

ORDINANCE NO. 280

AN ORDINANCE TO AMEND AND REENACT ORDINANCE NUMBER 64 § 1, 2, 4, 10 & 11 (1946), ORDINANCE NUMBER 222 § 2 (PART), 1973 ORDINANCE NUMBER 209 § 1, 1972 AND ORDINANCE NUMBER 114 § 2, 1957; AND TO CREATE THE OFFENSES OF INTERFERENCE AND DUTIES OF POLICE OFFICER, FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER AND DISTURBANCE OF THE PEACE; AND TO RESTRUCTURE AND RENUMBER CHAPTER 9.04 DISORDERLY OR UNLAWFUL CONDUCT OF THE MILLS MUNICIPAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING.

Chapter 9.04

DISORDERLY OR UNLAWFUL CONDUCT

Sections:

- 9.04.010 Disorderly conduct.
- 9.04.020 Disturbance of the peace.
- 9.04.030 Public intoxication.
- 9.04.040 Officer search of offenders--Weapons prohibited.
- 9.04.050 Discharging firearms.
- 9.04.060 Indecent exposure and obscenity.
 - a) Indecent exposure.
 - b) Obscenity.
 - 1) Obscenity--Definitions.
 - 2) Same--Prohibited conduct.
- 9.04.070 Peaceful assemblies not to be disturbed.
- 9.04.080 Cruelty to children.
- 9.04.090 Cruelty to animals.
- 9.04.100 Disorderly house--Gambling.
- 9.04.110 Assemblage for purpose of committing an unlawful act prohibited.
- 9.04.120 Interference with duties of police officer.
- 9.04.130 Resisting a police officer.
- 9.04.140 Fleeing or attempting to elude police officer.
- 9.04.150 Petty theft.
- 9.04.200 Penalty for violation.

9.04.010 Disorderly conduct.

(A) A person shall be guilty of disorderly conduct if he willfully:

(1) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.

(2) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.

(3) Incites, attempts to incite, or is involved in attempting to incite a riot. For the purposes of this section, the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled and acting with a common intent to the terror of the people of the town, either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent or turbulent manner.

(4) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the police or other lawful authority known to be such.

(5) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(6) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

(7) Resists or obstructs the performance of duties by any authorized official, other than police officers, of the town when known to be such an official.

(8) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.

(9) Interferes with another's pursuit of a lawful occupation by acts of violence.

(10) Employs foul, abusive, profane, obscene or threatening language in addressing any police officer or other authorized official of the town when known to be such an official or police officer.

(B) It shall be unlawful for any person to be guilty of disorderly conduct.

9.04.020 Disturbance of the Peace. It is unlawful for any person within the town to interrupt or disturb the peace of others by any loud, boisterous, offensive, threatening, abusive, profane or obscene language or by any offensive,

threatening, abusive or obscene gestures calculated to constitute or to provoke a breach of the peace.

9.04.030 Public intoxication. It shall be unlawful for any person to be drunk or in a state of intoxication on any highway, street, thoroughfare or other public place within the Town of Mills.

9.04.040 Officer search of offenders--Weapons prohibited. Any officer of the law of the town making an arrest of any person for an offense against any section of this chapter shall have the right, and it is hereby made his duty, unless such procedure is, in his opinion, entirely unnecessary, to search the person and to ascertain whether he is carrying or wearing, beneath his clothing or otherwise, any knife, gun, metal knuckles, billy, or other weapon or bludgeon intended for, or suitable to use in the perpetration of any assault upon or against any other person, persons, or property. Upon the discovery by the officer of any weapon upon the person or in the possession of the arrested person, it shall be the duty of the officer to take the weapon or bludgeon into custody and to retain possession of the same until such time as the municipal court shall have heard and disposed of the case involving the owner or possessor.

Any offender against any section of this chapter being found to be carrying, wearing, or in possession of any weapon or bludgeon as heretofore specified, while engaged in the perpetration of the offense or in preparation therefor, or upon sufficient evidence being addressed to prove that the person was carrying, wearing, or possessing any such weapon at the time for probable use in the perpetration of the offense, the person shall be charged with a violation of the terms of this section, in addition to other offenses of which he may be guilty under this section or any provisions of this code.

9.04.050 Discharging firearms. No person shall discharge any firearm, gun or other instrument that shoots or ejects a bullet, pellet or other projectile by explosion, gas propulsion, spring propulsion, pressurized propulsion, or by any other means of propulsion within the limits of the town except in self-defense or, in the case of a civil officer, or a member of the armed forces of the United States of America or the state, in the discharge of his official duty.

9.04.060 Indecent exposure and obscenity.

a) Indecent exposure. It shall be unlawful for any person to appear in a state of nudity in any public place. For the purposes of this section the word "nudity" shall mean the showing of the human male or female genitals or pubic area or female breasts with less than a full opaque covering.

b) Obscenity.

1) Obscenity--Definitions. For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Available to the public. The matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement or for a separate fee for each item or performance.

Disseminate. To transfer possession of, with or without consideration.

Material. Any book magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment or machines.

Nudity. The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.

Obscene That to the average person applying contemporary community standards:

(a) The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., a shameful or morbid interest in sexual conduct, nudity, or excretion, and

(b) The matter depicts or describes in a patently offensive manner sexual conduct, and

(c) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Performance. Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

Promote. To cause, permit, procure, counsel or assist.

Service to patrons. The provision of services to paying guests in establishments providing food and beverages, including but not limited to hostessing, hat checking, cooking, bartending, serving, table setting and clearing, waiter and waitressing, and entertaining.

2) Same--Prohibited conduct. It shall be unlawful for any person to:

(a) Disseminate, distribute or make available to the public any obscene material; or

(b) Engage or participate in any obscene performance made available to the public; or

(c) Engage in commerce for commercial gain with materials depicting and describing explicit

sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or

(d) Provide service to patrons in such a manner as to expose to public view;

(1) His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;

(2) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(3) Any portion of the female breast at or below the areola thereof; or

(e) Promote the commission of any of the above listed unlawful acts.

9.04.070 Peaceful assemblies not to be disturbed. No person shall disquiet or disturb any peaceful assemblage of persons within the town, either by means of rude and unseemly behavior, or by profane discourse within the house of worship or other congregation, or by noise produced within such congregation or place of worship, or so near to the same as to disturb the order or solemnity of the meeting. The rules of this section shall apply equally to all peaceful assemblages, whether the assemblages shall be gathered for the purpose of religious worship or for any other reason.

9.04.080 Cruelty to children. It shall be unlawful for any person, having the care or custody of any child, to unjustly or cruelly beat or punish such child to the extent that any lasting injury, or any sickness, or permanent physical impairment, or death may thereby be caused to be suffered by the child; or willfully to cause or permit the child to be placed or to be in a situation that the life,

health or morals of the child may be thereby impaired.

9.04.090 Cruelty to animals. It shall be unlawful for any person, being the owner or having the care of any livestock, as defined in Section 67-202 WRS, or of any domestic animal, to deprive the animal or animals of necessary substances, or to overwork, torture, torment, needlessly mutilate, or unnecessarily or cruelly to beat any animal, or to do any act whereby unnecessary or unjustifiable pain or suffering is inflicted upon any animal, or to be guilty of any omission or neglect whereby any pain or suffering is permitted or continued when remedy or relief may reasonably be had; or otherwise to treat the animal in a cruel and inhuman manner.

9.04.100 Disorderly house--Gambling. Any person who shall, within the town, keep an ill-governed or disorderly house, or who shall suffer any drunkenness, lewd dancing, indecent exposure, or unlawful games, when within his power to prevent, in any house or upon any premises owned or possessed by him or under his management or control, or who shall conduct or permit to be conducted within or upon the premises, any gambling game, or who shall keep any instrument or device whatsoever with which or by means of which patrons of any grocery market, restaurant, bar, tavern, or of any other public establishment are enticed, influenced, or permitted to wager or bet any money or other valuable thing upon the result or outcome, or to play any game or engage in any sort of contest for the winning of any money or other valuable thing whatsoever, shall be deemed guilty of a misdemeanor.

9.04.110 Assemblage for purpose of committing an unlawful act prohibited. It is unlawful for any two or more persons to assemble at any place within the town for the purpose of committing any unlawful act, or, being assembled, to mutually agree or act in concert to do any unlawful act with force or violence against the property of the town or

against the person or property of another, or against the peace and to the terror of other persons, or to make any move or preparation therefor, or to fail to disperse when ordered by the marshal or other authority to do so; and every person present at any such assemblage who shall not endeavor to prevent the commission or perpetration of any unlawful act, shall be deemed individually responsible for the unlawful act and subject to penalty therefor under the provisions of this chapter.

9.04.120 Interference with duties of police officer.

Whoever knowingly and willfully obstructs, impedes, or interferes or attempts to obstruct, impede, or interfere with any peace officer, or assaults any peace officer while such officer is engaged in the lawful performance of his official duties, is guilty of a misdemeanor.

9.04.130 Resisting a police officer. Any person

within the town who resists or commits an assault with or without physical violence against any officer of the law acting in his official capacity or engaged in the discharge of his official duty is guilty of a misdemeanor.

9.04.140 Fleeing or attempting to elude police officer.

Any person who willfully flees or attempts to elude a police officer or police vehicle either on foot or otherwise, when given a visual or audible command to stop, knowing such person to be a police officer, shall be guilty of a misdemeanor.

Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police office may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

9.04.150 Petty theft. Whoever steals, takes and carries, lends or drives away property of another, on conviction thereof, shall be guilty of a misdemeanor.

9.04.200 Penalty for violation. Any person convicted of violating any of the provisions of any section of this chapter is guilty of a misdemeanor and except as otherwise specifically provided, punished as provided in Section 1.01-.115, together with the costs of procedure, for each and every offense.

SECTION 5.

REPEAL OF CONFLICTING ORDINANCES

Any and all ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

PASSED on FIRST READING the 22 day of August, 1979.

PASSED on SECOND READING the 3 day of October, 1979.

PASSED, APPROVED and ADOPTED on THIRD and FINAL READING the 17 day of October, 1979.

TOWN OF MILLS, a Municipal Corporation

Attest:

By Robert L. Moore
Robert L. Moore, Mayor

Norene Kilmer
Norene Kilmer, Clerk of
Town of Mills, a Municipal Corporation

I, Norene Kilmer, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 280 entitled "AN ORDINANCE TO AMEND AND REENACT ORDINANCE NUMBER 64 § 1, 2, 4, 10 & 11 (1946), ORDINANCE NUMBER 222 § 2 (PART), 1973 ORDINANCE NUMBER 209 § 1, 1972 AND ORDINANCE NUMBER 114 § 2, 1957; AND TO CREATE THE OFFENSES OF INTERFERENCE AND DUTIES OF POLICE OFFICER, FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER AND DISTURBANCE OF THE PEACE; AND TO RESTRUCTURE

AND RENUMBER CHAPTER 9.04 DISORDERLY OR UNLAWFUL CONDUCT OF THE MILLS MUNICIPAL CODE." Passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held at the Council Chambers on the 17 day of October, 1979.

(Seal)

Sign: Norene Kilmer
Norene Kilmer, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed and certified copies of this Ordinance No. 280 approved and passed as certified above, were, following its passage by the Town Council, posted in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 5 day of November, 1979.

(Seal)

Sign: Norene Kilmer
Norene Kilmer Town Clerk