

(Summary Published in the Rose Hill Reporter on September 21, 2023)

ORDINANCE NO. 717

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ROSE HILL, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, EDITION 39th OF 2023 WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS, INCLUDING REPEAL OF SECTION 9.15 (VAGRANCY); PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NUMBERED 686; AND AMENDING CHAPTER ELEVEN OF THE CITY CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS:

SECTION 1. 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 Rose Hill, Kansas; that certain code known as the “Uniform Public Offense Code”, Edition 39th of 2023, 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. No fewer than three (3) copies of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by Ordinance No. 717,” 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. THE UNIFORM PUBLIC OFFENSE CODE IS HEREBY SUPPLEMENTED AS FOLLOWS:

Article 7 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:

SECTION 7.17: FAILURE TO APPEAR.

- (1) Failure to appear is willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within twenty-four (24) hours following the date of such forfeiture by one who charged with a city ordinance violation and has been released on bond for appearance before the Municipal Court of the City of Rose Hill, Kansas, for trial or other proceeding prior to conviction, or willfully incurring a forfeiture of an appearance bond and failing to surrender oneself within twenty-four (24) hours after his or her conviction of a City Ordinance violation has become final by one who has been released on an appearance bond by the Municipal Court.
- (2) Any person who is released upon his or her own recognizance, without surety, or who fails to appear in response to a summons, notice to appear, or citation, shall be deemed a person released on bond for appearance within the meaning of subsection (1) of this section.
- (3) The provisions of subsection (1) of this section shall not apply to any person who forfeits a cash bond supplied pursuant to law upon an arrest for a traffic offense.

- (4) Failure to appear is a Class B violation.

SECTION 7.18: FAILURE TO COMPLY WITH BOND CONDITIONS.

Any person who is released from custody on an appearance bond, with or without surety, or on their own recognizance, that has restrictions placed on the bond, who knowingly violates or knowingly fails to comply with said restrictions shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed two thousand-five hundred dollars (\$2,500) and by imprisonment of not more than one year, or by both such fine and imprisonment.

Article 9 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:

SECTION 9.14: CRIMINAL USE OF NOXIOUS MATTER.

- (1) Criminal use of noxious matter is the possession, manufacture or transportation of any noxious matter with intent to use such matter for an unlawful purpose, or the use or attempt to use noxious matter to the injury of persons and property, or the placing or depositing of such matter upon or about the premises of another person without the consent of such person.
- (2) "Noxious matter", as used in this section means any bomb, compound or substance which may give off dangerous or disagreeable odors or cause distress to persons exposed thereto.
- (3) Criminal use of noxious matter is a Class A violation.

SECTION 9.15: RESERVED

SECTION 9.16: DISTURBANCE OF RELIGIOUS ASSEMBLIES.

Disturbance of religious assemblies is the disturbing of any congregation or assembly met for religious worship by making a noise or by rude and indecent behavior within their place of worship or so near the same as to disturb the order and solemnity of the meeting. Disturbance of religious assemblies is a violation of this Ordinance.

SECTION 9.17: LOITERING IN STREETS AND OTHER PUBLIC PLACES.

It is unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in such a manner as to:

- (a) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
- (b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

SECTION 9.18: LOUDSPEAKERS AND SOUND AMPLIFIERS.

Loudspeakers and sound amplifiers permits are prerequisite to use for advertising. It shall be unlawful for any person to play, use or operate on the streets, alleys, or public grounds of the city any instrument known as a loudspeaker or sound amplifier, without first procuring a permit from the City Clerk. Such permit shall be granted or refused at the discretion of the City Clerk, Mayor and/or the Chief of Police, and the approval of the City Clerk and either the Mayor or the Chief of Police is required for all permits. Unlawful use of loudspeakers and sound amplifiers is a violation of this Ordinance.

SECTION 9.19: "PEEPING TOM".

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 into 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. A "Peeping Tom" is a violation of this Ordinance.

SECTION 9.20: URINATING UPON PUBLIC OR PRIVATE PROPERTY PROHIBITED.

Any person within the corporate limits of the City of Rose Hill who urinates upon any highway, street, alley or upon the premises of any public place or building or upon private property, in open view of any person, when the same has not been designated or designed as a rest room, shall be guilty of a Class C violation.

ARTICLE 11 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:

SECTION 11.17: OBSCENITY ON ANY BUILDING OR STRUCTURE.

It shall be unlawful for any person in the City to write or inscribe any obscene or vulgar picture, design, or words at or on a place open to public view.

SECTION 11.18: OBTAINING A PRESCRIPTION-ONLY DRUG BY FRAUDULENT MEANS.

- (1) Obtaining a prescription-only drug by fraudulent means is the:
 - (a) Making, altering or signing of a prescription order by a person other than a practitioner; or
 - (b) Delivery of a prescription order, knowing it to have been made, altered or signed by a person other than a practitioner; or
 - (c) Possession of a prescription order with intent to deliver it and knowing it to have been made, altered or signed by a person other than a practitioner; or
 - (d) Possession of a prescription-only drug knowing it to have been obtained pursuant to a prescription order made, altered or signed by a person other than a practitioner.
- (2) Obtaining a prescription-only drug by fraudulent means is a Class A violation.

- (3) As used in this section:
- (a) "Pharmacist", "practitioner" and "prescription-only drug" shall have the meanings ascribed thereto by K.S.A. 65-1626 and amendments thereto.
 - (b) "Prescription order" means a written, oral or telephonic order for a prescription-only drug to be filled by a pharmacist. "Prescription order" does not mean a drug dispensed pursuant to such an order.
- (4) The provisions of this section shall not be applicable to prosecutions involving prescription-only drugs which could be brought under the Uniform Controlled Substances Act and to which the provisions of K.S.A. 65-4105a or 65-4107, and amendments thereto, would be applicable.

SECTION 11.19: UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA.

It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, inhale or otherwise introduce into the human body a controlled substance as set forth or defined in the Uniform Controlled Substances Act of this State, K.S.A. 65-4101 et. seq. As used in this Ordinance, "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as set forth or defined in the Uniform Controlled Substances Act of this State, K.S.A. 21-36a01 et. seq., and shall include, but is not limited to, such items as metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls, roach clips, miniature cocaine spoons, bongs, and any other item identified in K.S.A. 21-36a13(b) as amended. Such act shall constitute a Class A violation.

SECTION 11.20: UNLAWFUL POSSESSION OR USE OF CERTAIN SUBSTANCES OR DRUGS.

It shall be unlawful for any person within the city limits of Rose Hill, Kansas, to have in his or her possession opium or any derivative thereof, cocaine, any synthetic narcotic, cannabis sativa L, otherwise known as marijuana, or any derivative thereof, hallucinogenic drugs or amphetamines or barbiturates without a prescription of a licensed physician, or any controlled substance as set forth or defined in the Uniform Controlled Substances Act of this State, K.S.A. 64-4101(e) and/or included in any of the schedules designated in and set out in the Uniform Controlled Substances Act of the state, K.S.A. 65-4105, et. seq., as amended. Any person found guilty of a violation of this section shall be guilty of a Class A violation.

SECTION 3. REPEAL AND AMENDMENT Ordinance number 700 is hereby repealed, including the Rose Hill Amendment to Article 7 of the UPOC relating to the crime of vagrancy (Section 9.15), and Chapter 11 of the Code of the City of Rose Hill is hereby amended to incorporate the provisions of this Ordinance.

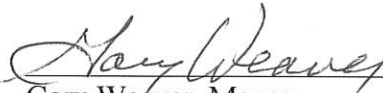
SECTION 4. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication in the official City

newspaper.

PASSED BY THE Governing Body of Rose Hill, Kansas, this 18th day of September 2023

SIGNED by the Mayor this 18th day of September 2023.

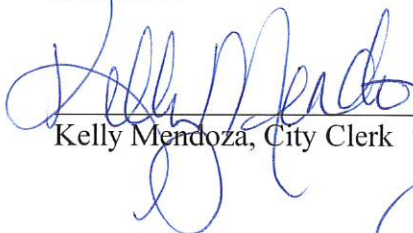


Gary Weaver, Mayor

(SEAL)




ATTEST:



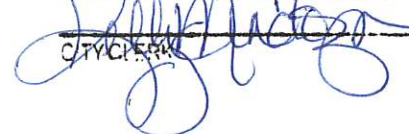
Kelly Mendoza, City Clerk

APPROVED AS TO FORM:



Richard Samaniego, City Attorney

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDINANCE; THAT SAID ORDINANCE WAS PASSED ON THE 18th DAY OF September, 20 23; THAT THE RECORD OF THE FINAL VOTE ON ITS PASSAGE IS FOUND ON PAGE 2 OF THE MINUTES; A CERTIFIED SUMMARY OF THE ORDINANCE WAS PUBLISHED IN THE Rose Hill Reporter ON THE 28th DAY OF September, 20 23.



CITY CLERK

