

Chapter 11.28
OFFENSES AGAINST THE PUBLIC PEACE

Sections:

- 11.28.010 Attempt. (Repealed. See 11.04.060)
- 11.28.020 Conspiracy. (Repealed. See 11.04.070)
- 11.28.030 Criminal Use of Noxious Matter.
- 11.28.040 Disorderly Conduct.
- 11.28.050 Giving False Alarm.
- 11.28.060 Interference with Conduct of Public Business.
- 11.28.061 Unauthorized Possession of a Weapon in City-Owned Buildings.
- 11.28.064 Funeral Picketing.
- 11.28.065 Residential Picketing.
- 11.28.070 Obstructing Ingress or Egress.
- 11.28.080 Remaining at Unlawful Assembly.
- 11.28.090 Riot.
- 11.28.095 Noise Abatement. (Repealed)
- 11.28.100 Unlawful Assembly.
- 11.28.110 Harming or Killing Certain Dogs. (Repealed)
- 11.28.115 Interference with Police Dogs.

11.28.010 Attempt.

Repealed. See 11.04.060

(History: Ord. POC-1381 §10, 86; POC-625 §5, 72)

11.28.020 Conspiracy.

Repealed. See 11.04.070.

(History: Ord. POC-1381 §10, 86; POC-625 §6, 72)

11.28.030 Criminal Use of Noxious Matter.

- A. "Criminal use of noxious matter" is the possession, manufacture or transportation of any noxious matter with intent to use such matter for an unlawful purpose, or the use of such matter to the injury of persons or property, or the placing or depositing of such matter upon or about the premises of another person without the consent of such person.
- B. "Noxious matter," as used in this section, means any bomb, compound or substance which may give off dangerous or disagreeable odors or cause distress to persons exposed thereto.
- C. Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500, or both such fine and imprisonment.

(History: KSA 21-3733; Ord. POC-1381 §6, 86; POC-625 §38, 72; POC-598 §36)

11.28.040 Disorderly Conduct.

"Disorderly conduct" is, with knowledge or probable cause to believe that such acts will alarm, anger or tend to provoke an assault or other breach of peace:

- A. Engaging in brawling or fighting; or
- B. Disturbing an assembly, meeting, or procession, not unlawful in its character; or
- C. Using offensive, obscene, or abusive language or engaging in noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

Disorderly conduct is a Class C violation.

(History: KSA 21-4104; Ord. POC-2742 §1, 2008; POC-625 §52, 72; POC-598 §47; PO-84 §14 & 31)

11.28.050 Giving False Alarm.

"Giving a false alarm" is:

- A. Transmitting in any manner to a publicly or privately operated fire department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.
- B. Making a call in any manner for emergency assistance including police, fire, medical, or other emergency services knowing at the time of such call that there is no reasonable ground for believing such assistance is needed.
- C. Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500 or both such fine and imprisonment.

(History: KSA 21-4110, as amended; Ord. POC-2055 §4, 97; POC-1381 §6, 86; POC-625 §59, 72; POC-598 §55; PO-84 §11)

11.28.060 Interference with Conduct of Public Business.

"Interference with the conduct of public business" is:

- A. Conduct at or in any public building owned, operated or controlled by the federal government, the state or any of its political subdivisions so as to willfully deny to any public official, public employee, or any invitee on such premises, the lawful rights of such official, employee, or invitee to enter, to use the facilities, or to leave, any such public building; or
- B. Intentionally impeding any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof; or
- C. Intentionally refusing or failing to leave any such public building on being requested to do so by the chief administrative officer, or his designee, charged with maintaining order in such public building, if such person is committing, threatens to commit, or incites others to commit, any act which did or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures, or functions being carried on in such public building; or

- D. Intentionally impeding, disrupting or hindering the normal proceedings of any meeting or session conducted by any judicial or legislative body or official by any act of intrusion into the chamber or other areas designated for the use of the body, or official conducting such meeting or session, or by any act designed to intimidate, coerce or hinder any member of such body, or any official engaged in the performance of duties at such meeting or session; or
- E. Intentionally impeding, disrupting or hindering, by any act of intrusion into the chamber or other areas designed for the use of any executive body or official, the normal proceedings of such body or official.
- F. Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500 or both such fine and imprisonment.

(History: KSA 21-3828; Ord. POC-1872 §3, 94; POC-1381 §6, 86; POC-625 §49, 72; PO-84 §15)

11.28.061 Unauthorized possession of a weapon in City-owned buildings.

- A. It is unlawful to possess a weapon, concealed or unconcealed, in the following City-owned buildings:
 - 1. 12400 Foster known as the W. Jack Sanders Justice Center;
 - 2. 8500 Santa Fe known as City Hall;
 - 3. 8500 Antioch known as the Myron E. Scafe Building;
 - 4. 11900 Westgate known as Westgate Police Station; and
 - 5. any other City-owned building if said building is posted in a manner reasonably likely to come to the attention of persons entering the premises, such posting indicating weapons are prohibited in the building.
- B. This Section shall not apply to:
 - 1. commissioned law enforcement officers, City employed security officers, City employed animal control officers, fire personnel authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, or military personnel when the above listed individuals are engaged in their duties and to the extent they are allowed to be armed by federal, state or municipal law and the Overland Park Police Department or Overland Park Fire Department policy. However, the exception for City employed animal control officers shall not allow them to carry weapons into the Overland Park Municipal Court as set forth in Overland Park Municipal Court Administrative Order 2007-03.
 - 2. Attorneys when the weapon is possessed solely for the purpose of seeking to submit the items into evidence or seeking to examine said items in the course of a pending court proceeding.
- C. For purposes of this Section, a weapon is any object that is calculated or reasonably likely to produce death or serious bodily injury and shall include but not be limited to, a dagger, dirk, billy, blackjack, slung-shot, knife, straight-edged razor, switchblade, ballistics knife, stiletto, throwing star, nunchaku, metal knuckles, tear gas, smoke bomb or projector, pepper spray or any object containing a noxious liquid, gas or substance,

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stun gun, Taser gun, handgun, pistol, revolver, rifle, shotgun, any other firearm, any dangerous or deadly weapon or instrument. The definitions contained at O.P.M.C. Section 11.60.005 shall apply to the words used herein.

- D. A person who enters a City-owned building with a handgun and who is licensed to carry the handgun concealed under the Personal and Family Protection Act, and amendments thereto, will not be charged under this Section, but will be charged through District Court with any such violation.
- E. Nothing in this Section shall restrict enforcement of any provisions contained at O.P.M.C. Section 11.60.005 et seq.
- F. Nothing in this Section shall restrict the ability of the Overland Park Municipal judge to find any person in violation of these provisions in direct contempt of court as otherwise provided by law.
- G. A person who enters a City-owned building with a weapon in violation of this Section may be required to forfeit any weapon so possessed, either temporarily or permanently and may be ordered to leave the premises regardless of the public nature of the facility.
- H. Every person convicted of violating this Section shall be imprisoned for not more than one year or fined not to exceed \$2,500 or both such fine and imprisonment.

(History: Ord. POC-2755 §1, 2008; POC-2690 §1, 2007; POC-2644 §1, 2007; POC-2541 §1, 2005)

11.28.064 Funeral Picketing.

- A. Definitions:
 - 1. As used in this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead, as well as memorial services held in connection with the death of any person.
 - 2. "Public demonstration" means:
 - a. any picketing or similar conduct, or
 - b. any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral.
- B. It is unlawful for any person to:
 - 1. engage in a public demonstration at any public location within 150 feet of any entrance to any cemetery, church, mortuary or other location where a funeral is held or conducted, within one hour prior to the scheduled commencement of a funeral, during a funeral or within two hours following the completion of a funeral;
 - 2. knowingly obstruct, hinder, impede or block another person's entry to or exit from a funeral; or
 - 3. knowingly impede vehicles which are part of a funeral procession.
- C. Each day on which a violation of this section occurs shall constitute a separate offense.

(History: Ord. POC-2766 §3, 2008; POC-2605 §1, 2006; POC-1792 §1, 93)

11.28.065 Residential Picketing.

Residential picketing proceeding on a definite course or route in front of a home and directed at picketing a single residence is prohibited and unlawful.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not more than \$2,500 or by both such fine and imprisonment, provided that any person convicted of a second or subsequent conviction shall be required to be confined to not less than five consecutive days in the county jail in addition to any penalty assessed; which period of imprisonment shall not be suspended nor the defendant placed on probation until the five consecutive days is served; provided in lieu of confinement in the county jail, the court may place the person convicted under a house-arrest program pursuant to K.S.A. 21-4603b and amendments thereto.

(History: Ord. POC-1796 §1, 93; POC-1792 §2, 93; POC-1556 §1, 88; REP-1196 §1, 83; SOL-808 §1, 74) [See 5.64 for solicitation]

11.28.070 Obstructing Ingress and Egress.

It shall be illegal for any person to obstruct any public street, public highway, public sidewalk or public building or any other place of public access by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians or to commit in or upon any public street, public highway, public sidewalk or public building or any other place of public access any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or public building or any other place of public access, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon, and thereto.

When any person causes or commits any of the conditions enumerated in this section, a law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order is guilty of a violation of this section.

(History: Ord. POC-1856 §1, 94; POC-625 §58, 72; PO-84 §33 & 55)

11.28.080 Remaining at Unlawful Assembly.

"Remaining at an unlawful assembly" is willfully failing to depart from the place of an unlawful assembly after being directed to leave by a law enforcement officer.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500 or both such fine and imprisonment.

(History: KSA 21-4103; Ord. POC-1381 §6, 86; POC-625 §54, 72; POC-598 §48 & 49; PO-84 §8)

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11.28.090 Riot.

"Riot" is any use of force or violence which produces a breach of the public peace, or any threat to use such force or violence against any person or property if accompanied by power or apparent power of immediate execution, by five or more persons acting together and without authority of law.

Every person convicted of violating this section shall be imprisoned for not more than one year or fined not to exceed \$2,500 or both such fine and imprisonment.

(History: KSA 21-4104; Ord. POC-1381 §6, 86; POC-625 §55, 72; POC-598 §50; PO-84 §53)

11.28.095 Noise Abatement.

Repealed.

(History: Ord. NOI-2287 §11, 2001; POC-1225 §2, 83; POC-598 §51, 52, 53)

11.28.100 Unlawful assembly.

"Unlawful assembly" is the meeting or coming together of not less than five persons and engaging in conduct constituting disorderly conduct as defined in 11.28.040.

(History: KSA 21-4102; Ord. POC-625 §53, 72)

11.28.110 Harming or Killing Certain Dogs.

Repealed.

(History: KSA 21-4318; Ord. POC-2620 §11, 2006; POC-2502 §1, 2004)

11.28.115 Interference with Police Dogs.

- A. It shall be unlawful for any person to strike, abuse, tease, harass, or assault any dog being used by the city for the purpose of performing the duties of police dog regardless of whether the dog is on duty or off.
- B. It shall be unlawful for any person to interfere with a dog being used by the police department or attempt to interfere with the handler of the dog in such a manner as to inhibit, restrict or deprive the handler of his or her control of the dog.
- C. For purposes of this section, "Police dog" shall have the meaning provided in 11.28.110.

(History: Ord. POC-2502 §2, 2004)

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