

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 Eskridge, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2014, 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 said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Eskridge, 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. 564; Code 2016)

11-102. SAME; AMENDMENTS. (a) The Uniform Public Offense Code shall be operative within the city limits and upon any park property and/or real property owned by City.

Section 1.1 shall be amended as follows:

City or this City. All land and water either within or outside the boundary of the city over which the city has either exclusive jurisdiction, concurrent jurisdiction, or real property ownership, and the air space above such land or water.

(b) Article 9 relating to and headed "Offenses Against Public Peace" of the Uniform Public Offense Code, 2014 Edition, is hereby amended by replacing Section 9.5 as follows:

9.5 Maintaining or Permitting a Public Nuisance

(a) Maintaining a public nuisance is knowingly causing or permitting a condition to exist which injures or endangers the public health, safety or welfare by permitting the deposit or storage of junk, trash, garbage, debris, equipment, appliances, materials, vehicles, parts of vehicles, machinery, parts of machinery or any other disagreeable thing upon real property within the city limits. The harmful, injurious or dangerous nature of the aforementioned items shall be determined by an objective consideration of whether the conditions would offend a person of reasonable sensitivity.

(b) Maintaining a public nuisance is knowingly maintaining or permitting a condition to exist which injures or endangers the public safety by allowing dangerous conditions to exist upon property within the city. This would include, but not be limited to, open wells, dangerous structures, dilapidated structures subject to collapse, structures infested with vermin, refrigerators or other appliances that could endanger children, or any other

condition that a reasonable person would consider dangerous to persons entering the property.

(c) Maintaining a public nuisance is knowingly allowing the growth of grass, weeds, shrubs, bushes, trees or other natural growth in a manner that a person of reasonable sensibilities would consider unsightly or a blight upon neighboring property.

(d) Permitting a public nuisance is knowingly permitting property under the control of the offender to be used to maintain a public nuisance, as defined in Subsection (a), (b) or (c).

(e) Upon a first conviction of Maintaining or permitting a public nuisance, the offense shall be treated as a Class C violation. Any subsequent conviction of a person under this section shall be treated as a Class B violation.

(Ord. 564; Code 2016)

ARTICLE 2. LOCAL REGULATIONS

- 11-201. CURFEW; DEFINED. It shall be unlawful for any minor under the age of 18 years of age to wander, lounge, loaf, loiter or play in, about or upon any public street, alley, sidewalk, vacant lot, public place or other place normally accessible to the general public for public use, whether on foot, or in a vehicle or by any means during the hours of curfew which are hereby specified for each day of each week as provided, to wit:
- 11:00 p.m. Monday to 6:00 a.m. Tuesday;
 - 11:00 p.m. Tuesday to 6:00a.m. Wednesday;
 - 11:00 p.m. Wednesday to 6:00a.m. Thursday;
 - 11:00 p.m. Thursday to 6:00 a.m. Friday;
 - 12:00 a.m. Saturday to 6:00a.m. Saturday;
 - 12:00 a.m. Sunday to 6:00a.m. Sunday;
 - 11:00 p.m. Sunday to 6:00 a.m. Monday;
- unless accompanied by a parent, legal guardian, or other person exercising legal custody of such minor. Such prohibition shall not apply to minors under 18 years of age who are enroute by the most direct and accessible route between their homes and authorized places of employment, authorized entertainment, or authorized place of attendance to their residences. The term authorized, as used in this section, notes and requires prior authorization by a parent, legal guardian, or other person exercising legal custody. (Ord. 464; Code 2016)
- 11-202. SAME; PARENT; GUARDIAN RESPONSIBLE. It shall be unlawful for any parent, guardian or other person having legal care or custody of a minor child under the age of 18 years of age to allow or permit such minor child to loiter or be upon or in those places named in section 11-201, within the time prohibited by section 11-201. Any minor under such age may be permitted to attend school functions and other activities under the supervision of school authorities or organizations sponsored by parents and be upon the streets of the city while returning home from any such function or activity. (Ord. 464; Code 2016)
- 11-203. SAME; PENALTY. Any person violating section 11-201 or section 11-202 shall, upon conviction thereof, be fined in any sum not to exceed \$50 for a first conviction and shall be fined in a sum not to exceed \$500 for any subsequent conviction. Any minor person under 18 years of age shall be subject to the jurisdiction of the District Court of Wabaunsee County, Kansas. (Ord. 464; Code 2016)
- 11-204. CERTAIN NOISES PROHIBITED. (a) It shall be unlawful for any person(s) using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as disturbs the peace, quiet and comfort of the neighboring inhabitants or general public at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of any such set, instrument, phonograph, machine or device, between the hours of midnight and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building or structure or 25 feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section.

(b) It shall be unlawful for any person(s) using, operating or permitting to be operated, or the owner thereof to allow to be operated any ATV, moped, motorcycle or other motor vehicle to operate such a device upon property within the city limits in such a manner as disturbs the peace, quiet and comfort of the neighboring inhabitants or general public at any time between the hours of 9:00p.m. and 7:00 a.m. It shall be considered prima facie evidence that the person is disturbing the peace if the vehicle is plainly audible at a distance of 50 feet from the vehicle.

(c) Upon conviction of a violation of this section, the court shall impose a fine of not less than \$100, nor more than \$499. Upon a second conviction, within a three year period, the court shall impose a fine of not less than \$200, nor more than \$499.

(d) Person(s) shall mean any individual and/or the parents or custodian of any individual under the age of 18 who is living with parents or custodian.
(Ord. 538; Code 2016)