

OFFENSES--MISCELLANEOUS

CHAPTER 13 .

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Sec. 13-1. Assault.

Whoever, having the present ability to do so, unlawfully attempts to cause bodily injury on the person of another, is guilty of an assault. (Code, § 3-101; amended during August, 1984, supplementation; Ord, No. 534, § 8,) [Revised in 1995 supplementation to comply with state law.]

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*For similar state law, see W.S., 1977,
6-2-501(a).*

Sec. 13-2. Assault and battery.

It shall be unlawful to touch another person in a rude, insolent or angry manner. (Code, 3-102.)

For state law as to authority of town to prevent or suppress affrays, etc., see W.S., 1977, 515-1-103. As to similar state law, see W.S., 1977, 5 6-2-501.

Sec. 13-3. Buildings. etc.--Injuring. defacing, etc.

No person, unless he shall have a permit therefor from the town, shall cut, break, or in any way injure or deface any tree, shrub, plant, flower or turf, or any building, fence, bridge or other structure, or any street, alley, curb, or gutter, water or sewer line or sewer intake, or any tools, equipment, or anything whatsoever, that has been planted, built, constructed, installed, or is maintained by, or is the property of the town.

Sec. 13-4. Curfew for minors; "minors" defined.

No minor shall remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the town between the hours of 12:00 P.M. and 5:00 AM., unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

For purposes of this section, any person who has not attained the age of eighteen years is hereby declared to be a minor. (Ord. No. 341; Ord. No. 348; Ord. No. 357; amended during August, 1984, supplementation.)

Sec. 13-4.1. Destruction of property.

No person shall wilfully injure or destroy any property of another or any public property. (Ord. No. 482.)

As to similar state law, see W.S.
1977, § 6-3-201(a).

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Sec. 13-5. Disorderly conduct.

No person shall:

(1) Commit 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) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.

(3) Incite, attempt to incite, or be 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) Obstruct, either singly or together with other persons, the flow of vehicular or pedestrian traffic or refuse to clear such public way when ordered to do so by the police or other lawful authority known to be such.

(5) Damage, befoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(6) Fail 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) Resist or obstruct the performance of duties by police or any other authorized official of the town, when known to be such an official.

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

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

(10) Use abusive, profane or obscene language in any public place.

(11) By any loud talking, by threatening abusive, profane or obscene language, or violent actions or by any other rude behavior, interrupt or disturb the peace of the town or any of its inhabitants. (Ord. No. 516, § 1.)

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For state law as to authority of town to restrain, prohibit, etc., disorderly conduct, see W. S., 1977, 15-1103. As to authority of town to suppress, etc., riots, etc., see W. S., 1977, 15-1-103. As to authority of town to prohibit profane, etc., language, see W.S., 1977, 15-1-103. As to breach of peace, see W.S., 1977, 6-6-102. As to offenses against public peace generally, see W.S., 1977, 6-6-101 to 6-6-302.

Sec. 13-6. Disturbing assemblages.

No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.

No person shall annoy or disturb any congregation or assembly, gathered together for religious worship, by making a noise, by rude or indecent behavior or profane discourse, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so engaged or assembled.

For state law as to authority of town to suppress disorderly conduct, see W.S., 1977, 15-1-103. As to authority of town to prevent, etc., disorderly assemblies, etc., see W.S., 1977, 15-1-103. As to disturbing public meetings, see W.S., 1977, 16-4-406.

As to disruption of meetings of public bodies, see 2-12 of this Code.

Sec. 13-7. Fences around excavations.

No person shall leave any excavation in an open or uncovered condition, or in any such condition as may cause danger to life or property, upon any premises of which such person is the owner, agent or other representative unless the ground upon which excavation is situated is enclosed by a substantial fence. (Code, § 18-404.)

Sec. 13-8. Firearms. etc.,--Discharge.

No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description; or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, without written permission from the town council, which permission shall limit the time of

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such firing, and shall be subject to revocation by the town council at any time after being granted. (Code, § 3-302.)

For state law as to dangerous or deadly weapons generally, see W.S., 1977, §§ 6-8-101 to 6-8-104. As to fireworks and explosives generally, see W.S., 1977, §§ 35-10-201 to 35-10-303. As to authority of town to regulate sale, etc., of fireworks, see W.S., 1977, 5 35-10-205.

As to sale and discharge etc., of fireworks, see 5 8-6 of this Code.

Sec. 13-9. Same--Possession.

No person, except authorized officers of federal, state or town government, shall keep or bear upon their person any pistol, revolver, knife, sling-shot, bludgeon or other lethal weapon. (Code, § 3-301; amended during August, 1984, supplementation.)

For state law as to carrying weapons, see W.S., 1977, 5 6-8-104.

Sec. 13-9.1. Use of Archery Equipment - Town Property.

No person shall shoot or fire any archery equipment of any nature whatsoever on property owned by the Town of Wheatland without first obtaining written permission from the Town Clerk for the Town of Whetland. The permission, if granted, shall limit the time and location of firing or shooting of archery equipment. The permission shall be subject to revocation by the Town Clerk at any time after being granted. (Ord. No. 616, 3rd reading 9/13/93.)

Sec. 13-10. Gambling-Prohibited.

No person shall play, deal, carry on or conduct any game whatsoever or any plan, scheme or device for money, checks, credits, goods, chattels or anything of value by means of cards, dice, wheels, slot machines, vending devices, tops, punchboards, lotteries, raffles or any contrivance, means, device or machine of any denomination or name whatsoever within the town, unless permitted by Wyoming law. [Amended in 1995 supplementation.]

For state law as to authority of town to restrain, prohibit, etc., gambling, see W.S., 1977, 5 15-1-103. As to gambling generally, see W.S., 1977, §§ 6-7-101 to 6-7-103.

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Sec. 13-11. Same--Allowing on premises.

No person shall knowingly permit section 13-10 to be violated in or upon the premises owned, managed or controlled by him.

Sec. 13-12. Same--Confiscation of devices.

It shall be the duty of the police to seize any game, device, cards, tools and implements or other articles or things designed for the purpose of gambling, employed or used by or in the possession of parties arrested for gambling, and, upon conviction of the parties so arrested, and upon order of the judge, to confiscate and destroy the same. (Amended during August, 1984, supplementation.)

For state law, see W.S. 1977, S 6-7-103.

Sec. 13-13. Same--Exception.

Nothing in sections 13-10, 13-11 or 13-12 shall be construed to apply to games of chance known as raffles or bingo conducted by charitable or nonprofit Organizations if the tickets of such raffles or bingo are sold only within this state. (Ord. No. 363, § 1.)

For similar state law exception, see W.S., 1977, S 6-7-101.

Sec. 13-14. Glue sniffing. etc.

(a) No person shall, for the purpose of causing or so as to result in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any glue or similar toxic vapor or consume or use any otherwise legal substance for a purpose 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 following:

(1) The inhalation of anesthesia for medical or dental purposes, when administered or directed by a licensed physician or dentist.

(2) The use of tobaccos.

(3) The drinking of intoxicating liquors or malt beverages by persons over nineteen years of age.

(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

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any substances herein prohibited. (Code, SS 3-1006, 3-1007; amended during August, 1984, supplementation.)

Sec. 13-15. Jail--Conversing. etc., through windows; visiting hours.

Deleted/repealed in 1995 supplementation.

Sec. 13-16. Same--Aiding escape.

Deleted/repealed in 1995 supplementation.

Sec. 13-17. Same--Introduction of liquor, tools, etc.

Deleted/repealed in 1995 supplementation.

Sec. 13-18. Same--Loitering.

Deleted/repealed in 1995 supplementation.

Sec. 13-19. Malicious mischief.

No person shall wantonly or mischievously break or destroy, or attempt to break or destroy in any manner, any property of another.

Sec. 13-20. Municipal employees. etc.. Interfering with.

No person shall interfere in any way with any employee of the town in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee, nor in any way molest any tools, instruments or equipment of any employee, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him.

Sec. 13-21. Narcotic paraphernalia.

No person shall possess any device, contrivance, instrument or paraphernalia designed or used for smoking a controlled substance or to possess any hypodermic needle or syringe or any other device, contrivance, instrument or paraphernalia designed or used for injecting a controlled substance; except for the following persons:

(a) Licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentists, podiatrists, veterinarians and nurses.

(b) Hospital research, teaching and clinical laboratories personnel, funeral directors and embalmers.

(c) Persons specifically authorized by a licensed physician, dentist or podiatrist to use a hypodermic needle or syringe for medical treatment purposes, while so using the needle or syringe.

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(d) Persons using a hypodermic needle or syringe for the treatment of livestock. (Ord. No. 406, § 1.)

For state law as to narcotics generally, see W.S., 1977, Controlled Substances Act, SS 35-7-1001 to 35-7-1005.

Sec. 13-22. Nudity in public.

No person shall 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.

For state law as to public indecency, see W.S., 1977, 6-5-301.

Sec. 13-23. Obscenity--Definitions.

For the purposes of section 13-24 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.

Knowingly. Being aware of the character and the content of the material.

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

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(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, bartending, serving, table setting and cleaning, waiter and waitressing, and entertaining. (Ord. No. 454.)

For state law as to authority of town to prohibit obscene language, see W.S., 9177, 15-1-103. As to obscenity generally, see W.S., 1977, SS 6-5-303 to 6-5-306.

Sec. 13-24. Same--Prohibited conduct.

No person shall:

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

(b). Knowingly engage or participate in any obscene performance made available to the public; or

(c) Knowingly 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) Knowingly promote the commission of any of the above listed unlawful acts. (Ord. No. 454.)

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Sec. 13-25. Same--Evidence, defenses.

(a) Expert affirmative evidence that the materials or activities are obscene is not required when the materials or activities themselves are presented as evidence.

(b) It shall be affirmative defense in any prosecution under sections 13-23 and 13-24 that allegedly obscene material was disseminated, or presented for a bona fide scientific, medical, educational, governmental, or judicial purpose by a physician, psychologist, teacher, clergyman, prosecutor, or judge. (Ord. No. 454.)

Sec. 13-26. Overnight campina.

(a) No person shall remain overnight in any tent, sleeping bag, vehicle, camper or in any other manner whatsoever on any property belonging to the town except in those areas specifically designated for overnight camping.

(b) No person shall remain in any area specifically designated for overnight camping for a period in excess of three days in any thirty day period. (Ord. No. 432.)

Sec. 13-27. Police--Aiding

It shall be the duty of all persons in the town when called upon by any police officer or other member of the police department to promptly aid and assist him in the execution of his duties. (Code, § 3-601.)

*For state law as to refusal to aid officer,
see W S., 1977, § 6-8-601.*

Sec. 13-28. Same--Interference with or resisting.

(a) No person shall resist any police officer or member of the police department in the discharge of any duty or shall in any way interfere with or hinder or prevent an officer from discharging the duties as such officer.

(b) No person shall in any manner assist any person in custody of any police officer to escape or attempt to escape from such custody or shall rescue or attempt to rescue any person So in custody. (Code, § 3-602.)

*For state law as to interference with officer,
see W.S., 1977, 5 6-5-204.*

Sec. 13-28.1. Same--False report of crime filed with.

No person shall knowingly make or file any false, misleading or unfounded statement or report concerning the commission or

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alleged commission of any crime Occurring within the town. (Ord. No. 491, § 1.)

For state law as to false reporting, see W.S., 1977, S 6-5-210.

Sec. 13-29. Prostitution.

(a) 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.

(b) No person shall direct, take, transport or offer to 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.

(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.

(d) No person shall engage in or solicit prostitution or aid or abet prostitution, by solicitation or by any means whatsoever. (Code, §§ 3-801, 3-802.)

For state law as to authority of town to restrain and punish prostitutes and to regulate disorderly houses, see W.S., 1977, S 151-103. As to prostitution generally, see W.S., 1977, SS 6-4-101 to 6-4-103.

Sec. 13-30. Public drunkenness.

Deleted/repealed in 1995 supplementation.

Sec. 13-31. Refrigerators, ice boxes. etc.--Abandonment.

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from such ice box, refrigerator or container.

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Sec. 13-32. Shoplifting.

(a) No person shall wilfully conceal or take possession of any goods offered for sale by wholesale or retail stores or other mercantile establishments, 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.

(b) Any police officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting, as defined by subsection (a) of this section, may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.

(c) When a police officer, merchant or merchant's employee, with reasonable cause for believing that a person has committed the crime of shoplifting, as defined by subsection (a) of this section, detains and interrogates such person in regard thereto, and such person thereafter brings against the police officer, merchant or merchant's employee a civil 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 of the detention and interrogation were done in a reasonable manner and for a reasonable time. (Ord. No. 409.)

For state law as to shoplifting, see W.S., 1977, §§ 6-3-404 to 6-3-405.

Sec. 13-33. Tennis courts--Unlawful uses.

(a) No person shall engage in any activity or be upon any tennis court belonging to or being operated by the town except while actually participating in the sport universally known as tennis. (Ord. No. 514A, SS 1, 2.)

Sec. 13-34. Unlawful posting.

No person shall paint, print, paste, stencil, or otherwise mark upon, or in any manner place upon or affix to any building, fence, wall or tree without the consent of the owner thereof, any word, letter, character, figure, sentence or device, or any handbill or notice. (Code, § 3-1201; amended during August, 1984, supplementation.)

For similar state law, see W.S., 1977, S 6-320 dealing with property destruction and defacement.