

**ORDINANCE NUMBER 590**

**AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF HIGHLAND, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", 39<sup>th</sup> EDITION OF 2023, WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBER 583 OF SAID CITY.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND:

**SECTION 1: 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 Highland, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities", Edition of 2022 (38<sup>th</sup> Edition), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles and sections as are hereafter omitted, modified or changed. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 590", 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 ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of said Standard Public Offense Ordinance as may be deemed expedient.

**SECTION 2: Article 5 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:**

**SECTION 5.9 UNLAWFULLY PERMITTING JUVENILES TO BE ON PREMISES WHERE CEREAL MALT BEVERAGE IS SOLD.**

(a) No proprietor, owner, or licensee, or any agent or employee of any such proprietor, owner or licensee, of any place of business or establishment licensed to sell, for consumption on the premises, cereal malt beverages within the City, shall permit any person under the age of 18 years to be in or upon such premises between the hours of 10 p.m. through 6 a.m., unless such person is accompanied by his or her parent or legal guardian; provided, however, this prohibition shall not apply to business establishments whose majority of retail sales is from food and non-alcoholic beverages. The lack of knowledge of the age of such minor shall not be a defense to a prosecution under this section.

(b) Violation of this section is a Class C violation.

**SECTION 5.10 UNLAWFULLY PERMITTING CONSUMPTION OF CEREAL MALT BEVERAGE.**

(a) No proprietor, owner or licensee, or any agent or employee of any such proprietor, owner or licensee, shall permit any person under the legal age for consumption of cereal malt beverage to consume or have in his or her possession any of such beverage in any place of business or establishment

licensed to sell cereal malt beverages. The lack of knowledge of the age of the consumer or possessor of the cereal malt beverage shall not be a defense to a violation of this section.

(b) Violation of this section is a Class C violation.

**SECTION 3: Article 11 of said Uniform Public Offense Code is hereby supplemented by adding the following sections:**

**SECTION 11.17 POSSESSION OR CONSUMPTION OF CEREAL MALT BEVERAGE PROHIBITED IN CERTAIN PLACES.**

(a) No person shall drink or consume any cereal malt beverage, or have any such cereal malt beverage in such person's possession in an open container, while such person is upon the public property, public streets, alleys, roads, highways, rights-of-way, parks or other public places within the City of Highland; provided, however, the City may choose to designate, from time to time, by motion of the council at a duly convened meeting, certain specific public areas or spaces in said City, within which this prohibition shall not apply for a designated period of time. No person shall drink or consume any cereal malt beverage, or have any such cereal malt beverage in such person's possession in an open container, while such person is upon private property within the City of Highland, except by a person occupying such property as an owner or lessee of an owner and by the invited guests of such owner or lessee or by a person on private property on which is located a business or establishment which is lawfully licensed to sell cereal malt beverage for consumption on the premises.

(b) Violation of this section is a Class C violation for which the minimum fine is \$50.00.

**SECTION 11.18 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR PROHIBITED IN CERTAIN PLACES.**

(a) No person shall drink or consume any alcoholic liquor, or have any such alcoholic liquor in such person's possession in an open container, while such person is upon the public property, public streets, alleys, roads, highways, rights-of-way, parks or other public places within the City of Highland (provided, however, the City may choose to designate, from time to time, by motion of the council at a duly convened meeting, certain specific public areas or spaces in said City, within which this prohibition shall not apply for a designated period of time), or in any beer parlor, tavern, pool hall or other place to which the general public has access (unless the same is otherwise permitted under state law). No person shall drink or consume any alcoholic liquor, or have any such alcoholic liquor in such person's possession in any open container, while such person is upon private property within the City of Highland, except by a person occupying such property as an owner or lessee of an owner and by the invited guests of such owner or lessee.

(b) Violation of this section is a Class C violation for which the minimum fine is \$100.00.

**SECTION 4: CONFLICT WITH STATE LAW.** In the event any of the provisions of this ordinance are construed to be in conflict with or contrary to the provisions of state law, as referenced in K.S.A. 41-2631 or otherwise, as the same may be amended from time to time, such terms and provisions as are found to be in conflict with or contrary to such state law shall be found to be null and void. In such event, all of the remaining terms and provisions of this ordinance shall be severed from such

contrary or conflicting terms and the remaining terms and provisions hereof shall remain in full force and effect.

**SECTION 5: REPEAL.** Ordinance number 583 of the City of Highland, Kansas, is hereby repealed.

**SECTION 6: EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its summary publication in the official city newspaper.

Passed by the Council and approved by the Mayor of the City of Highland, Kansas, this 9th day of August, 2023.

  
Charles N. Batchelder, Mayor

ATTEST:

  
Joann Karn, City Clerk  
(SEAL)