

ORDINANCE NO. 4210

AN ORDINANCE RELATING TO PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF WELLINGTON, KANSAS; INCORPORATING BY REFERENCE THE "2017 UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 33nd EDITION," WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING ORDINANCE NO. 4197 OF SAID CITY.

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

SECTION I

INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporation limits of the City of Wellington, Kansas, that certain code known as the "2017 Uniform Public Offense Code for Kansas Cities, 33nd Edition," 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 hereinafter 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. 4210," with all sections or portions thereof intended to be changed clearly marked to show any such 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 II

SAME, AMENDMENT. Section 6.8 of the 2017 Uniform Public Offense Code for the Kansas Cities, 33nd Edition, is amended to read as follows:

“6.8. Littering. (a) No person shall intentionally or recklessly deposit or cause to be deposited any litter upon any public street, highway, alley, road, right-of-way, park, or other public place, or any lake, stream, water-course, or other body of water, except by direction of some public official, city employee, or law enforcement officer, authorized by law to direct or permit such acts. No person shall intentionally or recklessly deposit or cause to be deposited litter upon any private property without the consent of the owner of said property. When litter is deposited upon public or private property, there shall be a rebuttable presumption that the owner of said property had not consented thereto.

(b) Litter shall include, but is not necessarily limited to, rubbish, garbage, and trash, including tree limbs, yard clippings, paper, metal, plastic, glass, eggs, tomatoes, and similar items.

(c) Violation of this section is a Class C misdemeanor which is punishable up to 30 days in jail and/or a fine not to exceed \$500.00.”

SECTION III

SAME, AMENDMENT. Section 10.6 of the 2016 Uniform Public Offense Code for Kansas Cities, 33nd Edition, is amended to read as follows:

"10.6 Air Gun, Air Rifle, Slingshot, BB Gun, Paint Ball Gun or Bow and

Arrow. (a) The unlawful operation of an air gun, air rifle, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, slingshot, BB gun, or paint ball gun within the city, except within the confines of a building or other structure from which projectiles cannot escape, and except for special events sponsored by established and recognized organizations held in those areas of the city's public park system that are not frequently frequented by persons, if such event is (1) conducted in such a manner as to guard against and prevent injury to persons participating in the event as well as any other person or persons and damage to property; (2) approved in writing prior to the event by the Park Board and the Police Department of the city; (3) supervised by a person over the age of twenty-one (21) years; and (4) a certificate of insurance in a form satisfactory to the city, showing that the city is properly insured for all claims for injuries to persons and damage to property resulting from the special event, is filed with the city.

(b) The operation of a bow and arrow is the shooting, discharging or operating any bow and arrow within the city, except when shot, discharges or operated as a part of a physical education program in the regular curriculum of a public school, if said program is supervised by a qualified archer who a member of the school faculty, is conducted on school-owned property in areas not commonly frequented by people in the presence of the supervisor and in a manner as to guard against and prevent injury to persons participating in the program and to others, or except in the confines of a building or other structure from which arrows can not escape.

(c) Violation of this section is a Class C misdemeanor punishable of a fine up to \$500.00 and/or 30 days in jail.”

SECTION IV

REPEALED. Ordinance No. 4197 of the City of Wellington, Kansas is hereby repealed.

SECTION V

EFFECTIVE. This ordinance shall take effect and be in force from and after its passage and approval and after its publication in the official city newspaper, as provided by law.

PASSED by the Council this 1st day of August, 2017.

APPROVED by the Mayor.

Shelley R. Hansel, Mayor

(SEAL)
ATTEST

Carol S. Mericle, City Clerk

FORM APPROVED:

Shawn R. DeJarnett, City Attorney