

(Published in the Topeka Metro News October 17, 2011)

ORDINANCE NO. 19654

AN ORDINANCE introduced by Councilmember Denise Everhart, amending City of Topeka Code § 5.90.100 concerning private security guard license fees and specifically repealing said original section.

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

Section 1. That section 5.90.100, Required, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Required.

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

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

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

(d) This article 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 or more establishments that the person had such other authority.

(e) The following persons shall not be deemed to be private security guards and shall not be required to obtain a license to act as a private security guard:

(1) Persons employed exclusively and regularly by one employer in connection only with the affairs of such employer, where there exists an

29 employer-employee relationship, and where the operation is conducted solely
30 and completely on the property of the employer.

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

34 (3) State certified law enforcement officers as defined in K.S.A. 74-
35 5602 et seq., and amendments thereto, ~~except such officers shall not be exempt~~
36 ~~from the fee requirements of TMC 5.10.160.~~

37 (4) Any person who holds a valid commission as an officer of the
38 Topeka, Kansas, police reserves or any person who holds a valid commission as
39 an officer of the Shawnee County sheriff's office reserve and who has
40 successfully completed training as a reserve officer, except such persons shall
41 not be exempt from the fee requirements of TMC 5.10.160.

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

44 Section 2. That original § 5.90.100 of The Code of the City of Topeka, Kansas,
45 is hereby specifically repealed.

46 Section 3. This ordinance shall take effect and be in force from and after its
47 passage, approval and publication in the official City newspaper.

48 Section 4. This ordinance shall supersede all ordinances, resolutions or rules,
49 or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. 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 October 11, 2011.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk