

## TITLE 7

### PUBLIC SAFETY AND MORALS

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*Title 7 was recodified by Ordinance 694, effective 4-20-80*

**7-1-1. Repealed by Ordinance 730**

**7-1-2. Accessory Before the Fact.** - Any person who shall aid or abet in the violation of any ordinance shall be punished to the extent provided for principals, regardless of whether or not the principle has been convicted.

**7-1-3. Accessory After the Fact.** - Any person who shall conceal or assist any person who has violated any ordinance, unless the persons are related as spouses, siblings, or direct descendants, may be punished to the extent provided for principals, regardless of whether or not the principal has been convicted. (*Amended by Ordinance 730.*)

**7-2-1. Assault.** - No one who has the present ability to do so shall unlawfully attempt to injure another person.

**7-2-2. Assault and Battery.** - No person shall unlawfully touch another in a rude, insolent or angry manner.

**7-2-3. Rioting, Fighting.** - No person shall voluntarily engage in a fight or riot.

**7-2-4. Carrying a Concealed Weapon.** - No person other than law enforcement officers and others authorized by law shall carry a concealed weapon, firearm, bludgeon, straight knife, or other deadly weapon on or about his person.

**7-2-5. Carrying a Deadly Weapon.** -

(a) No person shall arm himself with any deadly weapon with the intent of injuring another.

(b) No person other than law enforcement officers or others authorized by law shall carry any deadly weapon into any premises where any malt or alcoholic beverages are sold or dispensed.

**7-3-1. Disobeying a Lawful Order.** - No person shall willfully ignore or refuse to obey any lawful order of a peace officer issued while in the performance of his duties.

**7-3-2. Resisting, Obstructing Lawful Process, Impeding Investigations.** - No person shall willfully obstruct, resist or oppose any peace officer attempting to make a lawful arrest or serve papers in the course of his duties, nor shall any person knowingly give, or cause or advise others to give, a false or misleading statement to a police officer conducting an investigation in the course of his duties. (Section 7-3-2 amended Ordinance 894, effective 5-3-93)

**7-3-3. Escape.** - No person shall attempt to escape the lawful custody of any peace officer acting in the course of his duties.

**7-3-4. Interfering With Surveyor.** - No person shall remove or disturb any monument or stake set by a licensed surveyor or interfere with any survey conducted by a licensed surveyor.

**7-4-1. Destruction of Property.** - No person shall willfully or wantonly deface, injure, or destroy any property without the consent of the owner. (Section 7-4-1 amended by Ordinance 781, effective 5-14-85.)

**7-4-2. Larceny.** -

- (a) No person shall steal, take and carry, lead or drive away the property of another valued at \$1,000.00 or less, with intent to deprive the owner or lawful possessor is guilty of larceny.
- (b) If any bailee, a public servant as defined by W.S. 6-5-191(a)(vi), or any person entrusted with the control, care of custody of any money or other property valued at \$1,000.00 or less, with intent to steal or to deprive the owner of the property, converts the property to his own or another's use is guilty of larceny. (Section 7-4-2(a)(b) amended by Ordinance 1109, effective October 25, 2005)
- (c) If any bailee, charged under this section, shall have come into possession of the property in question, within the City of Lander, there shall be sufficient nexus to confer jurisdiction on the Municipal Court to try and decide the matter. (Section 7-4-2 amended by Ordinance 804, effective 5-12-87.)

**7-4-3. Shoplifting.** - No person shall willfully conceal or take possession of any goods offered for sale with intent to convert the goods to his own use without the consent of the person offering the goods for sale.

**7-4-4. Wrongful taking or disposing of property.**

- (a) A person is guilty of wrongful taking or disposing of property if he buys, receives, conceals or disposes of property which he knows, believes or has reasonable cause to believe was obtained in violation of the law.

- (b) A person may be charged under this section if he received or possessed the property in the City of Lander, notwithstanding the wrongful taking occurred in another jurisdiction.

**7-4-5. Fraudulent Procurement.** - No person shall, with the intent to defraud, procure, possess or obtain any food, beverage, lodging, gasoline, or anything of value of another offered for sale or consumption to the public by any of the following means:

- (a) by failing or refusing to pay the agreed or stated charge for such item or thing of value or, if none, for the reasonable value thereof; or

- (b) by altering, switching, substituting, or supplying any information which mis-identifies the actual agreed or stated charge for such item without the rightful owner's knowledge and consent. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-5-1. Trespass.** - A person is guilty of trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass for the purposes of the section, notice is given by:

- (i) Personal communications 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. (*Section 7-5-1 amended by Ordinance 883, effective 8-17-92.*)

**7-5-2 Curfew.** - No minor under the age of 16 years old shall be found in any public place unaccompanied by a parent, guardian, or grandparent between the hours of 10:00 p.m. and 5:00 a.m., except that this restriction shall not apply on Friday and Saturday nights until 11:00 p.m.; except that the time stated herein shall be extended when the person under sixteen (16) years old is attending and/or participating in a school, work, religious or civic event, in which case the curfew shall begin from fifteen (15) minutes after the scheduled ending time of the school, work, religious or civic event. (*Section 7-5-2 amended 9-28-93 by Ordinance 911.*)

**7-5-3. Disorderly Conduct.**

- a) A person shall be deemed guilty of disorderly conduct if he wilfully:

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. 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;

3. 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;

4. Resists or obstructs the performance of duties by police or any other authorized official of the municipality, when known to be such an official;

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

6. Interferes with another's pursuit of a lawful occupation by acts of violence. (*Section 7-5-3 Adopted by Ordinance 888, effective 11-24-92*)

**7-6-1. Indecent Exposure; Lewdness.** - No person shall appear indecently exposed or commit lewd or indecent acts in any public place. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-6-2 Peeping Toms.** It shall be unlawful for any person to enter upon the land of another, for no legitimate purpose and without the consent of the owner, and, while upon said land, to invade or attempt to invade the privacy of the owner or occupant thereof by resort to peeping, which is hereby defined as the stealthy, visual invasion into the residence located upon the land by peering through a window, whether closed or open or other opening in the residence. (*Section 7-6-2 created by Ordinance 949, effective 5-1-95.*)

**7-7-1. Use of Possession of Marijuana.** - No person shall, within the City of Lander:

(a) possess marijuana, its derivatives, or synthetic equivalents, including all substances enumerated in Section 35-7-1014(d) (x) and (xviii), Wyoming Statutes, 1977, as now in effect or hereafter constituted. (*Amended by Ordinance 730, effective 6-8-82.*)

(b) use marijuana, its derivatives, or synthetic equivalents, including all substances enumerated in Section 35-7-1014(d) (x) and (xviii), Wyoming Statutes,

1977, as now in effect or hereafter constituted. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-7-2. Unlawful Use of Glue, Aerosols, or Vapors.** - No person shall smell or inhale the fumes from glue, aerosols or vapors for the purpose of altering the person's senses or nervous system, or other unlawful purpose. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-8-1. Peace Disturbances; Person Responsible for Premises.** - No person shall, by any loud or unnecessary talking, hallowing, or by any threatening, abusive, profane or obscene language, or violent actions, or by any other rude behavior interrupt or disturb the peace of the City of Lander, or any inhabitant thereof. No person shall, by words, signs or gestures, provoke or attempt to provoke a breach of the peace, assault, assault and battery, or fight by another person within the City of Lander. No person shall permit conduct by this section on the premises for which he is responsible. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-8-2. Discharge of Firearms.** - No person shall discharge any firearm in or into the City of Lander except on an authorized target range. (*Amended by Ordinance 730, effective 6-8-82.*)

**7-8-3 Discharge of Fireworks**

- a) No unauthorized person shall discharge fireworks in or into the City of Lander. This section however shall not apply between the hours of 10:00 a.m. and 12:00 midnight on Independence Day only in designated areas. On Independence Day the following areas will not be allowed to have the discharge of fireworks:
  - i. all of Main Street
  - ii. city parks located in the City of Lander; and
  - iii. the area east of the detention center from Amoretti Street to Poor Farm Road, provided that any regulations promulgated by the City Council are fully complied with.
- b) Supervised public displays of fireworks may be authorized by resolution upon presentation of proof of issuance of liability insurance to protect the City of Lander and all others from personal injury and property damage in such amount as the City Council may require. The City Council shall restrict in the hours and location of the display and may impose other terms in its discretion.
- c) Such regulations shall be published within 10 days prior to July 4. No unauthorized person shall discharge fireworks on Main Street, in or into any city parks located in the City of Lander and the area east of the detention center from Amoretti Street to Poor Farm Road on any day or at any time except if approved by the Lander City Council.

- d) Subsection (a) of this section shall not apply to firework safety classes, provided that prior to the class application for such class is made to the governing body of the City of Lander and the governing body gives prior approval. The governing body may attach any condition to the approval that it deems necessary for the public health, safety and welfare.
- e) No person or entity shall sell or otherwise distribute fireworks within the City of Lander. All present businesses of selling or distributing fireworks are grandfathered. *(Amended by Ordinance 1149 effective 09/28/08)*

**7-8-4. Leaving Child Unattended.** - No person shall leave any child under the age of 16 in a vehicle unattended by an adult for more than 30 minutes.

**7-8-5 Landlord Responsibility -**

- (a) Definitions - For the purpose of this section the following definitions shall apply:
  - (1) "Disorderly House" means any public or private building, place or house of public resort kept or maintained for the exclusive or non-exclusive purpose of carrying on or promoting:
    - (a) Prostitution;
    - (b) Illegal gambling;
    - (c) Fighting;
    - (d) Sale, consumption or disposition of liquor or controlled substances, contrary to law; or
    - (e) Any other illegal activity.
  - (2) "Knowledge of a Disorderly House" shall mean failure to initiate reasonable abatement actions against the tenants' activities which constitute a disorderly house after receiving formal written notice from the Police Department. Provided, however, that no formal notice shall be given to a landlord or property manager until they have received a reasonable number of informal notices and upon conviction of the tenant for the offense charged.
  - (3) "Informal Notice" shall mean written or verbal notice from the Police Department of the existence of a disorderly house the last of which must state that it is the final informal notice.
  - (4) "Formal Notice" shall mean written notice to the landlord or property manager, following a reasonable number of informal notices and conviction of the tenant for the offense charged, that a disorderly house exists and that continuation of the disorderly

house shall subject the landlord or property manager to criminal penalties.

- (5) "Reasonable Number of Informal Notice" shall be determined in the discretion of the police department depending upon the nature of the tenants offense and the response of the landlord or property manager upon receiving informal notice.
- (b) It is unlawful for any person to knowingly keep or allow to be kept any disorderly house.
- (c) It is unlawful for any landlord or property manager to knowingly keep or allow to be kept any inn, property, residence, apartment or tenement as a disorderly house, after the receipt of formal written notice of the same. *(Section 7-8-5 created by Ordinance 991, Effective 10/20/97)*

**7-9-1. Check Fraud. - Definitions:**

- (a) As used in this chapter:
  - (i) "**Check**" means a written unconditional order to pay a sum certain in money drawn on a bank payable on demand and signed by the drawer;
  - (ii) "**Knowingly issues**" means issuing a check and obtaining property with intent to defraud or deceive any other person;
  - (iii) "**Drawee**" means the bank or purported bank upon which a check is drawn;
  - (iv) "**Drawer**" means a person either real or fictitious whose name appears on a check as the primary obligor whether the actual signature is that of himself or a person authorized to draw the check in his behalf;
  - (v) "**Insufficient funds**" means when the drawer issues a check from the drawee and has no checking account with the drawee or has funds in a checking account with the drawee in an amount less than the amount of all other checks outstanding at the time of issuance. A check dishonored for "no account", "account closed", or "non-sufficient funds" shall also be deemed to be dishonored for "insufficient funds";
  - (vi) "**Issue**" means make, draw, deliver or pass a check.

**7-9-2. Check Fraud - Procedure - Penalty - Restitution. -**

- (a) Any person who knowingly issues a check which is not paid because the drawer has insufficient funds with the drawee, has issued a fraudulent check

and commits fraud by check unless the check is paid by the maker within five (5) days of receiving notice, personally given or sent to the address shown on the instrument of dishonor or nonpayment. Proof the drawer opened an account with the drawee on a certain date shall be considered evidence of the drawer's knowledge of the account balance on that date.

(b) Fraud by check is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(c) Upon sentencing, the court may require any person convicted of check fraud to make restitution in any amount not to exceed twice the amount of the dishonored check in addition to any other punishment imposed under this section.

**7-9-3. Check Fraud - Prima Facie - Evidence of Intent. -**

(a) Any of the following is prima facie evidence that the person at the time he issued the check or other order for the payment of money intended that it should not be paid:

- (i) Proof that at the time of issuance he did not have an account with the drawee;
- (ii) Proof that at the time of issuance he did not have sufficient funds with the drawee and that he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order; or
- (iii) Proof that when presentment was made in a reasonable time the issuer did not have sufficient funds with the drawee and he failed within five (5) days after receiving notice of nonpayment or dishonor to pay the check or other order.

**7-9-4. Check Fraud - Citizen Complaint - Probation. -**

(a) Any person, having acquired rights with respect to a check which is not paid because the drawer has insufficient funds, may file a complaint under this act whether or not he is the payee, holder or bearer of the check.

(b) If deferred prosecution or probation is ordered, the court as a condition or supervision shall require the defendant to make restitution in an amount not to exceed twice the amount of the dishonored check on all checks issued by the defendant which are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

**7-9-5. Attempted Petit Larceny; Renunciation of Criminal Intention. -**

- (a) A person is guilty of any attempt to commit petit larceny if:
  - (i) With the intent to commit petit larceny, as set forth in Section 7-4-2 of the Lander Municipal Code, he does any act which is a substantial step towards commission of the crime. A "substantial step" is conduct which is strongly corroborative of the firmness of the person's intention to complete the petit larceny.

(b) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of his intent to commit petit larceny, he avoided the commission of the crime attempted by abandoning his criminal effort. Within the meaning of this subsection, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the person's course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal intention. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim. (*Section 7-9-5 created by Ordinance 852, effective 3-26-91.*)

**7-10-1. Tobacco Products - Definitions.**

- a) As used in this article:
  - (i) "**Tobacco products**" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
  - (ii) "**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.

**7-10-2. Tobacco Products - 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 (18) years.
- b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00).
- 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 (18) years of age; or
  - (ii) The tobacco product was given or delivered to the person under eighteen (18) 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.

**7-10-3. Tobacco Products - 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 (18) 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 (18) 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 (18) 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 fifty dollars (\$50.00). Each day of continued violation shall be deemed a separate offense.

**7-10-4. Tobacco Products - Purchase by Minors Prohibited.**

a) No person under the age of eighteen (18) 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 more than twenty-five dollars (\$25.00). 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 this fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

**7-10-5. Possession or Use by Minors Prohibited.**

a) It is unlawful for any person under the age of eighteen (18) 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 more than twenty five dollars (\$25.00). 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 (\$5.00) 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, his parent or guardian. *(Section 7-10-1 - 7-10-5 created by Ordinance 866, effective 10-8-91.)*

**7-10-6 Smoking Prohibited in Certain City-Owned Facilities and Penalties for Violation**

- (a) Smoking of tobacco products is prohibited in the following City-owned facilities:
1. Lander City Hall;
  2. The main Parks & Recreation Building at Lander City Park; and
  3. In all areas of the Lander Community Center, including the enclosed bar area of such facility; *(Section 7-10-6(a)(3) amended by Ordinance 1114, effective 6/06)*
  4. Airport terminal;
  5. All other City owned facilities, with the exception that the building administrator, or the Fire Chief for the fire hall, may designate smoking areas.
- (b) Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, punishable as follows:
1. A fine not exceeding \$100.00 for a first violation;
  2. A fine not exceeding \$200.00 for a second violation within six (6) months of a first violation;
  3. A fine not exceeding \$500.00 for each additional violation within one (1) year.
- (Section 7-10-6 Created by Ordinance 995, effective 3/98)*