

ORDINANCE 833

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF BURLINGTON, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION 2014; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 822.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON, COFFEY COUNTY, 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 Burlington, Kansas, that certain code known as the "Uniform Public Offense Code", Edition of 2014, 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 copies of said "Uniform Public Offense Code" shall be marked or stamped "Official Copy as Adopted by Ordinance No. 833", 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 ordinance shall be supplied, at the cost of the city, such number of official copies of such "Public Offense Code" similarly marked, as may be deemed expedient.

SECTION 2. Article 2 of said "Uniform Public Offense Code" is hereby supplemented by adding the following section:

2.3 USE OF FORCE IN RESISTING ARREST.

A person is not authorized to use force to resist arrest which he or she knows is being made either by a law enforcement officer or by a private person summoned and directed by a law enforcement officer to make the arrest, even if the person arrested believes that the arrest is unlawful. (K.S.A. 21-3217)

SECTION 3: Article 6 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:

6.7.2 TRESPASSING FOR PURPOSE OF PARKING VEHICLE

Trespassing for the purpose of parking a vehicle is going upon the property owned or occupied by another person for the purpose of parking any vehicle upon such property.

Trespassing for the purpose of parking a vehicle is a Class C violation.

SECTION 4: ARTICLE 7, "Offenses Affecting Governmental Functions" of said "Uniform Public Offense Code" is hereby supplemented by adding the following section 7.15:

7.15 INTIMIDATION OF A WITNESS

(1) Intimidation of a witness or victim:

- (a) It shall be unlawful to prevent or attempt to prevent any witness or victim from giving testimony, attending court or making any report or statement to any law enforcement officer or prosecutor.
- (b) It shall be unlawful to prevent or attempt to prevent any person from acting on behalf of a victim, from giving testimony, attending court or making any report or statement to any law enforcement officer or prosecutor.

Violation of this section is a Class B violation.

(2) Intimidation of a witness or victim by force or threat of force.

- (a) Any intimidation of a witness or victim that includes an expressed or implied threat of force or violence against a witness, victim or other person or the property of any witness, victim or other person, shall be a Class A violation.

(12) Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as;

- (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish or punctured metal bowls;
- (B) Water pipes;
- (C) Carburetion tubes and devices;
- (D) Smoking and carburetion masks;
- (E) Roach clips (objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand);
- (F) Miniature cocaine spoons and cocaine vials;
- (G) Chamber pipes;
- (H) Carburetor pipes;
- (I) Electric pipes;
- (J) Air-driver pipes;
- (K) Chillums;
- (L) Bongs; and
- (M) Ice pipes or chillers.

(b) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(c) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

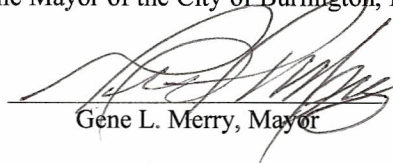
A violation of this section is a Class A violation (K.S.A. 65-4150, et seq.).

SECTION 6. REPEAL. Ordinance No. 822 is hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance 833 shall take effect and be in force from and after its publication in the Coffey County Republican, the official city newspaper.

ADOPTED by the Governing Body and **APPROVED** by the Mayor of the City of Burlington, Kansas, this 20th day of August, 2014.

(SEAL)


Gene L. Merry, Mayor

ATTEST:  , City Clerk
Regina R. Kewley


APPROVED AS TO FORM:  , City Attorney
Thomas F. Robrahn

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ORDINANCE NO. 833 SUMMARY

On August 20, 2014, the City of Burlington, Kansas adopted Ordinance No. 833, an ordinance regulating public offenses within the corporate city limits of the City of Burlington, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities", Edition 2014; providing certain penalties and repealing Ordinance No. 822. A complete copy of this ordinance is available at the City's website www.burlingtonkansas.gov and at City Hall, 301 Neosho Street, Burlington, Kansas.

This Summary is certified by:



Thomas F. Robrahn, City Attorney of Burlington, Kansas