

CHAPTER XI. PUBLIC OFFENSES

- Article 1. Uniform Offense Code
- Article 2. Local Regulations

ARTICLE 1. UNIFORM OFFENSE CODE

- 11-101. **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 Horton, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2000, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Horton, Kansas," 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 section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. (Code 2001)

ARTICLE 2. LOCAL PROVISIONS

- 11-201. **POSTERS; HANDBILLS.** It shall be unlawful for any person to tack, paint or place in any manner whatsoever any handbills, posters, signs or advertisements upon any utility pole, sidewalk or public property or to throw or scatter any handbills, dodgers, advertisements or other printed matter upon any street, alley, sidewalk, public property or vacant lot within the city. Any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$50. (Code 1965, 12-206)
- 11-202. **HEDGE FENCES OR SHRUBS.** It shall be unlawful for any owner or person in control of any hedge or shrub bordering on any street or sidewalk to permit such hedge or fence shrubs to grow to a height of more than three feet. Any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$25. (Code 1965, 12-211)
- 11-203. **BLASTING.** It shall be unlawful for any person to blast or cause to be blasted rocks, stumps or other material unless the object or area to be blasted at all be covered in such manner as to prevent any fragment, rocks, or other material from ascending into the air. Any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$25. (Code 1965, 12-213)
- 11-204. **VOTING PLACES; DISTURBANCE.** It shall be unlawful for any person to act in a violent or turbulent manner at or near the public polls on election day, or to engage in, aid or encourage the doing or causing to be done anything calculated to disturb the due and orderly proceedings of any election board or of the counting of the votes at any public election. Any person violating the provisions of this

section shall, upon conviction thereof, be fined in any sum not exceeding \$100, or be imprisoned not to exceed three months, or be both so fined and imprisoned. (Code 1965, 12-306)

11-205. MINORS; POOLS HALLS. It shall be unlawful for any owner, operator, or manager of a pool hall or billiard hall to allow any person under the age of 18 years to loiter, play pool or be employed in the establishment, unless written permission has been given by a parent or legal guardian. Any person violating any provision of this section shall, upon conviction thereof, be fined in any sum not to exceed \$100, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned. (Code 1965, 12-607)

11-206. MARIHUANA POSSESSION; PROHIBITED. Except as authorized by the uniform controlled substances act, it shall be unlawful for any person to possess or have under such person's control any marihuana as defined in K.S.A. Supp. 65-4101(o), as amended. Any person who violates this section shall be guilty of a Class A violation, as defined in the Uniform Public Offense Code, for a first offense. (K.S.A. Supp. 65-4127b; Code 1992)

11-207. OPERATION OF SOUND TRUCKS. It shall be unlawful for any person to operate any loudspeaker or sound amplifier mounted upon a truck, automobile or other vehicle except upon permission of the chief of police first having been obtained and at the times and in the manner and places that shall be prescribed by the chief of police. Any person violating the provisions of this section shall, upon conviction thereof, be fined in any sum not exceeding \$25. (Coded 1965, 12-611)

11-208. OUTDOOR LOUDSPEAKER OR AMPLIFIERS. (a) It shall be unlawful for any person to install, maintain or operate any mechanical or electronic music or speech reproducing or amplifying system or device over or on public sidewalks, streets or alleys within the city limits of Horton, Kansas; provided, that the governing body may grant permission for the use of such a system or device for a period not to exceed 10 days. Any person, firm or corporation violating any provision of this section shall, upon conviction thereof, be fined in any sum not to exceed \$50.

(b) It shall be unlawful for any person, firm or corporation to play, operate or use any mechanical or electronic music or speech reproducing or amplifying system or device located, maintained or installed on the outside of a private building, or buildings or on private property for the advertisement, sale or selling of any products, goods or merchandise, sold or selling within the private building or buildings or on the private property located within the city limits of Horton, Kansas; provided, that the governing body may grant permission for the use of such a system or device for a period not to exceed one day. Any person, firm or corporation violating any provision of this section shall, upon conviction thereof, be fined in any sum not to exceed \$50.

(c) It shall be unlawful for any person, firm or corporation to play, operate or use any mechanical or electronic music or speech reproducing or amplifying system or device located, maintained or installed on the outside of a private building, or buildings or on private property by playing or reproducing music over such a sound system as above described in such a loud manner as to be offensive or disturbing to any person, family or neighborhood. Any person, firm or corporation violating any provision of this section shall, upon conviction thereof, be fined in any sum not to exceed \$50. (Ord. 701, Secs. 1:3)

11-209.

CURFEW. (a)(1) It shall be unlawful for any person under the age of 18 years to be upon the streets, alleys, or any property owned by or under the control of the city, including Mission Lake and its surround city-owned area, between the hours of 11:00 p.m., and 6:00 a.m., during that part of the week extending from 11:00 p.m. Sunday to 6:00 a.m. Saturday and between the hours of 12:00 midnight, and 6:00 a.m. during the part of the week extending from 12:00 midnight Saturday to 6:00 a.m. Sunday, unless the person shall be accompanied by his or her parent, guardian or legal custodian; provided, however, that if such person has employment which requires that person to be at his or her place of employment during such prohibited hours, such person may proceed from such place of employment, directly and without any delay, to his or her home without being in violation of this section.

(a)(2) It shall be unlawful for any person under the age of 15 years to be upon the streets, alleys, or any property owned by or under the control of the city, including Mission Lake and its surrounding city-owned area, between the hours of 10:00 p.m. and 6:00 a.m. during that part of the week extending from 10:00 p.m. Sunday to 6:00 a.m. Saturday and between the hours of 10:30 and 6:00 a.m. during the part of the week extending from 10:30 Saturday to 6:00 a.m. Sunday, unless the person shall be accompanied by his or her parent, guardian or legal custodian.

(b) It shall be unlawful for any parent, guardian or legal custodian of any person under the age of 18 years to knowingly or to negligently permit or allow such person to be upon any street, alley, or public property in violation of subsections (a)(1) and (a)(2) herein.

(c) All persons under the age of 18 years who shall be found upon the streets, alleys or public property in violation of subsections (a)(1) or (a)(2) herein, shall be detained at the city hall until their respective parent(s), guardian(s), or legal custodian(s) shall have been notified and shall appear at the city jail for the purpose of escorting such person to his or her home.

(d) Any person violating any of the provisions of this section shall, upon conviction thereof, be fined in any sum not to exceed \$50, or be imprisoned not to exceed 50 days, or be both so fined and imprisoned; for a second or subsequent offense, be fined in a sum not to exceed \$150, or be imprisoned not to exceed 90 days, or be both so fined and imprisoned; and shall be subject to the provisions of K.S.A. 38-120 (amended July 1, 1995) Recovery from parents for malicious or willful acts by certain children: limitations.
(Ord. 987)

11-210.

SKATEBOARDING; PROHIBITIONS. (a) No person upon a skateboard shall go upon any sidewalk in the city provided, however, this prohibition shall not apply to sidewalks located in residential areas of the city.

(b) No person upon a skateboard shall go upon any driveways lying between a sidewalk and a city street located in the city.

(c) Whenever the person in possession or control of any private property used by the public for purposes of vehicular traffic by permission of the owner shall cause to be posted at each entrance thereto a permanently lettered, clearly legible sign with the following legend:

“No persons on skateboards allowed.”

Then no person upon a skateboard shall go upon any such duly posted, private property. (Ord. 936, Secs. 1:3)

11-211.

LOUD SOUND AMPLIFICATION SYSTEM IN MOTOR VEHICLES;
PROHIBITED. (a) No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle.

(b) Sound Amplification System means any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of sound.

(c) Plainly Audible means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based direct line of sight. Words and phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

(d) It is an affirmative defense to charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

(2) The vehicle was an emergency or public safety vehicle;

(3) The vehicle was owned or operated by the city, gas, electric, communications or refuse company;

(4) The system was used for giving instructions, directions, talks, addresses, or transmitting music to any person or assemblages of persons in compliance with ordinances of the city;

(5) The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions, and other activities which have the approval of the department authorized to grant such approval.

(Ord. 989, Sec. 1)

11-212.

VANDALISM/CRIMINAL DESTRUCTION OF PROPERTY; RESTITUTION.

(a) The penalties for vandalism and criminal destruction of property shall include mandatory restitution for physical damages to such property incurred by the victim of the act. The amount of restitution shall be determined by the judge of the municipal court, based on documentation and other verifiable information provided by the victim and by the city police department. Such amounts as ordered shall be paid through the clerk of the municipal court of forwarding to the victim.

(b) The fine assessed for each occurrence of vandalism and destruction of property shall be equal to the amount of restitution ordered, up to \$1,000, unless the municipal judge, for good cause shown and upon a specific finding, sets a different amount to avoid manifest injustice. The fine shall be paid to the city in addition to any restitution paid to the victim. In the event the victim is the city, both restitution and fine shall be paid to the city.

(c) The money due the victim and the city shall be paid by the individual committing the destruction act, or, if the perpetrator is a minor child, shall be paid by the child's parents or legal guardian.

(d) The city shall have the right to seek payment of restitution and fine by any lawful means available including but not limited to garnishment of wages, or addition to personal property taxes.

(Ord. 988, Secs. 1:4)