ORDINANCE NO. 18137

AN ORDINANCE introduced by Mayor Harry Felker, relating to the rules and regulations regarding private security licenses, repealing City of Topeka Code §§ 30-399, 30-419, and 30-427, amending City of Topeka Code §§ 30-66, 30-396, 30-397, 30-398, 30-400, 30-401, 30-402, 30-403, 30-416, 30-417, 30-418, 30-420, 30-421, 30-422, 30-423, and 30-424 and repealing said original sections.

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

Section 1. That City of Topeka Code § 30-66, as amended by City of Topeka Ordinance No. 18127, Merchant guard or merchant patrol, is hereby amended to read as follows:

Merchant Private security or merchant patrol firms, employees, agents and guards.

(a) The annual license fee for persons engaged in the merchant private security guard or merchant patrol business, and agents and employees, agents or guards of merchant private security guards or merchant patrols firms, shall be as follows:

(1) Agents and employees, agents, and guards of merchant private security guards or merchant patrols firms:

a. First year application . . . . $30.00
b. Annual renewal . . . . . . $25.00

(2) Merchant Private security guards or merchant patrols firms or persons engaged in the business of installing, servicing or answering alarm systems for security purposes:

a. First year application . . . . $300.00
b. Annual renewal . . . . . . $100.00
(3) Any person engaged strictly and solely in the business of monitoring telephone alarm service, per year....$25.00 Temporary license .... $5.00 10.00

(4) Temporary license .... 5.00

(b) Each applicant for a license under this section shall be individually responsible for license fees and shall pay such fees as a condition to license processing. Licenses shall expire on December 31 of each year-twelve (12) months from the initial date of application.

Section 2. That City of Topeka Code § 30-396, Definitions, is hereby amended to read as follows:

Definitions.

Agents and employees, agent, and guard means all persons employed by a merchant private security guard or merchant patrol firm in the conduct of business, except stenographic and clerical and management employees whose duties are confined entirely to stenographic and clerical or management duties in the business office of the merchant private security guard or merchant patrol firm or other employees not directly engaged in providing protection and preserving the peace.

Chief of police means the Chief of Police of Topeka, Kansas, or designated representative of the chief of police his or her designee.

Conviction shall mean a finding of guilty of the commission of a criminal offense as specified herein, and shall include juvenile offender adjudications, expunged convictions, diversions, and deferred prosecutions and juvenile offender adjudications.

Firearms means (a) a pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or is capable of firing fixed cartridges; or (b) any
other weapon which will or is designed to expel a projectile by the action of any explosive
and which is designed to be fired by the use of a single hand.

*Intimate partner* shall have the meaning ascribed to it by 18 U.S.C. 921(a)(32), and
amendments thereto.

*Law enforcement officer* means a law enforcement officer as defined by K.S.A. 21-
3110, and amendments thereto.

*License* means the license to act as a merchant *private security guard* or *patrol firm*
or officer to act as an employee, agent or guard of a private security firm issued by the
chief of police to the individuals employed by a security agency or business as merchant
private security guard or patrol officers.

*Misdemeanor Crime of Domestic Violence* shall have the meaning ascribed to it by
18 U.S.C. § 921(a)(33), and amendments thereto.

*Merchant Private security guard or merchant patrol firm* means any person who or
company that conducts or is engaged in the business of providing protection and
preserving the peace of one (1) or more establishments, or in the business of installing,
servicing or answering alarm systems for security purposes of one or more establishments.

*Police department* means the Topeka, Kansas, police department.

*Private detective* means any person who engages in detective business as defined
by K.S.A. 75-7b01, and amendments thereto.

Section 3. That City of Topeka § 30-397, Uniforms, is hereby amended to
read as follows:

**Uniforms.**

Uniforms, if any, worn by agents or employees, *agents or guards* of merchant
private security guards or merchant patrols firms while employed within the city will be of a color different from that shall not be the same color nor sufficiently similar in appearance that a reasonable person could confuse them with uniforms worn by officers of the police department or any other law enforcement agency authorized by the State of Kansas to operate within the City of Topeka.

Section 4. That City of Topeka § 30-398, Vehicles, is hereby amended to read as follows:

Vehicles.

The vehicles used in the conduct of business of the merchant private security guard or merchant patrol business firm within the city by any licensee shall not be of a color different from that of the same color nor sufficiently similar in appearance that a reasonable person could confuse them with vehicles of used by the police department uniform patrol division and the fire department of any law enforcement agency authorized by the State of Kansas to operate within the City of Topeka. Once determined, the color and appearance of such vehicles shall not be changed except by mutual agreement between the chief of police and the business licensee private security firm. In the event the licensee private security firm and the chief of police cannot agree, the matter will be submitted to the chief administrative officer, whose decision shall be binding on the chief of police and licensee private security firm. In addition, While such vehicles shall not may be equipped with any rotating roof lights red and/or blue emergency lights or sirens, nor shall any it shall be unlawful to operate such lights or sirens on the streets and highways inside the city limits while the vehicle is in motion. Additionally, no insignias shall be painted-on affixed to the sides thereof which are similar in appearance to or which a reasonable person could be
confused with that painted on affixed to the sides of the vehicles of such division used by
the city.

Section 5. That City of Topeka Code § 30-399, Use of red lights or sirens
prohibited is hereby repealed:

Use of red lights or sirens prohibited.

It is recognized that a merchant guard or patrol may have clients outside the
jurisdiction of the city. When vehicles used for purposes outside the jurisdiction of the city
are operated within the city, the licensee shall not operate any flashing red lights or sirens,
if any, equipped on the vehicle. Business licensees are required to designate such vehicles
used outside the jurisdiction of the city to the chief of police. Vehicles equipped with
rotating roof lights shall not be operated on patrol in the jurisdiction of the city.

Section 6. That City of Topeka Code § 30-400, Use of words "police officer" in
advertising, upon premises or equipment, is hereby amended to read as follows:

Use of words "police officer" in advertising, upon premises or equipment.

The words police officer shall not be used in any advertising or upon the premises
within the limits of the city and county occupied by the merchant private security guard or
merchant patrol firm, nor on any of its vehicles or equipment.

Section 7. That City of Topeka Code § 30-401, Use of firearms, is hereby
amended to read as follows:

Use of firearms.

(a) Licensees under this article may have the right to carry firearms only after
completion of a firearm proficiency process under the direction and control of the police
department or a suitable alternative process approved by the chief of police. The authority
to carry a firearm will be extended only while the licensee is performing the required duties
of employment and while en route to or from the place of business. Certification will be
granted by the chief of police after the licensee passes a written and practical test
demonstrating knowledge of applicable laws concerning use of force, firearms safety,
fundamentals of shooting, and operation and maintenance of firearms, administered by the
chief of police or his designee or a suitable alternative testing process approved by the
chief of police. The chief of police or his designee shall provide information on guidelines
and source material from which the written test will be derived. Written tests will be
developed and maintained by the chief of police or his designee or a suitable alternative
testing process approved by the chief of police. Licensees and their companies will be
notified of pass/fail of such tests. Licensees shall also be required to complete the firearms
proficiency process annually to retain their license to carry a firearm. No person convicted
of a felony and or ineligible under federal law to own or possess firearms shall be licensed
by the city to carry firearms. The right to carry a firearm may be revoked by the chief of
police if the right has been abused.

(b) The police department is authorized to charge twenty-five ($25.00) dollars to
the licensee's employer for the test required by this section.

(c) It shall be unlawful for licensees under this article to draw or fire a firearm in
the performance of their duties except when they reasonably believe that such force is
necessary to prevent death or great bodily harm to themselves or another.

Section 8. That City of Topeka Code § 30-402, Change in personnel, is hereby
amended to read as follows:

Change in personnel.
(a) Whenever the employment of an agent or employee, agent or guard of a merchant private security guard or merchant patrol firm is discharged terminated ceases for any reason, the employer shall immediately notify the chief of police of such fact the termination within five (5) business days cessation of employment on a form supplied by the police department. The employer shall notify the police department of the reasons for dismissal. Such information shall be confidential. The employer is in violation of this requirement if notice is not provided within five (5) business days of the last day of employment.

(b) When the employment of an agent or employee of a merchant private security guard or merchant patrol firm is dismissed terminated ceases, he or she shall forthwith surrender his or her identification card to the employer, who shall forward such card to the chief of police. If the person surrendering the identification card is reemployed during the remainder of the year license period, the identification card may be reissued without only a charge for a new identification card.

(c) It shall be unlawful for agents, employees, agents, guards or licensees to fail or refuse to surrender identification cards of terminated employees whose employment has ceased to the chief of police within five (5) business days after the date of termination cessation of employment.

Section 9. That City of Topeka Code § 30-403, Changing place of business, is hereby amended to read as follows:

Changing place of business.

Any licensee under this article changing place of business or abode shall immediately notify the chief of police of such fact, together with the address and telephone
number of the new place of business or abode. If a licensee changes in the place of
business or abode, this shall not be deemed to be a transfer of license or to require the
payment of any additional fees except for the fee for a replacement identification card or
license when required.

Section 10. That City of Topeka Code § 30-416, Required, is hereby amended to
read as follows:

Required.

(a) It shall be unlawful for any person to engage in or conduct a merchant private
security guard or merchant patrol business without obtaining a license as provided in this
division.

(b) It shall be unlawful for any merchant private security guard or merchant patrol
firm to employ any agent or person to perform work as an employee, agent, or guard
unless the person to be employed has obtained a license as provided in this division.

(c) It shall be unlawful for any person to accept employment to perform work as an
agent or employee, agent or guard of a merchant private security guard or merchant patrol
firm without obtaining a license as provided in this division.

(d) This division is intended to be in addition to all other permits, or licenses
vested in persons by the state, county or city, and it shall not be a defense to the failure to
secure a license to protect or preserve the peace of one (1) or more establishments that
the person had such other authority.

(e) The following persons shall not be deemed to be merchant private security
guards and shall not be required to obtain a license to act as a merchant private security
guard:
(1) Persons employed exclusively and regularly by one (1) employer in connection only with the affairs of such employer, where there exists an employer-employee relationship, and where the operation is conducted solely and completely on the property of the employer.

(2) Any officer or employee of the United States, of this state, or of a political subdivision thereof, while engaged in the performance of the office or the employee's official duties.

(3) State certified law enforcement officers as defined in K.S.A. 74-5602 et seq, and amendments thereto, except such officers shall not be exempt from the fee requirements of City of Topeka Code § 30-66.

(4) Any person who holds a valid commission as an officer of the Topeka, Kansas, police reserves or any person who holds a valid commission as an officer of the Shawnee County Sheriff's Office reserve and who have successfully completed training from the Shawnee County sheriff's department as a reserve officer, except such persons shall not be exempt from the fee requirements of City of Topeka Code § 30-66.

(5) Private detectives licensed in the state pursuant to K.S.A. 75-7b01, and amendments thereto.

Section 11. That City of Topeka Code § 30-417, Application, is hereby amended to read as follows:

Application.

(a) Applicants for a license as a merchant private security guard or merchant patrol firm, or agent or employee, agent or guard of a merchant private security guard or
merchant-patrol firm, shall file an application with the chief of police on forms to be prepared by the chief of police and supplied by the police department for that purpose. The application form shall asks, but not be limited to contain the following:

(1) If an applicant for a license as a merchant private security guard or merchant-patrol firm:

   a. The applicant's name, address, race, sex, date of birth, telephone number and social security number;
   
   b. A description of the nature and type of business to be conducted;
   
   c. The services to be offered and the area expected to be covered in the conduct of the business;
   
   d. A statement as to the number of persons to be employed as agents or employees A statement as to the number and type of vehicles to be used in the conduct of the business and a description thereof; and
   
   e. A statement as to the number and type of vehicles to be used in the conduct of the business and a description thereof; and A description of the type of weapons to be used on the job.
   
   f. A description of all weapons registered to that applicant.

(2) If an applicant for a permanent license as an agent or an employee of a merchant private security guard or merchant-patrol firm:

   a. The applicant's name, address, race, sex, date of birth, telephone number and social security number; and
   
   b. The name of the person or firm by whom the applicant is to be
(b) Each applicant as designated in subsection (a) shall also file with the application:

(1) A statement as to whether or not the applicant has been convicted (including any expunged convictions or taken a diversion or deferred prosecution, or adjudication as a juvenile) of any felony or, misdemeanor or ordinance violation, the nature of the offense, the disposition of the case including the penalty or punishment imposed, and the date and place where such offense occurred;

(2) A statement as to whether or not the applicant has ever had a judgment or conviction for fraud, deceit or misrepresentation and, if so, the details thereof; and

(3) A statement as to the business or employment records of such applicant for the three (3) years immediately preceding the date of application.

(e) In addition to the license required for persons engaged only in the business of installing alarm systems for security, only the supervisory personnel engaged in the actual installation work need to be licensed under this article.

Section 12. That City of Topeka Code § 30-418, Temporary license permit, is hereby amended to read as follows:

Temporary license permit.

(a) The chief of police or his or her designee is hereby authorized to issue a temporary license permit to an applicant as an agent or as an employee, agent, or guard of a merchant private security guard or patrol firm upon the following conditions:

(1) The merchant private security guard or patrol firm gives written notice
of intent to employ the applicant;

(2) The applicant submits his name, address, telephone number, social security number and date of birth a completed application for a license to the police department;

(3) The police department makes a security check and certifies the applicant eligible for a temporary merchant- private security guard license; and

(4) The payment of a fee as prescribed in section City of Topeka Code § 30-66 and amendments thereto for a merchant private security employee, agent or guard temporary license will be paid to the record division of the police department at the time of application.

(b) The temporary license permit issued under this section shall be effective for a period of 30 up to sixty (60) days and shall be subject to suspension or revocation for the same reasons as business licenses and permanent agent or employee, agent or guard licenses. A temporary license issued under this section may be extended for not more than two (2) additional sixty (60) day periods at the discretion of the chief of police. The temporary license shall not give the authority to carry a firearm until the licensee has complied with section City of Topeka Code § 30-401 and amendments thereto. An application for a temporary license permit shall be accepted or rejected by the police department within one (1) working day of the time it is submitted.

Section 13. That City of Topeka Code § 30-419, Fee, is hereby repealed.

Fee.

The license fee under this division is prescribed in section 30-66.
Section 14. That City of Topeka Code § 30-420, License procedure; Appeals, is hereby amended read as follows:

License procedure; Appeals.

(a) When the applicant for a license under this article receives an application, the applicant shall complete the application and the attached forms in full. Applications and the attached forms are to be completed in full. The applicant shall return the completed original application and forms to the police department. The chief of police shall, after receipt of the completed application, direct that the applicant's qualifications be investigated. Upon completion of the investigation, the chief of police shall approve or disapprove the application. The chief of police may, at any time during the approval procedure, seek the advice or recommendations of the city attorney's office.

(b) The chief of police is authorized to promulgate all necessary rules and regulations concerning the review and processing of merchant private security firm, employee, agent or guard applications. The rules and regulations so promulgated shall be with the approval of the city attorney.

(c) If the chief of police initially disapproves denies the application for a license under this article, or in the event the applicant is denied a license pursuant to section 30-424, the chief of police shall promptly notify the applicant of the action. Within ten (10) days after receiving notice from the chief of police that his or her application for a merchant private security guard license has been disapproved or denied, the applicant may appeal in writing to the council for a hearing on the matter. The issue in any such appeal from a denial pursuant to City of Topeka Code § 30-421(a) (1) through (8) shall be limited to determining whether the facts supporting the disapproval or denial of the license are
Section 15. That City of Topeka Code § 30-421, Causes for mandatory denial, is hereby amended to read as follows:

Causes for mandatory denial. Qualifications; denial, suspension or revocation of licenses; procedure; appeals; emergency suspensions.

(a) No The chief of police may deny an application, or suspend or revoke a license shall be issued under this article to:

(1) Any person under eighteen (18) years of age; provided, however, that no person between the age of eighteen (18) and twenty-one (21) years of age shall be authorized to carry a firearm;

(2) Any person who is not a citizen of the United States of America Any person convicted of a felony within twenty (20) years immediately preceding the date of application, or released or discharged from incarceration on probation, parole, postrelease supervision or any other form of conditional or unconditional release for such conviction within five (5) years immediately preceding the date of application;

(3) Any person whose character and reputation or record of sobriety is not satisfactory to the council Any person convicted to two (2) or more class A or class B misdemeanors within ten (10) years immediately preceding the date of application. Offenses classified as class A or class B misdemeanors by Chapter 8 of the Kansas Statutes Annotated or K.S.A. 40-3104, and amendments thereto, or any city ordinance or county resolution in conformity therewith, shall not disqualify an otherwise qualified applicant unless they are convictions of reckless driving.
driving under the influence of intoxicating liquor or drugs, driving a commercial vehicle under the influence of intoxicating liquor or drugs, refusing a preliminary breath test, tampering with an ignition interlock device, or fleeing or attempting to elude a police officer;

(4) Any person convicted of a felony within 20 years immediately preceding the date of application or any person convicted of two or more class A or class B misdemeanors within ten years immediately preceding the date of application; or in the case of a corporation, if any officer, director or principal stockholder has been convicted as provided in this subsection. Offenses classified as class A or class B misdemeanors by Chapter 8 of the Kansas Statutes Annotated or K.S.A. 40-3104, and amendments thereto, or any city ordinance or county resolution in conformity therewith, shall not disqualify an otherwise qualified applicant unless they are convictions of reckless driving, driving under the influence of intoxicating liquor or drugs, driving a commercial vehicle under the influence of intoxicating liquor or drugs, refusing a preliminary breath test, tampering with an ignition interlock device, or fleeing or attempting to elude a police officer In the case of a corporation private security firm, if any officer, director or principal stockholder who is directly involved in the management of the business and who has access to sensitive client information has been convicted as provided in subsection (a)(2) or (a)(3);

(5) Any person against whom a judgment or conviction for fraud, deceit or misrepresentation has been entered within ten years immediately preceding the date of application; or Any person who is subject to a court order that restrains such
person from harassing, stalking, or threatening others or an intimate partner of such
person or child of such intimate partner or person, or engaging in other conduct that
would place others or an intimate partner in reasonable fear of bodily injury to the
partner or child, except that this paragraph shall only apply to a court order that:

(a) Was issued after a hearing of which such person received
actual notice, and at which such person had the opportunity to participate;

and

(b) (1) Includes a finding that such person represents a
credible threat to the physical safety of others or an intimate partner
or child; or

(2) By its terms explicitly prohibits the use, attempted use,
or threatened use of physical force against others or an intimate
partner or child that would reasonably be expected to cause bodily
injury,

(6) Any person who has a record of one or more convictions for controlled
substance abuse or a record of violent acts against persons or property within ten
years immediately preceding the date of application. Any person that has been
convicted in any court of assault, battery, or a misdemeanor crime of domestic
violence within ten (10) years immediately preceding the date of application;

(7) Any person against whom a judgment or conviction for fraud, deceit or
misrepresentation, or a conviction for theft has been entered within ten (10) years
immediately preceding the date of application or a juvenile conviction or adjudication
for theft has been entered within five (5) years immediately preceding the date of
(8) Any person who has a record of one (1) or more convictions for controlled substance abuse, or a record of violent acts against persons within ten (10) years immediately preceding the date of application.

(9) Any person with a known mental condition which might adversely affect the public safety while in the performance of a private security guard in providing public safety. A statement provided by a licensed Kansas psychologist or psychiatrist attesting to the person's mental fitness may be provided at the applicant's or licensee's expense if such a condition is given as a reason for rejection. Any rejection, suspension, or revocation based on mental condition shall be withdrawn upon the applicant's submission of such letter.

(10) Violations of any federal or state statute or city ordinance the chief of police deems to make the applicant or licensee unfit to handle the responsibilities of the license, falsification of the application or supporting documents, or violation of any of the provisions of the provisions of this article.

(b) It shall be unlawful for any person holding a license or temporary license to fail to report to their employer, or for any employer to fail to report to the chief of police within five (5) business days, any charge, arrest, judgment, conviction, sentencing or diversion for a criminal act set forth in subsection (a) that constitutes a reason for denial or an application or suspension or revocation of a license.

(c) The procedure for appealing from denial of an application for a license shall be as specified in City of Topeka Code § 30-420(c).

(d) Prior to suspending or revoking a license issued under the article, the chief of
police shall issue written notice to the licensee at their last known address of the reasons
for the proposed suspension or revocation and an opportunity for a hearing on the matter.
Except as provided by subsection (f), the hearing shall be scheduled for not more than
fourteen (14) days from the date of the notification, and the licensee shall be notified of the
date, time and location of the hearing. The licensee may appear in person, or by counsel,
or both. The chief of police may continue the hearing in his or her discretion. After the
hearing, the chief of police shall issue an order either revoking or suspending the license or
declining to revoke or suspend the license and the reasons therefore. The chief of police
shall serve a copy of the order on the licensee.

(e) Any person or firm that has their license suspended or revoked by the chief of
police may appeal the decision to the city council by filing a written notice of appeal with
the city clerk within ten (10) days of receipt of the order suspending or revoking the license.
If a timely appeal is filed, the council shall hold a hearing and the person or firm appealing
may present any evidence and be heard with respect to the allegations that resulted in
suspension or revocation by the chief of police. The licensee may, concurrently with
appeal of the suspension or revocation, request in writing that imposition of suspension or
revocation be stayed pending the outcome of the appeal. If both the notice of appeal and
request for stay are timely filed with the city clerk, imposition of the suspension or
revocation shall automatically be stayed, pending the outcome of the appeal. The city
council shall either affirm or reverse the suspension or revocation, or remand the matter to
the chief of police for further proceedings.

(f) The chief of police, with the approval of the city attorney, may use emergency
proceedings to suspend a license in any situation involving an immediate danger to the
public health, safety or welfare requiring immediate action. The chief of police may take
only such action as is necessary to prevent or avoid the immediate danger to the public
health, safety or welfare that justifies use of emergency adjudication. The chief of police
shall render an order, including a brief statement of findings of fact, conclusions of law and
policy reasons for the decision if it is an exercise of chief of police's discretion, to justify his
or her decision to take the specific action and the determination of an immediate danger.
The chief of police shall give such notice as is practicable to persons who are required to
comply with the order. The order is effective when rendered. After issuing an order
pursuant to this section, the chief of police shall proceed as quickly as feasible to complete
any proceedings pursuant to City of Topeka Code § 30-421(c) that would be required if the
matter did not justify the use of emergency proceedings.

Section 16. That City of Topeka Code § 30-422, Insurance, is hereby amended to
read as follows:

Insurance.

(a) All merchant private security guard or merchant patrol business licensees
firms shall carry insurance for the purpose of indemnifying third persons for bodily injury, in
amounts not less than two hundred thousand ($200,000.00) dollars for each bodily injury
and five hundred thousand ($500,000.00) dollars aggregate limit; and further, to indemnify
third persons for any damage to property as the result of the actions of the merchant
private security guard or patrol agent or firm’s employee, agent, or guard in an amount of
not less than one hundred thousand ($100,000.00) dollars per claimant and three hundred
thousand ($300,000.00) dollars aggregate limit. The policy shall be approved as to form by
the city-attorney's office. Evidence of such coverage shall be provided to the chief of
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police, and it shall be the business-licensee's private security firm's responsibility to
determine that assure that either the private security firm or its insurance carrier has
notified the city-clerk chief of police of any lapse or cancellation in coverage within ten (10)
days of notification to the insured.

(b) Failure to carry the required insurance or to notify the chief of police of any
lapse or cancellation of coverage within ten (10) days of notification to the insured shall be
unlawful.

Section 17. That City of Topeka Code § 30-423, Issuance, is hereby amended to
read as follows:

Issuance.

The chief of police shall issue a license to each business private security firm upon
approval of the application by the council and the filing of insurance as provided in section
City of Topeka Code § 30-422.

Section 18. That City of Topeka Code § 30-424, Identification cards, is hereby
amended to read as follows:

Identification card/license cards.

(a) The chief of police shall issue an identification card card/license to each
approved applicant which shall be carried worn prominently by the licensee at all times
while on duty as a merchant uniformed private security employee, agent, or guard. Non-
uniformed private security employees, agents, or guards shall wear prominently their
identification card/license unless doing so would be detrimental to their current assignment.

Private security employees, agents, or guards shall carry their identification card/license at
all times while working as a security guard for the private security firm, and shall display it
upon the request of any police officer. The identification card shall be approximately two and a half (2 1/2) inches by four (4) inches and shall include the following information:

1. The type of license and expiration date thereof; and
2. Name, business, address, physical description and picture of the licensee; and
3. The name of the employer if the licensee is an agent or employee of a merchant private security guard or merchant patrol firm; and
4. The signature of the licensee and that of the chief of police; and
5. A statement as to whether or not the licensee is authorized to carry a firearm; and
6. Such other information as the chief of police may deem advisable.

(b) The chief of police is hereby authorized to collect from each applicant the sum of twenty ten ($20.0010.00) dollars for each new or replacement identification card or license and a fee of $15.00 shall be collected from each licensee for each annual renewal for the cost of reproduction of the identification cards/licenses issued.

Section 19. That City of Topeka Code § 30-427, Revocation or suspension, is hereby repealed.

Revocation or suspension.

(a) The chief of police shall have the authority to revoke or suspend any license granted pursuant to this division for violation of any federal or state statute or city ordinance, for falsification of application or documents, for violation of any of the provisions of this article, or for any act committed by a licensee which is deemed by the chief of police
to make the licensee unfit to handle the responsibilities of such a license upon request.

Suspension periods shall be for the maximum of 60 days.

(b) In cases of revocation or suspension of the license of a merchant guard or merchant patrol business, pursuant to subsection (a) of this section, the licensee may appeal the decision of the chief of police to the city council within ten days of receipt of notification of the suspension or revocation by providing a written appeal to the city clerk. If a timely appeal is made, the council shall hold a hearing and the licensee appealing may present any evidence and be heard with respect to the allegations that result in suspension or revocation by the chief of police. The licensee may, concurrently with appeal of the suspension or revocation, request in writing that imposition of suspension or revocation by stayed pending the outcome of the appeal. If both the notice of appeal and request for stay are timely filed with the city clerk, imposition of the suspension or revocation shall automatically be stayed, pending the outcome of the appeal.

Section 20. That City of Topeka Code Chapter 30, Article XI, Division 2, is hereby amended by the addition of the following language:

Rules and Regulations Authority

The chief of police, with the approval of the city attorney's office, is authorized to promulgate all necessary rules and regulations he or she deems necessary to carry out the provisions of this article.

Section 21. That City of Topeka Code §§ 30-66, 30-396, 30-397, 30-398, 30-399, 30-400, 30-401, 30-402, 30-403, 30-416, 30-417, 30-418, 30-419, 30-420, 30-421, 30-422, 30-423, 30-424, and 30-427 are hereby specifically repealed.
Section 22. This Ordinance shall take effect and be in force on January 1, 2004, and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council.

Duane F. Pomeroy, Deputy Mayor

ATTEST:

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 12/6/03 BY
TO BE CODIFIED
NOT TO BE CODIFIED