CHAPTER FOURTEEN
OFFENSES—MISCELLANEOUS
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§14-1. Assault.

Whoever, having the present ability to do so, unlawfully attempts to commit a violent injury on the person of another, is guilty of an assault and shall be punished as provided in 16-1. (C.O. 1948, § 131.)

§14-2. Assault and battery.

Whoever, in a rude, insolent or angry manner, unlawfully touches another is guilty of an assault and battery and shall be punished as provided in 16-1. (C.O. 1948, § 131.)

§14-3. Same--Disturbance of assemblages generally.

If any person shall disturb any lawful assemblage of people in the city by rude or indecent behavior or otherwise, he shall be guilty of a misdemeanor. (C. O. 1948 §164.)

§14-4. Same--Disturbance of religious worship.

If any person shall annoy or disturb any congregation or assembly in this city gathered together for religious worship by making a rude noise or by rude, profane or indecent language or behavior within their place of worship or so near the same as to annoy of disturb the members of such congregation or assembly, he shall be guilty of a misdemeanor. (C. O. 1948, § 163.)

§14-5. Obstructive or disruptive conduct within governmental facilities prohibited.

(a) No person, acting either singly or in concert with others, shall go into or upon facilities owned by, or under the control of, a governing body and obstruct or disrupt, by force, violence or other conduct which is in fact obstructive or disruptive, the activities conducted therein or thereon or the uses made thereof under the authority of the governing body. Obstructive or disruptive activities include restricting lawful:

(i) Freedom of movement on or within a facility;

(ii) And designated use of a facility;

(iii) Ingress or egress on or within a facility;.

(b) No person within or upon the facilities of a governing body shall refuse to desist from a course of conduct or to remove himself from the facilities upon request by an authorized representative of the governing body, after having been notified that the conduct or the presence of the person is contrary to or in violation of established policies, rules or regulations of the governing body which are reasonably related to the furtherance of the lawful purposes of the governing body and incident to the maintenance or orderly and efficient use of its facilities for the purposes for which acquired or designated.

(c) Nothing in Section 4-5 of the Gillette City Code prevents, denies or abridges the freedom of speech or of the press, or the right of the people peaceably to assemble to consult for the common good, to make known their opinions, and to petition for the redress of grievances.

(d) Every governing body, acting through its officers and employees, may require identification of any person within or upon its facilities and eject any person from the facilities upon his refusal to leave peaceably upon request, when his presence in a facility is unlawful or otherwise prohibited by the governing body. (Ord. No. 1675 3-21-87; Ord. 3726, -6-2011)

§14-6. Dangerous missiles.

No person shall throw or propel any stone or other object or missile upon any building, tree or other public or private property or upon or at any person in any street, public place or enclosed or unenclosed ground within the city. Discharging or firing paintball guns, pellet guns, and BB guns, whether powered by air, electricity or otherwise, shall constitute a violation of this ordinance. Paintball guns, pellet guns, and BB guns may be fired or discharged within the City limits only upon private property with the permission of the landowner and further provided that the paintball or other

projectile that is fired lands within the same property (C.O. 1948, 151.; Ord. 3420, 5-15-2006)

§14-7. Dogs of police department--Cruelty to; interference with.

No person shall willfully or maliciously torture, torment , beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department in the performance of the functions or duties of such department, nor shall any person unwarrantably interfere with or meddle with any such dog while being used by the police department or any officer or member thereof in the performance of any of the functions or duties of the department or of such officer or member. (Ord, No. 726, 1, 1-7-74.)

§14-8. Explosives,--Firing, exploding or setting off generally.

If any person shall within the city, fire, explode or set off any powder or other explosive or combustible material without written permission from the city administrator, which permission shall limit the time of such firing, exploding or setting off and shall be subject to revocation by the mayor at any time after the same has been granted, he shall be guilty of a misdemeanor; provided, that this section shall not be construed to apply to firecrackers, Roman candles, sky rockets, torpedoes or other combustible fireworks or other like explosives. (C.O. 1948, 168.)

§14-9. Fireworks--Discharging, etc.

Except as provided in 14-11, no person shall discharge, explode or fire or cause to be discharged, exploded or fired within the city any firecracker, Roman candle, sky rocket, torpedo or other combustible fireworks or other like explosives. (C.O. 1948, 320.)

§14-10. Fireworks--Sale, etc.

Except as provided in 14-11, it shall be unlawful for any person to sell, barter, trade or give away any firecrackers, sky rockets, Roman candles,

torpedoes or other combustible fireworks or other like explosives of any kind whatsoever, except caps for use in toy or cap pistols, within the city, at any time. (C.O. 1948, 321.)

§14-11. Fireworks--Special celebrations.

The mayor may, at his discretion, permit the purchase of fireworks to any corporation, association, society or club, through any dealer, to be used at such special celebration as may be approved by the city. Such fireworks so purchased shall be used and displayed under such regulations as the city may prescribe, (C.O. 1948, 332.)

§14-12. False alarm of fire.

No person shall knowingly give a false alarm or false report of a fire in any manner. (Ord. 419, § 5.0207.)

§14-13. Private Alarms and False report of crime.

(a) Private Alarm Response.

(i) Police officers of the City of Gillette will respond to private alarms which cause phone calls to the Police Dispatch Center according to the terms of this ordinance.

(ii) Each alarm user shall register annually with the City Police Department for alarm response service. The user shall designate a responsible person for contact by the Police Department concerning the condition and operation of the alarm.

(iii) For this ordinance, *alarms* shall include *panic* alarms, *robbery* alarms and *burglar* alarms. Panic and robbery alarms are primarily activated by individuals intending to summon emergency police assistance and burglar alarms are primarily self-activated by changes in particular environmental conditions unique to each alarm.

(iv) "False alarm" shall mean the activation of an alarm for any reason other than an emergency burglary or robbery situation or an act of God. An emergency burglary or robbery situation occurs when an attempted or actual burglary or robbery is in progress. If the alarm user notifies the City Dispatch Center that an alarm is in fact a false alarm before Police officers arrive at the location of the alarm, that event shall not be counted for the imposition of an administrative fee or other consequence under this ordinance.

(v) After a police response to any false alarm, the following shall be required:

(1) For a response to premises at which no other false alarm has occurred within that calendar year, there shall be no penalty.

(2) Within 30 days of a fourth false alarm within the same calendar year, the user shall pay an administrative fee of $50 or submit a written verification from an alarm maintenance company describing the problem, corrective action taken, and certifying that the alarm is functioning properly.

(3) Within 30 days of a fifth or additional false alarm false alarm within the same calendar year, the user shall pay an administrative fee of $50 and submit a written verification from an alarm maintenance company describing the problem, corrective action taken, and certifying that the alarm is functioning properly.

(4) If within 30 days of a fourth or additional false alarm within the same calendar year, the administrative fee is not paid or if a written verification from an alarm maintenance company describing the problem, corrective action taken, and certifying that the alarm is functioning properly is not submitted, the alarm will be in default. The Police Department will not respond to any succeeding alarms from a burglar alarm that is in default, but will respond to panic and robbery alarms that are in default.

(5) Users shall pay Administrative Fees according to the terms of this ordinance. Users of robbery or panic alarms may be cited into

Municipal Court for failure to pay Administrative Fees assessed according to this ordinance.

(vi) After a burglar alarm has become in default, alarm services shall be reinstated only when:

(1) The owner submits a letter stating that corrective action has been initiated, and describing the action fully; and,

(2) An alarm maintenance company submits a written verification describing the problem, corrective action taken, and certifying that the alarm is function properly; and,

(3) An administrative fee of $100 is paid.

(b) False Report of Crime.

It is unlawful for anyone to activate any robbery or burglary alarm for the purpose of summoning police except in the event of an actual or attempted burglary or robbery, or for anyone notifying the police of an activated alarm and having knowledge that such activation was apparently caused by an accident off the premises or an electrical or other malfunction of the alarm system to fail at the same time to notify the police of such apparent malfunction, or accident off the premises. (Ord. 772,§1, 1-7-74; Ord. 916,§1,1-2-78; Ord. 3785,3-18-2013.)

§14-14. City of Gillette Park Regulations.

A. No one shall be allowed within any City of Gillette Parks between the hours of 11:00 p.m. and 5:00 a.m., unless they are in possession of a permit issued by the Public Works Department authorizing the use of a portion of the park after 11 PM., provided that walking and jogging in City Parks shall be allowed at any time.

B. Swimming is prohibited in the Gillette Fishing Lake and Burlington Lake. The operation of human powered watercraft, as that term is

defined in W. S. § 41-13-101(vii) is permitted on the Gillette Fishing Lake, provided that no motorboats as the term is defined in W. S. § 41-13-101(iii), or air mattresses, inner tubes or other similar floating devices intended for use in conjunction with swimming activities, may be operated on the Gillette Fishing Lake. (Ord. 679, § 1, 8-18-72; Ord. 879, § 1, 5-2-78; Ord. 1722, June 3, 1989 ; Ord. 1979, 2/21/95)

C. Park areas within the City, including picnic structures and recreational improvements may be reserved in advance for private social gatherings by submitting a written reservation form to the Parks Division of the Public Works Department. Horseshoes and volleyball equipment may be checked out with reservations at parks having those facilities. A cash deposit of $50 shall be paid with each reservation which deposit will be returned if the park area reserved is left in a clean condition and if no City property including recreational equipment is damaged. Areas are available on a first come first served basis. Applicants must receive an open container permit according to the terms of section 3-8 GCC, in order to be permitted to consume alcoholic beverages at the reserved site. The Parks Division will issue a Reservation Sign to be posted at the area reserved which sign shall be displayed while the permitted activity is underway. (Ord. 3093, 12-20-99; Ord. 3742, 11-21-2011)

§14-15. Destroying, defacing, etc., property.

No person shall willfully injure, deface or destroy or attempt to willful injure, deface or destroy any building or fixture thereof, or injure, destroy or secrete any goods, chattels or valuable paper of another, or take down, injure or remove any street sign, or destroy, deface or alter any street sign, or injure or destroy any fence, fountain, shade or fruit tree or any other public or private property, or deface any sidewalk with painted or printed handbills or signs, posters, or advertisements. (C.O. 1948, § 175; Ord. 723, 1-7-74; Ord. 112C, 7-21-50.)

§14-16. Same--Injuring, destroying, etc., bridges, fire apparatus, public buildings, city property, etc.

If any person shall injure or destroy or assist in injuring or destroying any bridge or its appurtenances or any fire engine or any building or property belonging to the city, he shall be guilty of a misdemeanor. (C.O. 1948, §154.)

§14-17. Mufflers on stationary gasoline engines.

It shall be unlawful for any person to own or operate within the city any stationary gasoline engine unless such engine is equipped, when operated, with a muffler or other quieting device of as great an efficiency as a muffler. (C.O. 1948, §220.)

§14-18. Breach of the peace.

No person shall, within the city, make or assist in making any improper noise or disturbance, or breach of the peace or shall use profane language or signs or gestures toward another calculated to provoke an assault or breach of the peace. (C.O. 1948, § 160.)

§14-19. Marijuana Use and Possession, definitions, and penalties.

(a) "Marijuana" and "Marihuana" means all parts of the plant of the genus Cannabis, whether growing or not; the seed thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin, including but not limited to, hashish and hash oil. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(b) Any person, possessing less than three (3) ounces of marijuana or any person who knowingly or intentionally uses, smokes or is under the influence of marijuana in any highway, street, thoroughfare, or other public place within

the City of Gillette, or any private house or place, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than seven hundred fifty dollars ($750.00) to which may be added court costs. [C.O. §16-1(A)(1)].

(c) Upon conviction of a third (3rd) offense under this Chapter, the offender shall be punished by a fine not exceeding seven hundred fifty dollars ($750.00) to which may be added court costs or imprisonment for a term not exceeding three (3) months, or both. [C.O. §16-1(B)].

(d) Nothing contained herein shall prohibit the imposition of probation as the Court may deem reasonable and necessary, including the suspension of any sentence, the imposition of any fine, or requiring a substance abuse evaluation as a condition of probation. [C.O. §16-1(A)(2) and (3)].

§14-20. Repealed (Ord. 1890, 6-7-93)

§14-21. Repealed (Ord. 1890, 6-7-93)

§14-22. Officers and employees city--Police--Impersonation

It shall be unlawful for any person in the city to impersonate the chief of police or any police officer of the city by wearing a police officer's uniform or badge or otherwise. (C.O. 1948, § 172.)

§14-23. Resisting arrest; refusal to assist in making arrest.

Any person who shall resist by force and violence or who shall encourage, aid, abet or assist any other person to resist by force and violence any arrest made or attempted to be made by the chief of police or any police officer of the city or who, standing by, shall refuse to assist such chief of police or police officer in making such arrest if called upon to do so by such chief of police or police officer, shall be guilty of a misdemeanor. (C.O. 1948, § 149.)

§14-24. Interference with police officers.

No person shall willfully hinder or interfere with any police officer, or other duly constituted officer of the law in the performance of his duty. (Ord. 730, 5-8-74.)

§14-25. Interfering with firemen.

No person shall willfully hinder or interfere with any city officer or fireman in the performance of his duty at, going to or returning from any fire, or while attending to his duty as a member of the fire department. The chief of the fire department and his assistants are hereby constituted special police officers and shall have full power to arrest any offender against the provision of this section, with or without warrant and to call upon any citizen bystanders to act as policemen for the purpose of making such arrest and containing the person so offending in custody until the fire shall be over. (C.O. 1948, § 166; Ord. 419, § 5.0206.)

§14-26. Peeping toms.

No person shall invade or attempt to invade the privacy of another person by resorting to "peeping" which is hereby defined as the stealthy, clandestine or surreptitious visual invasion or attempted visual invasion of a person's privacy. (Ord. 594, § 1, 10-6-69.)

§14-27. Petit Larceny and shoplifting.

(a) Whoever unlawfully steals, takes and carries, leads or drives away the personal goods of another, of the value of any sum less than $500.00 is guilty of petit larceny.

(b) Any person who willfully conceals or willfully takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment, 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 therefor, is guilty of shoplifting.

(c) Any person who knowingly aids or abets in the commission of shoplifting or petit larceny, or who counsels, encourages, hires, commands or procures shoplifting or petit larceny to be committed,

(i) may be charged, tried and convicted as if he were a principal;

(ii) May be charged and convicted either before or after and whether or not the principal offender is charged, tried or convicted; and

(iii) Upon conviction, is subject to the same punishment and penalties as are prescribed by law for the punishment of the principal.

(d) Any person guilty of petit larceny or shoplifting shall be punished according to section 16-1 G.C.C (Ord. 740, §§ 1, 2, 3, 6-3-74; Ord.1888, 6-7-93; Ord. 3599, 11-3-2008.)

§14-28. Prisoners--Giving tools, weapons, etc., to same.

No person shall take into the city jail or deliver to any prisoner therein confined or in the custody of any officer of such detention center, any weapon, tool, intoxicating drink, incendiary or combustible materials, or other article or attempt to do so, without the consent of the officer in charge. (Ord. 725, § 1, 1-7-74.)

§14-29. Public property--Prohibited acts generally.

(a) Definition.

For the purpose of this section, the words "public property" shall mean any publicly owned property within the city, except the traveled portion of public streets, and shall include any park, sidewalk, curb or any part of any public right-of-way devoted to any planting or park-like use.

(b) Unlawful acts.

On any public property or on any other property specifically included herein, it shall be unlawful for any person to:

(1) Buildings and other property.

(a) Disfiguration and removal.

Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building; railing; bench; paving; paving material; water line; any facilities or property and equipment of any public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments; stakes, posts or other boundary markers; wall or rock border; or other structures of equipment, facilities or public property or appurtenances whatever, either real or personal.

(b) Restrooms and Washrooms.

Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(c) Removal of Natural Resources.

To dig and remove any sand, soil, rock, stones, trees, shrubs, plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(d) Erection of Structures.

Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across, any public property, except on special permit issued by the City Council.

(e) Commit Nuisance.

Urinate or defecate, on public property except in a public restroom; or in public view urinate or defecate on any property open to the public.

(2) Trees, Shrubbery and Plants.

Without a city permit to damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area.

(3) Refuse and Trash.

Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper, boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be placed in any waters in or contiguous to any park, or planted area, or left anywhere on the grounds thereof.

(4) Loitering and Boisterousness.

Sleep on seats, benches, sidewalks, curbs, planters, walls or other areas; engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior.

(5) Vending and Peddling.

Expose or offer for sale any article or thing, or station or place any stand, cart or vehicle for the transportation, sale or display of such article or thing, without first obtaining a city license therefor.

(6) Begging.

To beg or to go from door to door of private homes or commercial and business establishments, or place himself in or upon any public way or public place to beg or to receive money or other things of value.

(7) Advertising in a Park.

Announce, advertise or call the public attention in any way to any article or service for sale or hire.

(8) Signs.

Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads, without first obtaining permission of the City Council.

(9) Occupying or Sleeping in Unlawful Places.

To occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, or shop or other building or structure without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot or any public place whatsoever.

(10) Profane Language.

For any person within the city to utter or use within the hearing of one or more persons any profane or vulgar language, words, epithets or expression having the tendency to incite or create a breach of the peace.

(c) Penalty.

(1) It is a misdemeanor for any person to violate any of the provisions of this section.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this section shall be punished, according to the terms of Section 16-1 G. C. C.(Ord. 623, §§ 1, 2, 5, 7-6-70; Ord. 1569, 12-17-84.)

§14-30. §14-30 of the Gillette City Code is renumbered 10-29. (Ord. 3291, 10-6-2003)

§14-31. Harassing or Obscene Phone Calls and Electronic Communications.

(a) It shall be unlawful for any person, by means of electronic communication, originating within or received within the City of Gillette, to:

1. Make an unwelcomed comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.

2. Make a telephone call or send an electronic communication, anonymously or otherwise, with the intent to abuse, intimidate, threaten, annoy, offend, or harass any person receiving the telephone call or electronic communication.

3. Makes or causes the telephone of another to repeatedly or continuously ring, with the intent to harass any person at the called number or numbers.

4. Makes repeated telephone calls or repeatedly sends electronic communications solely to harass any person receiving the calls or electronic communication.

5. Knowingly permits any telephone, smart phone, or electronic device to be used for any purpose prohibited under this section.

6. In conspiracy or concerted action with other persons, makes repeated telephone call or simultaneous calls solely to harass any person at the called telephone number.

(b) For purposes of this Section, the term "electronic communication" shall include, but is not limited to: land-line telephone calls, cellular telephone calls, electronic mail (email), text (SMS) messaging, or similar communication originating through or received by means of an electronic device.

(c) Any person found in violation of Section 14-31 shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars ($750.00). (Ord. 724, §1-3, 1-7-74; Ord 3900, amendment sections (a) through (c) 8-2-16.)

§14-32. Trains--Obstructing public crossing.

(a) It shall be unlawful for any person, including a railroad company, to obstruct the free passage of any public crossing within the city by means of

any parked or stopped railroad car or locomotive engine, for any period of time longer than 5 consecutive minutes in duration; provided, however, that the provisions of this section shall no apply to contingencies wholly beyond the control of the railroad company.

(b) If a crossing is obstructed by a stopped railroad car or locomotive for a period of five minutes, the railroad company shall break the train so as to clear said crossing to allow the passage of vehicles and pedestrians before again connecting said train. (Ord. 717, §§ 1, 2, 10-1-73; Ord. 926, § 1, 3-20-78.)

§14-33. Weapons--Carrying pistol, knife, etc., on person.

(a) It shall be unlawful for any person, except peace officers of the United States, of the state or county, city or town, to keep or bear upon the person any concealed knife with an overall length of more than eight inches, concealed pistol or revolver, blow gun, slingshot, or any concealed deadly weapon, in the city. The person may possess a concealed firearm if the person possesses a permit under, or otherwise complies with the terms of W. S. § 6-8-104, or the person holds a valid permit from a state agency in another state authorizing him to carry a concealed firearm. (Ord. 3794, 6-3-2013)

(b) No person shall carry a concealed firearm into:

(i) Any facility used primarily for law enforcement operations or administration without the written consent of the chief administrator;

(ii) Any detention facility, prison or jail;

(iii) Any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the courtroom;

(iv) Any meeting of a governmental entity;

(v) Any meeting of the legislature or a committee thereof;

(vi) Any school, college or professional athletic event not related to firearms;

(vii) Any portion of an establishment licensed to dispense alcoholic liquor and malt beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;

(viii) Any place where persons are assembled for public worship, without the written consent of the chief administrator of that place;

(ix) Any elementary or secondary school facility;

(x) Any college or university facility without the written consent of the security service of the college or university; or

(xi) Any place where the carrying of firearms is prohibited by federal law or regulation or state law.

(Ord. 1657 7-6-88; Ord. 1968, 12-5-9; Ord. 3229 8-5-02; Ord. 3726, 6-6-2011)

§14-34. Same--Discharging firearms.

If any person shall within the city fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description without written permission from the city administrator, which permission shall limit the time of such firing and shall be subject to revocation by the city administrator at any time after the same has been granted, he shall be guilty of a misdemeanor. (C.O. 1948, § 168.)

§14-35. Monuments, Property Corners, Reference Points.

Whosoever shall willfully or negligently cause the displacement, removal or alteration of the location of any monument, property corner or any reference point in the boundary of a tract of land; or defaces or alters markings upon any monument, property corner or landmark used for the purpose of designating any point course, or line in the boundary of any tract of land; or

breaks, cuts down or removes any monument, landmark or property corner upon which such mark is made shall be responsible for the replacement, certification and repairs to such monument, property corner or landmark as may be required to restore the subject monument, property corner or landmark to its original position and condition. (Ord. 1121, 7-21-80.)

§14-36. Use and Control of Recreational Areas.

(a) It shall be unlawful for any person or persons to violate any rules or regulations established by the governing body of any duly authorized recreational area for public or private use.

(b) It shall be the responsibility of the governing body of any said area to file with the city clerk, a copy of all rules and regulations not specifically covered by existing city ordinances. The rules and regulations shall also be posted in a conspicuous manner on the premises. All rules and regulations so posted shall be deemed law for the purposes of this ordinance.

(c) It shall be the responsibility of any person or persons utilizing said areas to be familiar with any rules, regulations, restrictions and privileges of such area being utilized.

(d) Any person or persons found guilty of violating any rules or regulations covered by this ordinance which result in damage to any property shall be liable for said damages in additional to any fine imposed by the Court. (Ord. 729, 3-4-74.)

§14-37. Lost, Abandoned, Unclaimed Property.

(a) The police department shall take charge of all lost, mislaid, abandoned or unclaimed property including items originally held as evidence which are turned over to or come into the possession of the city. It shall retain the possession thereof subject to the provisions of this chapter. All employees and officers of the city shall turn over to the police department any lost or unclaimed property which is turned over to or comes into the possession of

the employee or officer as a result of his employment. (Ord. 1505, 12-19-83; Ord. 3090, 10-4-99)

(b) The police department shall keep a record of all such property together with the date, description and name, if any, of the person from whom it was received and the place and circumstances under which it was taken, found or recovered, plus the name and address of the finder or claimed owner, if known. (Ord. 1505, 12-19-83; Ord. 3090, 10-4-99)

(c) If no owner appears within three months after such property comes into the possession of the police department and offers reasonable proof satisfactory to the police chief of his ownership of said property as the chief of police shall determine, the police chief shall thereupon exercise due diligence to ascertain the owner and notify him of its possession of such property and shall proceed according to W. S. 7-2-105. Any intangible property, such as found money, cash, checks and money orders which remain unclaimed shall be delivered to the State of Wyoming according to the terms of the Uniform Unclaimed Property Act, W. S. 34-24-101 *et sec*. Abandoned vehicles with a retail value of six hundred dollars or more shall be disposed of pursuant to W.S. 31-13-101 *et sec*. . (Ord. 1505, 12-19-83; Ord. 3090, 10-4-99)

(d) The chief of police shall have power in his discretion according to law, to summarily destroy all abandoned damaged or non-working property of no apparent value, and all liquors, burglar tools, knives, firearms, deadly weapons, explosive or other dangerous obnoxious articles or materials coming into the possession of the city. (Ord. 1505, 12-19-83 ; Ord. 3090, 10-4-99)

(e) All abandoned property not claimed may be sold at public auction or retained by the City, after it has been forfeited to the City pursuant to 7-2-105 (j) and (k). A notice stating the time and place of the auction and a description of the property to be sold shall be published once a week for two weeks preceding the date of the auction in a newspaper of general circulation in Gillette. At the time and place fixed, such property may be sold at public auction to the highest bidder by the city. The proceeds from such sale shall be

paid over to the director of finance and deposited in the general fund of the city. (Ord. 1505, 12-19-83 ; Ord. 3090, 10-4-99)

§ 14-38 Smoking Regulations in City Facilities

Section 1. Purpose

The purpose of this Ordinance is to protect the public health, safety and welfare of Gillette citizens who utilize City facilities by establishing restrictions on the use of smoking devices in places of employment and facilities of the City of Gillette, except those designated as smoking areas.

Section 2. Definitions

For purposes of this Ordinance, the following definitions shall apply:

a. "City of Gillette facilities" means any enclosed building or structure that is owned and operated by the City of Gillette, which includes, but is not limited to, City Hall at 201 East Fifth Street, the Water Division at 808 W. Warlow, the Electric Division at 940 W. Warlow, the Parks Division at 1010 1/2 W. Warlow, the Maintenance Shop and offices at 500 E. Eighth Street, the Animal Control Shelter at 950 W. Warlow, and the Wastewater Treatment Plant facilities at 3101 S. Garner Lake Road.

b. "Smoke or Smoking" means the act of burning any tobacco product, weed filler or plant of any kind in a cigarette, cigar, pipe, water pipe, or any other device.

c. "Smoking instrument" means any cigarette, cigar, pipe, or other smoking device.

Section 3. Policies

a. No one can smoke or carry any lighted smoking instrument in any City of Gillette facility, or at a public meeting in City facilities, except in areas signed as permitted smoking areas. The City Administrator or his designee shall determine which areas in City of Gillette facilities shall be permitted smoking areas.

b. Anyone persisting in smoking contrary to the terms of this Ordinance, after an oral or written request or warning to cease smoking, shall be deemed to be in violation of this Ordinance.

Section 4. Smoking prohibited by other laws

Smoking shall not be permitted in those City areas where smoking is prohibited by the Fire Chief, State Statute, ordinances, or regulations of the City of Gillette, or other applicable laws. Nothing herein shall be interpreted so as to permit smoking where it is otherwise restricted by law.

Section 5. Violation.

Any person violating any provision of this Ordinance shall be subject to a fine or not more than $45.00 for each offense. (Ord. 1686, 5-16-88; Ord. 1855, 8/3/92)

§14-39 Smoking Regulations Concerning People Below the Age of 18.

A. Legislative Finding and declaration.

(1) The City of Gillette expressly finds and declares that:

(a) Cigarette smoking is dangerous to human health;

(b) There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and other medical disorders;

(c) The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;

(d) The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;

(e) The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and,

(f) The present legislative scheme has proven ineffective in preventing persons under the age of eighteen (18) from using tobacco products.

(2) The enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the City of Gillette, particularly those residents under eighteen (18) years of age. (Ord. No. 1801 08/19/91)

B. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"tobacco products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"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 or electronic cigarettes.

"Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system. (Ord. No. 1801 08/19/91; Ord. 3815, 3-3-2014; Ord. 3823, 6-3-2014)

C Prohibited sales, or delivery

(1) No person shall sell, offer for sale, give away or deliver tobacco products or electronic cigarettes to any person under the age of eighteen (18) years .(Ord. 3823, 6-3-2014)

(2) It is a defense to a prosecution under subsection (1) of this section if:

(a) 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. (Ord. No. 1801, 08/19/91; Ord. 3815, 3-3-2014)

D. Posted notice required; location of vending machines.

(1) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided for herein, at or near every display of tobacco products or electronic cigarettes and on or upon every vending machine which offers tobacco products or electronic cigarettes for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS OR ELECTRONIC CIGARETTES TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW."

The text of such signs shall be in red letters on a white background, said letters to be at least one inch (1") high.

(2) No person shall sell or offer tobacco products or electronic cigarettes for sale by use of a vending machine unless the vending machine is located in a business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen (18) years is prohibited, or where access by persons under the age of eighteen (18) years is prohibited by law, or businesses, factories, offices or other places not open to the general public. (Ord. 3823, 6-3-2014)

E. Purchase by minors prohibited.

No person under the age of eighteen (18) years may purchase tobacco products or electronic cigarettes, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products or electronic cigarettes.(Ord. 3823, 6-3-2014)

F. Possession or use by minors prohibited.

1. It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products or electronic cigarettes.

G. Fines and Costs.

(1) Any violation of any part of this ordinance, § 14-39, G.C.C., shall be a misdemeanor punishable by a fine, to which may be added court costs, as follows:

(a) For a violation of § 14-39 E, upon conviction, a person shall receive a fine of not to exceed $25.00.

(b) For a violation of § 14-39 F, upon conviction, a person shall receive a fine of not to exceed $25.00.

(c) For a violation of § 14-39 C or D, upon conviction, a person shall receive a fine of not to exceed $50.00.

(d) Each violator shall be required to complete an educational course as designated by the City Judge.

(e) For a first conviction of a violation of either section 14-39 E or F, the fine and costs shall be suspended upon the completion of community service approved by the Municipal Judge, at the rate of one hour of community service for each $5 of fine plus costs.

(f) For a second or subsequent conviction of a violation of either section 14-39 E or F, a person shall receive a fine of between $25 and $200, all or part of which may be suspended upon the completion of a tobacco program approved by the Municipal Judge and/or community service approved by the Municipal Judge, at the rate of one hour of community service for each $5 of fine plus costs. (Ord. 2084, 1-6-97)

(2) Each day or part thereof on which a violation continues shall constitute a separate violation.

(3) Any excess of fines over the cost of enforcement, as determined by the City Court, shall be placed in an account for the support of the DARE program. (Ord. No. 1764 07/16/90; Ord. No. 1801 08/19/91)

§ 14-40 Operation of Off-road Recreational Vehicles and Snowmobiles in the City Prohibited. Exceptions listed.

A. No person may operate any off-road recreational vehicle, including any motorcycle, as defined in § 31-1-101, Wyoming Statutes, 1977, and any 4 or 3 wheel motorcycle, or any snowmobile, on private property within the City of Gillette, except as provided below.

B. An off-road recreational vehicle may be operated on private property to obtain access onto public streets or highways if both the off-road recreational vehicle and its operator are properly licensed and registered to operate the off-road recreational vehicle on public streets and highways.

C. Off-road recreational vehicles may be used on private property for snow removal.

D. Off-road recreational vehicles, including motorcycles as defined in § 31-1-101, Wyoming Statutes, 1977, and any 4 or 3 wheel motorcycle, or any snowmobile, may be operated on lots or tracts greater than one-half acre if the operator has the written permission of the landowner in his immediate possession.(Ord. 1880, 5-3-93)

§ 14-41. Criminal trespass; penalties.

(a) A person is guilty of criminal 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 purposes of this section, notice is given by:

(i) Personal communication 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.

(b) Criminal trespass is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars($750.00). (Ord. 1900, 8-16-93)