

(First published in the Western Butler County Times July 22, 1971)

ORDINANCE NO. 159

AN ORDINANCE DEALING WITH WILLFUL RESPASS UPON THE PROPERTY OF OTHERS WITHOUT CONSENT AND MAKING CERTAIN EXCEPTIONS THERETO AND PROVIDING A PROCEDURE FOR PENALTY AGAINST THE GUARDIAN OR CUSTODIAN OF A MINOR UNDER THE AGE OF 21 YEARS FOUND GUILTY OF VIOLATION OF THIS ORDINANCE AND PROVIDING A SAVINGS CLAUSE AND WAIVING THE EFFECT OF ORDINANCE NO. 147 OF SAID CITY

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

Section 1. That from and after the enactment of this ordinance it shall be unlawful for any person to willfully enter upon the property belonging to another person within the corporate limits of the City of Andover, Kansas, (other than property owned by the spouse or parents of the person making such entry) without first obtaining the consent, either express or implied, of the owner or occupant or the agent of the owner or occupant to the making of such entry.

Section 2. The provisions of Section 1 of this ordinance shall not apply to any business or public properties.

Section 3. That ~~should the Marshal or any other police officer~~ of the City of Andover, Kansas, find that ^{any minor} minor under the age of ~~21~~ years violates any portions of Section 1 of this ordinance, then and in that event, he shall furnish written warning to the guardian or custodian of such minor child of the violation of this ordinance by such minor child, and should said minor child thereafter commit a similar offense for a second time, then and in that event, said guardian or custodian of said minor child, who has been notified and warned of the first offense, shall be liable under the penal provisions of this ordinance

Section 4. Any person found guilty of the violation of any of the provisions of this ordinance may be fined not less than \$5.00 nor more than \$100.00, or sentenced to serve 30 days in jail, or both such fine and imprisonment.

Section 5. That pursuant to Section 2 of Ordinance No. 147 as adopted by the Governing Body of the City of Andover, Kansas, it is hereby declared that the adoption of this ordinance is urgent and necessary, and the first reading of the same is suspended by the Governing Body.

Section 6. That should any section or portion of section of this ordinance be determined unconstitutional, then notwithstanding such unconstitutionality, the remaining section or portions of section of such ordinance shall be in full force and effect.

The above ordinance duly passed and adopted by the Governing Body of the City of Andover, Kansas, this 29th day of June, 1971.

Eugene Miller
Eugene Miller, Mayor

ATTEST:

(Seal)

Charles Clay
Charles Clay, City Clerk, *acting*