

## CHAPTER 16

### OFFENSES – MISCELLANEOUS. 1

1. For state law authorizing the town to suppress, restrain and prohibit disorderly and vicious practices, riots, routs, affrays, noises, disturbances, etc., see W.S. 1977, § 15-1-103 (xv), (xvi), (xviii).

- § 16-1. Assault.
- § 16-2. Assault and battery.
- § 16-3. Billposting, etc.
- § 16-4. Breach of the peace.
- § 16-4.1. Disorderly conduct.
- § 16-4.2. Fleeing or attempting to elude police officers.
- § 16-5. Brush and bushes.
- § 16-5.1. Commercial advertising and signs – U.S. Highway No. 16 Addition.
- § 16-6. Curfew – Persons under sixteen.
- § 16-6.1. Liability of Parents, or persons who knowingly permit breach of law.
- § 16-6.2. Interference with custody.
- § 16-7. Loitering, etc., as to impede use of public places.
- § 16-8. Penalty for curfew, loitering, etc., violations above.
- § 16-8.1. Criminal trespass; Prohibited.
- § 16-9. Disorderly houses.
- § 16-10. Disturbance of assemblage generally.
- § 16-11. Disturbance of religious worship.
- § 16-12. Fireworks, firearms, etc. – Shooting.
- § 16-12.A. Hunting.
- § 16-13. Same – Sale, etc., of fireworks.
- § 16-14. Fortune-telling.
- § 16-15. Foul premises generally.
- § 16-15.1. Premises to be kept clean and orderly.
- § 16-16. Gambling – Prohibited.
- § 16-17. Same – Permitting premises to be used for gambling.
- § 16-18. Peddling.
- § 16-19. Houses of ill fame.
- § 16-20. Indecent, lewd, etc., conduct.
- § 16-21. Injuring, destroying, etc., property – Belonging to City.
- § 16-22. Same – Shade of fruit trees.
- § 16-23. Intoxication.
- § 16-24. Lewd conduct generally.
- § 16-25. Malicious destruction.
- § 16-26. Minors in billiard and pool halls.
- § 16-26.1. Noise prohibited.
- § 16-26.2. Use of Engine Compression Brakes prohibited.
- § 16-27. “Peeping” persons.
- § 16-28. Pickpockets, thieves, etc.
- § 16-28.1. Shoplifting.
- § 16-28.2. Petit larceny.
- § 16-29. Pollution of grounds or streams.
- § 16-30. Prostitute – Occupying room with.
- § 16-31. Resisting, etc., arrest.
- § 16-32. Soliciting for prostitution or fornication.
- § 16-33. Throwing missiles.
- § 16-34. Unlawful assembly.
- § 16-35. Vagrants.
- § 16-36. Weapons – Carrying.
- § 16-36A. Weapons – School facilities
- § 16-37. Weeds.
- § 16-38. Protection of dogs used in law enforcement.
- § 16-39. Tobacco sales.

- § 16-40. Contact with wildlife.
- § 16-41. Restrictions of smoking in City facilities.
- § 16-42. Social Hosts of Underage Alcohol Parties
- § 16-43. Certain Intoxicating Chemical Compounds
- § 16-44. Intentional misuse of substances.
- § 16-45. Controlled substances-possession, sale, purchase, etc., of certain equipment.

**SEC. 16-1. ASSAULT.**<sup>2</sup>

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. Any person who violates any section of this article shall upon conviction be fined in accordance with the general penalties under the ordinances of the City. (R.O. 1955, § 17-1; R.O. 1352, 12/11)

- 2. For similar state law, see W.S. 1977, § 6-4-501.

**SEC. 16-2. ASSAULT AND BATTERY.**<sup>3</sup>

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 Sec. 14-13. (R.O. 1955, § 17-2)

- 3. For similar state law, see W.S. 1977, § 6-4-502.

**SEC. 16-3. BILLPOSTING, ETC.**<sup>4</sup>

It shall be unlawful for any person to paint, print, paste, stencil or otherwise mark upon, or in any manner to place upon or affix to, any building, fence, wall or tree, any word, letter, character, figure, sentence or device, or any handbill or notice of any public sale of property by any sheriff, constable, administrator, executor or guardian, or to any other notice required by law to be posted. (R.O. 1955, § 20-17)

- 4. As to billposting in George Washington Memorial Park, see Sec. 17-7 of this Code.

**SEC. 16-4. BREACH OF THE PEACE.**

Whoever by any loud or unnecessary talking or by any threatening, abusive, profane or obscene language, or violent actions, or by any other rude behavior, interrupts or disturbs the peace of the community or of any of the inhabitants thereof, shall be guilty of a breach of the peace. Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the city. (Ord. 978, § 1, 1/82; R.O. 1352, 12/11)

**SEC. 16-4.1. DISORDERLY CONDUCT.**

- a) A person shall be deemed guilty of disorderly conduct if he willfully.

1) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.

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

3) Incites, attempts to incite, or is involved in attempting to incite a riot. For the purposes of this section the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled and acting with a common intent to the terror of the people of the municipality, either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent or turbulent manner.

4) Obstructs, either single or together with other person's, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the Police or other lawful authority known to be such.

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

6) 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.

- 7) Resists or obstructs the performance of duties by Police or any other authorized official of the municipality, when known to be such an official.
- 8) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
- 9) Interferes with another's pursuit of a lawful occupation by acts of violence.
- 10) Uses abusive, profane or obscene language in any public place.

b) It shall be unlawful for any person to be guilty of disorderly conduct. (Ord. 859, § 2, 6/75)

#### **SEC. 16-4.2. FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICERS.**

a) Any person who willfully fails or refuses to stop, or who otherwise flees or attempts to elude a pursuing Police Officer, when given visual or audible signal to stop, is guilty of a misdemeanor. The signal given by the Police Officer may be by hand, voice, emergency light or siren. The Officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

b) Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. (Ord. 1157, § 1, 4/97; R.O. 1352, 12/11)

#### **SEC. 16-5. BRUSH OR BUSHES.**

It shall be the duty of any owner of any lot within the City of Buffalo, or the agent having charge and control thereof, to keep the same free from all brush and undergrowth and shrubbery, which are not ornamental or edible fruit bearing. Such owner or other responsible person shall cut such brush, undergrowth and shrubbery, and keep the same cut; provided, however, that any such owner or other responsible person shall not be liable to any punishment for not complying with the provisions of this section, until fifteen days notice, in writing, has been given him by the Chief of Police or Water and Street Superintendent. (R.O. 1955, § 60-9)

#### **SEC. 16-5.1. COMMERCIAL ADVERTISING AND SIGNS – U.S. HIGHWAY NO. 16 ADDITION.**

For sign regulations, see Chapter 29, Sec. 19-1.11A.

#### **SEC. 16-6. CURFEW – PERSONS UNDER EIGHTEEN.**

1) It shall be unlawful for any person under the age of eighteen to be upon any street, alley, park, cemetery, highway, thoroughfare or sidewalk either in the corporate limits of the City, or upon any property owned by the City, between the hours of 12:00 a.m. and 6:00 a.m., unless such person is actuary and continuously accompanied by his parents, guardian or other responsible adult person or such person is going directly to his parent's or his guardian's home, from his place of employment, school sponsored activity or other organized recreational activity. (Ord. 1181, § 1, 7/99)

2) It shall be unlawful for any person having legal care and custody of and care of any child under eighteen years of age to allow or permit such child to violate this section. (Ord. 1181, § 2, 7/99)

#### **SEC. 16-6.1. LIABILITY OF PARENTS, OR PERSONS WHO KNOWINGLY PERMIT BREACH OF LAW.**

Any parent or other person having the custody of any minor child under the age of eighteen years who knowingly shall permit such child to commit any offense in violation of the general and permanent ordinances or state statutes shall be deemed guilty of willful neglect of such child as a misdemeanor. (Ord. 1353, 12/11)

#### **SEC. 16-6.2 INTERFERENCE WITH CUSTODY.**

It shall be unlawful for any person to interfere with a parent, legal guardian or other legal custodian's custody of a child by removal by any means from said custody including but not limited to failure to return the minor into custody or care, assisting the minor in leaving legal custody, or by assisting encouraging or permitting the minor in violating city ordinance or state statute while in said person's care. This shall include, but is not limited to, the following:

- a) Any person, without privilege to do so, removes or entices a minor from the care of their parent, legal guardian or custodian
- b) Any person refuses or fails to return a minor into the care of their parent, legal guardian or custodian
- c) Any person aids, abets, entices, encourages or knowingly permits a minor to violate or disregard state statute, city ordinance or any order of the court, police officer or probation officer

- d) Any person removes a minor, or assists a minor in leaving any school in which the minor is enrolled without proper permission from the minor's parent, legal guardian or other legal custodian or an appropriate school official
- e) Any person allows a minor in their presence to remain in violation of curfew. (Ord. 1353, 12/11)

**SEC. 16-7. LOITERING, ETC., AS TO IMPEDE USE OF PUBLIC PLACES.**

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone or in consort with other persons in public place in such manner as to:

a) Obstruct any public street, public highway, public sidewalk or other public place or building by hindering, impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.

b) Commit in or upon any public street, highway or sidewalk, or any public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of the property or to any business lawfully conducted by anyone in or upon or beside such public street, highway or sidewalk, or other public place or building, all of which prevents the free, uninterrupted ingress and egress therein, thereon and thereto.

c) If any person causes or commits any of the conditions enumerated as subsections (A) or (B) herein, a Police Officer or other Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails to or refuses to obey such order shall be guilty of a misdemeanor. (Ord. 755, § 2, 4/72)

**SEC. 16-8. PENALTY FOR CURFEW, LOITERING, ETC., VIOLATIONS ABOVE.**

Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. Each such violation shall constitute a separate offense. (Ord. 755, § 3, 4/72; R.O. 1352, 12/11)

**SEC. 16-8.1. CRIMINAL TRESPASS; PROHIBITED.**

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, after being notified to depart or not to trespass. For purposes of this section, notice is given by:

a) Personal communication to the person by the owner or occupant, or by an agent of the owner or occupant, or by a peace officer employed by the City of Buffalo; or

b) Posting of a sign reasonably likely to come to attention of intruders.

Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. (Ord. 1009, 9/83; R.O. 1352, 12/11)

**SEC. 16-9. DISORDERLY HOUSES.<sup>5</sup>**

It shall be unlawful for the owner or operator of any business establishment or any other person to keep any common, ill-governed or disorderly house or to suffer any drunkenness, quarreling, fighting, unlawful or notorious games or disorderly conduct whatsoever on his premises. If such place of business is licensed, in addition to the penalty provided in Sec. 14-13, such person shall be subject, on conviction, to a forfeiture of his license to be entered in every case as part of the judgment. (R.O. 1955, § 19-8)

5. For state law authorizing to town to suppress, restrain and prohibit disorderly houses, see W.S. 1977, § 15-1-103 (xv)

**SEC. 16-10. DISTURBANCE OF ASSEMBLAGE GENERALLY.<sup>6</sup>**

It shall be unlawful for any person to disturb any lawful assemblage of people by rude or indecent language, behavior or otherwise. (R.O. 1955, § 20-6)

6. For state law as to disturbing meetings generally, see W.S. 1977, § 6-6-105.

**SEC. 16-11. DISTURBANCE OF RELIGIOUS WORSHIP.**<sup>7</sup>

It shall be unlawful for any person to annoy or disturb any congregation or assembly in the City of Buffalo, gathered together for religious worship, by making a noise or by rude, profane or indecent language or behavior within the place of worship, or so near the same as to annoy or disturb the members of the congregation. (R.O. 1955, § 20-5

7. For state law as to disturbing religious worship, see W.S. § 6-6-105.

**SEC. 16-12. FIREWORKS, FIREARMS, ETC. – SHOOTING.**

Except as otherwise provided in this section, no person shall fire any bow-attached arrow-shooting apparatus, cannon, gun, rifle, pistol, muzzle loader, air rifle, paintball gun or firearms of any kind, or fire or explode any squib, rocket, firecracker or roman candle or other combustible fireworks within the City limits of the City of Buffalo, Wyoming, or on any lands owned by the City of Buffalo lying outside the limits of the Town of the City of Buffalo, including Canyon Park lands; provided, however, that this section shall not apply to any authorized military company drilling under the command of any officer thereof, or for the use of firearms in lawful defense of the person, family or property of any person, OR the authorized use of the Buffalo Outdoor Shooting Site. (Ord. 1144, § 1, 12/95; R.O. 1307 8,16/08)

**SEC. 16-12A. HUNTING.**

No hunting shall be allowed on any lands within the City Limits of Buffalo, Wyoming or on any lands owned by the City of Buffalo lying outside the City limits, except for the following:

Archery hunting only, for deer and antelope and turkey only, shall be permitted during the official hunting season authorized by the State of Wyoming, Game and Fish Department and limited to the City's officially designated hunting zones and private property over twenty (20) acres in size. All archery hunters shall be required to register with the Buffalo Police Department prior to accessing these lands for hunting. The City's Deer Management Policy shall be referenced for the full regulations of the management of hunting within the City's officially designated hunting zones. A copy of the Deer Management Policy shall be available for public review at the Buffalo Police Department, 639 Fort Street, Buffalo, Wyoming 82834 and at the City of Buffalo, City Hall, 46 North Main Street, Buffalo, Wyoming 82834.

Exception: Archery hunting on land owned by the Veteran's Home of Wyoming, although within the City Limits of Buffalo, is controlled by the State of Wyoming and remains unregulated by this or any other City Ordinance or the City's archery hunting permit process. Public access to the City of Buffalo's Water Treatment Plant and the City of Buffalo's Wastewater Treatment Plant properties is strictly prohibited and no hunting is permitted on either the Water Treatment or Wastewater properties. Trespassers will be prosecuted to the full extent of the law.

Discharging any bow-attached arrow-shooting apparatus within 200 ft of any public or private roadway, building, trail/path, waterway, or vehicle is strictly prohibited.

Minors hunting within City Limits or on City property must be accompanied by an adult at all times.

Archery hunting on City property managed by the Buffalo Golf Club is prohibited until the official seasonal closure of the golf course, after which time archery hunting will be allowed as needed to control deer and antelope populations. This determination will be made by the Buffalo Golf Club Board with archery hunters registering with the Buffalo Police Department prior to accessing these lands for hunting as per the Deer Management Policy.

Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. (Ord. 1144, § 2, 12/95; R.O. 1307 8, 16/08; R.O. 1352, 12/11; R.O. 1388, 3/17)

**SEC. 16-13. SAME – SALE, ETC., OF FIREWORKS.**

It shall be unlawful for any person to sell, barter, trade or give away any squibs, rockets, firecrackers or roman candles or other combustible fireworks of any kind whatsoever within the limits of the City of Buffalo; provided, however, that stockmen, farmers and ranchers may be so provided to purchase fireworks in the City of Buffalo to be used outside the City limits for wolf and coyote protection.

It shall be lawful for the Mayor, at his discretion, to give permission for the purchase of fireworks to any corporation, association, society or club, through any dealer, to be used as any special celebration; provided, that such corporation, association, society or club shall submit to any written regulations as to how and where within the City limits such fireworks shall be used. (Ord. 978, § 3, 1/82)

**SEC. 16-14. FORTUNE-TELLING.**

Section 16-14 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 978, § 10, 1/82)

**SEC. 16-15. FOUL PREMISES GENERALLY.<sup>9</sup>**

If any person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or ground, or structure upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health, he shall be punished as provided in Sec. 14-13. For every day he shall fail to abate such nuisance after notice has been given by any City Officer, he shall be subject to the same penalty. (R.O. 1955, § 19-14)

9. As to nuisances generally, see Chapter 15 of this Code.

**SEC. 16-15.1. PREMISES TO BE KEPT CLEAN AND ORDERLY.**

It shall be the duty of every person, whether owner, lessee or occupier, of any vacant lot, building or premises, including any place of business, residence, or public building or place, or other establishment, to maintain the premises in a clean and orderly condition at all times, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended. Any such accumulation constitutes a nuisance, and a nonconforming use of the premises. For every day he shall fail to abate such nuisance after notice has been given by any City Officer, he shall be subject to the same penalty. (Ord. 1353, 12/11)

**SEC. 16-16. GAMBLING – PROHIBITED.<sup>1</sup>**

It shall be unlawful for any person to deal, play, carry on, open or cause to be opened, or to conduct, either as owner or employee, whether for hire or not, any slot machine, game of faro, monte, roulette, lansquenette, rondo, vingtun, commonly known as twenty-one, keno, props or any other games played with cards, dice or other device of whatever nature, for money, checks, credits or other representative of value. (R.O. 1955, § 18-10)

1. For state law as to gambling generally, see W.S. 1977, § 6-9-1-1 et seq. As to authority to suppress, restrain or prohibit gambling, etc., see W.S. 1977, § 15-1-103. (xiv)

**SEC. 16-17. SAME – PERMITTING PREMISES TO BE USED FOR GAMBLING.**

It shall be unlawful for any person to permit any game prohibited by Sec. 16-16 to be played, conducted, dealt or carried on in any house, tent, booth or shed owned or occupied by him, in whole or in part, in violation of Sec. 16-16. (R.O. 1955, § 18-11)

**SEC. 16-18. PEDDLING.**

Section 16-18 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 1008, § 15, 9/83)

**SEC. 16-19. HOUSES OF ILL FAME.<sup>3</sup>**

No bawdy house or house of ill fame, house assignation or place for the practice of fornication or common, ill-governed or disorderly house or place shall be kept or maintained within the limits of the City of Buffalo. No person shall keep any such place or house, nor shall be inmate of any such house or place, nor shall be in any way connected with nor in any way contribute to the support of any such house or place and any person who shall permit

any house or place or premises in his possession or under his control to be used or occupied for any of the purposes herein prohibited, whether the owner, agent, occupant or otherwise connected with such house, or place, shall be deemed guilty of a misdemeanor and punished as provided in Sec. 14-13. (Ord. 978, § 4, 1/82)

3. For state law as to house of ill fame, see W.S. 1977, § 6-5-104. As to authority of town to suppress, restrain and prohibit houses of prostitution, etc., see W.S. 1977, § 15-1-103 (xv).

**SEC. 16-20. INDECENT, LEWD, ETC., CONDUCT.<sup>4</sup>**

It shall be unlawful for any person to appear in any street or any public place within the City of Buffalo in a state of nudity, or in a dress not belonging to his or her sex or in an indecent or lewd dress, or to make an indecent exposure of his or her person, or to be guilty of any other indecent or lewd act or behavior, or to exhibit, sell or offer to sell any indecent or lewd book, picture, print or other thing, tending to corrupt the public morals, or to exhibit or perform any indecent, immoral or lewd play, or any other lewd representation. (R.O. 1955, § 18-4)

4. For state law as to indecent, lewd, etc., conduct, see W.S. 1977, § 6-5-301.

**SEC. 16-21. INJURING, DESTROYING, ETC., PROPERTY – BELONGING TO CITY.**<sup>5</sup>

It shall be unlawful for any person to mar, mark upon, deface or otherwise injure or destroy any property belonging to the City of Buffalo. (R.O. 1955, § 19-12)

5. As to injuring fire department equipment, see § 8-13 of this Code. As to tampering with, injuring, defacing or destroying parking meters, see § 13-27. As to injuring, etc., park property, see § 17-7. As to injuring, destroying, etc., sidewalks, pavements, etc., see § 20-1.

**SEC. 16-22. SAME – SHADE OR FRUIT TREES.**<sup>6</sup>

Whoever unlawfully removes, destroys, cuts or girdles any shade tree, fruit tree or fruit-bearing bush or shrub, or carries off, removes or in any way injures a protecting box placed for the protection of any tree, shrub or bush, shall be guilty of a misdemeanor. (R.O. 1955, § 20-15)

6. For similar state law, see W.S. 1977, § 6-10-108.

**SEC. 16-23. INTOXICATION.**<sup>7</sup>

It shall be unlawful for any person to be drunk, or to be in a state of intoxication in any highway, street, thoroughfare or other public place within the City of Buffalo. (R.O. 1955, § 20-10)

7. For regulations generally concerning alcoholic beverages, see Chapter 3 of this Code.

**SEC. 16-24. LEWD CONDUCT GENERALLY.**

Section 16-24 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 978, § 11, 1/82)

**SEC. 16-25. MALICIOUS DESTRUCTION.**

It shall be unlawful for any person to maliciously or mischievously injure or cause to be injured any property of another or any public property. (Ord. 978, § 5, 1/82)

**SEC. 16-26. MINORS IN BILLIARD AND POOL HALLS.**<sup>8</sup>

Section 16-26 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 978, § 12, 1/82)

8. For state law, see W.S. 1977, § 33-6-108.

**SEC. 16-26.1. NOISE PROHIBITED.**

a) The making and creating of an excessively or unusually loud noise within the City, as heard without measurement or heard and measured in the manner prescribed in paragraph (3) of subsection (c) of this section is hereby declared to be unlawful; except, when made under and in compliance with a permit issued pursuant to subsections (e) and (g) of this section.

b) No person shall operate any type of vehicle, machine or device, or carry on any other activity in such manner as would be a violation of subsection (A) above.

c) For the purpose of determining and classifying any noise as excessive or unusually loud, as declared to be unlawful and prohibited by this section, the following test measurements and requirements may be applied; provided, however, that a violation of this section may occur without the following measurements being made:

1) The noise shall be measured within the City at a distance of at least twenty-five (25) feet from the noise source located within the public right-of-way, and if the noise source is located on private property or public property, other than the public right-of-way, at least twenty five (25) feet from the property line on which the noise source is located.

2) The noise source shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale.

3) A noise measured or registered as provided above, from any source more than eighty decibels in intensity on the "A" weighing scale, shall be and is hereby declared to be excessive and unusually loud and is unlawful.

d) Any person violating the provisions of this section shall be fined not more than one hundred dollars (\$100.00), nor more than ten (10) days in jail and court costs; provided, however, that each offense or violation of this section shall be deemed a separate and distinct offense.

e) Applications for a permit for relief from the noise level designated in this section on the basis of undue hardship, may be made to the City Clerk or his duly authorized representative. Any permit granted by the City Clerk hereunder shall contain all conditions upon which such permit shall be granted, and shall specifically state a reasonable time that the permit shall be effective. The City Clerk, or his duly authorized representative, may grant the relief as applied for if he finds:

1) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this section; or

2) The activity, operation or noise source will be of temporary duration, and cannot be done in a manner which would comply with this section; and

3) That no other reasonable alternative is available to the applicant.

The City Clerk may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon continuity, peace and dignity of the surrounding neighborhood.

f) The requirements, prohibitions and terms of this section shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of an emergency.

g) The terms of this section shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit by the City Clerk has been granted; including, but not limited to, parades and fireworks display.

This section shall not be construed as in conflict or inconsistent with the general provision of the Code, including "Disturbing the peace," "Loud speakers," "Mufflers" and other nuisances. (Ord. 756, § 3, 2/72)

#### **SEC. 16-26.2. USE OF ENGINE COMPRESSION BRAKES PROHIBITED.**

Notwithstanding anything contained in Section 16-26.1 of this Chapter, no person shall operate or use any vehicle engine compression brake (commonly referred to as Jacobs Engine Brakes) within the corporate limits of the City. (Ord. 1091, § 1, 6/91)

#### **SEC. 16-27. "PEEPING" PERSONS.**

It shall be unlawful for any person to 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. 978, § 6, 1/82)

#### **SEC. 16-28. PICKPOCKETS, THIEVES, ETC.**

All pickpockets, thieves, watch stuffers or persons who shall engage in any scheme, device or trick with fraudulent intent to obtain money or other valuable thing in any place in the City of Buffalo, or aid, abet, or be in any manner concerned therein, shall be deemed guilty of a misdemeanor. (Ord. 978, § 7, 1/82)

#### **SEC. 16-28.1. SHOPLIFTING.**

a) It shall be unlawful for any person to willfully conceal or take possession of any goods offered for sale by wholesale or retail stores or other mercantile establishments, without the knowledge or consent of the owner thereof and with the intent to convert the goods to his own use without paying the purchase price.

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



c) Wherein a Police Officer, merchant or merchant's employee, with reasonable cause for believing that a person has committed a crime of shoplifting, as defined by subsection (A) of this section, detains and interrogates such person in regard thereto, any such person thereafter brings against the Police Officer, merchant or merchant's employee a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Ord. 860, § 1, 6/75)

**SEC. 16-28.2. PETIT LARCENY.**

It is prohibited and declared to be unlawful for any person, with intent to deprive the true owner thereof, to steal, take, carry, lead, or drive away their personal goods of another, with a value of less than one thousand dollars. Any person convicted of such offense shall be guilty of petit larceny. (Ord. 1353, 12/11)

**SEC. 16-29. POLLUTION OF GROUNDS OR STREAMS.**

It shall be unlawful and a nuisance for any person to discharge out of, or permit to flow from any shop, factory or any other place of business or house any foul or nauseous liquid or other substance of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or other public place, or into Clear Creek in the City of Buffalo or near the same. Any person violating this section shall be guilty of a misdemeanor and shall be further punished as provided in Sec. 14-13 for every day such nuisance shall continue after notice to abate the same. (R.O. 1955, § 19-15)

**SEC. 16-30. PROSTITUTE – OCCUPYING ROOM WITH.**

Section 16-30 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 978, § 13, 1/82)

**SEC. 16-31. RESISTING, ETC., ARREST.**

It shall be unlawful for any person to resist by force or violence, or to 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 other Police Officer of the City of Buffalo. (Ord. 978, § 8, 1/82)

**SEC. 16-32. SOLICITING FOR PROSTITUTION OR FORNICATION. <sup>9</sup>**

It shall be unlawful for any person in the City of Buffalo, by words, actions, signs or by any means whatsoever, to solicit, entice or attempt to solicit or entice any person for the purpose of fornication or prostitution or any act of sexual intercourse. (R.O. 1955, § 18-14)

9. For state law as to enticing females, see W.S. 1977, § 6-5-103.

**SEC, 16-33. THROWING MISSILES. <sup>1</sup>**

No person shall throw any stone or other missile upon any public or private property or upon or at any person in the City of Buffalo. (R.O. 1955, § 19-7)

1. As to throwing stones, etc., at vehicles, see § 13-14 of this code.

**SEC. 16-34. UNLAWFUL ASSEMBLY.**

If any two or more persons shall assemble together with intent to do an unlawful act; or, being assembled together, shall mutually agree to do an unlawful act with force and violence against the property of the City of Buffalo, or the person or property of another or against the peace of another, or shall make any movement or preparations therefore, they shall be guilty of a misdemeanor. (R.O. 1955, § 20-3)

**SEC. 16-35. VAGRANTS.**

Section 16-35 of the Buffalo City Code, 1980, is hereby repealed. (Ord. 978, § 14, 1/82)

**SEC. 16-36. WEAPONS – CARRYING.**

It shall be unlawful for any person in the City of Buffalo to keep or bear upon the person or carry in a public place upon the person any pistol, revolver, knife, slingshot, blowgun or any lethal weapon, except the officers of the United States, of the State and of the City of Buffalo. (Ord. 978, §9, 1/82)

**SEC. 16-36A. WEAPONS – SCHOOL FACILITIES.**

It shall be unlawful for any person to carry onto, or to possess on, any pistol, rifle, revolver, knife, slingshot, blowgun or any lethal weapon, on public or private elementary or secondary school premises or school-provided transportation. This section shall not apply to officers for the United States, the State of Wyoming or of the City of Buffalo. (Ord. 1353, 12/11)

**SEC. 16-37. WEEDS.**

No owner of any lot, place or area within the City, or the Agent of such owner, shall permit on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, or other noxious matter, that may be growing, lying or located thereon.

a) Notice to Destroy: The Building Inspector is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the City or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths, or other noxious matter, found, growing, lying or located on such owner's property, or upon the sidewalk abutting the same. Such notice may be by regular mail, addressed to said owner, or agent of said owner, at his last known address. (Ord. 1104, § 1, 9/92)

b) Action Upon Non-Compliance: Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths, or other noxious matter, growing, lying, or located upon such owner's property, or upon the sidewalk abutting same, within ten (10) days after receipt of the written notice provided for in subsection (A) above, or within five (5) days after the date of such notice, in the event the same is returned to City Hall because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Building Inspector is hereby authorized and empowered to pay for the cutting, destroying and/or removal of such weeds, grass, or deleterious, unhealthful growths or other noxious matter or to order the removal by the City.

c) Charge Included in Bill: When the City has effected the removal of such obnoxious growth or has paid for its removal the actual cost thereof, plus accrued interest at the rate of nine percent (9%), per annum, from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such bill. (Ord. 1001, 9/83)

**SEC. 16-38. PROTECTION OF DOGS USED IN LAW ENFORCEMENT.**

a) It shall be unlawful for any person to willfully and maliciously torture, mutilate, injure, disable, poison or kill any dog used by the Police Department of the City, in the performance of the duties of such department or any member thereof in the performance of any of the functions or duties of said department.

b) Any person who violates any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed two hundred fifty dollars (\$250.00). (Ord. 1097, 3/92)

**SEC. 16-39. SALE OF TOBACCO, ELECTRONIC CIGARETTES AND REQUIREMENTS FOR MINORS.**

A) As used in this Section:

i) "Tobacco products" means 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;

ii) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products or electronic cigarettes;

iii) "Retailer" means a business of any kind at a specific location that sells tobacco products or electronic cigarettes to a user or consumer;

iv) "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, plant, wax, solution or other substance contained in a cartridge or other delivery system, including but not limited to, electronic cigarettes, vaping pens or vaping mods.

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

C) No retailer shall sell, permit the sale, offer for sale, give away or deliver tobacco products or electronic cigarettes to any person under the age of eighteen (18) years.

D) Any person who sells tobacco products or electronic cigarettes shall post signs informing the public of the age restricts provided by this article 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 sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products or electronic cigarettes to persons under eighteen (18) years of age is prohibited by law. Any person who owns, operates or manages a business where tobacco products or electronic cigarettes are offered for sale at retail and at which persons under the age of eighteen (18) are allowed admission with or without an adult, shall maintain all tobacco products and electronic cigarettes within the line of sight of a cashier or other employee or under the control of the cashier or other employee. For purposes of this subsection:

i) "Within the line of sight: means visible to a cashier or other employee while at the sales counter; and

ii) "Under control" means protected by security, surveillance or detection methods.

E) No person shall sell or offer tobacco products or electronic cigarettes through a vending machine unless the vending machine is located in:

i) Businesses, factories, offices or other places not open to the general public;

ii) Places to which persons under the age of eighteen (18) years of age are not permitted access; or

iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen (18) years of age is prohibited.

F) No person under the age of eighteen (18) years shall purchase or attempt to purchase tobacco products or electronic cigarettes, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase tobacco products or electronic cigarettes.

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

H) Any person who violates any section of this article shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. (Ord. 1205, 7/01; R.O. 1352, 12/11; R.O 1373, 12/14)

#### **SEC. 16-40. CONTACT WITH WILDLIFE WITHIN THE LIMITS OF THE CITY OF BUFFALO.**

A) "Wildlife" shall be defined as those animals described as "Big Game Animal" under W.S. §23-1-101(a)(i) and "Furbearing Animal" under W.S. §23-1-101(a)(iii).

B) "Contact" means, but is not limited to, physical contact between the public and wildlife, including the unauthorized provision of food and liquids and also visual, auditory or olfactory contact between the public and wildlife which may cause or result in subjecting the wildlife to stress, behavioral anomalies, including taming or imprinting or in any diminishment of the capacity of said wildlife to subsequently survive in the wild independent of human aid and subsistence.

C) It shall be unlawful for any person to intentionally engage in physical contact between himself and any wildlife within the city limits of the Town of the City of Buffalo unless that person is an authorized peace officer, law enforcement officer, game and fish official, or animal control officer in the official performance of duties as authorized by any local, state or federal governmental agency.

D) Any person who violates any section shall, upon conviction, be fined in accordance with the general penalties under the ordinances of the City. (Ord. 1218, 9/02; R.O. 1352, 12/11)

**SEC. 16-41. RESTRICTIONS OF SMOKING IN CITY FACILITIES.**

A) Definitions:

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

- i.) "City of Buffalo Facilities" means any enclosed building or structure that is owned or operated by the City of Buffalo, which includes, but is not limited to, City Hall at 46 North Main, City Yard at 519 Fort, City Water Treatment Plant at 8875 U.S. Hwy 16 West and the City Wastewater Treatment Plant facility at 149 Stockyard Road, and those areas under the exclusive control of the Chief of Police in the Joint Law Enforcement Center.
- ii.) "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.
- iii.) "Smoking Instrument" means any cigarette, cigar, pipe, or any other smoking device.

B) Policies:

- i.) No one can smoke or carry any lighted smoking instrument in a City of Buffalo facility, or at a public meeting in City facilities, except in areas signed as permitted smoking areas.
- ii.) City employees will be disciplined in accordance with City Policy. Members of the public will be evicted from the non-smoking area.

C) Smoking Permitted in Signed Areas:

Smoking shall be permitted in the following City of Buffalo facilities:

- i.) City Yard – anywhere on the shop grounds outside the building.
- ii.) City Water Treatment Plant – anywhere on the grounds outside the building.
- iii.) City Wastewater Treatment Plant – anywhere on the grounds outside the building.
- iv.) Joint Law Enforcement Center – those areas designated by the Chief of Police in areas of his exclusive control and jointly by the Chief of Police and the Johnson County Sheriff.
- v.) Other areas designated for smoking by the City Council and signed for that purpose.

D) Prohibited Smoking Areas:

Smoking shall be prohibited in the following City of Buffalo facilities and vehicles:

- i.) All areas of Buffalo City Hall at 46 North Main.
- ii.) All areas of other City of Buffalo facilities that are not designated as smoking permitted areas and properly signed.

E) Smoking Prohibited by Other Laws:

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

F) Compliance:

The City of Buffalo Department Head responsible for the operation of each City of Buffalo facility or vehicle shall make reasonable efforts to obtain compliance with this Ordinance by:

- i.) Posting appropriate signs.
- ii.) Insuring signed smoking areas have a well maintained ventilation system that vents the area as to minimize the toxic effect of transient smoke in adjacent non-smoking areas.
- iii.) Any other means which may be appropriate.

**SEC. 16-42. REGULATIONS CONCERNING SOCIAL HOSTS OF UNDERAGE ALCOHOL PARTIES.**

- A) No owner, renter, lessee, or occupant of any premise or apartment within the City shall knowingly permit the unlawful consumption of alcoholic beverages by persons under the age of twenty-one (21) years upon the premises owned, rented, leased or occupied. Premises shall be defined as the land and all building thereon.
- B) It is prima facie evidence of a violation of the ordinance codified in the chapter if the owner, renter, lessee or occupant is present and one person under the age of twenty-one (21) years is present and is in possession of an alcoholic beverage. It is prima facie evidence of a violation of the ordinance codified in this chapter if the owner, renter, lessee or occupant is present, and one person under the age of twenty-one (21) years is present and has consumed alcohol or is under the influence of alcohol, and an unsealed container of an alcoholic beverage is present.
- C) Upon conviction under the ordinance codified in this chapter, the violator may be fined as provided in the general penalty section of the Code of the Town of the City of Buffalo. Each person present under the age of twenty-one (21) years who is in possession of an alcoholic beverage or is under the influence of alcohol is a separate violation.
- D) The ordinance codified in this chapter does not apply to parents or legal guardians who lawfully furnish alcohol to their children or legal wards when permitted by Wyoming law. (Ord. 1321; 2, 17/09)

**SEC. 16-43-1. UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS.**

- A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt sell, give, trade or barter, any one or more of the following chemical compounds and/or substances, including their salts, isomers, homologues and salts of their isomers and homologues:
  - 1. Salvia Divinorum or Salvinorum A; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
  - 2. pentyl-3-(naphthoyl)indole (also known as JWH-018);
  - 3. (6ar,10ar)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo(c) chromen-1-o1 (also known as HU-210 or 1, 1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
  - 4. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol, (also known as CP47, 497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47, 497;
  - 5. 1-Butyl-3-(1-naphthoyl)indole (also known as JWH-073);
  - 6. 1-(2-(4-(morpholinyl)ethyl)-3-(1-naphthoyl)indole (also known as JWH-200);
  - 7. 1-Pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
- 8. 1-Hexyl-3-(1-naphthoyl)indole (also known as JWH-019);
  - 9. 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
- 10. N-benzylpiperazine (also known as BZP);
- 11. 1-(3-trifluoromethylphenyl) piperazine (also known as TFMPP);
- 12. 2-Desoxypipradrol (also known as DPMP);
- 13. 3, 4 Methylenedioxypropylvalerone (also known as MDPV);
- 14. Any similar structural analogs of the above chemical compounds;
- 15. Any other synthetic cannabinoids.

- B. It is not an offense under subsection A of this section if the person was acting at the direction of an authorized agent of the City of Buffalo to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.
- C. If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
- D. This section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the Federal Food and Drug Administration or which are specifically permitted by Wyoming law.
- E. Any person found to be in violation of this section will be guilty of a misdemeanor and subject to a fine not to exceed \$750.00. Each day during which a violation of subsection A occurs shall constitute a separate offense.
- F. The City of Buffalo shall have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this Section.
- G. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable. (Ord 1345; 12, 7/10)

**SEC. 16-44. INTENTIONAL MISUSE OF SUBSTANCES.**

- A) No person shall for the purpose of causing or resulting in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any glue or similar toxic vapor; or consume or use any otherwise legal substances for a purpose or not in accordance with its legitimate use or purpose as is generally known, used and advertised; provided, that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes, when administered or directed by a licensed physician or dentist.
- B) No person shall for the purpose of violating or aiding another to violate any provisions of this section, intentionally possess, buy, sell, transfer possession or receive possession of any substances herein provided. (Ord. 1353, 12/11)

**SEC. 16-45. CONTROLLED SUBSTANCES-POSSESSION, SALE, PURCHASE, ETC., OF CERTAIN EQUIPMENT DESIGNED FOR SMOKING, ETC., DRUGS OR OTHER CONTROLLED SUBSTANCES.**

- A) It is unlawful for any person knowingly or intentionally to possess, sell or transfer, buy or receive or offer for sale or transfer, any pipe, roach clip, cigarette holder or cigarette papers, specially designed and manufactured for use or actually used for smoking opium, hashish, marijuana, or other controlled substance of which the uncontrolled manufacture, delivery or possession is declared to be unlawful under the provisions of the Wyoming Controlled Substances Act of 1971, (W.S. § 35-7-1001 et. seq) except such pipes or other devices as shall be certified by the chief of police as a collectors item, free of all contamination or residue from any controlled substance and possessed for collection purposes only.
- B) It is unlawful for any person knowingly or intentionally to possess, sell or transfer, buy or receive, or offer for sale or transfer, any hypodermic needle or syringe specially designed and manufactured for the use or actually tested for injecting heroin, morphine, codeine or any other controlled substance of which the uncontrolled manufacture, delivery or possession is declared to be unlawful under the provisions of the Wyoming Controlled Substance Act of 1971, except: (i) licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentists, podiatrists, veterinarians and nurses; (ii) hospital research, teaching and clinical laboratory personnel, funeral directors and embalmers; (iii) 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; (iv) persons using a hypodermic needle or syringe for the treatment of livestock; and (v) persons using a hypodermic needle or syringe as a work tool for such purposes as gluing or oiling or as an instrument for the basting of food. (Ord. 1353, 12/11)

