

ORDINANCE 817
ORDINANCE REGARDING CRIMINAL ENTRY

WHEREAS, The City of Mills presently lacks an Ordinance regarding criminal entry; and

WHEREAS, The protection of private property and prevention of theft is a concern of the City

WHEREAS, The Governing Body of the City of Mills has reviewed the attached proposed addition to the Municipal Code, Section 9.12.110 and finds that it addresses this topic and should be enacted.

NOW THEREFORE, The City Council of the City of Mills, Wyoming adds Section 9.12.112 to the Town Code, effective immediately upon its third reading.

PASSED on 1st reading the ____ day of _____ 2024.

PASSED on 2nd reading the ____ day of _____, 2024.

PASSED, APPROVED AND ADOPTED on 3rd and final reading this ____ day of _____, 2024.

CITY OF MILLS, WYOMING

Leah Juarez, Mayor

Sara McCarthy, Council

Brad Neumiller, Council

Cherie Butcher, Council

Tim Sutherland, Council

ATTESTED:

Sarah Osborn, City Clerk

9.12.110 Criminal entry; penalties; affirmative defenses.

(a) A person is guilty of criminal entry if, without authority, he knowingly enters a building, occupied structure, vehicle or cargo portion of a truck or trailer, or a separately secured or occupied portion of those enclosures.

(b) It is an affirmative defense to prosecution under this section that:

(i) The entry was made because of a mistake of fact or to preserve life or property in an emergency;

(ii) The enclosure was abandoned;

(iii) The enclosure was at the time open to the public and the person complied with all lawful conditions imposed on access to or remaining in the enclosure; or

(iv) The person reasonably believed that the owner of the enclosure, or other person empowered to license access to the enclosure, would have authorized him to enter.

(c) Criminal entry is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.