

## **ORDINANCE 850**

**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 2017; PROVIDING CERTAIN PENALTIES; AMENDING CODE OF CITY OF BURLINGTON, KANSAS CHAPTER XI; AND REPEALING ORDINANCE NO. 845.**

**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 2017, 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. 850", 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.

**SECTION 5:** Article 10 of said "Uniform Public Offense Code" is hereby supplemented by adding the following sections:

**10.27 MOLOTOV COCKTAILS.**

Unlawful possession, use and transportation of "Molotov cocktails" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mixture, equipped with a fuse, wick or detonating device of a kind commonly known as "Molotov Cocktail".

Unlawful possession, use and transportation of "Molotov Cocktail " is a Class A Violation.

**10.28 DANGEROUS MISSILES.**

It shall be unlawful for any person to throw or project any stone, brick, egg, piece of wood, clay or other hard substance along, over or upon any street, alley, sidewalk or public ground or at or against any house, vehicle, or at or towards any person.

Violation of this section is a Class A violation.

**10.29 DRUGS, MARIJUANA.**

(a) It shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas Controlled Substances Act.

(b) It shall be unlawful for any person to have in his possession any marijuana in violation of the Kansa Controlled Substance Act.

Violation of this section is a Class B violation.

**10.30 Reserved for Future Use.**

**10.31 POSSESSION OF DRUG PARAPHENALIA.**

(a) "Drug Paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substances Act. "Drug paraphernalia" shall include, but is not limited to:

- (1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is controlled substance or from which a controlled substance can be derived.
- (2) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (3) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
- (4) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (5) Scales and balances used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.
- (7) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana.
- (8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in packaging small quantities of controlled substances.
- (9) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances.
- (10) Containers and other objects used or intended for use in storing or concealing controlled substances.
- (11) Hypodermic syringes, needles and other objects used or intended for use in injecting controlled substances into the human body.

(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 B violation (K.S.A. 65-4150, et seq.).

**SECTION 6. REPEAL.** Ordinance No. 845 is hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance 850 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 16 day of August, 2017.

(SEAL)

  
Robert S. Luke, Mayor

ATTEST:  City Clerk  
Regina R. Kewley

APPROVED AS TO FORM:  City Attorney  
Thomas F. Robrahn

