

(Ordinance Summary published in The Hesston Record on April 21st, 2022 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. 020-2022-180

AN ORDINANCE REPEALING AND REPLACING SECTION 11-201 OF CHAPTER XI, ARTICLE 1 OF THE CODE OF THE CITY OF HESSTON, KANSAS TO AMEND ARTICLES 9 AND 10 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES.

WHEREAS, pursuant to K.S.A. 12-3009 *et seq.*, and K.S.A. 12-3301 *et seq.*, all as amended, the City of Hesston, Kansas (the “City”) has incorporated by reference the Uniform Public Offense Code for Kansas Cities (37th Edition), as published by the League of Kansas Municipalities in 2021 (the “UPOC”), with certain deletions, modifications and additions, as set forth in the Code of the City of Hesston, Kansas (the “Code”); and

WHEREAS, pursuant to Article 12, §5 of the Kansas Constitution (the “Home Rule Amendment”), the City is authorized to determine its local affairs and government except when limited or prohibited by an enactment of the state legislature applicable uniformly to all cities of the same class; and

WHEREAS, no statutory authority exists to limit or prohibit the exercise of the City’s authority under the Home Rule Amendment to make certain deletions, modifications, or additions to the UPOC; and

WHEREAS, the City has an interest in: maintaining the public safety and general welfare of its citizens and visitors; creating a safer city by reducing crime; working to ensure the safety of its citizens; and, fostering a relationship of trust and partnership within the community; and

WHEREAS, currently there is no ordinance imposing a vehicle infraction for possession of less than two ounces of marijuana in a private vehicle within the corporate City limits; and

WHEREAS, this ordinance is intended to prevent people from entering the criminal justice system and avoiding the enduring stigma associated therewith; and

WHEREAS, it is not the intent of the Governing Body to legalize the possession of marijuana within the corporate limits of the City; and

WHEREAS, the governing body of the City finds it advisable to amend the Code to reflect certain amendments to incorporated Articles 9 and 10 of the UPOC.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HESSTON, HARVEY COUNTY, KANSAS:

SECTION 1. Section 11-201 of the Code of the City of Hesston, Kansas (the “Code”) is hereby deleted and amended to read as follows:

11-201. AMENDING ARTICLES 9 AND 10 OF UNIFORM PUBLIC OFFENSE CODE.

(a) Section 10.6 of the Uniform Public Offense Code 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 and air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is a Class C violation.

(b) Subsection 9.9.1.(b) of the Uniform Public Offense Code is hereby amended to read as follows:

- (b) Penalty. Violations of subsection (a) is a Class B violation for a first offense and a class A violation if the person has a prior conviction under K.S.A. 65-4162, prior to its repeal, under substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offence; provided, that, it is a traffic violation punishable by a \$150 fine for the owner of a private motor vehicle, or a person who is the driver of the motor vehicle if the owner is not present, to possess on the person, or knowingly keep or allow to be kept within the vehicle Marijuana or cannabinoids, as defined and listed under K.S.A. 64-4105, in the amount of two ounces or less.

SECTION 2. 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.

[Remainder of Page Intentionally Left Blank]

PASSED AND ADOPTED by the Governing Body of the City of Hesston, Kansas this
11th day of April, 2022.



CITY OF HESSTON, KANSAS

A handwritten signature in blue ink, appearing to read "David K. Kauffman".

David K. Kauffman, Mayor

A handwritten signature in blue ink, appearing to read "Jason Thrasher".

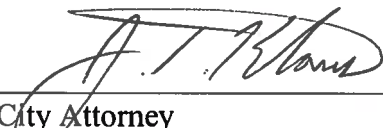
Jason Thrasher, City Clerk

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Ordinance No. 020-2022-180 Summary

On April 11, 2022, the City of Hesston, Kansas adopted Ordinance No. 020-2022-180 amending Section 11-201 of the Code of the City of Hesston, Kansas, imposing a traffic infraction for possession of marijuana in a private motor vehicle. 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 City Atty
Dated 4/11/2022