



City Commission Agenda Item

Meeting Date: September 5, 2023
From: Larry Schwartz, City Attorney
Item: Uniform Public Offense Code for Kansas Cities, 39th Edition

Purpose: An Ordinance adopting by reference the Uniform Public Offense Code for Kansas Cities, 39th Edition, prepared and published in book form in 2023, by the League of Kansas Municipalities.
(Roll Call Vote)

Background:

The League of Kansas Municipalities has published the Uniform Public Offense Code (UPOC) since 1980. The UPOC is designed to provide a comprehensive public offense ordinance for Kansas cities and does not take effect in a city until the governing body has passed and published an ordinance incorporating it by reference. LKM updates include changes made by the Kansas Legislature and generally mirrors Kansas statute and case law, allowing violations of those laws to be prosecuted in Arkansas City Municipal Court.

The following sections were added, amended, or moved in the 39th edition of the UPOC published in 2023. Details provided by LKM as listed in the Kansas Government Journal July 2023 Edition, article enclosed.

Changes:

- Section 1.1. Definitions.
 - Added:* Airbag, Counterfeit Supplemental Restraint System Component, Hard Cider, Maliciously, Nonfunctional Airbag, Sexually Explicit Conduct, Supplemental Restraint System.
 - Amended:* Temporary Permit, Wildlife, Wine.
 - Moved:* Health Care Facility & Health Care Provider to Section 6.7.
- Section 3.2.3. Battery Against a Health Care Provider.
- Section 3.6. Unlawful Restraint.
- Section 3.8. Violation of Protection from Abuse Order.
- Section 3.13. Stalking.
- Section 5.5. Watercraft; Lifesaving Devices Required.
- Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.
- Section 6.7. Criminal Trespass.
- Section 6.22. Criminal Hunting.
- Section 6.27. Counterfeit Airbag Violation.
- Section 7.2. Interference with Law Enforcement.
- Section 10.5. Unlawful Discharge or a Firearm.
- Section 10.30. Operating an Aircraft Under the Influence.
- Section 11.3. Commercialization of Wildlife.
- Section 11.11. Cruelty of Animals.

Commission Options:

1. Approve the Ordinance on first reading so City Law mirrors State Law.

Fiscal Impact:

Amount:

Fund: Department: Expense Code:

Included in budget Grant Bonds Other Not Budgeted

Approved for Agenda by:



Randy Frazer, City Manager