

562-2124
2014

ORDINANCE NO. 1349

AN ORDINANCE OF THE CITY OF SABETHA, KANSAS, ESTABLISHING THE OFFENSES OF POSSESSION OF MARIJUANA, POSSESSION OF DRUG PARAPHERNALIA, AND POSSESSION OF SIMULATED CONTROLLED SUBSTANCES; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A PENALTY CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City does not presently have an ordinance dealing with possession of marijuana, possession of drug paraphernalia, or possession of simulated controlled substances; and,

WHEREAS, such conduct is prohibited by State Law in Chapter 65 of Kansas Statutes Annotated, but local enforcement thereof requires prosecution in the District Courts of Nemaha or Brown Counties; and,

WHEREAS, the City has power to enact a local regulation governing possession of marijuana and possession of drug paraphernalia and the Commission has determined that the City should have such a local regulation;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SABETHA, KANSAS, as follows:

SECTION I

The following offenses are added to Article 2 of Chapter 11 of the Sabetha City Code:

A. Possession of Marijuana.

Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person to possess or have under such persons control any marijuana, as defined by K.S.A. 65-4101(o), as amended.

B. Possession of Drug Paraphernalia or Simulated Controlled Substances

No person shall use or possess with the intent to use:

1. Any simulated controlled substances. Simulated controlled substances shall include, but not be limited

to those items as set forth in K.S.A. 65-4150(a), as amended.

2. Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance, in violation of the Uniform Controlled Substances Act. Drug paraphernalia shall include, but not be limited to those items set forth in K.S.A. 65-4150(b), as amended.

SECTION II

Violation of this ordinance is a Class A violation, as defined in the Uniform Public Offense Code, as adopted and amended by the City of Sabetha.

SECTION III

All terms and words herein shall be interpreted and defined by the definitions set out in Chapter 65 of Kansas Statutes Annotated, as the same now exists or is hereafter amended.

SECTION IV

Should any paragraph, sentence, sub-division, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part or parts as declared to be invalid, illegal, or unconstitutional.

SECTION V

This ordinance shall be in full force and effect from and after its adoption by the City Commission and publication in the official City newspaper.

SECTION VI

That all other ordinances and code provisions in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other provisions of the Sabetha City Code not in conflict herewith shall remain in full force and effect.

SECTION VII

The repeal of any ordinance, of parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the Governing Body of the City of Sabetha, Kansas, this 12th day of February, 2001.

Mayor

ATTEST: _____
City Clerk