

(Published in the Topeka Metro News February 17, 2014)

ORDINANCE NO. 19880

AN ORDINANCE introduced by City Manager Jim Colson, amending City of Topeka Code § 9.05.080, concerning adoption of the 2013 Uniform Public Offense Code and specifically repealing said original section.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

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

Uniform Public Offense Code.

(a) Adoption. 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 for Kansas Cities, 29th Edition of 2012(2013), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, (hereinafter referred to as "UPOC 2013") ~~save and except for Sections 3.1.1 ("Domestic Battery"), 10.1.1(a)(5) ("Transporting firearms"), 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. 19781," 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.~~

(b) Amendments.

(1) ~~The Uniform Public Offense Code, Edition of 2012, Section 10.6 of UPOC 2013, relating to bows and arrows,~~ is hereby further amended by adding the following exception to ~~Section 10.6:~~

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

(2) ~~The Uniform Public Offense Code, Edition of 2012, is hereby further amended by adding the following exception to Section 10.5:~~

~~Exception: Discharge of a firearm is permitted in accordance with the provisions set forth in TMC 6.05.070. Section 10.4(a) of UPOC 2013, relating to confiscation of weapons, is deleted and the following shall be substituted:~~

(a) Upon conviction for any violation described in Sections 10.1, 10.1.1, 10.2, 10.3, 10.3.1, and 10.5 of this article, any weapon seized in connection therewith shall remain in the custody of the trial court.

Section 2. That original § 9.05.080 of The Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper, except that Section 3.1.1 of the UPOC 2013 shall not take effect until January 1, 2015.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. 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 February 10, 2014.

CITY OF TOPEKA, KANSAS

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk