

(Summary Published in the Butler County Times-Gazette
on the 20th day of August, 2016.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2105

AN ORDINANCE AMENDING CHAPTER XI PUBLIC
OFFENSES, ARTICLE 4. CONTROLLED SUBSTANCES
WITHIN THE CORPORATE LIMITS OF THE CITY OF
AUGUSTA, KANSAS AND REPEALING ALL CONFLICTING
ORDINANCES.

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

Section 1. Amending Sections 11-401 through 11-403 of the Code

Sections 11-401 through 11-403 of the Code of the City of Augusta, Kansas are hereby amended to read as follows:

- “11-401. UNLAWFUL POSSESSION OR USE OF CERTAIN SUBSTANCES OR DRUGS. Except as authorized by the Uniform Controlled Substances Act, K.S.A. 65-4101 et. seq. and amendments thereto, it shall be unlawful for any person to possess or have under such person’s control:
- (a) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;
 - (b) Any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;
 - (c) Any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto;
 - (d) Any substance designated in subsection (g) of K.S.A. 65-4105, and amendments thereto, and designated in subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto;
 - (e) Any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto;
 - (f) Any substance designated in K.S.A. 65-4113, and amendments thereto; or
 - (g) Any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto.”

“11-402. UNLAWFUL USE OR POSSESSION OF SIMULATED CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA. No person shall use or possess with intent to use:

- (a) Any simulated controlled substance as defined in K.S.A. 21-5701(s);
- (b) Any drug paraphernalia as defined in K.S.A. 21-5701(f) to store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body in violation of the Uniform Controlled Substance Act of this state, K.S.A. 65-4101 et seq.; or
- (c) Any drug paraphernalia as defined in K.S.A. 21-5701(f) for the cultivating, planting, propagation, growing, or harvesting of less than five marijuana plants.”

“11-403. PENALTIES. (a) Except upon a first conviction for possessing marijuana or having marijuana under one’s control in violation of subsection (c) of Section 11-401, any party found guilty of violating any of the provisions of Section 11-401 or 11-402 shall be guilty of a Class A violation. Any party convicted of violating subsection (c) of Section 11-401 for possessing marijuana or having marijuana under one’s control that has not previously been convicted for violating such subsection or violating the provisions of K.S.A. 21-5706, K.S.A. 65-4162 prior to its repeal, a substantially similar offense from another jurisdiction or any city ordinance or county resolution for a substantially similar offense shall be guilty of a Class B violation.

(b) The costs associated with any chemical tests of a controlled substance together with the costs associated with the introduction of evidence concerning such testing shall be assessed as court costs and shall be recoverable from the defendant if convicted.”

Section 2. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 15th day of August, 2016.

Approved by the Mayor this 15th day of August, 2016.



SEAL


MAYOR, MATT C. CHILDERS

ATTEST:


CITY CLERK, ERICA JONES