

ORDINANCE NO. 682

AN ORDINANCE AMENDING DIVISION 4, SECTION 28-104 OF THE BASEHOR CITY CODE, ENTITLED “DRUGS AND DRUG PARAPHERNALIA; POSSESSION OR USE UNLAWFUL”.

WHEREAS, during the 2016 legislative session the Kansas legislature adopted changes to K.S.A. 65-4150 et seq. which must be reflected in Division 4, Section 28-104 of the Basehor City Code, entitled Drugs and Drug Paraphernalia; Possession or Use Unlawful”.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1: That Division 4, Section 28-104 of the Basehor City Code be amended with the addition of underlined text as follows:

DIVISION 4. - DRUGS AND DRUG PARAPHERNALIA

Sec. 28-104. - Possession or use unlawful.

(a) It shall be unlawful for any person to manufacture, possess, have under his control, prescribe, administer, deliver, distribute, dispense, compound, sell or offer for sale any depressant, stimulant or hallucinogenic drug in violation of the Kansas Controlled Substances Act. No person shall possess any barbiturate, amphetamine, hallucinogenic drug, Cannabis Sativa (marijuana) or other controlled substance, as defined by K.S.A. 65-4150, without a written prescription from a licensed physician.

(b) It shall be unlawful for any person to have in his possession any marijuana in violation of the Kansas Controlled Substances Act, K.S.A. 65-4101—65-4163.

(c) No person shall use or possess with intent to use:

(1) Any simulated controlled substance;

(2) Any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act; or

(3) Any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, or compound, convert, produce, process, prepare, test, analyze, pack, re-pack, sell or distribute a controlled substance in violation of the Uniform Controlled Substances Act.

(d) No person shall deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within the state any drug paraphernalia, knowing or under circumstances

where one reasonably should know that it would be used to use, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Uniform Controlled Substances Act.

(e) Violation of this section is a Class A misdemeanor. The first offense for possession of marijuana is a Class B nonperson misdemeanor; the second offense for possession of marijuana is a Class A nonperson misdemeanor; and a subsequent offense is a Drug Severity Level 5 felony.

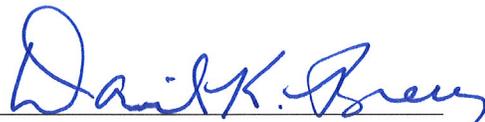
Section 2: That this ordinance shall take effect and be in force from an after its publication in the official newspaper of the City of Basehor, Kansas as provided by law.

PASSED by the City Council this 21st day of September, 2016.

APPROVED by the Mayor this 21st day of September, 2016.

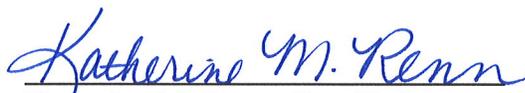
SEAL





David K. Breuer, Mayor

ATTEST:



Katherine M. Renn, City Clerk

APPROVED AS TO FORM:


Shannon M. Marcano, City Attorney