

**ORDINANCE NO. EGA-3448**

**AN ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS RELATING TO THE EXERCISE OF EMERGENCY POWERS WITHIN THE CITY; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 2.09.320, 2.09.340, 2.09.350, AND 2.09.360 AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:**

**Section 1.** Overland Park Municipal Code Section 2.09.320 is hereby amended to read as follows:

**2.09.320 Determination of Emergency - Powers of Mayor or Authorized Person.**

When in the judgment of the Mayor an emergency is deemed to exist or the threat thereof is imminent, the Mayor may proclaim in writing the existence of an emergency. Any proclamation declaring an emergency shall be given prompt and general publicity and shall be filed promptly with the City Clerk.

For the purposes of this ordinance, an emergency shall be defined as:

- A. Any natural disaster, public health emergency, or human-made calamity including, but not limited to, flood, conflagration, tornado, earthquake, severe weather event, pandemic, terrorist attack, substantial utility or infrastructure failure, significant cybersecurity incident, or explosion within or affecting the City resulting in the occurrence or threat of death or injury of persons or the damage or destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety or welfare; or
- B. A riot, as defined by K.S.A. 21-6201 and amendments thereto, or unlawful assembly, as defined by K.S.A. 21-6202 and amendments thereto,

After proclamation of an emergency by the Mayor, the Mayor, in the interests of public health, safety or welfare, may exercise any or all of the following powers:

- A. Order a general curfew applicable to such geographic areas of the City or to the City as a whole, as deemed advisable, and applicable during such hours deemed necessary. For the purposes of this section, a curfew is defined as a prohibition against any person or persons walking, running, loitering, standing or being in or on any vehicle upon any alley, street, highway, public parking lot, park, public property or vacant premises within the City during the hours in which a curfew has been imposed; provided, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firefighters and city authorized or requested law enforcement officers and personnel may be exempted from such curfew;
- B. To the extent permitted by state law, order the closing of businesses that sell, distribute, dispense, or give away:
  - 1. intoxicating liquor, beer, or cereal malt beverage;
  - 2. flammable or combustible products; or

3. firearms, ammunition or other potentially dangerous weapons or instrumentalities that can be used as weapons, projectiles or ammunition, or any other item that presents a threat due to the nature of the emergency;
- C. To the extent permitted by state law, order the discontinuance of the sale, distribution, dispensing or giving away of any of the items covered by subsection (B);
- D. Order that no person within the City shall carry or possess any rock, bottle, club, brick, weapon, projectile or other object capable of being used unlawfully against the person or property of another;
- E. Order, or authorize the City Manager or their designee to order, the complete or limited evacuation of any designated area of the City and order that no person or vehicle shall enter any area designated as a restricted area unless in the performance of official duties or with permission from the Mayor, the Mayor's designee, the City Manager, or the City Manager's designee;
- F. Issue any other lawful order that the Mayor deems imminently necessary for the protection of life or property;
- G. Call upon law enforcement agencies under provisions of the Kansas Mutual Aid System or the mutual emergency policy protection compact, to assist in preserving and keeping the peace within the City;
- H. Order that any and all law enforcement agencies, organizations and their individual officers shall have the full power and authority to make arrests and to act on behalf of the City in order to enforce the provisions provided for herein and any and all other City ordinances that might be violated as a result of any immediate threat to public health, safety, or welfare;
- I. Enter into a mutual emergency policy protection compact with any and all governing bodies within the Kansas City Metropolitan area.
- J. Make effective the policies and procedures set forth in the City of Overland Park Emergency Operations Plan.
- K. Authorize the City Manager to approve emergency-related expenses within the limitations of the annual City budget to protect the public health, safety, or welfare.

**Section 2.** Overland Park Municipal Code Section 2.09.340 is hereby amended to read as follows:

**2.09.340 Termination or Extension of Proclamation of Emergency.**

Any emergency proclaimed in accordance with the provisions of 2.09.320 through 2.09.350 shall terminate after a period of seven days from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be terminated sooner or may be extended for such additional periods of time as determined necessary by the Governing Body.

**Section 3.** Overland Park Municipal Code Section 2.09.350 is hereby amended to read as follows:

**2.09.350 Violation of Sections 2.09.320 through 2.09.340.**

Any person who shall willfully fail or refuse to comply with the terms of any proclamation of an emergency or any order issued pursuant to that proclamation or the orders of duly authorized law

enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency as authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1.12.010.

**Section 4.** Overland Park Municipal Code Section 2.09.360 is hereby amended to read as follows:

**2.09.360 Form for Proclamation of Emergency.**

A form to be used in the declaration of an emergency, approved by the City Attorney and the Mayor, shall be kept readily available by the City Clerk, the City Manager and the Emergency Management Coordinator. If an emergency situation should make such form unavailable, any written document signed by the Mayor or designated successor shall suffice.

**Section 5.** Effective Date. 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 18<sup>th</sup> day of March, 2024.

**APPROVED** by the Mayor this 18<sup>th</sup> day of March, 2024.

**CITY OF OVERLAND PARK, KANSAS**

By: (s) Curt Skoog  
Curt Skoog  
Mayor

(SEAL)

ATTEST:

By: (s) Elizabeth Kelley  
Elizabeth Kelley  
City Clerk

APPROVED AS TO FORM:

By: (s) Eric Blevins  
Eric Blevins  
Senior Assistant City Attorney