

(Published in the *Haskell County Monitor Chief* this 18th day of September, 2019)

ORDINANCE NO. 440

AN ORDINANCE FOR THE CITY OF SUBLETTE, KANSAS, ADOPTING "THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES" (2019 EDITION, PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES), AND ANY AMENDMENTS THERETO, WITH CERTAIN EXCEPTIONS AND ADDITIONS; PROVIDING FOR AND REGULATING OF PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF SUBLETTE, KANSAS; AND REPEALING ANY ORDINANCE INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE WITH CERTAIN EXCEPTIONS NOTED.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS:

SECTION 1. UNIFORM PUBLIC OFFENSE CODE. Pursuant to K.S.A. 12-3009 .3012, "The Uniform Public Offense Code for Kansas Cities" (2019 edition published by the League of Kansas Municipalities); with the exception of Section 10.18 relating to smoke detectors, and all future amendments thereto, is hereby adopted and incorporated by reference as a part of the City Ordinances of the City of Sublette, Kansas, Three copies of said Uniform Public Offense Code shall be marked "official copy" 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 hours.

SECTION 2. EXCEPTIONS. Certain ordinances relating to public offenses in the City of Sublette, Kansas, including but not limited to the following, are not superseded, replaced, or repealed by the adoption of the Uniform Public Offense Code for Kansas Cities (2019 edition); and these ordinances are hereby re-enacted, reinstated, re ordained, and retained in addition to the Uniform Public Offense Code for Kansas Cities:

- (a) Ordinance No. 239-passed July 6, 1981, titled: "AN ORDINANCE PROVIDING FOR THE CUTTING OR DESTRUCTION OF ALL GRASSES, WEEDS, AND VEGETATION IN EXCESS OF 18 INCHES IN GROWTH HEIGHT ON LOTS OR PIECES OF LAND WITHIN THE CITY OF SUBLETTE, KANSAS, AND PROVIDING THAT THE COSTS MAY BE ASSESSED AGAINST THE LOT OR PIECE OF LAND."
- (b) Ordinance No. 260-passed December 3, 1984, titled: "AN ORDINANCE DECLARING AND ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT TO PEDDLING SOLICITING, AND CANVASSING WITHIN THE CITY LIMITS; REQUIRING REGISTRATION OF CERTAIN PERSONS AND ESTABLISHING BUSINESS REGULATIONS FOR SUCH PERSONS AND PENALTIES THEREFOR."
- (c) Ordinance No. 264-passed June 12, 1995, titled: "AN ORDINANCE DECLARING AND PRESCRIBING FIRE LIMITS, ESTABLISHING FIRE DISTRICT NO. 1, ESTABLISHING CERTAIN BUILDING

RESTRICTIONS THEREIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREFORE.”

- (d) Ordinance No. 268-passed March 12, 1987, titled: “AN ORDINANCE RELATING TO THE TAXATION AND LICENSING OF DOGS, PROVIDING FOR THE CAPTURE AND IMPOUNDMENT OF DOGS, PROVIDING FOR THE DESTRUCTION OF UNLICENSED DOGS, PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING ORDINANCE NO. 237.”
- (e) Ordinance No. 280-passed July 10, 1989 titled: “AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS WITHIN THE CITY LIMITS OF THE CITY OF SUBLETTE, KANSAS.”
- (f) Ordinance No. 288-passed December 3, 1990, titled: AN ORDINANCE DEFINING THE PUBLIC OFFENSE OF KEEPING UNLAWFUL ANIMALS IN THE CITY OF SUBLETTE AND PRESCRIBING PENALTIES AND PUNISHMENT FOR VIOLATION THEREOF.”
- (g) Ordinance No. 289-passed September 10, 1990, titled: “AN ORDINANCE DECLARING CERTAIN MATTERS AS MOTOR VEHICLE NUISANCES WITHIN THE CITY OF SUBLETTE, KANSAS; PROVIDING FOR THE REMOVAL OR ABATEMENT OF MOTOR VEHICLE NUISANCES; AUTHORIZING THE ASSESSMENT OF COSTS AND PROVIDING FOR THE PENALTIES.”
- (h) Ordinance No. 292-passed December 2, 1991, titled: AN ORDINANCE DEFINING THE PUBLIC OFFENSE OF KEEPING UNLAWFUL ANIMALS WITHIN THE CITY OF SUBLETTE, KANSAS, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.”
- (i) Ordinance No. 302-passed December 6, 1994, titled: “AN ORDINANCE ESTABLISHING HOURS OF CURFEW APPLICABLE TO SPECIFIED AGE GROUPS; ESTABLISHING PROHIBITIONS AGAINST PARENTS AND OTHERS WHO MAY PERMIT SUCH VIOLATIONS OF CURFEW; AMENDING AND ADDING TO THE UNIFORM PUBLIC OFFENSE CODE; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.”
- (j) Ordinance No. 324-passed February 1, 1999, titled: “AN ORDINANCE AUTHORIZING THE DECLARATION OF A WATER WATCH WARNING, OR EMERGENCY; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES.”
- (k) Ordinance No. 334-passed November 5, 2001, titled: AN ORDINANCE REGULATING CERTAIN NOISES AND LOUD SOUNDS WITHIN THE CITY LIMITS OF THE CITY OF SUBLETTE, KANSAS AND PROHIBITING JAKE BRAKES IN ADDITION TO THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES; AND PROVIDING FOR PENALTIES FOR VIOLATING THIS ORDINANCE.”
- (l) Ordinance No. 345-passed March 16, 2005, titled: “AN ORDINANCE PROVIDING FOR LICENSING OF RECREATION VEHICLE PARKS

IN THE CITY OF SUBLETTE, KANSAS, REGULATIONS, FEES, LICENSINGS, AND THE DEFINING OF FINES AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.”

- (m) Ordinance No. 353-passed February 10, 2006, titled: “AN ORDINANCE PROHIBITING THE SALE OF ALCOHOLIC LIQUOR IN THE ORIGINAL PACKAGE WITHIN THE CITY OF SUBLETTE, KANSAS; AND PROVIDING A PENALTY FOR VIOLATION THEREOF.”
- (n) Ordinance No, 365-passed June 1, 2010, titled: AN ORDINANCE RELATING TO THE TAXATION AND LICENSING OF DOGS, PROVIDING FOR THE CAPTURE AND IMPOUNDMENT OF DOGS, PROVIDING FOR THE DESTRUCTION OF UNLICENSED DOGS, PROVIDING FOR FINES AND PENALTIES FOR VIOLATION OF THIS ORDINANCE.”

SECTION 3, PREVIOUS ORDINANCES. Except for the exceptions and additions noted in this ordinance, all previous ordinances relating to public offenses within the City of Sublette, Kansas, which are inconsistent with and contradictory to this ordinance, are hereby repealed. Any ordinance(s) regulating public offenses or parts thereof not identified in the above list that is not in conflict with the Uniform Public Offense Code for Kansas Cities (2019 edition) remains valid.

SECTION 4. UNIFORM PUBLIC OFFENSE CODE SECTIONS 9.9.1 REGULATING UNLAWFUL POSSESSION OF MARIJUANA THROUGH 9.9.6 DISTRIBUTION OF A NON-CONTROLLED-SUBSTANCE NOT APPLICABLE. Due to the serious nature of these types of offenses and implications of the same, the City acknowledges that these offenses have historically been charged in district court and finds that said offenses should continue to be charged in district court. Wherefore, the City hereby exempts itself from Sections 9.9.1 through 9.9.6 of the Uniform Public Offense Code and amendments thereto which regulate certain illegal substances and paraphernalia.

SECTION 5. EFFECTIVE DATE. This ordinance shall become in full force and effect upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNG BODY OF THE CITY OF SUBLETTE, KANSAS, AND THE MAYOR, THIS 3RD DAY OF SEPTEMBER, 2019.



LAWRENCE HOERMAN-MAYOR
(SEAL)

ATTEST: _____


JEANNIE TRIGG-CITY CLERK