I. Call to Order / Roll Call

II. Approval of standing committee minutes from May 18, 2015.

III. Committee Agenda

Item No. 1 - GRANT: FY15 EDWARD BYRNE MEMORIAL JAG

Synopsis:
Request to apply for the FY15 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $90,101 ($23,645-Sheriff Dept. training 2016-2018, $66,456-Police Dept. equipment purchase and equipment/software upgrade), submitted by Angie Masloski, Public Safety Business Office. No match required.

Tracking #: 150178
Item No. 2 - GRANT: FY15 EDWARD BYRNE MEMORIAL JAG

Synopsis:
Request to apply for the FY15 Edward Byrne Memorial Justice Assistant Grant (JAG) in the amount of $234,001.83 to fund two deputies and one detective in the Offender Registration Unit from 10/1/15 to 9/30/16, submitted by Angie Masloski, Public Safety Business Office. No match required.
Tracking #: 150180

Item No. 3 - GRANT: FY16 VOCA

Synopsis:
Request to apply for the FY16 Victims of Crime Act (VOCA) grant in the amount of $215,000 to continue sustaining the Victim Services Unit, submitted by Kristen Czugala, Police Dept. Match: $40,425 from approved Police Operating Budget and $13,325 in-kind.
Tracking #: 150184

Item No. 4 - RESOLUTION: SOUTH PATROL SITE

Synopsis:
A resolution authorizing the acquisition of property necessary for the South Patrol facility, CMIP 978-9242, specifically Parcel 246000, submitted by Mike Tobin, Interim Public Works Director.
Tracking #: 150186

Item No. 5 - ORDINANCE: NE CORNER OF 39TH & RAINBOW PROPERTY

Synopsis:
An ordinance to formally release the UG’s right to re-enter the previously vacated street and alley, per KCK adopted Ordinance No. 46791 from 1967, located at the northeast corner of 39th & Rainbow, on which the University of Kansas is scheduled to construct a new health education building starting 8/27/15, submitted by Ryan Haga, Legal.
Tracking #: 150193
Item No. 6 - ORDINANCE: OFFENSE CODE

Synopsis:
An ordinance amending Chapter 22, Miscellaneous Provisions and Offenses of the UG Code, as it relates to the weapons laws that now allow concealed carry, open carry and knives in the city, submitted by Jenny Myers, Legal.
Tracking #: 150187

Item No. 7 - ORDINANCE: TRAFFIC CODE

Synopsis:
An ordinance amending Chapter 35, Traffic of the UG Code, to comply with state statute, submitted by Jenny Myers, Legal.
Tracking #: 150188

Item No. 8 - ORDINANCE: SECURITY GUARD PERMITS

Synopsis:
An ordinance amending Chapter 19, Licenses, Permits and Miscellaneous Business Regulations of the UG Code as it relates to security guard permits, submitted by Jenny Myers, Legal.
Tracking #: 150189

IV. Adjourn
The meeting of the Public Works and Safety Standing Committee was held on Monday, May 18, 2015, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Bynum, Chairman; Commissioners Philbrook, Markley, Kane, Johnson; and BPU Board Member Jeff Bryant. The following officials were also in attendance: Joe Connor, Assistant County Administrator; Gordon Criswell, Assistant County Administrator; Melissa Mundt, Assistant County Administrator; Jody Boeding, Chief Legal Counsel; Jennifer Myers, Senior Attorney; Emerick Cross, Commission Liaison; and Captain Michelle Angell, Kansas City, Kansas Police Department.

Chairman Bynum called the meeting to order. Roll call was taken and all members were present as shown above.

Approval of standing committee minutes for February 17 and March 16, 2015. On motion of Commissioner Markley, seconded by BPU Board Member Bryant, the minutes were approved. Motion carried unanimously.

Chairman Bynum said next we have a blue sheet item for tonight’s agenda. It’s a new item and it’s added to the agenda as Item No. 4.

Committee Agenda:
Item No. 1 – 150117…RESOLUTION: OPERATION GREEN LIGHT TRAFFIC CONTROL

Synopsis: A resolution approving a cooperative agreement with Mid-America Regional Council (MARC) to fund operations of the Operation Green Light (OGL) Traffic Control System for 2015-2016, submitted by Lideana Laboy, Public Works.

Bill Heatherman, County Engineer, said I’m standing in for Lideana Laboy, our City Traffic Engineer. This is a renewal of an ongoing contract that we’ve had. It’s a partnership amongst a
whole large number of cities on both the Kansas and Missouri side facilitated by the Mid-America Regional Council. They work together to make sure that traffic signals across jurisdictional lines, as well as along corridors within our own city, are coordinated. It gives us access to a real-time control center that’s manned in Lee’s Summit. It also leverages about 50% of the cost through federal funds that are allocated through the Mid-America Regional Council. We’ve been very pleased with the performance and the assistance we’ve gotten. This is just a routine re-authorization. The money is already budgeted in cash accounts under the CMIP.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve and forward to full commission. Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Kane, Johnson, Bynum.

**Item No. 2 – 150102…RESOLUTION: MERRIAM LANE, WEST 36TH ST. TO 24TH ST. IMPROVEMENTS**

**Synopsis:** A resolution approving an agreement with the City of Overland Park, KS, for the public improvements on Merriam Lane, West 36th to 24th Street, submitted by Bill Heatherman, County Engineer. The UG initiated this project and will pay all costs.

**Bill Heatherman, County Engineer,** said this pertains to the second Merriam Lane project which is under design right now. It’ll begin construction in about a year that extends the improvements west from 24th Street to the county line. The very edge of that project around 34th Street actually spills into Overland Park. The county line is on a diagonal. We’re bringing our project to a nice clean close right past the intersection, but because we’re technically off our jurisdiction, we need to have a city-city agreement in place that just clarifies that this is a Unified Government project. We’re the primary. Overland Park really doesn’t have a whole lot of interest in it other than to assist us in any right-of-way or other matters.

I will say that we are asking that you approve this tonight with the amendment that the final text of the agreement, once it is finalized between the two city law departments, will be presented to the full council.

There are just some minor technical and legal issues. We’ve been going back and forth about the specifics of how we say it, and we just weren’t able to get all of that finished up today.
We will bring the proper text once it comes to the full commission, but the spirit of the agreement is as shown tonight and we’d ask for the committee’s approval.

**Action:** Commissioner Kane made a motion, seconded by Commissioner Philbrook, to approve and forward to full commission. Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Kane, Johnson, Bynum.

Mr. Heatherman said I’ll just take note that that is with the stipulation that we amend the language before coming to commission.

**Item No. 3 – 150121…OVERVIEW: EMERALD ASH BORER SOLUTIONS**

**Synopsis:** Overview of programs and possible options available for Wyandotte County residents in dealing with the problem of the Emerald Ash Borer (EAB) affecting all ash trees in the metropolitan area, presented by Mike Tobin, Interim Public Works Director.

Mike Tobin, Interim Public Works Director, said this is an effort that has spanned across a couple of departments, notably Parks and Public Works. Staff has been working on it and I'm going to let Kurt Suther here from our Public Works Department, Jack, the Deputy Parks Director, and Tim Nick from Public Works staff, explain all the details to you. After they finish up, I’ll come back in on the end and we’ll talk about it because we’re kind of getting into a policy area here as to what goes with this program. We’re part informational and then direction from you as to how we proceed from this date. Having said all of that before I ruin it, I’ll let staff take over.
**Emerald Ash Borer**

- Millions of ash trees have died.
- 24 states & 2 Canadian provinces.
- Discovered at Wyandotte County Lake in 2013.

Kurt Suther, Neighborhood Resource Center, said as many of you probably are aware, the Emerald Ash Borer has killed millions of ash trees in the United States in 24 states and 2 Canadian provinces. It was discovered at Wyandotte County Lake in the summer of 2013. One important note to take is that it just impacts ash trees. It’s not going to impact other trees. It attacks the ash trees.

**Impact Emerald Ash Borer: Toledo, OH.**

This shows the impact of it on a residential street in Toledo, Ohio. It came in 2002. It was discovered in Detroit, Michigan. They believe it came from the Pacific Rim countries. At this point, there are no natural predators for it either. It does have quite an impact on the streetscape.
An estimated count studied them with the Mid-America Regional Council sponsored through the Kansas Forest Service, 6.5 million trees in Wyandotte County. Of that amount, if the average 2.6 in the metropolitan area for ash trees, that shows you how many ash trees would be available if it was 2.6, 170,000. If it’s 1.3 it would be 85,000. It’s estimated in the metropolitan area that there’s close to 6.5 million ash trees. We have been working with all of the different cities in the region working on this also.

There are really four locations that the ash would be located in. One would be your wooded areas which most people let the wooded areas alone and let nature take care of its course. Then you have the government property, you have right-of-ways, and then you also have private properties.

Commissioner Philbrook said whoa, stop. Go back to the last one. I’m confused. An estimated 6.53 million trees in Wyandotte County, an estimated 6.43 million in the metro. Mr. Suther said in the metro of ash trees. Commissioner Philbrook said I know. Mr. Suther said the top was all trees. Commissioner Philbrook said the top one is all trees. Mr. Suther said correct, in Wyandotte County. Commissioner Philbrook said still, you can’t have more in Wyandotte County than you have in the whole metro. Mr. Suther said we have a maximum of 170,000 in Wyandotte County and 6.49 million in the metro.
Mr. Tobin said one thing Kurt forgot to mention here is that’s the actual size of the insect that’s causing all this damage. I just wanted to note that as he moves forward. Mr. Suther said very destructive little thing.

### U.G. Ash Tree Plan

<table>
<thead>
<tr>
<th>U.G. Location</th>
<th># of Ash</th>
<th># to Cut</th>
<th># to Treat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>275</td>
<td>54</td>
<td>221</td>
</tr>
<tr>
<td>Other*</td>
<td>116</td>
<td>20</td>
<td>96</td>
</tr>
<tr>
<td>U.G. Totals</td>
<td>391</td>
<td>74</td>
<td>317</td>
</tr>
</tbody>
</table>

*Other* includes UG parking lots, medians, and miscellaneous properties.

As far as determining the Unified Government properties, we’ve left the wooded areas alone. If there’s any ash that might pose any type of a risk, we’ll be evaluating that and then cutting those down. We have looked at the other locations. We located all of the ash trees. We measured them, we rated them and that gives you an analysis of what we recommend. With the 391 ash trees, to cut down 74 and to treat 317. As we go through this process, we’ll be continually evaluating and re-evaluating the effectiveness.

### Right-of-Way Responsibilities

- Some Cities are responsible for ROW’s.
- Some Cities are not responsible for ROW’s.
- By ordinance KCK not responsible for ROW’s.
- “Potential” UG exposure to future dead ash. In house staff survey: 2,153 ash on private property & ROW could impact street & utility lines.
Secondly, I talked about the right-of-ways. In looking at research with different cities, some cities are responsible for right-of-ways, so they’ll actually be treating and/or cutting ash trees on the right-of-way. Some cities are not responsible for maintaining right-of-ways. Those cities, generally, have not done a whole lot as far as offering services to their community.

In KCK, the ordinance states that we are not responsible for the right-of-way. What I did then, knowing that we are not responsible for right-of-way, I did some surveying to determine the number of ash trees if the private property did not cut them down, if they were dead and they didn’t do anything, if they would fall into our streets or into our utility lines. I do have that all mapped out so it will give us an idea of where those locations are.

**Treatment of Ash**

- Treatment good for 2-3 years. More treatment required in future.

- Recommended treatment time: (May-June) and (September-October)

- KC. Mo. average tree size of 16” or $96 per tree for treatment good for 2-3 year period.

When you look at the treatment of ash, the treatment is generally good for anywhere from two to three years, but you’re going to have to re-treat it after that three-year period. A lot of cities will be treating the trees every three years.

The recommended time, the best time to treat them is between May and June and September and October. Those are the best times. Looking at Kansas City, Missouri, their average 16” tree that they’ve treated is $96 per tree for the treatment costs.
The options and assistance for our residents, if you take a look at that, basically there are a couple of different ash trees. That’s a white ash. They turn nice red fall colors. We have also a green ash which turns yellow in the fall time.

Currently we have educational information on the UG website. It will tell individuals what is an ash tree. A lot of people don’t even know what an ash tree looks like, but they can look at the pictures on the PowerPoint on the website and determine that. In addition, it shows some of the symptoms if their tree has been attacked by the bug. Thirdly, it gives other resources to help them make an educated opinion whether they should cut or should treat their tree.

Currently in Wyandotte County, a resident with a tree branch of 12” or less can take it to the yard waste drop off center and also to Deffenbaugh. So if they are cutting down some trees, those are some resources that we currently have in place.

In addition, after talking with some cities, I got the idea to get ahold of some contractors to see if we could get some pricing for treatment for our residents. We’ve contacted a company and got some bids trying to get a better price break for individuals in our community.
This gives an example of what the contractor has said. The first column is the tree size diameter. I don’t know I wasn’t familiar with it a few years ago until I got on the Tree Board, but a 10” diameter, you have to multiply that times a little over 3 so it’ll give you a 30” circumference. That just gives you a little idea with that.

The second column gives a price break if a homeowner’s association or a business has 50 or more plus trees. There’s so many dollars per tree according to the diameter of the tree. Then the last column is a price for just an individual tree.

When you look at that, the private contractors, they’re set up. They have the staff already hired. They have the chemicals. They have the expertise. It’s in place that the residents could be offered this type of a program.

**Summary**

- Unified Government Property.
- Right-of-Way.
- Private Property.
Going back over it, the Unified Government, we have identified our trees that we’re going to keep and treat and we’ve identified those which we are going to cut down. The right-of-way is the responsibility of the property owners. We do have some options that I’ve listed here about cutting and taking the branches to our two locations and then the possibility of utilizing a private contractor for treatment. That, basically, is also with the private property.

Mr. Tobin said, Jack, do you want to take a second here and explain how we’re going to do in-house on our own trees, please.

Jack Webb, Deputy Parks Director, said we have the option of contracting out or doing it in-house. On average, a 20” tree would be on a contractor would be $120. We could do it in-house for $85. That’s not saying we have the manpower to do it, but if we were to do it in-house, it’d be roughly $85.

Chairman Bynum asked how much manpower do you think it’s going to take because you know how many trees. Mr. Webb said well, we figure two guys. You’re limited to four months a year you can treat the trees, so it would probably take those two guys four months a year.

We’re planning on doing the golf course because those trees are worth saving. There’s a few we need to take out. We have up to 30” trees out there. We’re going to go ahead and treat them in-house.

Commissioner Johnson asked which parks have the most trees that need to be cut down. Do you know? Mr. Webb said probably be Wyandotte County Lake, but most of those are in the woods so nature will take care of that. We’ll go in when we can and take care of the trees that are ready to fall or dying. Commissioner Johnson asked would there be any scenario where we would need to replant any trees or anything like that. Mr. Webb said not in the park; it takes care of itself; Wyandotte County Lake, I mean.

Chairman Bynum asked primarily are you talking about treating trees, the cost that you’re talking about are about treating rather than taking them down. Mr. Webb said yes. Chairman Bynum said and then you would take them down if you have to, if they’re dead or dying. Mr. Webb said yes. There’s no guarantee that treating will—the tree could still die.
Commissioner Philbrook asked how much to take a tree down. Mr. Tobin said depends on the size. Mr. Webb said it depends on the tree. A 20” tree, probably $400.

BPU Board Member Bryant said on the website you say that you’re going to have specific information for residents. Is there going to be a recommendation on whether or not someone wants to plant or should plant a new ash tree on their property? Mr. Tobin said well, Commissioner, that’s part of what we want to talk to you about and bring up for discussion. If I could point out a couple of details, I’ll come back to that.

The reason in-house that we could do it a $1 an inch cheaper in terms of treating the trees is because we can buy the equipment, which runs about $3,000, and then wholesale the material that we spray on them or spray in these holes that are drilled in there. That’s why it would be a little bit cheaper. However, doing that with the staff that we have right now, particularly as Jack is taxed because it’s mowing season and this all happens at the same time. You all are well aware that we’re behind on mowing as the weather has dictated.

When Kurt was talking about right-of-way, you know we mow a lot of right-of-way, but what he’s talking about are the trees that are located adjacent and in the right-of-way that actually belong to residents. They’re just sitting in front yards on nice tracks of grounds, etc., etc.

The thought that Doug had, and that we’ve discussed with staff, is that the long-term approach to this would be to provide a program that the residents could come to somewhat reasonably priced that would prevent all of these ash trees from being killed that are in the right-of-way, adjacent to the right-of-way, etc., because if not, we’ll probably be the ones end up taking them all down or picking them up as they fall down, or, Commissioner Bryant, they’ll fall on power lines and BPU will be involved in it.

Therefore, that’s why this gets into a policy area and comes to you all for discussion. It’s an area where before we would expand, add people, add equipment to do this, it’s a decision that you all need to make. Whether that stops here or goes to the full commission, again, is up to you guys.

Doing it in-house would require more people. I would expect that that could be a part-time operation. The equipment, as I stated, is not overly costly, but there are very limited times when you can do this. There’s only those four months where they recommend treating the trees. As Kurt so aptly stated, you can still lose the tree even if you do this.

May 18, 2015
BPU Board Member Bryant said you were saying that the weather’s been affecting the mowing. Will weather impact your ability to treat the trees? Mr. Tobin said I don’t believe so. Is that correct, Kurt? Mr. Suther said in the very beginning if it’s a colder spring or a warmer spring, it will move the date a little bit, not significantly, but it will impact it a little bit.

Commissioner Philbrook asked so what did you figure out the two people for four months would be. Mr. Webb said we haven’t yet. Commissioner Philbrook said really, okay, if you say so.

Chairman Bynum said a couple of questions. One would be the budget implications on even another part-time position, if I’m understanding. I guess part of this question would be for staff to help me understand what could we vote on to move forward to the full commission. Secondarily, another piece of what you’ve brought us is about what we can offer the public in terms of pricing for private property. Would that be correct that you really have two things going on? Mr. Tobin said that’s correct, Commissioner, and well put.

The issue as it sits right now, according to ordinance, what we would do is go ahead and proceed and take care of the trees that are on UG property. Cut down or remove the ones that die that are in the right-of-way and we would try to put out a program to educate the public and say this is what’s available to you and this is what it will cost.

Chairman Bynum said May and June are two of the four months. Is that right? Mr. Tobin said May and June and September and October.

Chairman Bynum asked do you have ideas in place. I know, Kurt, you’re really good at putting together educational materials and marketing. Have you been working on in what way would you market this to the community and what channels you would use to do that?

Mr. Suther said I’ve got a little game plan put together that we could get it out to a lot of the neighborhood groups. By doing all the surveying, I’ve got a very good idea of some of the areas that have a large concentration of ash so I could get ahold of some of the particular neighborhood groups or businesses and let them know. By doing the surveying, it definitely has helped me to identify the areas that were at high risk. But yes, we could put something together.
Chairman Bynum said the contractor that’s giving us the price break is ready to go. Mr. Suther said correct.

Chairman Bynum said I guess I have two questions. It sounds to me like we’re still talking about is there an item that needs a vote in order to move this forward, and secondarily, a sub-item for agreeing to offer this price break to the residents of Wyandotte County. Am I right on this? Jody Boeding, Chief Legal Counsel, said I think they’re just looking for direction. I don’t think it actually has to have a vote. It’s an operational item that the County Administrator can take care of. If it seemed like a majority of this committee opposed it, they wouldn’t.

Commissioner Markley said just one more question, and I think Jeff was trying to hit on this. Do our planning and zoning requirements say anything about tree types? Hopefully, we’re not going to plant any more ash trees because we know what can be caused, but are we doing anything to prevent or encourage people not to plant more of these trees that are so susceptible. Mr. Tobin said well certainly our educational program as we move forward will state that. However, last year there was a tremendous amount of educational information put out in both the Kansas City Star and a number of the other smaller local papers because if you will recall, when the bore was first spotted at Wyandotte County Lake, the Johnson County Commissioners were not going to allow us to move our material to the Johnson County landfill. It did get a lot of publicity at that time. I would hope that no one was planting ash trees since that period. There are, though, however, there’s quite a number of them out at the Legends.

Mr. Suther said, Commissioner, in response to your question, Planning and Zoning has been told not to allow any ash trees when they’re going through the development review process. In addition, we will be coming back at another time in the near future. There are allowable street trees in our current street tree ordinance and one of them is the white ash, so we’re going to be coming back. We’ve talked with the Kansas Forester at K-State and she has come up with recommendations for some new street trees. An adjustment to the ordinance will be coming sometime in the near future.

Commissioner Philbrook said then it would be within our scope that we could make recommendations if we agree on them to the full commission that goes along with what you’re
asking for. One thing would be if we were to ask for two people for four months, that you’d give us the numbers with that when you bring it back so everybody knows what’s up. The other thing is how you plan on handling the number of cut downs you’re going to do for this. Is that already in the budget? Then, the other thing is that how we want to budget it forward for the next few years; how we see that impacting our budget over the next few years. These plants are going to be around for a while unless they fall over dead. The other thing is when we talk about the cut down, about how many of those trees that you guys did your survey on would end up falling over and being in our right-of-way that we would have to deal with?

Mr. Tobin said let me start at the first part of your question. An estimate for a budget for four people plus the new equipment and the chemicals required, basically for six months, roughly would be somewhere around $15,000 either way, depending upon the amount of chemical that had to be bought and how soon we could get it in place, maybe as high as $20,000 at the top end.

As far as the trees, there’s no way to estimate how many trees actually would fall. I mean, I guess you could go back to Kurt’s number in the report of the trees that are in the right-of-way, 2,100 ash trees. Again, that’s not an exact count, but that’s the best number. Commissioner Philbrook asked is that what you’re saying. 2,100 would be the high end. Mr. Tobin said yes. Commissioner Philbrook said I don’t know, just looking at him, he wants to say something. Mr. Suther said out of those 2,100, you’re going to have a majority of the people that will take care of their own trees. I would estimate over 50% of those people would take care of it at the very minimum. Commissioner Philbrook said you know where they are so that’s why I was asking.

Commissioner Kane said I think what we need to do is tell you guys to go ahead and hire the part-time people, get the equipment, get it going. We don’t want to miss the opportunity that we’re in right now, the window. Then we’ll figure out how to pay for it later because it doesn’t sound like it’s going to be that high of a deal. I don’t want to miss the two-month window that we have now. They can come back after they got their act together and say here’s how much it is, here’s how much we’re going to go.

Commissioner Johnson asked on the top end, do you see this being more $100,000. Mr. Tobin said oh, no. I wouldn’t think it would be anywhere near that. I’m thinking $20,000 would probably get us through this whole season. Commissioner Johnson said in totality, for
everything. That is to treat and to cut down? Mr. Tobin said no. The estimate on cutting them down, there’s really no way, I mean we could set aside a certain amount of money and say okay, that’s your pool to do this, but right now we don’t have a good estimate for that. Commissioner Johnson said if you all just took the number $400 roughly, we don’t know that, and there are at least in the parks 74 trees, that’s roughly about $30,000. It could potentially be more than that unless my math’s off.

Mr. Webb said the trees in the parks would be in-house. We’d take them down ourselves. Commissioner Johnson said and the cost to do that would be roughly. Mr. Webb said staff time and we’re paying it anyway.

Mr. Tobin said, Commissioner, if I could, certain sized trees that are in the right-of-way, the Street staff can take down. It’s the really big trees where we have to go outside and get a contractor. That’s why that $400 number gets in there. It’s usually from that dollar amount and above that we try to contract out.

BPU Board Member Bryant said I would make one recommendation that when you come up with a decided plan for the public and educational piece, discuss with the BPU as a bill stuffer since it’s going to affect the BPU if the trees do not get taken care of. Mr. Tobin said thank you. Mr. Suther said we can do that. I just want to mention that we have been working with BPU all along with Phil Musser.

Commissioner Kane asked, Jody, do we need to make this a motion or we’re just giving them direction. Ms. Boeding said you don’t have to for direction. If you’d like to, you can.

Action: Commissioner Kane made a motion, seconded by Commissioner Philbrook, to direct Public Works to go through with the process and return to the committee with details at a later date. Roll call was taken and there were six “Ayes,” Bryant, Philbrook, Markley, Kane, Johnson, Bynum.

Item No. 4 – 150132...GRANT: BODY-WORN CAMERA PROGRAM

Synopsis: Request to submit a grant application to the Department of Justice to implement a Body-Worn Camera (BWC) Program, submitted by Terry Zeigler, Police Chief.

May 18, 2015
Gordon Criswell, Assistant County Administrator, said, Commissioner, we discussed this, I guess, a week ago in strategic planning and the direction that we got from you all was if we had an opportunity to move forward, so that’s what they’re presenting tonight. They have an opportunity. If we get the grant, we’ll work it, budget it in. If we don’t, we’ll tell them we don’t have the money.

Chief Terry Zeigler, Kansas City, Kansas Police Department, said we wanted to come and give you guys an overview kind of the Body-Worn Camera project. There’s been a lot of discussion about it, a lot of inquiries from community groups.

We started working on this project. We started last year. We’ve kind of identified a vendor that ties into our current in-car camera video system, which is L-3. Just about a week ago, two weeks ago, we learned that the federal government’s made available some funding to be able to pay for 50% of the camera project.

What I’d like to do, Colonel Garner is with me this evening. He’s going to go through and give you an overview of the project as we kind of see it rolling out. We think this is a pretty good strategy in implementing this. It gives us adequate coverage so that any officer involved in any type of enforcement activity or contact with the community would be wearing a camera. I’ll turn it over to Colonel Garner and I will speak about the grant specifically.
Colonel Tyrone Garner, Deputy Chief of Police, Operations Bureau, said I’m going to briefly talk about our proposal. It’s relative national trans-questioning and demanding improved transparency in regards to police/citizens interactions. Police body cameras offer a technological resource that can better meet the demands of this societal call to action. In response to heightened local awareness from citizens and some of our elected officials for police officers to utilize body cameras, we believe that taking a proactive approach to meeting those growing expectations should be priority for the Kansas City, Kansas Police Department.

As a means to maintain our organizational standards of keeping in tune with best practices and standards in law enforcement, the purpose of the police body camera proposal is to facilitate an increase in public trust and to provide an improved investigatory tool relative to police/citizen interactions.

The police body camera can be an effective tool to gather evidence, enhance managerial oversight, discourage misconduct, and provide a visual perspective when an officer or citizen is accused of engaging in questionable activity. Deploying police body cameras will be a valuable resource our organization can utilize to maintain an improved level of accountability, professionalism, transparency and organizational awareness as it pertains to police conduct and the delivery of services to our citizens. Consistently seeking to utilize viable technological advancements to improve the public trust perceptions and expectations, as well as the confidence of our community, will continue to be priority for the Kansas City, Kansas Police Department.

**Body Worn Cameras (BWC)**

- In Car Video Cameras – L3 Mobile Vision
- We will use two cameras per district, one charging one being used.
- Other units will have one issued per officer.
- Working on a policy at this time.
- Submitting as a Capital Project.
As the Chief spoke about, our body camera project is going to involve L-3 Mobile Vision. That’s currently what we use in our in-car vehicles at this time. There are approximately 19 vehicles that have in-car cameras. We can have seamless interaction with the technology and the systems. We’re looking at sticking with L-3 Mobile Vision.

When we talk about police body cameras, we’re going to use two cameras per district. There are 19 districts in our city. One will be used for charging and the other will be used for transition during shift change with the officers. Other units that I’ll mention here shortly, we’ll just have one camera and charging station. Currently, we’re working on a policy at this time. I’ll talk about that a little later in the presentation as well as submitting it as a capital project.

These are the 19 districts that I talked about. When you talk about four patrol stations, we’re talking about East station, Midtown station, West station, as well as South station, 19 districts, three shifts, approximately 174 officers, and that includes relief officers as well that go into manning these 19 districts throughout the city.
When we talk about the deployment, we’re looking at 148 cameras just for our patrol stations, including the extra relief positions. When I talk about extra relief, those are the relief officers that are needed to maintain an adequate level of staffing for the delivery of police service during any given time on one of the three shifts. 29 community policing camera units, 13 special operations units, which some of you may know as our SCORE unit, our SWAT team, 3 K9 unit cameras, 8 animal control, 14 motorcycle enforcement unit cameras, as well as 20 spare cameras just in case of any kind of breakdown or malfunctions. So we’re talking about 235 cameras total.

Body Worn Cameras (BWC)

- Deployment:
  - 148 patrol stations (includes extra relief positions)
  - 29 COPPS Unit (includes SROs)
  - 13 Special Operations Unit
  - 3 K9 Unit
  - 8 Animal Control
  - 14 Motorcycle Enforcement Unit
  - 20 Spares

235 Cameras Total
This was a spreadsheet that was basically developed and is actually a tool kit. It’s automized to basically come up with the figures that you’re looking at as far as pricing. If you look at 2016, in purchasing 235 cameras and the amount of cameras that are used in a 24-hour period, and then the amount of cameras for that same time by the specialized units, the average number of minutes recorded, which is 360, and then our short-term duration, which is the amount of time that we actually keep video on hand before it’s erased over or purged, as well as long-term storage percentage which we figure to be about 20% looking out into the future. 2017, 2018 we wouldn’t do any purchases, but as you can see, ongoing licensing and maintenance still equates to about $15,000 for 2017 and 2018.

2019, we would purchase an additional 118 cameras to replace the cameras that we initially purchased as well, again, as in 2020 another 117. Those figures are there. They speak for themselves. Basically, those figures tie into the cost of approximately $475 per camera. What’s not shown there is that for this project to work effectively and seamlessly with the technology that’s out there, fiber will be needed. The information we got back is that that will be a $520,000 cost to get fiber through the Board of Public Utilities.

**Body Worn Cameras (BWC)**

- Total cost 1st Year = $1,419,626
  - President Obama offering $600,000 to 12 PD’s.
    - Less than 1,000 officers, but more than 250.
    - Pays $1,500 per camera deployed. Cost covers: camera, software, storage, licensing fees, etc.
    - It is a 50% match grant.
    - Submission due: 6/16/2015

The total cost for one year is $1,419,000 for our cameras. President Obama, and I know the Chief is going to talk about this here shortly, is offering a grant and that speaks for itself.

**Chief Ziegler** said here are the highlights of what the President’s offering. He’s offering $600,000 match grant to agencies, but there’s only going to be 12 of these grants given
nationwide. The stipulation is that you have to be a police department that has somewhere between 250 and 1,000 police officers. We fall into that category,

The cost that they’re giving you is basically the federal government said we’re going to give you $1,500 per camera. Now, the federal government realizes that the camera is only about $450-$500, but they’re adding in some additional costs to help cover the storage, the licensing, the training, and those things. With this, it’s a 50% match, which our project is about $1.4M, so we wouldn’t have a problem matching it. If we were able to get this grant, our cost would be about $800,000.

What I’d like to do is just hit real quickly on fiber, and I’m not an expert on it, but initially we thought that we were going to get Google Fiber to headquarters and all of our substations. The reason fiber is so important to this project is currently we don’t have a way to transfer video from all of our substations back to headquarters where it’s stored. Without that connectivity, there’s no way for us to move the video. For example, right now we have in-car video cameras. So we pay a sergeant, he’s about a $75,000 employee in our substations to remove a media card, a little media card out of the back of the car, take it down to headquarters, give it to Casey who’s his administrative assistant, she puts it in, downloads it, erases it; the sergeant comes back, picks it up, takes the little media card and puts it back in the camera. It is totally inefficient to do it that way but that’s what we’ve been doing for the last ten years.

Currently, we have Wi-Fi stations at our headquarters building so when a patrol car pulls into east patrol, the car pulls into the basement and everything is automatically downloaded while they’re at roll call; a great way to do the video. We have no corruption issue with files doing that. We believe that in order to do this program and do it right, we have to have the fiber. The reason we look at BPU was if we can’t get Google, what’s another option. BPU seemed to be the next best option for us. If you were able to take away the fiber cost, we’re looking at about $900,000. If we were able to get the federal grant and it was a match, so 50%; we’re looking at about $450,000 for this project. That’s a big difference. I just wanted to clarify that. We have to have our grant submissions—our grant has to be submitted before June 16th.

Colonel Garner said I want to back up a little bit just to piggyback on what the Chief said. You’re looking at these costs and when you say $475 per camera and then you look at the total cost that we talked about, the reason why that cost is so high isn’t the initial camera, it’s the storage. The storage is basically sand storage space which are racks storage that is going to be
needed and the terabytes that come with that. That infrastructure alone is why the cost to actually implement this camera project is so high. It’s just the infrastructure that goes along with the camera as well as the long-term storage that’s required.

**Body Worn Cameras (BWC)**

**Better quality than in-car cameras.**

We’re also looking at the type of camera that L-3 has available, which is the vendor. As you can look to your left, standard definition gives you a somewhat cloudy picture. It’s literally what you get in our patrol cars. What L-3 provides is more of a high definition picture which gives you more clarity and gives you a better perspective, a visual perspective, of what the officer may have been seeing.

**Body Worn Cameras (BWC)**

**Worn on chest**
Here are some of those perspectives. The body camera, as you can see, is something similar to the picture on your top right which is worn in the middle of your chest. Those are some of the perspectives that you can see that an officer would have with the body camera.

Some of the limitations is the camera doesn’t follow the officers’ eyes so what the officer may see as far as turning his head is limited by the camera being on his chest. It does give an additional enhanced view of what the officer may have seen but it doesn’t give a 3-D total view that the officer may have seen in regards to whatever he may be dealing with on a call.

We’re also looking at policy considerations. Some of the things we're looking at and we’re really looking at best practices that are out there. When you talk about PERF and the U.S. Department of Justice, some of the things should the camera be on all the time? Those are policy considerations that were taken into account. What things should the officer record? Should he get consent from victims? Should the officer have to articulate on camera or in writing why he failed or did not turn on his camera, and then clearly identifying under which circumstances in cooperation with our union on when supervisors can review what is picked up by the camera basically to audit the officers. Then training is going to be key to anything that we roll out in
concert with the body cameras in our policy. Those are things that we’re looking at and those are things that are going to be forthcoming.

![Graph showing effect of body camera use.](image)

The value again, I mentioned earlier, but when you look at Rialto Police Department, which is in California, they use body cameras and here is some of the impact that they’ve had when you talk about use of force complaints and just complaints overall. This was issued in *US News and World Reports*. As you can see, it’s gone down since the implementation of body cameras.

**BPU Board Member Bryant** said I have a question about sustainability. I was looking at the costs and it looks like there is about a three-year period after the initial investment, it’s not too bad, but then it starts rising again which I’m guessing is replacement. **Chief Ziegler** said yes. **BPU Board Member Bryant** asked how sustainable would this program be for long-term. Same way with the historical storage? I saw the initial investment, but with all servers, they have a lifespan. Maintenance of the system and the body units, when one gets broken, the replacement cost and then the manpower to manage the historical records.

**Chief Ziegler** said let me start with the last question. Currently we have one administrative assistant who has other duties in the Bureau of Operations but she does manage all of the in-car video camera requests that come in. It’s a tedious process when something is tagged as evidence, but we would put this as one of her responsibilities. I do have some personnel inventory numbers, one in particular that I would probably look and submit to the County Administrator to be reclassified. I think this is going to be a huge impact on the Police Department with the number of videos and I think it will require a fulltime position.
The cost of this program goes into perpetuity. It goes forever. Every three years you’re going to have—every third and fourth year you’re going to spend $100,000, every year we will spend $15,000 for license and service agreements. As long as we’re constantly replacing them, all the cameras should be under warranty all the time. One problem that we’ve ran into with our in-car video camera project was the cameras go out of service. We didn’t renew our contracts. We didn’t replace them. In the first part of 2014, we began taking them out of the patrol cars because we just didn’t have funding to keep it going. I would recommend that if this is something that we’re allowed to move forward, we need to make sure it is properly funded every year. If not, it will become a program that’s broken and we will lose evidence. The public will begin to expect it, and I think it would be bad business if we didn’t plan on this being a long time investment for the Unified Government.

Commissioner Kane asked do you think we need them. Chief Ziegler said I would tell you that I think they would be valuable to the Police Department. I think that anytime that we have a shooting, a use of force, Internal Affairs complaint, we could get a perspective of what the officer was seeing, I think that’s good. We do know from the research that’s been done that use of force goes down and complaints go down. Officers’ conduct is improved as well as citizens’ conduct is improved so I think they are valuable. They do have a place in law enforcement, yes.

Commissioner Kane said I guess this is kind of around the horn thing, we can apply for this and then if we sit down as a group and realize we can’t pay our half, then we could decline the grant. Is that right? Chief Ziegler said yes. We did the COPS Grant that way. We applied for it and realized there were some funding issues. We notified the federal government and withdrew our application. Commissioner Kane said I think that’s what we should do here. Chairman Bynum said thank you for that because I wanted to clarify before I asked if there was public comment or questions that what we’re being asked for tonight is to move approval to the full commission to apply for the grant. Commissioner Kane said correct. Then as we were going through our budget, we can figure out if we can pay for it. But if we don’t apply for it, we’re not going to get it.

Commissioner Markley said someone in administration please tell me someone is going to call Google and ask about the fiber. Joe Connor, Asst. County Administrator, said we’ve been in
constant communication with Google about this site and some of the other sites that were promised. We’re working through those legally now and so I don’t think that’s totally off the table. For his planning purposes, he has to let you guys know what the program cost as it stands today and that’s what it would be today.

**Chief Ziegler** said just one more thing I would like to add. Senate House Bill 18, if you’re interested in reading it, if that was to pass, it does make it mandatory that law enforcement agencies in the State of Kansas will have a body-worn camera project for what it’s worth. **Commissioner Kane** said and then they’re going to tell us how we’re going to pay for it. **Chief Ziegler** said exactly.

**Commissioner Philbrook** said I just believe with Commissioner Kane that we should move this on right in front of the full commission. **Chairman Bynum** asked is that a motion. **Commissioner Philbrook** said yes.

**Action:** Commissioner Philbrook made a motion, seconded by Commissioner Kane, to approve sending this item to the full commission.

**Chairman Bynum** said I do have a point of order question because there is an opportunity for public comment. **Jody Boeding, Chief Legal Counsel**, said you can go ahead and ask for comments. **Chairman Bynum** said if there is a member of the public that has a question or would like to make a comment, you can come forward. If not, we’ll proceed with roll call on the motion.

**Janet Golubski, 5349 Webster Ave.,** said a couple of things. Yes, I’m all for this. I’ve talked about it with my group and with the Ferguson deal and the other areas in the country; we’re definitely all for it. We think it would be a good deal for our Police Department to have it; backup for anything that’s going on.

Secondly, I’m glad Commissioner Markley brought up Google because I worked my tail off to get Google in my neighborhood on the assumption that by Station 18 would be covered, they would also have Google; and my church, Christ the King, the school would have Google Fiber and neither one have done that yet. I’m in the process too of getting with Google in trying
to figure that out so I think that you should still work with Google and try to figure out if that’s going to be a cheaper route to go than to BPU.

My other question was grants. When we get the grant from President Obama, would this be an ongoing grant that we could get every three or four years or is it just a one-time only grant? **Chief Ziegler** said currently it’s a three-year grant in order to help police department’s implement the Body-Worn Camera Project. After that, it’s up to the individual departments to sustain the program as it’s written now. **Ms. Golubski** said thank you, Chief, for bringing that up and going for the grant.

**Marcia Rupp, 2816 N. 46th St.,** said I just want to say that I think this is something that we need not overlook. We really need to think about this because this is so important. We have seen what has happened on the news to all of the communities. It affects everyone, everyone that’s involved, not just the police department and the community, but the businesses, everyone. Let’s just—as the commercial says, let’s get it done.

Roll call was taken on the motion and there were six “Ayes,” Bryant, Philbrook, Markley, Kane, Johnson, Bynum.

Measurable Goals:
**Item No. 1 – 150122…UPDATE/PRESENTATION: ANIMAL OVERSIGHT COMMITTEE**

**Synopsis:** Update on work accomplished by the Animal Control Oversight Committee and goals for the next 12-18 months, presented by Jenny Myers, Senior Attorney.
Jenny Myers, Senior Attorney; said I have Katie Bray-Barnett and Captain Michelle Angell with the Police Department with me.

Animal Control Oversight Committee

- Mayor’s Office
- Commissioner Philbrook
- County Administrator’s Office
- Legal
- Animal Control
- Livable Neighborhoods
- Health Department & Healthy Communities Wyandotte
- Public Information Office
- Humane Society of Greater Kansas City
- Unleashed Pet Rescue
- Spay & Neuter Kansas City

Katie Bray-Barnett said thank you for having us. I think this is the third or fourth time we’ve been here, but we’re going to keep coming until we get this city safe and humane. I am here right now to give the presentation on the Animal Control Oversight Committee and an update on the strategic plan that we have been working on. As a side, today marks the first day of National Dog Bite Prevention Week. We don’t have any events planned this week in Kansas City, Kansas, but hopefully next year we’ll get something planned and we’ll have some mass education on keeping people safe from dog bites.

The Animal Control Oversight Committee was formed, I believe, 1.5 years ago to address some of the concerns of the public and city staff on animal issues. We involved several stakeholders at that time. We met several times to draft an animal control ordinance that would achieve the goals of a safer, more humane community.

After we enacted the ordinance, we also added a few people to the committee and the committee continued to meet because it’s important that we continue on this process. The ordinance changes aren’t going to change everything. We added—The Humane Society of Greater Kansas City was already there. Unleashed Pet Rescue, which is a non-profit organization that takes a lot of the animals from the animal shelter, Animal Control, and adopts them out through their organization so the burden is not on the city or Animal Control to get those dogs adopted out and cats. We then added Spay & Neuter Kansas City. Spay & Neuter Kansas City is opening up a location over here on the Kansas side. Currently they’re on the Missouri side with a
contract with the city of Kansas City, MO. They do a lot of outreach and they also provide food pantry and resources for the most underserved communities so those people who really need the help to maintain their pet so that pet isn’t impounded just because of neglect because they didn’t have a doghouse and that was all that they needed.

They are also teaming up with The Humane Society of Greater Kansas City to offer a vaccination clinic. I’m sure you guys are aware of the food deserts that exist in some of the areas of Kansas City and it’s the same with veterinarian clinics so those people who really would get help for their pet are unable to seek any kind of care treatment because there is no veterinary clinic. It’s all on the west side. There’s nothing really in the heart of Kansas City, Kansas, so if you come to them, if you go into the neighborhoods and provide that service to them, you’ll achieve a higher ratio of wellness for those pets and those people. That’s kind of what the Oversight Committee is hoping to do.

We also added the Public Information Office. They’ve been coming to our meetings because it’s important that we’re disseminating all of the new information and all of the changes that we’re making so people are aware of not only the ordinance changes but the policy changes and the small successes we have every month or every few months. We’re making a difference and we want the public to know what we’re doing so hopefully we’ll have a little bit more aggressive approach in the dissemination of our information to the public.

Animal Control Oversight Committee

MISSION

“To achieve a healthy, safe, and humane community”
The mission of the Animal Control Oversight Committee we came up with is we want to achieve a healthy, safe and humane community and that’s what we’re going to work towards over the next 12 to 18 months.

We’ve met several times since our last meeting here which I think was in November or December. We’ve continued to meet after the ordinance passed and we will continue to meet because there is still a community need.

The community need is there and it’s evident by the survey that was given. I’m sure you guys are all aware of the results of this survey, but most importantly, Animal Control ranks number one in the importance to satisfaction rating meaning it was high importance and low satisfaction with the general public which made it the top public safety priority or a very high priority as your analyst noted.

What we worked on last year were ordinance changes and we got that done, but now we need to work on training for Animal Control making sure they have the proper training and education and tools that they need to be effective in the community.

We need to work on policy and budget changes at Animal Control and then we’ll start to work on public education. Maybe by this time Dog Bite Prevention Week next year, we’ll have a plan in place and we’ll be out there educating the public.

Those are the three things we’re hoping to work on between the next 12 to 18 months.
These recommendations—I know a few of you have seen this slide a couple times, but these recommendations are not just animal welfare organization recommendations and they’re not just recommendations made by Animal Control or city staff. These are recommendations made by the professionals in the subject matter experts in the field of animal control public safety and humane treatment of animals and those are the guidelines we’re hoping to follow. The recommendations are coming from these organizations, but they’re targeted. They’re brought up by the community. That’s whose interest we’re working for.

Goals

- Track data and report annually
- Annual residential survey: Annual community partnership survey
- Increase in vaccinated pets and general wellness
- Increase in outdoor activity
- Prepare and execute plan for roaming dogs: decrease roaming dogs
- Measurable use of free-ride-home, decrease animal impounds
- Decrease in community cats
- Increase Animal Control Officers in the field
- Increased adoptions from Animal Control
- Training for ACO’s, law enforcement, prosecutors, staff
- Increased community engagement
- Increase same-day response time on animal control calls
- Prepare and disseminate information on ordinances, general safety, animal welfare
- Measure impact of ordinance changes
- Increased revenue from licensing increased licensing locations (including online)
- Safe routes to schools and humane education
I know this is a long list of goals, but it’s taken several months for the community to narrow down what exactly we’re going to do and the goals that we want to achieve. We obviously want to track our data and report it. We also are hoping to do an annual residential survey, and I’ll get to some of the things that will cover shortly. We want to have an increase in vaccinated pets and general wellness because that’s important. Vaccinating your pets, although we haven’t had a rabies outbreak in quite some time, it is critical to vaccinate pets because they are the only barrier between rabies and a raccoon or a squirrel; all those additional wild animals, they’re the only barrier between those wild animals and us. So vaccinating your pets is still critical.

We want to increase outdoor activity. We really want to work on the Mayor’s Healthy Communities Initiative, increase the outdoor activity and prepare—and I think that’s kind of a subsection of that is prepare and execute a plan for all of the roaming dogs and decrease the amount of roaming dogs in the community.

We want to have a measurable use of the Free Ride Home Program and decrease animal impounds, and I’ll talk about that also. Decrease in community cats, which we talked about when you all passed the community cat trap neuter and return ordinance, and increase the number of Animal Control officers in the field, increase adoptions from Animal Control, like I said, training for not just Animal Control, but law enforcement in general. Law enforcement and the Police Department should help in prosecuting felony animal cruelty cases. Collecting evidence, a lot of the Animal Control officers aren’t necessarily trained on some of those critical roles so if we can get the information to the Police Department and officers in the field, that could help. Also, training for prosecutors and city staff to enhance prosecution of animal related crimes.

We also want to increase community engagement and we’ve done that already by adding several community partners. We want to increase same day response time on animal control calls, prepare and disseminate information on ordinances, general safety, and animal welfare, measure the impact of the ordinance change instead of just enacting it and hoping everything goes well. We really want to take a look at what changed and how is it affecting the community and is it effective; and increase revenue from hopefully increased licensing of animals.

We really want to round out a safe routes for schools and humane education for the schools and the community.
So how are we going to reach those goals? These are a matrix that we hope to track monthly, quarterly, and annually. Obviously demographics, how the city’s growing, how the pet population is growing, animals licensed, animal intake, animal outcome, which means the animals that come through the shelter and the animals that leave the shelter and whatever the disposition.

The number of reported animal bites. You all approved a nuisance animal portion of the animal control ordinance so we’d like to see how that goes. Is that preventing or preempting dog bites and dangerous dog encounters as we were hoping? How many people are being cited for that? How many people are convicted? The same as dangerous animals, vicious animals.

Then we want to know how many, with the community partners, animal neglect calls we’re getting. Are we getting convictions on the new tethering ordinance that we suggested and was approved? How many early forfeiture petitions are filed and awarded in criminal cases where the animals had been seized and they’re just awaiting disposition when we can get those animals out into a rescue, we can get early forfeiture just like you would on other property seized.

The number of pet limit permits issued—and I think you guys can kind of see all the other number of hours of training that are done and then the three issues we’re hoping to address in the community survey annually: neighborhood vaccination clinic, as I mentioned, and then the number of attendees to all the different humane education programs.
We fortunately have some data from Kansas City, MO, from Kansas City Pet Project, who faced a similar kind of conundrum several years ago. You can see from the chart, in 2006 and 2007, the city was issuing incentives and they were giving quotas for the number of citations issued by animal control officers. So you saw a rise in the impound of animals coming through the shelter.

With the new change in 2008 of their animal control director, some of that changed. Also what we saw similar to when Captain Angell took over is they wanted to decrease the euthanasia numbers. They kind of reduced the number of animals they were taking in by saying we’re not going to take owner surrenders. If you found a dog, you need to prove that you found it within the city and several other limitations instead of just taking everything that people brought into the shelter like an open admissions shelter. The result of that was that people didn’t want to go through the rigmarole of surrendering a pet and signing their name and all of that stuff and several other issues, but then the animal impounds decreased. We saw a high number of free roaming feral dogs and cats in the city, which is maybe familiar to what you guys are seeing now.

They noticed the problem. They wanted to address it. They contracted with KC Pet Project, which is a private shelter, and that’s not something that this city is, my understanding is, is not interested in doing but they noticed a problem and they sought help and they went in a different direction. I think that Captain Angell and Jenny will talk to you all a little bit today about changing direction here, the Unified Government, and they saw a huge increase in animal impounds. That comes from a couple of things. It’s a positive change to have. When you enlist positive changes and you enlist help, people start to trust your animal shelter and people start to feel comfortable bringing their animals there.
What you see is, you see a higher rate of animal surrenders or owner surrenders to those animal shelters. We have a lot of data that shows what we can expect over the next 12 to 18 months and the next 5 years. The data that they have shows, I think, a 39% increase above 2012 intake and a 56% increase in 2011 intake. You’re going to see more animals impounded and we need to have a plan for that if we’re going to be an effective animal control agency. We have all that information.

The owner surrenders we have, it’s gone up 255% of cats at least. There are a couple of important distinctions between Kansas City, KS, and Kansas City, MO. There are several distinctions, but a couple of important ones that affect this. Kansas City, KS, still has a ban on Pit Bull type dogs. Kansas City, KS, also has mandatory spay/neuter of all animals so those are two important distinctions that may contribute to a little bit of a different take here. We won’t know until we try. Importantly, Kansas City, KS, now has enacted a way of dealing with community cats, or feral cats, which Kansas City, MO, is still spinning their wheels on. We might see a not so high of an increase in community cats and cat intake as the city of Kansas City, MO, has seen.
### Resources & Revenue

- Increased licensing revenue raising pet limit.
- Increased revenue for online licensing & fee payments, additional licensing locations.
- Reduced number of animals impounded with revised policies & ordinance changes.
- Increase number of adoptions through animal shelter.
- Free ride home for licensed/microchipped animals (versus impounding).
- Increased penalties & citations for reckless owners.

### Expenditures

- Unfreeze & fund 2 additional field officers.
- Hire 2-3 kennel technicians at Animal Control.
- Temporary increase in impoundment of stray & feral dogs.
- Formal education & training for animal control officers.
- Updated animal control equipment to increase efficiency.

The fun stuff here, resources and revenue. We hope to see increase licensing revenue from raising the pet limit and then here you can all just read the resources and revenue we expect. The expenditures that we expect over the next 18 months, unfreeze and fund two additional field officers. As some of you may remember, we are highly understaffed in the Animal Control Division. There’s supposed to be, I believe, 21 animal control officers for a city the size of Kansas City, KS, and there are 7 currently. There should be more officers in the field and more officers at the shelter, but a solution that has been brought to the attention of the Animal Control Oversight Committee is to hire 2 to 3 kennel technicians at Animal Control versus hiring a full-time Animal Control officer. Those officers who are trained should be out in the field.

As I said, we’ll probably see a temporary increase in impoundment of stray and feral dogs. We need to have some formal education and training for Animal Control officers and updated animal control equipment to increase efficiency. I just left this one in here from last time because this is something that Captain Angell was able to do.
The intended result is a healthy, safe, and humane Kansas City, KS. You’ll notice that that’s not a Unified Government employee. That’s a Lawrence Police Department officer. We want to change that. We want all of these officers who have the compassion and the drive and the dedication to helping the animals in this community to have a public face. We need to do a much better job of showing their compassion and their dedication to this community. We hope to have pictures and really work with the PIO on getting a positive change going with Animal Control and the image.

Captain Michelle Angell said some of you may know as Chief Zeigler took over, he had the idea to bring in a civilian manager for Animal Control so that we would have consistency down there. Also, when we’re looking at that, we’re looking at hiring somebody who has experience, who has turned around shelters, they can bring in their expertise and we could really move forward at a quicker pace than we have here in the past. We have during the last week been interviewing for that position. We have at least one that is qualified that we’re going to continue through the process and we are definitely dedicated to bringing the right person onboard. If it’s not in this process, we’ll look again. I think that would be a positive move for our community to get somebody with experience and somebody that has a vision and can really bring our city up-to-date and above and beyond maybe some of the other cities in the metro area.

Some of the things that we have accomplished in this last year since we brought on the Advisory Board, first of all was the ordinance changes that have been mentioned. We’ve also
done a lot of shelter updates at the shelter that’s brought us into state compliance so that we are passing our inspections. We have brought The Humane Society on as our contract vet. It has a surgical suite onsite at Animal Control so that they’re able to spay and neuter the animals that we move over to our adoption which saves us money because we’re paying an hourly vet bill versus a buy the spay/neuter. That has helped us increase our numbers of adoptable animals and we have increased adoption numbers through that process and saved money. That’s been very positive.

The Humane Society being down there also helps us because they’re in and out of our facility almost daily so there’s nothing to hide. We’ve been very translucent. They’re able to dispel myths that we’re hiding things and killing dogs that we’re not reporting and that kind of thing. That’s been very helpful in what the other animal welfare agencies in our metropolitan area think about our shelter. It makes them more willing to try to assist us as we move forward with some of these projects like Katie mentioned with the Spay & Neuter KC and trying to do some of these clinics for our poverty level areas that can’t afford to take care of their pets.

They’re already out here doing outreach in our city along with Unleash Pet Rescue. They’re going out there weekly and finding locations of people that just need a little bit of assistance. Sometimes just a little bit of guidance on what proper pet care is and it is definitely helping us. We hope to really expand on that and educate our citizens that it’s not proper to let your dog run the neighborhood and that they need to be put up and they need to have their shots and be licensed and that kind of thing.

We also want to look at doing the online pet registration so that saves a person a trip down to Animal Control. During the past year, we purchased Chameleon software that has a dispatch component to it so we’ll be able to better track, again, these updated policies and ordinances will be doing. We’ll have better resources to go back and look at. All of the Animal Control officers out in the field have tablets. They have wireless connectivity to the software so as this data is implemented, obviously it will be better a year from now than it is today because it will have data to draw from. If they go out, they’ll be able to pull up the history of the location that they’re at and code the offense correctly. We were seeing time and time again somebody that got three or four tickets for the same thing but they were never upped in the violation. It was always a first-time offense because it was different officers seeing that.

Another thing we’d like to do is if we could get a couple of more Animal Control officers, we would like to go back to where we have them stationed in east patrol, the east station and the
midtown station. Right now, they go all over the place. I know that we’re losing out on drive
time. I’d rather them have an area that’s a little bit smaller that they would have less drive time,
hopefully get to know the community, be more engaged because they’ve got a smaller area that
they’re responsible for and see what that does. That’s going to take more officers unfortunately
than what we have now.

Also, with our Chameleon software, it just kind of went live last week. I got a look at it
for the first time today. On petharbor.com, our citizens will be able to go to that website and they
can kind of put in some perimeters or they can view every single animal we have in our shelter.
Wichita saw a 15% increase in owner reclaims when they brought this onboard so we’re hoping
that will assist people because they can look right there instead of just calling in saying I have a
black and brown dog; do you have it. They can actually go on there and take a look. We’ll see
what that gives us in results over the next year. I’m excited. I think it’s going to help us, I really
do.

Jenny Myers, Senior Attorney, said finally, we are in the process of contract negotiations with
Katie and Katie’s going to handle some of the in-house training for the Animal Control officers.
We’ve looked at—training is very important that they know the law, they understand it. We’ve
looked at training. The problem is, is a lot of it is not in-state so that’s travel expenses and we
don’t have enough Animal Control officers to waste them, to let them go to training for a few
days. By being able to provide it in-house with Katie’s expertise, it will give our officers
credibility in the field; make sure we’re doing it right to get rid of any potential liability we may
have. Also, in the courts, it will give them a little bit more credibility.

Katie can also help train maybe the prosecutors in Municipal Court. As Captain Angell
was saying, sometimes it gets lost—the first conviction and second conviction, but we also
know that the court system sometimes the prosecutors might miss out on that too. We increase
the penalties and the severity of the fines so we want to make sure that those are being upheld in
court so she can work with Municipal Court, the prosecutors.

She’s also already arranged for training of the District Attorney’s office which is unheard
of really for animal control at the felony level. She’s also going to work on securing grants for us
that will help with all these. We are in the process of that also.

Chairman Bynum said so Katie’s busy. Ms. Myers said Katie is very busy.

May 18, 2015
Commissioner Philbrook said there’s no way that I can express my gratitude. These ladies are really the backbone of this standing committee that we put together. Katie has a nice way. She’s so sweet about cracking the whip. Captain Angell is so nice about telling the commissioner to back off. She’s good. Poor Jenny, she has been through the wringer on this thing and I just want to thank her for all the hard work.

We’ve only gotten two types of animals taken care of so far. We have two more rounds to go the next, please help us, anybody who wants to join the committee to deal with chickens and rabbits. The next one after that will be the larger animals. It’s just a never ending process but it’s something that has to be taken care of. We appreciate your hard work. I know at sometimes it can be kind of boring for everybody else to listen to, but if you have an animal that’s ever been picked up or you had someone bitten by a dog or attacked, all of this becomes very, very close to you so thank you.

Chairman Bynum said this item was for information. We appreciate very much your time and all of the information and updates you brought. Thank you.

Action: For information only.

Adjourn
Chairman Bynum adjourned the meeting at 6:20 p.m.
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015

(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Date: 6/25/2015
Contact Name: Angie Masloski
Contact Phone: 5853
Contact Email: amasloski@wycokck.org
Ref: PSBO
Department / Division: PSBO

Item Description:
The Sheriff’s Department and the Police Department are applying for the FY15 JAG funding. The total grant award is $90,101. The Sheriff's Department is requesting $23,645 to send 9 separate staff to trainings between 2016-2018. The Police Department is requesting $66,456 to upgrade equipment. $6,857.32 will be used to purchase cameras, lenses, and memory cards for the Crime Scene Investigations (CSI) Unit; $38,600 to upgrade Internal Affairs software; and $20,999.42 to purchase body camera storage area networks and hard drives.

Action Requested:
Approval to apply for the FY15 Edward Byrne Memorial Justice Assistance Grant, Local Solicitation (JAG)

Publication Required

Budget Impact: (if applicable)
Amount: $0
Source:
- [ ] Included In Budget
- [x] Other (explain) Grant funded.

File Attachment
**Program Narrative**

**Applicant’s Name:** Unified Government of Wyandotte County/ Kansas City Kansas

**Project Title:** Sheriff Department training

**Amount Requested:** $23,645

**Program Goal(s):** To ensure staff in the Sheriff’s Department are adequately trained.

**Statement of Problem:** Due to budget restrictions, the Sheriff’s Department personnel are not able to attend trainings as needed to stay current in best practices, current issues, and training techniques.

**Program Design and Implementation:** Over the course of the grant, the Sheriff’s Department will send 9 different employees to 10 trainings:

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<th>Employees</th>
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<th>Food</th>
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<td>NSA (National Sheriff's Assoc)</td>
<td>MN</td>
<td>3</td>
<td>2016-June</td>
<td>475</td>
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<td>473</td>
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<td>3</td>
<td>2017-June</td>
<td>475</td>
<td>840</td>
<td>340</td>
<td>500</td>
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<tr>
<td>NSA (National Sheriff's Assoc)</td>
<td>LA</td>
<td>3</td>
<td>2018-June</td>
<td>475</td>
<td>1400</td>
<td>473</td>
<td>250</td>
<td>7794</td>
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<td>CA Tactical Assoc</td>
<td>CA</td>
<td>1</td>
<td>Fall 2016</td>
<td>255</td>
<td>1125</td>
<td>402</td>
<td>500</td>
<td>2282</td>
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**Timeline:** All trainings will be completed by June of 2018
Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Police Crime Scene Investigations (CSI) equipment replacement

Amount Requested: $6,857.32

Program Goal(s): To collect the best evidence possible to solve a crime to apprehend and prosecute the correct criminal.

Statement of Problem: Current Police Department CSI camera equipment was purchased in 2008. The current equipment is outdated and worn out due to regular use.

Program Design and Implementation: Quotes will be requested from at least three vendors for specific digital and recording cameras. Based on the quotes, the Police Department will determine the best pricing for the equipment needed. The new equipment will replace the most outdated equipment.

Timeline: The camera equipment will be purchased in the first year of the grant
**Applicant’s Name:** Unified Government of Wyandotte County/ Kansas City Kansas

**Project Title:** Police Department Internal Affairs software upgrade

**Amount Requested:** $38,600

**Program Goal(s):** Replace the out of date software

**Statement of Problem:** Currently the Internal Affairs Unit houses all of its data and statistics in an Access Database that was created in-house in 2007. The current database is antiquated and does not readily provide key information to assist the Department with monitoring and managing internal affair complaints. The current system also does not allow for field supervisors to enter data concerning “Other Contacts/Informal Complaints” they are responsible for investigating or data regarding use of force and pursuit incidents that are needed in the Internal Affairs Unit.

**Program Design and Implementation:**
With the implementation of IAPro and BlueTeam the data from the current Access Database can be migrated into the IAPro format. IAPro is a full service software that supports the Internal Affairs unit and the Professional Standards units to ensure the Police Department attains the highest level of professional standards and excellence. IAPro assists agencies in identifying potential problems early on, so proactive action can be taken and ensure the most efficient handling of citizen complaints, administrative investigations, use of force reporting, and other types of incidents while providing the means to analyze and identify areas of concerns. IAPro has automatic reminders to ensure the necessary casework is completed in a timely manner and documented. A broad range of statistical reports and charts are provided which include aggregate trend, exception and comparative formats. Users access to IAPro information is fully controlled and thoroughly audited.

BlueTeam software allows officers and supervisors to enter and manage incidents for the field using a simple internet style interface which minimizes training requirements. BlueTeam speeds and streamlines the flow of crucial information from the field. Use-of-force, field-level discipline, complaints, vehicle accidents and pursuits – are entered and can then be routed through the chain-of-command with review and approval at each step. Instead of relying on information entered onto a written form, BlueTeam enforces the entry of required information. The web form utilizes pick-list values enforcing consistency of the data entered. This results in more consistent and pertinent statistical reports. BlueTeam is a browser-based web application, it resides on a web server and no installation of software is required on the users’ PC’s.

**Timeline:** Installed and training completed by December 2017
Applicant’s Name: Unified Government of Wyandotte County/ Kansas City Kansas

Project Title: Body camera storage area network

Amount Requested: $20,999.42

Program Goal(s): Store Police Department body camera data for 12 body cameras

Statement of Problem: The Police Department does not have enough storage or hard drives to meet the increased data storage demand. The life of storage media are cut short by at least three factors: media durability; media usage, storage and handling; and media obsolescence. This proposal is necessary to migrate current Police Department technologies to meet the demand of added recording devises such as body cameras.

Program Design and Implementation: Police Department technology staff will install and configure the new body camera storage area network and hard drives. The new storage will be used specifically to upload body camera data. The body cameras will automatically upload to the database after every shift.

Timeline: Completed by September 2016
| Training for 3 staff members | Minneapolis, MN | 3 | 2016-June | Registration: $475/person x 3 = $1,425  
Airfare: $300ea x 3 = $900  
Lodging: $160/night x 7 nights x 3 = $3,360  
Meal Per Diem: $473/person = $1,419 | $7,104.00 |
|-------------------------------|----------------|---|-----------|----------------------------------------------------------------------------------|---------|
| Training for 3 staff members  | Reno, NV       | 3 | 2017-June | Registration: $475/person x 3 = $1,425  
Airfare: $500/person x 3 = $1,500  
Lodging: $120/night x 7 nights x 3 = $2,520  
Meal Per Diem: $340/person = $1,020 | $6,465.00 |
| Training for 3 staff members  | New Orleans, LA| 3 | 2018-June | Registration: $475/person x 3 = $1,425  
Airfare: $250 x 3 = $750  
Lodging: $200/night x 7 nights x 3 = $4,200  
Meal Per Diem: $473/person x 3 = $1,419 | $7,794.00 |
| Training for 1 staff member   | California     | 1 | 2016-Fall | Registration: $255  
Airfare: $500  
Lodging $225/night x 5 nights = $1,125  
Meal Per Diem: $402 | $2,282.00 |

**Total Travel/Training $23,645.00**
## Police Department Request

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<tr>
<th>Equipment Item</th>
<th>Computation</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Nikon D7200 DSLR Camera with 18-140mm Lens</td>
<td>$1,496.95/camera x 3 = $4,490.85</td>
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<td>Nikon AF-S DX Nikkor 55-300mm f/4.5-5.6G ED VR Lense</td>
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<tr>
<td>SanDisk 32GB Ultra Memory Card</td>
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<td>IAPro professional standards software</td>
<td>Unlimited-use Site License, unlimited number of users, unlimited number of workstations, installation, pre-load of employee information, maintenance, 3 day on-site training</td>
<td>$22,600.00</td>
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<td>BlueTeam field support services software</td>
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<td>VNXE 3200 Storage Area Network</td>
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<td>$66,456.74</td>
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**Project Abstract**

**Applicant’s Name:** Unified Government of Wyandotte County/Kansas City, Kansas  
**Project Title:** Training and replacement outdated equipment and software  
**Amount Requested:** $90,101

**Problem to be addressed:** Replace outdated equipment, software, and training

**Targeted area/population:** Wyandotte County/Kansas City, KS

**Program Goal(s):**  
Replace outdated camera equipment in the Crime Scene Investigators Unit. The updated camera equipment will assist officers in collecting evidence to solve crimes. This will allow the Police Department to take the high quality pictures of crime scenes which will be used to solve crimes and assist in prosecution.

Update the Internal Affairs process servers to ensure the Police Department attains the highest level of professional standards and excellence.

Provide training to Sheriff’s Department staff regarding best practices, new innovations, insight on current issues, training techniques, and network with officers from other jurisdictions. Training is vital to officer and community safety

**Description of Strategies to be Used:**  
Travel/training expenses for nine staff members to attend the National Sheriff’s Association trainings. Throughout the grant award, the Sheriff’s Department will send three employees in 2016, 2017, and 2018. The Sheriff’s Department will send one employee to the 2016 California Association of Tactical Officers Training.

The funds received will pay for Police Department digital cameras and memory cards to be used at crime scenes.

Software will be purchased to provide key information that assists the Police Department with monitoring and managing internal affairs complaints and addressing the Early Warning system.

Storage Area Networks need to be purchased to store Police Department data due to an increased demand in media storage

**Project Identifiers (must identify up to 5 project identifiers):**  
1. Officer Safety  
2. Equipment General  
3. System Improvements  
4. Computer software/hardware  
5. Conferences and Trainings
Staff Request for Commission Action

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Action Requested:
Approve application to the Governor's Grants Program to fund two deputies and one detective in the Offender Registration Unit.

Budget Impact: (if applicable)

Amount: $0
Source:
- Included In Budget
- Other (explain) Grant funding.

Publication Required
Item Description:
The KCKPD Victim Services Unit has been sustained by the VOCA Grant since 1999. In FY 2015, VOCA provided $150,000 in grant funds to the VSU. Congress approved a 3.5x increase in the annual VOCA Cap, which will significantly increase the funds available to our Unit for FY 2016. We have been instructed by the Kansas Governor’s Grants Program to focus requests for funding on increased staffing and technology. In addition to our standard requests to VOCA for funding, I propose to request funds to create a PFA Advocate position for our Unit. Funds requested will be similar to prior fiscal years, with the addition of the PFA Advocate. We will be cognizant of the match requirement and will utilize existing sources rather than request additional funds from the UG. The FY2016 Application is expected to release in early July.

Action Requested:
Permission to apply for the VOCA FY 2016 Grant to continue sustaining the Victim Services Unit, including the creation of a new position for PFA Advocate to be 100% grant funded. Approval of the Match items estimated to be $53,750 for a federal fund request of approximately $215,000. Approximately $39,000 in match dollars will come from existing personnel and fringe expenses, $1,425 from the PD Operating Budget for office supplies and 25% of our annual software contract, and $13,325 in-kind for gas and mileage for city vehicles. All match funds are utilized from already existing sources, and no additional dollars are being requested from the UG.

Budget Impact: (if applicable)
Amount: $53,750
Source: Police Operating Budget
☑ Included In Budget
☐ Other (explain) $40,425 Operating Budget; $13,325 in-kind
TO: Major Michael York  
FROM: Kristen A. K. Czugala  
DATE: July 9, 2015  
SUBJECT: VOCA FY 2016 Grant Application

I am requesting permission from the Chief's Office to submit an application for the VOCA FY 2016 Grant. The VOCA Grant has sustained our Unit since 1999 and is renewed annually. In FY 2015, VOCA provided approximately $150,000 in grant funds to the VSU. Congress approved a 3.5x increase in the annual VOCA Cap, which will significantly increase the funds available to our Unit for FY 2016. After speaking with the Grant Monitor, I was advised that this level of funding was expected to continue over the next several years.

I have been instructed by the Kansas Governor's Grants Program to focus requests for funding on increased staffing and technology. They expect to release the application packet in early July. Therefore, I would need to appear before the Public Works and Safety Standing Committee on July 20, 2015 in order to have approval before the application deadline.

In addition to our standard requests to VOCA for funding, I propose to request funds to create a PFA Advocate position for our Unit. Major York and I have discussed these options at length before his leave and he is supportive of my proposal. Please see the justification below.

PFA Advocate anticipated job duties
- Screen applicants for PFA or PFS
- Conduct lethality assessment
- Search through records for history of DV in the relationship
- Assist victim with completing the paperwork
- Accompany the victim to see the Judge for the temporary order
- Explain service requirements and hearing expectations
- Conduct safety planning
- Attend regular Wednesday PFA docket and assist victims and Judge as necessary
- Must be bilingual in English & Spanish
Currently, the UG does not have a PFA Advocate to assist with the processing and filing of protection orders in the court. The District Court is unable to fund such a position due to increasing budget cuts that are expected to continue. The lack of a PFA Advocate has created the following problems:

- Victims are turned away if they do not apply at the correct time – no lethality assessment
- Abusers are obtaining protection orders against their victims
- Victims are applying for the wrong type of order and are denied the order
- Spanish Speaking victims are sent to Rebecca for help completing forms – time consuming
- No safety planning is conducted which increases Officers’ calls for violations or new abuse

Having a PFA Advocate provides the following benefits:

- Ability to screen applicants for the type of order they need
- Ability to search police records to obtain a history to prevent abusers from getting orders
- Makes sure the paperwork is complete
- Screen for lethality after the 1000 hours deadline and assist with emergency order
- Conduct safety planning – decreases calls for service on violations for officers
- Can assist Spanish-speaking victims with obtaining orders faster
- Develop an emergency screening process for high lethality cases

On June 17th, I met with Chief Judge Lampson and Judge Lynch (PFA Docket) and they are very supportive of this proposal. They have committed to providing the advocate with an office in the courthouse and will assist with training the advocate in court procedures. Judge Lynch has offered to attend the Standing Committee meeting to support this request and Chief Judge Lampson has offered to write a letter of support if one is needed.

The District Attorney’s Office as well as the City Prosecutor’s Office support this endeavor. Neither office is able to house a PFA Advocate nor does the position entirely fit within either office. They agree that the KCKPD Victim Services Unit is the best place to house a PFA Advocate and will provide the best support to victims of domestic violence and stalking. It is anticipated that the Municipal Court will also see a decrease in the number of cases for prosecution, in particular PFA Violations, as the number of reports after a protection order is obtained is expected to decrease due to better safety planning at the time of application.

VOCA would fund this position at 100%. There will be no additional cost to the UG to create the PFA Advocate position. VOCA funds will pay for salary, benefits, equipment (computer, printer), supplies, etc. The PFA Advocate would not be subject to the VSU on-call schedule and would therefore not need a city car, cell phone, or radio. VOCA funding is very secure and increased funding at this higher rate is expected for several years.

Please see the attached letter of support from ADA Susan Alig & example of FY 2015 solicitation.
Wednesday, June 17, 2015

To: Kristen Czugala  
Re: Support for PFA Advocate Position

Dear Kristen:

I am writing to express and explain my support for your effort to hire a PFA advocate to join the KCKPD victim services team.

In my work prosecuting domestic violence cases, I have observed firsthand my victims’ need for an advocate to help them navigate the process of applying for a PFA or PFS order. Even though PFAs are designed to help victims who need protection quickly, the process is still a daunting one for victims in crisis. There are multiple forms that must be completed, rules about when a victim may appear in court, threshold screening questions that may bar victims from getting the help they need, and various time limitations, deadlines, and court dates that can be confusing and difficult to navigate. Some victims who are not eligible to go in front of the judge based on Domestic Court Services’ screening questions may in fact be the people who most need protection. An advocate could assist those victims who desperately need civil orders to navigate the barriers to obtaining a PFA successfully.

The KCKPD’s victim services unit is a groundbreaking way to deliver services to victims in the moments that they need them the most. Providing a PFA advocate through the police department instead of the DA’s Office is the most efficient way to get help to victims who need it. The DA’s Office only becomes involved after a felony case is charged. The group of victims who need PFA advocacy is broader than the group of victims whose felony cases will be filed by the DA’s Office. The police department is more likely to encounter and identify these victims than any other Unified Government agency. Furthermore, a police department-based advocate can help victims obtain a PFA quickly, even before a case can be submitted for charging.

Finally, from my perspective as a domestic violence prosecutor, there are two distinct advantages to a KCKPD PFA advocate. The first is that increasing the number of victims who are protected by PFAs would increase the chargeability of stalking, intimidation, and violation of protection order crimes, thus enhancing victim safety. The second is that it connects victims to services and protection early in the case. By the time I make my initial phone call to a victim, weeks may have passed since the charged incident. Victims
who feel that we have forgotten about them or done nothing to protect them in the intervening weeks may decide that their safety is better served by appeasing the defendant and thus recant. Conversely, a victim who received assistance with a PFA and the extra attention of a PFA advocate may be more willing to trust our system and remain cooperative.

I wholeheartedly support your efforts to add a PFA advocate to your victim services team and look forward to assisting you any way I can.

Sincerely,

Susan Alig
Assistant District Attorney
Staff Request for Commission Action

Tracking No. 150186

140285 On Going

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015
(If none, please explain): 

Proposed for the following Full Commission Meeting Date: Confirmed Date: 8/13/2015

8/13/2015

☑ Changes Recommended By Standing Committee (New Action Form required with signatures)

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<th>Date</th>
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<th>Contact Email</th>
<th>Ref</th>
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<tr>
<td>7/7/2015</td>
<td>Ken Moore</td>
<td>5070</td>
<td><a href="mailto:kjmoore@wycokck.org">kjmoore@wycokck.org</a></td>
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Item Description:
On August 25, 2014 the PW&S Standing was provided an update on the proposed South Patrol site. On December 18, 2014 the Commission authorized $1,850,000 in G.O. debt to finance construction. The Commission has not specifically approved the site or the acquisition.
The following documents are attached:
South Patrol Site Summary, Site maps, Donation Agreement,
Resolution directing the County Administrator to proceed with the acquisition of this specific site.

Action Requested:
Approve Resolution.

☐ Publication Required

Budget Impact: (if applicable)

Amount: $
Source: 
☐ Included In Budget Consistent with CMIP plans.
☐ Other (explain)
South Patrol Site Summary
July 2015

Prior Commission Action:
- December 18, 2014 – Commission adopted R-122-14 authorizing $1,850,000 in G.O. debt for an estimated 10,000 sq. ft. South Patrol facility located generally at 2200 Metropolitan Ave.
- Commission has not specifically approved site acquisition.

Proposed Site:
- 9 acre site located generally at 2300 Metropolitan Ave. to the east of the Walmart development.
- Owned by Argentine Retail Developers Inc. (ARD) who propose to donate it to the UG.
- A smelting and refining facility operated on the site from 1880 to 1901 and a steel fabrication facility from 1907 until 1984.
- Soil contamination was remediated by the EPA in 1993. A protective cap of crushed limestone and loess averaging a thickness of 4 ft. covers the site.
- 9 acre site consists generally of:
  o 1.5 acre “consolidated fill/berm area”
  o 3.5 acre soil fill area designated by KDHE
  o 0.7 acre detention pond to be constructed
  o 3.3 acre area available to construct facility

Terms of Donation:
- “As Is” – ARD makes no warranties as to condition of site.
- All or Nothing – UG requires a 2-3 acre site. ARD unwilling to subdivide.
- ARD requires a “charitable contribution” donation pursuant to the IRS Code which limits use to “public purposes”.
- Value determined by ARD to be $1.66 M or $4.25 sq. ft. for the entire 9 acres. The appraisal minimizes the environmental/contamination impact.
ARD requires a “Soil Fill Easement” on the site to allow future deposit of material from the ARD Development. This would include additional contaminated material.

UG releases ARD and assumes KDHE/EPA responsibilities and obligations.

Independent access to site impractical. ARD grants UG an Access Easement across ARD Development. UG pays 16% of the costs to repair and maintain ARD’s access roads.

Environmental Issues:

Site cannot be used for:
- Residential purposes of any type;
- Public use area, school, educational or daycare center, playground, outdoor recreational area, or park;
- Any agricultural purpose.

Consolidated fill/berm area:
- 1993 EPA remediation relocated the contaminated soil and material to this location at southeast corner of the site.
- Covered with a minimum 6 in. layer of soils stabilized/solidified via mixture with cement, followed by a 6 in. layer of gravel, geotextile fabric, and a 12 in. layer of clean soil with vegetation.
- Public access restricted through posting of signs, fences, or by other physical structures or notices.
- No use allowed within fenced-in area without KDHE approval.

KDHE/EPA Compliance:
- Site subject to various written agreements to be assumed by UG.
- KDHE conducts annual testing and reporting. Costs to be paid by UG.
- UG responsible for all required repairs or maintenance.
- Soil cannot leave the site.
RESOLUTION NO. ______________________

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

That the County Administrator is hereby authorized and directed to execute in the name of the Unified Government of Wyandotte County/Kansas City, Kansas, all documents and agreements necessary to acquire property necessary for the South Patrol Facility CMIP 978-9242, specifically Parcel 246000, in accordance with the terms and conditions presented to and reviewed by the Board of Commissioners, with such changes therein as shall be approved by the officers of the Unified Government executing such document, such officers’ signature thereon being conclusive evidence thereof.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS
THIS _____ DAY OF ______________________ 2015.

____________________________________
Unified Government Clerk

Approved as to Form:

____________________________________
Unified Government Counsel
DONATION AGREEMENT

Argentine Retail Developers, Inc. ("Donor") and the Unified Government of Wyandotte County / Kansas City, Kansas ("Donee") have hereby executed this Donation Agreement (this "Agreement") on this 12th day of June, 2015, pursuant to which Donor agrees to donate to Donee approximately 8.99 acres of real property located in Kansas City, Kansas, in the vicinity of the Northeast corner of Metropolitan Avenue and S. 24th Street, all as more specifically set forth herein.

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each of Donor and Donee, the parties hereby agree as follows:

1. **Donee:** Unified Government of Wyandotte County / Kansas City, Kansas

2. **Donor:** Argentine Retail Developers, Inc.

3. **Donated Property:** Approximately 8.99 acres of real property, more specifically described on **Exhibit A**, attached hereto, and generally depicted on **Exhibit B**, attached hereto.

4. **Donated Property Value:** The Donated Property shall be donated by Donor to Donee at Closing, and Donee shall not be responsible for any payment of purchase price in connection with Donated Property. Donee shall only be responsible for the payment of reasonable title and closing costs in connection with the conveyance of the Donated Property to Donee. The value of the Donated Property, for the purposes of determining Donor’s charitable contribution, shall be determined by an appraiser engaged by Donor, and said value shall be agreed to by Donee and shall be controlling for the purposes of such charitable contribution. Donor has provided Donee with said appraisal which shall be used for these purposes. On the Closing Date, Donee will provide to Donor an executed IRS Form 8283 setting forth the value of, and evidencing the donation of, the Donated Property.

5. **Closing Date:** The donation and conveyance of the Donated Property (the “Closing”) shall occur on such date as determined by Donee upon no less than 10 days’ prior notice to Donor (the “Closing Date”); provided, that the Closing Date shall occur or prior to August 31, 2015. If the Closing hereunder has not occurred on or prior to such date, this Agreement shall automatically terminate.

6. **Public Purpose:** Donee agrees and covenants that the Donated Property shall be used exclusively for “public purposes”, as such term is used in Section 170 of the Internal Revenue Code of 1986, as amended.

7. **Environmental Conditions:** Donee agrees and acknowledges that the Donated Property is subject to certain documents related to environmental condition of the property, including: (i) that certain First Modification of the Agreement and Covenant Not to Sue, dated January 28, 2014, by and between Donor and the United State Environmental Protection Agency (the “EPA”), (ii) that certain
Environmental Use Control Agreement, dated January 27, 2014, by and between Donor and the Kansas Department of Health and Environment (the “KDHE”), and (iii) that certain Long-Term Care Agreement, dated January 27, 2014, by and between Donor and the KDHE (collectively, the “Environmental Agreements”). Donee agrees that it shall at Closing assume any and all responsibilities and obligations under said Environmental Agreements as they relate to the Donated Property, including without limitation, the obligations to pay any and all fees and other payments thereunder as they relate to the Donated Property, and Donor shall thereafter be released from any and all responsibilities and obligations under the Environmental Agreements with respect to the Donated Property. Further, Donee agrees that it shall cooperate with Donor in all respects as necessary to cause the EPA and the KDHE to consent to the assumption by Donee of any and all responsibilities and obligations under the Environmental Agreements with respect to the Donated Property, as well as the release of Donor from all responsibilities and obligations under the Environmental Agreements as they relate to the Donated Property.

8. **Access.** Donee agrees and acknowledges that access to the Donated Property is currently available only via certain streets and roads located upon real property owned by Donor and located adjacent to the Donated Property to the West (the “Development Property”). Further, Donee acknowledges that it shall have rights to access the Donated Property through the Development Property pursuant to that certain Blanket Access Easement, recorded with the Wyandotte County Register of Deeds on March 13, 2014, as Document No. 2014R-03101 (the “Access Easement”). Pursuant to the Access Easement, Donee shall have the rights to vehicular access to the Donated Property. Notwithstanding the foregoing, Donee shall use its best effort to limit its access to the Donated Property to those streets identified as “Access Roads” on Exhibit C, attached hereto and incorporated herein (the “Access Roads”). Further, Donee agrees that it will pay sixteen percent (16%) of any and all costs, expenses, and other amounts associated with the operation, repair, maintenance, and replacement of the Access Roads; provided, that Donee’s obligation hereunder to pay such costs, expenses, or amounts shall not commence until the latter of: (i) the date occurring five (5) years following the Closing Date, or (ii) the date on which Donor receives temporary certificates of occupancy in connection with each and every outparcel lot located on the Development Property. The parties agree to negotiate a new, revised, or amended Access Easement prior to Closing, to be executed at Closing, for the purposes of incorporating the provisions of this Section 8, which provisions shall survive closing.

9. **Soil Fill Easement.** At Closing, Donee and Donor agree that they shall execute and record a Soil Fill Easement in favor of Donor, which easement shall permit Donor to permanently deposit fill soil and materials removed from the Development Property on to the Donated Property. The areas on which Donor may deposit such fill soil and materials shall be limited to the extreme Eastern portion of the Donated Property or as otherwise agreed by the parties. Donor agrees and acknowledges that it shall be solely responsible for any and all environmental liability related to Donor’s deposit of fill soil and materials placed upon the Donated Property by Donor or anyone acting on its behalf. Further, Donor agrees that it shall restore to original condition any and all damage caused to the Donated Property as a result of Donor’s use thereof. The parties shall negotiate a form of Soil Fill
Easement prior to the Closing Date, to be executed at Closing for the purposes of incorporating the provisions of this Section 9, which provisions shall survive closing.

10. Investigation of Donated Property. Upon the execution of this Agreement, Donee shall have the right to enter upon and investigate the Donated Property; provided that Donee agrees and acknowledges that, as a result of the Environmental Agreements, any and all invasive testing shall be strictly prohibited. Donee hereby indemnifies and holds Donor harmless from any and all claims, damages, costs, and otherwise related to Donee’s investigations in connection with the Donated Property.

11. Donee’s Purpose. Donee agrees that it shall be Donee’s responsibility to investigate the Donated Property to determine if it is suitable for Donee’s purposes, and Donor makes no representations as to the condition or use of the Donated Property for any purpose whatsoever. Additionally, Donee agrees and acknowledges that it shall be fully responsible for any and all approvals, consents, improvements, or otherwise required in connection with Donee’s use of the property, including without limitation, any approvals from the Kansas Department of Health and Environment and the U.S. Environmental Protection Agency, as well as the extension and construction of any and all utilities to the Donated Property and the construction of any stormwater retention / detention facilities required thereon.

12. Title. Immediately following execution of this Agreement, Donee shall order a title commitment by which the Title Company commits to insure fee title to the Donated Property in Donee; provided, that in no event shall Donor be obligated to cure any title matters related to the Donated Property. Donee shall pay the costs of any title insurance policy issued at Closing, as well as any costs charged by the Title Company.

13. Assignment. Donee may not assign this Agreement without the prior written consent of Donor.

14. Donor Representations & Warranties; As-Is. Donor represents that it is the fee owner of the Donated Property and that Donor has the authority to enter into this Agreement. Donee hereby agrees and acknowledges that it is accepting the Donated Property "as is", "where is", "with all faults", and without express or implied warranties of any kind or nature whatsoever. The warranties hereby disclaimed include, without limitation, implied warranties of merchantability, habitability, tenantability, and fitness for any particular purpose.

[Remainder of Page Intentionally Blank]
Donee and Donor hereby execute this Agreement on the dates set forth next to their signatures below.

Argentine Retail Developers, Inc.

By: Hunter Harris, President

Unified Government of Wyandotte County / Kansas City, Kansas

By: Douglas G. Bach, County Administrator
EXHIBIT A

Legal Description of Donated Property

Part of Lot 1, Argentine Industrial Park, a subdivision in Kansas City, Wyandotte County, Kansas, as Recorded in Book 37 at Page 28 and being more particularly described as follows:

Commencing at the intersection of the East Right of Way line of 24th Street and the North Right of Way line of Metropolitan Avenue, as road now exists, said point being referenced as Point B on said Final Plat of Argentine Industrial Park: thence South 89°50'30" East, along said North Right of Way line, a distance of 26.68 feet; thence South 00°02'08" East (South 00°01'50" West Platted), a distance of 60.00 feet; thence South 36°07'22" East, a distance of 83.02 feet (North 36°07'05" West, 83.11 feet Platted); thence South 89°50'30" East (Measured and Platted); a distance of 598.00 feet to the Point of Beginning; thence North 00°03'51" East departing said North Right of Way line and South line of said Lot 1, a distance of 714.52 feet to a point on the North line of said Lot 1 and the South Right of Way line of the BNSF Railroad; thence South 71°56'29" East (South 71°56'16" East Platted), a distance of 349.70 feet continuing along said South line; thence North 89°44'01" East, a distance of 139.95 feet (North 89°44'41" East, 140.00 feet Platted); thence South 71°56'29" East, a distance of 498.80 feet (South 71°56'16" East, 498.92 feet Platted); thence North 00°18'17" East (North 00°18'30" East Platted), a distance of 6.30 feet (Measured and Platted); thence South 71°56'29" East (South 71°56'16" East Platted), a distance of 127.92 feet (Measured and Platted) to the Northeasterly most corner of said Lot 1; thence South 13°25'14" West, a distance of 45.28 feet (South 13°25'27" West, 45.37 feet Platted) to the Northeast corner of Tract A, Hodg Subdivision; thence Westerly along the North line of said Hodg Subdivision the following courses: thence North 71°56'13" West, a distance of 109.11 feet; thence along a curve to the left having an Initial Tangent Bearing North 88°16'31" West, a radius of 795.00 feet and an Arc Length of 484.78 feet to the Northwest corner of Lot 1, Hodg Subdivision; thence South 05°04'56" West (South 05°05'55" West Platted) along the West line of said Lot 1, Hodg Subdivision, a distance of 281.46 feet to the Southwest corner of said Lot 1, Hodg Subdivision and the Southeast corner of said Lot 1, Argentine Industrial Park, said point being on the North Right of Way line of said Metropolitan Avenue; thence North 89°50'30" West along the South line of said Lot 1 and the North Right of Way line of said Metropolitan Avenue, a distance of 470.51 feet to the Point of Beginning. Said tract contains 391,517 square feet, 8.99 acres, more or less.
EXHIBIT B

General Depiction of Donated Property
**Staff Request for Commission Action**

**Tracking No. 150193**

- [ ] Revised
- [ ] On Going

**Type:** Standard  
**Committee:** Public Works and Safety Committee

**Date of Standing Committee Action:** 7/20/2015  
(If none, please explain):

**Proposed for the following Full Commission Meeting Date:**  
8/13/2015

- [ ] Changes Recommended By Standing Committee (New Action Form required with signatures)

<table>
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<tr>
<th>Date</th>
<th>Contact Name</th>
<th>Contact Phone</th>
<th>Contact Email</th>
<th>Ref</th>
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<tbody>
<tr>
<td>7/8/2015</td>
<td>Ryan Haga</td>
<td>5060</td>
<td><a href="mailto:rhaga@wycokck.org">rhaga@wycokck.org</a></td>
<td>Legal</td>
<td>Legal</td>
</tr>
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</table>

**Item Description:**
An Ordinance to formally release the UG’s right to re-enter the previously vacated street and alley, per KCK adopted Ordinance No. 46791 from 1967, located at the north east corner 39th & Rainbow, on which the University of Kansas is scheduled to construct a new Health Education Building starting on 8/27/2015.

**Action Requested:**  
To approve the Ordinance.

**Publication Required**

- [ ]

**Budget Impact:** (if applicable)

- **Amount:** $
- **Source:**
  - [ ] Included In Budget
  - [x] Other (explain) Policy action by Commission.

---

File Attachments:  
- [ ] File Attachment  
- [ ] File Attachment  
- [ ] File Attachment  
- [ ] File Attachment
An ordinance relating to the release of the Unified Government of Wyandotte County/Kansas City, Kansas’s right to re-enter for utility purposes for a previously vacated street and alley located at the north east corner of 39th & Rainbow pursuant to Kansas City, Kansas Ordinance No. 46791 adopted on December 28, 1967; on which the University of Kansas is scheduled to construct a new Health Education Building on August 27, 2015.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Kansas City, Kansas Ordinance No. 46791, be and the same is hereby amended by adding a new subsection to read as follows:

That the Unified Government of Wyandotte County/Kansas City, Kansas, releases, terminates, and quit-claims any and all right and interest it reserved through Section 2 of its Ordinance No. 46791, passed on December 28, 1967, by the Board of Commissioners of the City of Kansas City; specifically, the Unified Government’s reserved right to re-enter or permit a public utility to re-enter a vacated portion of Francis Street from the north line of 39th Avenue to the north line of Lot 1, Block 2 and Lot 3, Block 1, all in Franklin Square, now in and a part of Kansas City, Kansas, also, a vacated east/west alley in Block 1, Franklin Square, from the east line of Rainbow Boulevard to the west line of Francis Street, in Kansas City, Kansas, located at approximately 39th Avenue and Francis Street, for the purpose of repairing, installing, constructing, or reconstructing any public utilities such as sewers, conduits, electric light pole lines, etc., then or later installed in the vacated portions of the street and alley.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,
THIS _______ DAY OF ____________________________ 2015.

________________________________________
Mark Holland, Mayor/CEO

Attest:

______________________________
Unified Government Clerk

Approved As To Form:

______________________________
Ryan P. Haga, Assistant Counsel
Staff Request for Commission Action

Tracking No. 150187

☐ Revised
☐ On Going

Type: Standard
Committee: Public Works and Safety Committee

Date of Standing Committee Action: 7/20/2015
(If none, please explain):

Proposed for the following Full Commission Meeting Date: 8/13/2015

Date: 7/8/2015
Contact Name: Jenny Myers
Contact Phone: 5060
Contact Email: jmyers@wycokck.org
Ref: Legal
Department / Division: Legal

Item Description:
Amendments to Chapter 22, Miscellaneous Provisions and Offenses of the UG Code, including amending the weapons laws that now allow concealed carry, open carry and knives in our city. Many other changes are made in order to comply with state statutes.

Action Requested:
Approval of the proposed changes to the Offense Code.

☐ Publication Required

Budget Impact: (if applicable)
Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Policy action by Commission.

File Attachment
File Attachment
To: Board of Commissioners
   Jody Boeding, Chief Counsel
From: Jennifer Myers, Assistant Counsel
Date: July 7, 2015
RE: Amendments to the Offense Code

This memo is to explain the changes and additions to the current Offense Code made in the attached ordinance. Many of the changes are being made to comply with State Statute and the Kansas League of Municipalities.

Chapter 22 changes:

- The following ordinances are amended to reflect changes in the state statute regarding culpable mental state.
  - 1-12 Liability for crimes of another
  - 22-34 Battery
  - 22-36 Endangering a child
  - 22-38 Contributing to a child’s misconduct or deprivation
  - 22-79 Criminal Damage to property
  - 22-80 Tampering with a traffic signal
  - 22-116 Unlawful assembly
  - 22-153 Creating a hazard
  - 22-154 Throwing stones, bricks, woods, etc
  - 22-350 Interference: conduct, public business in public building
  - 22-380 Littering
The following ordinances are amended to add/delete language to be consistent with state statute and KLM. No substantive changes

- Section 22-38 Contributing to a child’s misconduct
- Section 22-80 Tampering with a traffic signal – new penalty section
- Section 22-116 Unlawful assembly: remaining at an unlawful assembly
- Section 22-117 Riot
- Section 22-120 Giving a False Alarm- removed language/added penalty section
- Section 22-270 Possession of a gambling device; defense

- Section 22-39 Mistreatment of a confined person
  - Ordinance should apply to all confined persons not only the disabled.

- Section 22-73 Theft
  - Removed “petty” from title to comply with state statute
  - Added theft to include theft of property or services to comply with state statute
    - Theft of services was previously included in Sec. 22-75. This section can now be deleted.
  - Changed the language from “regardless of the value” to now read a value “less than $1,000 in the section regarding theft from three separate establishments within a 72 hours is a felony.
  - Theft of a firearm of the value of less than $25,000 is a felony.
  - Added definition section to comply with statute.

- Section 22-74 Evidentiary rules
  - Renamed: Intent: Permanently Deprive to comply with State Statute
  - Added removing a theft detection device and added the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels comply with statute.
  - Added language regarding theft of services that was previously in section 22-75 to comply with statute.
  - Added a definitions section to comply with statute.

- Section 22-75 Theft of services
  - Deleted this section as it has been included in Section 22-73

- Section 22-76 Criminal deprivation
  - Criminal deprivation of a firearm is now a felony.
  - Added language for criminal deprivation of property that is a motor vehicle to comply with statute.

- Section 22-77 Criminal trespass
  - Formatting and technical changes that do not affect the substance.
  - Included KSA 32-1013, Taking wildlife without permission on land posted “by written permission only” to define criminal trespass. (2013 addition)
  - Added exceptions for land surveyors and railroad property to comply with statute.

- Section 22-88 Theft of lost or mislaid property
- Renamed: Theft of property lost, mislaid or delivered by mistake to comply with state statute
- Reformatting to avoid alternative means confusion
- Included definition of “property delivered by mistake” to comply with statute

- Section 22-89 Tampering with a landmark
  - Changed culpable mental state
  - Removed language regarding milepost, milestone, or guideboards which is not included in state statute or KLM

- Section 22-90 Criminal Desecration
  - Changed culpable mental state
  - Added language regarding penalty to comply with state statute

- Section 22-92 Trespassing on railroad property
  - Formatting, wording, and statute number correction with no substantive change.
  - Changed culpable mental state

- Section 22-95 Criminal use of a financial card
  - Changed culpable mental state
  - Changed “communication services” to “services” consistent with state statute

- Section 22-115 Disorderly conduct
  - Changed entire ordinance to be consistent with state statute

- Section 22-177 Unlawful use of weapons
  - Complete change to consistent with state statute and KLM
  - Removed knife prohibition as required by state law
  - Removed carrying and transportation of firearm as required by state law
  - Removed language regarding martial arts weapons that is not included in state statute
  - Added language regarding selling, giving, or transferring firearms to those under 18 years of age, to those addicted to and unlawful user of drugs, those who are mentally ill
  - Added refusing to surrender from school property when requested by school employee or law enforcement officer
  - Amended exemption paragraphs to comply with state law

- Section 222-178 Defacing identification marks of a firearm
  - Repealed. This is a felony

- Section 22-180 Criminal Disposal of a Firearm
  - Repealed. This language is found in other sections

- Section 22-181 Possessing, carrying, or transporting concealed explosives
  - Repealed. Sections 181- and 182 are redundant.

- Section 22-204 Furnishing cigarettes to minors
  - Renamed: Selling, Giving or Furnishing cigarettes or tobacco products to a minor
  - Added electronic cigarettes and updated definition
  - Changed the penalty from a “C” to a “B”
• Section 22-232 Definitions regarding prostitution
  o Repealed. These terms are no longer used in the statute.
• Section 22-233 Prostitution
  o Renamed: “Selling sexual relations”
  o This section was very outdated and the section was completely changed.
  o Affirmative defense added if the person who was selling sexual relations was a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.
• Section 22-234 Promoting prostitution
  o Repealed. This is now a felony.
• Section 22-235 Patronizing a prostitute
  o Renamed: “Buying sexual relations.
  o Definitions updated to comply with state statute
  o A person convicted shall be fined $2,500. All fines collected shall be remitted to the human trafficking victim assistance fund. (2013 amendment).
  o Added language that the court may order the person convicted to enter into an educational and treatment program regarding commercial sexual exploitation to comply with statute.
• Section 22-236 Soliciting for unlawful sexual activity
  o Repealed. It can be charged as solicitation to commit buying sexual relations.
• Section 22-269 Permitting premises to be used for commercial gambling
  o Renamed: Commercial gambling consistent with state statute
  o Changed culpable mental state
• Section 22-271 Cockfighting
  o Changed culpable mental state
  o Added additional penalty that can also be charged with cruelty to animals
• Section 22-342 Unlawful interference with firefighter
  o Changed culpable mental state
  o Removed language to be consistent with KSA and KLM
  o Added language with regard to penalties
• Section 22-344 Battery against a law enforcement officer
  o Amended definition number of Battery as defined in this statute
  o Added language to define law enforcement officer for purposes of this section to comply with statute.
• Section 22-345 Escape from custody
  o Included “commitment to the state security hospital...in the definition section of Custody to comply with statute.
  o Added language to comply with statue.
  o Added that it is a class A violation.
• Section 22-346 Resisting, obstructing, etc., any law enforcement officer
- Repealed. This language is now included in a new section for Interference with a law enforcement officer

- Section 22-347 Falsely reporting a crime
  - Repealed. This language is now included in a new section for Interference with a law enforcement officer

- Section 22-349 Interference; administration of justice
  - Renamed: Interference with the Judicial Process to comply with new state statute
  - Amended entire ordinance to comply with state statute

- Section 25-50 Animals, hunting and firearms
  - Removed language prohibiting firearms

- New Section 22-97 Unlawful acts concerning computers
  - Unlawful to disclose a number, code, password, or other means of access to a computer, computer system, social networking website or personal electronic content or for any person to access or attempt to access any social networking website, computer, computer system, network, software, program, documentation, data or property contained in any computer, computer system or computer network without authority.
  - Class A violation

- New Section 22-180 Criminal Distribution of Firearms to a Felon
  - Cannot transfer firearm to felons. Mirrors state statute

- New section 22-346 Interference with a Law enforcement officer is:
  - New statute in 2012, updated in 2013. Consistent with state statute
  - Class A violation if the underling offense is a code violation or a civil case.
Ordnance No. ______________


BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 1, General Provisions, Sections 1-12 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

Sec. 1-12. - Liability for crimes of another.

(a) A person is criminally responsible for an offense ordinance or resolution violation committed by another if such person, acting with the mental culpability required for the commission thereof, intentionally aids, abets, advises, hires, counsels or procures the other to violate the ordinance or resolution ordinance or resolution violation if reasonably foreseeable by the such person as a possible probable consequence of committing or attempting to commit the ordinance or resolution violation crime intended.

(b) A person liable under subsection (a) of this section is also liable for any other offense ordinance or resolution violation committed in pursuance of the intended offense ordinance or resolution violation if reasonably foreseeable by the such person as a possible probable consequence of committing or attempting to commit the ordinance or resolution violation crime intended.

(c) A person liable under this section may be charged with and convicted of the ordinance or resolution violation offense although the person alleged to have directly committed the act constituting the ordinance or resolution violation offense:

1. lacked criminal or legal capacity;
2. has not been convicted;
3. has been acquitted; or
4. has been convicted of some other degree of the ordinance or resolution violation offense or of some other ordinance or resolution violation offense based on the same act.

ARTICLE II. – OFFENSES AGAINST PERSONS

Sec. 22-34. - Battery.

(a) Battery is defined as:
   (1) Intentionally or recklessly causing bodily harm to another person; or
   (2) Intentionally causing physical contact with another person when done in a rude, insulting or angry manner.

(b) A battery is a class B violation.

Sec. 22-36. - Endangering a child.

(a) Endangering a child is intentionally and unreasonably causing or permitting a child under the age of 18 years to be placed in a situation in which its life, body or health may be injured or endangered.

(b) Nothing in this section shall be construed to mean a child is endangered for the sole reason the child's parent or guardian, in good faith, selects and depends upon spiritual means along through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

(c) Endangering a child is a class A violation.

Sec. 22-38. - Contributing to a child's misconduct or deprivation.

(a) As used in this section, the term "runaway" means a child under 18 years of age who is willfully and voluntarily absent from:
   (1) The child's home without the consent of the child's parent or other custodian; or
   (2) A court-ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee.

(b) The following shall constitute contributing to a child's misconduct or deprivation:
   (1) Knowingly causing or encouraging a child under 18 years of age to become or remain a child in need of care as defined by the state code for the care of children;
   (2) Knowingly causing or encouraging a child under 18 years of age to commit a traffic infraction or an act which, if committed by an adult, would be a misdemeanor or to violate the provisions of K.S.A. 41-727 or K.S.A. 74-8810(j); or
   (3) Failure to reveal, upon inquiry by a uniformed or properly identified law enforcement officer engaged in the performance of such officer's duty, any information one has
regarding a runaway, with intent to aid the runaway in avoiding detection or apprehension; or

(4) Knowingly causing or encouraging a child to violate the terms or conditions of the child’s probation or conditional release pursuant to subsection (a)(1) of K.S.A. 38-2361, and amendments thereto.

(c) Contributing to a child's misconduct or deprivation is a class A violation.

(d) A person may be found guilty of contributing to a child's misconduct or deprivation even though no prosecution of the child whose misconduct or deprivation the defendant caused or encouraged has been commenced pursuant to the state code for care of children, state juvenile offenders code or state criminal code.

Sec. 22-39. - Mistreatment of confined person.

(a) Mistreatment of a confined person is the intentional knowingly abusing, neglecting or ill-treating of any person, who is detained or confined and who is physically disabled, mentally ill or mentally retarded or whose detention or confinement is involuntary, by any law enforcement officer or by any person in charge of or employed by the owner or operator of any correctional institution, any public or private hospital or nursing home.

(b) Mistreatment of a confined person is a class A violation.

ARTICLE III. – OFFENSES AGAINST PROPERTY

Sec. 22-73. Petty Theft.

(a) Theft is any of the following acts done with intent to permanently deprive the owner permanently of the possession, use, or benefit of the owner's property or services that is under the value of $1,000.00:

(1) Obtaining or exerting unauthorized control over property or services;
(2) Obtaining control over property or services by deception;
(3) Obtaining control over property or services by threat;
(4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
(5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.

(b) Petty theft is a class A violation, except when the person has been convicted of theft two or more times, or theft of property, regardless of the value, from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct, in which case it is a felony under state law.

(b) Theft of property or services of the value of less than $1,000 is a class A violation, except as provided below:

(1) Property of the value of less than $1,000 from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct;

(2) Property of the value of less than $1,000 if committed by a person who has been convicted of theft two or more times; and
(3) Property which is a firearm of the value of less than $25,000.

(c) As used in this section:
(1) Conviction or convicted includes being convicted of a violation of K.S.A. 21-3701 prior to its repeal, this section or a municipal ordinance which prohibits the acts that this section prohibits;
(2) regulated scrap metal means the same as in Supp. 50-6,109, and amendments thereto; and
(3) value means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

Sec. 22-74. Evidentiary rules. Intent; Permanently Deprive

(a) In any prosecution under this article, the following shall be prima facie evidence of intent to permanently deprive the owner or lessor of property of the possession, use or benefit thereof:
(1) The giving of a false identification or fictitious name, address or place of employment at the time of obtaining control over the property;
(2) The failure of a person who leases or rents personal property and fails to return the same within ten days after the date set forth in the lease or rental agreement for the return of property, if notice is given to the person renting or leasing the property within seven days after receipt of the notice, in which case the subsequent return of the property within the seven-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section;
(3) Destroying, breaking or opening a lock, chain, key switch, enclosure or other device used to secure the property in order to obtain control over the property;
(4) Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property;
(5) The failure of a person who leases or rents from a commercial renter a motor vehicle under a written agreement that provides for the return of the motor vehicle to a particular place at a particular time, if notice has been given to the person renting or leasing the motor vehicle to return such vehicle within three calendar days from the date of the receipt or refusal of the demand. In addition, if such vehicle has not been returned after demand, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;
(6) The failure of a person who is provided with a use of a vehicle by the owner of the vehicle to return it to the owner pursuant to a written instruction specifying:
   a. The time and place to return the vehicle; and
   b. That failure to comply may be prosecuted as theft, and such instructions are delivered to the person by the owner at the time the person is provided with possession of the vehicle. In addition, if such vehicle has not been returned pursuant to the specifications in such instructions, the owner may notify the local law enforcement agency of the failure of the person to return such motor vehicle and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles;
(7) Removing a theft detection device, without authority, from merchandise or disabling such device prior to purchase; or
Under the provisions of Section 22-73(a)(5) or K.S.A. 21-5801(a)(5), and amendments thereto, the failure to replace or reattach the nozzle and hose of the pump used for the dispensing of motor fuels or placing such nozzle and hose on the ground or pavement.

(b) In any prosecution in which the object of the alleged theft is a book or other material borrowed from the library, it shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(c) In a prosecution for theft as defined in Sec. 22-73 and amendments thereto, and such theft is of services, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service, caused by tampering, shall be prima facie evidence of intent to commit theft of services by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service or cable television service which has not been authorized or measured.

(d) As used in this section:

(1) “Notice” means notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library materials at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address; and

(2) “Tampering” includes, but is not limited to:

(a) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility, or by a cable television service provider;
(b) defacing, puncturing, removing, reversing or altering any meter or any connections, for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service or cable television service;
(c) preventing any such meters from properly measuring or registering;
(d) knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity, water or natural gas which has not been measured; or any telephone or cable television service which has not been authorized; or
(e) causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

(e) The word notice as used herein shall be construed to mean notice in writing and such notice in writing will be presumed to have been given three days following deposit of the notice as registered or certified matter in the United States mail, addressed to such person who has leased or rented the personal property or borrowed the library materials at the address as it appears in the information supplied by such person at the time of such leasing, renting or borrowing, or to such person's last known address.

Sec. 22-75. Theft of services.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Services includes, but is not limited to, labor, professional service, cable television service, public or municipal utility or transportation service, telephone service, lodging, entertainment and the supplying of equipment for use.

Tampering includes, but is not limited to:

(1) Making a connection of any wire, conduit or device, to any service or transmission line owned by a public or municipal utility or by a cable television service provider;
(2) Defacing, puncturing, removing, reversing or altering any meter or any connections for the purpose of securing unauthorized or unmeasured electricity, natural gas, telephone service or cable television service;

(3) Preventing any such meters from properly measuring or registering;

(4) Knowingly taking, receiving, using or converting to such person's own use, or the use of another, any electricity or natural gas which has not been measured or any telephone or cable television service which has not been authorized; or

(5) Causing, procuring, permitting, aiding or abetting any person to do any of the preceding acts.

(b) Theft of services is obtaining services from another by deception, threat, coercion, stealth, mechanical tampering or use of false token or device.

(c) In any prosecution under this section, the existence of any of the connections of meters, alterations or use of unauthorized or unmeasured electricity, natural gas, telephone service or cable television service, specified in subsection (c) of this section shall be prima facie evidence of intent to violate the provisions of this section by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, telephone service or cable television service passing through such connections or meters, or using the electricity, natural gas, telephone service or cable television service which has not been authorized or measured.

(d) Theft of services is a class A violation.

Sec. 22-76. Criminal deprivation.

(a) Criminal deprivation of property is obtaining or exerting unauthorized control over property with intent to deprive the owner of the temporary use thereof, without the owner's consent but not with the intent of depriving the owner permanently of the possession, use or benefit of such owner's property.

(b) Criminal deprivation of property is a class A violation. Upon a second or subsequent conviction of this section, a person shall be sentenced to not less than 30 days imprisonment and fined not less than $100.00, except that the provisions of this section relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.

(b) Criminal deprivation of property that is a motor vehicle upon a first or second conviction is a Class A violation. Upon a first conviction of this paragraph, a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than $100. Upon a second conviction of this paragraph, a person shall be sentenced to not less than 60 days nor more than one year's imprisonment and fined not less than $200. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein. The mandatory provisions of this subsection shall not apply to any persons where such application would result in a manifest injustice.

(c) Criminal deprivation of property other than a motor vehicle or a firearm is a Class A violation. Upon a second or subsequent conviction of this subsection, a person shall be sentenced to not less than 30 days imprisonment and fined not less than $100, except that the provision of this subsection relating to a second or subsequent conviction shall not apply to any person where such application would result in a manifest injustice.

Sec. 22-77. Criminal trespass.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Health care facility means any licensed medical care facility, certificated health maintenance organization, licensed mental health center, or mental health clinic, licensed
psychiatric hospital or other facility or office where services of a health care provider are provided directly to patients.

(2) **Health care provider** means any person:

1a. Licensed to practice a branch of the healing art;  
2b. Licensed to practice psychology;  
3c. Licensed to practice professional or practical nursing;  
4d. Licensed to practice dentistry;  
5e. Licensed to practice optometry;  
6f. Licensed to practice pharmacy;  
7g. Registered to practice podiatry;  
8h. Licensed as a social worker; or  
9i. Registered to practice physical therapy.

(b) Criminal trespass is defined as:

(1) Entering or remaining upon or in any land, nonnavigable body of water, structure, vehicle, aircraft or watercraft, other than railroad property as defined in section 22-56 and amendments thereto, by a person who knows such person is not authorized or privileged to do so; and:

a. Such person enters or remains therein in defiance of an order not to enter or to leave such premises or property personally communicated to such person by the owner thereof or other authorized person;

b. Such premises or property are posted as provided in K.S.A. 32-1013, and amendments thereto, or in any other manner reasonably likely to come to the attention of intruders, or are locked or fenced or otherwise enclosed, or shut or secured against passage or entry; or

c. Such person enters or remains therein in defiance of a restraining order issued by a court of competent jurisdiction pursuant to the Privacy Protection Act, K.S.A. 60-1607, 60-3105, 60-3106, or 60-3107 or K.S.A. 38-1542, 38-1543 or 38-1563, and amendments thereto, and the restraining order has been personally served upon the person so restrained; or

(2) Entering or remaining upon or in any public or private land or structure in a manner that interferes with access to or from any health care facility by a person who knows such person is not authorized or privileged to do so and such person enters or remains thereon or therein in defiance of an order not to enter or to leave such land or structure personally communicated to such person by the owner of the health care facility or other authorized person.

(c) Criminal trespass is a class B violation.

(d) Upon a conviction of a violation of subsection (ab)(1)(c), a person shall be sentenced to not less than 48 consecutive hours of imprisonment, which must be served either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.

(e) This section shall not apply to:

(1) A land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor’s authorized agents and employees who enter upon lands, waters, and other premises in the marking of a survey.

(2) railroad property as defined in K.S.A. 21-5809, and amendments thereto, or nuclear generating facility as defined in K.S.A. 66-2302, and amendments thereto.

Sec. 22-79. - Criminal damage to property.

(a) Criminal damage to property is by means other than by fire or explosive:

(1) Intentionally injuring, Knowingly damaging, mutilating, defacing, destroying, or substantially impairing the use of any property in which another has an interest without the consent of such other person; or
Injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.

Criminal damage to property is a class B violation if the property damaged is of the value of less than $1,000.00 or is of the value of $1,000.00 or more and is damaged to the extent of less than $1,000.00.

Sec. 22-80. - Tampering with a traffic signal.

(a) Tampering with a traffic signal is defined as intentionally knowingly manipulating, altering, destroying or removing any light, sign, marker, railroad switching device or other signal device erected or installed for the purpose of controlling or directing the movement of motor vehicles, railroad trains, aircraft or watercraft.

(b) Tampering with a traffic sign is a class C violation.

(c) Any person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for violating sections 22-73 (Theft) and 22-88 (Theft of Lost or Mislaid Property).

Sec. 22-88. Theft of property lost, mislaid or delivered by mistake.

(a) Theft of property lost, mislaid or delivered by mistake is obtaining control of property of another by a person who:

(1) Knows or learns the identity of the owner thereof;

(2) fails to take reasonable measures to restore to the owner lost property, mislaid property or property delivered by a mistake; and

(3) intends to permanently deprive the owner of the possession, use or benefit of the property.

(b) As used in this section, “property delivered by mistake” includes, but is not limited to, a mistake as to the:

(1) Nature or amount of the property; or

(2) identity of the recipient of the property.

(c) Theft of property lost, mislaid or delivered by mistake of a value of less than $1,000 is a class A violation.

Sec. 22-89. - Tampering with a landmark.

(a) Tampering with a landmark is defined as willfully and maliciously doing any of the following acts with intent to fraudulently alter a boundary:

(1) Removing any monument of stone or other durable material established or created for the purpose of designating the corner of or any other point upon the boundary of any lot or tract of land, of the state, or any legal subdivision thereof;

(2) Defacing or altering marks upon any tree, post or other monument made for the purpose of designating any point on such boundary;

(3) Cutting down or removing any tree, post or other monument upon which any such marks have been made for such purpose with intent to destroy such marks;
(4) Breaking, destroying, removing or defacing any milepost, milestone or guideboard erected by authority of law on any public highway or road;

(5) Defacing or altering any inscription on any such marker or monument; or

(6) Altering, removing, damaging or destroying any public land survey corner or accessory without complying with the provisions of K.S.A. 58-2011.

(b) Tampering with a landmark is a class C violation. Upon a conviction for this offense, the convicted party or parties shall be responsible for the cost of restoring the landmark to its original condition.

Sec. 22-90. - Criminal desecration.

(a) Criminal desecration is defined as:

(1) Knowingly obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being;

(2) Recklessly by means other than by fire or explosive:
   a. Damaging, defacing or destroying the flag, ensign or other symbol of the United States, of this state, or of any of its political subdivisions in which another has a property interest without the consent of such other person;
   b. Damaging, defacing or destroying any public monument or structure;
   c. Damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or
   d. Damaging, defacing or destroying any place of worship.

(b) Criminal desecration, as described in subsections (a)(2)(b), (a)(2)(c) and (a)(2)(d) of this section, is a class A violation if the property is damaged to the extent of less than $1,000. Upon a conviction for this offense, the convicted party or parties shall be responsible for the cost of restoring the object to its original condition.

(c) Criminal desecration as described in subsections (a)(1) and (a)(2)(a) is a Class A violation.

Sec. 22-92. - Trespassing on railroad property.

(a) It shall be unlawful for any person to:

(1) Without consent of the owner or the owner's agent, enter or remain on railroad property, knowing that it is railroad property; or

(2) Maliciously or wantonly cause in any manner the derailment of a train, railroad car or rail-mounted work equipment.

(a) Trespassing on railroad property is:

(1) Entering or remaining on railroad property, without consent of the owner or the owner’s agent, knowing that it is railroad property; or

(2) Recklessly causing in any manner the derailment of a train, railroad car or rail-mounted work equipment.

(b) Violation of subsection (a) of this section which results in a demonstrable monetary loss, damage or destruction of railroad property, when such loss is valued at less than $1,500.00, upon conviction, shall be considered a class A violation.

(c) Subsection (a) of this section shall not be construed to interfere with the lawful use of a public or private crossing.

(d) Nothing in this section shall be construed as limiting a representative or member of a labor organization which represents or is seeking to represent the employees of the railroad from
conducting such business as provided under the Railway Labor Act (45 USC §141151 et seq.) and other federal labor laws.

(e) As used in this section, the term "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad company.

Sec. 22-95. - Criminal use of a financial card.

(a) Criminal use of a financial card is any of the following acts done, with intent to defraud and for the purpose of obtaining money, goods, property or services:

1. Using a financial card without the consent of the cardholder;
2. Knowingly using a financial card, or the number or description thereof, which has been revoked or canceled;
3. Using a falsified, mutilated, altered or nonexistent financial card or number or description thereof.

(b) For the purposes of this section:

1. Financial card means identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions; and
2. Cardholder means the person or entity to whom or for whose benefit a financial card is issued.

(c) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(d) Criminal use of a financial card is a class A violation if the money, goods, property or services obtained within a seven-day period are of value of less than $1,000.00.

ARTICLE IV.- OFFENSES AGAINST PUBLIC PEACE

Sec. 22-115. - Disorderly conduct.

(a) It shall be unlawful for any person, with knowledge or probable cause to believe that such acts will alarm, anger or disturb others or provoke an assault or other breach of the peace, to do any of the following:

(a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:

1. Engaging in brawling or fighting;
2. Disturbing an assembly, meeting or procession not unlawful in character; or
3. Using offensive, obscene or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.
(b) As used in this section, fighting words means words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace.

(bc) Disorderly conduct is a _unclassified_ class C violation.

Sec. 22-116. - Unlawful assembly; remaining at an unlawful assembly.

(a) An unlawful assembly is

1. The meeting or coming together of not less than five persons _with the intent to_ for the _purpose of engaging in_ conduct constituting:
   (a) either disorderly conduct, as prohibited in section 22-115; or
   (b) a riot, as defined by section 22-117; or

2. When a lawful assembly of not less than five persons, agreeing to engage in such conduct, constituting disorderly conduct or riot.

(b) Unlawful assembly is a class B violation.

(c) Remaining at an unlawful assembly is intentionally failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer.

(d) Remaining at an unlawful assembly is a class A violation.

Sec. 22-117. - Riot.

(a) A riot is defined as any use of force or violence which produces a breach of the public peace or any threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution by five or more persons acting together and without authority of law.

(b) Riot is a class A violation.

Sec. 22-120. - Giving a false alarm.

(a) Giving a false alarm is:

1. Initiating or circulating a report or warning of an impending bombing or other crime or catastrophe, knowing that the report or warning is baseless and under such circumstances that it is likely to cause evacuation of a building, place of assembly, or facility of public transport or to cause public inconvenience or alarm;

2. Transmitting in any manner to the fire department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

3. Making a call in any manner for emergency service assistance, including police, fire, medical or other emergency service provided under K.S.A. 12-5301 et seq., and amendments thereto, knowing at the time of such call that there is no reasonable ground for believing such assistance is needed.

(b) Giving a false alarm is a class A violation.

(c) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for interference with law enforcement.
ARTICLE V.- OFFENSES AGAINST PUBLIC SAFETY

Sec. 22-153. - Creating a hazard.

(a) Creating a hazard is recklessly:
   (1) Storing or abandoning in any place accessible to children a container which has a compartment of more than 1½ cubic-foot capacity and a door or lid which locks or fastens automatically when closed and which cannot be easily opened from the inside and failing to remove the door, lock, lid or fastening device on such container;
   (2) Being the owner or otherwise having possession of property upon which a cistern, well or cesspool is located and knowingly failing to cover the same with protective covering of sufficient strength and quality to exclude human beings and domestic animals therefrom; or
   (3) Exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children.

(b) Creating a hazard is a class B violation.

Sec. 22-154. - Throwing stones, bricks, wood, etc., generally.

(a) It is unlawful to intentionally throw, push, pitch or otherwise cast any rock, stone or other object, matter or thing onto a street, road, highway, railroad right-of-way, alley, or upon any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock thereon. Any person violating this section is guilty of a Class B violation.

(b) Any person violating subsection (a) of this section who damages any vehicle, engine or car or any train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock lawfully on the street, highway or railroad right-of-way by the thrown or cast rock, stone or other object is guilty of a class A violation.

Sec. 22-177 - Unlawful use of weapons.

(a) Unlawful use of weapons is knowingly:
   (1) Selling, manufacturing, purchasing, carrying or possessing any bludgeon, sword, cane, loaded cane, sandclub, metal knuckles or throwing star; any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement, a mailed fist, spiked knuckles, metal fist covers or any leather apparatus or device worn on the arms, legs, hands, feet and that contain metal spikes, studs or other metal attachments, sap gloves containing granulated metal or other ingredients designed to add weight to the gloves, or other dangerous or deadly weapon or instrument of like character.
   (2) Carrying or possessing on one’s person with the intent to use the same unlawfully against another or in any land, water or air vehicle a sword, a dagger, dirk, billy, blackjack, slingshot, slungshot, dangerous knife, straight edge razor, a lockblade knife, belt or pocket pistol, fountain pistol or pen-like tear gas or powder charge projection weapon, stiletto or any other dangerous or deadly weapon or instrument of like character; or any other dangerous or deadly weapon or instrument of like character; provided, an
ordinary pocket knife with a blade less than 3½ inches in length shall not be construed to be a dangerous knife or a deadly weapon or instrument. 

(3) Carrying or possessing on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance.

(4) Carrying or possessing any pistol, revolver, shotgun, rifle or other firearm on the person except when on the person's land or in the person's own abode or fixed place of business or office.

(5) Transporting any pistol, revolver, or other firearm which is not unloaded and encased in a container which completely enclosed the firearm.

(6) Setting a spring gun.

(7) Discharging or firing any air rifle, pellet gun or BB gun within the city limits while on the streets, alleys or public places.

(8) Discharging any gun, revolver, pistol, or firearm of any description within the city.

(9) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;

(10) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(11) Selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

(12) Possessing any firearm by a person who is both addicted to and an unlawful user of a controlled substance.

(13) Possessing any firearm by any person, other than a law enforcement officer or clearly authorized security officer, in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades 1 through 12 or at any regularly scheduled school sponsored activity or event whether the person knows or has reason to know that such person was in or on any such property or grounds;

(14) Refusing to surrender or immediately remove from school property or grounds or at any regularly scheduled school sponsored activity or event any firearm in the possession of any person, other than a law enforcement officer, when so requested or directed by any duly authorized school employee or any law enforcement officer;

Subsections (a)(1)—(a)(12) of this section shall not apply to or affect any of the following:

(1) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

(2) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crimes, while acting within the scope of their authority;

(3) Members of the armed services or reserve forces of the United States or the state national guard while in the performance of their official duty;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under subsections (b)(1)—(b)(3) of this section to possess such weapons;
Special deputy sheriffs, as described in K.S.A. 19-805a et seq., who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74–5607a and amendments thereto.

Unified government animal control officers while in the performance of their duties using tranquilizer dart guns on animals.

The United States attorney for the District of Kansas, the attorney general, any district attorney, county attorney, chief counsel of the unified government, any assistant United States attorney if authorized by the United States attorney for the District of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney, assistant county attorney, or assistant unified government counsel if authorized by the district attorney, county attorney, or chief counsel of the unified government by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 75-7c01–7c17.

Subsections (a)(4) and (a)(9) of this section shall not apply to or affect the following:

1. Licensed hunters or fishermen while engaged in hunting or fishing and traveling to and from places to hunt and fish, those engaged in camping, scouting, trap, skeet or target shooting and instruction and training in safety and skillful use of weapons, including traveling to and from places to engage in such activities.

2. Persons licensed as private detectives by the state and detectives or special agents regularly employed by railroad companies or other corporations to perform fulltime security or investigative service.

3. The state fire marshal, the state fire marshal’s deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157.

Subsection (a)(445) and (a)(426) of this section shall not apply to the discharge of firearms in any licensed shooting gallery, by a gunsmith in carrying on his trade, or by any officer of the law in the discharge of his official duties.

Subsection (a)(4411) of this section shall not apply to:

1. Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school; or

2. Possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school; or

3. Possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf who is delivering or collecting a student; or

4. Possession of a firearm secured in a motor vehicle by a registered voter who is on the school grounds, which contain a polling place for the purpose of voting during polling hours on an election day; or

5. Possession of a concealed handgun by an individual who is not prohibited from possessing a firearm under either federal or state law, licensed by the attorney general to carry a concealed handgun under K.S.A. 75-7c01 et seq., and amendments thereto.

Subsection (a)(9) shall not apply to a person who has received a certificate of restoration pursuant to K.S.A. Supp. 75-7c26, and amendments thereto.

The holder of a private security officer firearm permit shall carry a firearm while actually engaged in the performance of transporting an employer or their agent directly to and from a financial institute or as allowed by section 19-118 of this Code. The holder of a private security officer permit shall be allowed to carry only those intermediate weapons approved for use by law enforcement officers with the city police department.
(i) It shall be a defense that the defendant is within an exemption.

(j) No person shall unlawfully use weapons as defined herein. Any person unlawfully using weapons, as defined herein, shall, upon conviction thereof, be deemed guilty of a class A violation. In addition to the penalty for the violation of this section, it shall be the duty of the municipal judge to order such weapon to be forfeited to the unified government. The same shall be destroyed, retained for use by the police department or sold by the chief of police whenever the weapon is no longer needed for evidence.

(f) Unlawful use of weapons is a class A violation.

Sec. 22-178 Defacing identification marks of a firearm.

(a) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(c) Defacing identification marks of a firearm is a class B violation.

Sec. 22-180. - Criminal disposal of firearms.

(a) Criminal disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age;

(2) Selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;

(3) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in subsection (b) of this section, and has been released from imprisonment for a felony and was found not to have been in possession of a firearm at the time of the commission of the offense;

(4) Selling, giving or otherwise transferring any firearm to any person who, within the preceding ten years, has been convicted of a felony to which this subsection applies but was not found to have been in the possession of a firearm at the time of the commission of the offense or has been released from imprisonment for such a crime and has not had the conviction of such crime expunged or been pardoned for such crime; or

(5) Selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the offense.

(6) Selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined by K.S.A. 59-29b46, and amendments thereto, and such person has not received a certificate of restoration pursuant to K.S.A. 75-7c26, and amendments thereto.

[b] Subsection (a)(4) of this section shall apply to a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, K.S.A. 21-36a05, or 21-36a06, and amendments thereto, or K.S.A. 65-4127a, 65-4127b, or 65-4160 through 65-4165, prior to such section's repeal, or a crime under a law of another jurisdiction which is substantially the same as such felony.
Unlawful disposal of firearms is a class A violation.

Sec. 22-181. Possessing, carrying, or transporting concealed explosives.

(a) It shall be unlawful for any person to possess, carry or transport any explosives or detonating substance in a wholly or partly concealed manner.

(b) For the purposes of this section, explosives are defined as any chemical compound, mixture or device, of which the primary purpose is to function by explosion, and includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord and igniters.

(c) This section shall not apply to or affect parties who lawfully may possess, carry or transport such explosives.

(d) Possessing, carrying, or transporting concealed explosives is a class B violation.

ARTICLE VI. – OFFENSES AGAINST PUBLIC MORALS

Sec. 22-204. Selling, Giving or Furnishing cigarettes or tobacco products to a minor.

(a) It shall be unlawful for any person within the city to:

(1) Sell, furnish or distribute, or give to any minor person under the age of 18 years any cigarettes, electronic cigarettes, or tobacco products; or

(2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 18 years of age.

No person shall buy any cigarette, electronic cigarettes, or tobacco product for any person under 18 years of age.

(b) It shall be a defense to a prosecution under subsection (a) of this section if:

(1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 18 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and

(3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 18 years of age exhibited to the defendant a driver's license, state Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

(c) It shall be a defense to a prosecution under subsection (a) of this section if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 18 or more years of age.

(d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any
person under 18 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(e) Electronic cigarette is a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems. Electronic cigarette or e-cigarette means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. E-cigarette shall not include any products that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(f) Furnishing cigarette, electronic cigarette, or tobacco products to a minor Violation of this section is a class CB violation punishable by a minimum fine of $200.

Sec. 22-232. Definitions.
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

House of prostitution means any place where prostitution or promotion of prostitution, as defined by state law or by section 22-234, is regularly carried on by one or more persons under the control, management or supervision of another person.

Inmate means a person who engages in prostitution in or through the agency of a house of prostitution.

Public place means any place to which the public or any substantial group thereof has access.

Sexual activity includes, but is not limited to, heterosexual intercourse, sodomy, cunnilingus, fellatio, masturbation, and sadistic, masochistic, homosexual, or coprophilic sexual activity, or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.

Sec. 22-233. Prostitution generally.
(a) Prostitution is prohibited and declared unlawful within the city. A person is guilty of prostitution if the person:
(1) Is an inmate of a house of prostitution;
(2) Performs for hire or offers or agrees to perform for hire any sexual activity where this is an exchange of value; or
(3) Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.
(b) On the issue of whether a place is a house of prostitution, the following shall be admissible evidence:
(1) The place's general repute;
(2) The repute of the persons who reside in or frequent the place;
(3) The frequency, timing and duration of visits by nonresidents of the place; and
(4) Prior convictions within one year of persons found in violation of this division while within such place.

(c) Prostitution is a class A misdemeanor. A person convicted of prostitution shall be sentenced as provided by ordinance for a class A misdemeanor. and in addition, upon a first conviction, the court shall impose a mandatory minimum jail sentence of not less than 30 days, upon a second conviction, the court shall impose a mandatory minimum jail sentence of not less than 90 days, and upon a third or subsequent conviction, the court shall impose a mandatory minimum jail sentence of not less than 150 days, and no person so convicted shall be eligible for probation or parole until serving the entire minimum sentence established hereunder.

Sec. 22-233. Selling sexual relations

(a) Selling sexual relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

(1) Sexual intercourse;

(2) sodomy; or

(3) manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.

(b) Selling sexual relations is a class B nonperson misdemeanor.

(c) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 21-6422, and amendments thereto.

Sec. 22-234. Promoting prostitution.

(a) Promoting prostitution is prohibited and declared unlawful within the corporate limits of the city.

(b) Promoting prostitution is:

(1) Establishing, owning, maintaining or managing a house of prostitution or participating in the establishment, ownership, maintenance, or management thereof;

(2) Permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution;

(3) Procuring a prostitute for a house of prostitution;

(4) Inducing another to become a prostitute;

(5) Soliciting a patron for a prostitute or for a house of prostitution;

(6) Procuring a prostitute for a patron;

(7) Procuring transportation for, paying for the transportation of, or transporting a person within this city with the intention of assisting or promoting that person's engaging in prostitution;

(8) Being employed to perform any act which is prohibited by this section or section 22-233;

(9) Leasing or otherwise permitting a place controlled by such person, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution or failure to make reasonable effort to abate such use by ejecting the tenant, notifying the law enforcement authorities, or other legally available means; or

(10) Soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this section.

(e) A person other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support who is supported in whole or in substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution in violation of this section.
Promoting prostitution is a class A violation when the prostitute is 16 or more years of age. A person convicted of promoting prostitution shall be sentenced as provided by ordinance for a class A misdemeanor, and in addition, upon a first conviction, the court shall impose a mandatory minimum jail sentence of not less than 30 days, upon a second conviction, the court shall impose a mandatory minimum jail sentence of not less than 90 days, and upon a third or subsequent conviction, the court shall impose a mandatory minimum jail sentence of not less than 150 days, and no person so convicted shall be eligible for probation or parole until serving the entire minimum sentence established hereunder.

Sec. 22-235. Patronizing a prostitute Buying sexual relations.

(a) Patronizing a prostitute is prohibited and declared unlawful within the corporate limits of the city.

(ba) Buying sexual relations Patronizing a prostitute is knowingly:

(1) Knowingly entering or remaining in a house of prostitution place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual activity with a prostitute person who is 18 years of age or older; or

(2) Knowingly hiring a prostitute person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful act sexual activity.

(eb) Patronizing a person for purposes of prostitution is a class A misdemeanor. A person convicted of patronizing a person for purposes of prostitution shall be sentenced as provided by ordinance for a class A misdemeanor, and in addition, upon a first conviction the court shall impose a mandatory minimum jail sentence of not less than 30 days, upon a second conviction, the court shall impose a mandatory minimum jail sentence of not less than 90 days, and upon a third or subsequent conviction, the court shall impose a mandatory minimum jail sentence of not less than 150 days, and no person so convicted shall be eligible for probation or parole until serving the entire minimum sentence established hereunder.

(c) (1) Buying sexual relations is a class A person misdemeanor on conviction of a first offense.

(2) In addition to any other sentence imposed, a person convicted under this section shall be fined $2,500. All fines collected pursuant to this subsection shall be remitted to the human trafficking victim assistance fund.

(3) In addition to any other sentence imposed, for any conviction under this section, the court may order the person convicted to enter into and complete a suitable educational and treatment program regarding commercial sexual exploitation.

Sec. 22-236. Soliciting for unlawful sexual activity.

(a) Soliciting for unlawful sexual activity is prohibited and declared unlawful within the corporate limits of the city.

(b) Soliciting for unlawful sexual activity is soliciting any person for the purpose of an act of prostitution or sexual intercourse for hire or for any unlawful sexual activity for hire.

(c) Soliciting for unlawful sexual activity is a class C violation.
Sec. 22-269. - Permitting premises to be used for commercial gambling.

(a) Permitting to be used for commercial gambling is knowingly or intentionally:
   (1) Granting the use or allowing the continued use of a place as a gambling place; or
   (2) Permitting another to set up a gambling device for use in a place under the offender's control.

(b) Permitting premises to be used for commercial gambling is a class B violation.

Sec. 22-270. - Possession of a gambling device; defense.

(a) Possession of a gambling device is knowingly possessing or having custody or control, as owner, lessee, agent, employee, bailee, or otherwise, of any gambling device.

(b) It shall be unlawful for any person to possess a gambling device.

(c) It shall be a defense to a prosecution under this section that the gambling device is an antique slot machine and that the antique slot machine was not operated for gambling purposes while in the owner's or the defendant's possession. A slot machine shall be deemed an antique slot machine if it was manufactured prior to the year 1950.

(d) It shall be a defense to a prosecution under this section that the gambling device is possessed or under custody or control of a manufacturer registered under the Federal Gambling Devices Act of 1962 (15 USC 1171 et seq.), or a transporter under contract with such manufacturer with intent to transfer for use:
   (1) By the state lottery or state lottery retailers as authorized law and rules and regulations adopted by the state lottery commission;
   (2) By a licensee of the state racing commission as authorized by law and rules and regulations adopted by the commission;
   (3) In a state other than this state; or
   (4) In tribal gaming.

(e) Possession of a gambling device is a class B violation.

Sec. 22-271. - Cockfighting.

(a) Unlawful possession of cockfighting paraphernalia is possession of, with the intent to use in the unlawful conduct of cockfighting, spurs, gaffs, swords, leather training spur covers, or anything worn by a gamecock during a fight to further the killing power of such gamecock.

(b) Unlawful attendance of cockfighting is entering or remaining on the premises where the unlawful conduct of cockfighting is occurring, whether or not the person knows or has reason to know that cockfighting is occurring on the premises.

(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for cruelty to animals.

(d) Unlawful possession of cockfighting paraphernalia is a class A violation.

(e) Unlawful attendance of cockfighting is a class B violation.
ARTICLE VII.- OFFENSES AGAINST GOVERNMENT FUNCTIONS

Sec. 22-342. - Unlawful interference with firefighter.

(a) Unlawful interference with a firefighter is knowingly and intentionally
(1) interfering with molesting or assaulting, as defined in section 22-33, any firefighter while engaged in the performance of such firefighter's duties; or
(2) knowingly and intentionally obstructing, interfering with or impeding the efforts of any firefighter to reach the location of a fire or other emergency.

(b) Unlawful interference with a firefighter is a Class B violation.

(c) Any person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

Sec. 22-344. Battery against a law enforcement officer.

(a) Battery against a law enforcement officer is a battery, as defined in section 22-34(a)(2), committed against:
(1) A uniformed or properly identified law enforcement officer while such officer is engaged in the performance of his duty.

(1) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(2) a uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty.

(b) Battery against a law enforcement officer is a class A violation.

Sec. 22-345. Escape from custody.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Custody means arrest; detention in a facility for holding persons charged with or convicted of crimes, detention for extradition or deportation, detention in a hospital or other facility pursuant to court order, imposed as a specific condition of probation or parole or imposed as a specific condition of assignment to a community correctional services program, commitment to the state security hospital as provided in K.S.A. 22-3428, and amendments thereto; or any other detention for law enforcement purposes. "Custody" does not include general supervision of a person on probation or parole or constraint incidental to release on bail.

(2) Escape means departure from custody without lawful authority or failure to return to custody following temporary leave lawfully granted pursuant to express authorization of law or order of a court.

(b) Escape from custody is escaping while held in custody on a:

(1) Charge, conviction of or arrest for a misdemeanor or ordinance violation;

(2) Commitment to the state security hospital as provided by K.S.A. 22-3428, and amendments thereto, based on a finding that the person committed an act constituting a
misdemeanor or by a person 18 years of age or over who is being held in custody on an adjudication of a misdemeanor or ordinance violation.

(c) As used in this section, the term charge shall not require that the offender was held on a written charge contained in a complaint, information or indictment, if such offender was arrested prior to such offender’s escape from custody.

(d) Escape from custody is a Class A violation.

Sec. 22-346. Resisting, obstructing, etc., any law enforcement officer.

(a) It shall be unlawful for any person to knowingly and intentionally:

(1) Resist, oppose, give false information to obstruct, physically obstruct, to bar physical access or obstruct any law enforcement officer in the discharge of any official duty or by threats or otherwise seek to intimidate any officer from the discharge of any official duty;

(2) Obstruct, resist, oppose, or interfere with any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, notice to appear, complaint, warrant, process or order of a court, or in the discharge of any official duty.

(b) Resisting, obstructing, etc., any law enforcement officer or person authorized to serve process, etc., is a Class A violation.

Sec. 22-347. Falsely reporting a crime.

(a) Falsely reporting a crime is informing a law enforcement officer or state investigative agency that a crime has been committed, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information.

(b) Falsely reporting a crime is a Class A violation.

Sec. 22-349. - Interference; administration of justice

Interference with the administration of justice is communicating in any manner a threat of violence to any judicial officer or any prosecuting attorney, or harassing a judicial officer or a prosecuting attorney by repeated vituperative communication, or picketing, parading or demonstrating in or near a building housing a judicial officer or prosecuting attorney or near such officer's or prosecuting attorney's residence or place of abode, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecuting attorney on any matter then pending before the officer or prosecuting attorney.

(b) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.

(c) Interference with the administration of justice is a Class A violation.

(d) As used in this section, the term "prosecuting attorney" has the meaning ascribed thereto in K.S.A. 22-220

(a) Interference with the judicial process is:
(1) Committing any of the following acts, with intent to influence, impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor:
   (a) Communicating in any manner a threat of violence to any judicial officer or any prosecutor;
   (b) Harassing a judicial officer or a prosecutor by repeated vituperative communication; or
   (c) Picketing, parading or demonstrating near such officer's or prosecutor's residence or place of abode;

(2) Picketing, parading or demonstrating in or near a building housing a judicial officer or a prosecutor with intent to impede or obstruct the finding, decision, ruling, order, judgment or decree of such judicial officer or prosecutor on any matter then pending before the officer or prosecutor;

(3) Knowingly accepting or agreeing to accept anything of value as consideration for a promise:
   (a) Not to initiate or aid in the prosecution of a person who has committed a crime; or
   (b) To conceal or destroy evidence of a crime;

(4) Knowingly or intentionally in any criminal proceeding or investigation:
   (a) Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document or thing;
   (b) Withholding or unreasonably delaying in producing any testimony, information, document or thing after a court orders the production of such testimony, information, document or thing;
   (c) Altering, damaging, removing or destroying any record, document or thing, with the intent to prevent it from being produced or used as evidence; or
   (d) Making, presenting or using a false record, document or thing with the intent that the record, document or thing, material to such criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master or law enforcement officer; or

(5) Knowingly making available by any means personal information about a judge or the judge's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the judge's safety or the safety of such judge's immediate family member, and the person making the information available knows or reasonably should know of the imminent and serious threat.

(b) Nothing in this section shall limit or prevent the exercise by any court of this state of its power to punish for contempt.

(c) As used in this section:
   (1) "Immediate family member" means a judge's spouse, child, parent or any other blood relative who lives in the same residence as such judge.
   (2) "Judge" means any duly elected or appointed justice of the Supreme Court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge.
   (3) "Personal information" means a judge's home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, personal photograph, immediate family member photograph, photograph of the judge's home, and information about the judge's motor vehicle, any immediate family member's motor vehicle, any immediate family member's place of employment, any immediate family member's child care or day care facility and any immediate family member's public or private school that offers instruction in any or all of the grades kindergarten through 12.

(d) Interference with the judicial process is a Class A violation, except that a second or subsequent conviction of section (a)(5) is a severity level 9, person felony.
Sec. 22-350. - Interference; conduct, public business in public building.

(a) Interference with the conduct of public business in public buildings is:

(1) Conduct at or in any public building owned, operated or controlled by the state or any of its political subdivisions so as to intentionally deny to any public official, public employee, or any invitee on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities, or to leave any such public building;

(2) Intentionally Knowingly impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof;

(3) Intentionally Knowingly refusing or failing to leave any such public building upon being requested to do so by the chief administrative officer, or his such officer’s designee, charged with maintaining order in such public building, if such person is committing, threatens to commit or incites others to commit any act which did or would, if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in such public building;

(4) Intentionally Knowingly impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official at any public building by any act of intrusion into the chamber or other areas designated for the use of the body, or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body, or any official engaged in the performance of duties at such meeting or session;

(5) Intentionally Knowingly impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.

(b) Interference with the conduct of public business in public buildings is a class A violation.

ARTICLE VIII. – OTHER OFFENSES

Sec. 22-380. - Littering.

(a) Littering is intentionally or recklessly depositing or causing to be deposited any object or substance into, upon or about:

(1) Any public street, highway, alley, road, right-of-way, park or other public place, or any lake, stream, watercourse, or other body of water, except by direction of some public officer or employee authorized by law to direct to permit such acts; or

(2) Any private property without the consent of the owner or occupant of such property.

(b) Littering is a class C violation.

Section 3. That Chapter 25 Parks and Recreation, Section 25-50 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:
ARTICLE III.- CONDUCT IN PARKS
Sec. 25-50. - Animals, hunting and firearms.

(a) No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, throw missiles at or give toxic substances to any animal, reptile or bird. No person shall remove or have in his possession the young of any wild animal or the eggs, nests or the young of any reptile or bird.

(b) No person shall use, carry or possess firearms of any description, air rifles, spring guns, bows and arrows, slings, any other forms potentially inimical to wildlife and dangerous to human safety, any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device.

Section 4. That new sections 22-97, 22-180, and 22-346 be added to Chapter 22, Articles III, V, and VII, respectively, of the Unified Government code as follows:

ARTICLE III. – OFFENSES AGAINST PROPERTY

New Section: 22-97 Unlawful acts concerning computers

(a) It is unlawful for any person to:
(1) knowingly and without authorization, disclose a number, code, password or other means of access to a computer, computer network, social networking website or personal electronic content; or
(2) knowingly and without authorization, access or attempt to access any computer, computer system, social networking website, computer network or computer software, program, documentation, data or property contained in any computer, computer system or computer network.

(b) Violation of this section is a class A misdemeanor.
(c) As used in this section:
(1) “Access” means to instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network;
(2) “computer” means an electronic device which performs work using programmed instruction and which has one or more of the capabilities of storage, logic, arithmetic or communication and includes all input, output, processing, storage, software or communication facilities which are connected or related to such a device in a system or network;
(3) “computer network” means the interconnection of communication lines, including microwave or other means of electronic communication, with a computer through remote terminals, or a complex consisting of two or more interconnected computers;
(4) “computer program” means a series of instructions or statements in a form acceptable to a computer which permits the functioning of a computer system in a manner designed to provide appropriate products from such computer system;
(5) “computer software” means computer programs, procedures and associated documentation concerned with the operation of a computer system;
(6) “computer system” means a set of related computer equipment or devices and computer software which may be connected or unconnected;
(7) “financial instrument” means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, debit card or marketable security;
(8) “personal electronic content” means the electronically stored content of an individual including, but not limited to, pictures, videos, emails and other data files;
(9) “property” includes, but is not limited to, financial instruments, information, electronically produced or stored data, supporting documentation and computer software in either machine or human readable form;
(10) “services” includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work; 
(11) “social networking website” means a privacy-protected internet website which allows individuals to construct a public or semi-public profile within a bounded system created by the service, create a list of other users with whom the individual shares a connection within the system and view and navigate the list of users with whom the individual shares a connection and those lists of users made by others within the system; and
(12) “supporting documentation” includes, but is not limited to, all documentation used in the construction, classification, implementation, use or modification of computer software, computer programs or data.

State Law Reference – KSA 21-5839

ARTICLE V. – OFFENSES AGAINST PUBLIC SAFETY

New Section 22-180  Criminal Distribution of Firearms to a Felon

(a) Criminal distribution of firearms to a felon is knowingly:
(1) Selling, giving or otherwise transferring any firearm to any person who, within the preceding five years, has been convicted of a felony, other than those specified in subsection (c), under the laws of this or any other jurisdiction or has been released from imprisonment for a felony and was not found to have been in possession of a firearm at the time of the commission of the felony;
(2) selling, giving or otherwise transferring any firearm to any person who, within the preceding 10 years, has been convicted of a felony to which this subsection applies, but was not found to have been in possession of a firearm at the time of the commission of the felony, or has been released from imprisonment for such a felony, and has not had the conviction of such felony expunged or been pardoned for such felony; or
(3) selling, giving or otherwise transferring any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction and was found to have been in possession of a firearm at the time of the commission of the felony.

(b) Criminal distribution of firearms to a felon is a class A nonperson misdemeanor.

(c) Subsection (a)(2) shall apply to a felony under K.S.A. 21-5402, 21-5403, 21-5404, 21-5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of 21-5413, subsection (a) or (b) of 21-5415, subsection (b) of 21-5420, 21-5503, subsection (b) of 21-5504, subsection (b) of 21-5508, subsection (b) of 21-5807, and amendments thereto, K.S.A. 21-5705 or 21-5706, and amendments thereto, or K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3422, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b or 65-4160 through 65-4165, prior to their repeal, or a crime under a law of another jurisdiction which is substantially the same as such felony.

(d) It is not a defense that the distributor did not know or have reason to know:
(1) The precise felony the recipient committed;
(2) that the recipient was in possession of a firearm at the time of the commission of the recipient's prior felony; or
(3) that the convictions for such felony have not been expunged or pardoned.

State Law Reference KSA 21-6303
ARTICLE VII. – OFFENSES AGAINST GOVERNMENT FUNCTIONS

**New Section 22-346 Interference with law enforcement**

(a) Interference with law enforcement is:
   (1) Falsely reporting to a law enforcement officer, law enforcement agency or state investigative agency:
      (a) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;
      (b) that a law enforcement officer has committed a crime or committed misconduct in the performance of such officer’s duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or
      (c) any information, knowing that such information is false and intending to influence, impede or obstruct such officer’s or agency’s duty; or
   (2) concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or
   (3) knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

(b) Interference with a law enforcement is a Class A violation if the underlying offense is a code violation or a civil case.

**State Law Reference** - Similar Provisions K.S.A. 21-5904


Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

THIS _____ DAY OF _________________, 2015.

______________________________________________________
Mark Holland, Mayor/CEO
Attest:

______________________________
Unified Government Clerk

Approved As To Form:

______________________________
Jennifer Myers, Assistant Counsel
Staff Request for Commission Action

Tracking No. 150188

Date of Standing Committee Action: 7/20/2015

Proposed for the following Full Commission Meeting Date: 8/13/2015

Item Description:
Amendments to Chapter 35, Traffic ordinances, to comply with State Statute.

Action Requested:
Approval of the proposed changes to the Traffic Code.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:

- Included In Budget
- Other (explain) Policy action by Commission.
To: Unified Government Board of Commissioners  
From: Jennifer Myers, Assistant Counsel  
Cc: Jody Boeding, Chief Counsel  
Date: July 7, 2015  
RE: Amendments to the Traffic Code

This memo is to explain the changes and additions to the current Traffic Code made in the attached ordinance. Many of the changes bring our ordinance in compliance with Kansas State Statute and the Kansas League of Municipalities.

Chapter 35 changes:  
- Section 35-1 Definitions  
  - The following definitions were changed to comply with state statute:  
    - “Alcohol or drug-related conviction”, “Controlled substances”, “Occurrence” (as it relates to DUI’s), “Traveler Trailer”, and “Vehicle”.  
- Section 35-10 Motor Vehicle liability insurance  
  - Proof of insurance can now be displayed on a cellular phone or any other type of portable electronic device.
  - Expanded the requirements that must be included on the insurance card to comply with state statute.
Amended sentencing options for a violation including fine and/or imprisonment to comply with state statute).

- Section 35-137 Accident involving death or personal injuries: penalties
  - Included language regarding penalties for property damage.
- Section 35-138 Accident involving damage to property: repealed
  - The language in this section is already included in section 35-138.
- Section 35-139 Duty to give information and render aid.
  - Included language that was erroneously admitted
  - Expanded the requirements that must be included on the insurance card to comply with state statute.
  - Proof of insurance can now be displayed on a cellular phone or any other type of portable electronic device.
- Section 35-141 Duty to report accidents repealed
  - Repealed by state statute and KLM. This language is included in 35-139.
- Section 35-227 Fleeing or attempting to elude a police officer
  - Changed “prison” to “jail” in the sentencing paragraph.
  - Included language regarding determination of first, second, or third conviction to comply with 2014 amendment to state law.
- Section 35-250 Driving while under the influence of alcohol or drugs or both; penalties
  - (a)(6) omitted language defining DUI to comply with state statute.
  - Amended language defining whether a conviction is a first, second, or third, amended and added definitions, and added language with regard to suspension of driving privileges to comply with statute.
- Section 35-254.1 Refusal to submit to alcohol or drug test
  - Included second conviction, class A nonperson misdemeanors, to comply with statute
  - Updated statute numbers
  - Added aggravated battery committed while DUI, if convicted when such person was 18 years of age or older, as a conviction which shall be taken into account to determine whether a conviction can be used as a prior conviction for purposes of determine whether a conviction is a first, second, third, fourth, or subsequent.
- Section 35-255 Tampering with ignition interlock device, etc.
  - Added penalties that are in state statute
- Section 35-257 Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties
  - Technical change of language to comply with state statute
  - Amended language defining whether a conviction is a first, second, or third to comply with statute.
- Added aggravated battery committed while DUI as a conviction that shall be taken into account when determining whether a conviction is a first, second, third, fourth, or subsequent.
- Added language with regard to suspension of driving privileges to comply with statute.
- Amended and added definitions to comply with statute.

- **Section 35-311 When passing on the right permitted**
  - Authorizes transit bus to pass on the right consistent with state statute

- The following ordinances had minor wording changes to comply with state statute and the KLM
  - **Section 35-477 Stopping, standing or parking prohibited in specified places**
  - **Section 35-634 Crossing fire hose**
  - **Section 35-645 Riding in house trailer prohibited**
  - **Section 35-653 Traffic control signal preemption devices (added culpable mental state)**
  - **Section 35-794 Visibility of reflectors, clearance lamps and marker lamps**
  - **Section 35-809 School buses**
  - **Section 35-810 Church buses and day care buses (corrected citations)**
  - **Section 35-849 Head lamps**
  - **Section 35-852 Stop lamps**

- **Section 35-922 Driving while licensing suspended or revoked**
  - Updated state law citations

- Other minor changes were made throughout the document. These changes were not substantive in nature.
ORDINANCE NO. ________________


BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:


ARTICLE I. - IN GENERAL

Sec. 35-1 Definitions

_Alcohol or drug-related conviction_ means any of the following:

(1) Conviction of vehicular battery or aggravated vehicular homicide, if the crime is committed while committing a violation of K.S.A. 8-1567, _and amendments thereto_, or the ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by that statute, or conviction of a violation of K.S.A. 8-2,144 or K.S.A. 8-1567 _or the 2012 Session Laws of Kansas, Chapter 172, Section 2;_ or K.S.A. 8-1025, _and amendments thereto_, or conviction of a violation of aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, _and amendments thereto_.

(2) Conviction of a violation of a law of another state that would constitute a crime described in subsection (1) of this definition if committed in this state;

(3) Conviction of a violation of an ordinance of a city in this state or a resolution of a county in this state which would constitute a crime described in subsection (1) of this definition, whether or not such conviction is in a court of record; or

(4) Conviction of an act which was committed on a military reservation and which would constitute a violation of _K.S.A. 8-2,144_, _or K.S.A. 8-1567, or the 2012 Session Laws of Kansas, Chapter 172, Section 2, K.S.A. 2012 Supp_ 8-1025 and amendments thereto, _or_ would constitute a crime described in subsection (1) of this definition if committed off a military reservation in this state.
Controlled substance means any drug, substance or immediate precursor included in any of the schedules designated in so classified under K.S.A. 65-4104, 65-4107, 65-4109, 65-4111 and 65-4113 and amendments thereto.

House trailer means:

(1) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(2) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer as defined in subsection (1) of this definition, but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier. The term "house trailer" does not include a manufactured home or a mobile home as defined in K.S.A. 58-4202.

Occurrence means a test refusal, test failure or alcohol or drug-related conviction, or any combination thereof arising from one arrest, occurring in the immediately preceding five years, including an arrest which occurred prior to the effective date of the ordinance from which this section is derived.

Travel trailer means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes and measuring eight feet or less in width.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 35-10. Motor vehicle liability insurance.

(a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the provisions of the state Automobile Injury Reparations Act (K.S.A. 40-3101 et seq.) for every motor vehicle owned by such person, unless such motor vehicle:

(1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f);

(2) Is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle
liability insurance coverage is provided by the school district or accredited nonpublic school;

(3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in K.S.A. 40-3106(b) has been filed; or

(4) is otherwise expressly exempted from said requirement pursuant to the laws of the state.

(b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the insurance requirement pursuant to the laws of the state.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the insurance requirement pursuant to the laws of the state.

(d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display evidence of financial security to a law enforcement officer upon demand. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court. No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) of this section is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the subsection (e) of this section. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

(e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c), or (d) of this section shall be convicted if such person produces in court, within ten days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such
information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or a certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration date of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form, the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge of violating subsections (b), (c), or (d) of this section shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

(f) Violation of this section is a class B violation, and conviction is punishable by a fine of not less than $300.00 or more than $1,000.00, by imprisonment for not more than six months, or by both. Any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a class A misdemeanor and shall be subject to a fine of not less than $800.00 or more than $2,500.00, or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.
ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 35-137. - Accident involving death or personal injuries; penalties.

(a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to, or death of any person or damage to any attended vehicle or property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of section 35-139 of this article and amendments thereto.

(b) Any person who violates subsection (a) when an accident results in:

(1) Total property damages of less than $1,000 shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 35-71.

(2) Injury to any person or total property damages in excess of $1,000 or more shall be punished by imprisonment for not more than one year or by a fine of not more than $2,500, or by both such fine and imprisonment.

(c) Any person who violates this section which results in injury to any person shall, upon conviction, be punished by imprisonment for not more than one year or by a fine of not more than $2,500.00, or by both such fine and imprisonment.

(d) The municipal court does not have jurisdiction to hear cases involving failure to stop and remain at the scene of an accident involving great bodily harm to any person or death of any person.

Sec. 35-138. - Accident involving damage to property.

(a) The driver of any vehicle involved in any accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close as possible, but shall forthwith return to and in every event shall remain at the scene of such accident until fulfilling the requirements of section 35-139. Every such stop shall be made without obstructing traffic more than is necessary.

(b) The driver under subsection (a), if possible, shall comply with the provisions of section 35-144.

Sec. 35-139 Duty to give information and render aid.

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any attended vehicle or property shall give such driver's name, address and the registration number of the vehicle such driver is driving, and upon request, shall exhibit such driver's license or permit to drive, the name of the company with which there is in effect a policy of motor vehicle liability insurance covering the vehicle involved in the accident and the policy number of
such policy to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident, and shall give such information and, upon request, exhibit such license or permit and the name of the insurer and policy number to any police officer at the scene of the accident or who is investigating the accident.

(2) Such driver, insofar as possible, shall immediately make efforts to determine whether any person involved in such accident was injured or killed, and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(b) If no police officer is present, the driver of any vehicle involved in such accident, or any occupant of such vehicle 18 years of age or older, shall immediately report such accident, by the quickest available means of communication, to the nearest office of a duly authorized police authority if:
(1) There is apparently property damage of $1,000.00 or more;
(2) Any person involved in the accident is injured or killed; or
(3) The persons specified in subsection (a) of this section are not present or in condition to receive such information.

(c) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with failing to provide the name of such person's insurance company and policy number as required in subsection (a) shall be convicted if such person produces in court, within ten days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number, make and year of the vehicle, and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Such evidence also may be produced by displaying on a cellular phone or other type of portable electronic device evidence of financial security required by this subsection. Any person to whom such evidence of financial security is displayed shall view only such evidence of financial security. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic devices.

(d) Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form, the department shall
mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge hereunder shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

Sec. 35-141. — Duty to report accidents.

(a) The driver of a vehicle involved in an accident resulting in injury to, great bodily harm to, or death of any person or total damage to all property to an apparent extent of $1,000.00 or more shall give notice immediately of such accident by the quickest means of communications to the police department.

(b) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection (a) of this section and there was an occupant 18 years of age or older in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(c) Whenever the driver of a vehicle is involved in an accident resulting in property damage in the amount of $1,000.00 or more and such driver believes the conduct of other individuals causing or involved in such accident would place such driver in imminent danger of bodily injury by such individuals, such driver shall be required to provide the notice required by subsection (a) of this section as soon as the imminent danger has passed.

(d) A person convicted of a violation of this section shall be punished by imprisonment for not more than one year or a fine not to exceed $2,500.00 or both such fine and imprisonment. The municipal court does not have jurisdiction to hear cases involving the duty to report accidents involving great bodily harm to any person or death of any person.

ARTICLE IV. RECKLESS DRIVING, DRIVING WHILE INTOXICATED, ETC.

Sec. 35-227. - Fleeing or attempting to elude a police officer.

(a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle when given visual or
audible signal to bring the vehicle to a stop shall be guilty as provided by subsection (c).

(2) Any driver of a motor vehicle who willfully flees or attempts to elude a pursuing police vehicle or police bicycle when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c).

(3) It shall be an affirmative defense to any prosecution under paragraph subsection (a)(1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.

(b) The signal given by the police officer may be by hand, voice, emergency light, or siren:

(1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or

(2) If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.

(c) Every person convicted of violating subsection (a) of this section, shall upon a first conviction, be sentenced to not more than six months in prison, fined not more than $1,000.00, or be subject to both. Every person convicted of violating this section shall upon a second conviction be punished by imprisonment not to exceed one year or fined not to exceed $2,500.00 or both.

(d) For the purpose of this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) Appropriately marked official police vehicle or police bicycle shall include but not be limited to any police vehicle or bicycle equipped with functional emergency lights or siren or both and on which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.

Sec. 35-250 Driving while under the influence of alcohol or drugs or both; penalties

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

(1) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as shown by any competent evidence, including other competent evidence is 0.08 or more;
(2) The alcohol concentration in the person's blood, breath, urine or other bodily fluid as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vehicle;

(6) The person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.

(b) (1) Driving under the influence is:

a. *On a first conviction a class B, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months imprisonment, or in the court's discretion 100 hours of public service, and fined not less than $750.00 nor more than $1,000.00. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment;

b. *On a second conviction a class A, nonperson misdemeanor.* The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250.00 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five-days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the five days' imprisonment mandated by this subsection remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be
monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

c. On a third conviction a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1567(b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,750.00 nor more than $2,500.00. The person convicted shall be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program to serve the remainder only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the
service of the one month enhanced penalty, the judge may order the person on house arrest, work release, or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) (1) Upon filing a complaint, citation or notice to appear alleging a violation of this section, and prior to a conviction thereof, the city attorney shall request and shall receive from the:
   a. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
   b. Kansas Bureau of Investigation central repository of all criminal history record information concerning such person.

   (2) If the elements of a violation of this section are the same as the elements of a violation of K.S.A. 8-1567 that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the district attorney for prosecution.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.

(i) For the purposes of determining whether a conviction is a first, second or third conviction in sentencing under this section:

   (1) Convictions for a violation of this section, K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceeding on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions
occurring on or after July 1, 2001. Nothing in this provision shall be construed as
preventing any court from considering any convictions or diversions occurring
during the person’s lifetime in determining the sentence to be imposed within the
limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a
person’s lifetime shall be taken into account:
(a) Refusing to submit to a test to determine the presence of alcohol or drugs,
as provided in K.S.A. Supp. 8-1025 or Section 35-254.1;
(b) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144,
and amendments thereto or Section 35-257;
(c) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-
1131, and amendments thereto;
(d) involuntary manslaughter while driving under the influence of alcohol or
drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A.
Supp. 21-5405, and amendments thereto;
(e) aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-
5413, and amendments thereto; and
(f) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or
vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was
committed while committing a violation of K.S.A. 8-1567, and
amendments thereto;

(3) conviction includes:
(a) Entering into a diversion agreement in lieu of further criminal proceedings
on a complaint alleging a violation of a crime described in subsection
(i)(2);
(b) conviction of a violation of an ordinance of a city in this state, a resolution
of a county in this state or any law of another state which would constitute
a crime described in subsection (i)(1) or (i)(2); and
(c) receiving punishment under the uniform code of military justice or Kansas
code of military justice for an act which was committed on a military
reservation and which would constitute a crime described in subsection
(i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising
from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a
previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal
proceedings for a violation of this section, and amendments thereto, only once
during the person’s lifetime.

(1) “Conviction” includes being convicted of a violation of this section or entering
into a diversion agreement in lieu of further criminal proceedings on a complaint
alleging a violation of this section;

(2) “Conviction” includes being convicted of a violation of a law of any state or of an
ordinance of any city, or resolution of any county, which prohibits the acts that
this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(3) Only convictions occurring on or after July 1, 2001 shall be taken into account when determining the sentence to be imposed for a first, second or third offender;

(4) It is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.

(j) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection 23-13(a)(5) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(l) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(lm) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

(mn) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section:

(1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) “drug” includes toxic vapors as such term is defined in K.S.A. 2011 Supp. 21–5712, and amendments thereto.
Sec. 35-254.1. Refusal to submit to alcohol or drug test.

(a) Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests deemed consented to under subsection (a) of K.S.A. 8-1001, and amendments thereto, if such person has:

(1) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred:
   a. On or after July 1, 2001; and
   b. When such person was 18 years of age or older; or

(2) Any prior conviction for a violation of K.S.A. 8-1567 or K.S.A. 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred:
   a. On or after July 1, 2001; and
   b. When such person was 18 years of age or older.

(b) Refusing to submit to a test to determine the presence of alcohol or drugs is:

(1) On a first conviction, a class A nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(2) On a second conviction, a class A, nonperson misdemeanor, except as provided in K.S.A. 8-1025(b)(1)(C). The person convicted shall be sentenced to not less
than 90 days nor more than one year's imprisonment and fined not less than $1,750 nor more than $2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(3) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(e) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be
required to be performed not later than one year after the fine is imposed or by an earlier
date specified by the court. If by the required date the person performs an insufficient
amount of community service to reduce to zero the portion of the fine required to be paid
by the person, the remaining balance of the fine shall become due on that date.

(f) The court shall electronically report every conviction of a violation of this section and
every diversion agreement entered into in lieu of further criminal proceedings on a
complaint alleging a violation of this section to the division. Prior to sentencing under the
provisions of this section, the court shall request and shall receive from the division a
record of all prior convictions obtained against such person for any violations of any of the
motor vehicle laws of this state.

(g) For the purpose of determining whether a conviction is a first, second, third, fourth or
subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a
violation of an ordinance of any city or resolution of any county which prohibits
the acts that such section prohibits, or entering into a diversion agreement in lieu
of further criminal proceedings on a complaint alleging any such violations, shall
be taken into account, but only convictions or diversions occurring:
   a. On or after July 1, 2001; and
   b. When such person was 18 years of age or older. Nothing in this provision
      shall be construed as preventing any court from considering any
      convictions or diversions occurring during the person's lifetime in
determining the sentence to be imposed within the limits provided for a
first, second, third, fourth or subsequent offense.

(2) Any convictions for a violation of the following sections which occurred during
a person's lifetime shall be taken into account, but only convictions occurring
when such person was 18 years of age or older:
   a. This section or the 2012 Session Laws of Kansas, Chapter 172, Section 2;
      K.S.A. 8-1025;
   b. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144,
      and amendments thereto, or Section 35-257;
   c. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-
      1131, and amendments thereto;
   d. Involuntary manslaughter while driving under the influence of alcohol or
      drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A.
      Supp. 21-5405, and amendments thereto; and
   e. Aggravated battery as described in subsection (b)(3) of K.S.A. Supp. 21-
      5413 and amendments thereto; and
   f. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or
      vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was
      committed while committing a violation of K.S.A. 8-1567, and
      amendments thereto.
Conviction includes:

a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (g)(2);
b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (g)(1) or (g)(2); and
c. Receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (g)(1) or (g)(2) if committed off a military reservation in this state.

It is irrelevant whether an offense occurred before or after conviction for a previous offense;

Multiple convictions of any crime described in subsection (g)(1) or (g)(2) of this section arising from the same arrest shall only be counted as one conviction;

The prior conviction that is an element of the crime of refusing to submit to a test to determine the presence of alcohol or drugs shall not be used for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section and shall not be considered in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense; and

A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, or an ordinance which prohibits the acts of this section, only once during the person's lifetime.

Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

Upon the filing of a complaint, citation or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

1. Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
2. Kansas bureau of investigation central repository all criminal history record information concerning such person.

No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section or by
the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(l) As used in this section, imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.

Sec. 35-255. - Tampering with ignition interlock device, etc.

(a) No person shall:

(1) Tamper with an ignition interlock device, circumvent it or render it inaccurate or inoperative;

(2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such a device;

(3) Blow into an ignition interlock device or start a motor vehicle equipped with such device providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such a device; or

(4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.

(b) Violation of this section shall be punished by a fine of not more than $2,500.00, by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) In addition to any other penalties provided by law:

(1) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and

(2) On a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and

(2) On a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.

Sec. 35-257. Driving commercial motor vehicle with 0.04 alcohol concentration or under the influence of drugs or alcohol; penalties.

(a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:
(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence as defined in K.S.A. 8-1013(f)(1) and amendments thereto, is 0.04 or more;

(2) The alcohol concentration in the person's blood or breath as measured within three hours of the time of driving a commercial motor vehicle is 0.04 or more; or

(3) Committing a violation of section 35-250(a) of this chapter and amendments thereto.

(b) (1) Driving a commercial vehicle under the influence is:

a. On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than $750.00 nor more than $1,000.00. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspensions or reduction of sentence or parole or other release;

b. On a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250.00 nor more than $1,750.00. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to section 249 of chapter 136 of the 2010 Session Laws of KansasK.S.A. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining
within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and

(2) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

c) Any person convicted of a violation of this section, who had one or more children under the age of 14 years in the vehicle at the time of the offense, shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in the amount equal to $5.00 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed at not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall be due on that date.

g) Upon filing a complaint, citation or notice to appear alleging a person has violated this section, and prior to conviction thereof, the city attorney shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint, citation or notice to appear of this section to the division. Prior to sentencing under this section, the court shall request and shall receive from the:
(1) Division a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and,

(2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

(i) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall:

(1) Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and

(2) suspend, restrict or suspend and restrict the person’s driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(ii) Upon conviction of a person of a violation of this section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(ji) Upon conviction of a person of a violation of this section, the court shall assess applicable costs authorized by subsection 23-13(a)(5) of this Code against the convicted person, unless the court makes a finding of undue hardship.

(kl) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section.

(lm) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

(mn) For the purposes of determining whether a conviction is a first or second in sentencing under this section:

(1) "Conviction" includes being convicted of a violation of a law of another state or an ordinance of any city, or a resolution of any county, which prohibits the acts that this section prohibits;

(2) Any convictions occurring during a person's lifetime shall be taken into account when determining the sentence to be imposed for a first, second, third or subsequent offender; and

(3) It is irrelevant whether an offense occurred before or after conviction for a previous offense.
(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

(a) This section or K.S.A. 8-2,144;
(b) refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 8-1025, and amendments thereto or 35-254.1;
(c) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
(d) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 21-5405, and amendments thereto;
(e) aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto; and
(f) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) “conviction” includes:

(a) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2);
(b) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and
(c) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) For the purpose of this section:

(1) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
(2) “imprisonment” shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
ARTICLE VI.  DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING; USE OF ROADWAY

Sec. 35-311. - When passing on the right permitted.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
   (1) When the vehicle overtaken is making or about to make a left turn; or
   (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.
   (3) A transit bus authorized under and being operated in accordance with the provisions of K.S.A. 75-5091, and amendments thereto.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway except as authorized under K.S.A. 75-5091, and amendments thereto.

ARTICLE XI. STOPPING, STANDING OR PARKING GENERALLY

Sec. 35-477. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:
   (1) Stop, stand or park a vehicle:
      a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
      b. On a sidewalk;
      c. Within an intersection;
      d. On a crosswalk;
      e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
      f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
      g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
      h. On any railroad tracks;
i. On any controlled-access highway;

j. In the area between roadways of a divided highway, including crossovers; or

k. At any place where official signs prohibit stopping.

(2) Stand or park a vehicle whether occupied or not, except momentarily to pick up
or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within 15 feet of a fire hydrant;

c. Within 20 feet of a mid-block crosswalk at an intersection which there is no
traffic signal;

d. Within five feet of an intersection;

e. Within five feet of the entrance to an alley;

f. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or
traffic-control signal located at the side of a roadway;

g. Within 20 feet of a driveway entrance to any fire station and on the side of a
street opposite the entrance to any fire station within 75 feet of such entrance,
when properly sign-posted; or

h. At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of
and while actually engaged in loading or unloading property or passengers:

a. Within 50 feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking; or

c. In any fire lane officially designated as such by the fire chief or his designated
representative, whether on public or private property.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited
area or away from a curb such a distance as is unlawful.

ARTICLE XIII. MISCELLANEOUS RULES

Sec. 35-634. - Crossing fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on
any street or private road, or private driveway, to be used at any fire or alarm of fire, without the
consent of the fire department official in command.

Sec. 35-645. - Riding in house trailer prohibited.

No person or persons shall occupy a house trailer, manufactured home as defined in subsection
(a) of K.S.A 58-4202, or mobile home, as defined in subsection (b) of K.S.A. 58-4202 while it is
being moved upon a public street or highway.
Sec. 35-653. - Traffic control signal preemption devices.

(a) Except as provided in subsection (c) of this section, it shall be unlawful for any person to knowingly possess a traffic control signal preemption device.

(b) A person convicted of violating subsection (a) of this section shall be subject to a fine of not more than $1,000.00, by imprisonment for not more than six months, or by both such fine and imprisonment.

(c) The provisions of this section shall not apply to the operator, passenger, or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:

   (1) Publicly owned fire department vehicles;
   (2) Publicly owned police vehicles; or
   (3) Motor vehicles operated by ambulance services permitted by the emergency medical services board under the provisions of K.S.A. 65-6101 et seq.

ARTICLE XVI. MOTOR VEHICLE EQUIPMENT GENERALLY

Sec. 35-794. - Visibility of reflectors, clearance lamps and marker lamps.

(a) Every reflector upon any vehicle referred to in section 35-790 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility of reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the front and rear respectively of the vehicle.

(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the time lights are required at all distances between 500 feet and 50 feet from the side of the vehicle on which mounted.
Sec. 35-809. - School Buses.

(a) Every school bus, in addition to any other equipment and distinctive markings required by this chapter,

(1) shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall display to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall be visible at 500 feet in normal sunlight; and

(2) every new school bus put into initial service after July 1, 2007, shall be equipped with a white flashing strobe light mounted on the roof of such bus to afford optimum visibility.

(b) Any school bus, in addition to the lights required by subsection (a) of this section, may be equipped with:

(1) Yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical centerline of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at 500 feet in normal sunlight. These lights shall be displayed by the school bus driver at least 200 feet but not more than 1,000 feet before every stop at which the alternately flashing red lights required by subsection (a) of this section will be actuated; or

(2) Head lamps that alternately flash on low beam or simultaneously flash on low beam, except such head lamps shall only be activated during daylight hours.

(c) The provisions of subsections (a) and (b) of this section shall be subject to the provisions contained in K.S.A. 8-2009a.

(d) Any person who purchases a motor vehicle which was operated by the seller as a school bus is hereby required to repaint such vehicle a color other than yellow and, except when such bus is being used as a church bus or day care program bus, disassemble and remove the "stop arm" and disconnect all flashing or rotating warning lights on such vehicle before it is operated on the public highways of this state for any purpose other than those set forth in the definitions of a school bus.

Sec. 35-810. - Church buses and day care program buses.

Any church bus or day care program bus, in addition to any other equipment and distinctive markings required by law, may be equipped with:

(1) Signal lamps which conform to the requirements of section 35-809710(a)–(c), and rules and regulations of the secretary applicable to school buses; and

(2) A stop signal arm that conforms to requirements therefor applicable to school buses that have been adopted by rules and regulations of the secretary state board of education.
ARTICLE XVII. EQUIPMENT ON MOTORCYCLES AND MOTOR DRIVEN CYCLES

Sec. 35-849 Head lamps.

(a) Every motorcycle and every motor-driven cycle shall be equipped with at least one head lamp which shall comply with the requirements and limitations of this article.

(b) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than 54 inches nor less than 24 inches to be measured as set forth in section 35-785(d).

(c) Any headlamp, required by this section, may be wired with a headlamp modulation system provided the headlamp modulation system complies with federal standards established by 49 C.F.R. §571.108.

Sec. 35-852. Stop lamps.

(a) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of section 35-802(a).

(b) Every motorcycle manufactured after January 1, 1973, shall be equipped with electric turn signals meeting the requirements of section 35-802(b). Motor-driven cycles may, but need not, be equipped with electric turn signals.

(c) In addition to the lamps otherwise permitted by this article, a motorcycle may be equipped with lamps on the sides thereof, visible from the side of the motorcycle but not from the front or the rear thereof, which lamps, together with mountings or receptacles, shall be set into depressions or recesses in the body or wheel of the motorcycle and shall not protrude beyond or outside the body or the wheel of the motorcycle. The light source may emit only white, amber or red light without glare.

ARTICLE XIX. DRIVERS' LICENSES, VEHICLE TAGS, ETC.

Sec. 35-922. - Driving while licensing suspended or revoked.

(a) No person shall operate a motor vehicle or motorized bicycle on any public street or highway of this city at a time when such person's privilege to do so is canceled, suspended, or revoked or while such person's privilege to obtain a driver's license is suspended or revoked.

(b) No person shall be convicted under this section if such person, at the time of arrest was entitled under K.S.A. 8-257, and amendments thereto, to the return of such person's driver's license.
Except under the circumstances set out in subsection (c)(3) of this section, the following penalties shall apply to a person convicted of violating this section:

(1) Upon a first conviction, a person shall be sentenced to not less than five days' nor more than six months' imprisonment and fined not less than $100.00 nor more than $1,000.00.

(2) Upon a second conviction of a violation of this section, a person shall be sentenced to not less than five days' nor more than one year's imprisonment and fined not less than $100.00 nor more than $2,500.00. The person convicted must serve five consecutive days' imprisonment either before or as a condition of any grant of probation, parole, or suspension or reduction of sentence.

(3) If a person is convicted of any of the following, the person shall not be eligible for suspension of sentence, probation, or parole until the person has served as least 90 days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.
   a. Is convicted of a violation of this section committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked for a violation of section 35-250 of this chapter, and amendments thereto, K.S.A. 8-1567, and amendments thereto, K.S.A. 8-2,144, or K.S.A. 8-1025 or the 2012 Session Laws of Kansas, Chapter 172, Section 2, or any ordinance of any city or a law of another state, which ordinance or law prohibits the acts prohibited by section 35-250 of this chapter; and
   b. Is or has been also convicted of a violation of section 35-250, and amendments thereto, or K.S.A. 8-1567, and amendments thereto, or the 2012 Session Laws of Kansas, Chapter 172, Section 2K.S.A. 8-2,144, K.S.A. 8-1025, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by section 35-250 of this chapter, committed while the person's privilege to drive or privilege to obtain a driver's license was suspended or revoked.

(4) Upon a third or subsequent conviction of this section, a person shall be sentenced to not less than 90 days imprisonment and fined not less than $1,500.00 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:
   a. Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
   b. Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
   c. Was convicted of vehicular homicide, K.S.A. 21-3405, prior to its repeal, or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 2006 Supp. 21-3442, prior to its repeal, and amendments thereto, involuntary manslaughter as defined in subsection (a)(3) of K.S.A. 21-5405, and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
d. Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.

(5) The person convicted under the circumstances of subsection (c)(4) of this section shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentences only after such person has served 48 consecutive hours' imprisonment.

(d) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

(e) For the purposes of this section, if any person operates a motor vehicle or a motorized bicycle on any public highway of this city at a time when such person's privilege to do so has been restricted by the division, by a judge of a court of competent jurisdiction or by a diversion agreement entered into by the person pursuant to K.S.A. 12-4413 et seq., and amendments thereto, and such operation violates or is outside the scope of such restrictions, such person shall be deemed to be operating a motor vehicle or motorized bicycle when such person's privilege to do so has been suspended, or revoked.


Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.
PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS ______ DAY OF _____________________, 2015.

_________________________________________
Mark Holland, Mayor/CEO

Attest:

_________________________________________
Unified Government Clerk

Approved As To Form:

_________________________________________
Jennifer Myers, Assistant Counsel
Amendments to Chapter 19, Licenses, Permits and Miscellaneous Business Regulations, Article V, Private Security Businesses and Private Security Officers, removing the requirements for security guards to test, qualify and register firearms with the Police Department in order to comply with recent state legislation prohibiting cities from regulating the carrying, storage, and transportation of firearms.

Action Requested:
Approval of the proposed changes to the Chapter 19 Code as it relates to security guard permits.

Publication Required

Budget Impact: (if applicable)

Amount: $
Source:
☐ Included In Budget
☑ Other (explain) Policy action by Commission.
To: Unified Government Board of Commissioners  
From: Jennifer Myers, Assistant Counsel  
Cc: Jody Boeding, Chief Counsel  
Date: July 8, 2015  
RE: Amendments to Ordinances related to security guards

This memo is to explain the changes to the ordinances related to Security Guards in Chapter 19 of the UG Code. The changes are due to the recent changes in the firearms laws that prohibits cities from regulating the carrying and transportation of firearms. I do not believe that we can require any sort of testing or qualification in order for our security guards to carry firearms. Therefore, most references to firearms are being deleted.

Section 19-108 Definitions  
- Removed firearm permit as security guards are no longer required to have a permit in order to carry a firearm.

Section 19-111 Application for permit to operate as private security officer  
- Lessened the amount of documentation that is needed to apply for the permit as it is not needed.

Section 19-115 Standards for issuance of permit to act as private security officer  
- Cannot prohibit anyone under 21 from carrying a firearm. Added language that any applicant under 21 years of age may not conceal carry a firearm as required by state statute.
• No longer requiring testing or qualification for firearms.

**Section 19-118 Firearms**
• Removing this entire section as we can no longer regulate or prohibit the carrying, storage, or transportation of firearms.

**Section 19-123 Private security officer identification card**
• Removing the requirement of providing thumbprints

**Section 19-126 Duties of permit holders and license holders**
• Remove language requiring security businesses to supply information related to vehicles being used by the business as no longer necessary.
• Remove language requiring security officers to file a discharge of firearms report with the PD anytime they discharge a firearm.
• Remove language that they can only carry a weapon registered with the PD.
ORDINANCE NO. ________________


BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That Chapter 19, Licenses, Permits and Miscellaneous Business Regulations, Article V., Sections 19-108, 19-111, 19-115, 19-123, and 19-126 of the Code of Ordinances for the Unified Government of Wyandotte County/Kansas City, Kansas, be amended to read as follows:

ARTICLE I. - IN GENERAL

Sec. 19-108 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of police means the chief of police of the city or the designated representative of the chief of police.

Firearm means:

(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridges; or

(2) Any other weapon which will or is designed to expel a projectile by the action of any explosive and which is designed to be fired by the use of a single hand.

Firearm permit means a limited permit for the authority to carry a firearm by a private security officer while actually engaged in the performance of the duties of his employment and while on the premises of his employer or while traveling between the security officer's residence and the specific place of employment.

Law enforcement officer means a law enforcement officer as defined by K.S.A. 21-3110.
Offense of moral turpitude means those crimes involving prostitution, pimping, lewd and lascivious behavior, indecent exposure, illegal use, possession or sale of narcotics, marijuana, and any and all "controlled substances" as that term is defined at K.S.A. 65-4101 et seq., incest, gambling, the offenses listed in chapter 22, article VI of this Code and similar violations in other jurisdictions and forfeiture of bond to appear in court to answer charges for any of these crimes.

Permit means the permit to act as a private security officer, issued by the chief of police to the individuals employed by a security agency or business as private watchmen, private security officers, or private security guards.

Police department means the city police department.

Private detective means any person who engages in detective business as defined by K.S.A. 75-7b01.

Private security business means the business of furnishing private watchmen, officers, guards, or other persons to protect persons or property or to prevent the theft and unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind. This term shall not include a business that furnishes state licensed private investigative services, as defined in K.S.A. 75-7b01. This term shall not include a business that employs private security officers to patrol only the premises of that business.

Private security officer means an individual who agrees to perform services as a watchman, guard, officer, or patrolman to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers or property of any kind.

Sec. 19-111. - Application for permit to operate as private security officer.

Application for a permit to operate as a private security officer shall be made to the chief of police and shall include the following:

1. Name, age, all residences within the last ten years, all employment for the last ten years, marital status and social security number;
2. Whether the person signing the application is a citizen of the United States;
3. A statement as to the general nature of the business in which the applicant intends to engage;
4. A statement of the qualifications of the applicant;
5. A list of the applicant's record of arrests and convictions in this or any other state, including violations under the Uniform Code Of Military Justice that would be equivalent to a misdemeanor or felony conviction in a state court;
(65) A list of any aliases or nicknames used by the applicant, whether at present or in the past;

(7) Two recent photographs of the applicant of a type prescribed by the chief of police;

(8) A thumbprint of the applicant.

Sec. 19-115. - Standards for issuance of permit to act as private security officer.

No permit to act as a private security officer will be issued unless each applicant shall meet the following standards:

(1) The applicant is at least 18 years of age if the applicant will not carry or use a firearm. If the applicant will carry or use a firearm, he must be at least 21 years of age. No applicant under 21 years of age may conceal carry a firearm.

(2) The applicant has not been convicted of a felony or of an offense of moral turpitude.

(3) The applicant satisfies police department requirements, as established by the chief of police, for knowledge and use of firearms, if he will carry a firearm.

(4) The applicant has not been convicted of a crime of carrying or possessing a dangerous weapon during the ten-year period immediately prior to the date of application.

(5) The applicant has not been refused a license under this article, has not been refused a license under a similar law of any other jurisdiction, or has not had a license revoked or suspended under a similar law of any other jurisdiction.

(6) The applicant has not been convicted of the offense of impersonating or permitting or aiding and abetting a person to impersonate a law enforcement officer.

(7) The applicant does not have active warrants filed against him in any jurisdiction.

(8) The applicant has not been denied a permit or had a permit revoked or suspended under this chapter during the five-year period immediately before the date of application.

(9) The applicant has not provided false information on the application.

(10) The applicant has not been convicted of a misdemeanor assault or battery during the five-year period immediately before the date of application.

(11) If the applicant is not a resident of the state, the application has appointed in writing as his agent a resident of the state.

Sec. 19-118. - Firearms.

(a) Permit required. The holder of a private security officer permit shall not carry a firearm unless a firearm permit has been issued.

(b) Application. Application for a firearm permit shall be made to the chief of police. Issuance of a firearm permit shall be at the discretion of the chief of police after the investigation for the private security officer permit is completed satisfactorily and upon a showing by the private security officer of a need to carry a firearm for the officer's protection.
(c) Age requirement. No firearm permit will be issued to a person under the age of 21 years.
(d) Carrying permit required. The holder of a firearm permit shall have such permit in his possession at all times when he is carrying a firearm.
(e) When firearms may be carried. The holder of a firearm permit shall be limited to the carrying of such firearm at the times set out as follows:
   (1) While actively engaged as a private security officer on the premises of the person who has engaged the services of the private security officer; or
   (2) In the following circumstances, but only in the locked trunk of a vehicle:
      a. While traveling from his residence to his place of employment;
      b. While traveling from one location of employment to another; or
      c. While traveling from his place of employment to his residence.
Carrying a firearm at any other time will be grounds for revocation or suspension of the firearm permit and may be grounds for revocation or suspension of the private security officer permit.
(f) Revocation, suspension, recall, surrender of firearm permit.
   (1) The chief of police may suspend or revoke any firearm permit for cause without notice. The permit holder shall be given notice of the cause of such suspension or revocation and an opportunity to be heard within a reasonable time. The chief of police, after the hearing, may make an order affirming the suspension or revocation. The permit holder shall have the right to an appeal as provided for in the case of a suspension or revocation of a private security officer permit.
   (2) The chief of police may recall any firearm permit when, in his opinion, the permit holder no longer requires such permit or when the permit holder no longer meets any of the requirements of this chapter.
   (3) Every holder of a firearm permit shall report to the chief of police any removal or transfer from the status of private security officer and shall surrender his firearm permit.
   (4) Every private security business and every other employer of a private security officer shall notify the chief of police if any private security officer is transferred from or is removed from a position where a firearm is needed for the officer's protection.
(g) Qualification.
   (1) The applicant for a firearm permit shall satisfy police department requirements, as established by the chief of police, for knowledge and use of the firearm.
   (2) All holders of firearm permits shall qualify with firearms annually at a firing range approved by the chief of police. Failure to qualify shall be the basis for rejection of the initial application or for suspension and revocation of a firearm permit previously issued. All holders of firearm permits shall qualify with the same make, model and caliber of firearm that the holder will carry while employed. If the make, model or caliber of the firearm that the holder carries while employed changes during the two-year period of the holder's permit, the permittee must qualify with a firearm of the same make, model and caliber prior to the use of the new firearm. Failure to qualify with the proper firearm will subject the permit holder to a revocation of the permit.
   (3) The course of firing shall consist of 50 rounds fired upon a "B27" silhouette target, not subject to time requirements. The 50 rounds shall be fired at the following distances and positions:
      a. 12 rounds at seven yards distance, point shoulder position;
      b. Six rounds at 25 yards distance, kneeling position;
      c. Six rounds at 25 yards distance, left hand barricade standing position;
d. Six rounds at 25 yards distance, right hand barricade standing position;
e. Six rounds at 25 yards distance, left hand barricade kneeling position;
f. Six rounds at 25 yards distance, right hand barricade kneeling position;
g. Eight rounds at 15 yards distance, point shoulder position.
(h) Registration of firearms.
(1) All firearms, whether owned by a private security business or a private security officer, shall be registered annually with the police department.
(2) Applicants for firearm permits and holders of firearm permits shall register with the police department annually all firearms to be carried under the permit and shall furnish the make, model, caliber, and serial number of each firearm.
(3) The chief of police shall inspect and approve all firearms registered with the police department.
(4) Private security officers shall carry only firearms registered with the police department.
(i) Discharge report. Any permit holder who discharges his firearm, other than during target or range firing, shall telephone an immediate report to the chief of police and, within 24 hours, shall file a written report, giving the details of and the reasons for the discharge.
(j) Duration of permit. A firearm permit shall be valid for two years from the date of issue, except that it shall be suspended if the holder fails to qualify annually as provided in this section or under the rules of the chief of police.
(k) Fee. A fee in an amount set by the county administrator shall be charged for each firearm permit.

Sec. 19-123. - Private security officer identification card.

Each private security officer granted a permit shall be issued an identification card by the chief of police. The card will identify the permit holder and will include a recent photograph and thumbprint. The card shall be carried by the permit holder whenever he is engaged as a private security officer and shall be presented for inspection to any law enforcement officer upon demand.

Sec. 19-126. - Duties of permit holders and license holders.

(a) All private security businesses shall supply the chief of police with a description, including license number and VIN number, of all automobiles or other vehicles to be used in the business. All vehicles shall comply with the city traffic code requirements and restrictions on equipment, including color of lights displayed.
(ba) Any private security business hiring a security officer shall furnish the name of that officer and his permit number to the chief of police within 24 hours of hiring.
(eb) Private security businesses shall notify the chief of police in writing of the termination of employment of any private security officers.
(dc) All private security businesses shall maintain a current list of employees with the chief of police.
(ed) All private security officers shall immediately notify the chief of police in writing of any change of residence or employment.
(f) Private security officers shall file a discharge of firearms report with the chief of police whenever they discharge a firearm in the course of their occupation, other than target or range firing.

(ge) Private security officers shall carry only a weapon registered with the police department.

(hf) All permit holders and all license holders under this article shall advise the chief of police of the type, color, and description of the uniform to be worn during the course of any duty authorized by the permit or license. Uniforms must be approved by the chief of police. No uniform identical to or bearing a close resemblance to the uniform used by the police department will be approved.

(ig) All permit holders under this article shall advise the chief of police of any conviction for crimes specified in section 19-130(a)(5). All permit holders under this article shall advise the chief of police of any felony charges filed against the permit holder.

(jh) It shall be unlawful for any permit holder to fail to follow the notice requirements of subsection (i) of this section.


Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the official Unified Government newspaper.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

THIS ______ DAY OF ____________________, 2015.

________________________________________
Mark Holland, Mayor/CEO

Attest:

________________________________________
Unified Government Clerk

Approved As To Form:

________________________________________
Jennifer Myers, Assistant Counsel