

(Ordinance Summary published in The Hesston Record on September 19, 2019 and the full text of the Ordinance made available at www.hesstonks.org for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 020-2019-172

AN ORDINANCE AMENDING CHAPTER XI, ARTICLE 1, SECTION 11-101 OF THE CODE OF THE CITY OF HESSTON, KANSAS TO INCORPORATE BY REFERENCE THE PUBLIC OFFENSE CODE FOR KANSAS CITIES, 2019 EDITION AND AMENDING ARTICLE 2, SECTIONS 11-201 THROUGH 11-204 AND DELETING SECTIONS 11-205 THROUGH 11-207.

BE IT ORDAINED by the Governing Body of the City of Hesston, Kansas:

SECTION 1. Section 11-101 of the Code of the City of Hesston, Kansas (the "Code") is hereby deleted and amended to read as follows:

11-101. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas Cities", Edition of 2019, revised, prepared and published by the League of Kansas Municipalities. No fewer than three copies of said uniform code shall be marked or stamped "Official Copy as adopted by the Code of the City Hesston", with any sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change shall be filed in the City Clerk's office and open for public inspection at all reasonable office hours.

SECTION 2. Section 11-201 of the Code is hereby deleted and amended to read as follows:

11-201. AMENDING ARTICLE 10 OF UNIFORM PUBLIC OFFENSE CODE. Section 10.6 of the 2019 UPOC is hereby amended to read as follows:

AIR GUN, AIR RIFLE, BOW AND ARROW, COMPOUND BOW, CROSSBOW, BLOWGUN, SLINGSHOT, BB GUN, OR PAINT BALL GUN. The unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun, within the city, except (i) within the confines of a building or other structure from which the projectiles cannot escape, or (ii) on City-owned property, with the prior approval of the City Council at locations when designated, and when supervised by persons greater than eighteen years of age.

Unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is a Class C violation.

SECTION 3. Section 11-202 of the Code is hereby deleted and amended to read as follows:

11-202. SUPPLEMENTING ARTICLE 9 OF UNIFORM PUBLIC OFFENSE CODE. Article 9 of the Uniform Public Offense Code is hereby supplemented by adding the following subsection:

Offenses Against Public Peace. 9.14 - Window Peeping. It shall be unlawful for any person to trespass upon the property owned or occupied by another in this city for the purpose of looking or peeping onto any window, door, skylight or other opening in a house, room or building or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of occupants of any such house, room or building.

Window peeping is a Class C violation.

SECTION 4. Section 11-203 of the Code is hereby deleted and amended to read as follows:

11-203. SUPPLEMENTING ARTICLE 9 OF UNIFORM PUBLIC OFFENSE CODE. Article 9 of the Uniform Public Offense Code is hereby supplemented by adding the following subsection:

Offenses Against Public Peace. 9.15 - Curfew. (a) It shall be unlawful for any person under the age of 18 years to be upon the streets, avenues, alleys, parks, or other public places or in any place of public amusement or recreation during the period of time between 12:00 midnight and 5:00 a.m. on each day of the year.

(b) The provisions of subsection (a) shall not apply to any person under the age of 18 whose parent or legal guardian has renounced his or her right to the care, custody, and earnings of that person, or to any person under the age of 18 who is legally married.

(c) Curfew restrictions set out in (a) above shall not apply under the following circumstances:

(1) When the person under 18 years of age is accompanied by his or her parent or guardian.

(2) When the person under 18 years of age is attending a church or school function or other activity organized or sponsored by and under the supervision of a church or school or sponsored by parents or while returning home from any such function or activity by way of the most direct route.

(3) When the person under 18 years of age is going to or from a place of lawful employment immediately preceding or subsequent to scheduled working hours or employment sanctioned errands by way of the most direct route.

(4) When the person under 18 years of age is engaged in normal travel through, to or from the city or to or from another destination outside the city.

(5) When the person under 18 years of age has in such person's possession a written statement, signed by their parent or guardian, dated within 24 hours prior to the date and time such person is stopped by law enforcement personnel, which written permission shall state the parent or guardian's knowledge of the child's legitimate activity and expected time of return to the residence of the parent or guardian.

(d) Any law enforcement officer finding a person under 18 years of age in violation of (a) above may stop such person and ascertain the name and address of the person and determine if such person is in violation of the curfew restrictions of this article. If any such person refuses to give his or her correct name or address, or is found to be in violation of the curfew restrictions of this article, such person shall be taken to the police station and held until a parent or legal guardian of such person, or some other adult having the care or custody of such person, can be contacted and can come take charge of such person.

(e) It shall be unlawful for any parent, guardian or other person lawfully entitled to the care, custody or control of a person under the age of 18 years to knowingly cause or permit such person to be in violation of this article.

(f) Any violation of the provisions of this article shall be punishable as and for a Class C violation under the Uniform Public Offense Code as adopted by the city.

SECTION 4. Section 11-204 of the Code is hereby deleted and amended to read as follows:

11-204. RAILROADS; BLOCKED CROSSINGS; SPEED. (a) It shall be unlawful to permit any train to remain across any street crossing or sidewalk of the city so as to interfere with the passage of vehicles and pedestrians for a longer period of time than five minutes. In case it is necessary for such train to remain standing for a longer period, it shall be uncoupled at such crossing and the cars separated so that vehicles and pedestrians may pass.

(b) It shall be unlawful for any person to operate any train within the boundaries of the city at a speed greater than 20 miles per hour.

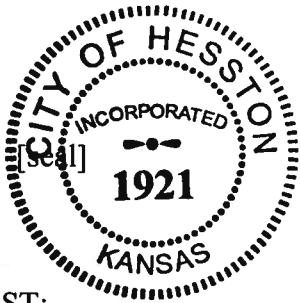
(c) Every person convicted of a violation of the provision of section 11-204 shall be punished for a first conviction thereof by a fine of not more than \$100.00. For a second conviction such person shall be punished by a fine of not more than \$250.00. For a third or subsequent conviction, such person shall be punished by a fine of not more than \$500.00.

SECTION 6. Sections 11-205 through 11-207 of the Code are hereby deleted in their entirety.

SECTION 7. Except as expressly amended or supplemented with the additional offenses outlined in the Code, including, but not limited to, Sections 11-201 through 11-204, other ordinances or portions thereof in conflict with Section 11-101 are hereby repealed.

SECTION 8. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

PASSED AND ADOPTED by the Governing Body of the City of Hesston, Kansas this 9th day of September, 2019.



CITY OF HESSTON, KANSAS

David K. Kauffman, Mayor

ATTEST:

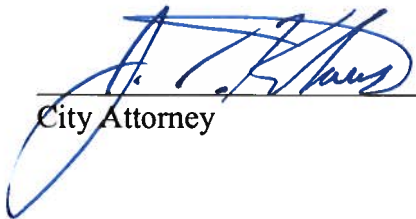
Jason Thrasher, City Clerk

(Ordinance Summary published in The Hesston Record on September 22, 2019 and the full text of the Ordinance made available at www.hesstonks.org for a minimum of one (1) week from the date of publication.)

Ordinance No. 020-2019-172 Summary

On September 9, 2019, the City of Hesston, Kansas adopted Ordinance No. 020-2019-172 adopting and incorporating the Uniform Public Offense Code, 2019 Edition into the Code of the City of Hesston, Kansas and amending said Code to be in conformance therewith. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 115 E. Smith or at www.hesstonks.org. This summary is certified legally accurate and sufficient by the Hesston City Attorney pursuant to K.S.A. 12-3001, et seq.

SUMMARY CERTIFIED:



City Attorney