

**ORDINANCE NO. 23-07**

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER XI OF THE CODE OF THE CITY OF SOUTH HUTCHINSON, KANSAS, PERTAINING TO PUBLIC OFFENSES, TO ADD AND INCLUDE A NEW SECTION 11-104 AMENDING SECTION 10.5 OF THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, AS INCORPORATED BY REFERENCE PURSUANT TO SECTION 11-101 OF SAID CODE.

WITNESSETH:

WHEREAS, the Governing Body of the City of South Hutchinson, Kansas, has determined that Chapter 11, Article 1 of the Code of the City of South Hutchinson, Kansas, pertaining to public offenses should be amended by the addition of a new section 11-104.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SOUTH HUTCHINSON, KANSAS, AS FOLLOWS:

**SECTION 1.** Chapter 11, Article 1 of the City Code of the City of South Hutchinson, Kansas is hereby amended by the addition of a new section 11-104, to read as follows:

**11-104. Same; amendment.**

Section 10.5 of the Uniform Public Offense Code of the City of South Hutchinson, Kansas, 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;

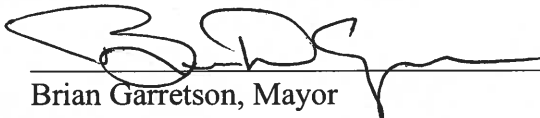
- (4) The firearm is discharged to take a migratory bird as defined in the Migratory Bird Treaty Act by authorized law enforcement officers, animal control officers or a person who has a Migratory Bird Depredation Permit issued by the United States Fish and Wildlife Service. A person holding a Migratory 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.
- (c) The discharge of any firearm for the taking of wildlife within the corporate limits of the city, except as provided in subsections (b)(3) and (4), is prohibited and shall constitute a violation of this section.
- (d) Unlawful discharge of a firearm is a Class B violation.

**SECTION 2.** Section 10.5 of the UPOC as adopted by Ordinance 23-03 is hereby repealed.

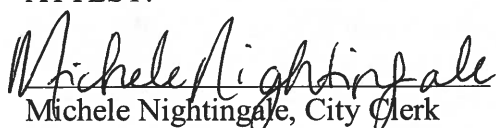
**SECTION 3.** All other ordinances, or parts thereof, or City policies inconsistent with Section 1 hereof, are hereby repealed and held for naught.

**SECTION 4.** This Ordinance shall be effective upon its passage and publication on the South Hutchinson City website, [www.southhutch.com](http://www.southhutch.com), the official city newspaper.

PASSED, APPROVED AND ADOPTED by the governing body of the City of South Hutchinson, Kansas, this 11<sup>th</sup> day of December, 2023.

  
Brian Garretson, Mayor

ATTEST:

  
Michele Nightingale, City Clerk