

**ORDINANCE NO. 1044**

**AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF EDWARDSVILLE, KANSAS, BY AMENDING CHAPTER 8, PUBLIC OFFENSES AND NUISANCES, ARTICLE I, UNIFORM PUBLIC OFFENSE CODE, OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS (“CODE”), AND INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 2021,” WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PROVIDING CERTAIN PENALTIES; AND REPEALING CONFLICTING EXISTING CODE SECTIONS 8.01.001 OF THE CODE OF ORDINANCES OF THE CITY OF EDWARDSVILLE, KANSAS (CODE OF ORDINANCES).**

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

**Section 1.** Code section 8.01.001 is hereby amended to read as follows:

**8.01.001 INCORPORATING PUBLIC OFFENSE CODE.** There is hereby incorporated by reference, for the purpose of regulating public offenses within the corporate limits of the City of Edwardsville, Kansas, that certain code known as the “Uniform Public Offense Code for Kansas Cities, 2021” (herein referred to as the “UPOC”), 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. One copy of the UPOC will be marked “Official Copy as Adopted by Ordinance No. 1044;” all sections or portions thereof which are to be omitted or changed will be clearly marked; and a copy of this ordinance will be attached thereto and filed with City Clerk, to be available to the public for inspection at all reasonable hours.

Section 10.5, “**UNLAWFUL DISCHARGE OF A FIREARM,**” of the UPOC is hereby amended to read as follows:

**Sec. 10.5. UNLAWFUL DISCHARGE OF A FIREARM**

- (a) Unlawful discharge of a firearm is the reckless discharge of a firearm within or into the corporate limits of any city. The term reckless is defined in accordance with K.S.A. 21-5202(j), as amended.
- (b) This section shall not apply to the discharge of any firearm within or into the corporate limits of any city if:
  - 1) The firearm is discharged in the lawful defense of one’s person, another person or one’s property;
  - 2) The firearm is discharged at a private or public shooting range;
  - 3) The firearm is discharged to lawfully take wildlife unless prohibited by the department of wildlife, parks and tourism or the governing body of the city;

- 4) The firearm is discharged by authorized law enforcement officers, animal control officers or a person who has a wildlife control permit issued by the Kansas department of wildlife, parks and tourism;
  - 5) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;
  - 6) The firearm is discharged using blanks; or
  - 7) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.
- (c) This section shall not apply to the non-reckless discharge of a firearm on one's own property for the sole purpose of target practice by the owner(s) and invited guest(s).
- (d) Unlawful discharge of firearms is a Class B violation. (K.S.A. 21-6308a)

Section 10.6, "**AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN, OR PAINTBALL GUN,**" of the UPOC is hereby amended to read as follows:

**10.6 AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN, OR PAINTBALL GUN.**

- (a) The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paintball gun, within the city, except within the confines of a building or other structure from which the projectiles cannot escape.
- (b) This section shall not apply to the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paintball gun except within the residential zoning districts of RD-S, R-2 and R-3.
- (c) Any person residing in residential zoning districts RD-S, R-2 or R-3 may request an exemption from this section by approval of the Police Chief or his designee.
- (d) Unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is a Class C violation.

Section 10.13, "**BARBED WIRE,**" of the UPOC is hereby amended to read as follows:

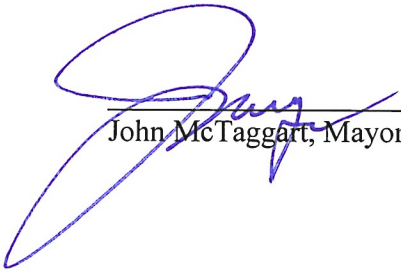
**10.13 BARBED WIRE.** It shall be unlawful for any person or entity to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the city except as set forth in 3.09.005 of the Code of Ordinances.

Section 10.29, "**VIOLATION OF A PUBLIC HEALTH ORDER,**" is hereby deleted in its entirety.

**Section 2.** Code section 8.01.001 as previously adopted pursuant to ordinance numbered 1000, and any other provisions in conflict with those expressed or incorporated by reference in the instant ordinance, are hereby repealed.

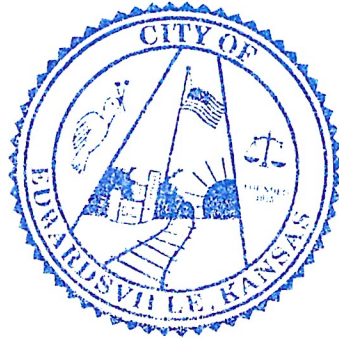
**Section 3.** This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 23<sup>rd</sup> DAY OF AUGUST, 2021.**

  
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John McTaggart, Mayor

ATTEST:

  
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Zachary Daniel, Assistant City Manager/City Clerk



APPROVED AS TO FORM:

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Lisa Dehon, City Attorney