

## CHAPTER XI. PUBLIC OFFENSES

Article 1. Uniform Offense Code

Article 2. Local Regulations

Article 3. Sale of Methamphetamine Precursors

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### 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 Galena, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2014, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Galena, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.  
(Code 2015)

11-102. SAME; AMENDMENT. The definition of "vessel" as found in "Section 1.1 Definitions" is hereby amended from that definition thereof found in the aforesaid "Uniform Public Offense Code, Edition of 2014," to "Vessel - Any watercraft designed to be propelled by machinery for navigation on the water."  
(Code 2015)

## ARTICLE 2. LOCAL REGULATIONS

- 11-201. **POSSESSION OF MARIJUANA.** Except as authorized by the uniform controlled substances act of the Kansas Statutes Annotated, it shall be unlawful for any person to possess or have under such person's control any hallucinogenic drug that is a Tetrahydrocannabinol as such an act constitutes the offense of Possession of Marijuana. A person convicted of Possession of Marijuana may be sentenced to pay a fine of not more than \$1000, or to be confined in jail for a period of not greater than six months, or sentenced to both such fine and confinement.
- Tetrahydrocannabinol includes synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures are included herein, regardless of the numerical designation of atomic positions covered.) (Ord. 5-11; Code 2015)
- 11-202. **POSSESSION OF DRUG PARAPHERNALIA.** It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to: store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body. Possession of Drug Paraphernalia is punishable by imprisonment not to exceed one year, or a fine not to exceed \$2500, or both such fine and imprisonment. (Code 2015)
- 11-203. **CURFEW; PENALTY.** (a) It shall be unlawful for any child less than 18 years of age to loiter, ramble, play or frequent the streets or other places in this city after 10:30 p.m. and before 7:00 a.m. on Sundays, Mondays, Tuesdays, Wednesday and Thursdays, and after midnight and before 7:00 a.m. on Fridays and Saturdays, unless such minor is accompanied by a parent, guardian or other person having legal custody of such minor or is in the performance of an errand or duty directed by such parent, guardian or legal custodian, or whose employment makes it necessary to be upon the streets or other public places during the night or after the specified hours.
- (b) It is hereby made unlawful for any parent, guardian or other person having the legal custody of any child less than 18 years of age to allow or permit the minor to loiter or frequent the streets or other public places of this city within the time prohibited in this section.
- (c) Any person found guilty of violating any of the provisions of this section shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished by a fine not to exceed \$100.00 or confinement in the city jail not to exceed 30 days.
- (Ord. 860, Sec.1:3; Code 1998)

### ARTICLE 3. SALE OF METHAMPHETAMINE PRECURSORS

- 11-301. **DEFINITIONS.** For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:
- (a) Ephedrine- All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.
  - (b) Pseudoephedrine - All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.
  - (c) Methamphetamine precursor drug - Any drug or substance used to manufacture methamphetamine that contains pseudoephedrine or ephedrine.
  - (d) Person - Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.
  - (e) Sell - To knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.
  - (f) Package - Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.  
(Ord. 13-4; Code 2015)
- 11-302. **PROHIBITION OF SALE OF METHAMPHETAMINE PRECURSOR DRUGS.** It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine, and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers except as set forth in the specific exceptions contained in Section 11-303 of this Article.  
(Ord. 13-4; Code 2015)
- 11-303. **EXCEPTIONS.** (a) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be sold by a Kansas licensed pharmacist after being authorized to do so by a written prescription from a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.
- (b) Ephedrine, pseudoephedrine and pseudoephedrine or ephedrine containing products, their salts, their optical isomers or salts of their optical isomers may be distributed by a licensed physician within the physician's office, or any clinic, nursing home or other licensed healthcare facility upon the orders of a physician or other healthcare professional licensed by the State of Kansas or any other state to write prescriptions.
- (c) This Article regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.  
(Ord. 13-4; Code 2015)
- 11-304. **PRIMA FACIE EVIDENCE.** It shall be prima facie proof that a substance is regulated by this Section if the substance is contained in its original packaging and is labeled as being or containing ephedrine or pseudoephedrine.  
(Ord. 13-4; Code 2015)

11-305.

**REPORTING THEFT OF METHAMPHETAMINE PRECURSOR DRUGS.**

(a) All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the Galena, Kansas, Police Department, within twenty-four hours of discovery.

(b) Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the Galena Police Department within twenty-four (24) hours of discovery.

(Ord. 13-4; Code 2015)

11-306.

**PENALTY.** Every act or omission constituting a violation of any of the provisions of this Article by any agency or employee of any person shall be deemed and held to be an act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him/her or it personally, provided such an act or omission was within the scope of employment or the scope of authority of such agent or employee. Each such violation of this Article shall be considered a separate offense. Violation of this Article shall be considered and punished as a class A misdemeanor, wherein the defendant shall be subject to a fine not to exceed \$2500 or a term of incarceration in the city jail not to exceed one year, or both such fine and incarceration.

(Ord. 13-4; Code 2015)