

(Published in the Topeka Metro News December 4, 2023)

**ORDINANCE NO. 20463**

AN ORDINANCE introduced by Councilmember Spencer Duncan, concerning merchant or private security guard, amending § 5.90.010, § 5.90.020 and § 5.90.150 of the Topeka Municipal Code and repealing original sections.

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

Section 1. That section 5.90.010, Definitions, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

**Definitions.**

“Chief of Police” means the Chief of Police of Topeka, Kansas, or his or her designee.

“Conviction” shall mean a finding of guilty of the commission of a criminal offense as specified herein, but shall not include the following:

(1) A charge for which a person has successfully completed a diversion;

(2) A charge that resulted in a deferred judgment for a juvenile under the age of 18; and

(3) A conviction that has been expunged or pardoned pursuant to the law of any applicable jurisdiction.

“Crime of violence” means:

(1) An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(2) Any other offense that is a felony or misdemeanor and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

29           “Employee, agent, and guard” means all persons employed by a private security  
30 firm in the conduct of business, except employees whose duties are confined entirely to  
31 stenographic, clerical or management duties in the business office of the private  
32 security firm or other employees not directly engaged in providing protection and  
33 preserving the peace.

34           “License” means the license to act as a private security firm or to act as an  
35 employee, agent or guard of a private security firm issued by the Chief of Police.

36           “Police Department” means the Topeka, Kansas, Police Department.

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

39           “Private security firm” means any person or company that conducts or is  
40 engaged in the business of providing protection and preserving the peace of one or  
41 more establishments.

42           “State Agency” means any department, agency or instrumentality of the State of  
43 Kansas.

44           Section 2. That section 5.90.020, Uniforms, of The Code of the City of  
45 Topeka, Kansas, is hereby amended to read as follows:

46           **Uniforms.**

47           Unless a sworn officer of the Police Department is employed directly as an  
48 employee of a State Agency or by a security agency stationed solely at a State Agency,

49 ~~U~~niforms, if any, worn by employees, agents or guards of private security firms while  
50 employed within the City shall not be the same color nor sufficiently similar in  
51 appearance that a reasonable person could confuse them with uniforms worn by

52 officers of the Police Department or any other law enforcement agency authorized by  
53 the State of Kansas to operate within the City of Topeka.

54 Section 3. That section 5.90.150, Insurance, of The Code of the City of  
55 Topeka, Kansas, is hereby amended to read as follows:

56 **Insurance.**

57 (a) All private security firms other than State Agencies, shall carry insurance  
58 for the purpose of indemnifying third persons for bodily injury, in amounts not less than  
59 \$200,000 for each bodily injury and \$500,000 aggregate limit; and further, to indemnify  
60 third persons for any damage to property as the result of the actions of the private  
61 security firm's employee, agent, or guard in an amount of not less than \$100,000 per  
62 claimant and \$300,000 aggregate limit. Evidence of such coverage shall be provided to  
63 the Chief of Police, and it shall be the private security firm's responsibility to assure that  
64 either the private security firm or its insurance carrier has notified the Chief of Police of  
65 any lapse or cancellation in coverage within 10 days of notification to the insured.

66 (b) Failure to carry the required insurance or to notify the Chief of Police of  
67 any lapse or cancellation of coverage within 10 days of notification to the insured shall  
68 be unlawful.

69 Section 4. That original § 5.90.010, § 5.90.020 and § 5.90.150 of The Code of  
70 the City of Topeka, Kansas, are hereby specifically repealed.

71 Section 5. This ordinance shall take effect and be in force from and after its  
72 passage, approval and publication in the official City newspaper.

73 Section 6. This ordinance shall supersede all ordinances, resolutions or rules,  
74 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 7. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on November 21, 2023.

CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk