

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 Hiawatha, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2006, 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 Hiawatha, 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.
(Ord. 968, Sec. 1; Code 2007)
- 11-102. **UPOC SECTION 6.10 DELETED; TRAFFIC SIGNAL TAMPERING.** Section 6.10 of the Uniform Public Offense Code relating to tampering with a traffic signal is omitted and deleted. (Code 1977, 9.20.020)
- 11-103. **UPOC SECTION 10.13 DELETED; BARBED WIRE.** Section 10.13 of the Uniform Public Offense Code relating to barbed wire is omitted and deleted.
(Code 1977, 9.20.030)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. WINDOW PEEPING. It is unlawful for any person to trespass upon the property owned or occupied by another for the purpose of looking into or peeping into any window, door, skylight or other opening in any house or building.
(Code 1977, 9.18.010)
- 11-202. POSSESSION OF MARIHUANA. (a) Except as authorized by the Uniform Controlled Substances Act, it is unlawful for any person to possess or have under such person's control any marihuana, as defined in K..A. 65-4101(o), as amended.
(b) 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. 4161(a)(3))
(Code 1977, 9.20.050)
- 11-203. POSSESSION OF DRUG PARAPHERNALIA. (a) No person shall use or possess with intent to use:
(1) Any simulated controlled substances. Simulated control substances shall include, but not be limited to those items as set forth at K.S.A. 65-4150(a).
(2) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, in violation of the Uniform Controlled Substances Act. Drug paraphernalia shall include, but not be limited to those items set forth at K.S.A. 65-4150(b).
(b) 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. 65-4152)
(Code 1977, 9.20.060)
- 11-204. STOCKING CITY LAKE. (a) It is unlawful for any person to stock, place, or set, one or more fish in the Hiawatha City Lake without the express authorization of the city administrator of the city.
(b) Any person who violates this section shall be guilty of a Class C violation, as defined in the Uniform Public Offense Code.
(Code 1977, 9.20.080)
- 11-205. NOISE; FINDINGS. (a) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the city is a condition which has existed for some time in certain areas of the city;
(b) The making, creation or maintenance of such excessive, unnecessary or unusually loud noises which are prolonged and unusual in their time, place and use affect and are a detriment to the public health, comfort, convenience, safety, welfare and property of the residents of the city;
(c) It is necessary and in the public interest for the provisions and prohibitions contained in this chapter to be enacted, and it is further declared that the provisions and prohibitions contained and enacted in this chapter are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience,

safety and welfare and the prosperity and the peace and quiet of the city and its inhabitants.

(Code 1977, 9.30.010)

11-206. SAME; UNLAWFUL NOISE. It is unlawful for any person to make, continue or cause to be made or continued, or for any person in charge or control of any residence, office, premises or vehicle to allow such residence, office, premises or vehicle to be used by others to make, continue or cause to be made or continued, any excessive, unnecessary or unusually loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. (Code 1977, 9.30.020)

11-207. SAME; SPECIFIC NOISE PROHIBITED; STANDARDS. The following acts, among others, are declared to be loud, excessive and unnecessary noises in violation of this chapter; but the enumeration shall not be deemed to be exclusive, namely:

(a) The playing, using, operating or permitting to be played, used or operated, any radio, receiving set, musical instrument, phonograph or other machine or device for production or reproduction of sound in a manner as to disturb the peace, quiet, repose and comfort of neighboring inhabitants or at time with louder volume than is necessary for convenient hearing for the person or persons who are in the residence, office or vehicles, or upon the premises in which such machine or device is operated. The operation of any such set, instrument, phonograph, machine or device between the hours of 9:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 200 feet from the residence, office, premises or vehicle in or on which it is located shall be prima facie evidence of a violation of this section.

(b) The yelling, shouting, whistling or singing on a public street, alley or sidewalk, or while on a private or public parking area or parking lot as to annoy or disturb the peace, quiet, comfort or repose of the person in any residence, premises, office or hotel. Such yelling, shouting, hooting, whistling or singing between the hours of 9:00 p.m. and 8:00 a.m., in such a manner as to be plainly audible at a distance of 200 feet from the boundary of the street, alley, sidewalk, parking area or parking lot shall be prima facie evidence of a violation of this section.

(Code 1977, 9.30.030)

11-208. DEFINITIONS. The following words and phrases, when used in this section, shall have the meanings respectively ascribed to them:

(a) Announced Religious Event. - A religious event regarding which the public has been provided notice of the beginning time and of the duration or ending time of such event by the conspicuous posting of a sign on the property where the event is to be held or by announcement in a newspaper which is regularly printed on, at least, a weekly basis within the city.

(b) Focused Picketing. - Standing, sitting or walking in a repeated manner past or around a house of worship, by one or more persons while carrying a banner, placard, or sign.

(c) House of Worship. - Any church, synagogue, mosque, or other structure that is regularly used for the exercise of religious beliefs.

(d) Religious Event. - Any scheduled worship service, wedding, funeral rite, memorial service for the dead, or other observance of a religious sacrament, ritual, ceremony or celebration that takes place at a house of worship or on the property where a house of worship is situated.
(Code 1977, 9.32.010)

11-209. UNLAWFUL ACTS. It is unlawful for any person to engage in focused picketing, during the time period from one-half hour prior to the beginning time of an announced religious event until one-half hour after the ending time of the event, on public property at any of the following locations:

(a) On the sidewalk adjoining the property on which a house of worship is situated;

(b) In the street or roadway adjoining or adjacent to the property on which a house of worship is situated;

(c) On the public area between the house of worship and an adjoining or adjacent street or roadway, including but not limited to the curb, drainage, or area between the street and sidewalk (if a sidewalk exists) commonly referred to as the "parking" or "easement";

(d) On any public property within 50 feet of the property line on which a house of worship is situated, if any entrance to the house of worship is located on that side of the property for any funeral, funeral rite, or memorial service for the dead which may take place in the house of worship;

(e) On any public property within 90 feet of the property line on which a house of worship is situated, if any entrance to the house of worship is located on that side of the property; or

(f) On property or grounds containing a structure where a religious event is being held.

(Code 1977, 9.32.020)

11-210. SKATEBOARD; DEFINED. Skateboard means a single platform mounted on wheels, which is propelled solely by human power and which has no mechanism or other device with which to steer or to control the movement or direction of the platform. (Code 1977, 12.48.010)

11-211. SAME; PROHIBITED AREAS. (a) Except as otherwise provided herein, no person shall use, operate or ride any skateboard upon the streets and alleys, or public parking lots, on the sidewalks and within the city in the following certain areas: on the sidewalks, on both sides of Oregon Street from Morrill Avenue to Twelfth Street; on sidewalks, on both side of First Street from Cheyenne Street to Kickapoo Street; on Fifth Street, on sidewalks on each side of Fifth Street from Delaware to Utah; on each side of Sixth Street, from Delaware to Kickapoo; on each side of Seventh Street, from Delaware to Kickapoo; on each side of Eighth Street, from Delaware to Utah; on each side of Ninth Street, from Delaware to Utah; on each side of Tenth Street from Delaware to Utah; on each side of Eleventh Street from Delaware to Utah; and on each side of Twelfth Street from Delaware to Utah; and all sidewalks located in the Brown County Courthouse yard and square; sidewalk on the south side of Delaware Street from Fifth Street to Ninth Street; and the sidewalk on the south side of Utah Street from Fifth Street to Ninth Street.

(b) Skateboarding shall be permitted on any other sidewalks within the city.
(Code 1977, 12.48.010)

11-212. RULES OF THE ROAD. (a) Notwithstanding their status as pedestrians, skateboard operators on sidewalks shall yield the right-of-way to all vehicular and to all other pedestrian (nonskateboard) traffic upon the sidewalk.

(b) No more than one person shall operate or ride on a skateboard at one time.
(Code 1977, 12.48.030)

11-213. VIOLATION; IMPOUNDMENT; IMPOUNDMENT FEE; FINE. A law enforcement officer detaining a person for violating this chapter, may impound the skateboard. In the case of the violation of this article by a person who is 18 years or older, the skateboard shall be released by the city police department if the violator appears at the city police department and provides self-identification. To obtain release of the skateboard to persons under the age of 18, they must appear at the city police department with a parent or guardian; however, if no such parent or guardian resides in the city, the skateboard can be released if its owner provides a letter from a parent or guardian requesting that it be released. An impoundment fee of \$20.00 shall be collected by the police department before the skateboard will be released. Violation of this article is a municipal offense punishable by a fine of up to \$50.00. (Code 2007)

11-214. PENALTY. Any person violating this chapter may be punished by:
(a) A fine of not more than \$499;
(b) Imprisonment in jail for not more than 179 days; or
(c) Both such fine and imprisonment not to exceed the limits set out in subsections (a) and (b) of this section.
(Code 1977; 9.32.030; Code 2007)