

(First Published in the Clarion on the _____ day of _____, 2023.)

THE CITY OF COLWICH, KANSAS

ORDINANCE NO. 745

AN ORDINANCE CONCERNING THE AMENDMENT OF CHAPTER XIV, TRAFFIC ARTICLE 2 LOCAL TRAFFIC REGULATIONS TO ADD SECTION 14-206 THIRD AND SUBSEQUENT DUIS.

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

Section 1. Chapter XIV Article 2 of the City Code of Ordinances is hereby amended to add Section 14-206 to read as follows:

14-206. Third and subsequent driving under the influence.

(a) No person shall operate or attempt to operate any vehicle within the City of Colwich, Kansas after having been previously convicted of a violation of K.S.A. 8-1567, or substantially similar Federal, State, or City enactment, on two or more prior occasions, while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of Subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) The alcohol concentration in the person's blood or breath, as measured within two hours of the time at operating or attempting to operate a vehicle, is .08 or more;

(3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) Under the influence of any drug or combination of drugs to a degree that renders a person incapable of safely driving a vehicle; or

(5) Under the influence of the combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) Upon conviction of a violation of this Section, a person shall be sentenced to serve up to one (1) year in the County Jail and shall be sentenced to pay a fine of up to \$2,500.00. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence, or parole, until the person has served at least ninety (90) days imprisonment. The ninety (90) days

imprisonment mandated by this paragraph may be served in a work release program only after such person has served 48 consecutive hours imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The Court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours imprisonment.

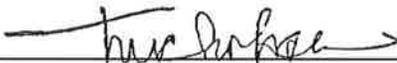
(c) Upon a fourth or subsequent conviction herein the convicted person shall not be eligible for house arrest and shall not be eligible for work release until serving 72 consecutive hours imprisonment.

(d) A conviction includes being convicted of a violation of this section or other substantially similar Federal, State, or City enactment and includes entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of such enactment.

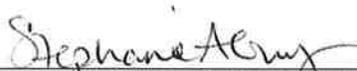
Section 2. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the City Council this 20th day of March, 2023.

Approved by the Mayor this 20th day of March, 2023.


MAYOR, TERRI NICHOLSON

ATTEST:


CITY CLERK, STEPHANIE GUY

SEAL

