

(First published in the Times Sentinel \_\_\_\_\_, 2022)

**THE CITY OF GARDEN PLAIN, KANSAS**

**ORDINANCE NO. 768**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN PLAIN, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 38<sup>th</sup>" EDITION OF 2022, WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NUMBER 754 AND ALL OTHER CONFLICTING ORDINANCES.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN PLAIN, 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 Garden Plain, Kansas, that certain uniform public offense code known as the "Uniform Public Offense Code for Kansas Cities, 38<sup>th</sup>" Edition of 2022, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except certain articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Uniform Public Offense Code shall be marked "Official Copy as adopted by Ordinance No. 768" 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 Code shall be supplied, at the cost of the City, such number of official copies of such Uniform Public Offense Code similarly marked, as may be deemed expedient.

**Section 2. Additional Offenses.**

The following offenses are hereby added to the Uniform Public Offense Code, as herein adopted, to-wit:

**9.14 WINDOW PEEPING.**

Window Peeping is unlawfully entering upon the property occupied by another for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room

or building for the purpose of observing the occupant or occupants of said house, room or building.

Window Peeping is a class C violation.

#### **9.15 URINATING IN PUBLIC.**

Urinating in Public is urinating upon any highway, street, alley, sidewalk, park, upon the premises of any public place or building, or upon any public or private property in open view of any person when the same has not been designed or designated as a rest room.

Urinating in Public is a class C violation.

#### **10.19 POSSESSION OF HALLUCINOGENIC DRUGS.**

Except as authorized by the Uniform Controlled Substances Act, K.S.A. 65-4101 et seq. and amendments thereto, it shall be unlawful for any person to possess or have under such person's control any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105 and amendments thereto or designated in subsection (g) of K.S.A. 65-4107 and amendments thereto, as defined in the Uniform Controlled Substances Act. Such drugs include, but are not limited to *cannabis sativa L.*, otherwise known as marijuana, or any derivative thereto, lysergic acid diethylamide, otherwise known as LSD, and psilocybin.

Possession of Hallucinogenic Drugs is a class A violation.

#### **10.20 UNLAWFUL ACTS REGARDING DEPRESSANTS, STIMULANTS OR OTHER SUBSTANCES.**

Except as authorized by the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq. and amendments thereto, it shall be unlawful for any person to possess or have under such person's control:

(a) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(b) Any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(c) Any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111 and amendments thereto; or

(d) Any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109 and amendments thereto.

Unlawful Acts Regarding Depressants, Stimulants or Other Substances is a class A violation.

**10.21 POSSESSION OF DRUG PARAPHERNALIA ILLEGAL.**

It is unlawful for any person to use or possess with intent to use any drug paraphernalia.

For the purposes of this section, "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 Section 10.19 herein, or the Uniform Controlled Substances Act, K.S.A. 65-4101 et seq., and amendments thereto. "Drug paraphernalia" shall include, but is not limited to, those items set forth in subsection (c) of K.S.A. 65-4150 and amendments thereto. In determining whether an object is drug paraphernalia, in addition to all other logically relevant factors, the court shall consider the factors set forth in K.S.A. 65-4151 and amendments thereto.

Possession of Drug Paraphernalia is a class A violation.

**Section 3. Repeal.**

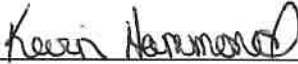
This ordinance repeals City of Garden Plain Ordinance No. 754 and all previous ordinances conflicting herewith.

**Section 4. Effective Date.**

This ordinance shall take effect and be in full force after its passage and publication once in the official city paper.

Passed and approved by the Governing Body of the City of Garden Plain, Kansas, this 7th day of September, 2022.

Approved by the Mayor this 7th day of September, 2022.

  
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Kevin Hammond, Mayor

ATTEST:

  
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Kimberly McCormick, City Clerk

