

ORDINANCE NO. 4327

ENTITLED: "AN ORDINANCE AMENDING CHAPTER 5.04, BUSINESS LICENSES GENERALLY, AMENDING CHAPTER 5.08, BUSINESS LICENSE FEES, AND CREATING A NEW CHAPTER 5.77, NICOTINE PRODUCT SALES, OF TITLE 5, BUSINESS LICENSES AND REGULATIONS; AMENDING CHAPTER 8.64, SMOKING IN PUBLIC PLACES, OF TITLE 8, HEALTH AND SAFETY; AND AMENDING CHAPTER 9.16, OFFENSES BY OR AGAINST MINORS, OF TITLE 9, PUBLIC PEACE AND WELFARE, OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That the following section of Chapter 5.04, Business Licenses Generally, of Title 5, Business Licenses and Regulations, is hereby amended as set out in this ordinance. Sections currently existing in Chapter 5.04 not set out within this ordinance remain unchanged.

5.04.030 Types of businesses, activities, and events.

For the purposes of this chapter, the following types of business and event activities are identified, and may include more specific regulations contained elsewhere in the city code or other ordinances per type of business, activity, or event:

Amusements (billiard/pool tables; bowling lanes; circuses and carnivals; coin-operated vending machines; skating rinks; theaters);

Auctioneer;

Barber and beauty shops;

Bed and breakfast inn/facility;

Body art establishments and operations, body artists;

Firearm dealer;

Fire extinguisher (portable) and hose station equipment (servicing/testing);

Fireworks permit;

Food service establishments (restaurants, dairies, food wagons/stands/push carts, temporary parade vendors);

Fuel dispensing; flammable liquid (private, retail, wholesale);

Garages, car lots, service stations (new and used sales; vehicular repair);

Junkyards/auto wrecking salvage;

Liquor sales, businesses and operations;

Massage business establishments and massage therapists;

Mobile home parks;

Nicotine product sales (retail);

Noise permits;

Parade; marching permits;

Pawnbrokers;
Private detective/security guard (businesses and employees);
Public transport (taxis, carriages and drivers);
Recycling;
Secondhand dealer;
Sexually oriented businesses;
~~Soft drinks and/or tobacco product sales (retail);~~
Temporary/transient merchants; door to door solicitors;
Towing and wrecker recovery operations;
Tree sales (temporary cut evergreen, Christmas trees);
Tree maintenance businesses.

Section 2. That the following section of Chapter 5.08, Business License Fees, of Title 5, Business Licenses and Regulations, is hereby amended as set out in this ordinance. Sections currently existing in Chapter 5.08 not set out within this ordinance remain unchanged.

**5.08.240 ~~Soft drinks and/or tobacco product sales (retail).~~
Nicotine product sales (retail).**

The license fee for selling ~~soft drinks and/or tobacco products~~ **nicotine products** at retail will be sixty-five dollars (\$65.00) annually per location.

Section 3. That a new Chapter 5.77, Nicotine Product Sales, of Title 5, Business Licenses and Regulations, is hereby created as set out in this ordinance.

Chapter 5.77

NICOTINE PRODUCT SALES

5.77.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

“Consumer” means a Person who purchases a Tobacco Product for consumption and not for Sale to another.

“Electronic cigarette” means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine to the person using the device and includes any component, part, and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. “Electronic cigarette” includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vapor pen, and any similar product or device. “Electronic cigarette” does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

“Nicotine products” means tobacco products, tobacco paraphernalia, and electronic cigarettes.

“Nicotine products retailer” means a business of any kind at a specific location that sells nicotine products and/or tobacco paraphernalia to a user or consumer.

“Proprietor” means a Person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a Person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a Person can or does have to share ultimate control over the day-to-day operations of a business.

“Sale” or “Sell” means any transfer, exchange, barter, gift, offer for sale, or distribution for a commercial purpose, in any manner or by any means whatsoever.

“Tobacco Paraphernalia” means any item designed or marketed for the consumption, use, or preparation of Tobacco Products.

“Tobacco products” means any substance, containing tobacco leaf or any product derived from tobacco that contains nicotine including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

“Vapor material” means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. “Vapor material” includes liquid solution or other material containing nicotine or synthetic nicotine that is sold with or inside an electronic cigarette.

“Vending machine” means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses nicotine products.

5.77.020 General Requirements and Prohibitions.

A. Nicotine Products Retailer License Required. It shall be unlawful for any person to act as a nicotine products retailer in the city without first obtaining and maintaining a valid nicotine products retailer’s license pursuant to this chapter for each location at which nicotine products will be sold. Selling nicotine products without a valid nicotine products retailer’s license constitutes a misdemeanor punishable by the general penalty provisions of the Cheyenne Municipal Code.

B. Lawful Business Operation. In the course of Tobacco Retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee’s agents or employees, to violate any local, state, or federal law applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco Retailing.

C. Display of License. Each Nicotine Products Retailer license shall be prominently displayed in a publicly visible location at the licensed location.

D. Prohibited Sales or Delivery. No nicotine products retailer may sell, permit the sale, offer for sale, give away, or deliver nicotine products to any person under the age of twenty-one (21) years.

E. Signs Required and Location of Nicotine Products. Any nicotine products retailer or person who sells nicotine products shall post signs informing the public of the age restrictions provided by this chapter at or near every display of nicotine products and/or upon every vending machine which offers nicotine products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of nicotine products to persons under twenty-one (21) years of age is prohibited by law. Any person who owns, operates, or manages a business where nicotine products are offered for sale at retail and at which persons under the age of twenty-one (21) years are allowed admission with or without an adult, shall maintain all nicotine products within the line of sight of a cashier or other employee.

F. Location of Vending Machines. No nicotine products retailer or person may sell or offer nicotine products through a vending machine unless the vending machine is located in:

1. Businesses, factories, offices, or other places not open to the general public;
2. Places to which persons under the age of twenty-one (21) years are not permitted access; or
3. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under the age of twenty-one (21) years is prohibited.

G. On-Site Sales. All sales of nicotine products and tobacco paraphernalia to consumers shall be conducted in-person at the licensed location. It shall be a violation of this chapter for any nicotine products retailer or any of the nicotine products retailer's agents or employees to deliver nicotine products or tobacco paraphernalia or to knowingly or recklessly sell nicotine products or tobacco paraphernalia to any person that intends to deliver the nicotine product or tobacco paraphernalia to a consumer in the city. For purposes of this subsection, "Deliver" means the commercial transfer of nicotine products or tobacco paraphernalia to a consumer at a location not licensed pursuant to this chapter.

5.77.030 Tobacco Product Pricing and Packaging.

A. Packaging and Labeling. No nicotine products retailer shall sell any nicotine product to any consumer unless such product: (1) is sold in the original manufacturer's packaging intended for sale to consumers; and (2) conforms to all applicable federal labeling requirements.

5.77.040 Limits on Eligibility for a Nicotine Products Retailer License.

A. Mobile Vending. No license may issue to authorize the sale of nicotine products at other than a fixed location including, but not limited to, the sale of nicotine products by persons on foot or from vehicles.

B. A nicotine products retailer operating lawfully on the date this ordinance is adopted that would otherwise be eligible for a nicotine products retailer license for the location for which a license is sought may receive or renew a license for that location so long as all of the following conditions are met:

1. The license is timely obtained and is renewed without lapse or permanent revocation (as opposed to temporary suspension);
2. The nicotine products retailer is not closed for business or otherwise suspends the sale of nicotine products for more than sixty (60) consecutive days;
3. The nicotine products retailer does not substantially change the business premises or business operation. A substantial change to the business operation includes, but is not limited to, the transferring of a location:
 - a. To a new proprietor(s); or
 - b. For which a significant purpose is avoiding the effect of violations of this chapter.
4. The nicotine products retailer retains the right to operate under all other applicable laws.
5. If the city clerk determines that a nicotine products retailer has substantially changed their business premises or operation and the nicotine products retailer disputes this determination, the nicotine products retailer bears the burden of proving by a preponderance of evidence that such change(s) do not constitute a

substantial change.

5.77.050 Application Procedure.

A. Application for a nicotine products retailer license shall be submitted in the name of each proprietor proposing to conduct retail nicotine sales and shall be signed by each proprietor or an authorized agent thereof.

It is the responsibility of each proprietor to be informed regarding all laws applicable to nicotine product sales, including those laws affecting the issuance of a nicotine products retailer license. No proprietor may rely on the issuance of a license as a determination by the city that the proprietor has complied with all laws applicable to the sale of nicotine products. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information shall be revoked pursuant to Section 5.77.090 of this chapter.

All applications shall be submitted on a form supplied by the city clerk and shall contain the following information:

1. The name, address, and telephone number of each proprietor of the business seeking a license.
2. The business name, address, and telephone number of the single fixed location for which a license is sought.
3. A single name and mailing address authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or convenient to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subparagraph (2) above.
4. Whether or not any proprietor or any agent of the proprietor has admitted to violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five (5) years.
5. Such other information as the city clerk deems necessary for the administration or enforcement of this chapter.

B. A licensed nicotine products retailer shall inform the city clerk in writing of any change in the information submitted on an application for a nicotine products retailer license within ten (10) business days of a change.

5.77.060 Issuance of License.

Upon the receipt of a complete application for a nicotine products retailer license and the license fee required by Section 5.08.300, the city clerk shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

A. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall constitute a misdemeanor punishable by the general penalty provisions of the Cheyenne Municipal Code;

B. The application seeks authorization for the sale of nicotine products at a location where the sale of nicotine products is prohibited;

C. The application seeks authorization for the sale of nicotine products for a proprietor to whom this chapter prohibits a license to be issued; and/or

D. The application seeks authorization for the sale of nicotine products that is prohibited pursuant to this chapter, that is unlawful pursuant to the Cheyenne Municipal Code, or that is unlawful pursuant to any other law.

5.77.070 License Renewal and Expiration.

A. Renewal of License. A nicotine products retailer license is invalid if the appropriate fee has not been timely paid in full or if the term of the license has expired. The term of a nicotine products retailer license is one (1) year. Each nicotine products retailer shall apply for the renewal of their nicotine products retailer license and submit the license fee no later than thirty (30) days prior to the expiration of the term.

B. Expiration of License. A nicotine products retailer license that is not timely renewed shall expire at the end of its term. To renew a license not timely renewed pursuant to subparagraph (A), the proprietor must:

1. Submit the license fee and application renewal form; and
2. Submit a signed affidavit affirming that the proprietor:
 - a. Has not sold and will not sell any nicotine products after the license expiration date and before the license is renewed; or
 - b. Has waited thirty (30) days before seeking renewal of the license.

5.77.080 Licenses Nontransferable.

A nicotine products retailer license may not be transferred from one person to another or from one location to another. A new nicotine products retailer license is required whenever a location where nicotine products are sold has a change in proprietor(s).

5.77.090 Monitoring of Violations—Administrative Fees—Hearings.

A. Convictions of any violations of this chapter shall be monitored by the chief of police. In addition to any other penalty, sanction, or fee authorized by law, if a license holder, or its employees or agents, is convicted of a violation, the licensee shall, upon written notice issued by the chief of police, pay an administrative fee to the city as a means to assist with municipal costs involving law enforcement and repeat offenders. Based upon the number of convictions imputed to the license holder within each twenty-four (24) month period, the administrative fee will be as follows:

1st conviction	\$100.00
2nd conviction	\$250.00
3rd conviction	\$500.00
4th and any following convictions	\$750.00

B. Within thirty (30) days of a licensee’s, permittee’s, employee, and/or agent’s conviction resulting in the licensee or permittee receiving more than four convictions within the twenty-four (24) month period, the chief of police will report the violations to the governing body and city clerk. Upon direction, by resolution of the governing body, the city clerk will provide the licensee, permittee, or their agent with a notice and an opportunity for public hearing. The date of the notice shall precede any hearing by at least ten (10) days. The notice shall be served by personal service or by certified, return receipt requested, and first-class mail.

C. In the event a public hearing is conducted and the governing body concludes there is substantial evidence that a licensee, its employee and/or agent, has routinely failed to correct areas or change their plans of operation where violations have occurred, the governing body may request action be taken to suspend or revoke the license.

D. Appeal of Suspension or Revocation. A decision of the city to suspend or revoke a license is appealable to district court pursuant to the Wyoming Administrative Procedure Act. Any appeal must be filed in writing with the city clerk and Clerk of District Court within ten (10) days of mailing of the city’s decision. If such an appeal is timely made, it shall stay enforcement of the appealed action. An appeal to the district court is not available for a revocation made pursuant to subsection (E) below.

E. Revocation of License Wrongly Issued. A nicotine products retailer's license shall be revoked if the city finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 5.77.050 existed at the time application was made or at any time before the license was issued. The decision shall be the final decision of the city. Such a revocation shall prohibit the applicant from filing a new license application.

5.77.100 Violations of Chapter 5.77–Penalties.

A. Any nicotine products retailer or individual who violates this chapter is guilty of a misdemeanor punishable by a fine of not more than:

1. Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his or her fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

2. Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his or her fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his or her fine and court costs at the rate ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended.

B. It is an affirmative defense to a prosecution under this section that, in the case of a sale, the nicotine products retailer or person who sold the nicotine product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the nicotine product as being over the age of twenty-one (21) years.

C. No fine for a violation of this section will be imposed for a first offense in a twenty-four (24) month period if the retailer or person can show that it had:

1. Adopted and enforced a written policy against selling nicotine products to persons under the age of twenty-one (21) years;

2. Informed its employees of the applicable laws regarding the sale of nicotine products to persons under the age of twenty-one (21) years;

3. Required employees to verify the age of nicotine product customers by way of photographic identification or by means of electronic transaction scan device; and

4. Established and imposed disciplinary sanctions for noncompliance.

D. Each day of continued violation under this section constitutes a separate offense.

Section 4. That the following section of Chapter 8.64, Smoking in Public Places, of Title 8, Health and Safety, is hereby amended as set out in this ordinance. Sections currently existing in Chapter 8.64 not set out within this ordinance remain unchanged.

8.64.080 Where smoking is not regulated.

A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of Sections 8.64.040 and 8.64.050 of this chapter:

1. Private residences, except when used as a licensed child care, licensed adult day care, pre-school or health care facilities;
2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms;
3. Outdoor places of employment, except those expressly exempt from the provisions of Section 8.64.060 of this chapter;
4. Private offices, provided that the private office is not open to public, the public is not invited, and the office is not intended for occupancy by employees during the course of their employment;
5. Outside Patios. The opening of any sliding or folding windows or doors or other windows or doors from any part of the border to an outdoor patio shall be closed to prevent the migration of smoke into the enclosed area. If sliding or folding windows or doors or other windows or doors do not prevent the migration of smoke into the enclosed building area, the outdoor patio shall be considered an extension of the enclosed area and subject to the prohibitions of this chapter;
6. Private or business vehicles, except those used for public transportation;
7. “Retail tobacco shops **Nicotine products retailers,**” which means any enclosed indoor workplace **conforming with the definitions within Section 5.77.010** dedicated to or predominantly for the retail sale of tobacco **and nicotine** products, and accessories for such products and, in which the sale of other products or services is incidental. To enter or be employed in a **retail tobacco shop nicotine products retailer,** persons must be at least **the age of majority twenty-one (21) years of age.**

Section 5. That the following sections of Chapter 9.16, Offenses By Or Against Minors, of Title 9, Public Peace and Welfare, are hereby amended as set out in this ordinance. Sections currently existing in Chapter 9.16 not set out within this ordinance remain unchanged.

9.16.070 — Sale of tobacco to persons under the age of eighteen years prohibited.

~~A. As used in Sections 9.16.070 through 9.16.090:~~

~~1. “Tobacco products” means any substance containing tobacco leaf, or any product derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;~~

~~2. “Vending machine” means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products;~~

~~3. “Retailer” means a business of any kind at a specific location that sells tobacco products to a user or consumer; and~~

~~4. “Electronic cigarette” means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.~~

~~B. No retailer or person may sell, permit the sale, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.~~

~~1. Any retailer or person who sells tobacco products must post signs informing the public of the age restrictions provided by this section at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign must be plainly visible, be in red letters which are at least~~

one inch high on a white background and state:

~~THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS IS PROHIBITED BY LAW.~~

~~2. Effective January 1, 2001, any retailer or person who owns, operates or manages a business where tobacco products are offered for sale at retail and at which persons under the age of eighteen (18) years are allowed admission with or without an adult, must maintain all tobacco products within the line of sight of a cashier or other employee or under the control of the cashier or other employee, as defined in Wyo. Stat. Section 14-3-303(a)(i) and (ii).~~

~~C. No retailer or person may sell or offer tobacco products through a vending machine unless the vending machine is located in:~~

~~1. Businesses, factories, offices or other places not open to the general public;~~

~~2. Places to which persons under the age of eighteen (18) years are not permitted access; or~~

~~3. Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under the age of eighteen (18) years is prohibited.~~

~~D. It is an affirmative defense to a prosecution under this section that, in the case of a sale, the retailer or person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over the age of eighteen (18) years.~~

~~E. Any person or retailer who violates subsection B of this section is guilty of a misdemeanor punishable by a fine as provided in Section 9.16.090.~~

~~F. No fine for a violation of this section will be imposed for a first offense in a twenty-four (24) month period if the retailer or person can show that it had:~~

~~1. Adopted and enforced a written policy against selling tobacco products to persons under the age of eighteen (18) years;~~

~~2. Informed its employees of the applicable laws regarding the sale of tobacco products to persons under the age of eighteen (18) years;~~

~~3. Required employees to verify the age of tobacco product customers by way of photographic identification or by means of electronic transaction scan device; and~~

~~4. Established and imposed disciplinary sanctions for noncompliance.~~

~~G. Each day of continued violation under this section constitutes a separate offense.~~

**9.16.080 070 Use of tobacco by person under the age of eighteen years prohibited.
Possession or use by person under twenty-one (21) years of age prohibited.**

A. No person under the age of eighteen (18) years may possess, use, purchase or attempt to purchase tobacco products, misrepresent his or her identity or age, use any false or altered identification for the purpose of purchasing or attempting to purchase tobacco products. It is unlawful for any person under the age of twenty-one (21) years to possess or use any nicotine products. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing the citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this subsection in an amount equal to the fine imposed by subsection (B) of this section.

B. Any person violating subsection (A) of this section is guilty of a misdemeanor punishable by a fine as provided in Section 9.16.090 of twenty-five dollars (\$25.00).

C. In lieu of the fine specified in subsection (B) of this section, the court may allow the defendant to attend a tobacco or nicotine cessation program and be granted credit against the fine and the court costs at the rate of ten dollars (\$10.00) for each hour of tobacco or nicotine cessation program attended; and

D. No conviction under this section, whether by guilty plea, adjudication of guilt, or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (B) of this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly under any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

~~9.16.090 — Violations of Sections 9.16.070 and 9.16.080 — Penalties.~~

~~A. Any retailer or individual who violates Section 9.16.070 is guilty of a misdemeanor punishable by a fine of not more than:~~

~~1. Fifty dollars (\$50.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed;~~

~~2. Two hundred fifty dollars (\$250.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed;~~

~~3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed.~~

~~B. Any person under the age of eighteen (18) years who violates Section 9.16.080 is guilty of a misdemeanor punishable by a fine of not more than:~~

~~1. Fifty dollars (\$50.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed;~~

~~2. Two hundred fifty dollars (\$250.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed;~~

~~3. Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his or her fine and court costs at the rate of five dollars for each hour of work performed.~~

~~4. In lieu of the fine specified in subsections (B)(1) to (3) of this section, the court may allow the defendant to attend a tobacco cessation program and be granted~~


~~credit against the fine and court costs at the rate of five dollars for each hour of tobacco cessation program attended; and~~

~~5. After twenty four (24) months or upon reaching the age of majority, whichever occurs later, a criminal conviction under this section may be expunged in accordance with Wyo. Stat. Section 14-6-241.~~

Section 9.16.100 **080** Open house assembly.

Section 6. This ordinance shall be in full force and effect upon its approval and publication.

FIRST READING: September 28, 2020
SECOND READING: October 12, 2020
THIRD AND FINAL READING: October 26, 2020


~~Mark D. Rinne, Mayor~~
Dr. Mark D. Rinne, Acting Mayor

(SEAL)
Attest:


Kristina F. Jones, City Clerk

Publish: Wyoming Tribune Eagle
Date: _____