

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.04.010** **Resisting or obstructing public officer.**
- 9.04.020** **False alarm prohibited.**
- 9.04.030** **Interference with fire alarm prohibited.**
- 9.04.040** **Interfering with firefighting operations prohibited.**

9.04.010 **Resisting or obstructing public officer.**

A. A person commits the offense of resisting arrest if he knowingly prevents or attempts to prevent a peace officer from effecting arrest by:

1. Using or threatening to use physical force or violence against the peace officer or another; or
2. Using any other means which create a risk of causing physical injury to the peace officer or another.

B. A person commits the offense of obstructing a peace officer or public servant if he knowingly obstructs, impairs or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental function, including service of process.

C. It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, provided he was acting under color of his official authority. (Ord. 02-24, 2002; prior code § 9.04.010)

9.04.020 **False alarm prohibited.**

A. A person commits an offense under this section if, with a purpose to mislead a public servant in performing his official function, he:

1. Makes any written false statement which he does not believe to be true; or
2. Purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
3. Submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
4. Submits or invites reliance on any sample, specimen, map, boundary mark or other object which he knows to be false.

B. A person commits an offense under this section if he knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, which deals with emergencies involving danger to life or property.

C. A person commits an offense under this section if he knowingly:

1. Gives false information to any law enforcement officer with the purpose to implicate another; or
2. Reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or
3. Pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident. (Prior code § 9.04.020)

9.04.030 **Interference with fire alarm prohibited.**

No person shall use the public fire alarm except when an alarm of fire is given, or with

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the permission of the chief or assistant chief of the fire department, nor shall any person injure, in any way, any of the fire alarm boxes, bells, poles, wires or other appliances connected with the public fire alarm system of the city. (Prior code § 9.04.030)

9.04.040 Interfering with firefighting operations prohibited.

A. No person shall willfully interfere with or hinder any city officer or fireman in the performance of his duty at, going to, or returning from any fire, or while such officer or fireman is attending to his duties as a member of the fire department.

B. No person shall willfully or negligently drive any motor vehicle, streetcar, locomotive, train of cars, or other vehicle across or along or upon any hose used for firefighting purposes. (Prior code § 9.04.040)

Chapter 9.08

**OFFENSES AGAINST PUBLIC
DECENCY**

Sections:

- 9.08.010** **Obscenity prohibited.**
9.08.020 **Public display of
offensive sexual material
prohibited.**
9.08.030 **Promoting prostitution
prohibited.**
9.08.040 **Offense of prostitution
defined.**
9.08.050 **Offense of indecent
exposure defined.**

9.08.010 Obscenity prohibited.

A. A person commits the offense of obscenity when, with knowledge of the obscene nature thereof, he purposely or knowingly:

1. Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene to anyone under the age of eighteen; or
2. Presents or directs an obscene play, dance or other performance or participates in that portion thereof which makes it obscene to anyone under the age of eighteen; or
3. Publishes, exhibits or otherwise makes available anything obscene to anyone under the age of eighteen; or
4. Performs an obscene act or otherwise presents an obscene exhibition of his body to anyone under the age of eighteen; or
5. Creates, buys, procures or possesses

obscene matter or material with the purpose to disseminate it to anyone under the age of eighteen; or

6. Advertises or otherwise promotes the sale of obscene material or materials represented or held out by him to be obscene.

B. A thing is obscene if:

1. It is a representation or description of perverted ultimate sexual acts, actual or simulated; or

2. It is a patently offensive representation or description of normal ultimate sexual acts, actual or simulated; or

3. It is a patently offensive representation or description of masturbation, excretory functions or lewd exhibition of the genitals; and

4. Taken as whole the material:

a. Applying contemporary Montana standards, appeals to the prurient interest in sex,

b. Portrays conduct described in subdivisions 1, 2 or 3 of this subsection in a patently offensive way, and

c. Lacks serious literary, artistic, political or scientific value.

C. In any prosecution for an offense under this section evidence shall be admissible to show:

1. The predominant appeal of the material, and what effect if any, it would probably have on the behavior of people;

2. The artistic, literary, scientific, educational or other merits of the material;

3. The degree of public acceptance of the material in this city;

4. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; or

5. Purpose of the author, creator, publisher or disseminator.

D. A person convicted of obscenity shall be fined at least five hundred dollars but not more than one thousand dollars, or imprisoned in the city jail for a term not to exceed six months, or both. (Prior code § 9.12.040)

9.08.020 Public display of offensive sexual material prohibited.

A. A person is guilty of public display of offensive sexual material when, with knowledge of its character and content, he displays or permits to be displayed in or on any window, showcase, newsstand, display rack, wall, door, billboard, marquee or similar place, any pictorial, three dimensional or other visual interpretation of a person or a portion thereof of the human body that predominantly appeals to prurient interest in sex, and is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and is utterly without redeeming social importance for minors; and does not

1. Separate that material by an opaque structure from other materials displayed; and

2. Establish, by official identification, that each person viewing the displayed material is at least eighteen years of age.

B. A theater may not display previews or projections advertising or promoting motion pictures if such previews or projections contain a display of offensive sexual material and if minors are permitted to attend the showing of the motion picture then being featured.

C. A person violating a provision of

this section shall be punished as set forth in Section 9.08.010(D). (Prior code § 9.12.050)

9.08.030 Promoting prostitution prohibited.

A. A person commits the offense of promoting prostitution if he purposely or knowingly commits any of the following acts:

1. Owns, controls, manages, supervises, resides in, or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business;

2. Procures an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;

3. Encourages, induces or otherwise purposely causes another to become or remain a prostitute;

4. Solicits a person to patronize a prostitute;

5. Procures a prostitute for a patron;

6. Transports a person into or within this state with the purpose to promote that person's engaging in prostitution or procures or pays for transportation with that purpose;

7. Leases or otherwise permits a place controlled by the offender, alone or in association with others, to be regularly used for prostitution or for the procurement of prostitution or fails to make reasonable effort to abate such use by ejecting the tenant, notifying the enforcement authorities, or using other legally available means; or

8. Lives in whole or in part upon the earnings of a person engaging in prostitution, unless the person is the prostitute's

minor child or other legal dependent incapable of self-support.

B. On the issue whether a place is a house of prostitution, the following, in addition to all other admissible evidence, shall be admissible:

1. Its general repute;
2. The repute of the persons who reside in or frequent the place; or
3. The frequency, timing, and duration of visits by nonresidents.

C. Testimony of a person against his spouse shall be admissible under MCA Sections 45-5-602 and 45-5-603 and this section. (Prior code § 9.12.010)

9.08.040 Offense of prostitution defined.

A person engages in the offense of prostitution if such person engages in or agrees

or offers to engage in sexual intercourse with another person for compensation, whether such compensation is received or to be received or paid or to be paid. (Prior code § 9.12.020)

9.08.050 Offense of indecent exposure defined.

A person who, for the purpose of arousing or gratifying sexual desire of himself or of any person other than his spouse, exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm commits the offense of indecent exposure. (Prior code § 9.12.030)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.12.010** **Disorderly conduct defined.**
- 9.12.020** **Riot defined.**
- 9.12.030** **Incitement to riot.**
- 9.12.040** **Rioting prohibited.**
- 9.12.050** **Failure of disorderly persons to disperse prohibited—Violation—Penalty.**
- 9.12.060** **Officials authorized to disperse crowd when.**
- 9.12.070** **Refusal to assist in dispersal prohibited.**
- 9.12.080** **Disturbing meetings prohibited.**
- 9.12.090** **Vagrancy defined.**
- 9.12.100** **Assault committed when—Defined.**
- 9.12.110** **Unlawful restraint when.**
- 9.12.010** **Disorderly conduct defined.**
- A. A person commits the offense of disorderly conduct if he knowingly disturbs the peace by:
1. Quarreling, challenging to fight or fighting; or
 2. Making loud or unusual noises; or
 3. Using threatening, profane or abusive language; or
 4. Discharging firearms; or
 5. Rendering vehicular or pedestrian traffic impassable; or
 6. Rendering the free ingress or egress to public or private places impassable; or

7. Transmitting a false report or warning of a fire, impending explosion or other catastrophe in such a place that its occurrence would endanger human life; or

8. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.

B. A person convicted of the offense of disorderly conduct shall be fined not to exceed one hundred dollars or be imprisoned in the city jail for a term not to exceed ten days, or both. (Prior code § 9.16.010)

9.12.020 **Riot defined.**

A person commits the offense of riot if he purposely and knowingly disturbs the peace by engaging in an act of violence as part of an assemblage of five or more persons, which act or threat presents a clear and present danger of, or results in, damage to property or injury to persons. (Prior code § 9.16.030)

9.12.030 **Incitement to riot.**

A person commits the offense of incitement to riot if he purposely and knowingly commits an act or engages in conduct that urges other persons to riot. Such act or conduct shall not include the mere oral or written advocacy of ideas, or expression of belief, which advocacy or expressions does not urge the commission of an act of immediate violence. (Prior code § 9.16.040)

9.12.040 **Rioting prohibited.**

No person shall participate within the city, or within three miles of the city limits, in any riot. (Prior code § 9.16.050)

9.12.050 Failure of disorderly persons to disperse prohibited—Violation—Penalty.

A. Where two or more persons are engaged in disorderly conduct, a peace officer, judge or mayor may order the participants to disperse. A person who purposely refuses or knowingly fails to obey such an order commits the offense of failure to disperse.

B. A person convicted of the offense of failure to disperse shall be fined not to exceed one hundred dollars or be imprisoned in the city jail for a term not to exceed ten days, or both. (Prior code § 9.16.060)

9.12.060 Officials authorized to disperse crowd when.

Every endeavor must be used by the officers, city officials or fire department members authorized to make arrests in riots or riotous assembly within the city to induce or force the rioters to disperse before an attack is made upon them by which their lives are endangered, and that no officer, city official, fire department member or persons assisting shall fire upon such assembly of rioters unless he or the others are threatened by the imminence of great bodily harm or death at the hands of such rioters. (Prior code § 9.16.070)

9.12.070 Refusal to assist in dispersal prohibited.

A. A peace officer may order a person to cooperate where it is reasonable for the peace officer to enlist the corporation of such person in:

1. Effectuating or securing an arrest of another;

2. Preventing the commission by another of an offense.

B. A person commits the offense of failure to aid a peace officer if he knowingly refuses to obey such an order. (Prior code § 9.16.080)

9.12.080 Disturbing meetings prohibited.

No person shall, at any time, knowingly disturb any lawful meeting or assembly by noise, rude, offensive or improper behavior, or language of any kind, or otherwise, or at all. (Prior code § 9.16.090)

9.12.090 Vagrancy defined.

The following persons shall be deemed guilty of committing the crime of vagrancy:

A. Every person begging food, money, drinks, lodging or other things, or soliciting charity for himself or dependents;

B. Every person who lodges in or about any market place, shed, railroad car, out-house, lavatory, restroom, warehouse, barn, service station, school, bar, cocktail lounge or any other place of business or structure within the city, without the permission of the owner or party entitled to possession thereof. (Prior code § 9.16.100)

9.12.100 Assault committed when—Defined.

A person commits the offense of assault if he:

A. Purposely or knowingly causes bodily injury to another; or

B. Negligently causes bodily injury to another with a weapon; or

C. Purposely or knowingly makes physical contact of an insulting or provoking nature with any individual; or

D. Purposely or knowingly causes reasonable apprehension of bodily injury in another. The purpose to cause reasonable apprehension or the knowledge that reasonable apprehension would be caused shall be presumed in any case in which a person knowingly points a firearm at or in the direction of another whether or not

the offender believes the firearm to be loaded. (Prior code § 9.16.110)

9.12.110 Unlawful restraint when.

A person commits the offense of unlawful restraint if he knowingly or purposely and without lawful authority restrains another so as to interfere substantially with his liberty. (Prior code § 9.16.120)

Chapter 9.16

OFFENSES AGAINST PROPERTY

Sections:

- 9.16.010** **Damage to public property prohibited.**
- 9.16.020** **Damaging private property prohibited.**
- 9.16.030** **Interfering with utility poles and fixtures prohibited.**
- 9.16.040** **Chipping concrete prohibited.**
- 9.16.050** **Damage to plant landscape prohibited.**
- 9.16.060** **Disposal of garbage on public property prohibited.**
- 9.16.070** **Advertisements on public property prohibited—Exceptions.**
- 9.16.080** **Advertisements on public property to be removed within forty-eight hours—Exceptions.**
- 9.16.090** **Distribution of handbills allowed when.**
- 9.16.100** **Criminal trespass defined.**
- 9.16.110** **Criminal trespass to vehicles defined.**
- 9.16.120** **Offense of theft defined.**
- 9.16.130** **Theft of lost property committed when.**
- 9.16.140** **Offense of criminal mischief.**
- 9.16.150** **Deceptive business practices defined—Prohibited.**

9.16.160 **Unauthorized use of motor vehicles when.****9.16.010** **Damage to public property prohibited.**

No person shall wilfully and maliciously break, cut, tear down, destroy, or in any manner injure any motor vehicle, trailer, fire plug, machinery, hose, tool, utensil, or other property of any kind, belonging to or connected with the fire department of the city, or any jail, door, furniture, fixture, or property of any kind belonging to the city or any department thereof, or any public building or schoolhouse. (Prior code § 9.20.010)

9.16.020 **Damaging private property prohibited.**

No person shall knowingly or purposely damage, destroy, deface or mark any personal or real property owned by another. (Prior code § 9.20.020)

9.16.030 **Interfering with utility poles and fixtures prohibited.**

No person shall interfere with, cut, remove, break or destroy any telephone or electric light wires, poles or fixtures. (Prior code § 9.20.030)

9.16.040 **Chipping concrete prohibited.**

No person other than the city engineer, a member of his force or a concrete inspector, shall intentionally or wilfully chip, break, cut or in any manner deface or injure any concrete in any sidewalk, curb, gutter or pavement. (Prior code § 11.16.050)

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9.16.050 Damage to plant landscape prohibited.

It is unlawful for any person to, in any way, injure or destroy grass, trees, shrubs or flowers growing upon any public grounds, or anything placed in such places of a useful or ornamental character. (Prior code § 9.20.040)

9.16.060 Disposal of garbage on public property prohibited.

No person shall dispose any garbage of any sort on any street, thoroughfare, public park or public place, except when such garbage may be disposed of in regular containers provided for that purpose. (Prior code § 9.20.050)

**9.16.070 Advertisements on public property prohibited—
Exceptions.**

No person shall post, affix, place, write, draw or paint, or cause to be posted, affixed or otherwise attached, any advertisement, notice, handbill or placard on any telephone or electric light pole, tree, lamppost, fire hydrant, or city or other public building; provided, that official election notices for state, county and city or school district elections may be posted upon telephone, telegraph or electric light poles; and advertisements on bus benches may be installed and maintained on public boulevards, except for advertisements posted pursuant to LMC § 9.16.080. (Ord. 02-25, 2002; prior code § 9.20.060)

**9.16.080 Advertisements on public property to be removed within forty-eight hours—
Exceptions.**

A. No person shall post, affix, place, write draw or paint or cause to be posted,

affixed, or otherwise attached, any advertisement, notice, handbill or placard on any telephone or electric light pole, tree, lamppost, fire hydrant, or city or other public building, or on any public property or city right-of-way, unless the same shall conspicuously show in a prominent place thereon, the date of said posting and the date of the event advertised.

B. Any person posting, affixing or otherwise attaching any advertisement, notice, handbill or placard hereunder shall remove the same within forty-eight hours after the completion of the event advertised, or, if such notice advertises any event not occurring on a date certain, then within forty-eight hours after posting.

C. Any person owning, operating, or managing any event for which any advertisement, notice, handbill or placard is posted, affixed or otherwise attached on or to any telephone or electric light pole, tree, lamppost, fire hydrant or municipal or other public building, or on any public property or city right-of-way, shall remove or cause to be removed, the advertisement or notice within forty-eight hours after the date of the event advertised or if the event advertised is not on a date certain then within forty-eight hours after the advertisement or notice is posted. (Ord. 818, 1985; prior code § 9.20.065)

9.16.090 Distribution of handbills allowed when.

A. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in any public place or on any private premises, except as follows:

It is not unlawful to:

1. Distribute any handbill in any public or private place to any person willing to accept the same;

2. For a newspaper to distribute its newspapers on both public and private property;

3. For a licensed distributor to distribute handbills in secured containers which are firmly attached to doors or private premises; provided, that such distribution shall not be made to persons requesting discontinuance thereof in writing;

4. Distribute official notices from governmental bodies.

B. "Handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced matter. (Prior code § 9.20.070)

9.16.100 Criminal trespass defined.

A person commits the offense of criminal trespass to property if he knowingly:

A. Enters or remains unlawfully in an occupied structure; or

B. Enters or remains unlawfully in or upon the premises of another. (Prior code § 9.20.080)

9.16.110 Criminal trespass to vehicles defined.

A person commits the offense of criminal trespass to vehicles when he purposely or knowingly and without authority enters any vehicle or any part thereof. (Prior code § 9.20.090)

9.16.120 Offense of theft defined.

A. A person commits the offense of misdemeanor theft when he purposely or

knowingly obtains or exerts unauthorized control over property of the owner valued at one hundred fifty dollars or less, and:

1. Has the purpose of depriving the owner of the property; or

2. Purposely or knowingly uses, conceals or abandons the property in such 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.

B. A person commits the offense of theft when he purposely or knowingly obtains by threat or deception control over property of the owner, and;

1. Has the purpose of depriving the owner of the property; or

2. Purposely or knowingly uses, conceals or abandons the property in such 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.

C. A person commits the offense of theft when he 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; or

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. (Prior code § 9.32.010)

9.16.130 Theft of lost property committed when.

A person who obtains control over lost or mislaid property commits the offense of theft when he:

A. Knows or learns the identity of the owner or knows, or is aware of or learns of a reasonable method of identifying the owner; and

B. Fails to take reasonable measures to restore the property to the owner; and

C. Has the purpose of depriving the owner permanently of the use or benefit of the property. (Prior code § 9.32.020)

9.16.140 Offense of criminal mischief.

A person commits the offense of criminal mischief if he knowingly or purposely:

A. Injures, damages or destroys any property of another or public property without consent; or

B. Without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use; or

C. Damages or destroys property with the purpose to defraud an insurer; or

D. Fails to close a gate previously unopened which he has opened, leading in or out of any enclosed premises. This does not apply to gates located in cities or towns and the value of the property or damages is one hundred fifty dollars or less. (Prior code § 9.32.030)

9.16.150 Deceptive business practices defined— Prohibited.

A. A person commits the offense of deceptive business practices if in the course of engaging in a business, occupation, or profession he purposely or knowingly:

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

2. Sells, offers, or exposes for sale, or delivers less than the represented quantity of any commodity or service; or

3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnished the weight or measure; or

4. Sells, offers or exposes for sale adulterated commodities; or

5. Sells, offers or exposes for sale mislabeled commodities; or

6. Makes a deceptive statement regarding the quantity or price of goods in any advertisement addressed to the public.

B. "Adulterated" means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage.

C. "Mislabeled" means:

1. Varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulation, or if none, as set by established commercial usage; or

2. Represented as being another person's produce though otherwise la-

beled accurately as to quality and quantity.
(Prior code § 9.32.040)

**9.16.160 Unauthorized use of motor
vehicles when.**

A person commits the offense of unauthorized use of motor vehicles if he knowingly operates the automobile, airplane, motorcycle, motorboat, or other motor propelled vehicle of another without his consent. (Prior code § 9.32.050)

Chapter 9.20

**OFFENSES BY OR AGAINST
MINORS**

Sections:

- 9.20.010** **Loitering prohibited.**
- 9.20.020** **Parent to assume
responsibility.**

9.20.010 **Loitering prohibited.**

A. It is unlawful for any minor under the age of eighteen years to loiter, idle, wander, stroll, or drive a car, truck or other motor vehicle, or ride in the same, or play in or upon the public streets, highways, roads, alleys, parks, playground, public places and public buildings, places of amusement or entertainment, vacant lots or other unsupervised places between the hours of eleven p.m. and five a.m. of the following day, official city time, for all days of the week excepting Friday and Saturday, and on Friday and Saturday it is unlawful for any minor under the age of eighteen years to do any of the above-named things or be in the abovementioned places between the hours of one a.m. and five a.m.; provided, however, that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

B. Each violation of the provisions of this section constitutes a separate offense.

C. It is an affirmative defense to 9.20.010 that the minor is engaged in a legitimate First Amendment activity. (Ord. 02-26, 2002; prior code § 9.28.010)

9.20.020 **Parent to assume
responsibility.**

A. It is unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen years to allow or permit such minor to loiter, idle, wander, stroll, drive a car or other motor vehicle, or ride therein, upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours as set forth in Section 9.20.010, on the respective days of the week as set forth in Section 9.20.010; provided, however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

B. Each violation of the provisions of this section constitutes a separate offense.

C. In any prosecution under this section, it shall not constitute a defense thereto that a parent, guardian or other adult person having the care and custody of a minor under the age did not have knowledge that such minor did loiter, idle, wander, stroll or play in or upon any of the abovementioned places, at any time between the abovementioned hours. (Prior code § 9.28.020)

Chapter 9.22

**SALE AND DISTRIBUTION
OF TOBACCO PRODUCTS
TO MINORS**

Sections:

- 9.22.010** **Definitions.**
- 9.22.020** **Sale or distribution
of tobacco products to
minors prohibited—
Purchase of tobacco
products by minors
prohibited.**
- 9.22.030** **Identification of minors
and posting of notices
required—
Misrepresentation of
age or identity
prohibited.**
- 9.22.040** **Restricting placement
of tobacco vending
machines, and
prohibiting sample
distributions on
public property.**
- 9.22.050** **Owners and employees
criminally liable.**

9.22.010 **Definitions.**

As used in this chapter, the following definitions apply:

“Minor” means a person under the age of eighteen years.

“Person” means an individual, partnership, association, company, corporation or other entity.

“Proof of age” means a driver’s license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

“Sample” means a tobacco product distributed for tobacco product promotional purposes to the general public at no cost or at nominal cost. “Sampling” means the distribution of tobacco product samples to the general public for tobacco product promotional purposes.

“Smokeless tobacco product” means any substance containing finely cut, ground, whole, shredded, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity, including but not limited to use or consumption of such substance by chewing, dipping, snuffing or holding in the mouth.

“Tobacco product” means and includes, but is not limited to, cigarettes, cigars, pipes, any smoking equipment and smokeless tobacco products.

“Vending machine” means any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Ord. 1050, 1993)

- 9.22.020** **Sale or distribution of
tobacco products by
minors prohibited—
Purchase of tobacco
products by minors
prohibited.**

A. It is unlawful for a person to sell, give or furnish a tobacco product, including the sale of a tobacco product by vending machine, to a minor or to distribute a sample to a minor. The fact that any minor presents a written request signed by his parents or any other individual over the age of eighteen years requesting that the minor be allowed to purchase or receive tobacco products shall not justify the sale, giving,

furnishing or sample distribution of tobacco products to such minor.

B. It is unlawful for a minor to purchase, receive, use or possess a tobacco product or sample.

C. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished in accordance with Section 1.36.010 of this code. (Ord. 1051, 1993)

**9.22.030 Identification of minors and posting of notices required—
Misrepresentation of age or identity prohibited.**

A. A person selling tobacco products, supervising a tobacco product vending machine, or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if a reasonable person would conclude on the basis of appearance that the prospective purchaser or recipient may be under eighteen years of age.

B. It is unlawful for a minor to misrepresent his or her identity or age, or to use any false identification, for the purpose of purchasing or receiving any tobacco product or sample.

C. The owner of an establishment at which tobacco products are sold at retail or a person distributing samples shall conspicuously post, at each place on the premises at which tobacco products are sold or samples distributed, an eight-inch by ten-inch sign, with large, bold print, black letters, stating: "It is illegal to sell or distribute tobacco products or samples to persons under eighteen years of age." A five-inch by seven-inch sign with the same notice

must also be conspicuously attached to all tobacco product vending machines.

D. It shall not constitute entrapment or any other violation of the law for law enforcement authorities to have an individual under the age of eighteen years attempt to purchase tobacco products for the purpose of monitoring compliance with this article.

F. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished in accordance with Section 1.36.010 of this code. (Ord. 1052, 1993)

9.22.040 Restricting placement of tobacco vending machines, and prohibiting sample distributions on private property.

A. Tobacco products may be sold through a vending machine only in the following locations:

1. Factories, businesses, offices and other places not open to the general public;
2. Places to which minors are not permitted access;
3. Places where alcoholic beverages are offered for sale;
4. Places where the vending machine is under the immediate supervision of the owner or an employee of the establishment.

B. It is unlawful for a person to engage in tobacco product sampling in or on any public park, street or sidewalk.

C. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished in accordance with Section 1.36.010 of this code. (Ord. 1053, 1993)

**9.22.050 Owners and employees
criminally liable.**

A. If a violation of any of the sections of Chapter 22, Title 9, of this code, is committed by an employee of the owner of a retail establishment or an employee of a sample distributor, only the employee is guilty of the offense unless the illegal sale or distribution was ordered or knowingly allowed by the employer.

B. If a sale in violation of Chapter 22, Title 9, of this code, is made through a vending machine, the owner of the establishment is guilty of the offense, except that if the owner has made an employee responsible for supervising the vending machine, then the employee is guilty of the offense unless the owner ordered or knowingly allowed the sale. (Ord. 1054, 1993)

Chapter 9.24**WEAPONS****Sections:**

- 9.24.010** Carrying concealed weapons prohibited.
- 9.24.020** Exceptions to provisions against carrying concealed weapons.
- 9.24.030** Wilful or negligent discharge—Penalty.
- 9.24.040** Wilful or negligent allowing of discharge—Penalty.
- 9.24.050** Exception to discharge regulations.
- 9.24.010** Carrying concealed weapons prohibited.
- No person within the limits of the city shall wear under his clothes, or concealed or partially concealed upon his person, any dirk, dagger, pistol, revolver, sword cane, billy, blackjack, knuckles made out of metal or hard substance, knife having a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon. (Prior code § 924.010)
- 9.24.020** Exceptions to provisions against carrying concealed weapons.
- The prohibition of Section 9.24.010 does not apply to:
- A. A sheriff or his deputy;
 - B. A marshal or chief of police of their deputies;
 - C. A constable or his deputy;
 - D. A police officer or special policeman;
 - E. A United States marshal or his deputy;

F. A person in the secret service of the United States;

G. A game warden or his deputy;

H. A United States forest reserve official or his deputy;

I. A person in actual service as a national guardsman;

J. A revenue officer or his deputy;

K. A person summoned to the aid of any of the foregoing named persons;

L. A civil officer or his deputy engaged in the discharge of official business;

M. A person authorized under state law to carry a weapon, or concealed weapon;

N. The carrying of arms by any person on his own premises or at his home or place of business;

O. Any peace officer of the state. (Ord. 02-27, 2002; prior code § 9.24.020)

9.24.030 Wilful or negligent discharge—Penalty.

Any person who wilfully or negligently discharges any firearm or air rifle within the city limits of the city shall be punished according to provisions set out in Section 1.36.010 of this code. (Prior code § 9.24.030)

9.24.040 Wilful or negligent allowing of discharge—Penalty.

Any person who wilfully or negligently permits any firearm or air rifle to be discharged within the limits of the city by any child or other person under his care, custody or control shall be punished according to the provisions set out in Section 1.36.010 of this code. (Prior code § 9.24.040)

9.24.050

9.24.050 Exception to discharge regulations.

Sections 9.24.030 and 9.24.040 shall not prohibit discharges of firearms or air rifles within the city limits when discharged under responsible supervision for the purpose of instruction or contest, or if the discharge of the firearm or air rifle is justifiable under MCA Title 43, Chapter 3, Part I. (Ord. 02-28, 2002; prior code § 9.24.050)

Chapter 9.25**SOLICITATION ON OR NEAR
ROADWAYS****Sections:****9.25.010 Prohibited.****9.25.010 Prohibited.**

A. The city council finds that the practice of selling or soliciting funds from persons in vehicles or any person using the streets in the city creates traffic hazards and delays. Such activity typically occurs at busy intersections, but may involve hazards and delays at any location along a street. The purpose of this chapter is to eliminate that source of hazard and delay.

B. No person shall stand, sit or remain next to the right-of-way of any street, highway or alleyway in the city, for the purpose of selling any item or service to the drivers or passengers of vehicles using the street, or for the purpose of soliciting contributions from the drivers or passengers of vehicles using the street.

C. Nothing in this chapter shall be interpreted as affecting any business that solicits business by inviting drivers of automobiles to leave the travelled portion of the street and enter a parking lot or driveway for service.

D. Any person who violates any of the provisions of this chapter shall be subject to the general penalty provisions of Section 1.36.010. (Ord. 94-7, 1994)

Chapter 9.28**DISCRIMINATION****Sections:**

- 9.28.010 Purpose.**
- 9.28.020 Employment.**
- 9.28.030 Public contracts.**
- 9.28.040 Public accommodations.**
- 9.28.050 Licenses.**
- 9.28.060 City services.**
- 9.28.070 Equal opportunity officer appointment.**
- 9.28.080 Discrimination justified when.**

9.28.010 Purpose.

It is the purpose and intent of this chapter to prohibit discrimination against any person because of the race, creed, religion, color, sex, political ideas, physical or mental handicap, age, or national origin, and to declare the right to be free from such discrimination to be a civil right protected by the laws of this city. (Prior code § 20.16.010)

9.28.020 Employment.

The city and the city officers and supervisors shall recruit, appoint, pay, assign, train, evaluate, promote and demote personnel on the basis of merit and qualifications without regard to race, creed, religion, color, political ideas, sex, age, marital status, physical or mental handicap, or national origin. (Prior code § 20.16.020)

9.28.030 Public contracts.

A. Every city contract or subcontract for construction of public buildings or for

other public work or for goods or services shall contain a provision that all hiring shall be on the basis of merit and qualifications and a provision that there may be no discrimination on the basis of race, color, creed, religion, political ideas, sex, age, marital status, physical or mental handicap or national origin by the persons performing the contract.

B. "Qualifications" means such qualifications as are genuinely related to competent performance of the particular occupational task. (Prior code § 20.16.030)

9.28.040 Public accommodations.

No person shall be denied the right to the full enjoyment of any of the accommodations, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement within the city limits because of his race, religion, creed, color, sex, physical or mental handicap, age or national origin. (Prior code § 20.16.040)

9.28.050 Licenses.

The city shall not grant, deny or revoke the license or charter of a person on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. (Prior code § 20.16.050)

9.28.060 City services.

A. All services of the city shall be performed without discrimination based on race, color, creed, religion, sex, age, political ideas, marital status, physical or mental handicap, or national origin.

B. No city facility may be used in the furtherance of any discriminatory prac-

tice, nor shall the city become a party to an agreement, arrangement, or plan which has the effect of sanctioning discriminatory practices.

C. Each city department shall analyze its operations to ascertain possible instances of noncompliance with the policy of this chapter and shall remedy any defect found to exist. (Prior code § 20.16.060)

9.28.070 Equal opportunity officer appointment.

The mayor shall appoint an equal opportunity officer, with the consent of the council, for a term of two years. The equal opportunity officer shall assure compliance with the equal employment provisions of this chapter and shall perform such duties and shall have such powers as shall be provided by the council. (Prior code § 20.16.070)

9.28.080 Discrimination justified when.

A. Race, color, creed, religion, sex, marital status, age, physical or mental handicap, or national origin shall not justify discrimination by the city, unless the nature of the service requires the discrimination for the legally demonstrable purposes of correcting a previous discriminatory practice.

B. Separate lavatory, bathing, or dressing facilities based on the distinction of sex may be maintained for the purpose of modesty or privacy.

C. Discrimination in employment because of sex, age, or physical or mental handicap, shall be justified when the reasonable demands of the position require an age, physical or mental, or sex distinction.

D. For the purpose of subsection C of this section, "reasonable demands" shall be strictly construed. (Prior code § 20.16.080)