

(Ordinance Summary published in The Butler County Times-Gazette on November 16, 2013 and the full text of the Ordinance made available at www.andoverks.com for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 1556

AN ORDINANCE AMENDING AND REPLACING CHAPTER XIII, ARTICLE 4, SECTIONS 13-401 THROUGH 13-404 OF THE CODE OF THE CITY OF ANDOVER, KANSAS REGARDING CONTROLLED SUBSTANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS, AS FOLLOWS:

SECTION 1. Chapter XIII, Article 4, Sections 13-401 through 13-404 of the Code of the City of Andover, Kansas are hereby deleted in their entirety and amended to read as follows:

ARTICLE 4. CONTROLLED SUBSTANCES

13-401. Definitions.

As used in this Article, the words and phrases used herein shall have the meanings set forth under State law, particularly K.S.A. 65-4101 *et seq.*, as amended, and K.S.A. 21-5701 *et seq.*, as the same exist from time to time, unless the context otherwise requires. When referenced herein, all statutes shall include amendments thereto in effect from time to time.

13-402. Manufacture, Cultivation, Distribution, or Possession of Controlled Substances; Penalties.

Except as authorized by State law, it shall be unlawful within the City for any person to:

- (1) Manufacture any controlled substance or controlled substance analog in violation of K.S.A. 21-5703;
- (2) Cultivate, distribute, or possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5705;
- (3) Possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5706;
- (4) Obtain a prescription-only drug in violation of K.S.A. 21-5708;
- (5) Abuse toxic vapors in violation of K.S.A. 21-5712;

(6) Distribute, possess, or manufacture any simulated controlled substance in violation of K.S.A. 21-5713;

(7) Distribute or possess any substance that is not a controlled substance in violation of K.S.A. 21-5714; or

(8) Receive or acquire proceeds or engage in transactions involving proceeds known to be derived from prohibited activities hereunder in violation of K.S.A. 21-5716.

13-403. Drug Precursors and Paraphernalia; Penalties.

(a) Except as authorized by State law, it shall be unlawful within the City for any person to:

(1) Use or possess those substances set forth in K.S.A. 21-5709(a), (c), and (d) in violation thereof;

(2) Use or possess any drug paraphernalia in violation of K.S.A. 21-5709(b).

(b) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, those factors set forth in K.S.A. 21-5711.

13-404. Penalties.

Any person who violates Section 13-402 or 13-403 shall be guilty of a Class A misdemeanor. Upon conviction of a violation of Section 13-402 or 13-403, all costs or expenses of any chemical tests of or for a controlled substance together with the costs or expenses associated with the introduction of evidence concerning such testing shall be payable by the defendant as court costs.

SECTION 2. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Andover, Kansas this 12th day of November, 2013.



CITY OF ANDOVER, KANSAS


Ben Lawrence, Mayor

ATTESTED:


Susan C. Renner, City Clerk

I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 12 day of November, 2013; that the record of the final vote on its passage is found on page 4 of the minutes from November 12, 2013; that it was published in the Augusta Daily Gazette on the 16 day of November, 2013.

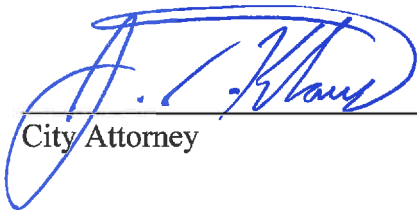
City Clerk 

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Ordinance No. 556 Summary

On November 12, 2013, the City of Andover, Kansas adopted Ordinance No. 556 amending and replacing Chapter XIII, Article 4, Sections 13-401 through 13-404 of the Code of the City of Andover, Kansas prohibiting the manufacture, cultivation, distribution or possession of certain controlled substances, precursors, and paraphernalia. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 1609 E. Central or at www.andoverks.com. This summary is certified legally accurate and sufficient by the Andover City Attorney pursuant to K.S.A. 12-3001, *et seq.*

SUMMARY CERTIFIED:



City Attorney