

CITY OF SHAWNEE

ORDINANCE NO. 3435

AN ORDINANCE AMENDING THE EXISTING PROVISIONS OF TITLE 9 OF THE SHAWNEE, KANSAS MUNICIPAL CODE TO INCORPORATE BY REFERENCE THE 2022, 38TH EDITION OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES (“UPOC”), WITH CERTAIN OMISSIONS.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHAWNEE, KANSAS:

PARAGRAPH 1. Chapter 9.01 of the Shawnee, Kansas Municipal Code is hereby amended to read as follows:

9.01.010 Incorporating Uniform Public Offense Code:

There is hereby incorporated by reference, for the purpose of regulating public offenses within the corporate limits of the City of Shawnee, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," Edition of 2022, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One (1) official copy of said Uniform Public Offense Code for Kansas Cities shall be marked or stamped as an "Official Copy as Adopted by Ordinance No. 3435", with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, 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. The Police Department, Municipal Judge, Municipal Prosecutors, and all administrative departments of the City charged with enforcement of this Ordinance shall be supplied at the cost of the City, such number of official copies of the Uniform Public Offense Code similarly marked, as may be expedient.

9.01.020 OMITTED.

Sections 3.1.1(Domestic Battery); 3.8 (Violation of Protection from Abuse Order); 3.8.1(Violation of a Protective Order); 3.13 (Stalking); 6.21 (Taking Wildlife Without Permission on Land posted "By Written Permission Only"); 6.22 (Criminal Hunting); 7.2 (Interference with Law Enforcement); 10.1 (Criminal Use of Weapons); 10.1.1 (Criminal Carrying of a Weapon); 10.3 (Criminal Distribution of Firearms to a Felon); 10.5 (Unlawful Discharge of Firearms); 10.6 (Air Gun, Air Rifle, Bow and Arrow, Slingshot, BB Gun or Paint Ball Gun); 10.7 (Seizure of Weapon); 10.8 (Unlawful Aiding, Abetting); 10.9 (Carrying Concealed Explosives); 10.13 (Barbed Wire); 10.18 (Failure to Place or Maintain a Smoke Detector); and 11.11 (Cruelty to Animals) of the Uniform Public Offense Code for Kansas Cities, Edition of 2022, are deleted and hereby declared to be omitted from this incorporating Ordinance and expressly omitted from incorporation by reference.

PARAGRAPH 2. The previously existing Section 9.01.010 and Section 9.01.020 of the Shawnee, Kansas Municipal Code are hereby repealed.

PARAGRAPH 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City of Shawnee, Kansas hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PARAGRAPH 4. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment of any section or portion thereof shall in any manner affect the prosecution for violation of this Ordinance or the previously existing provisions of Chapter 9.01, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under such Ordinance or provision, nor be construed as affecting any of the provisions of such Ordinances or provisions relating to the collection of any such license, fee or penalty, or the penal provisions applicable to the violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any Ordinance, and all rights and obligations there under shall continue in full force and effect.


PARAGRAPH 5. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED by the Governing Body this 22 day of August, 2022.

APPROVED AND SIGNED by the Mayor this 22 day of August, 2022.

CITY OF SHAWNEE, KANSAS



By: 
Michelle Distler, Mayor

ATTEST:

By: 
Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By:  Asst. City Atty
M. Ellis Rainey, II, City Attorney

First published in The Legal Record, Tuesday, August 30, 2022.

CITY OF SHAWNEE
Summary of Ordinance No. 3435

On the 22 day of August, 2022, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3435, amending the existing provisions of Title 9 of the Shawnee, Kansas Municipal Code to incorporate by reference the 2022, 38th Edition of the Uniform Public Offense Code for Kansas Cities ("UPOC"), with certain omissions.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3435 is legally accurate and sufficient.

Dated: August 22, 2022

/s/ M. Ellis Rainey, II, City Attorney
8/30

The Legal Record

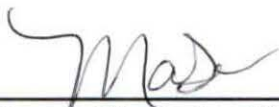
1701 E. Cedar St., Ste. 111
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(913) 780-5790

CITY OF SHAWNEE - CITY CLERK
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SHAWNEE KS 66203-2750

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

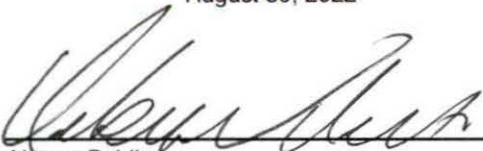
SUMMARY OF ORDINANCE NO. 3435
8/30/22



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

August 30, 2022



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L98554
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