



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 8/6/2019

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver, Chris Grunewald, Daniel Yoza

SUBJECT: Consideration of Ordinance Nos. 19-46 and 19-47 amending Chapters 6.18 and 12.21 of the Olathe Municipal Code concerning certain fines and Ordinance No. 19-48 adding the offense of Operating a Vessel Under the Influence of Alcohol or Drugs to the Olathe Municipal Code.

ITEM DESCRIPTION:

Consideration of Ordinance Nos. 19-46 and 19-47 amending Chapters 6.18 and 12.21 of the Olathe Municipal Code concerning certain fines and Ordinance No. 19-48 adding the offense of Operating a Vessel Under the Influence of Alcohol or Drugs to the Olathe Municipal Code

SUMMARY:

This item was presented to the Council as a report on July 16, 2019. Staff has prepared three draft ordinances to help ensure that visitors to City parks, including the newly re-opened Lake Olathe, can have an enjoyable and safe experience. Two ordinances amend the Olathe Municipal Code (O.M.C.) to identify minor offenses better handled without a court appearance and instead with a scheduled fine established by the Municipal Judge. Staff from Parks & Recreation, Police, Municipal Court (including the Municipal Judge), and Legal (including the Prosecutor's Office and the City Attorney's Office) collaborated to identify those violations. Park Rangers will primarily enforce these violations in City parks. Ordinance 19-46 ([Attachment A](#)) makes excessive noise from a boat or in public lands a scheduled fine and clarifies that noise violations are classified as a public offense instead of a misdemeanor. Ordinance 19-47 ([Attachment B](#)) identifies fourteen (14) violations such as boating or fishing without a state license and violating posted park hours as scheduled fine offenses. [Attachment C](#) lists each scheduled fine violation with the proposed scheduled fine.

The third ordinance ([Attachment D](#)) adds new O.M.C. Section 9.12.195 to create a new offense of Operating a Vessel Under the Influence of Alcohol or Drugs. Currently, this exists only as a state offense, which cannot be prosecuted in the Olathe Municipal Court and would instead need to be referred to the Johnson County District Attorney. The proposed language uses the language from the state offense to create a city offense which would be prosecuted in the Olathe Municipal Court.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Adopt Ordinances 19-46 and 19-47 pertaining to certain fines and adopt Ordinance 19-48 adding the offense of Operating a Vessel Under the Influence of Alcohol or Drugs.

ATTACHMENT(S):

Attachment A: Ordinance 19-46 - Noise Fines and Enforcement

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Attachment B: Ordinance 19-47 - Public Lands Fines

Attachment C: Summary of Scheduled Fine Violations

Attachment D: Ordinance 19-48 - Operating a Vessel Under the Influence of Alcohol or Drugs