

CITY OF SHAWNEE

ORDINANCE NO. 3454

AN ORDINANCE AMENDING TITLE 9 OF THE SHAWNEE MUNICIPAL CODE TO SET FORTH A NEW SECTION 9.03.040 CODIFYING VIOLATION OF PUBLIC HEALTH ORDERS, AND AMENDING 9.01.020 TO REFLECT OPTING OUT OF SECTION 10.29 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES ("UPOC").

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHAWNEE, KANSAS:

PARAGRAPH 1. A new section 9.03.040 of the Shawnee Municipal Code is hereby set forth and is to read as follows:

9.03.040 – Violation of a Public Health Order

A. Except as provided in sections B. and C., it shall be unlawful for any person to violate, refuse, or fail to comply with, a written order of the County Health Officer, Board of Health, or Director of Health issued under their respective authorities.

B. The provisions of this section do not apply to any written order of the County Health Officer, Board of Health, or Director of Health requiring individuals or businesses to adhere to social distancing measures, the wearing of masks or other face coverings, and/or requiring vaccinations.

C. Nothing in this section shall prohibit or otherwise limit the City from exercising its Home Rule powers.

D. A violation of this section is a Class C violation

PARAGRAPH 2. Chapter 9.01 of the Shawnee, Kansas Municipal Code is hereby amended to read as follows:

9.01.020 OMITTED

Sections 3.1.1 (Domestic Battery); 3.8 (Violation of Protection from Abuse Order); 3.8.1 (Violation of a Protective Order); 3.13 (Stalking); 6.21 (Taking Wildlife Without Permission on Land posted "By Written Permission Only"); 6.22 (Criminal Hunting); 7.2 (Interference with Law Enforcement); 10.1 (Criminal Use of Weapons); 10.1.1 (Criminal Carrying of a Weapon); 10.3 (Criminal Distribution of Firearms to a Felon); 10.5 (Unlawful Discharge of Firearms); 10.6 (Air Gun, Air Rifle, Bow and Arrow, Slingshot, BB Gun or Paint Ball Gun); 10.7 (Seizure of Weapon); 10.8 (Unlawful Aiding, Abetting); 10.9 (Carrying Concealed Explosives); 10.13 (Barbed Wire); 10.18 (Failure to Place or Maintain a Smoke Detector); 10.29 (Violation of and a Public Health Order); 11.11 (Cruelty to Animals) of the Uniform Public Offense Code for Kansas Cities, Edition of 2022, are deleted and hereby declared to be omitted from this incorporating Ordinance and expressly omitted from incorporation by reference.

PARAGRAPH 3. The previous existing Section 9.01.020 of the Shawnee, Kansas Municipal Code is hereby repealed.

PARAGRAPH 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City of Shawnee, Kansas hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

PARAGRAPH 5. Neither the passage of this Ordinance, the repeal of the Ordinance or Code provisions set forth herein, or the future repeal or amendment of any Ordinance or Code section or part or portion thereof, shall in any manner affect the prosecution for violation of this Ordinance or any Ordinance or Code amended or repealed herein, nor be construed as a waiver of any license, fee or penalty at said effective date and unpaid under any Ordinance or Code, nor be construed as affecting any of the provisions of such Ordinance or Code relating to the collection of any such license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any Ordinance or Code, and all rights and obligations thereunder shall continue in full force and effect. Any Ordinance or Code sections amended or repealed, are hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

PARAGRAPH 6. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED by the Governing Body this 27 day of February, 2023.

APPROVED AND SIGNED by the Mayor this 27 day of February, 2023.



CITY OF SHAWNEE, KANSAS

By: _____

Michelle Distler, Mayor

ATTEST:

By: _____

Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By: _____

Jenny Smith, City Attorney

The Legal Record

1701 E. Cedar St., Ste. 111
Olathe, KS 66062-1775
(913) 780-5790

First published in The Legal Record, Tuesday, March 7, 2023.

CITY OF SHAWNEE Summary of Ordinance No. 3454

On the 27 day of February, 2023, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3454, Amending Title 9 of the Shawnee Municipal Code to set forth a new section 9.03.040 codifying violation of public health orders, and amending 9.01.020 to reflect opting out of Section 10.29 of the Uniform Public Offense Code for Kansas Cities ("UPOC").

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3454 is legally accurate and sufficient.

Dated: February 27, 2023

/s/ Jenny Smith, City Attorney
3/7

CITY OF SHAWNEE - CITY CLERK
11110 JOHNSON DR
SHAWNEE KS 66203-2750

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

SUMMARY OF ORDINANCE NO. 3454
3/7/23



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

March 7, 2023



Notary Public

DEBRA VALENTI
Notary Public-State of Kansas
My Appt. Expires Aug. 21, 2023

L11574
Publication Fees: \$9.42