

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.04.010 Disobeying order of police officer or fireman.**
- 9.04.020 Interfering with or obstructing officers.**
- 9.04.030 Resisting arrest.**
- 9.04.040 Misuse of Government Services.**
- 9.04.050 Impersonating an officer.**
- 9.04.060 Aiding escape.**
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Section 9.04.010 Disobeying order of police officer or fireman.

It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer, peace officer or fireman in the discharge of any lawful act or duty. (Ord. 3-96: Ord. 11E-78 § 9-1.2)

Section 9.04.020 Interfering with or obstructing officers.

A. It is unlawful for any person to knowingly resist, interfere with or impede or obstruct any police officer, fireman, city employee or other public official who is attempting to discharge or in the course of discharging an official duty.

B. It is unlawful for any person to threaten violence, reprisal or other injurious act to any police officer, fireman, city employee or other public official who is engaged in the performance or attempted performance of his official duties or make a threat, verbally or otherwise, by reason or on account of the performance or attempted performance of his official duties. (Ord. 3-96: Ord. 11E-78 § 1: prior code § 19-1)

Section 9.04.030 Resisting arrest.

A. It is unlawful for any person to prevent or attempt to prevent a police officer, acting under color of his official authority, from effectuating an arrest of any person by:

1. Using or threatening to use physical force or violence against the police officer or another; or
2. Using any other means which creates substantial risk of causing a physical injury to the police officer or another.

B. A police officer is "acting under color of official authority" when, in the course of his duties, he is called upon to make or does, in fact, make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is not a defense to a prosecution under this section that the arrest was unlawful, if the police officer was acting under color of his authority and did not use unreasonable or excessive force in effecting the arrest. (Ord. 3-96: Ord. 8P-83 § 2: prior code § 19-1.1)

Section 9.04.040 Misuse of Government Services.

No person shall cause any branch of municipal government to provide or terminate a service to that person, or another, knowing that the service being requested, terminated or called upon is not needed or wanted by the person to receive the service or termination of service. (Ord. 3-96)

Section 9.04.050 Impersonating an officer.

It is unlawful for any person to falsely assume or pretend to be any officer or employee of the city or

any judicial, executive or law enforcement officer of the state, county or city or to act as such. (Ord. 3-96: prior code § 19-2)

Section 9.04.060 Aiding escape.

No person shall assist, aid or abet, or attempt to aid, assist or abet, any other person to escape from custody of the City police officers or Municipal Court bailiffs. (Ord. 3-96)

Section 9.04.070 Failure to appear.

Any person who fails to appear for court at the time and place scheduled for such appearance when lawfully ordered to do so by a police officer, authorized officer of the court or the municipal judge is guilty of a violation of this code. (Ord. 3-96: Ord. 8A-90)

Chapter 9.08

OFFENSES AGAINST THE PERSON

Sections:

9.08.010 **Assault and battery.**

Section 9.08.010 **Assault and battery.**

Whosoever, in a rude, insolent or angry manner, unlawfully touches another is guilty of an assault and battery. (Ord. 3-96: Ord. 12C-77 § 1: prior code § 19-29)

Chapter 9.12

OFFENSES AGAINST PROPERTY

Sections:

9.12.010	Malicious mischief-Prohibited.
9.12.020	Larceny.
9.12.030	Littering.
9.12.040	Obstructing public improvements.
9.12.050	Criminal trespass.
9.12.060	Shoplifting-Prohibited.
9.12.070	Shoplifting-Detention authorized.
9.12.080	Shoplifting-Defense to wrongful action.
9.12.100	Posting on poles.
9.12.110	Handbills-Definitions.
9.12.120	Handbills-Exemptions.
9.12.130	Handbill-Distribution to inhabited private premises.
9.12.140	Handbills-Prohibited on posted property.
9.12.150	Handbills-Prohibited on uninhabited or vacant premises.
9.12.160	Handbills-Prohibited on vehicles.
9.12.170	Handbills-Distribution in public places.
9.12.180	Motorized Vehicles Prohibited On Portions of the Pedestrian/Bike Trail

Section 9.12.010 Malicious mischief-Prohibited.

It is unlawful for any person to willfully and maliciously damage, deface, injure, remove, carry or take away or otherwise unlawfully assume control of any property, whether public or private, real or personal, which is not his own. (Ord. 3-96: prior code § 19-39)

Section 9.12.020 Larceny.

A. Any person who steals, takes and carries, leads or drives away the property of another with the intent to deprive the owner or legal possessor thereof is guilty of larceny.

B. Any person who buys, receives, conceals or disposes of property which is known, believed or would reasonably be believed to have been the subject of larceny is guilty of larceny by receipt.

C. Any person who procures food, drink or accommodations at a public establishment without paying for such in accordance with the agreement with the public establishment, and with intent to defraud such, is guilty of larceny.

1. "Agreement with the public establishment," as used in this section, means a written or verbal agreement on the price charged for, and the acceptance of food, beverage, service or accommodations, where the price charged is printed on a menu or schedule of rates shown to or made available to the patron by the public establishment. Acceptance of food, beverages, service or accommodations for which a reasonable charge is made is an agreement with a public establishment.

2. "Public establishment," as used in this section, means an establishment selling, or offering for sale, prepared food or beverages, or leasing or renting overnight sleeping accommodations to the public generally, unless the rental is on a month-to-month basis or longer period of time.

D. Any person who knowingly obtains property from another person by false pretenses with intent to defraud the person is guilty of larceny.

E. Any person who obtains services from another which are known, or reasonably should be known, to be available only for compensation, with intent to defraud, without paying for such services, is guilty of larceny. (Ord. 3-96: Ord 3-91: Ord. 12B-77: prior code § 19-47)

Section 9.12.030 Littering.

A. A person is guilty of littering if he deposits in any manner waste, whether solid or liquid, upon the property of another or the public. Operators of motor vehicles are responsible under this section for the disposition or ejection of waste material from the vehicle while the vehicle is being operated on the streets or alleys of the city, or upon the property of another within the city.

B. In addition to the penalties authorized in Section 1.08.010, the court may suspend all, or part, of the sentence and order that the person convicted perform public service not to exceed twenty-five hours removing litter from public properties within the community as a condition of probation. (Ord. 3-96: Ord. 10-90)

Section 9.12.040 Obstructing public improvements.

If any person hinders or obstructs the making or repairing of any pavement, sidewalks or crosswalk which is or may be in course of construction pursuant to any ordinances, resolutions or orders of the city council, or hinders or obstructs any person employed by the city council, or the person employed by him, in making or repairing any public improvement or work ordered by the city council, every such person shall be deemed guilty of a misdemeanor. (Ord. 3-96: prior code § 19-42)

Section 9.12.050 Criminal trespass.

A. A person is guilty of criminal trespass if he enters or remains on the land or premises of another knowing, or having reason to know, that he is not authorized to do so, or after being notified to depart the premises or not to trespass. For purposes of this section, notice is adequate when given by:

1. Personal communication to the person by the owner, the occupant, the agent of the owner, or by a peace officer; or
2. Posting of signs reasonably likely to come to the attention of intruders which indicate that entry is prohibited or restricted.

B. It is a violation of this section for any person to enter or remain upon any enclosed and fenced land owned, leased or controlled by the city without lawful purpose and without the permission of the city manager or his agent. (Ord. 3-96: Ord. 6-91: prior code § 19-43)

Section 9.12.060 Shoplifting-Prohibited.

Any person who willfully conceals or willfully takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment, without the knowledge or consent of the owner thereof, and with intent to convert the goods to his own use without paying the purchase price therefor, is guilty of shoplifting. (Ord. 3-96: prior code § 19-44)

Section 9.12.070 Shoplifting-Detention authorized.

Any police officer, special police, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting may detain and interrogate the person in regard thereto in a reasonable manner and for a reasonable time. (Ord. 3-96: Prior code § 19-45)

Section 9.12.080 Shoplifting-Defense to wrongful action.

Where a police officer, special police, merchant or merchant's employee with reasonable cause for believing that a person has committed the crime of shoplifting detains and interrogates such person in regard thereto and such person thereafter brings against the police officer, special police, merchant or merchant's employee a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Ord. 3-96: Prior code § 19-46)

Section 9.12.100 Posting on poles.

It is unlawful for any person to leave or place upon or against any telegraph, telephone or electric light pole or electric light standard within the city any advertisement of any character or description. (Ord. 3-96: prior code § 3-1)

Section 9.12.110 Handbills-Definitions.

For the purposes of Sections 9.12.120 through 9.12.170 the following words and phrases shall have the meaning respectively ascribed to them:

A. "Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

B. "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public, and means and include any other copyrighted material.

C. "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Ord. 3-96: prior code § 3-13)

Section 9.12.120 Handbills-Exemptions.

The provisions of Sections 9.12.120 through 9.12.170 shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. 3-96: prior code § 3-14)

Section 9.12.130 Handbill-Distribution to inhabited private premises.

No person shall throw, deposit or distribute any handbill in or upon private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, such person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon the premises if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulation. (Ord. 3-96: prior code § 3-15)

Section 9.12.140 Handbills-Prohibited on posted property.

No person shall throw, deposit or distribute any handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating in any manner that the occupants of the premises do not wish to have their right of privacy disturbed, or to have any handbills left upon the premises. (Ord. 3-96: prior code § 3-16)

Section 9.12.150 Handbills-Prohibited on uninhabited or vacant premises.

It is unlawful for any person to throw or deposit any handbill in or upon any private premises which is uninhabited or vacant. (Ord. 3-96: prior code § 3-17)

Section 9.12.160 Handbills-Prohibited on vehicles.

No person shall throw or deposit any handbill in or upon any vehicle. (Ord. 3-96: prior code § 3-18)

Section 9.12.170 Handbills-Distribution in public places.

It is unlawful for any person to hand out or distribute or sell any handbill in any public place; except that a handbill may be personally delivered to any person willing to accept it. (Ord. 3-96: prior code § 3-19)

Section 9.12.180 Motorized Vehicles Prohibited On Portions of the Pedestrian/Bike Trail

A. No person shall ride any motorized vehicle, other than maintenance and approved handicap designated vehicles with a wheel base less than 32 inches and weighing under 500 pounds, on any portion of the City of Rawlins Pedestrian/Bike path, except that motorized vehicles are allowed on any portion of the path which is also a dedicated public street.

B. The penalty for any person found to be in violation of section (A) of this ordinance shall be a fine of seven hundred fifty dollars (\$750.00), court costs and restitution. (Ord. No. 09-01, Adopted 09/18/01)

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.16.010 Declaration of emergencies.**
- 9.16.020 Breach of the peace.**
- 9.16.030 Unlawful assembly-Prohibited.**
- 9.16.040 Unlawful assembly-Unlawful acts designated.**
- 9.16.050 Disturbing lawful assemblies.**
- 9.16.060 Disorderly conduct.**

Section 9.16.010 Declaration of emergencies.

A. Whenever in the judgment of the City Manager and/or chief of police it is determined that an emergency exists within the city as a result of mob action, fighting or threatening to fight, violent or tumultuous behavior or other civil disobedience causing danger of injury to or damages to persons or property, they shall have the power to impose any regulations necessary to preserve the peace and order of the city.

B. In the event a state of emergency is declared under the provisions of this section, the City Manager, or the chief of police, shall have the authority and power to:

1. Impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from the curfew;

2. Order the closing of any business establishments anywhere in the city for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms;

3. Designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic;

4. Call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

C. The declaration of an emergency provided for by this section shall become effective upon its issuance.

D. Any emergency declared in accordance with the provisions of this section shall terminate after twenty-four hours from the issuance thereof, or upon the issuance of a statement, by the City Manager, determining an emergency no longer exists, whichever occurs first; provided, however, that the emergency may be extended for such additional periods of time as determined necessary by resolution of the city council; provided further, that should an emergency be declared by the chief of police, it shall terminate after four hours unless extended by the mayor or any two councilmen. (Ord. 3-96: prior code § 19-13)

(Ord. 08-2003, Amended, 08/05/2003)

Section 9.16.020 Breach of the peace.

A person is guilty of breach of peace if, with intent to cause public inconvenience, annoyance or alarm, or carelessly creating a risk thereof, he or she:

A. Engages in fighting or other violent or tumultuous conduct or in conduct creating the threat of imminent fighting or other violence; or

B. Makes or uses to or of another and in his or her presence any gesture, display, opprobrious words, profane, obscene or abusive language which would reasonably tend to incite or abet a person to engage in

fighting or other violent or tumultuous conduct; or

C. Creates loud and offensive noise or utters profane or obscene language in any public street or other public place, or place to which the public is invited within the presence or hearing of other individuals and in such a manner as to incite or threaten to incite others to violence; or

D. Places himself or herself or with another or others congregates in or on any public way so as to reasonably tend to halt or interfere with the free and regular flow of vehicular or pedestrian traffic and refuses to clear the public way when ordered by the police or other lawful authority; or

E. Is found in any public place under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way; or

F. While loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible and lawful purpose. (Ord. 3-96: Ord. 80-83: Ord. 10-79 § 19-23)

Section 9.16.030 Unlawful assembly-Prohibited.

All persons who collect in bodies or crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens, shall be deemed guilty of a misdemeanor. (Ord. 3-96: prior code § 19-24)

Section 9.16.040 Unlawful assembly-Unlawful acts designated.

Any two or more persons who assemble together in the city with an intent to do any unlawful act, or being assembled mutually agree to do an unlawful act with force or violence, against the property of the city or the person or property of another, or against the peace and to the terror of others, and makes any movement or preparation therefor, and every person present at such meeting or assembly who does not endeavor to prevent the commission or perpetration of the unlawful act, shall be deemed guilty of a misdemeanor. (Ord. 3-96: prior code § 19-25)

Section 9.16.050 Disturbing lawful assemblies.

If any person disturbs any lawful assemblage of people, including religious meetings, by rude and indecent behavior or otherwise, every such person shall be deemed guilty of a misdemeanor. (Ord. 3-96: prior code § 19-27)

Section 9.16.060 Disorderly conduct.

- A. A person commits the crime of disorderly conduct if the person intentionally:
1. Harasses or annoys another person by:
 - a. Subjecting the other person to offensive physical contact, or
 - b. Publicly insults the other person, including a police officer, by abusive words or gestures in a manner intended and likely to provoke a violent response;
 2. Subjecting another to alarm by conveying a telephonic or written threat to inflict serious physical injury on that person, or to commit a felony involving the person or property of that person or any member of that person's family, which threat reasonably would be expected to cause alarm;
 3. Harasses or annoys another by causing the telephone of the other person to ring without the caller having a legitimate communicative purpose;
 4. Communicates with another person, anonymously or otherwise, by telephone, mail or other form

of oral, written or electronic communication, in a manner likely to cause annoyance or alarm which serves no legitimate purpose.

5. A person urinates and/or defecates in a public place including but not limited to a street, alley, sidewalk or parking lot.

B. A person is criminally liable under this section if the person knowingly permits a telephone under the person's control to be used in violation of subsections (A)(2),(A)(3) and (A)(4) of this section if sufficient proof is established that the telephone call was either received or made within the jurisdictional boundaries of the city.

(Ord. 3-96; Ord. 12-92; Amended 12/01/98)

(Manual, Amended, 12/01/1998)

Chapter 9.20

OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.20.010 Prostitution.

9.20.020 Controlled substances.

Section 9.20.010 Prostitution.

A. No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation, or with knowledge or reasonable cause to know that the same is or was 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, lewdness or assignation, or permit any person to remain thereon for such purpose.

B. 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, lewdness or assignation.

C. 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, lewdness or assignation.

D. No person shall engage in or solicit prostitution, lewdness or assignation by solicitation or by any means whatsoever.

E. For the purposes of this section, "prostitution" means the giving or receiving of the body for sexual intercourse for hire or the giving or receiving of the body for indiscriminate sexual intercourse without hire; "lewdness" means any indecent or obscene act; "assignation" means the making of or soliciting any appointment or engagement for prostitution or lewdness or any act in the furtherance of such appointment or engagement. (Ord. 3-96: Ord. 12DS-77 § 1: prior code § 19-14)

Section 9.20.020 Controlled substances.

A. No person shall have in his possession, sell, dispose of, give away or receive any of the following drugs or compounds or derivatives thereof except as otherwise provided by state law:

1. Narcotics. The term "narcotics" includes heroin, morphine, methadone, opium, codeine, meperidine, demerol, dilaudid, cocaine, ucaine, beta ucaine, alpha ucaine or any sole compound or derivative thereof.

2. Amphetamines (Stimulants). The term "amphetamines" includes benzedrine, dexedrine or methedrine or any salt or optical isomer of amphetamines.

3. Barbiturates (Depressants). The term "barbiturate" includes phenobarbital, seconal, paraldehyde pentobarbital, phenothiazine, chloralydrate or any salts or barbituric acid.

4. Hallucinogens (Psychedelics.) The term "hallucinogens" includes LSD (lysergic acid diethylamide), DOM (STP, 2-5 dimethoszy-4, methylamphetamine), THC (tetrahydrocannabinol), mescaline, peyote, marijuana, hashish (hash), psilocybin and DMT (N-N-dimethyltryptamine) or any drug or compound that has hallucinogenic properties.

B. Any person violating the terms of this section shall be deemed guilty of a misdemeanor. (Ord. 3-96: Ord 8A-81 § 2, 1981: prior code § 19-15)

Chapter 9.24

CONSUMER PROTECTION (Reserved)

Chapter 9.28

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.28.010** **Curfew for minors.**
9.28.020 **Nicotine sales to minors.**
9.28.030 **Endangering the welfare of a minor.**

Section 9.28.010 Curfew for minors.

Any minor under the age of sixteen years who is found in any highway, street, alley, thoroughfare, bar room, pool hall, club, theater, bowling alley or any other public place within the limits of the city between the hours of ten-thirty p.m. and six a.m., unless able to give a lawful excuse therefor, shall be deemed guilty of a misdemeanor. (Ord. 3-96; prior code § 19-12)

Section 9.28.020 Nicotine sales to minors.

A. Definitions.

1. "Nicotine products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and dipping tobacco.

2. "Vending machine" means any mechanical, electrical or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses nicotine products.

3. "Retailer" means a business of any kind at a specific location that sells nicotine products to a user or consumer.

4. "Self Service Display" means any display of nicotine products that is located in an area where customers are permitted and where the nicotine products are readily accessible to a customer without the assistance of a salesperson.

5. "Electronic Cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine, synthetic nicotine, tetrahydrocannabinol (THC), synthetic THC, cannabidiol (CBD), or synthetic CBD material to the person using the device, and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device.

6. "Nicotine products" means tobacco products and electronic cigarettes.

7. "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine, tetrahydrocannabinol (THC), synthetic THC, cannabidiol (CBD), or synthetic CBD material that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine or synthetic nicotine, tetrahydrocannabinol (THC), synthetic THC, cannabidiol (CBD), or synthetic CBD material that is sold with or inside an electronic cigarette.

B. Prohibited Sales or Delivery.

1. No person shall sell, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years. Any person violating subsection (B)(1) of this section is guilty of a misdemeanor punishable by a fine.

i. Upon a first conviction within a twenty-four (24) month period a fine of not more than Fifty Dollars (\$50.00).

ii. Upon a second conviction within a twenty-four (24) month period a fine of Two Hundred Fifty Dollars (\$250.00), regardless of the location where the violations and

convictions occurred.

iii. Upon third and subsequent convictions within a twenty-four (24) month period a fine of Seven Hundred Fifty Dollars (\$750.00), regardless of the location where the violations and convictions occurred.

2. No retailer shall sell, permit the sale, offer for sale, give away or deliver nicotine products to any person under the age of twenty-one (21) years old.

i. Upon a first conviction within a twenty-four (24) month period a fine of not more than Fifty Dollars (\$50.00). The Court may allow the defendant to perform community service and be granted credit against his fine for each hour of work performed.

ii. Upon a second conviction within a twenty-four (24) month period a fine of Two Hundred Fifty Dollars (\$250.00), regardless of the location where the violations and convictions occurred. The Court may allow the defendant to perform community service and be granted credit against his fine for each hour of work performed.

iii. Upon third and subsequent convictions within a twenty-four (24) month period a fine of Seven Hundred Fifty Dollars (\$750.00), regardless of the location where the violations and convictions occurred.

3. It is an affirmative defense to a prosecution under subsection (B)(1) and (B)(2) of this section:

i. In the case of a sale, the person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over twenty-one (21) years of age; or

4. Notwithstanding the provisions of section (B)(2)(i-iii) of this section, no fine for a violation of subsection (B)(2) of this section shall be imposed for a first offense in a twenty-four (24) month period if the retailer can show it had:

i. Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years of age;

ii. Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years of age;

iii. Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan devices; and

iv. Established and imposed disciplinary sanctions for noncompliance.

C. Posted Notice Requirements & Location of Vending Machines.

1. Any person who sells nicotine products shall post signs informing the public of the age restrictions provided by this ordinance at or near every display of nicotine products and on or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under the age of twenty-one (21) years is prohibited by law. Any person who owns, operates or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) years of age are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this section:

i. "Within the Line of Sight" means visible to a cashier or other employee while at the sales counter; and

ii. "Under Control" means protected by security, surveillance or detection methods.

2. No person shall sell or offer nicotine products:

i. Through a vending machine unless the vending machine is located in:

a. Business, factories, offices or other places not open to the general public;

b. Places to which persons under the age of twenty-one (21) years are not permitted access; or

c. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under twenty-one (21) years of age is prohibited.

3. Through a self-service display except in:
 - i. A vending machine as permitted in paragraph (C)(2)(i) of this subsection; or
 - ii. A business where entry by persons under twenty-one (21) years of age is prohibited.
4. Any person violating subsection (C)(1), (2) or (3) of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - i. Fifty Dollars (\$50.00) for a first conviction within a twenty-four (24) month period;
 - ii. Two Hundred Fifty Dollars (\$250.00) for a second conviction within a twenty-four (24) month period;
 - iii. Seven Hundred Fifty Dollars (\$750.00) for third or subsequent convictions within a twenty-four (24) month period.
 - a. For the purposes of 3 of this section, each day of continued violation under subsection (1) and (2) of this section shall be deemed a separate offense.

D. Purchase by Minors Prohibited.

1. No person under the age of twenty-one (21) years shall purchase or attempt to purchase nicotine products, or misrepresent their identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase nicotine products.
2. Any person violating subsection (D)(1) of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - i. Fifty Dollars (\$50.00) for a first conviction within a twenty-four (24) month period;
 - ii. Two Hundred Fifty Dollars (\$250.00) for a second conviction within a twenty-four (24) month period;
 - iii. Seven Hundred Fifty Dollars (\$750.00) for third or subsequent convictions within a twenty-four (24) month period.
 - a. Upon a conviction for violation of subsection (D)(1) of this section, the court may allow the defendant to perform community service and be granted credit against their fine for each hour of work performed at the rate of Five Dollars (\$5.00) for each hour of work performed or each hour of nicotine cessation program attended.

E. Possession or Use by Minors Prohibited.

1. It is unlawful for any person under the age of twenty-one (21) years to possess or use any nicotine products.
2. Any person violating subsection (E)(1) of this section is guilty of a misdemeanor punishable by a fine of not more than:
 - i. Fifty Dollars (\$50.00) for a first conviction within a twenty-four (24) month period;
 - ii. Two Hundred Fifty Dollars (\$250.00) for a second conviction within a twenty-four (24) month period;
 - iii. Seven Hundred Fifty Dollars (\$750.00) for third or subsequent convictions within a twenty-four (24) month period.
 - a. Upon a conviction for violation of subsection (E)(1) of this section, the court may allow the defendant to perform community service and be granted credit against their fine for each hour of work performed at the rate of Five Dollars (\$5.00) for each hour of work performed or each hour of nicotine cessation program attended.

(Ord. 3-96: Ord. 9A-91)(Ord. 07-2015, Amended 7/21/15) (Ord.5-2022, Amended 5/3/22)

Section 9.28.030 Endangering the welfare of a minor.

1. A person, who is not the parent or guardian of the minor, commits the offense of endangering the welfare of a minor if the person knowingly allows or permits a person under the age of twenty-one (21) years of age to:

- A. Enter or remain in a place under the person's control in which unlawful activities involving controlled substances or alcohol are maintained or conducted.
 - B. Consume alcohol or controlled substances in violation of the law in a place under the person's control.
2. A person is considered to be "in control" of a place or property when that person is the owner, renter, tenant, keeper, caretaker or in fact has control over the persons allowed on the premises. (Ord. 3-96)

Chapter 9.32

WEAPONS

Sections:

- 9.32.010 Concealed weapons-Permits to carry weapons.**
- 9.32.020 Threatening use of deadly or dangerous weapons.**
- 9.32.030 Discharging firearms.**
- 9.32.040 Fireworks.**
- 9.32.050 Throwing missiles.**

Section 9.32.010 Concealed weapons-Permits to carry weapons.

No person, other than a law enforcement officer, shall carry a concealed weapon within the jurisdictional limits of the City and outside the confines of his or her residence, without a permit issued by the State of Wyoming to do so. (Ord. 3-96)

Section 9.32.020 Threatening use of deadly or dangerous weapons.

Every person who draws and threatens to use or threatens to use any drawn pistol, knife, dirk, slingshot, or any other deadly or dangerous weapon upon any other person shall be deemed guilty of a misdemeanor; provided, that the provisions of this section shall not apply to a person drawing or threatening to use the dangerous or deadly weapon in defense of his person or property, or in the defense of any person entitled to his protection by law. (Ord. 3-96: prior code § 19-57.2)

Section 9.32.030 Discharging firearms.

A. "Firearm" shall mean any instrument used in the propulsion of a projectile by the action of gunpowder within it.

B. It is unlawful for any person to fire or discharge any firearm or discharge any projectile from a bow or crossbow within the jurisdictional limits of the city.

C. There shall be an exception to the prohibition of this section for persons discharging firearms at formally established ranges operated or approved by the City in the manner in which the range was intended to be used.

D. There shall be an exception to the prohibition in this section for persons shooting or discharging projectiles from bows or crossbows in an area which was built for such with substantial backstops and the use of which does not pose a danger to others.

E. There shall be an exception to the prohibition in this section for a peace officer as defined in Wyoming Statutes, an animal control officer or other city, state or federal official in the performance of assigned duties. (Ord. 3-96: prior code § 19-59)

Section 9.32.040 Fireworks.

A. Definition. "Fireworks" is defined as any contrivance of flammable or explosive material, or a combination thereof, designed for the purpose of creating a visible or audible effect by means of combustion, explosion, deflagration or detonation. Such shall not include toy pistol "caps."

B. Possession or sale. It shall be unlawful for any person to barter, sell, exchange or give away, or possess for such purposes, any fireworks within the city.

C. Discharge of fireworks. It shall be unlawful for any person to fire or discharge, or cause to be fired or discharged, any fireworks within the city, provided, however, the city council may waive such

prohibition against possession, firing or discharging fireworks on the 4th of July, or other appropriate celebrations, upon specific request. (Ord. 3-96: Ord. 3-90: prior code § 19-60)

Section 9.32.050 Throwing missiles.

No person shall throw any stone or other missiles upon or at any building, tree or other public or private property, upon or at any person in any street, public place or unenclosed ground, or play at any game of ball in any highway within the city. (Ord. 3-96: prior code § 19-61)

Chapter 9.36

CARNIVAL GAMES

Sections:

- 9.36.010** **Definitions.**
- 9.36.020** **Game fraud unauthorized.**
- 9.36.030** **Unauthorized games or activities.**
- 9.36.040** **Preoperation requirements.**
- 9.36.050** **Inspections authorized.**
- 9.36.060** **Inspections are not rulings.**
- 9.36.070** **Penalty.**

Section 9.36.010 Definitions.

For purposes of this chapter, the following words and phrases shall have the meanings respectively prescribed to them by this section:

- A. "Agent" means any person who is employed, whether or not paid in any manner by the concessionaire, to work in any game or novelty stand.
- B. "Concession" or "carnival" means any activity that is licensed under the authority of Section 5.16.010 or which should be licensed under that section.
- C. "Person" means person, partnership, corporation or agent of the same acting either individually or as a group or in conspiracy with other persons in any manner covered by this chapter.
- D. "Player" means any person who plays a game at a carnival whether or not he is attempting to win a prize.
- E. "Prize" means any item won or represented to the player as capable of being won at a carnival upon the completion of a given task. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.020 Game fraud unauthorized.

No person, owner, manager, agent entity or corporation acting individually or in conspiracy or concert with other persons shall carry on, own, operate or promote any carnival game, scheme or device where, by false pretense or pretenses, the purpose is to obtain from any player or persons any money, goods or other valuable thing whatever, with intent to cheat or defraud any such player or person. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.030 Unauthorized games or activities.

For the purposes of this chapter, the following controls on games, or activities or rules in the operation of such games, are applicable, and operation contrary thereto shall be considered presumptive evidence of a violation of Section 9.36.020:

- A. No game shall be allowed which, either by its design or by its operation, can be or is controlled by the operator to the extent that the outcome of the game is or can be determined either partially or entirely by that control.
- B. No game shall be allowed for which cash prizes are awarded.
- C. No game shall be played so as to alibi the outcome where the outcome depends upon the word of the operator against the word of the player.
- D. No merchandise shall be displayed in any carnival game which is not one of the prizes possible to be won.
- E. While in operation, there shall be a sign stating the rules of the game, the cost to play, how the

game is played and exactly what is required of the player in order to win each prize offered. Signs shall be of a sturdy material and the lettering shall be plain and clearly posted and of sufficient height to be readable by all players.

F. No foul lines shall be permitted. The concessionaire or agent may designate a line a certain distance from the target behind which the player must stand to play the game, but appropriate structures or barriers must be placed at the line; otherwise, no foul lines are permitted.

G. No hidden device which limits the player's chance of winning shall be permitted.

H. The following rules or restrictions shall apply to operation of games as hereafter set forth:

1. No agent shall be employed to be paid on the basis of a wage or percentage of the gross or net profit where a deduction from the wage or commission is made for the value of prizes won by players.

2. In all "spot-spot" games, the size of the disk must equal 0.622 times the diameter of the circle.

3. There will be no alibiing allowed in "spot-spot" games by the operators; nor shall the agents or operators move the disks once placed; nor shall there be any rules as to the distance required to drop the disk; nor shall the operators or agents drop any of the disks for the players except for the purposes of demonstration.

4. No more than twelve build-up prizes may be stocked or awarded at any one booth and each prize must be clearly displayed and marked in the order of being awarded.

5. On the shooting game ordinarily referred to as "shoot the star," only stars may be used as targets and not airplanes, etc. The star must be one and one-fourth inch or less and the gun must contain one hundred BB's. This game may be played without prizes solely as a game of skill and when so played, no restrictions shall be placed upon the size of the star or the object used as the target. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.040 Preoperation requirements.

Prior to the operation of any carnival game, the operator shall notify the police department in writing of the carnival location, the names and addresses of the owners, operators and agents of each carnival game and the nature of the game. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.050 Inspections authorized.

The police chief or representatives may preinspect any game to determine its nature and acceptability. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.060 Inspections are not rulings.

Preinspection and acceptance or failure to reject a game for noncompliance with the law shall not be considered to be a ruling or finding by the police department that the game is legal in its nature or its operation nor shall such inspection be utilized as proof of its compliance with this chapter and the laws of the state. (Ord. 3-96: Ord. 9-84(part))

Section 9.36.070 Penalty.

Violation of any section of this chapter is a misdemeanor and any person convicted shall be punished as provided in this code. (Ord. 3-96: Ord. 9-84(part))

Chapter 9.40

PARTIES TO A CRIME

Sections:

9.40.010 Parties to a crime.

Section 9.40.010 Parties to a crime.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this title to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of the offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provisions of this title is likewise guilty of the offense. (Ord. 3-96: Ord. 7-87)