

ORDINANCE NO. 5144-24

AN ORDINANCE AMENDING CHAPTER XVII, ARTICLE 1 AND THE UNIFORM PUBLIC OFFENSE CODE'S DEFINITION OF DISORDERLY CONDUCT AS SET FORTH IN UPOC SECTION 17-104.

WHEREAS, the City of Newton has adopted the 2023 Uniform Public Offense Code (UPOC) which includes a criminal offense of "Disorderly Conduct"; and

WHEREAS, the Kansas Supreme Court ruled in *The City of Wichita v. Griffie* that the "noisy conduct" component of Wichita's Disorderly Conduct Ordinance is invalid as the same is constitutionally overbroad; and

WHEREAS, the Disorderly Conduct portion offense in the Wichita Ordinance is comparable to the UPOC and State law;

WHEREAS, the City of Newton seeks to align itself with state law by removing the unconstitutional component of the Disorderly Conduct offense as outlined in the UPOC.

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

SECTION 1. Section 17-104 of the Code of the City of Newton, Kansas, shall read as follows:

17-104. Amendment; Disorderly Conduct.

Section 9.1 of the Uniform Public Offense Code of the City of Newton, Kansas is hereby amended to read as follows:

9.1 Disorderly Conduct

(a) Disorderly conduct is one or more of the following acts that the person knows or should know will alarm, anger or disturb others or provoke an assault or other breach of the peace:

- (1) Brawling or fighting;
- (2) Disturbing an assembly, meeting or procession, not unlawful in its character; or
- (3) Using fighting words.

(b) Disorderly conduct is a Class C violation. (K.S.A. 21-6203)

(c) As used in this section, "fighting words" means words that by their very utterance inflict injury or tend to incite the listener to an immediate breach of the peace.

SECTION 2. This Ordinance shall take effect and be in force from and after its publication in THE NEWTON KANSAN, the official newspaper of said City.

PASSED AND ADOPTED this 9th day of April, 2024.



Rod Kreie, Mayor

ATTEST:



Denise R. Duerksen, City Clerk