

**ORDINANCE NO. 3307**

**AN ORDINANCE AMENDING SECTION 5-304 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, CONCERNING THE POSSESSION OF MARIJUANA.**

**WHEREAS**, Section 5-304 of the City Code of the City of Abilene, Kansas makes it unlawful to possess marijuana or any substance containing any quantity of the hallucinogenic substances known as tetrahydrocannabinols, and classifies such offense as a Class A Misdemeanor;

**WHEREAS**, the Kansas Legislature, with the adoption of HB 2462, amended K.S.A. 2015 Supp. 21-5706 to reduce the penalties for possession of marijuana so that a first offense is now classified as a class B nonperson misdemeanor, a second offense is now classified as a class A nonperson misdemeanor, and a subsequent offense is now classified as a drug severity level 5 felony; and

**WHEREAS**, the Governing Body desires to amend Section 5-304 so that the penalties for first and second offenses for marijuana possession are consistent with state law.

**THEREFORE, BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:**

**SECTION ONE.** That Section 5-304 of the City Code of the City of Abilene, Kansas, be amended as follows:

**5-304 POSSESSION OF MARIJUANA.** It shall be unlawful for any person to possess or have under such person's control the substance commonly known as marijuana or any substance containing any quantity of the hallucinogenic substances known as tetrahydrocannabinols. Upon a first conviction for violation of this section, the convicted person shall be punished by a fine not less than \$200 or greater than \$1,000. In addition to such fine, the convicted person may be sentenced to serve a jail term of not more than 180 days. Upon a second conviction of this section, or if the convicted person has a previous conviction of a substantially similar offense under Kansas law or other jurisdiction, the convicted person shall be punished by a fine not less than \$200 or greater than \$2,500. In addition to such fine, the convicted person may be sentenced to serve a jail term of not more than one year. Violation of this section is a misdemeanor, and may be prosecuted in municipal court unless such person has two or more prior convictions for violation of this section, or for a substantially similar offense under Kansas law or other jurisdiction.

**SECTION TWO.** This Ordinance rescinds Ordinance No. 3305 and all previous ordinances in conflict therewith.

**SECTION THREE.** This Ordinance shall become effective and in full force from and after its passage, adoption and publication in the official City newspaper.

**PASSED AND APPROVED** by the governing body of the City of Abilene, Kansas, this 22<sup>nd</sup> day of August, 2016.



ATTEST:

Penny Soukup, CMC  
Penny Soukup, City Clerk

**CITY OF ABILENE, KANSAS**

By: Dee Marshall  
Dee Marshall, Mayor

APPROVED AS TO FORM:

Aaron O. Martin  
Aaron O. Martin, City Attorney