

**ORDINANCE NO. 23-3433**

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5-101 OF THE CITY CODE OF THE CITY OF ABILENE, KANSAS, BY ADOPTING AND INCORPORATING BY REFERENCE THE *UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES*, 39th EDITION (2023), WITH CERTAIN OMISSIONS AND AMENDMENTS THERETO; AND REPEALING EXISTING SECTION 5-101.**

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

**SECTION ONE.** Section 5-101 of the City Code of the City of Abilene, Kansas is hereby amended to read as follows:

**5-101. Incorporating Uniform Public Offense Code with amendments.**

- (a) **Incorporation by reference.** The *Uniform Public Offense Code for Kansas Cities*, 39th Edition (2023), published by the League of Kansas Municipalities, Topeka, Kansas (the “Uniform Public Offense Code”), is adopted and incorporated by reference except such sections as are hereinafter omitted or amended as set forth in paragraphs (b) and (c) below. At least one copy of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by Ordinance No. 23-3433” with all sections thereof intended to be omitted or amended clearly marked to show any such omission or amendment and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.
- (b) **Omissions.** Sections 6.16, 6.19, and 10.29 of the Uniform Public Offense Code are hereby omitted.
- (c) **Amendment.** The definition of “Smoking” in section (o) of the “Smoking; Definitions” paragraph of Section 1.1 of the Uniform Public Offense Code is hereby amended to read as follows:
  - (o) Smoking means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco, or possession and use of any electronic cigarette.

**SECTION TWO.** Existing Section 5-101 is hereby repealed.

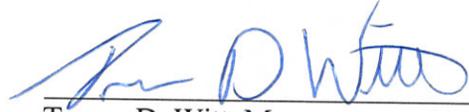
**SECTION THREE.** This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

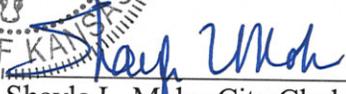
Ordinance No. 23-3433 Summary

On August 28, 2023, the City Commission passed Ordinance No. 23-3433. The ordinance amends Chapter 5, Section 5-101 of the City Code of the City of Abilene, Kansas, by adopting and incorporating by reference the *Uniform Public Offense Code for Kansas Cities*, 39th Edition (2023) prepared and published in book form by the League of Kansas Municipalities, but omitting Sections 6.16, 6.19, and 10.29 thereof, and amending the definition of "Smoking" in section (o) of the "Smoking; Definitions" paragraph of Section 1.1 to include possession and use of any electronic cigarette. A complete copy of the ordinance is available online at [www.abilenecityhall.com](http://www.abilenecityhall.com) or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

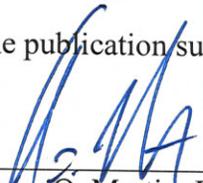
APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 28<sup>th</sup> day of August, 2023.



  
Trevor D. Witt, Mayor

Attest:  
  
Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 28<sup>th</sup> day of August, 2023.

  
Aaron O. Martin, Legal Counsel