

CHAPTER XI. PUBLIC OFFENSES

- Article 1. Uniform Offense Code
- Article 2. Local Regulations

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. 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 Blue Rapids, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2013, 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. At least one copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2264," 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 said ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
(Ord. 2264; Code 2013)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. CURFEW. (a) It shall be unlawful for any person under the age of 18 after the hour of 12:00 A.M. and before the hour of 5:30 A.M., to wander, lounge, loaf, loiter or play in, about or upon any public street alley, sidewalk, vacant lot, parking lot, park, playground, public place or other place normally accessible to the general public for public use, whether on foot, in a vehicle, or by any other means.
- (b) The curfew shall not apply to those children who are:
- (1) Accompanied by a parent or legal guardian;
 - (2) Who are in attendance at any organized athletic, school, church or public activity; or
 - (3) Enroute by the most direct and accessible route from their homes to an authorized place of employment or from the authorized place of employment to their homes.
- (c) The term "authorized" as used in this Ordinance shall denote prior authorization by a parent or legal guardian.
- (d) It shall be unlawful for any parent or legal guardian of any child under the age of 18 to permit or allow such child to wander, lounge, loaf, loiter or play in, about or upon any public street, alley, sidewalk, vacant lot, parking lot, park, playground, public place or other place normally accessible to the general public for public use, whether said child is on foot or in a vehicle, during the hours of curfew set forth in this article.
- (e) The governing body, on specific occasions and in response to written request, shall have the authority to suspend the hours of curfew stated in this article.
- (f) Any person who violates the provisions of this article or any parent or legal guardian who permits or allows any minor under the age of 18 to violate any of the provisions of this article shall be fined not less than \$25.00 nor more than \$50.00. (Ord. 1913, 2106; Code 2013)
- 11-202. ELECTRIC FENCES; PROHIBITED. It shall be unlawful for any person to construct, maintain or operate on public or private property within the corporate boundaries of the city any electric fence, being a fence wherein the wires are charged with the electric current. (Ord. 1019, Sec.1)
- 11-203. FAIRMONT CEMETERY; HOURS AND PENALTY. (a) It shall be unlawful for any person or persons, except duly authorized city employees, to enter and/or remain upon property at Fairmont Cemetery from sunset to sunrise.
- (b) Penalty. The fine for violation of subsection (a) shall not be less than \$20 or more than \$100.
(Ord. 1789)
- 11-204. PROHIBITION. No person shall use or permit to be used a bicycle, tricycle, scooter, skateboard, in-line skates, or any other footwear on wheels within the business district of the City of Blue Rapids, Kansas. (Ord. 1937; Code 2013)
- 11-205. SAME; Business district for the purpose of this article shall be defined as the area within the following boundary; Commencing at the Southeast corner of Fifth Street and North Street, thence West along the South side of Fifth Street to the Southeast corner of Fifth Street and Genesee Street, thence South along the East

side of Genesee Street to the Northeast corner of Genesee Street and Seventh Street, thence East along the North side of Seventh Street to the Northeast corner of Seventh Street and Sharpe Street, thence North along the East side of Sharpe Street to the Southeast corner of Sixth Street, thence East along Sixth Street to the alley between Sixth Street and Penny Street, thence North to the North side of Penny Street, thence East along the North side of Penny Street to the Southeast corner of North Street and Penny Street, thence North along the East side of North Street to the point of beginning. (Ord. 1937; Code 2013)

11-206. PENALTY. Any person convicted of a violation of the provisions of this article shall be punished by a fine of not less than \$10.00 nor more than \$100.00 and shall be assessed as restitution the actual cost of repairing any damage caused by the violation hereof. (Ord. 1937; Code 2013)

11-207. LOUD SOUND AMPLIFICATION SYSTEMS PROHIBITED. No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 100 or more feet from the vehicle. (Ord. 1972; Code 2013)

11-208. DEFINITIONS. (a) "Sound amplification system" shall mean any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(b) "Plainly audible" shall mean any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 100 feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway. (Ord. 1972; Code 2013)

11-209. SAME; It is an affirmative defense to charge under this ordinance that the operation was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(a) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(b) The vehicle was an emergency or public safety vehicle;

(c) The vehicle was owned and operated by the City of Blue Rapids or a gas, electric, communications or refuse company;

(d) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Blue Rapids;

(e) The vehicle was used in authorize public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the city authorized to grant such approval.

(Ord. 1972; Code 2013)

11-210. PENALTY. Any person, individual, partnership, corporation or association who violates any of the provisions of this ordinance is guilty of an ordinance violation, and upon conviction, shall be punished by a fine not to exceed \$500 or

by imprisonment of not more than six months, or by both such fine and imprisonment. Each day any violation hereof is found to exist or continues to exist shall be a separate offense and punishable as such hereunder. (Ord. 1972; Code 2013)

11-211. POSSESSION OF MARIJUANA. Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person to possess or have under such person's control any marijuana, as defined by K.S.A. 65-4101 (o), as amended. (Ord.1983; Code 2013)

11-212. POSSESSION OF DRUG PARAPHERNALIA OR SIMULATED CONTROLLED SUBSTANCES. No person shall use or possess with the intent to use:

(a) Any simulated controlled substances. Simulated controlled substances shall include, but not be limited to those items as set forth in K.S.A. 65-4150(a), as amended.

(b) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, in violation of the Uniform Controlled Substances Act. Drug paraphernalia shall include, but not be limited to those items set forth in K.S.A. 65-4150(b), as amended. (Ord. 1983; Code 2013)

11-213. PENALTY. Violation of this article is a Class A violation, as defined in the Uniform Public Offense Code, as adopted and amended by the City of Blue Rapids. (Ord. 1983; Code 2013)

11-214. SAME; All terms and words herein shall be interpreted and defined by the definitions set out in Chapter 65 of the Kansas Statutes Annotated, as the same now exists or is hereafter amended. (Ord. 1983; Code 2013)