

ORDINANCE NO. 1341

AN ORDINANCE AMENDING CHAPTER XI "PUBLIC OFFENSES" OF THE CODE OF BALDWIN CITY, KANSAS PROHIBITING POSSESSION OF MARIJUANA OR THC.

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

**SECTION 1.** That a new Article 4 be added to Chapter XI "Public Offenses" as follows:

**11-401 Possession of Marijuana or THC.**

(a) Except as authorized by the Uniform Controlled Substances Act, K.S.A. 65-4101, et seq., and amendments thereto, it shall be unlawful for any person to possess or have under such person's control marijuana or tetrahydrocannabinol ("THC").

(b) As used in this section, "marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

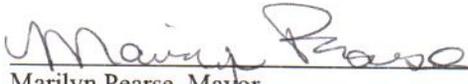
(c) Any person who is convicted of a violation of this section may be required by the Municipal Court Judge to obtain a drug abuse evaluation. Based on the results of such evaluation, the Municipal Court Judge may require the convicted person to attend and successfully complete a drug abuse education, counseling, or treatment program.

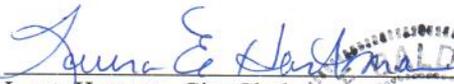
(d) Except as provided in paragraph (e), a violation of this section is a Class B misdemeanor and is punishable by a fine of not more than \$1,000.00 or imprisonment for not more than six (6) months or by both such fine and imprisonment.

(e) If the person has a prior conviction under this ordinance, and amendments thereto, under K.S.A. 21-5706 and amendments thereto, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense, violation of this section is a Class A misdemeanor and is punishable by a fine of not more than \$2,500.00 or imprisonment for not more than one (1) year or by both such fine and imprisonment.

**SECTION 2. EFFECTIVE DATE OF ORDINANCE.** This Ordinance shall take effect on its passage and upon its publication as required by law.

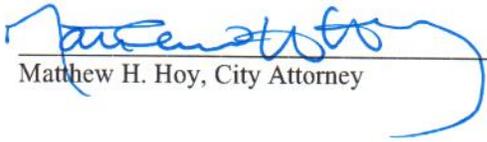
Passed by the City Council this 1<sup>st</sup> day of August, 2016.

  
Marilyn Pearce, Mayor

ATTEST:   
Laura Hartman, City Clerk



(Approved as to Form):

  
Matthew H. Hoy, City Attorney