

Passed: March 28, 2017

Published: April 5, 2017

ORDINANCE NO. 2314

AN ORDINANCE RELATING TO THE PUBLIC OFFENSE CODE FOR THE CITY OF DERBY, KANSAS; AMENDING CHAPTER 9.12 OF THE DERBY MUNICIPAL CODE BY ADDITION OF NEW SECTIONS 9.12.300 and 9.12.310; AMENDING CHAPTER 9.16 of the DERBY MUNICIPAL CODE BY ADDITION OF NEW SECTION 9.16.220; AND AMENDING CHAPTER 9.20 OF THE DERBY MUNICIPAL CODE BY ADDITION OF NEW SECTIONS 9.20.210, and 9.20.220.

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

Section 1. Section 9.12.300 of the Derby Municipal Code is hereby established to read as follows:

“9.12.300—Fishing license required; Exceptions; Penalties.

- A. Except as otherwise provided by this chapter, law or rules and regulations of the Kansas Secretary of Wildlife and Parks, a valid Kansas fishing license is required to fish or to take any bullfrog within any public park or other publicly owned or controlled property located within the city.
- B. The provisions of subsection A of this Section 9.12.300 shall not apply to fishing by the following:
1. A resident of this state who is less than sixteen years of age or who is sixty-five or more years of age;
 2. A nonresident who is less than sixteen years of age;
 3. A resident of an adult care home, as defined by K.S.A. 39-923 and amendments thereto, licensed by the Kansas Secretary of Health and Environment;
 4. A person on dates designated pursuant to subsection C of this section;
 5. A resident of the state of Texas who is sixty-five or more years of age if the state of Texas permits residents of this state who are sixty-five or more years of age to fish in Texas without having to obtain a Texas fishing license;
 6. A person fishing under a valid institutional group fishing license issued pursuant to state law;
 7. A participant in a fishing clinic sponsored or cosponsored by the department of wildlife and parks, during the period of time that the fishing clinic is being conducted.
- C. The requirements of this Section 9.12.300 shall not apply on any days designated by resolution of the Kansas Secretary of Wildlife and Parks as days on which persons may fish by legal means without having a valid fishing license.

D. Violation of this Section 9.12.300 shall be a Class C violation.”

Section 2. Section 9.12.310 of the Derby Municipal Code is hereby established to read as follows:

“9.12.310—Creel and length limits.

A. Creel and length limits, as established from time to time by regulations of the Kansas Department of Wildlife and Parks, for High Park waters are adopted by reference and made applicable to all waters located on publicly owned or controlled property located within the city.

B. Violation of this Section 9.12.310 shall be a Class C violation.”

Section 3. Section 9.16.220 of the Derby Municipal Code is hereby established to read as follows:

“9.16.220 - Interference with the duty of animal control officer.

It is unlawful for any person to:

- A. Refuse to identify himself or herself and provide verification of his or her correct name, address, date of birth and any other information reasonably necessary to correctly identify such person when asked to do so by the animal control officer when the animal control officer has probable cause to believe that this person has violated a section of this chapter;
- B. Interfere with, molest, injure or prevent the animal control officer in the lawful discharge of his duties herein prescribed.
- C. Knowingly provide false or misleading information to an animal control officer during the course of the animal control officer’s investigation into possible violations of this title or while performing the lawful discharge of the officer’s duties.”

Section 4. Section 9.20.210 of the Derby Municipal Code is hereby established to read as follows:

“9.20.210 – Unlawful attendance of dog fighting.

- A. Unlawful attendance of dog fighting is entering or remaining on the premises where an unlawful conduct of a dog fight is occurring.
- B. Unlawful attendance of dog fighting is a Class A violation.”

Section 5. Section 9.20.220 of the Derby Municipal Code is hereby established to read as follows:

“9.20.220 – Unlawful possession of dog fighting paraphernalia.

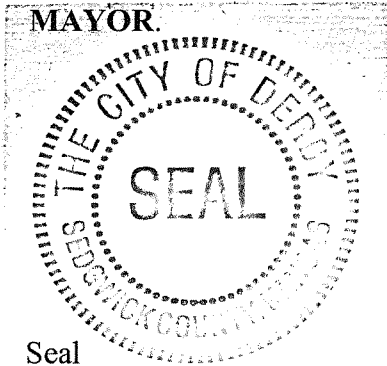
- A. Unlawful possession of dog fighting paraphernalia is possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia, together with evidence that the paraphernalia is being used or is intended for use in the unlawful conduct of a dog fight.
- B. Unlawful possession of dog fighting paraphernalia is a Class B violation.”

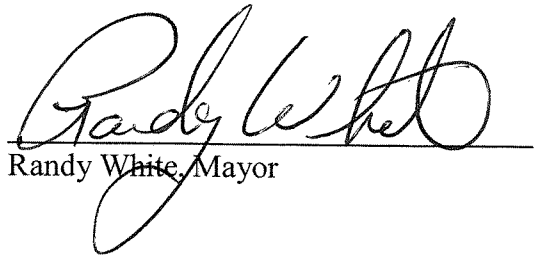
Section 6. All other provisions of the Municipal Code of the City of Derby, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 7. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 8. This Ordinance shall take effect and be in force from and after its publication or a summary thereof once in the official city newspaper.

PASSED BY THE CITY COUNCIL this 28th day of March, 2017, and **SIGNED BY THE MAYOR.**




Randy White, Mayor

Seal
Attest:


Karen Friend, City Clerk

Approved as to form:


Jacqueline R. Butler, City Attorney