

ORDINANCE NO. 1020

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF EDWARDSVILLE, KANSAS, BY AMENDING CHAPTER 8, PUBLIC OFFENSES AND NUISANCES, ARTICLE I, UNIFORM PUBLIC OFFENSE CODE, OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS (“CODE”), AND INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 2019,” WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING CONFLICTING EXISTING CODE SECTIONS 8.01.001 OF THE CODE OF ORDINANCES OF THE CITY OF EDWARDSVILLE, KANSAS (CODE OF ORDINANCES).

BE IT ORDAINED by the Governing Body of the City of Edwardsville, Kansas:

Section 1. Code section 8.01.001 is hereby amended to read as follows:

8.01.001 INCORPORATING PUBLIC OFFENSE CODE. There is hereby incorporated by reference, for the purpose of regulating public offenses within the corporate limits of the City of Edwardsville, Kansas, that certain code known as the “Uniform Public Offense Code for Kansas Cities, 2019” (herein referred to as the “UPOC”), 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. One copy of the UPOC will be marked “Official Copy as Adopted by Ordinance No. 1020;” all sections or portions thereof which are to be omitted or changed will be clearly marked; and a copy of this ordinance will be attached thereto and filed with City Clerk, to be available to the public for inspection at all reasonable hours.

(b) Amendments.

Section 5.7, “**SELLING, GIVING, OR FURNISHING CIGARETTES OR TOBACCO PRODUCTS TO A MINOR,**” of the UPOC is hereby amended to read as follows:

(a) It shall be unlawful for any person to:

1. Sell, furnish, or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age; or
2. Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.

(b) It shall be a defense to a prosecution under this section if:

1. The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
2. The defendant sold, furnished, or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with

reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products; and

3. To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
4. For purposes of this section the person who violates this section shall be the individual directly selling, furnishing, or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has who has actual knowledge of such selling, furnishing or distributing by such individual or both

(c) It shall be a defense to a prosecution under this subsection if:

1. The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
2. The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes, electronic cigarettes, or tobacco products with or without consideration.

(e) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES, ELECTRONIC CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."

Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

Section 10.6, "**AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN, OR PAINTBALL GUN,**" of the UPOC is hereby amended to read as follows:

10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN, OR PAINTBALL GUN. The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paintball gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

10.6 (a) Notwithstanding any provisions of section 10.1(a) of the Uniform Public Offense Code, it shall be unlawful for any person to shoot, discharge or otherwise operate any bow and arrow, air gun, air rifle, BB gun, slingshot, or paintball gun within the city

limits except within designated shoot zones or within the confines of a building or other structure from which the projectiles cannot escape.

10.6 (b) Bow hunting. It shall be unlawful for any person:

- (1) To engage in bow hunting if done in violation of state laws and regulations governing hunting;
- (2) To bow hunt outside of the designated shoot zone;
- (3) To bow hunt upon and within a continuous tract of land less than 3 acres in size;
- (4) To bow hunt within the designated shoot zone without obtaining written permission from the landowner(s) or their designee upon whose land the hunting is to take place if the land is not owned by the hunter;
- (5) To not have a landowner's written permission in their possession at all times while hunting, if hunting upon any land not owned by the hunter.

10.6 (c) Shoot zones. The designated shoot zone shall be as identified by the city and as set forth in the map incorporated herein by reference, a copy of which is attached hereto.

10.6 (d) Penalties. Any violation of this Section is a class B violation for which the minimum fine shall be \$200.00.

Section 10.13, "**BARBED WIRE**", of the UPOC is hereby amended to read as follows:

10.13 **BARBED WIRE**. It shall be unlawful for any person or entity to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city except as set forth in 3.09.005 of the Code of Ordinances.


Section 2. Code section 8.01.001 as previously adopted pursuant to ordinance numbered 1000, and any other provisions in conflict with those expressed or incorporated by reference in the instant ordinance, are hereby repealed.

Section 3. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 22nd DAY OF JULY, 2019.






John McTaggart, Mayor

ATTEST:



Zachary Daniel, Assistant City Manager/City Clerk

APPROVED AS TO FORM:



Lisa Dehon, City Attorney

Ordinance No. 1020 Attachment A

