

ORDINANCE NO. 1046

AN ORDINANCE INCORPORATING THE UNIFORM PUBLIC OFFENSE CODE BY REFERENCE

An ordinance regulating public offenses within the corporate limits of the City of Lansing, Kansas; incorporating by reference the “Uniform Public Offense Code for Kansas Cities,” 36th Edition of 2020, with certain omissions, changes, and additions; prescribing additional regulations; providing certain penalties; and repealing Ordinance No. 1026, that portion of Ordinance 1039 which recodified Ordinance No. 1026, Section 12-211 in Chapter 12, Article II of the Code of the City of Lansing, Kansas codified through Ordinance No. 1039, and all other ordinances and parts of ordinances of the City of Lansing in conflict herewith.

Be it ordained by the Governing Body of the City of Lansing, Kansas:

SECTION 1.

12-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Lansing, Kansas, that certain code known as the “Uniform Public Offense Code,” 36th Edition of 2020, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified, or changed. One official copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 1046,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. MODIFICATIONS.

Article 3: Section 3.2.1 of said Uniform Public Offense Code, relating to sexual battery, is hereby declared to be and is omitted and deleted.

Article 4: Section 4.1 of said Uniform Public Offense Code, relating to lewd and lascivious behavior, is hereby declared to be and is omitted and deleted.

Article 4: Section 4.3 of said Uniform Public Offense Code, relating to selling sexual relations, is hereby declared to be and is omitted and deleted.

Article 4: Section 4.5 of said Uniform Public Offense Code, relating to buying sexual relations, is hereby declared to be and is omitted and deleted.

Article 6: Section 6.8 of said Uniform Public Offense Code, relating to criminal littering, is hereby amended to read as follows:

Criminal Littering

(a) Criminal littering is recklessly depositing or causing to be deposited any object or substance into, upon or about:

(1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; or

(2) Any private property without the consent of the owner or occupant of such property.

(b) Criminal littering is an unclassified offense punishable:

(1) Upon a first conviction by a fine of not less than \$250 nor more than \$1,000;

(2) Upon a second conviction by a fine of not less than \$1,000 nor more than \$2,000;
and

(3) Upon a third or subsequent conviction by a fine of not less than \$2,000 nor more than \$4,000.

(c) The provisions of Standard Traffic Ordinance Section 112.1, Littering from a motor vehicle, are excepted from the application of this section.

Article 9: Section 9.9.3 of said Uniform Public Offense Code, relating to unlawful distribution of controlled substances, is hereby declared to be and is omitted and deleted.

Article 9: Section 9.9.4 of said Uniform Public Offense Code, relating to unlawful possession of controlled substances, is hereby declared to be and is omitted and deleted.

Article 9: Section 9.9.5 of said Uniform Public Offense Code, relating to unlawful possession of a simulated controlled substance, is hereby declared to be and is omitted and deleted.

Article 9: Section 9.9.6 of said Uniform Public Offense Code, relating to distribution of a non-controlled substance, is hereby declared to be and is omitted and deleted.

Article 10: Section 10.4 of said Uniform Public Offense Code, relating to failure to register explosives, is hereby amended to read as follows:

Failure to Register Explosives.

(a) Failure to register explosives is, with no requirement of a culpable mental state, the omission by:

(1) The seller of any explosive or detonating substance, to keep a register of every sale or other disposition of such explosives made by the seller as required by this section; or

(2) any person to whom delivery of any quantity of explosive or other detonating substance is made, to acknowledge the receipt thereof by signing the person's name in the register provided in subsection (c) on the page where the record of such delivery is entered.

(b) Failure to register explosives as defined in:

(1) Subsection (a)(1) is a Class B nonperson violation; and

(2) subsection (a)(2) is a Class C violation.

(c) The register of sales required by subsection (a)(1) shall contain the date of the sale or other disposition, the name, address, age and occupation of the person to whom the explosive is sold or delivered, the kind and amount of explosive delivered, the place at which it is to be used and for what purpose it is to be used. Such register and record of sale or other disposition shall be open for inspection by any law enforcement officer, mine inspector or fire marshal of this state for a period of not less than one year after the sale or other disposition.

(d) The provisions of this section:

(1) shall not be applicable to the sale or other disposition of fireworks as authorized by Chapter 7, Article V, of the Code of the City of Lansing, Kansas, 2018, and any and all subsequent recodifications thereof; and

(2) shall not impose upon the seller of such fireworks any additional requirements beyond those already mandated by Chapter 7, Article V, of the Code of the City of Lansing, Kansas, 2018, (and any and all subsequent recodifications thereof) or by the laws and regulations of the State of Kansas.

(K.S.A. 21-6311)

Article 11: Section 11.15 of said Uniform Public Offense Code, relating to permitting a dangerous animal to be at large, is hereby declared to be and is omitted and deleted.

SECTION 3. REPEAL.

Ordinance No. 1026; that portion of Ordinance No. 1039 which recodified Ordinance No. 1026; Section 12-211 in Chapter 12, Article II of the Code of the City of Lansing, Kansas codified through Ordinance No.

1039; and all other ordinances and parts of ordinances of the City of Lansing in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in The Leavenworth Times.

PASSED AND APPROVED by the Governing Body of the City of Lansing, Kansas, on this 3rd day of September, 2020.

{SEAL}

Michael W. Smith, Mayor

Attest:

Sarah Bodensteiner, City Clerk

APPROVED AS TO FORM:

Published: *Leavenworth Times*
Date Published:

Catalina Thompson, City Prosecutor

CITY OF LANSING

FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 1046: An Ordinance Incorporating the Uniform Public Offense Code by Reference.

Pursuant to K.S.A. 12-3007 and the laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 1046 Summary:

On September 3, 2020, the City of Lansing, Kansas, adopted Ordinance No. 1046, incorporating by reference the Uniform Public Offense Code officially known as the Uniform Public Offense Code for Kansas Cities, 36th Edition of 2020 prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. A complete copy of this ordinance may be obtained or viewed at the office of the city clerk, City Hall, 800 First Terrace, Lansing, KS 66043 and is also available at www.lansingks.org. This summary certified by Catalina Thompson, City Prosecutor.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 2020.

Catalina Thompson, City Prosecutor