

CHAPTER XI. PUBLIC OFFENSES

- Article 1. Uniform Offense Code
- Article 2. Local Regulations
- Article 3. Narcotics and Drugs

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. **INCORPORATING UNIFORM PUBLIC OFFENSE CODE.** There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Scranton, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2004, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereby deleted and to be omitted, to wit:

Sections 5.5, 6.11, 6.19, 10.6, 10.7, 10.13, 10.15

No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Scranton, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
(Ord. 568, Sec. 1; Code 2005)

ARTICLE 2. LOCAL REGULATIONS

11-201. **PENALTIES.** Unless otherwise specified, the penalties for violation of any section in this article will be classed in the manner set out in Article 12 of the Uniform Code incorporated in section 11-101. (Code 1993)

11-202. **WINDOW PEEPING.** It shall be unlawful for any person to trespass upon the property owned or occupied by another in this city for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of occupants of any such house, room or building.

Violation of this section is a Class C violation.
(Ord. 392-202; Code 1993)

- 11-203. **MOLOTOV COCKTAILS.** Unlawful possession, use and transportation of a Molotov Cocktail is the transporting, use or possession or control of a container of incendiary or explosive material, liquids, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as Molotov Cocktail. Unlawful possession, use and transportation of Molotov Cocktails is a Class A violation.
(Ord. 392-601:604; Code 1993)
- 11-204. **NITROGLYCERIN.** It shall be unlawful for any person to bring into or keep within the city any nitroglycerin. (Ord. 392-605)
- 11-205. **PUBLIC INTOXICATION.** It shall be unlawful for any person to be on a highway or street while under the influence of intoxicating liquor, narcotics or other drug to the degree that one may endanger himself, herself or other persons or property. (Ord. 392-203; Code 1993)
- 11-206. **ENTERING SWIMMING POOL.** It shall be unlawful for any person to enter the enclosure or fence of the swimming pool of the city in any manner other than through the gate or entrance provided therefor, or to climb on or over the fence forming the enclosure, or to enter the enclosure at any other time than when the pool is open for admittance to any such person, except by the authority and consent of the duly authorized officers of the city. (Ord. 392-321; Code 1993)
- 11-207. **CURFEW.** It shall be unlawful for any person under 18 years of age to loiter, lounge, loaf, wander, or play in or upon any public street, sidewalk, alley, or any place open to the public within the city after the hour of:
10:00 p.m. Monday to 6:00 a.m. Tuesday;
10:00 p.m. Tuesday to 6:00 a.m. Wednesday;
10:00 p.m. Wednesday to 6:00 a.m. Thursday;
10:00 p.m. Thursday to 6:00 a.m. Friday;
11:00 p.m. Friday to 6:00 a.m. Saturday;
11:00 p.m. Saturday to 6:00 a.m. Sunday;
10:00 p.m. Sunday to 6:00 a.m. Monday.
(Ord. 409, Sec. 1; Code 1998)
- 11-208. **SAME; EXCEPTIONS.** The curfew restrictions set out in section 11-207 of this article shall not apply under the following circumstances:
(a) When the person under 18 years of age is accompanied by his or her parent or guardian;
(b) When the person under 18 years of age is attending a school function or other activity under the supervision of a school or sponsored by parents or while returning home from any such function or activity by way of the most direct route;
(c) When the person under 18 years of age is going to or from a place of lawful employment by way of the most direct route.
(Ord. 409; Sec. 1; Code 1993)

- 11-209. SAME; VIOLATIONS. (a) Any police officer finding a person under 18 years of age in violation of section 11-207 shall ascertain the name and address of the minor and warn the minor that he or she is in violation of the curfew and shall direct the minor to proceed at once to his or her home or usual place of abode.
- (b) If any minor refuses to heed the warning or direction by any police officer or refuses to give his or her correct name and address, he or she shall be taken to the police department and the parent, guardian or other adult having the care and custody of the minor shall be notified to come and take charge of the minor. (Code 1993)
- 11-210. SAME; PERMITTING VIOLATION OF CURFEW. It shall be unlawful for a parent, guardian or other person lawfully entitled to the care, custody or control of any person under 18 years of age to knowingly suffer or permit such person to violate section 11-207. (Ord. 409, Sec. 2; Code 1993)
- 11-211. OPEN WELLS AND CISTERNS. It shall be unlawful for any person to allow any open well or cistern upon property within the city. Any well or cistern not being used shall be covered with a minimum of four inches of reinforced concrete or filled in with dirt or rock on a firm base to the level of the surface of the ground surrounding the well or cistern. (Ord. 321)

ARTICLE 3. NARCOTICS AND DRUGS

11-301.

DRUG PARAPHERNALIA; DEFINITIONS. As used in this article:

(a) Controlled Substance means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111, and 65-4113, and amendments thereto.

(b) Deliver or delivery means actual, constructive or attempted transfer from one person to another, whether or not there is an agency relationship.

(c) Drug Paraphernalia means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the uniform controlled substances act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in the planting, propagating, cultivating, growing or harvesting any species or plant which is a controlled substance can be derived.

(2) Kits used or intended for use in manufacturing, compounding, converting, producing, process, or preparing controlled substances.

(3) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substances.

(4) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances used or intended for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.

(7) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marihuana.

(8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.

(9) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances.

(10) Containers and other objects used or intended for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles and other objects used or intended for use in periarterial injecting controlled substances into the human body.

(12) Objects used or intended for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips (objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand);

- (f) Miniature cocaine spoons and cocaine vials;
- (g) Chamber pipes;
- (h) Electric pipes;
- (i) Air-driven pipes;
- (j) Chillums;
- (k) Bonges; and
- (l) Ice pipes or chillers.

(d) Person means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(e) Simulated controlled substance means any product which identifies itself by common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the produce simulates the effect of a controlled substance.

(K.S.A. 65-4150; Code 1993)

11-302.

SAME; FINDINGS. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or person in control of the object concerning its use.

(b) Prior convictions, if any, of an owner or person in control of the object, under any state or federal law relating to any controlled substance.

(c) The proximity of the object, in time and space, to a direct violation of the uniform controlled substances act.

(d) The proximity of the object to controlled substances act.

(e) The existence of any residue of controlled substances on the object.

(f) Direct or circumstantial evidence of the intent of an owner or person in control of the object, to deliver it to a person the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of the uniform controlled substances act. The innocence of an owner or person in control of the object as a direct violation of the uniform controlled substances act shall not prevent a finding that the object is intended for use as drug paraphernalia.

(g) Oral or written instructions provided with the object concerning its use.

(h) Descriptive materials accompanying the object which explain or depict its use.

(i) National and local advertising concerning the object's use.

(j) The manner in which the object is displayed for sale.

(k) Whether the owner or person in control of the object is a legitimate supplier of similar or related items to the community such as a distributor or dealer of tobacco products.

(l) Direct or circumstantial evidence of the ratio of sales of the object or objects in the total sales of the object or objects to the total sales of the business enterprise.

(m) The existence and scope of legitimate uses for the object in the community.

(n) Expert testimony concerning the object's use.

(K.S.A. 65-4151; Code 1993)

- 11-303. SAME; USE OR POSSESSION PROHIBITED; PENALTY. (a) No person shall use or possess with intent to use:
- (1) Any simulated controlled substance; or
 - (2) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduces into the human body a controlled substance in violation of the uniform controlled substance act.
- (b) Violation of this section is a Class A violation.
(K.S.A. 65-4152; Code 1993)
- 11-304. SAME; DELIVERY, POSSESSION OR MANUFACTURE PROHIBITED; PENALTY. (a) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this city:
- (1) Any simulated controlled substance; or
 - (2) Any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grown, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substance act;
- (b) Violation of this section is a Class A violation.
(K.S.A. 65-4153; Code 1993)
- 11-305. SAME: PROMOTION PROHIBITED; PENALTY. (a) No person shall place or cause to be placed in any newspaper, magazine, handbill or other publication distributed in this city, or received by mail in this city, circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of:
- (1) A simulated controlled substance; or
 - (2) Objects designated or intended for use as drug paraphernalia.
- (b) Violation of this section is a Class A violation.
(K.S.A. 65-4154; Code 1993)