



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 9/17/2019

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**Department:** Legal

**Council Meeting Date:** September 17, 2019

**Staff Contact:** Ron Shaver; Daniel Yoza

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**Subject:** Report on proposed 2019 amendments to the Olathe Public Offense Code, O.M.C. Title 9.

**Focus/Perspective Area:** Effective Organization

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**Executive Summary:** Every summer, staff prepares updates to the Olathe Municipal Code (OMC) to align them with state law. Staff typically consults with the League of Kansas Municipalities (LKM) to identify which city ordinances need to change. This year, LKM undertook the task of reviewing all state criminal statutes, and providing suggested language to add every state misdemeanor that may be included as a municipal offense. Staff has reviewed these recommendations and has prepared Ordinance 19-XX ([Attachment A](#)) which adds the following provisions to Title 9 of the OMC.

Section One adds the offense of Endangering the Food Supply, which is knowingly exposing an animal or animal feed to an infectious disease.

Sections Two and Three amend the present offense of interference with a Firefighter or Emergency Services Attendant to clarify the offenses and align them with state law.

Sections Four through Six make very minor changes to the current offenses of Trespassing on Railroad Property, Automobile Master Key Violation, and Intimidation of a Witness. All of these changes are simply to make the OMC match state law.

Sections Seven and Eight make minor changes to explosive recordkeeping requirements to make the OMC match state law.

Sections Nine and Ten make minor changes to City Obscenity ordinances to make the OMC match state law.

Section Eleven changes the False Membership Claim ordinance to make it match state law.

Section Twelve changes the Unlawful dogfighting ordinance to make it match state law.

Section Thirteen changes the Controlled Substance ordinance to include an exception for cannabidiol oil, as it is allowed by state law for medical purposes.

With the exception of the cannabidiol oil provision which was passed in 2018, the other changes in this ordinance have been in state statute for many years.

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**Fiscal Impact:** None.

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**Recommendations/Options/Action Requested:** Accept the report. Unless directed otherwise,

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staff will prepare the Ordinance for formal consideration on October 1, 2019.

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**Attachments:** Attachment A: Title 9 Ordinance