

ORDINANCE NO. 5448

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF LINDSBORG, KANSAS: INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2023, WITH MODIFICATIONS.

Be it Ordained by the Governing Body of the City of Lindsborg, Kansas:

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference, subject to Section 2 hereof, for the purpose of regulating public offenses within the corporate limits of the City of Lindsborg, Kansas, that certain code known as the "Uniform Public Offense Code", Edition 2023, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. XXXX 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, subject to the modifications in Section 2 and Section 3 below.

Section 2. The crime of Disorderly Conduct, in violation of Section 9.1 of the Uniform Public Offense Code for Kansas Cities, as adopted from time to time, shall read in full as follows:

Section 9.1. Disorderly Conduct.

(a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:

- (1) brawling or fighting;
- (2) disturbing an assembly, meeting or procession, not lawful in its character;
- (3) using fighting words or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others; and
- (4) willfully throwing, depositing, or placing any substance upon any property in which another has an interest without the consent of such other person, when such action does not constitute criminal damage to property.

(b) Disorderly conduct is a Class C violation. (K.S.A. 21-6203).

Section 3. The crime of Criminal Littering, as provided in Sec. 6.8. of the Uniform Public Offense Code for Kansas Cities, as adopted from time to time, shall read in full as follows:

Section 6.8. Criminal Littering.

(a) Criminal littering is recklessly depositing or causing to be deposited any object or substance into, upon or about: (1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct or permit such acts; (2) Any private property without the consent of the owner or occupant of such property; (3) in the case of City property authorized for the deposit of only specified objects, materials, or substances, or where certain objects, materials, or substances are expressly prohibited, depositing or causing to be deposited any such unauthorized object, material, or substance.

(b) Criminal littering is an unclassified offense punishable: (1) Upon a first conviction by a fine of not less than \$250 nor more than \$1,000; (2) Upon a second conviction by a fine of not less than \$1,000 nor more than \$2,000; and (3) Upon a third or subsequent conviction by a fine of not less than \$2,000 nor more than \$4,000. (c) The provisions of Standard Traffic Ordinance Section 112.1, Littering from a motor vehicle, are excepted from the application of this section. (d) In addition to the fines in subsection (b), a person convicted of littering shall be required to pick up litter for a time prescribed by and at a place within the jurisdiction of the court. (K.S.A. 21-5815)

Section 3. All prior ordinances in conflict with the provisions of the Uniform Public Offense Code, Edition of 2022, are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

SUMMARY OF ORDINANCE FOR PUBLICATION

Ordinance No. 5448 Summary

On September 5, 2023, the City of Lindsborg, Kansas, passed Ordinance No. 5448. This ordinance regulates public offenses within the corporate limits of the City of Lindsborg, incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition 2023 with modifications. The City retains the version of Disorderly Conduct it adopted last year in Ordinance 5387, and adopts a modification to Criminal Littering that accounts for the depositing of unauthorized materials on City property. A complete copy of the ordinance is available at www.lindsborgcity.org or in the office of the City Clerk, 101 S. Main Street, free of charge. This summary is certified by the City Attorney to be legal, accurate, and sufficient.

Passed by the Governing Body and approved by the mayor on the 5th day of September 2023.


Clark Shultz, Mayor

ATTEST:


Roxie Sjogren, CMC, City Clerk

Approved as to form:


Zachary R. Strella, City Attorney