol is furnished:
 - (A) By the person's parent, spouse or legal guardian who is twenty-one (21) years of age or older; or
 - (B) Pursuant to a lawful prescription.

(e) The prohibitions against possession of alcoholic liquor or malt beverages by a person under the age of twenty-one (21) years specified in this section shall not apply:

- (i) When the person is making a delivery of alcoholic liquor or malt beverages pursuant to his employment;
- (ii) When the person is serving alcoholic liquor or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic liquor or malt beverages, if the person is at least eighteen (18) years of age. The term "serving" in this paragraph does not include the mixing or dispensing of alcoholic beverages; or
- (iii) To a person who is a licensee under this title.

(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(g) Any person who violates this section, or aids, abets or incites any violation hereof is guilty of a misdemeanor punishable by a fine of not less than one hundred dollars for the first offense; two hundred dollars for the second offense in any twelve-month period; and five hundred dollars for third and subsequent offenses in any twelve-month period.

(h) A motor vehicle driver's license or valid picture identification card issued by any state, territory or possession of the United States, the District of Columbia or the Commonwealth or Puerto Rico, a permanent resident card issued by the United States citizenship and immigration services, a valid picture identification card issued to a member of the armed forces or an internationally accepted passport document with a discernible date of birth and photograph is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

CHAPTER 9.44 **WEAPONS**

9.44.010 - Throwing of stones and other missiles prohibited when.

No person shall throw any stone or other missile upon or at any building or any public or private property, or upon or at any person or upon or at any vehicle, within the Town. (*Ord. No. 678; 7-27-2016*)

9.44.020 - Weapons.

(a) Authority and Purpose: This ordinance is enacted pursuant to the authority vested in the Town of Mills, Wyoming, to regulate weapons as provided in Wyoming Statutes Sections 6-8-401 and 15-1-103(a)(xviii), in order to prevent conduct which disturbs or jeopardizes the public health, safety, peace or morality by the wearing or carrying of concealed weapons except as provided by state law and the carrying of weapons in or to meetings of the Town of Mills as provided herein.

(b) It is unlawful for any person not a law enforcement officer, while in the Town, to wear or carry any switch-operated knife, fixed blade of any length or folding knife with a blade in excess of four inches from the hilt, pistol, sword-in-cane, rifle or any other dangerous or other deadly weapon concealed, except as provided by Wyoming State Statute; and provided further, that this prohibition shall not apply to any weapon actually concealed by a carrying case especially constructed for such weapon when being openly transported.

(c) It is unlawful for any person not a law enforcement officer, to wear, carry into, or have in their possession any deadly weapon in or at any meeting of the Town.

(d) For the purposes of this section, the following terms shall be defined as follows:

- (i) "Action" means the transaction of official business by the Mills Town Council or any agency of the Town of Mills, including a collective decision of the governing bodies thereof, a collective commitment or promise by any such governing body to make a positive or negative decision, or an actual vote by any such governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance.
- (ii) "Agency" means the Town Council and any other authority, council, bureau, board, commission, committee, or subagency of the Town of Mills.
- (iii) "Deadly weapon" shall be defined as it is under Wyoming state law, and shall include, but not be limited to, any firearm, bow, crossbow, or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, or any knife (excepting legal pocket knives having a blade length of four inches or less), sword, or explosive device, or any replica of any such deadly weapon.
- (iv) "Law enforcement officer" means and includes any federal, state, county, town or Mills official vested with the authority or duty to enforce any criminal law or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.
- (v) "Meeting" means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the purposes of discussion, deliberation, presentation of information, or taking action regarding public business. (*Ord. No. 678; 7-27-2016*)

9.44.030 - Discharge of firearms and other weapons.

(a) No person shall discharge any firearm, bow, crossbow or slingshot that shoots or ejects a bullet, pellet, arrow, BB, dart or other projectile by explosion, gas propulsion, spring propulsion or by any other means of propulsion, within the limits of the Town, except in self-defense, or in the case of a law enforcement officer or other authorized civil officer, Wyoming Game and Fish personnel, or a member of the Armed Forces of the United States of America or the state in the discharge of his official duty, or within an area or zone designated by the Town Council by written agreement or lease for recreational or instructional purposes. Toy firearms, toy bows and toy crossbows are exempt from the provisions of this section if marked as toys.

(b) An animal control officer, or Wyoming Game and Fish personnel, in the course of his/her official duty, may discharge a chemical tranquilizer gun for the purpose of capturing animals as authorized by law.

(c) If all other methods of extermination have failed, or are impractical due to public peace, health, safety and welfare considerations, the Mayor or his/her designee, may authorize certain individuals to discharge firearms within the limits of the Town, for the purpose of controlling non-protected and nongame animals and birds, which are a nuisance or are threatening property or persons. This authorization may also be given for game animals, when and as authorized by law. The authorization shall be in writing. The authorized individual must have this authorization in his/her possession at all times while in the act of controlling animals or birds.

(d) The Mayor or his/her designee may grant written permission to those individuals in possession of valid big game licenses to utilize said licenses on Town-owned lands. The Mayor or his/her designee shall notify the Mills police division of his/her decisions.

(e) The Mayor or his/her designee may grant written permission to certain lessees of Town-owned properties for discharge of firearms and other weapons, during events such as sports shows and expositions. Lessees must provide written proof of insurance as required by the lease agreement. (*Ord. No. 678; 7-27-2016*)

CHAPTER 9.48 **MISCELLANEOUS OFFENSES**

9.48.010 - Camping restricted.

No person shall camp within the Town, other than at a regularly established and maintained tourist camping area. Owners of property and their immediate family may temporarily camp on their property for no more than five days. Temporary venues and times as approved by the Town Council may be allowed by special resolution. (*Ord. No. 678; 7-27-2016*)

9.48.020 - Barbed wire fences prohibited where.

No person shall erect or cause to be erected or maintain any barbed wire, razor wire, or other similar sharp pointed metal fence, electric fence or any nature of a fence so constructed as to be potentially dangerous to human beings, along or adjacent to any public street below the height of six feet from ground level, provided, however, in residential districts barbed wire, razor wire, or other similar sharp pointed metal fences, electric fence or any nature of fence so constructed as to be potentially dangerous to human beings are entirely prohibited. (*Ord. No. 678; 7-27-2016*)

9.48.040 - Jumping or diving off bridges in the Town—Prohibited.

No person shall jump, dive, or cause or assist another person to jump, or dive from any bridge within the Town of Mills. (*Ord. No. 678; 7-27-2016*)

9.48.050 - Littering, dumping of objects, or polluting

It shall be unlawful for any person to throw, dump, place or dispose in any manner upon any highway, street, alley, public property, or road right of way garbage, trash, litter, rubbish, debris, carcass parts of dead animals, wrecked or abandoned vehicles or similar apparatuses, equipment or machinery or parts of equipment or machinery, cans, scrap iron, glass, bottles, paper, cardboard, cellophane, refuse or burning cigarettes or other burning objects, or cigarettes not lit, or any substance which would likely injure a person, animal, vehicle or which would in any way detract from the appearance of the land within any highway, street, alley, public property or road white right-of-way. (*Ord. No. 678; 7-27-2016*)