

DRAFT ORDINANCE 868

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 2020; PROVIDING CERTAIN PENALTIES; AMENDING CODE OF CITY OF BURLINGTON, KANSAS CHAPTER XI; AND REPEALING ORDINANCE NO. 864.

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 2020, 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. 868", 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.

SECTION 6. REPEAL. Ordinance No. 864 is hereby repealed.

SECTION 7. EFFECTIVE DATE. This Ordinance 868 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 19th day of August, 2020.

(SEAL)



Robert S. Luke, Mayor

ATTEST: Regina R. Kewley, City Clerk
Regina R. Kewley

APPROVED AS TO FORM: Philip Wright, City Attorney
Philip Wright