

ORDINANCE NO. 343

AN ORDINANCE TO AMEND AND REENACT ORDINANCE
298, SECTION 1 (1981) APPEARING IN THE
MILLS MUNICIPAL CODE AS 9.04.033 TO DEFINE
AN OPEN CONTAINER

WHEREAS it has been determined by the Municipal Judge
that a literal reading of the definition of open container
will be had unless otherwise specified in the Ordinance, and

WHEREAS the Municipal Judge has determined that an open
container does not include such things as beer bottles that
have been opened but have had the cap returned to the top of
the bottle, and

WHEREAS it is in the best interests of the Town that the
Town now define open container as used in Section 1,
Ordinance 298, 1981, appearing in the Mills Municipal Code as
9.04.033, be it ordained by the governing body of the Town of
Mills, Wyoming, as follows:

That Ordinance No. 298, Section 1 (1981) appearing in
the Mills Municipal Code as 9.04.033 which presently reads:

Possession of Alcohol in Open Container. It is
unlawful for any person to possess alcoholic or
alcoholic malt beverages in any open container in any
open space in the Town, unless a permit is obtained from
the Town Council of the Town. "Open Space" means any
street, alley, public way, park, sidewalk, public or
private parking lot set aside for business use or in any
motor vehicles.

Is amended to read as follows:

9.04.033 Possession of Alcohol in Open Container.
It is unlawful for any person to possess alcoholic or
alcoholic malt beverages in any open container in any
open space in the Town, unless a permit is obtained from
the Town Council of the Town. "Open Space" means any
street, alley, public way, park, sidewalk, public or
private parking lot set aside for business use or in any
motor vehicles. "Open Container" means any open
container having as its contents alcoholic or alcoholic
malt beverages, whether it be in the original container
or in a substituted container and for purposes of this
Ordinance, any alcoholic or alcoholic malt beverage in
its original container which has had the seal of the
manufacturer broken is deemed an open container. The
seal may be either the Wyoming State Liquor Commission
seal or in the case of alcoholic malt beverages, the can
or bottle having been opened. For purposes of this
Ordinance any substituted container, that being other
than the original manufacturer's container, shall be an
open container whether or not the container is capped.
A tapped keg of alcoholic malt beverage shall be deemed
an open container for purposes of this Ordinance.

PASSED ON FIRST READING the 4 day of August, 1982.

PASSED on SECOND READING the 8 day of September, 1982.

PASSED, APPROVED and ADOPTED on THIRD and FINAL READING the 22 day of September, 1982.

TOWN OF MILLS, a Municipal corporation

By Eldon Spade
Eldon Spade, Mayor

Attest:

Norene Kilmer
Norene Kilmer, Town Clerk

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. 343 entitled "AN ORDINANCE TO AMEND AND REENACT ORDINANCE 298, SECTION 1 (1981) APPEARING IN THE MILLS MUNICIPAL CODE AS 9.04.033 TO DEFINE AN OPEN CONTAINER. 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 22 day of Sept., 1982.

(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. 343 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 5th day of October, 1982.

(Seal)

Sign: Norene Kilmer
Norene Kilmer, Town Clerk