

CHAPTER XII. PUBLIC OFFENSES

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ARTICLE 1. UNIFORM OFFENSE CODE**12-101. Incorporating Uniform Public Offense Code.**

There is hereby incorporated by reference for the purpose of regulating certain public offenses within the corporate limits of the City, that certain Uniform Public Offense Code for Kansas Cities, 2016 Edition, prepared and published in pamphlet form by the League of Kansas Municipalities, 300 S. W. 8th Street, Topeka, Kansas, 66603-3912, save and except those Sections as are deleted, modified or amended by this Ordinance. Not less than one (1) copy of said Uniform Public Offense Code for Kansas Cities shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 2438" with all Sections or portions thereof intended to be deleted or amended clearly marked to show any such deletion or amendment and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. All persons duly charged to enforce and administer said Uniform Public Code for Kansas Cities shall be provided copies thereof.

(Ord. 2141, 2185, 2232, 2255, 2285, 2321, 2346, 2369; Code 2014; Ord. 2391, 2415, 2438)

12-102. Same; Deletions and Omissions.

The following Sections of the Uniform Public Offense Code for Kansas Cities, 2016 Edition, are hereby deleted and omitted:

Article 10, Section 10.5 Unlawful Discharge of Firearms.

Article 10, Section 10.6 Air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun.

Article 10, Section 10.7 Seizure of weapon.

Article 10, Section 10.8 Unlawful aiding and abetting.

Article 10, Section 10.13 Barbed wire.

(Ord. 2141, 2185, 2232, 2255, 2285, 2321, 2346, 2369; Code 2014; Ord. 2391, 2415, 2438)

ARTICLE 2. LOCAL PROVISIONS**12-201. Littering.**

Littering is dumping, throwing, placing, depositing or leaving or causing to be dumped, thrown, deposited or left any refuse of any kind or any object including but not limited to circulars, advertisements or handbills or any substance which tends to pollute, mar or deface, into, upon or about:

(a) 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 the acts;

(b) Any private property without the consent of the owner or occupant of the property.

Littering is a misdemeanor and Class C violation as defined by the Uniform Public Offense Code.

(Ord. 1738, Sec. 12)

12-202. Unlawful Discharge of Firearms.

(a) The unlawful discharge of firearms is the reckless or intentional discharge or firing of any gun, rifle, pistol or other firearm within or into the area shown on the attached map marked as Exhibit A.

- (5) The firearm is discharged using blanks;
 - (6) The firearm is discharged in lawful self-defense or defense of another person against an animal attack;
 - (7) The firearm is discharged by a licensed gunsmith in pursuit of his or her trade;
 - (8) The firearm is discharged during hunter safety and firearms instruction classes conducted by qualified instructors in areas and at times approved by the Police Department.
- (c) The unlawful discharge of firearms is a Class B violation.

(Ord. 2369; Code 2014, Ord. 2391)

12-203. Reserved.

12-204. Non-Powder Propelled Weapons.

(a) Definitions. For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

(1) Non-powder propelled weapon. Any weapon or device by whatever name known which is designed to expel a projectile by the action of compressed air or gas, or deadly weapon. A non-powder propelled weapon includes, but is not limited to, an air gun, air rifle, sling shot, BB gun or bow and arrow.

(2) Youth. Any person under the age of 18 years.

(b) Sale, transfer to youths. It shall be unlawful for any person to sell, give, lend, barter or otherwise transfer any non-powder propelled weapon to a youth, except by the express consent of the parent or guardian or adult instructor of such youth.

(c) When possession by youth permitted. It shall be lawful for a person under the age of 18 years to have in his or her possession any non-powder propelled weapon if the weapon is:

(1) Kept within his or her residence and is used solely in or on any private grounds or residence under such circumstances that such non-powder propelled weapon can be fired, discharged or operated in such manner so as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such grounds or residence; or

(2) Used by the youth if he or she is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities, or having written permission to use, an indoor or outdoor rifle range; to possess, loan or fire at such rifle range under the supervision, guidance and instruction of an adult.

(d) Carrying regulated. It shall be unlawful for any youth to carry any non-powder propelled weapon on the streets, alleys, public highways or public lands within the City, unless accompanied by an adult; provided, however, that the youth may carry such weapon, unloaded, in a suitable case or securely wrapped.

(e) Discharging prohibited. It shall be unlawful for any person to discharge any non-powder propelled weapon from any automobile, vehicle or from, upon or across any street, sidewalk, alley, public highway or public place within the City, except on a properly constructed target range.

(f) Unlawful discharge of the non-powder propelled weapons including but not limited to bows and arrows. It shall be unlawful for any person to discharge such non-powder propelled guns including but not limited to bows and arrows within 500 feet of a residential dwelling or any boundary line of a public park or street right-of-way.

This Section shall not be construed to apply to archery target practice provided:

- (1) The individual using the bow and arrow is of lawful age or under the supervision and in the presence of an adult; and,
- (2) All adjoining landowners have consented in writing to the practice of archery on the property adjoining their property; and,
- (3) Additional back drop or barrier be provided behind the target to prevent a stray arrow from traveling into or on the adjoining property; and,
- (4) That all arrows used during the practice be equipped with "Field Tips" and not "Hunting Tips"; and
- (5) That the bow and arrows be operated in such a manner as to not endanger persons or property and so as to prevent the arrow from traversing any space outside the property lines upon which the practice is taking place.

Unlawful discharge of non-powder propelled weapons including but not limited to bows and arrows in violation of this Section is a Class B violation.

(g) Parent or guardian permitting carrying. It shall be unlawful for any person, parent or guardian, to knowingly permit a minor under his or her care to carry upon the streets or alleys of the City a non-powder propelled weapon in violation of this Section.

(h) Seizure of weapon. The Chief of Police of the City or his or her duly authorized representative is hereby empowered to seize and hold any non-powder propelled weapon used in violation of this Section, and is further empowered to seize and hold as evidence pending a hearing before a court of competent jurisdiction any non-powder propelled weapon used in violation of this Section.

(i) Unlawful aiding, abetting. It shall be unlawful for any person to conspire to or aid and abet in the operation or discharging or causing to be operated or discharged any non-powder propelled weapon except as provided in this Section within the City, or within 500 feet of a residential dwelling or any boundary line to a public park or street right-of-way, whether individually or in connection with one or more persons or as principal, agent or accessory, and it is further unlawful for every parent or guardian of a minor child who willfully or knowingly permits or directs the operation or discharge of any non-powder propelled weapon by such minor child within the City except as provided in this Section.

(j) Any person violating the provisions of this Section is guilty of a Class C violation.

(Ord. 1738, Sec. 2)

12-205. Communication with Prisoners.

It shall be unlawful for any person to communicate with any of the persons confined or detained in the City jail except with the permission of the Chief of Police or other person in charge of such jail.

(Ord. 1738, Sec. 3)

12-206. Reserved.**12-207. Possession of Marijuana; Controlled Substance; Penalties.**

(a) It shall be unlawful for any person to manufacture, possess, have under such person's control, administer, deliver, distribute, dispense or compound marijuana.

(b) As used in this Section, 'marijuana' means all parts of all varieties of the plant cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(c) Upon a conviction, plea of no contest or guilty for violation of this Section, the Municipal Judge shall order such person to submit to and complete an alcohol and drug evaluation by a community based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. A diversion agreement based upon a violation of this Section shall also require a person to submit to and complete an alcohol and drug evaluation by a community based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established. If the Judge finds that person is indigent, the fee may be waived.

(d) Any person who violates this Section shall be guilty of a Class A Violation.

(Ord. 2040)

12-208. Use or Possession of Simulated Controlled Substances and Drug Paraphernalia; Penalties.

(a) Definitions. As used in this Section:

- (1) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.
- (2) "Deliver" or "delivery" means actual, constructive or attempted transfer from one person to another, whether or not there is an agency relationship.
- (3) "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for uses in planting, propagating, cultivating, growing, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Substance Act. "Drug paraphernalia" shall include, but is not limited to:

- (A) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting species of plant which is a controlled substance or from which controlled substance can be derived.
- (B) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (C) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
- (D) Testing equipment used or intended for use in identifying or analyzing the strength, effectiveness of purity of controlled substances.
- (E) Scales and balances used or intended for use in weighing or measuring controlled substances.
- (F) Diluents and adulterants such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.
- (G) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana.
- (H) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.
- (I) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances.
- (J) Containers and other objects used or intended for use in storing or concealing controlled substances.
- (K) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.
- (L) Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (ii) Water Pipes;
 - (iii) Carburetion Tubes and Devices;
 - (iv) Smoking and Carburetion Masks;
 - (v) Roach clips (objects used to hold burning material, such as marijuana cigarette that has become too small or too short to be held in the hand);
 - (vi) Miniature Cocaine spoons and Cocaine vials;
 - (vii) Chamber Pipes;

- (viii) Carburetor Pipes;
 - (ix) Electric Pipes;
 - (x) Air-driven Pipes;
 - (xi) Chillums;
 - (xii) Bongs; and
 - (xiii) Ice Pipes or Chillers
- (4) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate trust, partnership, association or other legal entity.
- (5) "Simulated Controlled Substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.
- (6) "Minor" shall mean any person who has not attained eighteen (18) years of age.
- (7) "Premises open to minors" means any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.
- (8) "Place of display" means any museum, library, school or other similar public place upon which business is not transacted for a profit.
- (9) "School" means any public or private elementary, junior high or high school.
- (10) "Close proximity" means within one thousand five hundred (1,500) feet on a straight line commencing at the property lines nearest to each other.
- (11) "Premises" means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.
- (b) In determining whether an object is drug paraphernalia, a court or other authority shall consider in addition to all other logically relevant factors, the following:
- (1) Statements by an owner or person in control of the object concerning its use
 - (2) Prior convictions, if any, of an owner or person in control of the object, under any State or federal law relating to any controlled substance.
 - (3) The proximity of the object in time and space, to a direct violation of the uniform controlled substances act.
 - (4) The proximity of the object to controlled substances.
 - (5) The existence of any residue of controlled substances on the object.

- (6) Direct or circumstantial evidence of the intent of an owner or person in control of the object, to deliver it to a person, the owner or person in control of the object knows or should reasonably know, intends to use the object to facilitate a violation of the Uniform Controlled Substances Act. The innocence of an owner or person in control of the object as to a direct violation of the Uniform Controlled Substances Act shall not prevent a finding that the object is intended for use as drug paraphernalia.
 - (7) Oral or written instructions provided with the object concerning its use.
 - (8) Descriptive materials accompanying the object which explain or depict its use.
 - (9) National and local advertising concerning the object's use.
 - (10) The manner in which the object is displayed for sale.
 - (11) Whether the owner or person in control of the object is a legitimate supplier of similar or related items to the community, such as a distributor or dealer of tobacco products.
 - (12) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.
 - (13) The existence and scope of legitimate uses for the object in the community.
 - (14) Expert testimony concerning the object's use.
- (c) Sale and Display Prohibited.
- (1) It shall be unlawful for any person, firm or corporation to sell, offer to sell, dispense, give away or display any instrument or simulated controlled substance or simulated drug in or upon any premises which:
 - (A) Are premises open to minors;
 - (B) Are places of display; or
 - (C) Are in close proximity to a school.

Provided, however, that display of any such items at a place of display for educational or scientific purposes shall not be unlawful.
 - (2) A violation of this Section is declared to be a public nuisance and shall be subject to abatement as provided by law.
- (d) No person shall use or possess with intent to use:
- (1) Any simulated controlled substances; or
 - (2) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act.

- (3) Upon a conviction, plea of no contest or guilty for violation of this Section by a person 18 or more years of age, but less than 21 years of age, the Municipal Judge shall order such person to submit to and complete an alcohol and drug evaluation by a community based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the Judge finds that person is indigent, the fee may be waived.

(e) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this City:

- (1) Any simulated controlled substance; or
- (2) Any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substance Act.
- (3) This Section shall not control if any person who violates this Section by causing to be delivered within this City drug paraphernalia or a simulated controlled substance to a person under 18 years of age.

(f) No person shall place or cause to be placed in any newspaper, magazine, handbill or other publication distributed in this State, or received by mail in this State, any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of:

- (1) A simulated controlled substance; or
- (2) objects designed or intended for use as drug paraphernalia.

(g) No person shall knowingly deliver or cause to be delivered in this City any substance which is not a controlled substance:

- (1) Upon an express representation that the substance is a controlled substance or that the substance is of such nature or appearance that the recipient will be able to distribute the substance as a controlled substance;
- (2) Under circumstances which would give a reasonable person reason to believe that the substance is a controlled substance; or
- (3) If any one of the following factors is established, there shall be a presumption that delivery of a substance was under circumstances which would give a reasonable person to believe that a substance is a controlled substance:
 - (A) The substance was packaged in a manner normally used for the illegal delivery of controlled substances.
 - (B) The delivery of the substance included an exchange of or demand for money or other consideration for delivery of the substance, and the amount of the consideration was substantially in excess of the reasonable value of the substance.

- (C) The physical appearance of the capsule or other material containing the substance is substantially identical to a specific controlled substance.
- (4) This Section shall not control if any person 18 or more years of age who violates this Section by delivering or causing to be delivered in this state a substance to a person under 18 years of age and who is at least three (3) years older than the person under 18 years of age to whom the delivery is made.
- (h) Penalties: Violation of any of the Subsections (c), (d), (e), (f) or (g) shall be a Class A Violation.
(Ord. 2040)

12-209. Inhalation of Certain Elements.

- (a) It shall be unlawful for any person within the City limits to:
 - (1) Smell or inhale the fumes from any elements, compounds or combinations of both elements and compounds as defined in Subsection (b) below, for the purpose of causing a condition of intoxication, hallucination, inebriation, excitement, stupefaction or the dulling of the brain or nervous systems;
 - (2) Use or possess for the purpose of using any of the elements, compounds or combination of both elements and compounds as defined in Subsection (b) below;
 - (3) Sell, give or offer to sell or give to any other person any of the elements, compounds or combinations of both elements and compounds as defined in Subsection (b) below if the person has knowledge that the product sold, given or offered to be sold or given will be used for the purpose set forth in Subsection (a)(1) above;
 - (4) Nothing in this Section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes as prescribed or administered by duly authorized personnel.

(b) Definition: For purposes of this ordinance, elements, compounds or combinations of both elements and compounds shall be defined as any material in a liquid, solid or gaseous state, which contains one or more of the following chemical materials: Hydrocarbons, to include but not limited to propane, benzene, toluene; alcohols, to include but not limited to methyl, ethyl, isopropyl and butyl; volatile esters, to include but not limited to ethyl, acetate, butyl acetate, amyl acetate, ketones, to include but not limited to acetone, methyl ethyl ketone, methyl isobutyl keotone; halogenated hydrocarbons, to include but not limited to chloroform, ethylene dichloride, freon; halogenated derivatives of hydrocarbons, to include but not limited to pentachlorophenol; ethers, to include but not limited to ethyl ethers; and any elements, compounds or combination of both elements and compounds that produce a condition of intoxication, hallucination, inebriation, excitement, stupefaction or the dulling of his brain or nervous system.

(c) Evaluation, Costs: Upon a conviction, plea of no contest or guilty for violation of this Section, the Municipal Judge shall order such person to submit to and complete an alcohol and drug evaluation by a community based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. A diversion agreement based upon a violation of this Section shall also require a person to submit to and complete an alcohol and drug evaluation by a community based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto and to pay a fee not to exceed the fee established by that statute for such evaluation.

(d) Penalty. Violations of this Section shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined in accordance with Section 1-116 of the Code of the City of Bonner Springs. (Ord. 2040; Code 2014)

12-210. Deceptive Commercial Practices.

- (a) It is unlawful to commit a deceptive commercial practice.
- (b) The following definitions shall be applicable to this Section.
 - (1) Deceptive Commercial Practice: A deceptive commercial practice is the act, use or employment by any person of any deception, fraud, false pretense, false promise, or knowing misrepresentation of a material fact, with the intent that others shall rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby. Any person convicted of committing a deceptive commercial practice shall be guilty of a Class C violation.
 - (2) Merchandise means any objects, wares, goods, commodities, intangibles, real estate or services.
 - (3) Person means any natural person or his or her legal representative, partnership, corporation (domestic or foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.
 - (4) Sale means any sale, offer for sale, or attempt to sell any merchandise for any consideration.

(c) This Section shall not apply to the owner or publisher of any newspaper, magazine, or other printed matter wherein an advertisement appears, or to the owner or operator of a radio or television station which disseminates an advertisement, when such owner, publisher or operator had no knowledge of the intent, design or purpose of the advertisement.

- (d) Any person violating this Section is guilty of a Class C violation. (Ord. 1738, Sec. 6)

12-211. Urinating or Defecating Upon Public or Private Property.

Any person within the corporate limits of the City who urinates or defecates upon any highway, street, alley or upon the premises of any public place or building or upon private property, or in any place open to the public or exposed to public view or in open view of any person when the same has not been designated or designed as a restroom, shall be guilty of a Class C violation. This Section shall not apply to urination or defecating in any restroom or other facility designed for the sanitary disposal of human waste. (Ord. 1738, Sec. 7)

12-212. Curfew for Municipal Parking Lots.

(a) Curfew for Municipal Parking Lots. It shall be unlawful for any person to enter and remain in any municipal parking lot of the City as a pedestrian or while a driver or passenger of a motor vehicle, between the hours of 12:00 midnight and 6:00 a.m.

- (1) This Section shall not apply to loading or unloading of passengers or property, or use of Municipal Lots for Special Events by permission or permit by the City.

- (2) A person may not be arrested or convicted under this provision until a police officer has informed the person that his or her action violates this ordinance, has asked the person to move to a location that would not violate this Section, and the person fails to comply.

(b) Signs at Each Lot Restricted. Each municipal parking lot upon which these restrictions apply shall, at the effective date hereof, be posted with a sign, sufficient in size and legibility to enable reasonable notice of the restrictions contained in paragraph (a) hereof, and the sign shall be posted at the entranceway to each individual lot so restricted.

- (c) Any person violating this Section shall be guilty of a Class C violation.

(Ord. 1738 & 2212)

12-213. State of Emergency.

(a) Whenever in the judgment of the Mayor, or in the event of his or her inability to act, the Council President, determines that an emergency exists as a result of mob action or other civil disobedience or because of a tornado or other act of God or because of hazardous chemical (solid, liquid or gaseous) spills, or other emergencies involving public health, safety and welfare, causing or threatening to cause danger, death or injury or damages to persons or property, he or she shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace, public safety and order of the City:

- (1) To impose a curfew upon all or any portion of the City thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and City authorized or required Law Enforcement Officers and personnel may be exempted from such curfew.
- (2) To order the closing of any business establishments anywhere within the City for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.
- (3) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
- (4) To call upon regular and auxiliary law enforcement agencies and organizations within or without the City to assist in preserving and keeping the peace within the City.

(b) The proclamation of emergency provided for in this Section shall become effective upon its issuance and dissemination to the public by appropriate news media.

(c) Any emergency proclaimed in accordance with the provisions of this Section shall terminate after 48 hours after the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the Mayor and Council.

(d) Violation of the curfew and other provision of such proclamations issued pursuant to the authority of this Section is a Class A violation.

(Ord. 1738, Sec. 9)

12-214. Curfew for Minors.

(a) Definitions. For the purpose of this Section:

- (1) Custodian means a parent, guardian or other adult person having the legal responsibility for the care and custody of a minor.
- (2) Minor means any person under the age of 18 years.
- (3) Permit means to knowingly or to fail to prevent, due to lack of reasonable efforts, to supervise and control.
- (4) Remain means to unnecessarily tarry, stay, loiter, or idle.

(b) Nocturnal Curfew for Minors. It shall be unlawful for any child under the age of 18 years to wander, lounge, loaf, loiter or play in, about, or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, or in a vehicle or by any means between 11:30 p.m. and 6:00 a.m. unless accompanied by a parent, legal guardian, or other person exercising legal custody of such child. Such prohibition shall not apply to such children under the age of 18 years who are en route by the most direct and accessible route between their homes and authorized places of employment, authorized entertainment, or authorized place of attendance to their residences. The term authorized as used in this Section shall denote and require prior authorization by a parent, legal guardian, or other person exercising legal custody.

(c) Liability of Custodians of Minors. It shall be unlawful for any custodian to permit a minor under his or her control to wander about it or to remain in or upon any public street, road, avenue, alley, park or other public place as prohibited by this Section, except in the case of necessity.

(d) Enforcement Procedures.

- (1) If a police officer reasonably believes that a minor is wandering about without destination or has remained in or upon a street or other public place in violation of this Section, the officer shall warn the minor that he or she is in violation of the curfew and request the minor to give his or her complete name and address and how to contact his or her custodian. The officer shall then direct the minor to proceed immediately to his or her home or other usual dwelling place.
- (2) If the minor fails to obey these directions, or refuses to furnish the officer with the requested identification information, or has been subjected to a prior curfew warning that same night, the officer shall take such minor to the Police Department. The Police Department shall then contact the minor's custodian and request that he or she come to the police station and accept the release of the minor. If the custodian cannot be contacted, or if he or she fails to come to accept release, the minor shall be released to the Juvenile Intake Center.

(e) Penalties.

- (1) Any minor violating the provisions of this Section shall be dealt with according to the laws governing juveniles set forth by the City and the State of Kansas.
- (2) Any custodian violating the provisions of this Article shall be guilty of a Class C violation.
(Ord. 1816, Sec. 1; Ord. 1846, Sec. 1)

12-215. Use of Force in Resisting Arrest.

(a) A person is not authorized to use force to resist an arrest which he or she knows is being made either by a Law Enforcement Officer or by a private person summoned and directed by a Law Enforcement Officer to make the arrest, even if the person arrested believes that the arrest is unlawful.

(b) Violation of this Section is a Class A violation. (K.S.A. 21-3217; Ord. 1738)

12-216. Possession of Stolen Motor Vehicle License Plates.

It shall be unlawful for any person to possess any motor vehicle license plates, portions of such plates and annual renewal decals therefor which have been stolen from another. Violation of this Section shall be a Class A violation.

(Ord. 1738, Sec. 15)

12-217. Excessive Noise from Radios, Tape Players and Amplifiers on Vehicles.

No person shall operate, play or permit the operation or playing of any radio, tape player, television, phonograph, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in or on any vehicle in such a manner that such sound can be heard more than fifty (50) feet from the vehicle. A violation of this Article is a misdemeanor.

The prohibition contained in this Section shall not apply to parades which have been issued a City permit, nor shall it apply to the use of sound trucks, loudspeakers, or sound amplification in connection with any political speech.

(Ord. 1578, Sec. 1)

12-218. Intimidation of A Witness or Victim.

(a) Intimidation of a witness or victim is knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade:

- (1) Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or
- (2) Any witness, victim or person acting on behalf of a victim from:
 - (A) Making any report of the victimization of a victim to any Law Enforcement Officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer;
 - (B) Causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;
 - (C) Causing a civil action to be filed and prosecuted and assisting in its prosecution; or
 - (D) Arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

(b) Intimidation of a witness or victim is a Class B Violation.

(Ord. 2109; Ord. 2141; Ord. 2185)

ARTICLE 3. CAMPING PERMITS**12-301. Definition.**

(a) Camping is defined as:

- (1) Setting up tents, shacks, temporary shelter or other equipment or gear on public or private property for the purpose of reposing thereon during the night time.
- (2) Remaining upon public or private property for the purpose of reposing or habitating thereon for periods in excess of two (2) hours; or throughout the nighttime.
- (3) Parking or leaving in place on public or private property, any movable structure or special vehicle, motor home, recreational vehicle or other conveyance used or designed for daytime or overnight camping, such as a house trailer, camp trailer, camp wagon for the purpose of reposing thereon during the nighttime or for periods in excess of two (2) hours.

(b) Nighttime is defined as the hours between 7:00 p.m. and 7:00 a.m..

(c) Invited guests includes personal friends or associates of the landowner or tenant and does not include temporary lessees of real property for the purpose of camping for short periods of time incident to attending, participating in or associating with other entertainment functions or incident to parties or other events.

(Ord. 1774, Sec. 1)

12-302. Camping Unlawful; When.

It shall be unlawful for any person to camp or engage in the act of camping in or upon any public or private property within the City limits except under the following conditions:

(a) Camping shall be permitted in areas and on properties where camping is allowed under the applicable zoning ordinances of the City.

(b) Camping shall be permitted upon issuance of a camping permit as set forth in Section 12-305 and payment of a fee as established by the City Council.

(c) Camping shall be permitted by the owners or tenants of private property, or their invited guest, camping upon the owner's or tenant's private property for no more than a 48 hour period.

(Ord. 1774, Sec. 2)

12-303. Inapplicable; When.

Sections 12-301:302 shall be inapplicable to owners of private property, or their invited guests, to City owned parks, and to the Bonner Springs Wyandotte County Park.

(Ord. 1576, Sec. 3)

12-304. Penalty.

Violations of this Article shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined in accordance with Section 1-116 of the Code of the City of Bonner Springs.

(Code 2014)

12-305. Permits.

(a) Any person seeking issuance of a camping permit hereunder shall file an application with the City Clerk at least two (2) weeks in advance of the proposed camping date. The application shall state:

- (1) The name and address of the applicant.
- (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
- (3) The dates and hours for which the permit is desired.
- (4) The address where the permit is sought to be issued.
- (5) The estimate of the attendance pursuant to the permit.
- (6) Any other information which the Police Chief, City Clerk or City Manager shall deem reasonably necessary to make a fair determination as to whether the permit should issue.

(b) Camping permits may be issued for organized group camping in City parks.

(c) No camping permit shall be issued for a term longer than 48 hours, nor shall any permit be issued which would allow recreational vehicles, motor homes, camp trailers or other such items to be parked on a public park, public street or public right-of-way for purposes of camping.

(Ord. 1774, Sec. 3)

12-306. Permit; Issued.

The City shall issue a permit hereunder when it finds:

(a) The proposed activity and use of the area would not unreasonably interfere with or detract with the use or enjoyment of the area upon which the permit is sought, or the use and enjoyment of the surrounding area.

(b) The proposed activity and use will not unreasonably interfere with or detract from the public health, welfare, safety and recreation.

(c) The proposed activity and use is not unreasonably anticipated to incite violence, crime or disorderly conduct.

(d) The proposed activity and use will not entail unusual or extraordinary or burdensome expense upon the operation of the City.

(e) The facilities desired have not been reserved for other uses during the time requested in the permit.

(Ord. 1576, Sec. 5)

12-307. Appeal.

Within ten (10) days after receipt of application for permit, the City Manager or City Clerk shall apprise the applicant in writing the reasons for refusing a permit, and any aggrieved person shall have the right to appear in writing within ten (10) days to the City Council, who shall thereupon consider the

application under the standards set forth in Section 12-306 herein, and shall sustain or overrule the decision within ten (10) days. The decision of the City Council shall be final.

(Ord. 1576, Sec. 6)

12-308. Effect of Permit.

A permittee shall be bound by all applicable laws and ordinances as though the same were inserted in the permit.

(Ord. 1576, Sec. 7)

12-309. Liability of Permittee.

The person or persons to whom the permit is issued shall be liable for any loss, damage or injury sustained by any person whomsoever by reason of the negligence of the person or persons to whom such person shall have been issued. Each permittee shall post a \$100 cash bond refundable upon inspection of the camping premises to ensure all debris has been properly disposed of, and no injury has occurred to the premises of property. Costs of cleanup and repair shall be documented and deducted from the bond, if applicable.

(Ord. 1576, Sec. 8)

12-310. Revocation; When.

The City Manager or City Clerk shall have the authority to revoke any permit upon a finding of a violation of any law or ordinance, or upon good cause shown.

(Ord. 1576, Sec. 9)

ARTICLE 4. UNLAWFUL SALE OF TICKETS**12-401. Unlawful Sale of Tickets.**

No person shall sell, offer to sell, resell or offer to resell in the City of Bonner Springs, Kansas, any ticket of admission to a public event for a price that exceeds the price originally printed on the ticket. If a seller of a ticket requires, as a precondition of the resale of a ticket, the purchase or rental of other goods or services at a price in excess of the fair market value of such goods or services, the excess amount shall be deemed a part of the ticket price.

(a) No person shall sell, offer to sell, resell or offer to resell a ticket in violation of restrictions upon transfer of the ticket

(b) It shall be unlawful for any person knowingly to sell, resell, or offer to resell any purported ticket of admission to a public event that has been forged, falsified, or counterfeited.

(c) As used in this ordinance:

(1) "Person" is any individual, firm, corporation, partnership, limited liability partnership or other business entity.

(2) "Public Event" is any musical or theatrical performance, concert, exhibit, exhibition, sporting, athletic, or racing event that is open to the general public.

(3) "Ticket" is any printed or electronic medium of admission or right of entry to a public event.

(4) "Counterfeiting" is intentionally manufacturing, using, displaying, advertising, distributing, offering for sale, selling or possessing with intent to sell or distribute any item or services bearing or identified by a counterfeit mark defined as the unauthorized reproduction or copy of a trademark, service mark or trade name as defined by State statute. (d) Nothing in this Section is intended to, nor shall it be deemed to, prohibit a ticket seller from collecting a reasonable service charge in addition to the price printed on the ticket; provided, the service charge may not exceed the charge that is usual and customary for the industry, the ticket seller must have prior, written authorization from the event sponsor to assess the service charge, and the sale must not otherwise violate restrictions upon transfer of the ticket.

(e) Any person who violates item (a) shall, upon a first offense, be fined \$250 or incarcerated for up to five (5) days, or both. A person who within five (5) years of a violation of item (a) again violates this Section shall, upon conviction, be fined \$500 or incarcerated for up to one month, or both.

(f) A person who violates item (b) shall, upon a first offense be fined \$1,000 or incarcerated for up to one month, or both. A person who within five (5) years of a violation of item (b) again violates such item shall, upon conviction, be fined \$2,500 or incarcerated for up to six (6) months, or both.

(g) For sentencing purposes, the sale, attempted sale, resale or attempted resale of each ticket in violation of Section (a) or (b) constitutes a separate offense.

(Ord. 1963)