ORDINANCE NO. 18135

AN ORDINANCE introduced by Deputy Mayor Duane F. Pomeroy relating to Mayor's Police, repealing provisions of the City of Topeka Code §§ 90-101 through 90-117.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That City of Topeka Code § 90-101, Establishment, is hereby specifically repealed.

Establishment.
There are hereby established in and for the city special officers to be known as mayor's police.

Section 2. That City of Topeka Code § 90-102, Appointment, is hereby specifically repealed.

Appointment.
The chief of police, with the consent of the mayor, shall have authority, and is hereby authorized, to appoint such number of male or female persons to be known as mayor's police as the chief shall find necessary in the best interests of the city to preserve the peace and promote the general welfare.

Section 3. That City of Topeka Code § 90-013, Application blanks, is hereby specifically repealed.

Application blanks.
The chief of police shall make available application blanks designed to require the information necessary to a determination of eligibility for the appointment to the mayor's police under this article.

Section 4. That City of Topeka Code § 90-104, Qualifications, is hereby specifically repealed.

Qualifications.

To be eligible for appointment to the mayor's police, a person shall be:

(1) Not less than 21 years of age.

(2) A citizen of the United States, of good moral character and able to read and write the English language understandably.

(3) In good health, sound in body and mind and certified to by the health officer as being physically capable of performing the required duties.

Section 5. That City of Topeka Code § 90-105, Oath of office, is hereby specifically repealed.

Oath of office.

Each appointee to the mayor's police shall be sworn to honestly and impartially discharge the duties as such and to support the Constitution of the United States of America and the constitution of the state.
Section 6. That City of Topeka Code § 90-106, Preappointment training, is hereby specifically repealed.

Preappointment training.

The chief of police may conduct, and mayor's police appointees shall present themselves for, a period of preappointment training of such intensity and duration as the chief of police shall find necessary to the performance of the required duties.

Section 7. That City of Topeka Code § 90-107, Assignment to duty, is hereby specifically repealed.

Assignment to duty.

The chief of police, subject to the restrictions and limitations contained in this article, shall have complete authority and control over the mayor's police and its members, and may delegate the exercise thereof, in whole or in part, to any subordinate. The chief of police or any subordinate whom the chief shall have designated therefor may establish, by order which may be changed from time to time, rules and regulations governing the mayor's police and its members, providing for the maintenance of discipline and the assigning of each member to perform police duties.

Section 8. That City of Topeka Code § 90-108, Supervision by chief of police, is hereby specifically repealed.

Supervision by chief of police.

The chief of police shall familiarize each appointee with the duties to be performed, and the chief of police shall be the sole supervisor of the duties of the mayor's police.
Section 9. That City of Topeka Code § 90-109, Compliance with police department regulations and acts of city council, is hereby specifically repealed.

Compliance with police department regulations and acts of city council.

The mayor's police shall adhere to and be governed by, all the rules and regulations laid down for the guidance of the police department members insofar as such rules and regulations are applicable to and consistent with the special class of duty prescribed for such mayor's police and they shall also comply with all other applicable ordinances, rules and regulations adopted by the city council.

Section 10. That City of Topeka Code § 90-110, Official station, is hereby specifically repealed.

Official station.

Each member of the mayor's police, while serving as such, shall have status as a police officer or as a peace officer, and as such, shall have the same power and authority except to the extent that the same may be restricted or limited by the chief of police, as does a regular police officer while serving as such. However, each member, at all times other than while serving as the mayor's police:

(4) Shall not have status as a police officer or as a peace officer;

(2) Shall not have any power, authority or duties as a police officer or as a peace officer.
Section 11. That City of Topeka Code § 90-111, Off-duty police employment, is hereby specifically repealed.

Off-duty-police-employment.

Each member of the mayor's police shall have the privilege to engage in private off-duty police employment only when such privilege is granted by the chief of police or a designee. However, at such time the individual shall not be an employee of the city or its police department; shall not be covered under any insurance coverage provided by the city; and shall engage in such employment solely at the risk of themselves, the employer, or agent of the employer.

Section 12. That City of Topeka Code § 90-112, Badge and equipment, is hereby specifically repealed.

Badge-and-equipment.

The chief of police shall, at the expense of the city, supply each of the mayor's police with a suitable badge and credentials, and such other equipment or supplies as he shall find necessary in the best interests of the city.

Section 13. That City of Topeka Code § 90-113, Compensation, is hereby specifically repealed.

Compensation.

Each of the mayor's police shall serve without pay or compensation, unless compensation shall be provided by ordinance duly enacted by the city council.
Section 14. That City of Topeka Code § 90-114, Insurance, is hereby specifically repealed.

Insurance.

The city shall provide insurance coverage to the members of the mayor's police force for injuries, illness or death incurred in the course of their employment. The coverage provided shall be such as the chief of police shall recommend, and the city council shall approve. The cost of such coverage shall be borne by the city.

Section 15. That City of Topeka Code § 90-115, Equipment allowance, is hereby specifically repealed.

Equipment allowance.

Each member of the mayor's police who serves a minimum of 16 hours per month shall receive $10.00 per month to be allowed as an equipment and upkeep allowance. Such payment is not compensation for services but solely an upkeep stipend. Such allowance shall be paid on a quarterly basis.

Section 16. That City of Topeka Code § 90-116, Employee of city, is hereby specifically repealed.

Employee of city.

Each member of the mayor's police shall be an employee of the city only while serving any assigned shift as a member or while receiving further training or while receiving any required training to qualify to become a member of the mayor's police.
Section 17. That City of Topeka Code § 90-117, Dismissal, is hereby specifically repealed.

Dismissal.

The chief of police, with or without cause therefor, may terminate any member at any time, and any member may resign as such at any time by written notification thereof to the chief. Any member shall surrender, at the time the member shall cease to be a member of the mayor's police, all property of the city which shall have been issued to the member pursuant to the provisions of this article or otherwise.


Section 19. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council____________________ DEC 02 2003_______

ATTEST:

Duane F. Pomeroy, Deputy Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 11/26/03 BY 38C
TO BE CODIFIED __________
NOT TO BE CODIFIED __________