

ORDINANCE NO. 435

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, DEFINING CERTAIN STANDARDS OF PROHIBITED CONDUCT FOR PERSONS WITHIN THE CITY OF WATHENA, KANSAS; MAKING VIOLATION OF ANY OF SUCH STANDARDS A PUBLIC OFFENSE AND SUBJECT TO A PENALTY; PRESCRIBING THE NATURE AND EXTENT OF SUCH PENALTY; ADOPTING AND INCORPORATING BY REFERENCE THE PROVISIONS OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 1990, PREPARED AND PUBLISHED BY THE LEAGUE OF KANSAS MUNICIPALITIES; AND REPEALING ORDINANCE NO. 422 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH SPECIFICALLY EXCLUDING THEREFROM THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES AS ADOPTED BY THE CITY OF WATHENA.

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

SECTION 1. UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 1990, INCORPORATED. Pursuant to the provisions of K.S.A. 12-3009 through 12-3012, and K.S.A. 12-3301 and 12-3302, and any amendments thereto, the provisions of the Uniform Public Offense Code for Kansas Cities, Edition of 1990, prepared and published by the League of Kansas Municipalities and contained in book or pamphlet form, are hereby adopted and enacted as an Ordinance of the City of Wathena, Kansas, and said Uniform Public Offense Code for Kansas Cities, is hereby incorporated in this Ordinance by reference, the same as if the same had been set out in full herein.

SECTION 2. DISTRIBUTION OF COPIES OF ORDINANCE. (a) Immediately after publication of this Ordinance, the City Clerk shall mark or stamp on three (3) copies of the aforesaid Uniform Public Offense Code for Kansas Cities the following legend: "Official Copy as Incorporated by Ordinance No. 435" and said City Clerk shall attach to each of such copies a copy of this incorporating Ordinance and said three (3) documents, so compiled and prepared, shall thereafter remain on file in the office of the City Clerk and shall be open to inspection and available to the public at all reasonable business hours.

(b) In addition to the three (3) copies of this Ordinance and incorporated Uniform Public Offense Code for Kansas Cities which the City Clerk will prepare and file as provided in subparagraph (a) of this Section, the City Clerk shall, at the same time, compile and complete an additional six (6) copies of this Ordinance and incorporated Uniform Public Offense Code for Kansas Cities in document form in the manner prescribed in said

paragraph (a) of this Section, and shall distribute such documents as follows: One (1) copy to the Municipal Judge, two (2) copies to the City Attorney, and three (3) copies to the Doniphan County Sheriffs Department.

SECTION 3. DELETION OF SECTION 13 OF ARTICLE 10. Section 13 of Article 10, relating to barbed wire, of the aforesaid Uniform Public Offense Code for Kansas Cities, is also hereby amended by deleting the said Section 13 in its entirety.

SECTION 4. PURCHASE, POSSESSION OR CONSUMPTION OF LIQUOR OR CEREAL MALT BEVERAGE BY A MINOR.

(a) No person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas Juvenile Offenders Code. Upon adjudication thereof and as a condition of disposition, the Court shall require the offender to pay a fine of not less than \$100.00 nor more than \$500.00.

(d) In addition to or in lieu of any other penalty provided for a violation of this section, the Court may order the offender to do either or both of the following:

- (1) Perform 40 hours of public service;
- (2) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the minor's parent or legal guardian; provided, however, this exception does not apply to provision by such

parent or guardian in an establishment licensed to sell such cereal malt beverage for consumption or in any other location in the City to which the general public has access.

SECTION 5. POSSESSION OR CONSUMPTION OF CEREAL MALT BEVERAGE PROHIBITED IN CERTAIN PLACES.

(a) No person shall drink or consume any cereal malt beverage, or have any such cereal malt beverage in such person's possession in an open container, while such person is upon the public property, public streets, alleys, roads, highways, rights-of-way, parks or other public places within the City of Wathena. No person shall drink or consume any cereal malt beverage, or have any such cereal malt beverage in such person's possession in an open container, while such person is upon private property within the City of Wathena, except by a person occupying such property as an owner or lessee of an owner and by the invited guests of such owner or lessee or by a person on private property on which is located a business or establishment which is lawfully licensed to sell cereal malt beverage for consumption on the premises.

(b) Violation of this section is a Class C violation for which the minimum fine is \$50.00.

SECTION 6. POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PROHIBITED IN CERTAIN PLACES.

(a) No person shall drink or consume any alcoholic liquor or have any such alcoholic liquor in such person's possession in an open container, while such person is upon the public property, public streets, alleys, roads, highways, rights-of-way, parks or other public places within the City of Wathena, or in any beer parlor, tavern, pool hall or other place to which the general public has access (unless the same is otherwise permitted under state law). No person shall drink or consume any alcoholic liquor, or have any such alcoholic liquor in such person's possession in an open container, while such person is upon private property within the City of Wathena, except by a person occupying such property as an owner or lessee of an owner and by the invited guests of such owner or lessee.

(b) Violation of this section is a Class C violation for which the minimum fine is \$50.00.

SECTION 7. UNLAWFULLY PERMITTING CONSUMPTION OF CEREAL MALT BEVERAGE.

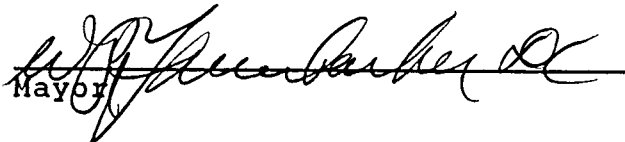
(a) No proprietor, owner or licensee, or any agent or employee of any such proprietor, owner or licensee, shall permit any person under the legal age for consumption of cereal malt beverage to consume or have in his or her possession any of such beverage in any place of business or establishment licensed to sell cereal malt beverages. The lack of knowledge of the age of the consumer or possessor of the cereal malt beverage shall not be a defense to a violation of this section.

(b) Violation of this section is a Class C violation.


SECTION 8. REPEALER. Ordinance No. 422 and all Ordinances and parts of Ordinances of the City of Wathena in conflict herewith are hereby repealed specifically excluding the Standard Traffic Ordinance for Kansas Cities as adopted by the City of Wathena.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in force and take effect from and after its publication in the official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 18th day of September, 1990.

  
Mayor

ATTEST:

  
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City Clerk