

[A Summary of this Ordinance was published in the *Clarion*
on August 24, 2016.]

ORDINANCE NO. 937

AN ORDINANCE OF THE CITY OF MAIZE, KANSAS, AMENDING SECTIONS 11-101 AND 11-102 OF THE CODE OF THE CITY OF MAIZE, KANSAS, INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," 33rd EDITION OF 2017 WITH CERTAIN ADDITIONS AND OMISSIONS, AND REPEALING THE ORIGINAL SECTIONS 11-101 AND 11-102.

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

SECTION 1. Section 11-101 of the Code of the City of Maize, Kansas, is hereby amended to read as follows:

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 Maize, Kansas, that certain code known as the "Uniform Public Offense Code," 33rd Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such sections as are hereafter modified or changed. No less than one copy of the Uniform Public Offense Code shall be marked or stamped "Official Copy as adopted by Ordinance No. 937," with all changed sections clearly marked to show modifications and changes and to which shall be attached a copy of this Ordinance, filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. Section 11-102(a) of the Code of the City of Maize, Kansas, is hereby created and will read as follows:

11-102(a). **Amended Section 10.5.** Section 10.5 of the Uniform Public Offense Code, Edition of 2016, is hereby amended to read as follows:

UNLAWFUL DISCHARGE OF FIREARMS.

(a) Unlawful discharge of a firearm is the reckless discharge of a firearm within or into the corporate limits of the City.

(b) This section 11-102(a) shall not apply to the discharge of any firearm within or into the corporate limits of the 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;

(6) The firearm is discharged using blanks;

(7) The firearm is discharged in lawful self-defense or defense of another person against an animal attack. (K.S.A. Supp 21-6308a)

(8) The discharge of shotguns on one's own property, providing that the property is a parcel consisting of five (5) or more acres, and so long as the discharge is no closer than three hundred (300) feet to any structure on any adjoining parcel of land. In addition to property owners of parcels identified above, these exceptions shall extend to leaseholders of single family dwellings, and/or persons with written permission granted by the property owner. However, persons under eighteen (18) years old otherwise eligible must be accompanied by and supervised by a parent, grandparent, or guardian.

Unlawful discharge of a firearm is a Class B violation.

11-102(b). Amended Section 10.6. Section 10.6 of the Uniform Public Offense Code, Edition of 2016 shall be amended to read as follows:

AIR GUN, AIR RIFLE, BOW AND ARROW, SLINGSHOT, BB GUN OR PAINT BALL GUN. 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 paint ball gun within the city, except within the confines of a building or other structure from which the projectiles cannot escape. This Section shall not be construed to apply to the shooting, discharging or operating of an air gun, air rifle, bow and arrow, slingshot, BB gun, pellet gun or paint ball gun on one's own property, provided that the property is a parcel consisting of five (5) or more acres, and so long as the shooting, discharging or operating is no closer than three hundred (300) feet to any structure on any adjoining parcel of land. In addition to property owners of parcels identified above, these exceptions shall extend to leaseholders of single family dwellings, and/or persons with written permission granted by the property owner. However, persons under eighteen (18) years of age otherwise eligible must be accompanied by and supervised by a parent, grandparent or guardian.

Unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is a Class C violation.

11-102(c). Amended Section 10.24. Section 10.24 of the Uniform Public Offense Code, Edition of 2016 shall be amended to read as follows:

SMOKING PROHIBITED. (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or a public meeting including, but not limited to:

(1) public places;

(2) taxicabs and limousines;

(3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;

(4) restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;

(5) access points of all buildings and facilities not exempted pursuant to subsection (d);

(6) any place of employment; and

(7) in outside non-enclosed areas of land that are operated by the City, for example, but not limited to City Hall, city parks, the city community building, the city wastewater treatment facility, and City-owned wells where the areas of land are posted as follows: signs posted outside non-enclosed areas of land operated by the City that conspicuously display the international no smoking symbol and clearly state that smoking is prohibited by Section 11-102(c) of the Code of the City of Maize, Kansas.

(b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.

(c) Notwithstanding any other provision of this Section, 10.25 or 10.26, the proprietor or other person in charge of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, or a medical care facility, may designate a portion of such adult care home, or the licensed long-term care unit of such medical care facility, as a smoking area, and smoking may be permitted within such designated smoking area.

(d) The provisions of this section shall not apply to:

(1) the outdoor areas of any building or facility beyond the access points of such building or facility;

(2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto;

(3) a hotel or motel room rented to one or more guests if the total percentage of such hotel or motel rooms in such hotel or motel does not exceed 20%;

(4) the gaming floor of a lottery gaming facility or racetrack gaming facility, as those terms are defined in K.S.A. 74-8702, and amendments thereto;

(5) that portion of an adult care home, as defined in K.S.A. 39-923, and amendments thereto, that is expressly designated as a smoking area by the proprietor or other person in charge of such adult care home pursuant to subsection (c) and that is fully enclosed and ventilated;

(6) that portion of a licensed long-term care unit of a medical care facility that is expressly designated as a smoking area by the proprietor or other person in charge of such medical care facility pursuant to subsection (c) and that is fully enclosed and ventilated and to which access is restricted to the residents and their guests;

(7) tobacco shops;

(8) a Class A or Class B club defined in K.S.A. 41-2601, and amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606 *et seq.*, and amendments thereto, as of January 1, 2009; and (B) notifies the secretary of

health and environment in writing not later than 90 days after the effective date of this act, that it wishes to continue to allow smoking on its premises; and

(9) a private club in designated areas where minors are prohibited.

(10) any benefit cigar dinner or other cigar dinner of a substantially similar nature that: (A) is conducted specifically and exclusively for charitable purposes by a nonprofit organization which is exempt from federal income taxation pursuant to Section 501(c)(3) of the federal internal revenue code of 1986; (B) is conducted no more than once per calendar year by such organization; and (C) has been held during each of the three years prior to January 1, 2011; and

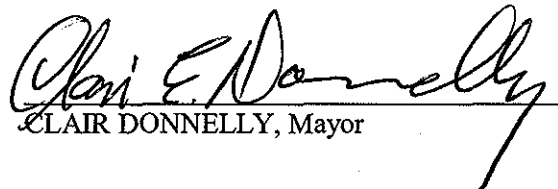
(11) that portion of a medical or clinical research facility constituting a separately ventilated, secure smoking room dedicated and used solely and exclusively for clinical research activities conducted in accordance with regulatory authority of the United States or the state of Kansas, as determined by the director of alcoholic beverage control of the department of revenue. (K.S.A. Supp. 21-6110).

SECTION 3. Repeal. The original Sections 11-101 and 11-102 of the Code of the City of Maize, Kansas, are hereby repealed.

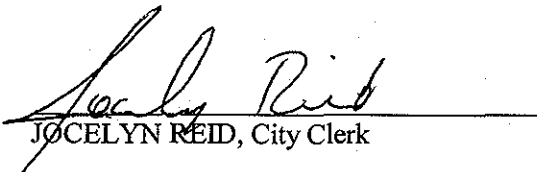
SECTION 5. Effective Date. This ordinance shall take effect upon publication of the summary of this ordinance in the official city newspaper of the City of Maize, Kansas.

PASSED by the Governing Body and APPROVED by the Mayor of the City of Maize, Kansas, this 21st day of August, 2017.

(SEAL)


CLAIR DONNELLY, Mayor

ATTEST:


JOCELYN REID, City Clerk

