

(Ordinance Summary published in The Butler County Times-Gazette on _____, 2016 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. _____

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF ANDOVER, KANSAS; INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES,” 2016 EDITION, WITH CERTAIN MODIFICATIONS; AND AMENDING CHAPTER XIII, ARTICLE 1, SECTION 13-101 AND 13-102 OF THE CODE OF THE CITY OF ANDOVER, KANSAS.

WHEREAS, pursuant to K.S.A. §12-3009 *et seq.*, and K.S.A. 12-3301 *et seq.*, all as amended, the City of Andover, Kansas (the “City”) desires to incorporate by reference the “Uniform Public Offense Code for Kansas Cities” (the “UPOC”), with certain deletions, modifications and additions, as set forth in the Code of the City of Andover, Kansas (the “Code”); and

WHEREAS, the City desires to amend the Code to reflect incorporation of the 2016 Edition of the UPOC (the “2016 UPOC”); and

WHEREAS, the governing body of the City finds it advisable to incorporate the 2016 UPOC by reference and to amend the Code to reflect incorporation of the 2016 UPOC.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. This Ordinance incorporating the 2016 UPOC supersedes and repeals Ordinance No. 1603, but solely to the extent Ordinance No. 1603 incorporated the 2015 UPOC, and any and all previous ordinances similar thereto or the incorporating previous editions thereof. Any remaining provisions of Ordinance No. 1603 shall remain in full force and effect.

SECTION 2. The City hereby incorporates by reference the “Uniform Public Offense Code for Kansas Cities,” 2016 Edition, with the certain deletions and modifications as set forth in Section 3 below. Accordingly, Section 13-101 of the Code is hereby amended to read, as follows:

13-101. Incorporating uniform public offense code.

Pursuant to the provisions of K.S.A. 12-3009 *et seq.*, and K.S.A. 12-3301 *et seq.*, the Uniform Public Offense Code for Kansas Cities, 2016 Edition, as prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas (the “2016 UPOC”), is hereby adopted by reference, as if said model or standard code were set

out in full herein, save and accept such sections, parts, or portions as may be omitted or deleted, modified, or changed elsewhere within the Code of the City of Andover, Kansas.

The City Clerk of Andover, Kansas shall prepare and make 3 copies of said 2016 UPOC, by marking or stamping thereon “Official Copy as incorporated by Ordinance No. _____” with all sections or portions intended to be omitted or changed clearly marked to show such omission, and to which shall be attached a copy of this Ordinance and filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION 3. The 2016 UPOC, adopted by reference by the City of Andover, Kansas, shall be modified, and Section 13-102 of the Code shall be accordingly amended to read, as follows:

13-102. Modification of uniform public offense code.

(a) Sections 6.14 and 6.15 of the 2016 UPOC are hereby omitted and deleted, with substitute provisions having been enacted at Section 16-102 and 16-501 of the Code.

(b) Section 10.5 of the 2016 UPOC is hereby modified to include an additional firearms discharge exception to be designated 10.5(b)(8), which shall read as follows:

(8) *The firearm discharges shell crackers for the control of nuisance birds during daylight hours by the holder of a permit issued by the City of Andover, Kansas and a permit issued by the Kansas Department of Wildlife and Parks.*

(c) Section 10.6 of the 2016 UPOC shall be modified to read as follows:

The unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun, within the city, except within the confines of a building, enclosed property or other structure (with the consent of the owner) from which the projectiles cannot escape.

Unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is a Class C violation.

(d) Section 10.7 of the 2016 UPOC is hereby amended to read as follows:

The Chief of Police of the City or his or her duly authorized representative is hereby empowered to seize and hold any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun used in violation of Section 10.6 of this Article, and is further empowered to seize and hold as evidence pending a hearing before a court of competent jurisdiction any air gun,

air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun used in violation of Section 10.6.

(e) Section 10.13 of said 2016 UPOC shall be modified to read as follows:

It shall be unlawful for any person or construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the City of Andover unless such barbed wire is located upon a security fence and placed at an elevation of not less than 6 feet measured from the ground surface and/or on the inside perimeter at ground surface.

Nothing in this Section 3 shall delete or modify any additional public offenses, as may be set forth or specifically described elsewhere in the Code and not specifically referenced herein.

SECTION 4. The City Clerk is hereby instructed to maintain no fewer than three (3) copies of the 2016 UPOC to be made available for public inspection at all reasonable office hours. The City Clerk shall place a sticker on all copies stating “Official Copy as adopted by the Code of the City of Andover, by Ordinance No. ____.” The City Clerk’s office shall, in each of the 2016 UPOC copies, place a sticker reflecting the amendments to the 2016 UPOC as set forth in Section 3 above and paste a copy this Ordinance inside the back cover.

SECTION 5. 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 hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED AND APPROVED by the Governing Body of the City of Andover, Kansas this
____ day of _____, 2016.

CITY OF ANDOVER, KANSAS

[seal]

Ben Lawrence, Mayor

ATTEST:

Susan C. Renner, City Clerk

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Ordinance No. ____ Summary

On _____, the City of Andover, Kansas adopted Ordinance No. ____ adopting and incorporating the Uniform Public Offense Code, 2016 Edition into the Code of the City of Andover (the “Code”), subject to certain omissions and modifications set forth therein, and deleting certain sections of said Code purporting to regulate the carrying of concealed weapons. 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