

**ORDINANCE NO. 2018-08-4465**

**AN ORDINANCE ESTABLISHING CRIMINAL CONDUCT WITHIN THE CORPORATE LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” EDITION OF 2018, WITH CERTAIN CHANGES AND ADDITIONS; AMENDING THE CITY OF ARKANSAS CITY MUNICIPAL CODE TO SO REFLECT; AND REPEALING ORDINANCE NUMBER 2017-07-4433.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE.**

There is hereby incorporated by reference for the purpose of establishing criminal conduct within the corporate limits of the City of Arkansas City Kansas, that certain standard public offenses known as the “Standard Uniform Public Offense Code for Kansas Cities,” Edition of 2018, 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 herein. No fewer than one copy of said Standard Uniform Public Offense Code for Kansas Cities shall be marked or stamped “Official Copy as Adopted by Ordinance No. 2018-08-4465,” 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. The police department, municipal judge and all administrative departments of the city charged with enforcement of the public offense code shall be supplied, at the cost of the city, such number of official copies of such Standard Uniform Public Offense Code similarly marked, as may be deemed expedient.

**Section 2: AMENDMENTS TO MUNICIPAL CODE**

The Governing Body hereby modifies and amends the Arkansas City Municipal Code Chapter 42, Article II to provide additions and modifications to the Standard Uniform Public Offense Code for Kansas Cities as follows (new provisions in italics; deleted provisions struck through):

**42-19 Title.**

The Standard Uniform Public Offense Code for Kansas Cities, Edition of ~~2017-18~~ (hereafter “Standard Uniform Public Offense Code”), is incorporated by reference in its entirety and made a part of the Public Offense Code of the City of Arkansas City as if fully set forth herein, except as modified or supplemented in this Chapter.

**Section 3: DEVIATIONS FROM UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2018**

The City of Arkansas City Municipal Code provides additions, exceptions and modifications to certain sections of the Uniform Public Offense Code for Kansas Cities, Edition of 2018, which are hereby ratified and confirmed. As described in City of Arkansas City Municipal Code: Uniform Public Offense Code Section 5.8 is amended by Municipal Code Section 42-20; Uniform Public Offense Code Section 6.8 is supplanted by Municipal Code Section 42-26; Uniform Public Offense Code Section 9.5 is supplanted by Municipal Code Section 42-27; and Uniform Public Offense Code Section 10.6 is amended by Municipal Code 42-28. Further, the Uniform Public Offense Code is supplemented with the following Municipal Code Sections: 42-22; 42-23; 42-24; and 42-25.

**Section 4: REPEAL of Municipal Code Section 42-25**

Section 42-25, Drugs, of the City of Arkansas City Municipal Code is hereby repealed in full. Prior versions of the Uniform Public Offense Code for Kansas Cities did not address or prohibit marijuana possession, or possession of drug paraphernalia. Uniform Public Offense Code for Kansas Cities, Edition of 2018 includes two new sections,

Section 9.9.1, Unlawful Possession of Marijuana and Tetrahydrocannabinols, and Section 9.9.2, Possession of Drug Paraphernalia and Simulated Control Substances. Therefore, the need for Section 42-25 is moot.

**Section 5: REPEAL**

To the extent any provision(s) of Ordinance number 2017-07-4433 conflicts with or is otherwise specifically supplanted by this Ordinance, those provisions of Ordinance number 2017-07-4433 are hereby repealed.

**Section 6: EFFECTIVE DATE**

The City Clerk shall make proper publication of this Ordinance, or a summary thereof, in the official City newspaper, and shall take effect and be in force from and after said publication. That the Mayor, City Clerk, and/or City Administration of the City of Arkansas City, Cowley County, Kansas, are authorized and directed to execute any and all documents necessary to consummate the Legislative purposes and intents as expressed herein and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act), the City Clerk is directed to attest to and affix the Official Seal of the City thereon.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on August 21, 2018.

Dan Jurkovich, Mayor

ATTEST:

Lesley Shook, City Clerk

DRAFTED APPROVED AS TO FORM:

Tamara L. Niles, City Attorney