

TITLE 6

PUBLIC PEACE

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CHAPTER 1

DEFINITIONS

6-1-01 DEFINITIONS. When used in this title, the following words and phrases have the meanings ascribed to them in this section.

(a) "Knowingly" a person acts knowingly with respect to an ordinance in this title if he is aware of his conduct or that a circumstance exists.

(b) "Police officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses while acting within the scope of his authority.

(c) "Purposely" a person acts purposely if it is his conscious object to engage in that conduct or to cause that result.

(d) "Negligently" a person acts negligently when he consciously disregards a risk that the result will occur or that the circumstance exists; or if he disregards a risk of which he should have been aware that the result would occur.

(e) "Owner" means a person, other than the offender, who has possession of or any other interest in the property involved and without whose consent the offender has no authority to exert control over the property.

(f) "Enters or Remain Unlawfully" a person enters or remains unlawfully when he is not licensed, invited, or otherwise privileged to enter or remain on the property of another.

CHAPTER 2

OFFENSES AGAINST PUBLIC OFFICERS

6-2-01 ASSISTING IN AN ARREST. No person over the age of eighteen shall knowingly or purposely refuse to obey a reasonable order of a police officer enlisting the co-operation of such a person in effectuating or securing an arrest of another; or, preventing the commission of another offense.

6-2-02 RESISTING ARREST. No person shall knowingly prevent or attempt to prevent a police officer from effecting an arrest by using or threatening to use physical force or violence against the police officer or another; or, by using any other means which creates a risk of causing physical injury to the police officer or another.

6-2-03 OBSTRUCTING A POLICE OFFICER OR PUBLIC SERVANT. No person shall knowingly obstruct, impair, or hinder the enforcement of the ordinances of the town, the preservation of the peace, or the performance of a town governmental function.

6-2-04 PENALTY. A person convicted of violation of any section of this chapter shall be fined not to exceed five hundred dollars or be imprisoned in the town jail for a term not to exceed six months, or both.

CHAPTER 3

OFFENSES AGAINST PUBLIC SAFETY

6-3-01 SALE AND EXPLOSION OF FIREWORKS. The sale and/or explosion of fireworks within the limits of this town is restricted. No person, firm, or corporation may sell or exploit fireworks of any kind before June 24th and after July 5th.

6-3-02 FERMISSIBLE FIREWORKS. No fireworks may be sold, exploded, or ignited in the town except; helicopter type spinners, cylindrical fountains, cone fountains, wheels, illuminating torches and colored fire in any form, sparklers and dipped sticks, whistles without report.

6-3-03 PUBLIC DISPLAYS OF FIREWORKS. Public displays of fireworks authorized by the town council are not included within the meaning of this chapter.

6-3-04 CARRYING A CONCEALED WEAPON. No person within the corporate limits of the town, shall knowingly or purposely carry or bear concealed upon his person, any dirk, dagger, pistol, revolver, or other deadly weapon.

6-3-05 PENALTY. A person convicted of violating any part of this chapter shall be subject to the general penalty as provided in this municipal code.

CHAPTER 4

OFFENSES AGAINST PUBLIC PEACE

6-4-01 LOITERING AND OBSTRUCTION. It shall be unlawful for any person to knowingly or purposely remain either alone or in consort with others in a public place in such manner so as to:

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

(b) Commit in or upon any public street, public high-way, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing a sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

6-4-02 ORDER BY POLICE TO STOP. When any person causes or commits any of the conditions enumerated in 6-4-01 above, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

6-4-03 PENALTY FOR LOITERING AND OBSTRUCTION. Any person who violates any of the provisions of 6-4-01 or 6-4-02 shall be subject to a fine not exceeding ten dollars or by imprisonment not exceeding one day or both. Any such violation shall constitute a separate offense on each successive day continued.

6-4-04 DISORDERLY CONDUCT. No person shall knowingly disturb the public peace by:

- (A) Quarrelin, challenging to fight or fighting; or
- (B) Making loud or offensive noises; or
- (C) Using threatening, profane or abusive language; or
- (D) Discharging firearms within the town limits;
"Firearms," shall include BB guns, air guns, pellet guns, sling shots, or any other device which is capable of hurling an object with sufficient force to damage or injure any property: (exception to this ordinance is that it is not in violation of Fromberg Municipal Code for Archery to be used in the Town of Fromberg when taught and suprvised as part of school activities.) or
- (E) Transmitting a false report of a fire; or
- (F) Transmitting a false report of a crime or an alleged crime.

Ordinance 168 (August 2, 1977) and Ordinance 196 (October 4, 1982)

6-4-05 ASSAULT. A person commits the offense of assault if he:

- (A) purposely or knowingly causes injury to another; or
- (B) negligently causes 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 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.

6-4-06 UNLAWFUL RESTRAINT. No person shall knowingly or purposely, without lawful authority, restrain another so as to interfere substantially with his liberty.

6-4-07 TRESPASS TO VEHICLES. No person shall purposely or knowingly, without lawful authority, enter any vehicle or part thereof.

6-4-08 TRESPASS TO PROPERTY. No person shall knowingly:
(a) enter or remain unlawfully in an occupied structure; or
(b) enter or remain unlawfully in or upon the premises of another.

6-4-09 THEFT. A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over property of the owner, and:

(a) has the purpose of depriving the owner of the property; or
(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

6-4-10 PUBLIC INTOXICATION. A person commits the offense of public intoxication if he appears in a public place within the limits of the town in a state of visible intoxication as a result of the use of alcohol or any dangerous drug and is creating a risk to himself or others, or conducting himself in an offensive manner.

6-4-11 OPEN CONTAINER. No person shall knowingly or purposely consume or have in his possession opened cans, bottles or other containers of beer or other intoxicating liquor while upon the public streets or alleys of the town, or in any public or private premises within the town limits against the will and consent of the owner, occupant or governing body, or while in an automobile or other motor vehicle parked or being operated within the town.

The town council may allow for an exception to this section upon application to the Town Council at least ten days in advance of the scheduled event and that the Town council may condition such approval under such conditions and requirements as it deems necessary.

Ordinance 202 (June 16, 1986)

6-4-12 POSSESSION OF INTOXICATING SUBSTANCES BY A MINOR. No person who has not reached the age of twenty one or who was born on April 2, 1968 or after shall knowingly or purposely have in his possession any beer, or liquor.

Ordinance 215 (January 4, 1988)

6-4-13 PROSTITUTION. No person shall engage in or agree or offer to engage in sexual intercourse with another person for compensation; or, loiter in or within view of any public place in the town for the purpose of being hired to engage in sexual intercourse.

6-4-14 INDECENT EXPOSURE. No person shall, for the purpose of arousing or gratifying sexual desire of himself or of any other person other than his spouse, expose his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm.

6-4-15 VANDALISM. No person shall knowingly and without permission of the owner injure or destroy any public property, or property of another.

6-4-16 PENALTY. Unless otherwise provided, a person convicted of violating any part of this chapter shall be subject of a fine not to exceed twenty-five dollars.

**Town of Fromberg
Ordinance No. 6-5-01, Title 6. Public Peace**

CHAPTER 5.

CURFEW

6-5-01 AGE RESTRICTIONS: It shall be unlawful for any child under the age of (18) eighteen, to be upon any public thoroughfare or other public place of the Town of Fromberg between the hours set forth below, unless such child is accompanied by his or her parent, guardian, or other person having legal care and custody of the child. The exception will be a minor child whose legally recognized employment makes it necessary for such child to be in or upon such public streets, thoroughfares or other public places between the hours set forth.

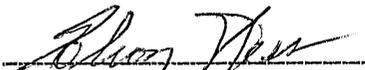
- A. Children under the age of (12) twelve years between the hours of 9:00 p.m. and 5:00 a.m.
B. Children over the age of (12) twelve years and under the age of (18) eighteen years, between the following hours:
1. 10:00 p.m. to 5:00 a.m., Sunday through Thursday.
 2. 12:00 a.m. to 5:00 a.m., Friday and Saturday.

6-5-02 DUTY OF PARENT OR GUARDIAN. No parent, guardian or other person having the legal care and custody of any child coming within the provision of this chapter shall allow or permit such child to go or be in or upon any of the public thoroughfares or other public places in the Town of Fromberg after the hours prescribed in 6-5-01, unless reasonable necessity can be shown therefor.

6-5-03 WRITTEN NOTICE TO BE GIVEN. The peace officers employed by the Town of Fromberg, upon finding a child under the prescribed ages set forth above in 6-5-01, in or upon the public streets, thoroughfares or other public places of the town, in violation of any of the provisions of this chapter under the hours prescribed, shall cause the Fromberg peace officer to contact by telephone the parent or guardian of the child in violation, and require that the said parent or guardian retrieve the minor child from the Town Hall in Fromberg where he or she will be held until retrieved. A written notice of the violation of this ordinance will be given to both the minor in violation and to the parent or guardian of the minor in violation.

6-5-04 PENALTY. Any minor and the parent or legal guardian of any minor who is charged with a violation of any of the provisions of this chapter and upon conviction, is guilty of a misdemeanor and both minor and parent may be punished by a fine of twenty-five dollars (\$25.00) for the first offense, fifty (\$50.00) for the second offense and upon the third offense, the said minor will be transferred to Youth Court as a youth in need of supervision. Community service may be substituted for the fine at the courts' discretion.

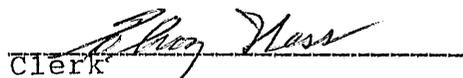
ATTESTED:


Clerk


Mayor

I herby certify that the above ordinance was duly posted as required by laws of the Town of Fromberg, in the state of Montana, in three (3) public places, and was read and that the time of (30) days expired prior the passage therof.

DATED this 5 day of Oct. , 1998.


Clerk

CHAPTER 6

NUISANCES

6-6-01 ABATEMENT. Whenever any person shall be convicted of maintaining a nuisance as defined below in 6-6-02 or by any ordinance of the town, or that may be adopted, the police judge shall order the town marshall to abate such nuisance.

6-6-02 NUISANCE DEFINED. A nuisance means a condition which endangers safety or health, is offensive to the senses, or obstructs the free use of property, or as to interfere with the comfortable enjoyment of life or property by the town, or by any considerable number of persons; or, any premises where persons gather for the purpose of engaging in unlawful conduct; or a condition which renders dangerous for passage any street, alley, or public passageway used by the citizens of the town.
(R.C.M. 94-8-107)

CHAPTER 7

DANCES

6-7-01 PUBLIC DANCES. It shall be unlawful to hold any dance within the Town of Fromberg open to the public at which music will be provided by live musicians, unless the individual or group sponsoring such dance shall first have obtained permission for the purpose of said dance in the form of a permit issued by the town of Fromberg.

6-7-01 TIME OF DANCE. No dance open to the public shall be allowed to continue after the hour of 2:00 A.M. All people must be off the premises by said time, or this ordinance will be deemed violated.

6-7-03 POLICE PROTECTION. party having the dance shall send to the Town hall, before any permit is approved, an indication of the name of the party who will provide police protection for said dance. No permit will be issued if the party providing police protection is not approved by the town. It is understood that the Town marshal shall be responsible for enforcing the open container ordinances, and all other ordinances of the Town of Fromberg at the time that the dance is being conducted.

6-7-04 PERMISSION FOR A DANCE. Under the provision of this ordinance shall indicate the name of the group sponsoring the dance, or the name of the individual, the date of the dance, the hours of the dance, the names of the musicians which may be in the form of the name of group of musicians, the name of the party providing police protection and shall be submitted no later than a week before the date of the dance.

6-7-05 DENIAL. Permission under the provision of this ordinance may be denied for any of the following reasons;

- (A) The group sponsoring the dance applied for has sponsored a dance in the past herein violation of this ordinance.
- (B) Any member of the band which will provide the live music has been arrested for disturbance during a previous live music engagement in the town.
- (C) upon affirmative action of the Town Council of which the person or group asking permission must be given reasonable notice, the right to receipt of the sponsoring group or individual has been revoked as a result of drinking by minors at the sponsored dance or as a result of disturbance being caused at the premises which could not be handled and stopped by the police officer on duty.

6-7-06 PENALTY. Any party who violates any of the provisions of this ordinance shall be guilty of a misdemeanor subject to the general penalty provisions of the Fromberg Municipal Code.
Ordinance 199 (June 6, 1983)

CHAPTER 8

PUBLIC PARKS

6-8-01 PUBLIC PARK. All parks within the Town of Fromberg shall close at 10:00 O'clock p.M. on each night and be closed until 7:00 O'clock A.M. , the following morning.

6-8-02 PENALTY. Violations of this section shall be punishable in accordance with the general sections of the Fromberg Municipal Code.

Ordinance 195 (October 4, 1982)

CHAPTER 9

JUNK VEHICLES

6-9-01 JUNK VEHICLES. The town of Fromberg hereby adopts all junk vehicle laws of the State of Montana that are in existence from time to time. The town may enforce the same, and any violations of the State law shall be considered to be a misdemeanor in the town of Fromberg punishable by the general penalty provision. Ordinance 161 (August 2, 1977)