

## CHAPTER 15

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## CHAPTER 15

### OFFENSES - MISCELLANEOUS

#### ARTICLE I. IN GENERAL

##### SECTION 15-1. ASSAULT.

It shall be unlawful for a person, with the present ability to do so, to attempt to cause bodily injury to another without lawful excuse.

##### SECTION 15-2. ASSAULT AND BATTERY.

It shall be unlawful to touch another person in a rude, threatening, insolent or angry manner or intentionally, knowingly or recklessly cause bodily injury to another without lawful excuse.

##### SECTION 15-3. AIRPORT LANDINGS AND TAKEOFFS RESTRICTED.

- (a) Aircraft with a certified weight in excess of 30,000 pounds are prohibited from landing or taking off from the Kemmerer Municipal Airport.
- (b) Violation of this ordinance shall be a misdemeanor punishable by a fine of up to \$750.00 plus court costs.

##### SECTION 15-4. BURNING GARBAGE, ETC. - PROHIBITED.

It shall be unlawful for any person to set fire to or burn any garbage or refuse, as defined in Section 16-1, or other combustible waste materials within the city limits.

##### SECTION 15-5. CAMPING.

No person shall camp within the city other than those areas designated by the city council; provided, however, the City Zoning Board, Zoning Officer or City Administrator may grant a temporary (three [3] months with option to renew) permit for a self contained recreational vehicle, trailer, etc. to be utilized as a construction trailer on a construction site.

##### SECTION 15-6. CITY EMPLOYEES - INTERFERENCE WITH WORK.

- (a) It is unlawful for any person to knowingly resist, interfere with or impede or obstruct any police officer, fireman, city employee or other public official who is attempting to discharge or in the course of discharging an official duty.
- (b) It is unlawful for any person to threaten violence, reprisal or other injurious act to any police officer, fireman, city employee, or other public official who is engaged in the performance or attempted performance of his official duties or make a threat, verbally or otherwise, by reason or on account of the performance or attempted performance of his official duties.
- (c) No person shall interfere in any way with any employee of the city in the performance of his work, nor displace any deposits or landmarks deposited or installed by any employee, nor in any way

molest or damage any tools, instruments or equipment of any employee of the city, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him.

**SECTION 15-7. CROSSING LAWNS, ETC.; DESTRUCTION OF TREES.**

- (a) No person shall walk, run, ride or in any other manner cross over or upon any lawn, garden or otherwise improved lot, whether enclosed or not, without permission of the owner or occupant thereof.
- (b) No person shall, without permission of the owner of the tree, injure, cut, destroy or mutilate any growing tree.

**SECTION 15-8. DISORDERLY CONDUCT.**

It shall be unlawful for any person to engage in, or for any property owner, lessee, occupant or tenant to allow others on the property to engage in, disorderly conduct and to knowingly disturb the peace. Any person shall be deemed guilty of disorderly conduct if they shall:

- (a) Discharge any gun, pistol, revolver or any firearm of any description, or explode or set off any squib, firecracker (except as provided for in section 15-14), or other things containing powder or other combustible material or make any other improper noise calculated to disturb the peace of anyone in the area.
- (b) Operate any machinery, equipment, or vehicle which emits loud noise and thereby disturbs the peace and tranquility of any person.
- (c) Be the owner of, or possessor of, a dog which barks excessively and disturbs the peace and tranquility of any person in the area.
- (d) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or other property of another.
- (e) Commit an act in a violent or tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
- (f) Shouting, using profane, obscene or offensive provocative language directed toward another, or others, and calculated to provoke a breach of the peace. For purposes of this section, the term "provocative language" shall mean insulting or "fighting words" or those words by which their very utterance inflict injury or tend to incite an immediate breach of the peace.
- (g) Perform any act or gesture of rude, improper or indecent behavior, directed at another and calculated to provoke a breach of the peace.
- (h) Incite or attempt to incite a riot. For purposes of this section, the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled and acting with the common intent to the terror of the people of the city, either in assemblage while executing a lawful enterprise in a violent turbulent manner or in assemblage while executing an unlawful enterprise in a violent turbulent manner.
- (i) Urinate, or defecate in any public way or place which is public in nature or any place open to the

public view.

- (j) Any owner, agent of an owner or other keeper of an inn, bowling alley, pool hall, saloon, bar, liquor store or other public place who knowingly allows any drunkenness, fighting, quarreling, unlawful games, riotous games, prostitution, soliciting for prostitution or any other disorderly conduct whatever on his premises shall be guilty of a misdemeanor and shall be subject to loss of any and all licenses issued under this Code in addition to the penalties provided for in Section 1-5.
- (k) Any person in charge of a residence to permit any loud or disorderly conduct that disturbs the peace or tranquility of any person in the area.

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 emergency, and shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the city, including but not limited to parades and fireworks displays.

#### **SECTION 15-9. DISTURBING ASSEMBLAGES.**

- (a) No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.
- (b) No person shall annoy or disturb any congregation or assembly, gathered together for religious worship, by making a noise, by rude or indecent behavior or profane or vulgar language, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so engaged or assembled.

#### **SECTION 15-10. FAILURE TO APPEAR.**

- (a) It shall be unlawful for any person to violate his written promise to appear before the municipal court judge when such was given to an officer or jailer upon such person's release from custody, regardless of the disposition of the charge for which such person was originally taken into custody.
- (b) A written promise to appear in court may be complied with by an appearance by counsel.

#### **SECTION 15-11. FAILURE TO DISPERSE/INTERFERENCE WITH PASSAGE.**

- (a) It shall be unlawful for any person engaged in disorderly conduct to refuse or fail to disperse upon the verbal order of a law enforcement officer.
- (b) It shall be unlawful for any person to render impassable the free flow of vehicular or pedestrian traffic or to restrict the free ingress or egress to public or private places.

#### **SECTION 15-12. REPEALED 11/23/09**

#### **SECTION 15-13. FENCES - ERECTION OF DANGEROUS FENCES.**

It shall be unlawful for any person to erect or maintain upon residential property or along or adjacent to any street, sidewalk, alley or other property commonly used by the public in the city, any barbed-wire fence, electric fence or fence of any other nature which is so constructed as to be potentially dangerous to human beings.

**SECTION 15-14. FIREWORKS PROHIBITED; EXCEPTIONS.**

Consumer fireworks may be discharged on July 3<sup>rd</sup> from 4 pm to midnight and on July 4<sup>th</sup> from 12 noon until midnight.

Except as hereinafter provided, the following acts shall be unlawful:

- (a) For any person to offer for sale, expose for sale, or sell at retail any fireworks.
- (b) For any person to cast, throw, fire or explode or cause to be thrown, cast, fired or exploded any squib, rocket, cracker, firecracker, torpedo, grenade, cannon, cap or other combustible fireworks of any kind within the corporate limits; except as set forth above.
- (c) For any minor child, under the age of 16 years, to use or ignite fireworks except under the actual supervision of a person aged 17 years or older; actual supervision hereunder shall require the physical presence of the supervisor with the supervised minor.
- (d) To use or ignite fireworks when under the influence to any degree of alcohol and/or controlled substances.
- (e) To use fireworks, or allow the use of fireworks in one's premises or premises under one's control, within the City in violation of this section, provided, however, this section shall not govern the public display of fireworks which is governed by section 15-15.
- (f) To misuse fireworks of any kind. The following constitute prima facie unlawful mishandling or misuse of fireworks:
  - (1) To throw or direct any fireworks at another person, object or structure whether such fireworks are burning or not.
  - (2) To possess, store or use any fireworks within 100 yards of any gasoline bulk station or storage area, or any building in which gasoline or volatile liquids or gases are dispensed.
  - (3) To discharge fireworks within 100 yards of the South Lincoln Medical Center.
  - (4) To discharge or use any fireworks toward, from, in, under or on a motor vehicle, whether moving or standing still.
  - (5) To possess, use or ignite fireworks of any kind upon public land or facilities or in any public park or upon any property owned by the City.
  - (6) To mishandle or misuse fireworks in any other way.
  - (7) When extreme environmental conditions exist, including but not limited to; drought, high winds, or other high fire danger, the mayor may declare a total ban on the use or ignition of any and all fireworks within the City limits. Such ban shall be effective upon publication of the notice of the ban. Notice may be published one (1) time in the City's legal newspaper and/or by periodic radio broadcasts for a period of one (1) days.
  - (8) Each year the governing body of the City of Kemmerer may designate City property to be

used to legally discharge fireworks.

Violation of this section constitutes a misdemeanor punishable pursuant to section 1-5.

**SECTION 15-15. PUBLIC DISPLAYS OF FIREWORKS.**

The City Administrator may grant permits for supervised public displays of special fireworks to be conducted by a bona fide nationally chartered veterans, religious, charitable, educational or fraternal organization or non-profit local civic or service club organized or incorporated under the laws of this state, provided that:

- (a) every such display shall be handled by a competent operator who is a member of, or sponsored by, such organization;
- (b) prior approval of the location has been obtained from the chief of police and the city building inspector, the location to be such that it does not pose a hazard to property or endanger any person;
- (c) an application for such public display has been filed in accordance with this Section.
- (d) any such permit for a public display shall not be transferrable.

**SECTION 15-16. FIREWORKS - CONSTRUCTION; EXCEPTIONS.**

This Article shall not be construed to prohibit:

- (a) Any person from offering for sale, exposing for sale, selling or delivering fireworks to any organization or group holding a permit for supervised public display issued as herein provided;
- (b) Any person from offering for sale, exposing for sale, or selling, any fireworks which are to be and are shipped directly out of the state;
- (c) Any person from offering for sale, exposing for sale, selling, using, or exploding any article, device or substance for a purpose other than display, exhibition, amusement or entertainment; or when used for mining purposes, danger signals, or other necessary uses; or
- (d) Any person offering for sale, exposing for sale, using, or exploding blank cartridges for theatrical or ceremonial purposes or in organized athletic or sporting events.

**SECTION 15-17. FIRE ALARM SYSTEM - INTERFERING WITH.**

No person shall interfere with, tamper with or in any way alter any part of the fire alarm system unless so authorized by the chief of the fire department.

**SECTION 15-18. FIRE HYDRANTS, WATER MAINS, ETC. - INTERFERING WITH.**

No person shall shut off, turn on or interfere in any way, with any fire hydrant, valve or water main, except as authorized by the city council or the water superintendent.

**SECTION 15-19. REPEALED 11/23/09**

**SECTION 15-20. REPEALED 11/23/09**

**SECTION 15-21. REPEALED 11/23/09**

**SECTION 15-22. ICE BOXES, REFRIGERATORS, ETC. - REMOVAL OF DOORS, LOCKS, ETC., UPON ABANDONMENT, ETC.**

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure under his control, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, freezer or other container which has an airtight door or lid, snaplock or other locking device, without first removing the door or lid, snaplock, or other locking device from such ice box, refrigerator or container or locking the same securely shut by padlock and chain or similar means.

**SECTION 15-23. IMPROPER EXERCISE OF POLICE POWER - PROHIBITED.**

It shall be unlawful for any person without first being authorized to do so, to exercise or attempt any duty, power, or function of the chief of police or any member of the police department; provided, however, this section shall not be construed in any way to limit a citizen's power to arrest under the laws of the State of Wyoming.

**SECTION 15-24. LEAVING A CHILD UNATTENDED.**

It shall be unlawful for any person to leave a child under nine (9) years of age, who is in such person's care, custody or control, unattended in any vehicle in such a manner, or for such a period of time, as to pose a threat to such child's health, safety and welfare. The child shall be deemed to be unattended within the meaning of this section if the oldest person with the child is a person under the age of twelve (12) years.

**SECTION 15-25. MALICIOUS MISCHIEF.**

It shall be unlawful for any person to willfully and maliciously damage, deface, injure, remove, carry or take away or otherwise unlawfully assume control of any property whether public or private, real or personal, which is not his own.

**SECTION 15-26. CRIMINAL TRESPASS.**

For purposes of this chapter, except as otherwise provided in this code or other city ordinances, the section 6-3-303 (a) & (c) of Wyoming Statutes Annotated, (1977, Republished Edition), as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 15-27. REPEALED 11/23/09**



**SECTION 15-28. REPEALED 11/23/09**

**SECTION 15-29. NUDITY IN PUBLIC.**

It shall be unlawful for any person to appear in a state of nudity in any public place. For the purposes of this section the word "nudity" shall mean the showing of the human male or female genitals or pubic area or female breasts with less than a fully opaque covering.

**SECTION 15-30. REPEALED 11/23/09**

**SECTION 15-31. PARTIES TO A CRIME.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one (1) or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this act is likewise guilty of such offense and subject to the provisions set forth in section 1-5.

**SECTION 15-32. REPEALED 11/23/09**

**SECTION 15-33. REPEALED 11/23/09**

**SECTION 15-34. REPEALED 11/23/09**

**SECTION 15-35. SHOPLIFTING.**

- (a) A person who willfully conceals or takes possession of property offered for sale by a wholesale or retail store without the knowledge or consent of the owner and with intent to convert the property to his own use without paying the purchase price is guilty of shoplifting.
- (b) A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store with intent to obtain the property at less than the marked or listed price is guilty of shoplifting.
- (c) When the value of the property is less than One Hundred Dollars (\$100.00) the offense shall be prosecuted under this section. When the property involved is valued at One Hundred Dollars (\$100.00) or more, the offense shall be prosecuted under Section 15-37.

**SECTION 15-36. THEFT OF LABOR, SERVICES OF USE OF PROPERTY.**

It shall be unlawful for any person to obtain labor, services or the temporary use of property, real

or personal, by false pretense or pretenses with intent to cheat or defraud the supplier of such labor, services or property.

**SECTION 15-37. THEFT AND RELATED OFFENSES.**

- (a) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control, or obtains by threat or deception control over property of the owner, or purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another, and;
- (1) Has the purpose of depriving the owner of the property.
  - (2) Purposely or knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner of the property; or
  - (3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

**SECTION 15-38. REPEALED 11/23/09**

**SECTION 15-39. TOBACCO - SALE, ETC. TO MINORS.**

For purposes of this chapter, except as otherwise provided in this code or other city ordinances, the sections 14-3-301 through 14-3-305 of Wyoming Statutes Annotated, (1977, Republished Edition), as from time to time changed or amended, shall apply to the city, and are adopted by reference, as though incorporated herein at length. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the city clerk.

**SECTION 15-40. VANDALISM.**

It shall be unlawful for any person to knowingly or purposely deface, mar, soil, disfigure, spoil, or otherwise ruin, alter, take away from, or add to the appearance of any public property or the property of another person without the owner's consent.

**SECTION 15-41. WEAPONS - GENERALLY.**

Section deleted 8/27/2018

**SECTION 15-42. WEAPONS - DRAWING OR THREATENING TO USE.**

It shall be unlawful for any person to draw or threaten to use upon any other person any gun, knife, sling shot, dagger, sword, club, tear gas dispenser, mace or other CN dispenser or any other dangerous or deadly weapon; provided, however, that this section shall not apply to any person drawing or threatening to use such a weapon in reasonable defense of his person, family, guests or his property.

**SECTION 15-43. WEAPONS - DISCHARGING OF FIREARMS.**

- (a) It shall be unlawful for any person other than a duly authorized law enforcement officer acting within the scope and course of his official duty, to willfully and intentionally or negligently discharge any firearm within or into the city limits or while on city property. For the purpose of this section the word "firearm" shall include, but shall not be limited to, any cannon, gun, pistol, revolver, pellet gun, B-B gun, slingshot or weapon of any description from which a bullet or other projectile is expelled by spring release, gunpowder explosion or air compression, or any bow and arrow, or crossbow and arrow.
- (b) Excepting that the following shall not be construed as being in violation of paragraph (a) of this section:
  - (1) firearm discharge at a place, specifically designed or designated and approved in writing by the Chief of Police as an indoor weapons firing range, after demonstrating a safe place and method of confining any projectile(s) to that specific property; or
  - (2) bow and arrow discharge at a place specifically designed or designated and approved in writing by the Chief of Police as an outdoor archery range or bow-hunting area, after demonstrating a safe place and method of confining any projectile(s) to that specific property; or
  - (3) firearm discharge during sanctioned events or displays at a specific location that have the prior written authorization of the Chief of Police, upon determining that such authorization will not be detrimental to the health, safety, and welfare of city residents or visitors; or
  - (4) other needful firearm discharge with written permission of the Chief of Police and subject to conditions imposed by him or her such as date, occasion, place and times allowed.

Permission to discharge under this paragraph (b) shall be subject to revocation at any time by the Chief of Police. Denial of a request to discharge under this subsection shall be appealable to the governing body.

**SECTION 15-44. WEAPONS – POSSESSION OR PROHIBITED USE OF DANGEROUS WEAPON.**

- (a) It shall be unlawful for any person to have in his possession, except within his own commercial establishment, any firearm, loaded or unloaded, knife with a blade exceeding five inches (5") in length, dangerous weapon or explosive or incendiary device in any establishment licensed to dispense alcoholic beverages.
- (b) Nothing in this section shall prevent the possession of any said dangerous weapons by:

- (1) A law enforcement officer in the lawful discharge of his duties.
- (2) The owner, lessee, tenant or operator of the licensed premises or their agents, including privately employed security personnel during the performance of their duties.
- (3) A person in that area of the licensed premises usually and primarily rented on a daily or short-term basis for sleeping or residential occupancy, including hotel or motel rooms; or
- (4) A person on that area of a licensed premises primarily utilized for vehicular traffic or parking.

#### **SECTION 15-45. VIOLATIONS - PENALTY**

- A. It is a misdemeanor punishable as provided in Section 1-5 for any person to violate any of the provisions of this chapter with the following exceptions:
- (1) Any person convicted of violating the provisions of Section 15-1 Assault , or 15-8 Disorderly Conduct, or 15-10 FTA (Failure to Appear in Court), or 15-26 Criminal Trespass, or 15-27 Controlled Substances-Possession, Planting, Etc. - Prohibited, or 15-31 Parties to a Crime, or 15-32 Prisoners-Aiding in Escape, or 15-35 Shoplifting, or 15-36 Theft and Related Offenses, or 15-40 Vandalism, or 15-42 Weapons-Drawing or Threatening To Use, or 15-43 Weapons-Discharging of Firearms, shall be guilty of a misdemeanor and may be punished by a fine of not more than the maximum allowable by law and/or imprisonment for a period up to the maximum allowable by law.
  - (2) Any person convicted of violating Section 15-2, Assault and Battery, may also be placed on probation for a period not to exceed one (1) year.

#### **SECTION 15-46. HARASSMENT.**

A person commits the crime of harassment if he/she knowingly or purposely communicates to, or causes or makes any noise, with the purpose to terrify, intimidate, threaten, harass, annoy, or offend another person or interfere with another's pursuit of a lawful occupation or business without lawful excuse.

#### **SECTION 15-47. ENGINE COMPRESSION BRAKE USE PROHIBITED**

- B. It is unlawful for any person to use engine compression brakes within the jurisdictional limits of the City of Kemmerer.
- C. The following will be exempt from the provisions of paragraph A. of this section:

1. Emergency operations of a public agency or utility.
  2. Operations to maintain public rights of way, including snow removal.
  3. Public operations to remove and collect garbage.
- D. Temporary Exceptions  
The City Council may issue temporary exceptions to the provisions of this section under such conditions as deemed appropriate by the City Council.

**SECTION 15-48. REPEALED 11/23/09**

**SECTION 15-49. HANDICAPPED PARKING; OBEDIENCE OF SIGNS REQUIRED.**

- (a) Except as otherwise provided in these ordinances, the City of Kemmerer, with respect to public lands under its supervision and control, may place signs reserving parking spaces for the handicapped where in the opinion of the Chief of Police such reservations are warranted.
- (b) Signs reserving parking spaces for the handicapped in public places under the jurisdiction of the City of Kemmerer as authorized by the Chief of Police or placed on private property by the real property owner pursuant to W.S. 31-5-111 shall be constructed of durable material, contain the international symbol of accessibility, be no less than twelve inches (12") by eighteen inches (18") in size and be placed above ground level so as to be visible at all times and not be obscured by a vehicle parked in that space.
- (c) The signs specified under this ordinance and W.S. 31-5-111(b) shall be official signs and it is unlawful for any person to willfully park a vehicle in violation of the restrictions, regulations or prohibitions stated on the signs. This ordinance shall not prohibit use of handicapped parking spaces provided under subsection (b) of this section by a person issued a distinctive handicapped license plate or transferable identification card by another state and displaying the plate or card on a vehicle used by this person.
- (d) Every person who is convicted of a violation of this ordinance is guilty of a misdemeanor and upon conviction thereof by the Kemmerer Municipal Court, is subject to a fine of not more than fifty dollars (\$50.00).