

Chapter 210

CRIMINAL CODE

Cross Reference — Traffic offenses, see ch. 340.

Editor's Note — Ord. no. 1243 §§1 — 5, adopted October 2, 2006, reorganized this ch. 210, repealing and adopting new sections, including the public offense code adopted in §210.013 herein.

ARTICLE I

General Provisions

Section 210.010. Unlawful Acts. [CC 1985 §10-101; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

The doing of any of the acts or things prohibited or the failing to do any of the things or acts commanded to be done as set forth or incorporated in this Criminal Code is hereby declared to be an offense against the good order, public peace, morals, health, proper government and welfare of this City and unlawful, and any person convicted of violating any of the provisions of this Criminal Code, by reference to the Uniform Public Offense Code or otherwise, where a penalty is not otherwise specifically provided for, shall be deemed guilty of a misdemeanor and fined and/or imprisoned in an amount not to exceed one thousand dollars (\$1,000.00) and/or one (1) year in County Jail or by both such fine and imprisonment, together with the costs in the case.

Section 210.011. Adoption of Preliminary and Principles of Criminal Liability of the Kansas Criminal Code as Applicable Thereto. [CC 1985 §10-102; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

Chapter 21, K.S.A., Article 31 entitled "Preliminary" under Part 1, General Provisions, and Article 32 entitled "Principles of Criminal Liability" are hereby incorporated, by reference, insofar as applicable as being a portion of this Criminal Code of the City of Mulvane, Kansas.

Section 210.012. Chapter 22 K.S.A. Applicable. [Ord. No. 1243 §5, 10-2-2006]

All provisions of Chapter 22, K.S.A., are applicable to actions in the Municipal Court to the extent consistent with the jurisdiction of the Court.

Section 210.013. Uniform Public Offense Code for Kansas Cities. [Ord. No. 1242 §§1 — 3, 10-2-2006; Ord. No. 1265 §§1 — 3, 8-20-2007; Ord. No. 1312 §§1 — 3, 8-18-2008; Ord. No. 1331 §§1 — 3, 8-17-2009; Ord. No. 1350 §§1 — 3, 8-16-2010; Ord. No. 1382 §§1 — 4, 9-7-2011; Ord. No. 1402 §§1 — 4, 8-20-2012; Ord. No. 1423 §§1 — 4, 10-7-2013; Ord. No. 1437 §§1 — 4, 9-3-2014; Ord. No. 1443 § 1, 3-2-2015; Ord. No. 1460 §§ 1 — 4, 9-9-2015; Ord. No. 1475 §§ 1 — 4, 9-19-2016]

A. There is hereby incorporated by reference the "Uniform Public Offense Code for Kansas

Cities," 2016 Edition, revised, prepared and published by the League of Kansas Municipalities, save and except such articles, section, parts or portions as are hereinafter omitted, deleted, modified, or changed. No fewer than three (3) copies of said uniform code shall be marked or stamped "Official Copy as adopted by the Code of the City of Mulvane, Ordinance No. 1475," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change shall be filed in the City Clerk's office and open for public inspection at all reasonable office hours.

B. The following Sections of the 2016 UPOC are omitted and/or amended as follows:

1. Section 10.6: Section 10.6 of the UPOC is hereby amended to read as follows:

1. AIR GUN, AIR RIFLE, BOW AND ARROW, COMPOUND BOW, CROSSBOW, BLOWGUN, SLINGSHOT, BB GUN, OR PAINT BALL GUN. The unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun, within the City, except: (i) within the confines of a building or other structure from which the projectiles cannot escape, or (ii) on City-owned property, with the prior approval of the City Council, when supervised by persons greater than twenty-one (21) years of age, and upon receipt by the City Administrator of evidence of general accident and public liability insurance, satisfactory to the City, under which the City shall be named as an additional insured, in an amount not less than the then maximum liability of a governmental entity for claims arising out of a single occurrence as provided by the Kansas tort claims act or other similar future law (currently five thousand dollars (\$500,000.00) per occurrence).

1. Unlawful operation of an air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun is a Class C violation.

2. Section 10.7: Section 10.7 of the UPOC is hereby amended to read as follows:

2. SEIZURE OF WEAPON. The Director of Public Safety of the City or his or her duly authorized representative is hereby empowered to seize and hold any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun used in violation of Section 10.6 of this Article, and is further empowered to seize and hold as evidence pending a hearing before a court of competent jurisdiction any air gun, air rifle, bow and arrow, compound bow, crossbow, blowgun, slingshot, bb gun, or paint ball gun used in violation of Section 10.6.

3. Section 10.13: Section 10.13 of the UPOC is hereby amended to read as follows:

3. BARBED WIRE. It shall be unlawful for any person to construct, set up or maintain any barbed wire or barbed wire fence or enclosure within the City of Mulvane, unless such barbed wire is: (1) located upon a security fence and placed at an elevation of not less than six (6) feet measured from the inside perimeter at ground surface, and (2) approved by the City Council for specific security purposes. Violation of this Section is a Class C violation.

ARTICLE II

Crimes Against Persons

Section 210.020. Battery Against a School Employee. [Ord. No. 1133, 8-19-2002; Ord. No. 1243 §5, 10-2-2006]

- A. "*Battery against a school employee*" is a battery, as defined in the Uniform Public Offense Code, as incorporated under Article I, Section 210.013, committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited non-public school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one (1) through twelve (12) or at any regularly scheduled school-sponsored activity or event while such employee is engaged in the performance of such employee's duty.
- B. Battery against a school employee is a Class A person misdemeanor.
- C. As used in this Section, "*school employee*" means any employee of a unified school district or an accredited non-public school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one (1) through twelve (12).

Section 210.021. Interference With an Emergency Medical Services Attendant. [Ord. No. 1135, 8-19-2002; Ord. No. 1243 §5, 10-2-2006]

- A. "*Unlawful interference with an emergency medical services attendant*" is knowingly and intentionally interfering with, molesting or assaulting, as defined in the Uniform Public Offense Code, as incorporated under Article I, Section 210.013, any attendant while engaged in the performance of such attendant's duties or knowingly and intentionally obstructing, interfering with or impeding the efforts of any attendant to reach the location of an emergency.
- B. As used in this Section, "*attendant*" shall have the meaning ascribed to such term under K.S.A. 65-6112 and amendments thereto.
- C. Unlawful interference with an emergency medical services attendant is a Class B person misdemeanor.

Section 210.022. Permitting Dangerous Animal to Be at Large. [CC 1985 §10-305; Ord. No. 1243 §5, 10-2-2006]

Permitting a dangerous animal to be at large is the act or omission of the owner or custodian of an animal of dangerous or vicious propensities who, knowing of such propensities, permits or suffers such animal to go at large or keeps such animal without taking ordinary care to restrain it. Permitting a dangerous animal to be at large is a Class B misdemeanor.

Section 210.023. Interference With Parental Custody.¹ [CC 1985 §10-306; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

1. Note — Under certain circumstances this offense can be a felony.

- A. Interference with parental custody is leading, taking, carrying away, decoying or enticing away any child under the age of sixteen (16) years with the intent to detain or conceal such child from its parent, guardian, or other person having the lawful charge of such child.
- B. It is not a defense to a prosecution under this Section that the defendant is a parent entitled to joint custody of the child either on the basis of a court order or by virtue of the absence of a court order.
- C. *Violations.* Interference with parental custody is a Class A person misdemeanor if the perpetrator is a parent entitled to joint custody of the child either on the basis of a court order or by virtue of the absence of a court order.

Section 210.024. Mistreatment of a Dependent Adult. [Ord. No. 1131, 8-19-2002; Ord. No. 1243 §5, 10-2-2006; Ord. No. 1352 §§1 — 2, 8-16-2010]

- A. "*Mistreatment of a dependent adult*" is knowingly and intentionally committing one (1) or more of the following acts:
 - 1. Infliction of physical injury, unreasonable confinement or cruel punishment upon a dependent adult;
 - 2. Taking unfair advantage of a dependent adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense; or
 - 3. Omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of a dependent adult.
- B. No dependent adult is considered to be mistreated for the sole reason that such dependent adult relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult is a member or adherent.
- C. For the purposes of this Section, "*dependent adult*" means an individual eighteen (18) years of age or older who is unable to protect their own interest. Such term shall include:
 - 1. Any resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923 and amendments thereto;
 - 2. Any adult cared for in a private residence;
 - 3. Any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility;
 - 4. Any individual with mental retardation or a developmental disability receiving services through a community mental retardation facility or residential facility licensed under K.S.A. 75-3307b and amendments thereto;
 - 5. Any individual with a developmental disability receiving services provided by a community service provider as provided in the Developmental Disability Reform Act; or

6. Any individual kept, cared for, treated, boarded or otherwise accommodated in a State institution for the mentally retarded.
- D. Mistreatment of a dependent adult as defined in Subsection (A)(2) is a Class A person misdemeanor if the aggregate amount of the value of the resources is less than one thousand dollars (\$1,000.00). All other violations of this Section are person felonies as set forth at K.S.A. Section 21.3437.

Section 210025. (Reserved) ²

ARTICLE III
Crimes Affecting Family Relationships and Children

Section 210.030. Loitering of Minors Prohibited. [CC 1985 §10-504; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M.; provided that the provisions of this Section shall not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor, and where the minor is returning from a public function or organized activity such as, but not limited to, baseball games, football or basketball games. Loitering of minors is a Class B misdemeanor.

Section 210.031. Responsibility of Parents. [CC 1985 §10-505; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M.; provided that the provisions of this Section shall not apply when the minor is accompanied by his/her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor. Violation of this Section is a Class B misdemeanor.

ARTICLE IV
Crimes Against Property

2. Editor's Note — Ord. no. 1382 §4, adopted September 7, 2011, repealed section 210.025 "stalking" in its entirety. Former section 210.025 derived from ord. no. 1325 §1, 4-6-2009.

Section 210.040. Criminal Dumping. [CC 1985 §10-611; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

- A. "*Criminal dumping*" is intentionally or recklessly depositing or dumping any household trash, appliance, brush or other refuse into, upon or about:
 - 1. Any public street, highway, alley, road, right-of-way, park or other public place or any lake, stream, watercourse or other body of water except by direction of some public officer or employee authorized by law to direct or permit such acts; or
 - 2. Any private property without the consent of the owner or occupant of such property.
- B. Criminal dumping is a Class C misdemeanor.

Section 210.041. Impairing a Security Interest.³ [CC 1985 §10-618; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

- A. Impairing a security interest is:
 - 1. Damaging, destroying or concealing any personal property subject to a security interest with intent to defraud the secured party;
 - 2. Selling, exchanging or otherwise disposing of any personal property subject to a security interest without the written consent of the secured party, where such sale, exchange or other disposition is not authorized by the secured party under the terms of the security agreement; or
 - 3. Failure to account to the secured party for the proceeds of the sale, exchange or other disposition of any personal property subject to a security interest, where such sale, exchange or other disposition is authorized and such accounting for proceeds is required by the secured party under the terms of the security agreement or otherwise.
- B. *Violations.* Impairing a security interest is a Class A non-person misdemeanor when the personal property subject to the security interest is of the value of less than one thousand dollars (\$1,000.00) or of the value of one thousand dollars (\$1,000.00) or more but subject to a security interest of less than one thousand dollars (\$1,000.00).

Section 210.042. Injury to Pipes, Hydrants, Fountains, Utility Poles, Electric Lines or Public Utilities. [CC 1985 §10-625; Ord. No. 612, 11-4-1979; Ord. No. 1243 §5, 10-2-2006]

No person shall willfully destroy, injure or take water from any pipe, fountain, fire hydrant, or open any fire hydrant without prior approval, placed in the City for its use or the use of the public or located on property not his/her own except for use on the premises or shall damage or molest, carve or cut any electric light pole or wire, or telephone pole or wire, or any cable television wire or any of the appurtenances to the municipal utility systems without authority of the Mayor or Council. Any person doing so shall be guilty of a Class C misdemeanor.

ARTICLE V
Crimes Affecting Governmental Functions

3. Note — Under certain circumstances this offense can be a felony.

Section 210.050. Intimidation of a Witness or Victim. [Ord. No. 1142, 8-19-2002; Ord. No. 1243 §5, 10-2-2006]

- A. Intimidation of a witness or victim is knowingly and maliciously preventing or dissuading or attempting to prevent or dissuade:
1. Any witness or victim from attending or giving testimony at any civil or criminal trial, proceeding or inquiry authorized by law; or
 2. Any witness, victim or person acting on behalf of a victim from:
 - a. Making any report of the victimization of a victim to any Law Enforcement Officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer;
 - b. Causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;
 - c. Causing a civil action to be filed and prosecuted and assisting in its prosecution; or
 - d. Arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.
- B. Intimidation of a witness or victim is a Class B person misdemeanor.

Section 210.051. Aiding a Person Convicted of or Charged With Committing a Misdemeanor. [CC 1985 §10-704; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

Aiding a person who has been convicted of or who has been charged with committing a misdemeanor under the laws of Kansas or another State is knowingly concealing or aiding such person with intent that such person shall avoid or escape from arrest, trial, conviction or punishment for such misdemeanor. Aiding a person convicted of or charged with committing a misdemeanor is a Class C misdemeanor.

Section 210.052. Criminal Disclosure of a Warrant. [CC 1985 §10-713; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

- A. Criminal disclosure of a warrant is making public in any way, except at the request of a law enforcement officer for the purpose of assisting in the execution of such warrant, the fact that a search warrant or warrant for arrest has been applied for or issued or the contents of the affidavit or testimony on which such warrant is based, prior to the execution thereof but the above shall not apply to personnel of a law enforcement agency disclosing a warrant:
1. For the purpose of encouraging the person named in the warrant to voluntarily surrender; or
 2. Issued in a case involving the abduction of a child unless such disclosure is specifically prohibited by the court issuing such warrant.

B. Criminal disclosure of a warrant is a Class B non-person misdemeanor.

ARTICLE VI
Crimes Against the Public Safety — Weapons Control

Section 210.060. Bottle Rockets — Sale or Use Prohibited — Exceptions. [Ord. No. 1243 §5, 10-2-2006]

A. Except as provided in Subsection (C):

1. It shall be unlawful to sell, offer to sell, or to possess with intent to sell or offer for sale a bottle rocket; and
2. It shall be unlawful to ignite, fire, set-off or otherwise use a bottle rocket.

B. Any person violating the provisions of Subsection (A) shall be guilty of an unclassified misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00).

C. The provisions of this Section shall not prohibit the possession or transportation of bottle rockets by a manufacturer or wholesaler thereof for sale outside this State if such manufacturer or wholesaler is currently registered with the State Fire Marshal pursuant to K.S.A. 31-156.

D. As used in this Section, "*bottle rocket*" means any pyrotechnic device which:

1. Is classified as a Division 1.4 explosive by the United States Department of Transportation under 49 C.F.R. Section 173.50 (2006);
2. Is mounted on a stick or wire; and
3. Projects into the air when ignited, with or without reports, and includes any device with the same configuration, with or without reports, which may be classified as a pipe or trough rocket. "*Bottle rocket*" does not include helicopter-type rockets.

ARTICLE VII
Crimes Against the Public Morals

Section 210.070. False Membership Claim. [CC 1985 §10-1103; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

A false membership claim is falsely representing oneself to be a member of a fraternal or veteran's organization. False membership claim is a Class C misdemeanor.

ARTICLE VIII
Classification of Crimes and Penalties

Section 210.080. Classification of Misdemeanors and Terms of Confinement. [CC 1985 §10-1201; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

For the purpose of sentencing, the Uniform Public Offense Code, as incorporated under Article I, Section 210.013, is applicable.

Section 210.081. Fines. [CC 1985 §10-1202; Ord. No. 549, 8-1-1977; Ord. No. 1243 §5, 10-2-2006]

A person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court pursuant to the provisions of the Uniform Public Offense Code, as incorporated under Article I, Section 210.013.

ARTICLE IX

Controlled Substances. ⁴

Section 210090. Definitions. [Ord. No. 1412 §1, 3-4-2013]

As used in this Article, the words and phrases used herein shall have the meanings set forth under State law, particularly K.S.A. 65-4101 et seq., as amended, and K.S.A. 21-5701 et seq., as the same exist from time to time, unless the context otherwise requires. When referenced herein, all statutes shall include amendments thereto in effect from time to time.

Section 210.095. Manufacture, Cultivation, Distribution or Possession of Controlled Substances; Penalties. [Ord. No. 1412 §1, 3-4-2013]

- A. Except as authorized by State law, it shall be unlawful within the City for any person to:
1. Manufacture any controlled substance or controlled substance analog in violation of K.S.A. 21-5703;
 2. Cultivate, distribute, or possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5705;
 3. Possess any controlled substance or controlled substance analog in violation of K.S.A. 21-5706;
 4. Obtain a prescription-only drug in violation of K.S.A. 21-5708;
 5. Abuse toxic vapors in violation of K.S.A. 21-5712;
 6. Distribute, possess, or manufacture any simulated controlled substance in violation of K.S.A. 21-5713;
 7. Distribute or possess any substance that is not a controlled substance in violation of K.S.A. 21-5714; or
 8. Receive or acquire proceeds or engage in transactions involving proceeds known to be derived from prohibited activities hereunder in violation of K.S.A. 21-5716.
- B. Any person who violates this Section shall be guilty of a Class A misdemeanor.

Section 210.100. Drug Precursors and Paraphernalia; Penalties. [Ord. No. 1412 §1, 3-4-2013]

- A. Except as authorized by State law, it shall be unlawful within the City for any person to:
1. Use or possess those substances set forth in K.S.A. 21-5709(a), (c), and (d) in

⁴ Editor's Note: Former Art. IX, Uniform Controlled Substances, which comprised Section 210.090, as adopted and amended by CC 1985 § 10-1301; Ord. No. 549, 8-1-1977; Ord. No. 708, 12-6-1982, Ord. No. 1243 § 5, 10-2-2006, was repealed 3-4-2013 by Ord. No. 1412 § 1.

violation thereof;

2. Use or possess any drug paraphernalia in violation of K.S.A. 21-5709(b).
- B. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, those factors set forth in K.S.A. 21-5711.
- C. Any person who violates this Section shall be guilty of a Class A non-person misdemeanor. [Ord. No. 1427 §1, 11-4-2013]

ARTICLE X
(Reserved) ⁵

Section 210.105. (Reserved)

ARTICLE XI
Miscellaneous Offenses

Section 210.110. Obstructing Sidewalks. [R.O. 1924 §201; CC 1985 §12-102; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person to leave or allow to be left any implements, tools, boxes, merchandise, goods, cans or crates on any street, alley or sidewalk for a longer period of time than is necessary for loading or unloading them. Any person convicted of violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Section 210.111. Earth Washing on Sidewalks. [R.O. 1924 §209; CC 1985 §12-104; Ord. No. 1243 §5, 10-2-2006]

Whenever any lot or piece of land abutting on any sidewalk in this City shall become or remain in such a condition that earth or other substances therefrom shall accumulate on such sidewalk and the owner of such lot or piece of land shall refuse or neglect to place the same in such condition as to prevent such washing or accumulation on such sidewalk, such owner shall upon conviction thereof be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) and each day that such owner shall refuse or neglect to abate said condition after notice from the City Clerk shall constitute a separate offense.

Section 210.112. Removing Curbing or Sidewalks. [R.O. 1924 §210; CC 1985 §12-105; Ord. No. 1243 §5, 10-2-2006]

Any person who shall loosen or remove any plank, brick, block, or support from any sidewalk, or cross walk, or any curbing or gutter, shall upon conviction thereof be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), provided this Section shall not apply to persons making repairs on any such sidewalk, gutter, curb or cross walk, or any person temporarily removing the same on account of building operations.

⁵ Editor's Note: Former Art. X, Drugs — Drug Paraphernalia, which comprised Sections 210.100 through 210.102, as adopted and amended by CC 1985 §§10-1401 through 10-1403; Ord. No. 700, 10-4-1982; Ord. No. 1243 §5, 10-2-2006, was repealed 3-4-2013 by Ord. No. 1412 §1.

Section 210.113. Sidewalk Signs. [R.O. 1924 §211; CC 1985 §12-106; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person to erect any sign or other structure for advertising or other purposes across or upon any street or sidewalk unless the same is seven and one-half (7½) feet or more above the sidewalk or street. No large sign shall be constructed without the permission of the Mayor and Council first having been secured, and all persons or firms desiring to construct signs or other structures weighing more than fifty (50) pounds over the sidewalks in this City shall execute to the City a good and sufficient surety bond to hold the City free and harmless from any damage done to person or property should such sign or structure fall, be blown down, or otherwise be dislocated. Any person convicted of violating any of the provisions of this Section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Section 210.114. Awnings. [R.O. 1924 §212; CC 1985 §12-107; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful to construct, install or maintain or cause to be constructed, installed or maintained any awning which is supported in whole or in part by posts or other supports set into the sidewalk, street or parking lot.

Section 210.115. Hedge Fences. [R.O. 1924 §197; CC 1985 §12-109; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person owning or controlling any hedge fence bordering on any street or sidewalk in this City to permit the same to grow to a height of more than three and one-half (3½) feet.

Section 210.116. Driving Horses. [R.O. 1924 §194; CC 1985 §12-112; Ord. No. 1243 §5, 10-2-2006]

Any person who shall be convicted of driving any horse or other animal at a fast gait through or on any street or alley of this City, so as to be likely to endanger the safety of any person, or any person who shall allow such animal to travel at a gait faster than an ordinary moderate trot in any street or alley, or who shall allow any animal to be ridden or driven upon any sidewalks in this City.

Section 210.117. Hauling Loose Material. [R.O. 1924 §196; CC 1985 §12-113; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person to haul over the streets or alleys of this City any loose material of any kind except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon said streets or alleys.

Section 210.118. Glass or Nails in Street. [R.O. 1924 §195; CC 1985 §12-114; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person to place, throw, or cause to be placed or thrown on any street, alley, sidewalk or other public property of this City any glass, tacks, nails, bottles or any other substance or things that might wound any person or animal, or cut or puncture any pneumatic tire when passing over the same.

Section 210.119. Railroads Blocking Crossings. [CC 1985 §12-115; Ord. No. 658, 3-2-1981; Ord. No. 1243 §5, 10-2-2006]

No person or corporation operating or who may hereafter operate a railroad into or through this City shall permit any train to remain across any street crossing or sidewalk of this City or to stop on any approach which will cause any railroad gates to remain down so as to interfere with the passage of vehicles or pedestrians for a longer period of time than ten (10) minutes. In case it is necessary for such train to remain standing for a longer period, it should be uncoupled at such crossing and the cars separated so that the vehicles and the pedestrians may pass. Any person or corporation violating any of the provisions of this Section shall, upon conviction thereof, be deemed guilty of a Class C misdemeanor.

Section 210.120. Contractors to Clean Streets and Sidewalks. [CC 1985 §12-116; Revised, 1961; Ord. No. 1243 §5, 10-2-2006]

Any person, firm or corporation constructing any improvements, or repairing the same, under a permit or franchise from the City of Mulvane, shall upon completion of the work, remove from the streets and sidewalks of the City any dirt, mud, gravel or other foreign substances resulting from their work; and in case of failure to do so, shall be deemed guilty of a misdemeanor.

Section 210.121. Sign Posts Placed Upon or Set Into the Public Walks. [CC 1985 §12-117; Ord. No. 454, 2-19-1974; Ord. No. 1243 §5, 10-2-2006]

It shall be unlawful for any person, association, partnership or corporation to cause any sign posts or methods of supporting signs to be placed on or in the public sidewalks within the City limits of the City of Mulvane, Kansas. Any person, association, partnership or corporation violating the provisions of this Section by placing or permitting to be placed posts, sign posts or methods of supporting signs on or in the public sidewalks within the City limits of the City of Mulvane, Kansas, shall be guilty of violating this City ordinance.

Section 210.122. Unlawful Trash Burning. [R.O. 1924 §81; CC 1985 §6-202; Ord. No. 1168 §2, 3-3-2003; Ord. No. 1243 §5, 10-2-2006]

- A. It shall be unlawful to burn any refuse, trash, paper, rubbish, garbage, rubber tires, plastics, roofing, tar paper, old furniture, cloth, any petroleum based product, or any other combustible material out of doors anywhere in the City, provided, this Section shall not prohibit the use of an outdoor fire for cooking or the burning of yard wastes.
- B. Burning of yard wastes is allowed when the applicant is in legal control of the lot or parcel of land, burning is attended continuously by a competent person of legal age, from the time of ignition to the time of extinguishment, wind speeds must be above five (5) miles per hour not to exceed fifteen (15) miles per hour, adequate clearance shall be provided from readily combustible materials with material to be burned located a minimum of fifty (50) feet from any structure and ten (10) feet from any property line, burning shall not create a smoke nuisance or hazard to neighboring properties or persons, a garden hose or other fire extinguishing equipment shall be available at the burn location, burning shall be conducted one (1) hour after sunrise to one (1) hour before sunset, and a permit will be in the possession of the person doing the burning for immediate inspection. For permit fees refer to fee schedule in Section 100.240 of this Code.
- C. The Chief of Emergency Services or his/her designee may issue a special permit for anything other than yard waste at specified times and locations (examples: burning brush

and tree trimmings or burning that is considered to be necessary and in the public's interest as determined on a case-by-case basis) if the fire is continuously attended by a responsible person and the Chief of Emergency Services or his/her designee determines there to be no reasonable risk to persons or property for the burning contemplated; provided further that the Fire Department is notified immediately before the commencement of such burning and upon the completion of such burning.

- D. It is unlawful for any person to deposit any grass, yard clippings and leaves on any street or alley, or on any public property.