

**CITY OF WESTWOOD HILLS, KANSAS
ORDINANCE NO. 289**

AN ORDINANCE AMENDING CHAPTER 10 OF THE WESTWOOD HILLS MUNICIPAL CODE BY AMENDING SECTION 10-101 TO INCORPORATE BY REFERENCE THE “*UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES*,” 37TH EDITION (2021), WITH CERTAIN MODIFICATIONS, AND REPEALING SECTIONS 1 THROUGH 5 OF ORDINANCE NUMBERED 283.

WHEREAS, the Governing Body of Westwood Hills, Kansas has determined that it is advisable to amend the Municipal Code of the City to adopt the most recent edition of the *Uniform Public Offense Code for Kansas Cities* prepared and published by The League of Kansas Municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS, as follows:

Section 1. INCORPORATING *UNIFORM PUBLIC OFFENSE CODE*. Section 10-101 of Chapter 10 of the Code of the City of Westwood Hills is hereby amended to read as follows:

“10-101. 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 Westwood Hills, Kansas, that certain code known as the “*Uniform Public Offense Code for Kansas Cities*,” 37th Edition (2021), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, inclusive, as amended. One official copy of said *Uniform Public Offense Code* shall be marked or stamped “Official Copy as Adopted by Ordinance No. 289”, of the City of Westwood Hills, Kansas, 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 Ordinance No. 289, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.”

Section 2. AMENDMENT OF “SMOKING; DEFINITIONS. (A) ACCESS POINT” OF SECTION 1.1 THE UNIFORM PUBLIC OFFENSE CODE.

10-101.1. The definition of “Access Point” in section (a) of the “Smoking; Definitions” paragraph of Section 1.1 of the *Uniform Public Offense Code for Kansas Cities*, 37th Edition (2021), is hereby amended to read as follows:

(a) Access Point means the area within a 15 foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (d) of section 10.24.

Section 3. AMENDMENT OF “SMOKING; DEFINITIONS. (O) SMOKING” OF SECTION 1.1 THE UNIFORM PUBLIC OFFENSE CODE.

10-101.2. The definition of “Smoking” in section (o) of the “Smoking; Definitions” paragraph of Section 1.1 of the *Uniform Public Offense Code for Kansas Cities, 37th Edition (2021)*, 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 4. AMENDMENT OF SECTION 5.6 THE UNIFORM PUBLIC OFFENSE CODE.

10-101.3. Section 5.6 of the *Uniform Public Offense Code for Kansas Cities, 37th Edition (2021)*, is hereby amended to read as follows:

5.6 Purchase or Possession of Cigarettes or Tobacco Products. It shall be unlawful for any person:

(a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products; or

(b) Who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products.

(c) Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be \$25. In addition, the judge may require any juvenile to appear in court with a parent or legal guardian. (K.S.A. Supp. 79-3321, 79-3322)

Section 5. AMENDMENT OF SECTION 10.24 THE UNIFORM PUBLIC OFFENSE CODE.

10-101.4. Section 10.24(a) of the *Uniform Public Offense Code for Kansas Cities, 37th Edition (2021)*, is hereby amended to read as follows:

10.24 Smoking Prohibited.

(a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:

(1) Public places;

(2) Taxicabs and limousines;

(3) Restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-

residential facilities;

(4) Restrooms, lobbies and other common areas in hotels and motels and in at least 80% of the sleeping quarters within a hotel or motel that may be rented to guests;

(5) Access points (defined as the area within a 15 foot radius of any doorway, open window or air intake) of all buildings and facilities not exempted pursuant to subsection (d); and

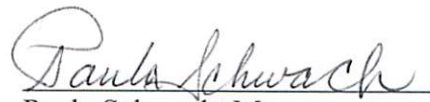
(6) Any place of employment.

Additionally, smoking is prohibited in the City's public outdoor green space known as The Green.

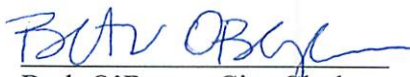
Section 6. REPEAL AND SAVINGS CLAUSE. Sections 1 through 5 of Ordinance No. 283 and all other ordinances inconsistent herewith are repealed; however, the repeal of said ordinances does not affect any right which has accrued, any duty imposed, any penalty incurred, nor any proceeding commenced, under or by virtue of the ordinance repealed. The provisions of any ordinance, so far as they are the same as those of any prior ordinance, shall be construed as a continuation of such provisions, and not as a new enactment.

Section 7. EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval by the Mayor, and publication once in the official city newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor this 13th day of September, 2021.


Paula Schwach, Mayor

Attest:


Beth O'Bryan, City Clerk

Approved As To Form:


James R. Orr, City Attorney

