

CHAPTER XXI.

ORDERLY CONDUCT

SECTION 21.00. Obstructing Streets and Sidewalks Prohibited. No person shall stand, sit, loaf, or loiter or engage in any sport or exercise on any public street, sidewalk, bridge, or public ground within the Town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall, or meeting place.

SECTION 21.10. Unlawful Assembly Prohibited. No person shall participate in an unlawful assembly. An "unlawful assembly" is an assembly which consists of three or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed.

SECTION 21.20. Disorderly Conduct Prohibited. No person shall within the Town:

(a) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or other disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

(b) Intentionally cause, provoke, or engage in any fight, brawl, riot, or noisy altercation other than a bona fide athletic contest.

(c) On any public or private road, street, or highway, operate a motor vehicle in such a manner as to cause or provoke a disturbance to the public order or cause an undue disturbance or annoyance to any person or persons.

SECTION 21.30. Loitering Prohibited.

21.31. Loitering Prohibited. No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a constable or peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a constable or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to

dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the constable or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the constable or peace officer at the time, would have dispelled the alarm.

21.32. Obstruction of Highway by Loitering. No person shall obstruct any street, bridge, sidewalk, or crossing by lounging or loitering in or upon the same after being requested to move on by any peace officer.

21.33. Obstruction of Traffic by Loitering. No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings, or bridges or in any other public places within the Town in such manner as to prevent, interfere with or obstruct the ordinary free use of said public streets, sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.

21.34. Loitering after being Requested to Move. No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks, or adjacent doorways or entrances, street crossings, or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move by any constable, peace officer, or by any person in authority at such places.

21.35. Loitering in Public Places. No person shall loiter, lounge, or loaf in or about any hall, restaurant, store, public sidewalk, public parking lot, or other place of assembly or public use after being requested to move by any constable or peace officer. Upon being requested to move, a person must immediately comply with such request by leaving the premises or area thereof at the time of the request.

21.36. Curfew.

(1) No minor person under the age of 18 years shall loiter, idle, wander, play, or otherwise be upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, or vacant lots either on foot or in or on a vehicle within the Town between 10:30 p.m. and 5:00 a.m., Sunday through Thursday, and between 12:00 midnight and 5:00 a.m. on Friday and Saturday and the day preceding legal holidays, unless such minor is accompanied by either of his or her parents or his or her guardian, or other person having the legal custody of such minor. This prohibition does not apply to minors who are returning home from functions authorized by schools or churches or other civic organizations, provided they take the shortest and most direct route, and as fast as reasonably possible under the circumstances. This section does not apply to minors whose employment makes it necessary

to be upon such public streets, alleys, highways, roads, sidewalks, parks, playgrounds, or other public places in the time restricted, but in such event, such minors must carry a pass issued by the Town Constable and they must use the shortest and most direct route going to the place of employment from the minor's home and returning home from said place of employment.

(2) No parent, guardian, or other person having legal custody of any minor person under the age of 18 years shall knowingly permit such minor to loiter, idle, wander, play, or otherwise be either on foot or in or on a vehicle of any nature upon the streets, alleys, highways, roads, sidewalks, parks, playgrounds, public grounds, or vacant lots between the hours and dates specified in subparagraph (1) unless accompanied by a parent, guardian, or other adult person having the legal custody of such minor, unless such minor is returning home from functions authorized by schools, churches, or otherwise recognized civic organizations or going to or returning home from work as specified in subparagraph (1). Any parent, guardian, or other person having legal custody of any such minor child who shall violate the provisions of this section shall be subject to a penalty as provided in Section 21.70 of this Ordinance.

(3) Any minor under the age of 18 years who shall violate any of the provisions of this section shall forfeit not less than \$50.00 nor more than \$500.00.

SECTION 21.40. Destruction of Property Prohibited. No person shall willfully injure or intentionally deface, destroy, or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Town or its departments, or to any private person without the consent of the owner or proper authority.

SECTION 21.50. False Alarms Prohibited. No person shall give or send or cause to be given or sent in any manner any alarm of fire or other emergency which he knows to be false.

SECTION 21.60. Obedience to Town Officers, Officials and Employees. No person shall, within the Town:

(a) Resist or in any way interfere with any constable of the Town while such constable is doing any act in his official capacity and with lawful authority, or shall refuse to assist the constable in carrying out his duties when so requested by the constable.

(b) Resist, obstruct, or in any way interfere with any duly elected or appointed official of the Town or any employee of the Town while such official or employee is doing any act in his official capacity or in his capacity as an employee and with lawful authority.

SECTION 21.70. Discharging Firearms Restricted. No person, except a constable or police officer, shall fire or discharge any firearm or air gun of any description within platted subdivisions or other residentially zoned areas or within 100 feet of the residence of another person.

SECTION 21.80. Shooting of Arrows, and Throwing of Stones and Other Missiles Prohibited. No person shall shoot or throw any object, arrow, stone, or other missile or projectile by bow, by hand, or by any other means within platted subdivisions or other residentially zoned areas, or within 100 feet of the residence of another person.

SECTION 21.90. Smoking and Possession of Smoking Materials in Public Places by Minors Prohibited. No person under the age of 18 years shall, in or about any hall, restaurant, store, public sidewalk, public parking lot, or other place of assembly or public use within the Town of Wheatland:

- Smoke; or
- Knowingly possess, keep, or maintain any cigarette, cigar, pipe, tobacco, or any paraphernalia associated with smoking.

For the purpose of this Section, "smoking" means carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

SECTION 21.100. Penalty. Any person violating any of the provisions of this Chapter shall be deemed guilty of an offense and upon conviction thereof shall forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution and in default of payment, may be imprisoned in the County Jail for not more than ninety days or have his driver's license suspended for a period not to exceed five (5) years.