

ORIGINAL ORDINANCE NO.: 2056
ENROLLED ORDINANCE NO.:

INTRODUCED BY: GABRIEL

AN ORDINANCE AMENDING LARAMIE MUNICIPAL CODE SECTION 9.12.130-
DISORDERLY CONDUCT- GENERALLY TO PROHIBIT INTOXICATED INDIVIDUALS FROM
ENTERING PRIVATE HOMES OR PLACES WITHOUT THE KNOWLEDGE OR CONSENT OF THE
OWNER OR OCCUPANT

WHEREAS, Laramie Municipal Code finds that a person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or carelessly creating a risk thereof, he or she is found in any public place under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others;

WHEREAS, the current ordinance only applies when the intoxicated individual is found in a public place;

WHEREAS, the proposed amendment will cover situations where law enforcement encounter an intoxicated individual who is carelessly creating a risk of alarm and the individual has entered the private property of another without knowledge or consent of the owner or occupant while under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, in such a condition that he or she is unable to exercise care for his or her own safety or the safety of others.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

Section 1: Section 9.12.130 shall be amended to the Laramie Municipal Code as follows:

9.12.130 - Disorderly conduct—Generally.

A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or carelessly creating a risk thereof, he or she:

A. Engages in fighting or other violent or tumultuous conduct or in conduct creating the threat of imminent fighting or other violence; or

B. Makes or uses to or of another and in his or her presence any gesture, display, opprobrious words, profane, obscene, or abusive language which would reasonably tend to incite or abet a person to engage in fighting or other violent or tumultuous conduct; or

C. Creates loud and offensive noise or utters profane or obscene language in any public street or other public place, or place to which the public is invited; or

D. Places himself or herself or with another or others congregates, in or on any public way so as to reasonably tend to halt or interfere with the free and regular flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the police or other lawful authority; or

E. Is found in any public place, or in any private place without the knowledge or permission of the owner or occupant, under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, in such a condition that he or she is unable to exercise care for his

or her own safety or the safety of others, or by reason of his or her being under the influence of intoxicating liquor or drug or any combination of any intoxicating liquor or drug, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way; or

F. While loitering, prowling, or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful purpose.

G. This section does not apply to constitutionally-protected activity. If an individual claims to have been engaged in a constitutionally-protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.

Section 2. That this ordinance shall become effective on upon passage and publication.

Passed and approved this ____ day of February 2023.

Brian Harrington, Mayor and President of
the City Council

Attest: _____
Nancy Bartholomew, CMC
City Clerk

First Reading: January 17, 2023
Public Hearing: February 7, 2023
Second Reading: February 7, 2023
Third Reading and Final Action: February 21, 2023

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