

Title 9  
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Offenses By or Against Public Officers and Government
- 9.08 Offenses Against the Person
- 9.12 Offenses Against Public Peace and Decency
- 9.16 Offenses Relating to Property
- 9.20 Offenses By or Against Minors
- 9.24 Weapons
- 9.28 Penalties
- 9.32 Sexually Oriented Businesses

Chapter 9.04

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.04.010 Impersonation of town marshal.
- 9.04.020 False alarm or report.
- 9.04.030 Interference with town officials.
- 9.04.040 Assisting in escape.

9.04.010 Impersonation of town marshal. No person in the town shall impersonate the town marshal or any other county or state peace officer, by wearing a star or representing himself to the public to be such peace officer. (Prior code §5-310)

9.04.020 False alarm or report. No person in the town shall intentionally make, turn in or file a false alarm of fire or of need for police or ambulance assistance, or aid or abet in the commission of such act, nor shall any person make to or file with the town marshal any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the town. (Prior code §5-408)

9.04.030 Interference with town officials. No person in the town shall resist the town marshal or any other town officer in the lawful discharge of his duty, nor shall in any way interfere or hinder or prevent him or them from discharging his or their duties as such officer or officers. (Prior code §5-409)

9.04.040 Assisting in escape. No person in the town shall offer or endeavor to assist any person in the lawful custody of a police officer to escape or to attempt to escape from such custody, nor shall any person make available to, present to, or place within the reach of any person confined under authority of this town any intoxicating or malt liquors or any tool, implement, or other thing calculated to aid in the escape of such person so confined, or any other

person confined under the authority of this town. (Prior code §5-410)

Chapter 9.08

OFFENSES AGAINST THE PERSON

Sections:

- 9.08.010 Assault.
- 9.08.020 Battery
- 9.08.030 Unlawful Contact

9.08.010 Assault

A. A person is guilty of assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.

B. Assault is punishable by imprisonment for not more than six months, a fine of not more than seven hundred fifty dollars, or both, as well as any other consequences available to the Court on law or equity. (Ord. 2014-03; 4/14/2014)

9.08.020 Battery.

A. A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner with sufficient physical force likely to cause bodily injury or intentionally, knowingly or recklessly causes bodily injury to another.

B. "Bodily Injury" shall mean the same as set out in Wyoming Statute § 6-1-104.

C.. Battery is punishable by imprisonment than six months, a fine of not more than seven fifty dollars, or both, as well as any other consequences available to the Court on Law or equity. (Ord. 2014-03; Ord. 91-10 §1, 1991:5-304)

9.08.030 Unlawful Contact.

A. A person is guilty of unlawful contact if that person touches another person in a rude, insolent or angry manner without intentionally using sufficient physical force to cause bodily injury to another.

B. Unlawful Contact is punishable by a fine of not more than seven hundred fifty dollars as well an any other lawful consequences, except imprisonment, available to the Court in law or equity. (Ord. 2014-03)

Chapter 9.12

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

9.12.010	Disorderly conduct.
9.12.020	Disorderly house.
9.12.030	Disturbing religious worship.
9.12.040	Prostitution.
9.12.050	Maintaining a house of ill fame.
9.12.060	Indecent exposure.
9.12.070	Window peeping.
9.12.080	Gambling.
9.12.090	Possession of gambling materials.
9.12.095	Unlawful Purchase or sale of Lottery Ticket
9.12.100	Owner of premises used for gambling.
9.12.110	Possession of controlled substances.
9.12.112	Possession of Synthetic Cannabinoids
9.12.140	Public intoxication.
9.12.150	Throwing missiles.

9.12.010 Disorderly conduct. No person in the town shall disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct. (Prior code §5-301)

9.12.020 Disorderly house. No person shall keep within the town limits an illgoverned or disorderly house, or shall suffer any drunkenness, quarreling, fighting or disorderly, conduct whatever in his or their premises. (Prior code §5-302)

9.12.030 Disturbing religious worship. No person shall knowingly by noise, indecent behavior or profane discourse disquiet or disturb any congregation or assembly for religious worship. (Ord. 91-21 §1, 1991: prior code §5-306)

9.12.040 Prostitution. No person in the town shall commit, offer or agree to commit a lewd act or an act of prostitution or moral perversion, nor shall any person secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion. (Prior code §5-501)

9.12.050 Maintaining a house of ill fame. No person in the town shall keep or maintain, shall be the inmate of, or in any way connected with or contribute toward the support of any disorderly house or house of ill fame, or place for the practice of fornication, or shall knowingly or willingly own or be interested as landlord or proprietor in any such house. (Prior code §5-503)

9.12.060 Indecent exposure. A person is guilty of indecent exposure if, while in a place where he may reasonably be expected to be viewed by others, he performed sexual intrusion, engages in sexual contact, or exposes his intimate parts, all as defined by Wyoming statutes. (Ord. 91-12 § 1, 1991; prior code §5-505)

9.12.070 Voyeurism. No person shall, without consent of the person being viewed, look, peer or peep into any window, restroom, bath, shower, dressing or fitting room, tanning booth and/or any other enclosed area where the person viewed has a reasonable expectation of privacy. The Misdemeanor of Voyeurism includes peering or peeping by means of electronic, video, mechanical, physical means and/or any method of recording and/or transmission of images. (Ord. 2016-04; 12/12/2016)

9.12.080 Gambling. No person in the town shall deal, play, carry on, open or cause to be opened, or shall conduct either as owner or employee, whether for hire or not, any slot machine, game of faro, monte, roulette, lansquenette, rondo, vingt-un, commonly known as twenty-one, keno, props or any other game played with cards, dice or other device of whatever nature for money, checks, credits or other representatives of value. (Prior code §5-507)

9.12.090 Possession of gambling materials. No person in the town shall have in his possession any evidence of illegal gambling in the nature of policy or pool tickets, slips or checks or memoranda of any combination or bet, or any policy wheel, dice, implement, apparatus or material of any form of illegal gambling or lottery. This Ordinance shall not apply to any lottery lawfully conducted pursuant to Title 9 Chapter 17 of the Code of the State of Wyoming (Ord. 2014-05; Prior code §5-508)

9.12.095 Unlawful Purchase or Sale of Lottery Ticket. The following shall constitute a misdemeanor punishable by a fine of up to \$750.00 per incident. It is unlawful for anyone to:

A. sell a lottery ticket, except from such location, person, entity and/or amount authorized pursuant to Title 9, Chapter 17 of the Code of the State of Wyoming permitted by Wyoming Lottery Commission.

B. sell or purchase a lottery ticket or share if the purchaser is under eighteen (18) years old. this subsection does not prohibit the purchase of a lottery ticket or share by a person eighteen (18) years of age or older for the purpose of making a gift to any person of any age.(Ord. 2014-05)

9.12.100 Owner of premises used for gambling. No person in the town, being owner or person in control of premises, shall knowingly permit the use or occupancy thereof for, gambling. This Ordinance shall not apply to any lottery lawfully conducted pursuant to Title 9 Chapter 17 of the Code of the State of Wyoming (Ord. 2014-05; Prior code §5-509)

9.12.110 Possession of controlled substances. Any person who knowingly or intentionally uses, possesses, or is under the influence of a controlled substance including, but not limited to marijuana, hashish, amphetamines, barbiturates, lysergic acid, peyote, psilocin, cocaine or other controlled substances whose use or possession under Wyoming statutes is

illegal, shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$750.00 for the first conviction and \$750.00 or imprisonment not exceeding six months, or both for any subsequent conviction. (Ord. -3§2, 1985) ,

9.12.112 Possession of Synthetic Cannabinoids Any person who knowingly or intentionally uses, possesses, sells, barter, gives away, or in any manner distributes, or is under the influence of synthetic cannabinoids (including cannabicyclohexanol, JWH-018, JWH-073, and HU-210) or any derivative thereof without a valid prescription lawfully taken in the amounts and times so prescribed shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$750.00 for the first conviction and \$750.00 or imprisonment not exceeding six months, or both for any subsequent conviction. (Added Ordinance 2010-06, February 14, 2011)

9.12.140 Public intoxication.

A. No person shall be drunk or in a state of intoxication due to use of alcohol or other controlled substance upon any street or thoroughfare or in any public place within the Town of Marbleton if he is disturbing the peace or if he is a danger to himself or others.

B. Public intoxication is punishable by imprisonment of not more than six months, a fine of not more than seven hundred fifty dollars, or both, as well as any other lawful consequences available to the Court on law or equity. (Ord. 2014-02)

9.12.150 Throwing missiles. No person in the town shall throw any stone, snowball or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground without the express consent of the owner, occupant or person affected. (Prior code §5-403)  
9.16 J10-9.16.040

Chapter 9.16

OFFENSES RELATING TO PROPERTY

Sections:

9.16.010 Larceny.  
9.16.020 Defacing buildings.  
9.16.030 Destroying lawfully posted bills. 9.16.040 Excavations on private property.

9.16.010 Larceny. Whoever shall take, carry away, lead or drive away the personal goods of another person with intent to steal or temporarily make use the same without the consent of the owner or person lawfully in possession thereof shall be guilty of the crime of larceny. (Prior

code §5-303)

9.16.020 Defacing buildings. No person in the town shall willfully injure, deface or destroy any building or fixture thereof, or take down, injure or remove any monument or street sign or any object used for the purpose of marking a boundary of any land, premises or town lot or shade trees or any other public or private property or deface any sidewalk or building with painted or printed handbills or sign's, posters or advertising. (Prior code §5-308)

9.16.030 Destroying lawfully posted bills. No person in the town without authority tear down or deface any ordinance bill, notice, advertisement, or any other papers of a business or legitimate nature lawfully posted. (Prior code §5-309)

9.16.040 Excavations on private property. It is unlawful for any person or persons, company or corporation to leave any well, cellar or other excavation in an open, or uncovered condition, or in such condition as may cause danger to life or property, upon any premises of which such person or persons, company or corporation is the owner, agent or other representative unless the ground upon which such well, cellar or other excavation is situated, is enclosed by a substantial fence. In case any open well, cellar or other excavation shall be found to exist upon property, the owner of which is a nonresident of this town, then it is lawful for said well, cellar or other excavation, open or uncovered, or not well-secured, and situated upon unenclosed ground, to be filled up with dirt which may be taken from the street: of the town, but such filling shall be done under the direction of the town marshal. (Prior code §5-416)

## Chapter 9.20

### OFFENSES BY OR AGAINST MINORS

#### Sections:

#### ARTICLE. GENERALLY

- 9.20.010 Employment of children during school hours.
- 9.20.020 Permitting minors in taverns.
- 9.20.030 Presence of minors in taverns.
- 9.20.040 Duty to post sign.
- 9.20.050 Purchase for minor.
- 9.20.060 Possession of or under influence of intoxicating beverages.

- 9.20.070 Contributing to the delinquency of a minor.
- 9.20.080 Encouraging truancy of a minor.
- 9.20.090 Loitering near school grounds.
- 9.20.100 False statements.
- 9.20.110 Abandoned ice boxes.
- 9.20.120 Purchase by junk dealers of merchandise from minors.

## ARTICLE II. SMOKING

- 9.20.130 Definitions.
- 9.20.140 Prohibited sales or delivery.
- 9.20.150 Posted notice required--Location of vending machines.
- 9.20.160 Purchase by minors--Prohibited.
- 9.20.170 Possession or use by minors--prohibited.

## ARTICLE I. GENERALLY

9.20.010 Employment of children during school hours. No person in the town shall take, receive, hire or employ any child under the age of sixteen years to labor in any mine, factory or in or about any business or employment during the school hours of any day. (Prior code §5-601)

9.20.020 permitting of minors in taverns. No person who is the proprietor or keeper of a tavern shall employ or permit any person under the age of twenty-one years to frequent or be in or about such place, or to drink any intoxicating liquors or beer or any other fermented malt beverage in or about the same, or engage or participate in any game of billiards or any game, bet or wager with any cards or any other gambling device in or about such place. (Ord. 88-2 §1, 1988: prior code §5-602)

9.20.030 Presence of minors in taverns. It is unlawful for any person under the age of twenty-one to be on the premises of any tavern, licensed by the town and holding a retail liquor license, at any time or for any reason other than making a delivery in the tavern in pursuance of the order of his parent or pursuant to his employment. (Ord. 88-2 §2, 1988: prior code §5-603)

9.20.040 Duty to post sign. It is the duty of any person who is the proprietor or keeper of a tavern to post conspicuously in his place of business the following sign:  
"Persons under the age of twenty one (21) years not allowed here."  
(Ord. 88-2 §3, 1988: prior code §5-604)

9.20.050 Purchase for minor. No person in the town shall procure for any other person

any article which that person is forbidden by law to purchase because of their age. (Ord. 88-2 §4, 1988: prior code §5-605)

9.20.060 Possession of or under influence of intoxicating beverages. Any person under the age of twenty-one years who has any alcoholic or malt beverage in his possession or who is drunk or under the influence of intoxicating liquor on any street or highway or in any public place is guilty of a misdemeanor. This section shall not apply to any person under the age of twenty-one making a delivery of such alcoholic beverages in pursuance to the order of his parent or employer. Such order shall be legibly written, dated or signed. (Ord. 88-2 §5, 1988: prior code 5-606)

9.20.070 Contributing to the delinquency of a minor. It is unlawful for any person to cause or encourage any child under the full age of nineteen years (twenty-one for the possession or consumption of alcoholic or malt beverages) to violate any law of the United States, the state of Wyoming or any ordinance of the town or to knowingly commit any immoral, indecent or obscene act in the presence of such child, or to cause any child to be guilty of any vicious or immoral conduct. (Ord. 88-2 §6, 1988: prior code §5-607)

9.20.080 Encouraging truancy of a minor. It is unlawful for any person to entice or encourage any child of school age to improperly absent himself from attendance at the public schools within the town. (Prior code §5-609)

9.20.090 Loitering near school grounds. It is unlawful for any person in the town to loiter on or near the public school grounds, or to sit in a parked vehicle or to drive a vehicle near said grounds unnecessarily without any visible or lawful business and without being able to satisfactorily account for himself. (Prior code §5-610)

9.20.100 False statements. It is unlawful for any minor in the town to make false statements or to furnish, present or exhibit any fictitious or false registration card, identification card, or note or other document, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same, for the purpose of gaining admission to prohibited places or for the purpose of procuring the sale, gift or delivery of prohibited articles, including intoxicating liquors. (Ord. 88-4 §2(part), 1988: prior code §5-615)

9.20.110 Abandoned ice boxes. It is unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container. (Ord. 88-4 §2(part), 1988: prior code §5-616)

9.20.120 Purchase by junk dealers of merchandise from minors. It is unlawful for any

junk dealer, junk peddler, junk picker, junk purchaser or secondhand dealer within the town limits to purchase or receive junk or any other articles from any minor, except under the following conditions:

A. At the time of said purchase or receiving of such junk or other articles, a purchase ticket shall be made out setting forth:

1. The date;
2. The name and address of said minor;
3. The description of the junk or articles purchased or received;
4. The amount paid;

B. The purchase ticket referred to in subsection A of this section shall be signed by said minor, and counter signed by one of said minor's parents or his legal guardian;

C. Said purchase tickets shall be available for inspection by the town marshal or any other officer of the town. (Ord. 88-4 §2(part), 1988: prior code §5-617)

## ARTICLE II. SMOKING

9.20.130 Definitions. For the purposes of this chapter:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco. It also includes any electronic cigarette, pipe, hookah, vaporizer, personal vaporizer or other device designed to introduce a smoke, vapor or aerosol into a person for recreational purposes. The definition of tobacco products herein, does not include any scheduled controlled substance, and nothing in these Ordinances shall be read as authorizing the use of or decriminalization of such substances without a valid and authorized prescription by a duly licensed Wyoming Physician taken in the manner prescribed by said physician.

"Vending machine" means any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of pay, dispenses tobacco products. (Ord. 2015-02, 12/14/2015)

9.20.140 Prohibited sales or delivery. A. No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen years.

B. Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars.

C. It is an affirmative defense to a prosecution under subsection A of this section that:

1. In the case of a sale, the 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 eighteen years of age; or

2. The tobacco product was given or delivered to the person under eighteen years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian. (Ord. 91-2 §3, 1991)

9.20.150 Posted notice required--Location of vending machines. A. Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco products and on or upon every vending machine which

offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen years of age is prohibited by law.

B. No person shall 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 years of age are not permitted access; or
3. Business premises where alcoholic or malt beverages are sold or dispensed and where the entry by persons under eighteen years of age is prohibited.

C. Any person violating subsection A or B of this section is 'guilty of a misdemeanor punishable by a fine of not more than fifty dollars. Each day of continued violation shall be deemed a separate offense. (Ord. 91-2 §4, 1991)

9.20.160 Purchase by minors--Prohibited. A. No person under the age of eighteen years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

B. Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than twenty-five dollars. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars for each hour of work performed. (Ord. 91-2 §5, 1991)

9.20.170 Possession or use by minors--prohibited.

A. It is unlawful for any person under the age of eighteen years to possess or use any tobacco products.

B. Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than twenty-five dollars. Upon a conviction for violation of subsection A of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars for each hour of work performed.

C. It is an affirmative defense to a prosecution under subsection A of this section that the defendant possessed or used the tobacco product in the home of or under the direct supervision of his parent or guardian. (Ord. 91-2 §6, )

Chapter 9.24

WEAPONS

Sections:

9.24.010 Weapons.

9.24.020 Sales of weapons to intoxicated persons.

9.24.030 Discharging firearms.

9.24.010 Weapons. Unless authorized by law or by permit issued by lawful authority, no person shall wear under his clothes or conceal about his person any dangerous or deadly weapon, including, but not limited to, any pistol, revolver, slingshot, crossknuckle, knuckles of lead, brass or other metal, Bowie knife or any knife resembling a Bowie knife, or any knife with a

switchblade or device whereby the blade or blades can be opened by the press of a button, pressure on the handle, or other mechanical contrivance; nor shall any person display in a threatening manner any such dangerous or deadly weapon. (Ord. 91-11 \_1, 1991: prior code §5-401)

9.24.020 Sales of weapons to intoxicated persons. No person in the town shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used, to any person-under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person on a condition of agitation and excitability, or to a minor under the age of eighteen years. (Prior code §5-402)

9.24.030 Discharging firearms. No person in the town shall discharge firearms, except a civil officer acting in his official capacity. (Prior code §5-401)

## Chapter 9.28

### PENALTIES

#### Sections:

##### 9.28.010 Penalties.

9.28.010 Penalties. Unless otherwise provided, any person violating any of the provisions of this chapter shall upon conviction be subject to the general penalty provisions of Section 1.12.010, except that a violation of Sections 9.04.030, 9.08.010, 9.12.010, 9.24.010 and 9.24.030 shall be punishable by a fine not to exceed seven hundred fifty dollars or imprisonment not to exceed six months, or both. (Ord. 91-23 §1, 1991: Ord. 84-4 §3, 1984: Ord. 82-4 §2, 1982: prior code §5-801)

## Chapter 9.32

### SEXUALLY ORIENTED BUSINESSES

#### Sections:

- 9.32.010 Purpose and Intent
- 9.32.020 Definitions
- 9.32.030 Classification of Sexually Oriented Businesses
- 9.32.040 License Requirements
- 9.32.050 Issuance of License
- 9.32.060 License Fee
- 9.32.070 Inspection
- 9.32.080 Expiration of License
- 9.32.090 Suspension

- 9.32.100 Revocation
- 9.32.110 Appeal
- 9.32.120 Transfer of License
- 9.32.130 Location of Sexually Oriented Business
- 9.32.140 Exemption From Location Restrictions
- 9.32.150 Regulations for Escort Agencies
- 9.32.160 Regulations for Nude Model Studios
- 9.32.170 Regulations for Adult Theaters
- 9.32.180 Regulations for Adult Motels
- 9.32.190 Regulations for Exhibition of Sexually Explicit Media
- 9.32.200 Display of Sexually Explicit Material to Minors
- 9.32.210 Signage
- 9.32.220 Enforcement
- 9.32.230 Injunctive Relief
- 9.32.240 Severability

9.32.010. Purpose and Intent. It is the purpose of this Chapter to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town. The provisions of this Chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny lawful access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

9.32.020. Definitions.

(a) Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(b) Adult Bookstore or Adult Video Store means a commercial establishment that as one of its principal business purposes offers for sale or rental for any form of consideration, anyone or more of the following:

(1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, other visual representations which depict or describe "specified sexual activities" or "specified sexual areas"; or

(2) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

(c) Adult Cabaret means a night club, bar, restaurant, or similar commercial establishment that features:

(1) persons who appear in a state of nudity or semi-nudity;

(2) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(3) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(d) Adult Motel means a hotel, motel or similar commercial establishment that:

(1) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this type of photographic reproductions; or

(2) offers a sleeping room for rent for a period of time that is less than 10 hours; or

(3) allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours.

(e) Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(f) Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(g) Chief of Police means the Chief of Police of the Town of Marbleton or the person designated by the Town Council as Chief of Police.

(h) Child Care Facility means a building used as a day nursery, children's boarding home, child placement agency, religious or charitable encampment for children or any other place for the care or custody of children under 16 years of age.

(i) Church means a building in which persons regularly assemble for worship, intended primarily for purposes connected with faith, or for propagating a particular form of belief.

(j) Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(k) Escort Agency means a person who, or business association that, furnishes, offers or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

(l) Establishment means and includes any of the following:

(1) the opening or commencement of any sexually oriented business as a new business;

(2) the conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business;

(3) the addition of any sexually oriented business to any other existing sexually oriented business; or

(4) the relocation of any sexually oriented business.

(m) Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license.

(n) Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted,

sculptured, photographed, or similarly depicted by other persons who pays money or any form of consideration.

(0) Nudity or a State of Nudity means:

(1) the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or

(2) a state of dress that fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

(p) Operates or Causes to be Operated means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(q) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

(r) Semi-Nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

(s) Sexual Encounter Center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

(1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

(t) Sexually Oriented Business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio, or sexual encounter center.

(u) Specified Anatomical Areas means human genitals in a state of sexual arousal.

(v) Specified Sexual Activities means and includes any of the following:

(1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) masturbation, actual or simulated; or

(4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

(w) Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by business by more than 20%, as the floor area exists on the date of passage of this Chapter.

(x) Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:

(1) the sale, lease or sublease of the business;

(2) the transfer of securities that constitute a controlling interest in the business, whether by sale, exchange or similar means; or

(3) the establishment of a trust, gift, or other similar legal device that transfers the ownership control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

9.32.030. Classification of Sexually Oriented Businesses. Sexually oriented businesses are classified as follows:

- (a) adult arcades;
- (b) adult bookstores or adult video stores;
- (c) adult cabarets;
- (d) adult motels;
- (e) adult motion picture theaters;
- (f) adult theaters;
- (8) escort agencies;
- (9) nude model studios; and
- (10) sexual encounter centers.

9.32.040. License Requirements.

(a) A person commits an offense if he operates a sexually oriented business without a valid license, issued by the Town for the particular type of business.

(b) An application for a license must be made on a form provided by the Town Clerk. The application may request, and the applicant shall provide, such information reasonably necessary (including fingerprints) to enable the Town to determine whether the applicant meets the qualifications established under this Chapter. The applicant has an affirmative duty to supplement an application with new information received subsequent to the date the application was deemed completed. The application form shall be sworn to and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches, which diagram must locate the proposed premises and include the distances from the proposed premises to the location restrictions set forth in Section 9.32.130 of this Chapter.

(c) The applicant must be qualified according to the provisions of this Chapter and the premises must be found to be in compliance with the law.

(d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20% or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under Section 9.32.050 and each applicant shall be considered a licensee if a license is granted.

9.32.050. Issuance of License.

(a) The Mayor shall approve the issuance of a license to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

- (1) An applicant is under 18 years of age;
- (2) An applicant or an applicant's spouse is overdue in payment to the Town of taxes, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business;
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the

application form.

(4) An applicant or an applicant's spouse has been convicted of a violation of a provision of this Chapter, other than the offense of operating a sexually oriented business without a license, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect.

(5) An applicant is residing with a person who has been denied a license by the Town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding 12 months.

(6) The premises to be used for the sexually oriented business have not been approved as being in compliance with applicable laws and ordinances.

(7) The license fee required by this Chapter has not been paid.

(8) An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated that he is unable to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

(9) An applicant for the proposed establishment is in violation of or is not in compliance with any Section of this Chapter.

(10) An applicant or an applicant's spouse has been convicted of a crime involving prostitution, promotion of prostitution, soliciting prostitution, public indecency, promoting obscenity, voyeurism, sexual exploitation of children, sexual assault, sexual battery, incest, or immoral or indecent acts with a child.

(b) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

9.32.060. License Fee. The annual fee for a sexually oriented business license shall be \$1500.00.

9.32.070. Inspection.

(a) An applicant or licensee shall permit representatives of a Law Enforcement Officer, Fire Department, and the Mayor to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

(b) A person who operates a sexually oriented -business or his agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a Law Enforcement Officer at any time it is occupied or open for business.

(c) The provisions of this Section shall not apply to areas of an adult motel that are currently being rented by a customer as a permanent or temporary habitation.

9.32.080. Expiration of License.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 9.32.050. Application for renewal should be made as least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license shall not be affected.

(b) When the Mayor denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the Mayor finds that the basis for denial of renewal of the license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

9.32.090. Suspension. The Mayor shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:

- (a) violated or is not in compliance with any Section of this Chapter;
- (b) engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (c) refused to allow an inspection of the sexually oriented business premises as authorized by this Chapter;
- (d) knowingly permitted gambling by any person on the sexually oriented business premises; or
- (e) demonstrated inability to operate or manage a sexually oriented business in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers.

9.32.100. Revocation.

(a) The Mayor shall revoke a license if a cause of suspension in Section 9.32.090 occurs and the license has been suspended within the preceding 12 months.

(b) The Mayor shall revoke a license if he determines that:

(1) a licensee gave false or misleading information in the material submitted to the Mayor during the application process;

(2) a licensee, an agent or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) a licensee, an agent or an employee has knowingly allowed prostitution on the premises;

(4) a licensee, an agent or an employee knowingly operated a sexually oriented business during a period of time when the licensee's license was suspended;

(5) a licensee has been convicted of an offense listed in Section 9.32.050(a)(10);

(6) on two or more occasions within a 12 month period, a person or persons committed an offense, occurring in or on the licensed premises, of a crime listed in Section 9.32.050(a)(10), for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business at the time of offenses were committed; or

(7) a licensee, an agent or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the licensed premises. The term "sexual contact" shall have the same meaning as it is defined in Section 6-2-301 of Wyoming Statute.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) Subsection 9.32.100(b)(7) does not apply to adult motels as grounds for revoking the license unless the licensee, agent or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.

(e) When the Mayor revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license for one year from the date revocation became effective. If, subsequent to revocation, the Mayor finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

9.32.110. Appeal. If the Mayor denies the issuance of a license, or suspends or revokes a license, he shall send to the applicant, or licensee, by certified mail, return receipt requested, written notice of his action and the right to an appeal. Upon receipt of written notice of the denial, suspension, or revocation, the applicant or licensee whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal to the Town Council. An appeal to the Town Council must be filed within 30 days after the receipt of notice of the decision of the Mayor.

9.32.120. Transfer of License. A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

9.32.130. Location of Sexually Oriented Business.

(a) A person commits an offense if he operates or causes to be operated a sexually oriented business within 1,500 feet of:

- (1) a church;
- (2) a public or private elementary school or secondary school;
- (3) a boundary of any residential district, as defined in the Town's Zoning Ordinances;
- (4) a public park adjacent to any residential district, as defined in the Town's Zoning Ordinances;
- (5) the property line of a lot devoted to residential use;
- (6) a child care facility; or
- (7) any building or structure in which alcoholic beverages are offered for sale.

(b) A person commits an offense if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,500 feet of another sexually oriented business.

(c) A person commits an offense if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(d) For the purposes of this Section, measurement shall be in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, child care facility, public or private elementary school or secondary school, or building or structure in which alcoholic beverages are offered for sale, or to the nearest boundary of an affected public park, residential district, or residential lot.

(e) For the purposes of Subsection 9.32.130(b), the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to any intervening

structures or objects, from the closest exterior wall of the structure in which each business is located.

(f) Any sexually oriented business lawful operating on the effective date of permitted to continue for a period not to exceed 12 months, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,500 of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

(g) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, child care facility, public park, residential district, or residential lot, or any building or structure in which alcoholic beverages are offered for sale, within 1,500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

#### 9.32.140. Exemption From Location Restrictions.

(a) If the Mayor denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of any provision of this Chapter, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the Town Clerk a written request for an exemption from the location restrictions of this Chapter.

(b) If the written request is filed with the Town Clerk within the ten-day limit, the Town Council shall consider the request. The Town Clerk shall set a date for the hearing within 60 days from the date the written request is received.

(c) On the date set a hearing by the Town Council may proceed if a quorum of the Town Council is present. The Town Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

(d) The Town Council may, in its discretion, grant an exemption from the location restriction of this Chapter if it makes the following findings:

(1) That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;

(2) That the granting of the exemption will not violate the spirit and intent of this Chapter;

(3) That the location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;

(4) That the location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and

(5) That all other applicable provisions of this Chapter will be observed.

(e) The Town Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the Town Council is final.

(f) If the Town Council grants the exemption; the exemption is valid for one year from the

date of the Town Council's action. Upon expiration of an exemption, the sexually oriented business is in violation of the location restrictions of this Chapter until the applicant applies for and receives another exemption.

(g) If the Town Council denies the exemption, the applicant may not reapply for an exemption until at least 12 months have elapsed since the date of the Town Council's action.

(h) The grant of an exemption does not exempt the applicant from any other provisions of this Chapter other than the location restrictions of Section 9.32.130.

9.32.150. Additional Regulations For Escort Agencies.

(a) An escort agency shall not employ any person under the age of 18 years.

(b) A person commits an offense if he acts as an escort or agrees to act as an escort for any person under the age of 18 years.

9.32.160. Additional Regulations For Nude Model Studios.

(a) A nude model studio shall not employ any person under the age of 18 years.

(b) A person under the age of 18 years commits an offense if the person appears in a state of nudity or semi-nudity in or on the premises of a nude model studio.

(c) A person commits an offense if he appears in a state of nudity or seminudity or knowingly allows another to appear in a state of nudity or semi-nudity in an area of a nude model studio premises which can be viewed from outside the premises.

(d) A nude studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

9.32.170. Additional Regulations For Adult Theaters.

(a) A person commits an offense if he knowingly allows a person under the age of 18 years to appear in a state of nudity or semi-nudity in or on the premises of an adult theater or adult motion picture theater.

(b) A person under the age of 18 years commits an offense if the person knowingly appears in a state of nudity or semi-nudity in or on the premises of an adult theater or adult motion picture theater.

9.32.180. Additional Regulations For Adult Motels.

(a) Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Chapter.

(b) A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, he rents or subrents a sleeping room to a person and, within 10 hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of Subsection 9.32.180(b), the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

9.32.190. Regulations for Exhibition Of Sexually Explicit Media.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room or less than 150 square feet of

floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures, which lights are controlled by which switches and designating a portion of the premises in which patrons are not permitted. Only agents or employees shall have access to light switches. A manager's station may not 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Mayor may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration for the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Mayor.

(4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises to ensure that the view area specified in Subsection 9.32.190(a)(5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present on the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection 9.32.190(a)(1).

(7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.

(8) It shall be the duty of the owners and operator and it also shall be the duty of any agents and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

(b) A person having a duty under Subsection 9.32.190(a) commits an offense if he or she knowingly fails to fulfill that duty.

9.32.200. Display Of Sexually Explicit Material To Minors.

(a) A person commits an offense if, in a business establishment open to persons under the age of 18 years, he displays a book, pamphlet, newspaper, magazine, film, or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, any of the following:

- (1) human sexual intercourse, masturbation, or sodomy;
- (2) fondling or other erotic touching of human genitals, pubic region, buttocks, or the female breast;
- (3) less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; or
- (4) human male genitals in a discernibly turgid state, whether covered or uncovered;

(b) In this Section "display" means to locate an item in such a manner that, without obtaining assistance from an agent or employee or the business establishment:

- (1) it is available to the general public for handling and inspection; or
- (2) the cover, outside packaging on the item or contents of the item is visible to members of the general public.

9.32.210. Signage.

(a) Notwithstanding any other town ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.

(b) Primary signs shall have no more than two display surfaces. Each such display surface shall:

- (1) not contain any flashing lights;
- (2) be a flat plane, rectangular in shape;
- (3) not exceed 75 square feet in area; and
- (4) not exceed 10 feet in height or 10 feet in length.

(c) Signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

(d) Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

(e) Secondary signs shall have only one display surface. Such display surface shall:

- (1) be a flat plane, rectangular in shape;
- (2) not exceed 20 square feet in area;
- (3) not exceed five feet in height and four feet in width; and
- (4) be affixed or attached to any wall or door of the enterprise.

(f) Violation of any provision of this Section shall constitute a misdemeanor.

9.32.220. Enforcement.

(a) Except as provided by Subsection (b) of this Section, any person violating any provision of this Chapter, upon conviction, may be punished by a fine not to exceed \$750.00 for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

(b) Any person violating the provisions of Section 9.32.200, upon conviction, may be punished by a fine not to exceed \$750.00 or imprisonment not to exceed 90 days, or both for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

(c) It is a defense to prosecution under Section 9.32.040(a) and 9.32.130 of this Chapter that each item of descriptive, printed film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political, or scientific value.

9.32.230. Injunctive Relief. A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section 9.32.130 of this Chapter is subject to a suit for injunction as well as prosecution for criminal violations.

9.32.240. Severability. If any section, subsection, clause, phrase or provision of this Chapter, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Chapter, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.