

ORDINANCE NO. 24-07

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER XI OF THE CODE OF THE CITY OF SOUTH HUTCHINSON, KANSAS, PERTAINING TO PUBLIC OFFENSES, TO INCORPORATE BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 40TH EDITION; TO REPEAL SECTION 11-103; TO REPLACE SECTION 11-104 WITH THE SECTION NUMBER 11-103; AND TO REPEAL PREVIOUS ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS:

Section 1. Article I of Chapter XI of the Code of the City of South Hutchinson, Kansas, shall be amended to read as follows:

ARTICLE 1. UNIFORM OFFENSE CODE

11-101. **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 South Hutchinson, Kansas, that certain code known as the Uniform Public Offense Code, 40th Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. One official copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 23-03," 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.

11-102. **SAME; DELETION.** Section 10.13 of the Uniform Public Offense Code is hereby deleted in its entirety.

11-103. **SAME; AMENDMENT.** Section 10.5 of the Uniform Public Offense Code is hereby amended to read as follows:

10.5 Unlawful Discharge of a Firearm.

(a) Unlawful discharge of a firearm is the reckless discharge of a firearm within or into the corporate limits of any city.

(b) This section shall not apply to the discharge of any firearm within or into the corporate limits of the city if:

- (1) The firearm is discharged in the lawful defense of one's person, another person, or one's property;
- (2) The firearm is discharged at a private or public shooting range;
- (3) The firearm is discharged by authorized law enforcement officers,

animal control officers, or a person who has a nuisance wildlife control permit issued by the Kansas Department of Wildlife, Parks and Tourism. A person holding a nuisance wildlife control permit must provide 24-hour advance notice to the South Hutchinson Police Department prior to the discharge of a firearm within the City;

(4) The firearm is discharged to take a migratory bird as defined in the Migratory Bird Treaty Act by authorized law enforcement officers, animal control officers, or a person who has a Migratory Bird Depredation Permit issued by the United States Fish and Wildlife Service. A person holding a Migratory Bird Depredation Permit must obtain a permit to hunt migratory birds within the city limits from the South Hutchinson Chief of Police and provide 24-hour advance notice to the South Hutchinson Police Department prior to the discharge of a firearm within the City. The Chief of Police may only consider applications for hunting locations on parcels that are greater than 40 acres in size and located south of Highway 50;

(5) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;

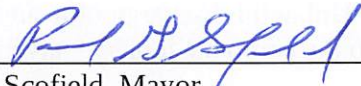
(6) The firearm is discharged using blanks; or

(7) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.

Section 2. Any previous ordinances in conflict with the provisions contained herein are repealed.


Section 3. This ordinance shall take effect and be in force upon its passage and publication on the South Hutchinson City website, www.southhutch.com, the official city newspaper.

PASSED, APPROVED AND ADOPTED by the governing body of the City of South Hutchinson, Kansas, this 23rd day of September 2024.



Paul Scofield, Mayor

ATTEST:



Katie Marcum, City Clerk

