

(Published in the Topeka Metro News October 17, 2011)

ORDINANCE NO. 19651

AN ORDINANCE introduced by Daniel R. Stanley, Interim City Manager, amending City of Topeka Code § 9.05.080, concerning the 2011 Uniform Public Offense Code and specifically repealing said original section as well as § 5.135.010 in its entirety.

BE IT ORDAINED BY THE GOVERNING BODY THE CITY OF TOPEKA:

Section 1. That section 9.05.080, Uniform Public Offense Code, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

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 Topeka, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of ~~2010~~2011, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except Sections 3.1.1 ("Domestic Battery"), 4.3 ("Prostitution"), 4.4 ("Promoting Prostitution"), 4.5 ("Patronizing a Prostitute"), ~~9.11 ("Picketing of Funerals")~~, 10.24 ("Smoking Prohibited"), 10.25 ("Smoking; Posting Premises"), 10.26 ("Smoking Prohibited; Penalties") and 11.11 ("Cruelty to Animals"), which are specifically deleted and omitted. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as adopted by Ordinance No. ~~49536~~____," 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 said ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

29 The Uniform Public Offense Code, Edition of ~~2010~~2011, is hereby further
30 amended by adding the following exception to Section 10.6:

31 Exception: Operation of a bow and arrow is permitted in accordance with the
32 provisions set forth in TMC 6.05.070.

33 Section 2. That section 5.135.010, Information as to ownership, of The Code
34 of the City of Topeka, Kansas, is hereby repealed in its entirety.

35 ~~Information as to ownership — Records to be maintained by dealers and~~
36 ~~salvage yard owners.~~

37 ~~(a) — Purpose. For the purpose of promoting public health, safety and welfare, it~~
38 ~~is hereby declared to be in the public interest and necessary to require dealers in~~
39 ~~secondhand metals to obtain information from the sellers of those secondhand metals,~~
40 ~~prior to purchasing such metals.~~

41 ~~(b) — Information Required from Sellers of Junk — Exceptions. Any person who~~
42 ~~sells an item or items of junk to a salvage yard owner/operator is required to furnish to~~
43 ~~the salvage yard owner/operator information as to the ownership of such item or items~~
44 ~~of junk. Such information shall include the seller's name, address and place of business,~~
45 ~~if any. Failure to provide such information shall be deemed a violation of municipal~~
46 ~~ordinances and may be prosecuted in municipal court.~~

47 ~~The requirement of the seller providing the above-stated information shall only apply to~~
48 ~~those instances where the seller is selling semiprecious metal items, which include, but~~
49 ~~are not limited to, copper, aluminum and brass. In no event shall the requirement of~~
50 ~~providing information as to ownership apply to the sale of rags, paper, rope and rubber~~
51 ~~debris.~~

~~(c) — Salvage Yard Owners/Operators Required to Obtain Certain Information as to Ownership — Record of Ownership. No salvage yard owner/operator shall purchase an item or items of junk without receiving from the seller information as to ownership. Such information shall include the seller's name, address and place of business, if any. Every salvage yard owner/operator shall maintain a record of ownership of items purchased pursuant to any transaction described in this section. Records kept in accordance with the provisions in this section shall be at all times open to inspection by law enforcement officers and shall be maintained on the business premises for two years. Failure to receive and/or maintain such information shall be deemed a violation of municipal ordinances and may be prosecuted in municipal court. The requirement of the salvage yard owner/operator to receive and maintain ownership information shall only apply to those instances where the seller is selling semiprecious metal items, which include, but are not limited to, copper, aluminum and brass. In no event shall the requirement of receiving and maintaining ownership information apply to the sale of rags, paper, rope and rubber debris.~~

~~(d) — Activities Not Covered. The requirements of this section shall not apply to businesses dealing in the purchase of aluminum cans as an incidental part of the operation, such as grocery stores or similar situations, nor shall it apply to automated pickup and recycling stations, such as the Golden Goat or similar operations, or recycling stations where no payment is made for scrap or waste paper, such as the scouts and churches or other charitable organizations engaged in fundraising.~~

Section 3. That original § 9.05.080 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 5. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 6. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the Governing Body on October 11, 2011.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk