

ORDINANCE NUMBER 281

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, RELATING TO AND DEFINING CERTAIN CRIMES AND OFFENSES, PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCES IN CONFLICT THEREWITH:

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

Section 1: APPLICABILITY. A person is subject to prosecution and the imposition of punishment in the Municipal Court of the City of Wathena, Kansas, under this ordinance if he commits any of the offenses defined by this ordinance within the City of Wathena, Kansas.

Section 2. ASSAULT. An assault is an intentional threat or attempt to do bodily harm to another coupled with apparent ability and resulting in immediate apprehension of bodily harm. No bodily contact is necessary.

Section 3. UNLAWFUL INTERFERENCE WITH A FIREMAN OR FIREFIGHTER. Unlawful interference with a fireman or firefighter is knowingly and intentionally interfering with, molesting of assaulting, as defined in Section 2 of this ordinance, any fireman or firefighter while engaged in the performance of his duty, or knowingly and intentionally obstructing, interfering with or impeding the efforts of any fireman or firefighter to reach to destination of a fire.

Section 4. PERMITTING DANGEROUS ANIMAL TO BE AT LARGE. Permitting a dangerous animal to be at large is the act or omission of the owner or custodian of an animal of dangerous or vicious propensities who, knowing of such propensities, permits or suffers such animal to go at large or keep such animal without taking ordinary care to restrain it.

Section 5. CRIMINAL DAMAGE TO PROPERTY. Criminal damage to property is willfully injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property in which another has an interest without the consent of such other person. This section applies to property of the value of less than Fifty Dollars (\$50.00) or if such property is of the value of Fifty Dollars (\$50.00) or more, then if such property is damaged to the extent of less than Fifty Dollars (\$50.00).

Section 6. CRIMINAL TRESPASS. Criminal trespass is entering or remaining upon or in any land, structure, vehicle, aircraft or watercraft by one who knows he is not authorized or privileged to do so, and,

(a) he enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to him by the owner thereof or other authorized person; or

(b) Such premises or property are posted in a manner reasonably likely to come to the attention of intruders, or are fenced or otherwise enclosed.

Section 7. TAMPERING WITH A TRAFFIC SIGNAL. Tampering with a traffic signal is intentionally manipulating, altering, destroying, or removing any light, sign, marker or other signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft.

Section 8. INJURY TO A DOMESTIC ANIMAL. Injury to a domestic animal is willfully and maliciously:

- (a) administering any poison to any domestic animal; or
- (b) exposing any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal.

Section 9. OBSTRUCTING LEGAL PROCESS OR OFFICIAL DUTY. Obstructing legal process or official duty is knowingly and willfully obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute a writ, warrant, process or order of a court, or in the discharge of any official duty.

Section 10. INTERFERENCE WITH THE ADMINISTRATION OF JUSTICE. (1) Interference with the administration of justice is communicating in any manner a threat of violence to any judicial officer or harrassing a judicial officer by repeated vituperative communication, or picketing, parading or demonstrating in or near a building housing a judicial officer or near his residence or place of abode, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer on any matter then pending before him. (2) Nothing in this section shall limit or prevent the exercise by the Municipal Court of this city of its power to punish for contempt.

Section 11. DISORDERLY CONDUCT. Disorderly conduct is, with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or other breach of the peace:

- (a) engaging in brawling or fighting; or
- (b) disturbing an assembly, meeting or procession, not unlawful in its character; or
- (c) using offensive, obscene, or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or
- (d) failing to leave the public streets, alleys, rights of way, parks or other public places within the City of Wathena, Kansas, between the hours of 9:00 P.M. and 5:00 A.M. when ordered to do so by a law enforcement officer.

Section 12. MAINTAINING A PUBLIC NUISANCE. Maintaining a public nuisance is by act, or by failure to perform a legal duty, intentionally causing or permitting a condition to exist which injures or endangers the public health, safety or welfare.

Section 13. PERMITTING A PUBLIC NUISANCE. Permitting a public nuisance is knowingly permitting property under the control of the offender to be used to maintain a public nuisance, as defined in Section 12.

Section 14. VAGRANCY. Vagrancy is:

- (a) engaging in an unlawful occupation; or
- (b) being of the age of eighteen years or older and able to work and without lawful means of support and failing or refusing to seek employment; or
- (c) loitering without visible means of support; or
- (d) loitering on the streets or any place open to the public with intent to solicit for immoral purposes; or
- (e) deriving support in whole or in part from begging.

Section 15. PUBLIC INTOXICATION. Public intoxication is being on a highway or street or in a public place or building while under the influence of intoxicating liquor, narcotics or other drug to the degree that one may endanger himself or other persons or property, or annoy persons in his vicinity.

Section 16. UNLAWFUL POSSESSION OF ALCOHOLIC LIQUOR. Unlawful possession of alcoholic liquor is the possession in an open container of alcoholic liquor, or the consumption of alcoholic liquor by any person while upon the streets, alleys, rights of way, parks or other public places, or iny beer parlor, tavern, pool hall or place to which the general public has access in the City of Wathena, whether or not an admission or other fee is charged or collected.

Section 17. GIVING A FALSE ALARM. Giving a false alarm is:

(a) initiating or circulating a report or warning of an impending bombing or other crime or catastrophe, knowing that the report or warning is baseless and under such circumstances that it is likely to cause evacuation of a building, place of assembly, or facility of public transport or to cause public inconvenience or alarm; or

(b) transmitting in any manner to the fire department of the City of Wathena or Washington Township, or of any rural fire district having equipment within the City of Wathena, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.

Section 18. CRIMINAL DESECRATION. (1) Criminal desecration is purposely desecrating any public monument or structure, or any place of worship or purposely and publically desecrating the national flag, the state flag of Kansas or any other object venerated by the public or a substantial segment thereof.

(2) "Desecrate" means to deface, damage, pollute or otherwise physically mistreat in a way that will outrage the sensibilities of persons likely to observe or discover the action.

Section 19. FURNISHING INTOXICANTS TO A MINOR. Furnishing intoxicants to a minor is directly or indirectly, selling to, buying for, giving or furnishing any intoxicating liquor to any person under the age of 21 years.

Section 20. FURNISHING CEREAL MALT BEVERAGES TO A MINOR. Furnishing cereal malt beverages to a minor is directly or indirectly, selling to, buying for, giving or furnishing any cereal malt beverage to any person under the age of 18 years.

Section 21. ENCOURAGING JUVENILE MISCONDUCT. Encouraging juvenile misconduct is knowingly encouraging any person subject to the Kansas Juvenile Code to violate any law of the State of Kansas or any Ordinance of the City of Wathena, Kansas.

Section 22. PENALTIES. Upon conviction of any offense defined by this ordinance, a person may be sentenced to a term of confinement not to exceed three months. In addition to or instead of such term of confinement, such person may be sentenced to pay a fine of not more than One Hundred Dollars (\$100.00).

Section 23. REPEAL. All ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

Section 24. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication in the official city paper.

PASSED by the Council and APPROVED by the Mayor this 6th day of July, 1971.

Mayor

ATTEST:

City Clerk

(SEAL)