



Position Paper

Marijuana and Drug Paraphernalia Ordinances Survey of the Top 50 Cities in Kansas

Purpose

This position paper was created to release the results of a survey conducted by DPFKS to determine how many of the top 50 cities by population had municipal ordinances banning the possession of marijuana and drug paraphernalia. In addition, the number persons living in the top 50 cities in Kansas who were subject to a municipal ordinance was calculated from the population data.

Methodology of Survey

A list of cities in Kansas in order of population¹ was the basis for the survey. Using the Internet, or calls to city offices it was determined whether or not any of these cities had adopted ordinances on marijuana possession and drug paraphernalia.

Responses were divided into three categories:

- Cities without municipal ordinances
- Cities with municipal ordinances which have the same penalties² for the offenses as the state statutes
- Cities with municipal ordinances which have enhanced the penalties³ for the offenses from the state statutes

Findings

The top 50 cities in the state of Kansas comprise 65% of the total population of the state of Kansas⁴. There are 32 cities in the top 50 that have enacted ordinances banning marijuana and drug paraphernalia. Only three of the 32 cities with such ordinances have enhanced penalties beyond the state statute (K.S.A. 65-4101 *et. Seq.*).

These cities are:

- Overland Park—48 hours in jail and a fine of \$200
- Olathe—ADSAP evaluation and compliance fee, payable only if the person is not indigent
- Garden City—96 hours in jail and a \$500 fine

¹ According to the US Census Bureau, 2000 Census.

² First-time conviction for possession of marijuana (K.S.A. 65-4101 *et. Seq.*) is a Class A misdemeanor punishable by a fine of 0 to \$2,500 or a sentence of 0 to 1 year in jail, or both.

³ Enhanced penalties are any requirements in addition to the state penalty for Class A misdemeanors.

⁴ Using the 2000 Census Bureau data, by city.

These three cities with enhanced penalties make up 17% of the population of the top 50 cities and only 11% of the population of the state.

By contrast, 29 cities or 63% of population of the top 50 cities in Kansas have adopted ordinances banning marijuana and drug paraphernalia without enhance penalties.

Cities with ordinances that do not enhance the penalty for possession of marijuana contain 41% of the population of the state of Kansas.

The remaining towns, not included in the survey, may also have ordinances, which would boost the total number of persons in Kansas's cities living under a municipal ordinance higher than the 41% found in the top 50 cities.

[Conclusion](#)

The data shows the majority of cities in the top 50 ranking by population (64%) have adopted ordinances sending persons charged with marijuana and drug paraphernalia to municipal court. These cities have determined that the cost of prosecuting these charges in District Court is greater than the cost on their municipalities to prosecute in city court.

The findings also show the number of persons in the state living in cities that have ordinances banning the possession of marijuana and drug paraphernalia contain at least 41% of the total population of Kansas.

The numbers of cities who have enhanced the penalties beyond the state guidelines for a Class A misdemeanor are a very small percentage of the whole, and do not represent the majority of Kansas's cities surveyed.

[Supporting data attached](#)

Marijuana Possession and Drug Paraphernalia by Cities in Kansas Ranked by Population

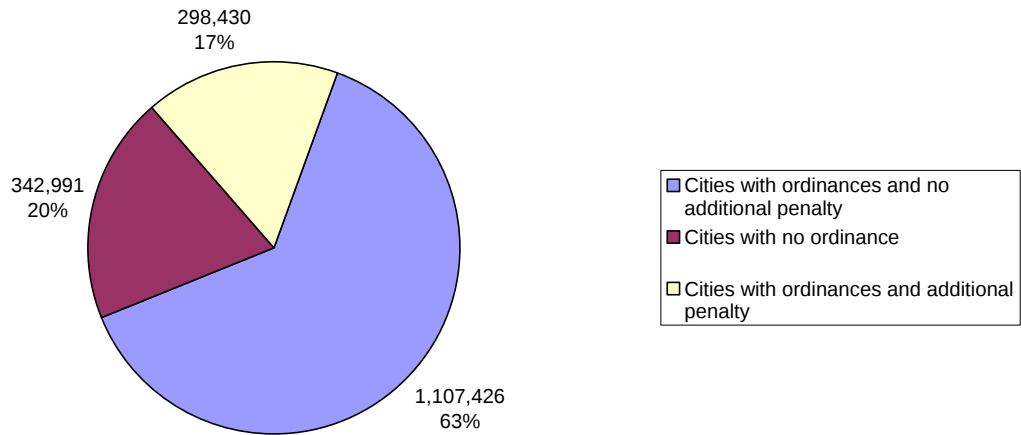
Rank	City	Population	Ordinance	Marijuana	Paraph.	Add. Penalty
1	Wichita	353,823	Y	Y	Y	No
2	Overland Park	162,728	Y	Y	N	\$200 fine, 48 hr jail, ADSAP evaluation and compliance (min.) or treatment.
3	Kansas City	145,004	Y	Y	Y	No
4	Topeka	121,809	Y	Y	Y	No
5	Olathe	108,390	Y	Y	Y	ADSAP evaluation and compliance-fee waived for indigent
6	Lawrence	81,873	N			
7	Shawnee	56,178	Y	Y	Y	No
8	Manhattan	47,916	Y	Y	Y	No
9	Salina	45,988	N			
10	Lenexa	42,615	Y	N	Y	No
11	Hutchinson	41,047	N			
12	Leavenworth	35,290	Y	Y	N	No
13	Leawood	29,504	Y	Y	Y	No
14	Garden City	27,312	Y	Y	Y	96 hours jail and \$500 fine possession of marijuana. No enhancement for para.
15	Emporia	26,639	Y	Y	Y	No
16	Dodge	25,762	Y	Y	Y	No
17	Prairie Village	21,511	Y	Y	Y	No
18	Derby	20,326	Y	Y	Y	No
19	Liberal	20,218	N			

Rank	City	Population	Ordinance	Marijuana	Paraph.	Add. Penalty
20	Hays	19,841	Y	Y	Y	No
21	Pittsburg	19,152	N			
22	Newton	18,154	N			
23	Junction City	16,806	N			
24	Great Bend	14,851	Y	Y	Y	No
25	McPherson	13,681	N			
26	Gardner	12,937	Y	Y	Y	No
27	El Dorado	12,717	Y	Y	Y	No
28	Ottawa	12,499	Y	Y	Y	No
29	Winfield	12,005	Y	Y	Y	No
30	Arkansas	11,753	N			
31	Parsons	11,291	Y	Y	Y	No
32	Merriam	10,774	Y	Y	Y	No
33	Coffeyville	10,504	Y	Y	Y	No
34	Atchison	10,185	N			
35	Lansing	10,117	N			
36	Mission	9,772	N			
37	Haysville	9,627	Y	Y	Y	No
38	Independence	9,407	Y	Y	Y	No
39	Chanute	9,043	N			
40	Andover	8,617	Y	Y	Y	No
41	Augusta	8,560	Y	Y	Y	No
42	Wellington	8,277	N			
43	Fort Scott	8,048	N			
44	Park City	7,000	Y	Y	Y	No
45	Roeland Park	6,997	Y	Y	Y	No
46	Bonner Springs	6,892	Y	Y	Y	No
47	Bel Aire city	6,530	Y	Y	Y	No
48	Pratt	6,397	N			
49	Abilene city	6,397	N			
50	Iola city	6,083	N			
	Total	1,748,847				



Cities with Marijuana and Paraphernalia Ordinances
Top 50 cities in the State of Kansas by Population

population top 50 cities = 1,748,847 or 65% of total KS population



Cities with Marijuana and Paraphernalia Ordinances
Top 50 cities in the State of Kansas

