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CHAPTER 9.02. PENALTIES

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Sec. 9.02.010. Penalties.

Each and every offense and/or section set forth in this title shall be deemed a misdemeanor and may be punishable by a maximum fine of \$750.00 and pursuant to W.S. § 5-6-108 cost of \$10.00 each and every offense.

(Ord. No. 1033, § 1, 1-3-06)

Sec. 9.02.011. Jail.

In addition to the fine and cost set forth in [section 9.02.010](#), all persons charged with a violation of sections [9.08.070](#) and [9.08.080](#) may also be subject to jail not to exceed six months upon conviction thereof.

(Ord. No. 1033, § 1, 1-3-06)

Sec. 9.02.013. Appointment of legal counsel.

All persons charged with a misdemeanor in city municipal court that may be subject to a jail sentence, if found guilty, shall be appointed legal counsel to represent them in the event the municipal court judge determines that the person is a "needy person" as defined by W.S. § 7-6-102 (a)(iv). The municipal court judge may consider any and all information deemed necessary to make such determination.

However, the appointment of legal counsel shall not occur in the event that the municipal court judge states on the record at the person's initial appearance or arraignment, that he will not sentence the person to any period of jail even if the person is convicted of the misdemeanor charged.

(Ord. No. 1100, § 1, 8-3-10)

Sec. 9.02.015. Reimbursement for legal services.

In every case in which a person has received legal services pursuant to [section 9.02.013](#), the municipal court judge shall add to any fine, restitution and sentence the actual costs of said legal services provided by appointed legal counsel and said person shall be permitted to reimburse the city for said legal services at the same rate that said person pays the fine and costs to the municipal court.

(Ord. No. 1098, § 1, 8-3-10)

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CHAPTER 9.02. PENALTIES

Sec. 9.02.020. Attempt and conspiracies.

All persons who attempt and/or conspire to commit any offense under this title or who conspire to commit an act beyond the city limits which if done in the city would be an offense under this title, may be subject to the same penalty as the offense which was subject to the attempt or conspiracy.

(Ord. No. 1033, § 1, 1-3-06)

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CHAPTER 9.04. OFFENSES BY OR AGAINST PUBLIC OFFICIALS AND GOVERNMENT

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Sec. 9.04.010. Aiding and abetting prisoners.

All persons who attempt or aid in the rescue or liberty of any individual in the legal custody of a law enforcement officer in the city shall be guilty of a misdemeanor.

(Ord. No. 1033, § 2, 1-3-06)

Sec. 9.04.020. False fire alarms.

All persons giving, setting off or sounding any false fire alarms without good cause in the city shall be guilty of a misdemeanor.

(Ord. No. 1033, § 2, 1-3-06)

Sec. 9.04.030. False report of a crime.

All persons who shall make, report or file a false, misleading or unfounded statement concerning the commission or alleged commission of any crime in the city shall be guilty of a misdemeanor.

(Ord. No. 1033, § 2, 1-3-06)

Sec. 9.04.040. Trespassing on city property.

All persons who enter upon the land or premises of the city after being notified, noticed, signed or verbally informed not to do so by the city, its agents or employees shall be guilty of a misdemeanor.

(Ord. No. 1033, § 2, 1-3-06)

Sec. 9.04.050. House parties and minors.

1. No person who owns, rents, leases, subleases, occupies, trespasses or has control of any residence hotel or motel room, public or private building, premises, or any portion thereof, shall allow a house party to take place at the a residence, hotel, or motel room, public or private building premises, or any portion thereof, if any alcoholic liquor, malt beverage or drug prohibited by law to be possessed by a minor is possessed or consumed at the residence, hotel, or motel room, public or private building, premises, or any portion thereof, by any minor and the person knowingly permitted the

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residence, hotel or motel room, public or private building, premises, or any portion thereof, to be used for that purpose.

2. The provisions of this section shall not apply to:
 - (a) The furnishing or giving of any alcoholic liquor or malt beverage by an adult to any person under the age of 21 years, if the recipient is the legal ward, medical patient or member of the immediate family of the adult furnishing or giving the alcoholic liquor or malt beverage;
 - (b) The consumption, use or possession of a drug pursuant to a lawful prescription issued for the drug;
 - (c) Religious observances or prescribed medical treatment; and
 - (d) The possession of alcoholic liquor, malt beverage or lawfully prescribed drugs incidental to lawful employment.

(Ord. No. 1053, § 1, 6-5-07)

Sec. 9.04.060. Nuisance parties prohibited.

- A. No person who owns, rents, leases, subleases, occupies, possesses, trespasses or has control of any residence, hotel or motel room, public or private building, premises or any portion thereof, shall sponsor, conduct, host, invite, or permit a social gathering or party on said premises, which is or becomes a public nuisance as defined below, where such nuisance is either the intentional result of or could be reasonably anticipated by the person or persons having control of the premises. "Reasonably anticipated" shall be adjudicated using a reasonable person standard.
- B. A nuisance party shall be defined as a social gathering or party occurring on any premises within the city, which by reason of the conduct of the persons in attendance, results in any one or more of the following acts, conditions, events or violations that occur at the premises of said social gathering or party or on neighboring public or private property:
 1. Illegal open container;
 2. Urination outside on the premises or on the property of another;
 3. Unlawful sale, furnishing, dispensing, consumption or possession of alcohol or intoxicating liquor;
 4. Unlawful use of any controlled substance;
 5. Indecent exposure;
 6. Assault, battery or fighting;
 7. Vandalism;
 8. Use of profane language or gesturing;
 9. Obstructing a peace officer;
 10. Resisting arrest;
 11. Unlawful parking;
 12. Disturbing the peace;
 13. Any other unlawful act or action.
- C. All persons present at a nuisance party shall cease upon the order of a law enforcement officer and shall leave the premises immediately, excluding the residents of said premises.

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- D. All persons, identified in subsection A., violating this section shall be deemed guilty of a misdemeanor and shall be fined a minimum of \$350.00 plus court costs for first offense. Convictions for second offense shall be a minimum of \$500.00 plus court costs. Convictions for third or subsequent offenses shall be fined up to a maximum of \$750.00 plus court costs.

(Ord. No. 1059, § 1, 10-16-07)

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CHAPTER 9.08. OFFENSES AGAINST PUBLIC PEACE

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[Sec. 9.08.070. Resisting arrest.](#)

[Sec. 9.08.080. Public intoxication.](#)

[Sec. 9.08.090. Theft of service.](#)

Sec. 9.08.010. Fighting.

All persons engaged in fighting, violence or tumultuous conduct or in conduct creating the threat of imminent fighting or other violence in the city shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

Sec. 9.08.020. Profane language or gesture.

All persons speaking, uttering or gesturing any profane, obscene, or abusive language or gesture in the city shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

Sec. 9.08.030. Loitering.

All persons who remain idle in essentially one location or area, to stand idly around, linger, wander, ramble, laze, lurk, tarry, dally, dawdle, procrastinate, delay, hang around, hang out, stroll, lag, saunter, slouch, kill time, fritter, vegetate, loaf, chill or to be dilatory in the city shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

Sec. 9.08.040. Public urination.

All persons whom urinate in the city in a public or private place that can be seen by any person from a public place shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

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CHAPTER 9.08. OFFENSES AGAINST PUBLIC PEACE

Sec. 9.08.050. Disturbing the peace.

All persons who upon private or public property who disturb the peace and quiet of any person or neighborhood either by language, loud music or noise or conduct shall be guilty of a misdemeanor.

- A. *Prima facie evidence of violation.* Any of the following shall constitute evidence of a prima facie violation of this section:
1. The operation of any sound production or reproduction device, radio, receiving set, musical instrument, drum set, phonograph, stereo, CD player, video recorder/ player, loud speaker(s) cassette player or similar machines or devices in such a manner as to be plainly audible at a distance of 20 feet from the building structure or vehicle in which it is located.
 2. The operation of any sound amplifier which is a part of or connected to any radio, stereo receiver, compact disc player, cassette player or other similar device which is operated in such a manner as to be plainly audible at a distance of 20 feet and when operated in such a manner as to cause a reasonable person to be aware of vibration accompanying the sound at a distance of 20 feet from the source.
 3. Possession by a person or persons of any of the machines(s), instruments(s) or devices(s) enumerated in subsection 1. shall be prima facie evidence that such person operates, or those persons operate, the machine, instrument or device.
- B. *Exception.* The following are exempted from compliance with this ordinance:
1. Sound generated from any governmental or emergency vehicle while engaged in necessary public business.
 2. Sound generated from public works projects for or on behalf of the city, county or state.
 3. Sound generated from the reasonable use of amplifier(s) or loud speaker(s) in the course of public addresses which are non-commercial in character, and in the which amplifiers, or loud speaker(s) are not used in connection with any moving vehicle.
 4. A parade or public assembly that has obtained a permit.
 5. Sounds from any emergency device, early warning system or civil defense device.
 6. A school or city sponsored sporting event or assembly.
 7. Any activity for which a city permit or license was issued.
 8. Sound from equipment used to maintain landscaping or residential property on a periodic basis, including lawn mowers, leaf blowers, edgers hedge trimmers and similar types of equipment used between 7:00 a.m. and sunset.

(Ord. No. 1032, § 1, 1-3-06; Ord. No. 1039, § 1, 8-1-06)

Sec. 9.08.060. Obstructing a peace officer.

All persons who obstruct, impede or interfere with a peace officer while engaged in lawful performance of their official duties shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

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CHAPTER 9.08. OFFENSES AGAINST PUBLIC PEACE

Sec. 9.08.070. Resisting arrest.

All persons who resist, obstruct or oppose the arrest by a peace officer within the city shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

Sec. 9.08.080. Public intoxication.

All persons whom appear in the city in any public place or any place the public is commonly invited and appear in a drunken or intoxicated condition to the extent that such person creates a nuisance, disturbance or spectacle, as may be established by any of the following elements: staggering, weaving, sleeping, vomiting, slurring speech, speaking incoherently, obscene speech, offensive gestures or any other indecent or obnoxious conduct or act or fails to leave when requested by an owner or employee of said public place or any law enforcement officer shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06; Ord. No. 1099, § 1, 8-3-10)

Sec. 9.08.090. Theft of service.

All persons whom obtain service or use the city recreation facilities or utilities shall be guilty of a misdemeanor.

(Ord. No. 1032, § 1, 1-3-06)

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CHAPTER 9.12. OFFENSES AGAINST PUBLIC DECENCY

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[Sec. 9.12.010. Indecent exposure.](#)

[Sec. 9.12.020. Public consumption of alcohol.](#)

Sec. 9.12.010. Indecent exposure.

All persons who appear in any public place or in any place where the public is invited, in the city, in a state of partial or full nudity during which their intimate parts are exposed to the view of the public, shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 1, 11-14-06)

Sec. 9.12.020. Public consumption of alcohol.

All persons who consume any type of alcoholic liquor or malt beverage within the city, and not in a private residence or outbuilding or in a business licensed to dispense alcoholic liquor and malt beverages, shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 1, 11-14-06)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ord. No. 1047, § 1, adopted November 14, 2006, repealed and reenacted chapter 9.12, §§ 9.12.010—9.12.120 in its entirety to read as herein set out. Formerly, chapter 9.12 pertained to similar subject matter, and derived from Ord. No. 655, adopted 1982. ([Back](#))

CHAPTER 9.16. OFFENSES AGAINST THE PERSON

CHAPTER 9.16. OFFENSES AGAINST THE PERSON ⁽²⁾

[Sec. 9.16.010. Assault or threat.](#)

[Sec. 9.16.020. Provoking an assault or battery.](#)

[Sec. 9.16.030. Battery.](#)

Sec. 9.16.010. Assault or threat.

All persons in the city who threaten to cause bodily injury to another person or whom unlawfully attempt to cause bodily injury to another person shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 2, 11-14-06)

Sec. 9.16.020. Provoking an assault or battery.

All persons in the city who utter vile or insulting statements toward another person or curse, swear, slander or use gross names toward another person or call on or request another person to fight shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 2, 11-14-06)

Sec. 9.16.030. Battery.

All persons in the city who unlawfully touches another person in a rude, insolent, offensive or angry manner or intentionally, knowingly or recklessly cause any type of bodily injury to another person shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 2, 11-14-06)

FOOTNOTE(S):

--- (2) ---

Editor's note— Ord. No. 1047, § 2, adopted November 14, 2006, repealed and reenacted chapter 9.16, §§ 9.16.010—9.16.030 in its entirety to read as herein set out. Formerly, chapter 9.16 pertained to similar subject matter, and derived from Ord. No. 630, adopted 1982. ([Back](#))

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CHAPTER 9.20. OFFENSES AGAINST PROPERTY

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[Sec. 9.20.030. Vandalism.](#)

[Sec. 9.20.040. Trespass.](#)

Sec. 9.20.010. Shoplifting/detention/defense.

- A. All persons in the city who conceal any property or goods offered for sale within the premises of the business wherein such property or goods are offered for sale shall be deemed guilty of a misdemeanor. All persons in the city who wilfully take possession of any property or goods offered for sale without the knowledge or consent of the owner thereof and without paying the purchase price therefore shall be deemed guilty of a misdemeanor.
- B. Any peace officer, owner, merchant or merchant's employee who has reasonable cause for believing that a person has committed the offense of shoplifting as defined in subsection A. may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.
- C. Any peace officer, owner, merchant or merchant's employee with reasonable cause to believe that a person has committed the offense of shoplifting as defined in subsection A. and detains and interrogates such person in regard thereto, shall have a full and complete defense to any civil action thereafter filed by such person that was detained and interrogated in the event such detention and interrogation was done in a reasonable manner and for a reasonable time.

(Ord. No. 1047, § 3, 11-14-06)

Sec. 9.20.020. Stealing.

All persons in the city who steal, take or carry away or dispose of or remove or deprive the owner or lawful possessor of any property shall be deemed guilty of a misdemeanor.

(Ord. No. 1047, § 3, 11-14-06)

Sec. 9.20.030. Vandalism.

All persons in the city who destroy, deface, alter, disturb or injure the property of another without the owner's consent (and all of them if the property is co-owned by more than one person) shall be guilty of a misdemeanor.

(Ord. No. 1047, § 3, 11-14-06)

Sec. 9.20.040. Trespass.

All persons in the city who:

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- A. Knowingly enter any locked, closed or sealed building, dwelling, motor vehicle or privately owned real property of another without the consent or permission of the owner, agent or occupant or without authority of law shall be deemed guilty of a misdemeanor.
- B. Walk, run, ride or in any other manner cross over or upon any lawn, garden or otherwise unimproved lot, whether enclosed or not, or allow their pet to do the same, without the consent or permission of the owner, agent or occupant shall be deemed guilty of a misdemeanor.
- C. Enter or remain upon the real property or personal property of another after being notified to depart or leave by the owner, agent or occupant thereof shall be deemed guilty of a misdemeanor.
- D. This section shall not apply to any peace officer or emergency personnel on said property in the performance of their duties or when acting in their official capacity.

(Ord. No. 1047, § 3, 11-14-06)

FOOTNOTE(S):

--- (3) ---

Editor's note— Ord. No. 1047, § 3, adopted November 14, 2006, repealed and reenacted chapter 9.20, §§ 9.20.010—9.20.090 in its entirety to read as herein set out. Formerly, chapter 9.20 pertained to similar subject matter, and derived from Ord. No. 574, adopted 1982. ([Back](#))

CHAPTER 9.24. WEAPONS AND FIREWORKS

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[Sec. 9.24.040. Switchblade knife.](#)

[Sec. 9.24.050. BB guns and slingshots.](#)

Sec. 9.24.010. Carrying of concealed weapon.

It is unlawful for any person, excepting only officers of the law in the discharge of their duties, within the city, to carry about his or her person, any concealed pistol, revolver, dirk, Bowie knife, Billy, slingshot, metal knuckles or other dangerous or deadly weapon of any kind, with the following exceptions: persons who have obtained a concealed weapons permit from the Goshen County Sheriff.

(Ord. No. 629, 1982)

Sec. 9.24.020. Sale or possession of fireworks.

Shooting, the detonation or lighting, sale or possession of fireworks within the city is declared and ordained to be a misdemeanor; provided, however, that the mayor, with the consent of the city council, may exempt a specified portion, or portions, of the city from the operative effect of this section.

Sec. 9.24.030. Discharge of firearms.

No person except an officer of the law in the discharge of his duty shall fire or discharge any gun, pistol, fowling piece or other firearm within the city.

(Ord. No. 638, 1982)

Sec. 9.24.040. Switchblade knife.

It is unlawful for any person to carry on or about his person, or otherwise to have in his possession or control, any switchblade knife. A switchblade knife shall mean and include any knife having a spring or other device that will open the blade and lock it in an open position.

(Ord. No. 639)

Sec. 9.24.050. BB guns and slingshots.

Every person who shall, within the corporate limits of the city, discharge or shoot any air gun, BB gun, slingshot or similar weapon, shall be guilty of a misdemeanor.

(Ord. No. 640 1, 1982)

CHAPTER 9.28. OFFENSES BY OR AGAINST MINORS

[Sec. 9.28.010. Giving or furnishing tobacco to minor.](#)

[Sec. 9.28.020. Curfew.](#)

[Sec. 9.28.030. Leaving young child unsupervised in motor vehicle.](#)

Sec. 9.28.010. Giving or furnishing tobacco to minor.

Every person who shall, within the limits of the incorporated city, buy for, give to or furnish, either directly or indirectly, any cigars, cigarettes or cigarette papers, or any tobacco in any of its form to any person under the age of 18 years, shall be deemed guilty of a misdemeanor.

Sec. 9.28.020. Curfew.

- A. It is unlawful for any person under the age of 17 years, whether in a conveyance or not, to be upon the public streets or thoroughfares or in the city parks or other public places of the city between the hours of 10:30 p.m. and 6:00 a.m., except for Friday and Saturday nights, when the prohibited hours shall be from 12:00 midnight to 6:00 a.m., unless one or more of the following conditions prevails:
1. The person is accompanied by a parent or guardian or another adult having the person's care and custody;
 2. The person is in the performance of employment or on an errand or a duty authorized or imposed by his or her parent or guardian; or
 3. The person is traveling directly to his or her place of residence immediately after having attended a theater, dance or similar public function, and attendance at which was approved by his or her parent or guardian.
- B. No child apprehended for violating the provisions of this section shall be placed in confinement therefore until the parent, guardian or other person having the care and custody of such minor person being available shall have been notified of such apprehension and shall have refused to be held responsible for the appearance of the minor at a session of the police court at an hour and day then fixed.
- C. Any parent, guardian or other person having custody of any minor child under the age of 17 years who knowingly or through lack of diligence shall permit such child to be in violation of the provisions of this section shall be deemed guilty of neglect of such child and upon conviction shall be deemed guilty of a misdemeanor and fined in accordance with [section 9.02.010](#)
- D. Any minor child under the age of 17 years who shall violate the provisions of this section shall upon conviction be deemed guilty of a misdemeanor and fined as defined in [section 9.02.010](#), to which court costs will be added.

Sec. 9.28.030. Leaving young child unsupervised in motor vehicle.

It is unlawful for any parent, legal guardian or adult responsible for a juvenile to leave such juvenile under the age of seven years, inside a motor vehicle, unsupervised while in the city.

(Ord. No. 644)

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CHAPTER 9.32. CONSUMER PROTECTION

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[Sec. 9.32.010. Fortune telling.](#)

Sec. 9.32.010. Fortune telling.

It is unlawful for any person or persons to engage in or practice clairvoyance, divination or other physical means or pretenses of fortune telling for gain, either direct or indirect, within the city. It is unlawful for any person, persons, firm or corporation to print, publish, post or circulate within the city any advertisement, circular, handbill, placard or other printed or written matter that advertises or announces the practice of, or solicits the use of the services of any person or persons practicing clairvoyance, divination or other physical means or pretense of fortune telling for gain, either direct or indirect, within the city.

(Ord. No. 659: prior code 10-612)

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CHAPTER 9.36. ALCOHOL AND CONTROLLED SUBSTANCES

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[Sec. 9.36.010. Sales and possession of alcoholic liquor or malt beverages.](#)

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Sec. 9.36.010. Sales and possession of alcoholic liquor or malt beverages.

- A. Every licensee or his servant or employee who sells, gives or delivers alcoholic liquor, non-alcoholic beer or liquor or malt beverages to any habitual drunkard or any incompetent person or permits any person under the age of 21 years to enter or remain in the licensed room or rooms where intoxicating liquor or malt beverages are dispensed is guilty of a misdemeanor.
- B. Every person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of 21, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor.
- C. Any person under the age of 21 who has any alcoholic, non alcoholic beer or malt beverage in his possession or who is drunk or under the influence of alcoholic liquor, malt beverages or drugs on any street or highway or in any public place is guilty of a misdemeanor. This subsection shall not apply to possession of alcoholic or malt beverages by a person under the age of 21:
 - 1. When making a delivery of alcoholic or malt beverages pursuant to his employment;
 - 2. Who is in the physical presence of his parent or legal guardian; or
 - 3. When dispensing or serving alcoholic, non-alcoholic beer or malt beverages or otherwise working in a dispensing room pursuant to his employment, if the person was at least 19 years of age on July 1, 1988. This paragraph does not apply to persons otherwise authorized to serve alcoholic or malt beverage under paragraph 5 of this subsection; or
 - 4. Who is a licensee under the laws of the state; or
 - 5. When serving alcoholic or malt beverages pursuant to employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person serving is at least 18 years of age.
- D. Any person under the age of 21 who attempts in any manner to purchase alcoholic or malt beverages, who falsifies any identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.
- E. A motor vehicle driver's license, a registration certificate issued under the Federal Selective Service Act, an identification card issued to a member of the armed forces or an identification card issued by the department of revenue is prima facie evidence of the age and identity of a person. Proof that a

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licensee or his employee or agent demanded, was shown and acted in reasonable reliance upon the information contained in any one of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

- F. Any person under the age of 21 years who has consumed any alcoholic, non- alcoholic beer or malt beverages even though legally obtained from his legal guardian or parent, and who thereafter appears upon any street, highway or in any public place within the city while the fact of such consumption by such minor is still evident by reason of the odor thereof appearing upon his breath or by reason of the result of an alcoholic breathalyzer or blood test, is guilty of a misdemeanor.

(Ord. No. 808, 1988; Ord. No. 596)

Sec. 9.36.020. Restrictions on purchasing liquor or malt beverages and entry into liquor establishments.

- A. It is unlawful for any person under the age of 21 years, unless exempted by this title or this Code:
1. To purchase, sell possess or solicit the purchase or sale of alcoholic or malt beverages in the city; or
 2. To enter, attempt to enter or remain in the licensed room where intoxicating liquor or malt beverages are dispensed.
- B. No person 21 years of age or older shall transport, or have in his possession or control, any alcoholic liquor or malt beverage, with the intent of furnishing the same to any person under the age of 21 years, while operating or occupying a motor vehicle.

(Ord. No. 808, 1988; Ord. No. 570, 1977)

Sec. 9.36.030. Possess defined.

For the purpose of [section 9.36.020](#), "possess" shall include, but not be limited to, consumption of, or actual possession of, or constructive possession of alcoholic or malt beverages or having alcoholic or malt beverages within a person's area of control.

(Ord. No. 808, 1988; Ord. No. 570, 1977)

Sec. 9.36.040. Exception.

[Section 9.36.020](#) shall not apply to possession, as defined in [section 9.36.030](#), by a person under the age of 21 years who is accompanied by his or her parent or parents or legal guardian or is otherwise exempted by this [title 9](#).

(Ord.No. 808 (part), 1988; Ord. No. 570, 1977)

Sec. 9.36.050. Violation of sections 9.36.010 and 9.36.020; penalty.

Violation of sections [9.36.010](#) or [9.36.020](#) is punishable by a fine not exceeding the sum of \$750.00 plus costs of prosecution.

(Ord. No. 570, 1977)

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Sec. 9.36.060. Possession of marijuana.

- A. It is unlawful for any person to have in his or her possession marijuana totaling one ounce or less. The term "marijuana" is defined to mean the following: all parts of the plant Cannabis Saliva L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination; and, where the weight of marijuana is referred to in this section it shall mean its weight at or about the time it is seized or otherwise comes in to the possession of a police officer whether cured or uncured at that time.
- B. Any person who violates the provisions of this section shall, on conviction thereof, be fined in any sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. No. 730; PC 10624)

Sec. 9.36.065. Person using or under the influence of a controlled substance.

- A. Any person who uses, ingests, swallows, injects, smokes, consumes or is under the influence of marijuana, cannabinoids or any controlled substance listed in schedules I, II, III, IV or V (set forth in [section 9.36.070.](#)), except when administered or prescribed by or under the direction of a practitioner licensed in the state, shall be guilty of a misdemeanor.
- B. Any person who violates the provisions of this section shall, on conviction thereof, be fined in any sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. No. 1131, § 1, 10-16-12)

Sec. 9.36.070. Controlled substance equipment possession.

- A. It is unlawful for any person to possess an opium pipe or any device, contrivance, instrument or paraphernalia designed for use or principally used for smoking a controlled substance. It is also unlawful for any person to possess a hypodermic needle or syringe, or any other device, contrivance, instrument or paraphernalia designed for use or used for injecting a controlled substance, except:
1. Licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentists, podiatrists, veterinarians and nurses;
 2. Hospital research, teaching and clinical laboratories personnel, funeral directors and embalmers;
 3. 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; and
 4. Persons using a hypodermic needle or syringe for the treatment of livestock.
- B. The term "controlled substance" means, for the purpose of this section, all drugs and substances listed in the following schedules, whether listed by official name, generic, common or usual name, chemical name, brand or trade name:

Schedule I

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- (A) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters, ethers and salts unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation; acetylmethadol; allylprodine; alphacetylmethadol; alphameprodine; alphamethadol; benzethidine; betacetylmethadol; betameprodine; betamethadol; betaprodine; clonitazene; dextromoramide; destrorphan; diampromide; diethylthiambutene; dimenoxadol; dimepheptanol; dimethylthiambutene; diozaphetyl butyrate; dipipanone; ethylmethylthiambutene; etonitazene; etoxeridine; furethidine; hydroxypethidine; ketobemidone; levomoramide; levophenacymorphan; morpheridine; noracymethadol; norlevorphanol; normethadone; norpiperone; phenadoxone; phenampromide; phenomorphan; phenoperidine; piritramide; propheptazine; properidine; racemoramide; and trimeperidine.
- (B) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: acetorphine; acetyldihydrocodeine; benzylmorphine; condeine methylbromide; codeine-N-Oxide; cyprenorphine; desomorphine; dihydromorphine; etorphine; heroin; hydromorphinol; methyl-desorphine; methylhydromorphine; morphine methylbromide; morphine methylsulfonate; morphine-NOxide; myrophine; nicocodeine; nicomorphin; normorphine; phoclodine; and thebacon.
- (C) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: bufotenine; diethyltryptamine; dimethyltryptamine; 4-methyl-2, 5-dimethoxyamphetamine; ibogaine; lysergic acid diethylamide; marijuana; mescaline; peyote; psilocybin; psilocyn; tetrahydrocannabinols; 3,4 methylenedioxy amphetamine; 5-methoxy-3, 4-methylenedioxy amphetamine; 3,4,5-trimethoxy amphetamine; N-ethyl-3-piperidyl benzilate; and N-methyl-3-piperidyl benzilate.

Schedule II

- (A) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:
- (1) Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate;
 - (2) Any salt, compound isomer, derivative or preparation of which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;
 - (3) Opium poppy and poppy straw; and
 - (4) Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent to or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecgonine.
- (B) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: alphaprodine; anileridine; bezitramide; diphenoxylate; fentanyl; isomethadone; levomethorphan; levorphanol; metazocine; methadone; methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane; moramideIntermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; pethidine; pethidineIntermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4 carboxylate; pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; phenazocine; piminodine; racemethorphan; racemorphan; and dihydrocodeine.

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- (C) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers.

Schedule III

- (A) Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; any substance, except an injectable liquid, which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers; and methylphenidate.
- (B) Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section; chlorhexadol; glutethimide; lysergic acid; lysergic acid amide; methylprylon; phencyclidine; sulfondiethyl methane; sulfomethylmethane; sulfonmethane; and nalorphine.
- (C) Any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
- (1) Not more than one and eight-tenths grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of isoquinoline alkaloid of opium;
 - (2) Not more than one and eight-tenths grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - (3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
 - (4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - (5) Not more than one and eight-tenths grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
 - (7) Not more than 500 milligrams of opium per 100 milliliters or per one hundred grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and
 - (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Schedule IV

Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse, associated with a depressant effect on the central nervous system: barbital; chloral betaine; chloral hydrate; ethchlorvynol; ethinamate; methahexital; meprobamate; methylphenobarbital; paraldehyde; petrichloral; and phenobarbital.

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Schedule V

- (A) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:
 - (1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams;
 - (2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams;
 - (3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams;
 - (4) Not more than two and five-tenths milligrams of dipheyoxybate and not less than 25 micrograms of atropine sulfate per dosage unit; and
 - (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (B) Any compound, mixture or preparation, intended for use as an inhalant or inhaler which contains any quantity of mephentermine.
- (C) Any person who violates the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. No. 731 1, 1984)

Sec. 9.36.080. Sale and purchase of non-alcoholic beer and/or liquor.

- A. It shall be unlawful for any business, individual, liquor licensee or liquor permit holder to sell any non-alcoholic beer or liquor to a minor, regardless of actual alcohol content.
- B. It shall be unlawful for any minor to transport, purchase, consume, or have in their possession or control any non-alcoholic beer or liquor regardless of actual alcohol content.

FOOTNOTE(S):

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Note— Violation of any section of Chapter 9.36 shall be deemed a misdemeanor and shall be punishable by a fine of up to \$750.00, plus court costs. ([Back](#))

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Sec. 9.40.010. Obstacles in streets—Throwing missiles.

Every person who shall throw or place any stones, bottles, glass, iron, wood or other hard or sharp substances in or on any of the streets, alleys or other public places, within the corporate limits of the city, or who shall throw any missile at or against any house, building, vehicle, or at or toward any person, within such city limits, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding \$25.00, and shall be committed to the city jail until such fine and costs of prosecution are paid.

(PC 10124)

Sec. 9.40.020. Hopping trains—Exception.

Every person, excepting only employees upon such engines and cars or employees of the railway company operating the same, in the discharge of their employment, who shall, within the corporate limits of the city, get off or on, any railroad engine or car, while the same is in motion shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding \$10.00, and shall be committed to the city jail until such fine and costs of prosecution are paid.

(Prior code 510-128)

Sec. 9.40.030. Littering.

No person in the city shall throw or permit to be deposited or scattered upon any sidewalks, alley, street, bridge or public passageway, or upon any private property, any waste or other material of any kind.

(Prior code 10-135)

Sec. 9.40.040. Doorways and aisles—Obstructions.

The doors of all exits from buildings occupied as churches, school buildings, theaters for dramatic, operatic or similar performances, or as picture shows, or used for any public gatherings or meetings shall, during every performance, meeting or gathering within the building, be and remain unbarred and unlocked. For every departing gathering they shall be fastened open. No temporary seats or obstructions

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of any character shall, while such building is in use, be permitted to be or remain in any aisle, passageway, exit, entrance or stairway. No obstructions of any character, either movable or immovable, shall, while any such building is in use, be placed or left in any lobby or in front of any outer door or exit. No person shall be permitted to remain in any aisle or an any stairway of any such building while the building is in use. The hallways and stairways in such buildings shall be well lighted.

(Ord. No. 641 SI, 1982)

Sec. 9.40.050. Violation of section 9.40.040; penalty.

Every occupant of any building referred to in section who fails, neglects or refuses to comply with any of the provisions of section 9.40.040 shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one dollar, nor more than \$750.00 for each offense and shall pay the costs of prosecution. Each 24 hours of refusal or neglect to obey any provision of such section shall be deemed a separate and distinct offense punishable as a violation thereof.

(Ord. 642 51, 1982)

Sec. 9.40.060. Advertisements placed on utility poles.

It is declared unlawful for any person, firm or corporation 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. 660 1, 1982)

Sec. 9.40.070. Posting material on motor vehicle—Penalty.

- A. No person, firm or corporation shall place any poster, sign, picture or advertising material on any motor vehicle not the property of or under the control of such person, firm or corporation.
- B. Any person who shall violate any provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$750.00 and shall pay the costs of prosecution.

(Ord. 733 SI, 1964)