

CHAPTER XI: PUBLIC OFFENSES

Article

1. **UNIFORM OFFENSES CODE**
2. **LOCAL REGULATIONS**
3. **NARCOTICS AND DRUGS**

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ARTICLE 1: UNIFORM OFFENSES CODE

Section

11-101 Incorporating Uniform Public Offense Code

§ 11-101 INCORPORATING UNIFORM PUBLIC OFFENSE CODE.

(a) There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the city, that certain code known as the "Uniform Public Offense Code," Thirty First Edition 2015, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except the following sections which are hereby deleted and to be omitted, to wit: §§ 5.5, 6.11, 6.19, 10.6, 10.7, 10.13, 10.15.

(b) No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 650" 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.

(2005 Code, § 11-101) (Ord. 650, passed 8-4-2015)

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ARTICLE 2: LOCAL REGULATIONS

Section

- 11-201 Window peeping
- 11-202 Molotov cocktails
- 11-203 Nitroglycerin
- 11-204 Public intoxication
- 11-205 Entering swimming pool
- 11-206 Curfew
- 11-207 Same; exceptions
- 11-208 Same; permitting violation of curfew
- 11-209 Open wells and cisterns

§ 11-201 WINDOW PEEPING.

(a) 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.

(b) Violation of this section is a Class C violation.
(2005 Code, § 11-202) (Ord. 392-202, passed - -)

§ 11-202 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.
(2005 Code, § 11-203) (Ord. 392-601, passed - -; Ord. 604, passed - -)

§ 11-203 NITROGLYCERIN.

It shall be unlawful for any person to bring into or keep within the city any nitroglycerin.
(2005 Code, § 11-204) (Ord. 392-605, passed - -)

§ 11-204 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.

(2005 Code, § 11-205) (Ord. 392-203, passed - -)

§ 11-205 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.

(2005 Code, § 11-206) (Ord. 392-321, passed - -)

§ 11-206 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:

- (a) 10:00 p.m. Monday to 6:00 a.m. Tuesday;
- (b) 10:00 p.m. Tuesday to 6:00 a.m. Wednesday;
- (c) 10:00 p.m. Wednesday to 6:00 a.m. Thursday;
- (d) 10:00 p.m. Thursday to 6:00 a.m. Friday;
- (e) 11:00 p.m. Friday to 6:00 a.m. Saturday;
- (f) 11:00 p.m. Saturday to 6:00 a.m. Sunday; or
- (g) 10:00 p.m. Sunday to 6:00 a.m. Monday.

(2005 Code, § 11-207) (Ord. 409, passed - -)

§ 11-207 SAME; EXCEPTIONS.

The curfew restrictions set out in § 11-206 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; or

(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.

(2005 Code, § 11-208) (Ord. 409, passed - -)

§ 11-208 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 § 11-207.

(2005 Code, § 11-210) (Ord. 409, passed - -)

§ 11-209 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.

(2005 Code, § 11-211) (Ord. 321, passed - -)

ARTICLE 3: NARCOTICS AND DRUGS

Section

- 11-301 Drug paraphernalia; definitions
- 11-302 Same; findings
- 11-303 Same; use or possession prohibited; penalty
- 11-304 Same; delivery, possession, or manufacture prohibited; penalty
- 11-305 Same; prohibition prohibited; penalty

§ 11-301 DRUG PARAPHERNALIA; DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTROLLED SUBSTANCE. 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.

DELIVER or DELIVERY. Actual, constructive, or attempted transfer from one person to another, whether or not there is an agency relationship.

DRUG PARAPHERNALIA. 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;

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- (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; and
- (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) Bongs; and

(L) Ice pipes or chillers.

PERSON. Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

SIMULATED CONTROLLED SUBSTANCE. 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) (2005 Code, § 11-301)

§ 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;
- (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;

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(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; and

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

(K.S.A. 65-4151) (2005 Code, § 11-302)

§ 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) (2005 Code, § 11-303)

§ 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) (2005 Code, § 11-304)

§ 11-305 SAME; PROHIBITION 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) (2005 Code, § 11-305)

