

ORDINANCE NO. 23-22

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE *UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES*, 39TH EDITION, AMENDING SECTION 16-4 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. That Section 16-4 of the Code of the City of Emporia, Kansas, is hereby amended to read as follows:

“Section 16-4. Uniform Public Offense Code for Kansas Cities Adopted; Amendments and Deletions:

- (a) *Adopted.* There is hereby incorporated by reference for the purpose of regulating various public offenses within the corporate limits of the City of Emporia, Kansas, that certain code known as the *Uniform Public Offense Code*, 39th Edition, 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. One official copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 23-22,” with all sections or portions thereof intended to be omitted 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 to inspection and available to the public at all reasonable hours.
- (b) *Amendments and Deletions.* The *Uniform Public Offense Code*, 39th Edition is hereby amended in the following respects:
- a. Section 3.2.1 Sexual Battery is hereby omitted and deleted
 - b. Section 3.8 Violation of Protection from Abuse Order is hereby omitted and deleted.
 - c. Section 3.8.1 Violation of a Protective Order is hereby omitted and deleted.
 - d. Section 5.1.2 Unlawful Possession of a Visual Depiction of a Child is hereby omitted and deleted.
 - e. Section 5.1.3 Unlawful Transmission of a Visual Depiction of a Child is hereby omitted and deleted.
 - f. Section 7.15 Intimidation of a Witness or Victim is hereby omitted and deleted.
 - g. Section 9.9.3 Unlawful Distribution of Controlled Substances is hereby omitted and deleted.
 - h. Section 9.9.4 Unlawful Possession of Controlled Substances is hereby omitted and deleted.
 - i. Section 9.9.5 Unlawful Possession of a Simulated Substance is hereby omitted and deleted.
 - j. Section 10.23 Trafficking in Counterfeit Drugs is hereby omitted and deleted.
 - k. Section 11.1 Promoting Obscenity is hereby omitted and deleted.

- l. Section 11.2 Promoting Obscenity to Minors is hereby omitted and deleted.
- m. Sub-section 10.24(c) relating to exemptions from Prohibited Smoking is hereby omitted and deleted.
- n. Sub-section 10.24(d)(3) relating to exemptions from Prohibited Smoking is hereby omitted and deleted.
- o. Sub-section 10.24(d)(5) relating to exemptions from Prohibited Smoking is hereby omitted and deleted.
- p. Sub-section 10.24(d)(6) relating to exemptions from Prohibited Smoking is hereby omitted and deleted.”

Section 2. That Section 16-4 of the Code of the City of Emporia, Kansas as it existed prior to the adoption of this ordinance is hereby repealed.


Section 3. This ordinance shall take effect upon its publication in the official City newspaper.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 2nd day of August 2023.



ATTEST:


Kerry Sull, City Clerk


Susan Brinkman, Mayor