

## **CHAPTER XI: PUBLIC OFFENSES**

### Chapter

- 1. UNIFORM OFFENSE CODE**
- 2. POSSESSION OF CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA**



## **ARTICLE 1: UNIFORM OFFENSE CODE**

### Section

- 11-101 Incorporating uniform public offense code
- 11-102 Same; amendment to include prohibition against public expectorating, urinating, defecating
- 11-103 Same; amendment to include prohibition against harboring of an animal that disturbs the peace
- 11-104 Same; air gun, air rifle, bow and arrow, slingshot, bb gun or paint ball gun
- 11-105 Same; amendment to include prohibition against sale, consumption, possession or use of intoxicating liquor or cereal malt beverage on property owned by school districts within the city
- 11-106 Same; amendment to prevent improper disposal of dog and cat waste within the city

### **§ 11-101 INCORPORATING UNIFORM PUBLIC OFFENSE CODE.**

There is hereby incorporated by reference the Uniform Public Offense Code for Kansas Cities, 39th Edition, prepared and published by the League of Kansas Municipalities. One copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy” as adopted by the Code of the City of Silver Lake, with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change to, which shall follow this section, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. Ord. 2576, and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours. (Ord. 2576, passed 8-7-2023)

### **§ 11-102 SAME; AMENDMENT TO INCLUDE PROHIBITION AGAINST PUBLIC EXPECTORATING, URINATING, DEFECATING.**

Article 11 of said Uniform Public Offense Code is hereby supplemented by adding the following section:

**11.13** It shall be unlawful for any person to expectorate, urinate or defecate on any public street, alley, sidewalk or floor of any public building, or any other place not designed, intended or designated for such purpose or where otherwise available to public view.

Violation of this Section shall be a Class C violation.  
(Ord. 2147, passed 8-16-2010)

**§ 11-103 SAME; AMENDMENT TO INCLUDE PROHIBITION AGAINST HARBORING OF AN ANIMAL THAT DISTURBS THE PEACE.**

*[Reserved.]*

**§ 11-104 SAME; AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN.**

(a) The unlawful operation of an air gun, air rifle, bow and arrow, crossbow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.

(b) Notwithstanding the foregoing, however, the governing body may grant permits to responsible groups and individuals for the operation of bows and arrows outside the confines of a building or other structure.

(c) No such permit shall be granted except upon written application, heard and approved by the governing body, demonstrating facts sufficient to protect the public safety. Any such application or renewal application shall be accompanied by payment of a fee in the amount of \$10. No permit granted pursuant to this section shall be for a period of greater than one year.

(Ord. 2165, passed 2-21-2001)

**§ 11-105 SAME; AMENDMENT TO INCLUDE PROHIBITION AGAINST SALE, CONSUMPTION, POSSESSION OR USE OF INTOXICATING LIQUOR OR CEREAL MALT BEVERAGE ON PROPERTY OWNED BY SCHOOL DISTRICTS WITHIN THE CITY.**

Article 5 of said Uniform Code is hereby supplemented by adding the following section:

**Section 5.9: Sale, Consumption, Possession or Use of Intoxicating Liquor or Cereal Malt Beverage on School Property Prohibited.**

(a) The sale, consumption, possession or use of intoxicating liquor or cereal malt beverage on property owned by any School District within the City of Silver Lake, Kansas, is hereby prohibited.

(b) Violation of this section may be prosecuted in the Municipal Court of the City of Silver Lake. Violation of Section 4 of this article shall be punishable by a fine of not more than \$500.

(Ord. 2576, passed 8-7-2023)

**§ 11-106 SAME; AMENDMENT TO PREVENT IMPROPER DISPOSAL OF DOG AND CAT WASTE WITHIN THE CITY.**

Article 6 of said Uniform Code is hereby supplemented by adding the following section:

**Section 6.27. Defecation by dogs or cats.**

(a) It is the duty of each person in control of a dog or cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat. Failure to remove feces deposited upon public property, or upon the property of another person, is a violation of this section.

(b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by a such dog or cat.

(c) It is an affirmative defense to prosecution under this section that the person in control of the dog or cat is the owner of the premises, or the owner's agent of the premises, where the dog or cat deposits feces.

(d) Violation of this section is unlawful and any violation shall be punishable upon conviction by a fine of not less than \$25 or more than \$100. Each act in contravention of this section is a separate offense.

(Ord. 2576, passed 8-7-2023)



**ARTICLE 2: POSSESSION OF CONTROLLED SUBSTANCES AND  
DRUG PARAPHERNALIA**

Section

- 11-201 Definitions
- 11-202 Controlled substances and controlled substance analogs prohibited
- 11-203 Drug paraphernalia; use or possession prohibited
- 11-204 Drug paraphernalia; prohibited acts
- 11-205 Factors for determining what constitutes drug paraphernalia
- 11-206 Distribution or possession of a simulated controlled substance
- 11-207 Representation that noncontrolled substance is a controlled substance
- 11-208 Penalties

**§ 11-201 DEFINITIONS.**

Words and phrases used herein shall have the same meaning as their corresponding definitions set forth in K.S.A. 21-5701, K.S.A. 65-4101, K.S.A. 65-4105, K.S.A. 65-4107, K.S.A. 65-4109, K.S.A. 65-4111, K.S.A. 65-4113 and amendments thereto.  
(Ord. 2358, passed 3-6-2017)

**§ 11-202 CONTROLLED SUBSTANCES AND CONTROLLED SUBSTANCE ANALOGS  
PROHIBITED.**

Except as authorized by the Kansas Uniform Controlled Substances Act, K.S.A. 65-4101 through 65-4149, and amendments thereto, it shall be unlawful for any person to possess or have under such person's control, prescribe, administer, deliver, distribute, dispense, compound, sell, offer for sale or have in such person's possession with intent to sell, deliver or distribute, any controlled substance or controlled substance analog, within the city limits of the city, provided K.S.A. 21-5705 to 21-5708 classifies the offense as a misdemeanor.  
(Ord. 2358, passed 3-6-2017)

**§ 11-203 DRUG PARAPHERNALIA; USE OR POSSESSION PROHIBITED.**

- (a) It shall be unlawful for any person to use or possess with intent to use:

(1) Any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Kansas Uniform Controlled Substances Act, being K.S.A. 4101 et seq.; or

(2) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the Kansas Uniform Controlled Substances Act.

(b) The provisions of division (a) above shall apply only if the offense is classified as a misdemeanor by K.S.A. 21-5709 and amendments thereto.  
(Ord. 2358, passed 3-6-2017)

#### **§ 11-204 DRUG PARAPHERNALIA; PROHIBITED ACTS.**

(a) It shall be unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered:

(1) Any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of K.S.A. 21-5710, and amendments thereto;

(2) Any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Kansas Uniform Controlled Substances Act, and amendments thereto; or

(3) 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, sell or distribute a controlled substance in violation of the Kansas Uniform Controlled Substances Act.

(b) The provisions of division (a) above shall apply only if K.S.A. 21-5709 and/or K.S.A. 21-5710, and amendments thereto, classify the offense as a misdemeanor.  
(Ord. 2358, passed 3-6-2017)

#### **§ 11-205 FACTORS FOR DETERMINING WHAT CONSTITUTES DRUG PARAPHERNALIA.**

In determining whether an object is drug paraphernalia, the court shall consider the factors set forth in K.S.A. 21-5711, and amendments thereto, in addition to any other logically relevant factors.  
(Ord. 2358, passed 3-6-2017)



**§ 11-206 DISTRIBUTION OR POSSESSION OF A SIMULATED CONTROLLED SUBSTANCE.**

(a) It shall be unlawful for any person to distribute, possess with the intent to distribute, possess with the intent to use or manufacture with the intent to distribute any simulated controlled substance.

(b) The provisions of division (a) above shall apply only if K.S.A. 21-5713, and amendments thereto, classify the offense as a misdemeanor.  
(Ord. 2358, passed 3-6-2017)

**§ 11-207 REPRESENTATION THAT NONCONTROLLED SUBSTANCE IS A CONTROLLED SUBSTANCE.**

(a) It shall be unlawful for any person to knowingly deliver or cause to be delivered 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; or

(2) Under circumstances which would give a reasonable person reason to believe that the substance is a controlled substance.

(b) 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 reason to believe that a substance is a controlled substance:

(1) The substance was packaged in a manner normally used for the illegal delivery of controlled substances;

(2) 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; and

(3) The physical appearance of the capsule or other material containing the substance is substantially identical to a specific controlled substance.

(c) The provisions of division (a) above shall apply only if K.S.A. 21-5714, and amendments thereto, classify the offense as a misdemeanor.  
(Ord. 2358, passed 3-6-2017)

**§ 11-208 PENALTIES.**

Any person who violates any of the provisions of the above within the corporate limits of the city shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,500, or by imprisonment not to exceed one year, or both such fine and imprisonment.  
(Ord. 2358, passed 3-6-2017)