

TITLE 6

CRIMES and OFFENSES

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CHAPTER 5

MISCELLANEOUS CRIMES

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6-5-100 Disorderly Conduct.

(a) "Public place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.

(b) "Riot" shall mean a public disturbance involving:

(1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or

(2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

(c) "Incite a riot" shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

(1) advocacy of ideas, or

(2) expression of belief not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

(d) Disorderly Conduct Prohibited. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

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

(2) 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;

(3) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(4) Interferes with another's pursuit of a lawful occupation by acts of violence;

(5) 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 town police or other lawful authority known to be such;

(6) Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;

(7) Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official;

(8) Incites, attempts to incite, or is involved in attempting to incite a riot;

(9) Addresses abusive language or threats to any member of the town police department, any other authorized official of the town who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

(10) Damages, befoils, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;

(11) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road,

street, lane, alley, park, square, or common whereby the public peace is broken or disturbed, or the traveling public annoyed;

(12) 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;

13. Uses abusive or obscene language or makes an obscene gesture.

(e) Exemptions: This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

(Ord. 212, 2001; Ord 77, 1976))

6-5-110. False Police/Emergency Calls. Any person who shall knowingly and intentionally call by any means the police force or any police officer of the Town of Ranchester, the Sheridan County Sheriff's Department, the Tongue River Fire District, or any Emergency Medical Services in their official capacity and falsely pretend that such services are needed shall be guilty of a misdemeanor. (Ord. 212, 2001; Ord. 79, 1976)

6-5-120. Criminal Trespass. 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 not to trespass. For the purposes of this section, notice may be given by personal communication to the person by the owner or occupant, or his agent, or by a peace officer, or by posting of signs reasonably likely to come to the attention of intruders. (Ord. 212, 2001; Ord. 80, 1976)

6-5-130. Aiders and Abettors. Every person who shall aid or abet the commission of any misdemeanor under the ordinances of the town, or in any violation of any provisions of any ordinance of the town, or who shall counsel, encourage, hire, command, or otherwise procure such misdemeanor or violation to be committed, shall be deemed accessory before the fact, and may be informed against, tried and convicted in the same manner as if he were a principal, and either before or after the principal offender is convicted, tried or informed against, and upon such conviction he shall suffer the same punishment and penalties as are prescribed by ordinance for the punishment of the principal. (Ord. 212, 2001)

6-5-150. Minors; Curfew; Children Under 14 Years. Unless accompanied by their parents or an adult duly authorized by their parents, children under the age of 14 years shall be off the streets and alleys of the Town of Ranchester by 9:30 P.M. each night until 4:30 A.M. the following morning; except that on Friday and Saturday throughout the year, and on every night during the months of June, July and August, such curfew time shall be extended to 10:30 P.M. until 4:30 A.M. the following morning. (Ord. 212, 2001; Ord. 186, 1997; Ord. 107, 1978)

6-5-160. Minors; Curfew; Children 14 to 18 Years. Unless accompanied by their parents or an adult duly authorized by their parents, children between the ages of 14 and 18 years shall be off the streets and alleys of the Town of Ranchester by 10:30 P.M. each night until 4:30 A.M. the following morning; except that on Friday and Saturday throughout the year and on every night during the months of June, July and August, such curfew time shall be extended to 12:00 midnight until 4:30 A.M. the following morning.

6-5-170. Minors; Curfew; Liability of Parents. Curfew; Liability of Parents. Any parent or other person having custody of any minor child under the age of 18 years who knowingly shall permit such child to be upon the public streets or alleys of the Town is in violation of Sections 6-5-150 and 6-5-160. Upon conviction a fine of not more than \$750.00 will be assessed. (Ordinance. 239, 2010; Ordinance. 212, 2001)

6-5-180. Disorderly Inns. Any keeper of an inn, bowling alley, saloon, or other public place, who shall keep any common or ill-governed or disorderly house, or who shall knowingly suffer any drunkenness, quarreling, fighting, unlawful games, or riotous games, or disorderly conduct whatsoever on his premises, shall be deemed guilty of disturbing the peace. In Addition to any other penalty under this Code, if such person is a licensed trader under the ordinances of the Town, such license may be revoked by the Town Council upon conviction of such person in the Municipal Court of The Town for violating the provisions of this section. (Ordinance 239, 2010; Ordinance 212, 2001)

6-5-190. Excessive Noise Defined. The term "excessive noise" shall have the following meanings:

(a) When related to a sound from a vehicle with a manufacturer's gross weight of 10,000 pounds or more during the hours of 7:00 A.M. to 9:00 P.M., the term shall mean such sound which exceeds 90 decibels.

(b) When related to all other motor vehicle sounds, the term shall mean any such sounds which exceed 80 decibels.

(c) During the nighttime hours between 9:00 P.M. and 7:00 A.M. for all sounds including those from motor vehicles, the term shall mean such sounds which exceed 80 decibels. (Ord. 212, 2001)

6-5-200. Test for Noise. For the purpose of determining and classifying any noise as excessive and in violation of this section, the following test measurement and requirements shall be applied:

(a) The noise shall be measured on a sound meter which conforms to ANSI standards and is operated on an "A" weighing scale.

(b) The noise shall be measured at a distance of at least 25 feet from its source, when located within a dedicated public right-of-way.

(c) If the noise is located on private property or public property, other than a dedicated public right-of-way, it shall be measured by, at, or beyond the property line of the property on which its source is located. (Ord. 212, 2001)

6-5-210. Excessive Noise Prohibited The making and creating of excessive noise within the Town of Ranchester is prohibited and declared to be unlawful. (Ord. 212, 2001)

6-5-220. Exceptions to Excessive Noise. The requirements, prohibitions and terms of sections 6-5-180, 6-5-190 and 6-5-200 shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and shall not apply to those activities of temporary duration permitted by law and for which a license or permit therefore has been granted by the municipality. (Ord. 212, 2001)

6-5-250. Indecent Exposure. No person shall appear in any public place or in a place where they may be reasonably expected to be viewed by others within the Town of Ranchester in a state of nudity or make any exposure of his intimate parts for any reason. For the purposes of this section, "intimate parts" means the external genitalia, perineum, anus or pubes of any person or the breast of a female person. (Ord. 212, 2001; Ord. 201, 1999; Ord. 11 §1, 1912)

6-5-260. Definition of Laser Pointer. "Laser pointer" means any device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. (Ord. 212, 2001)

6-5-270. Laser Pointers. It shall be unlawful for any person to focus, point or shine a laser pointer directly or indirectly on another person or animal in such a manner as to harass, annoy, or injure said person or animal. (Ord. 212, 2001)

6-5-280. Laser Pointers; Police Officers. No person shall knowingly project a laser pointer on or at a law enforcement officer without the officer's consent while the officer is acting within the scope of his or her duties. (Ord. 212, 2001)

6-5-290. Malicious Destruction. It shall be unlawful for any person to maliciously, mischievously or wantonly injure or cause to be injured in any manner whatsoever, any property of another or any county, hospital, school, municipal or other property within the Town of Ranchester. (Ord. 212, 2001)

6-5-330. Prohibited Sales or Delivery of Tobacco.

(a) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of 18 years.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than \$50.00.

(c) It is an affirmative defense to a prosecution under subsection (a) of this section that:

(1) 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 18 years of age; or

(2) The tobacco was given or delivered to the person under 18 years of age by his parent or guardian and the tobacco product was given or delivered to the person for the use in the privacy of his parents' or guardians' home or under the direct supervision of the parent or guardian. (Ord. 212, 2001; Reference: Laws 1991, Ch. 76 § 1.)

6-5-340. Purchase, Possession by Minors Prohibited.

(a) No person under the age of 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 \$25.00.

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

(d) Any person violating subsection (c) of this section is guilty of a misdemeanor punishable by a fine of not more than \$25.00.

(e) It is an affirmative defense to a prosecution under subsection (c) 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. (Ord. 212, 2001)

6-5-350. Shoplifting 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 the intent to convert the goods to his own use without paying the purchase price therefore, is guilty of shoplifting, which is prohibited and declared to be unlawful. (Ord. 212, 2001)

6-5-390. Open Container. It shall be unlawful for any person to consume any alcoholic or malt liquors or to be in possession of any alcoholic or malt liquors in an open container of any type, upon any public street, sidewalk, alley, vehicle parking area or other public places, whether publicly or privately owned, within the Town of Ranchester; except on the licensed premises of a retail liquor dealer, except for malt beverages while on the premises described in a current malt beverage permit, and except for those times when the town council has approved possessions of alcoholic or malt liquors in open containers of paper or plastic. (Ord. 212, 2001)

6-5-400. Underage Possession, or Consumption of Alcoholic Beverages.

(a) Every holder of a retail liquor license or his servant or employee who shall within the Town of Ranchester, permit any person under the age of 21 years to enter or remain in the licensed room(s) where alcoholic liquors or malt beverages are dispensed is guilty of a misdemeanor.

(b) No person under the age of 21 years shall enter or remain in the licensed room(s) where alcoholic liquor or malt beverages are dispensed unless: (i) accompanied by his/her parent or guardian who is at least 21 years of age, in a dining or waiting area not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.

(c) This section shall not apply to those individuals under 21 years of age who are working in the dispensing room pursuant to their employment and who were at least 19 years of age; nor does it apply to a person 19 years of age or older who serves alcoholic liquors or malt beverages pursuant to their employment in a restaurant which holds a license to serve alcoholic liquors or malt beverages.

(d) Any person under the age of twenty-one (21) years who has any alcoholic or malt beverage in his possession or who is drunk or under the influence of alcoholic liquor, malt beverages or a controlled substance on any street or highway or in any public place is guilty of a misdemeanor. (Ord. 256, 2013 Ord. 228, 2007; Ord. 212, 2001; Ord. 159, 1988)

6-5-410. Furnishing Alcoholic Beverages. Every person who, within the Town of Ranchester, sells, furnishes, gives, or causes to be sold, furnished or given away any alcoholic or malt liquor to any person under the age of 21 years, who is not his legal ward, medical patient, or member of his own immediate family, shall be guilty of a misdemeanor. (Ord. 212, 2001)

6-5-420. Presence in Place Where Alcoholic Beverages are Sold. No person under the age of 21 years shall, within the Town of Ranchester, possess or consume any alcoholic or malt liquors, including beer. This section shall not apply to possession of alcoholic or malt

liquors, including beer, by a person under the age of 21 years making a delivery of such alcoholic beverages pursuant to employment, nor shall it apply to possession or consumption of alcoholic or malt liquors, including beer, by a person under the age of 21 years who is in or on the grounds of a residence and is in the physical presence of his parent or legal guardian. (Ord. 212, 2001; Ord. 159, 1988))

6-5-430. False Identification. Any person under the age of 21 years who attempts to purchase alcoholic or malt beverages, who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor. (Ord. 212, 2001; Ord. 159, 1988))

TITLE 6

CRIMES AND OFFENSES

CHAPTER 10

OFFENSES AGAINST PUBLIC SAFETY

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6-10-110	Discharge of Explosives Prohibited
6-10-120	Sale of Fireworks Prohibited
6-10-130	Discharge of Fireworks Prohibited; Exception
6-10-140	Fireworks in Streets Prohibited
6-10-150	Discharge of Firearms Prohibited
6-10-160	Penalties

6-10-100. Definition of Fireworks. The term "fireworks" as used in this Chapter shall be construed to include top cannon, fire balloons, roman candles, skyrockets, flower pots, bombs, and all other explosives or combustible substances or articles used for making noise or pyrotechnic displays, except toy cap pistols and the caps used therein. (Ord. 212, 2001; Ord. 60 §1, 1948)

6-10-110. Discharge of Explosives Prohibited. No person, except with the approval of the Town Council, shall use or discharge dynamite or other explosives within the Town of Ranchester. (Ord. 212, 2001; Ord. 154, 1985)

6-10-120. Sale of Fireworks Prohibited. No person, firm or corporation shall sell any fireworks within the corporate limits of the Town of Ranchester. (Ord. 212, 2001; Ord. 153 §1, 1985)

6-10-130. Discharge of Fireworks Prohibited; Exception. No person, firm or corporation shall discharge or use any fireworks within the corporate limits of the Town of Ranchester at any time except that fireworks may be discharged or used within the corporate limits of the Town of Ranchester with the approval of the mayor or on the following date and times:

(a) July 4, from 8:00 A.M. until 12:00 midnight. (Ord. 212, 2001; Ord. 180(a) §2, 1995; Ord. 171 §2, 1993; Ord. 153 §2, 1985)

6-10-140. Fireworks in Streets Prohibited. No person, firm or corporation shall, at any time, discharge or use or cause to be discharged or used any fireworks in any street, alley, or right-of-way within the corporate limits of the Town of Ranchester, and no person, firm or corporation shall, at any time, discharge or use or cause to be discharged or used any fireworks upon the property of another without that party's consent. (Ord. 212, 2001; Ord. 180(a) §2, 1995; Ord. 171 §2, 1993; Ord. 153 §2, 1985)

6-10-150. Discharge of Firearms Prohibited. No person, other than law enforcement officers, animal control officers, or other officers of the Town of Ranchester engaged in the performance of their duty, shall discharge any firearm, gun, weapon or device within the Town of Ranchester, which by any means of propulsion shall shoot, eject or propel any bullet, pellet or other projectile capable of causing injury to persons or property. (Ord. 212, 2001; Ord. 165, 1992; Ord. 156, 1985)

6-10-160. Penalties. Violation of any of the provisions of this Chapter, unless otherwise noted, shall constitute a misdemeanor and be punishable by a fine of not more than \$750.00 or by imprisonment for a period not exceeding six months, or both. (Ord. 212, 2001; Ord. 153 §3, 1985)