

CHAPTER XIII. POLICE

Article 1.	General Provisions
Article 2.	Merchant Security
Article 3.	Emergency Alarm Systems

ARTICLE 1. GENERAL PROVISIONS

- 13-101 **APPOINTMENTS.**
The City Manager shall appoint a City Marshal-Chief of Police and such number of regular and special policemen for the City as the Governing Body may deem necessary for the best interest, welfare and protection of the City. (Code 1979, 13-101)
- 13-102 **RESERVED.**
- 13-103 **RESERVED.**
- 13-104 **POLICE CHIEF: POWERS; DUTIES.**
The Chief of the Police Department shall, under the direction of the City Manager, have complete control of the Police Department and shall be responsible for the proper organization, training, discipline and functioning of the Police Department, and for the proper care, use and safety of all property used in connection with such department. (Code 1979, 13-103)
- 13-105 **POWERS AND DUTIES OF MEMBERS.**
The several members of the department, when on duty, shall devote their time and attention to the discharge of their respective duties according to the laws and ordinances of the City. It shall be their duty, respectively, at all times to the best of their ability, to preserve good order, peace and quiet and enforce the laws and ordinances of the City. They shall have power, and it shall be their duty, to arrest all persons found in the act of violating any law or ordinance of the City, or aiding or abetting any such violation. It shall be their duty to make complaints against any and every person violating the laws and ordinances of the City and cause such person to be brought to trial. (Code 1979, 13-104)
- 13-106 **ALL PERSONS TO AID ON DEMAND.**
Whenever any additional police force is necessary to quell any riotous or disorderly conduct, or to secure any person accused of crime, or violation of the law or ordinances of the City, any member of the department is hereby authorized to call on any inhabitant or other person in the City for assistance. (Code 1979, 13-105)
- 13-107 **NEGLECT OF DUTY.**
Any member of the police force who shall neglect or refuse to perform the duties required of him by this Code or other ordinances of the City, or who, while in the discharge of his or her official duty, shall be guilty of any fraud, exertion, oppression, favoritism, partiality or willful cruelty, or of taking or receiving directly or indirectly any bribe, or of unnecessary, unreasonable and malicious trespass upon private premises, shall be subject to the provisions of Sections 1-111:112 of this Code and, pending trial, shall be suspended from duty by the City Manager. Upon conviction from the court, the officer shall be immediately dismissed from the department as required by law. (Code 1979, 13-106)
- 13-108 **RESERVED.**

13-109 **GRATUITIES.**
No member of the Police Department shall accept any gratuity from any person, whether such person is arrested or not. For the purposes of this Section, gratuity shall mean any favor gift, given in return for, or in the expectation of, action or inaction on the part of the Police Department member. (Code 1979, 13-108)

13-110 **LEAVING CITY.**
The Chief of Police and all police officers are prohibited from leaving the City for the purpose of making arrests for rewards, except with the consent of the City Manager or Board of Commissioners, but shall devote their full time to the City. (Code 1979, 13-109)

ARTICLE 2. MERCHANT SECURITY

13-201 **DEFINITIONS.**
The following words and phrases when used in this Article shall have the meaning, unless the context clearly indicates a different meaning, respectively ascribed to them as follow:

- (A) **License**, shall mean a certificate granting permission for an individual who is employed by a merchant security service to operate as a merchant security officer.
- (B) **Merchant Security Service**, shall mean any person engaged for hire in the business of guarding, watching, patrolling or otherwise attempting to provide security for the real or personal property of another person.
- (C) **Merchant Security Officer**, shall mean any individual who is employed by a merchant security service to guard, watch, patrol or otherwise attempt to provide security for the real or personal property of another person.
- (D) **Permit**, shall mean a certificate granting permission for a person to operate a merchant security service.
- (E) **Person**, shall mean any individual, proprietorship, partnership, association, firm, corporation or other business entity. (Ord. 5170, 13-201)

13-202 **REQUIREMENTS FOR LICENSE AND PERMIT.**

- (A) No person shall provide or engage in a business which provides merchant security service within the City of Lawrence, Kansas, unless such person shall possess a valid permit from the City of Lawrence, Kansas to engage in such business.
- (B) No individual shall perform any service within the City of Lawrence, Kansas, as a merchant security officer unless such individual shall have in his or her possession a valid license from the City of Lawrence, Kansas, to perform such service. (Ord. 5170, 13-202)

13-203 **PERMIT APPLICATION.**
Any person desiring to obtain a merchant security service permit shall submit to the Chief of Police, or his or her designee, in writing on a form provided by the Police Department, the following information:

- (A) Name, address, date of birth and social security number of person that will be engaged in providing such merchant security service;

- (B) Name, address, date of birth and social security number of all officers, directors and other persons active in the management of the business entity which will provide such merchant security service;
- (C) A description of the nature and type of business to be conducted;
- (D) The service to be offered and the area expected to be covered in the conduct of the business;
- (E) A statement of the number of persons to be employed by the service;
- (F) Compliance with the provisions of Section 13-213 concerning business badges, uniforms, and vehicles;
- (G) Such other information as the Chief of Police may reasonably deem necessary. (Ord. 5170, 13-203; Ord. 6758)

13-204

LICENSE APPLICATION.

Any person desiring to obtain a merchant security license shall submit to the Chief of Police, or his or her designee, in writing on a form provided by the Police Department the following information:

- (A) Name, address, date of birth and social security number of person seeking license;
- (B) The name and address of the company, corporation, firm or person by whom applicant will be employed;
- (C) Such other information as the Chief of Police may reasonably deem necessary.
- (D) No license shall be issued to any person to perform a security service as a merchant security officer unless application therefore has been approved by the employer who is the holder of a valid merchant security service permit. (Ord. 5170, 13-204; Ord. 6758)

13-205

APPROVAL OR DISAPPROVAL OF APPLICATIONS.

Every application for a license or permit shall be submitted to the Chief of Police for approval or disapproval, and no application shall receive a license or permit until his or her application is approved.

13-205.1

The Chief of Police may disapprove an application for a merchant security officer license if he or she finds the applicant: (Ord. 6758)

- (A) Is less than eighteen (18) years of age;
- (B) Is less than twenty-one (21) years of age, and desires to possess a firearm while performing the duties of merchant security officer.

13-205.2

The Chief of Police may disapprove an application for a merchant security permit if the applicant does not meet the standards set by Section 13-205.1, or if any director, officer or other person active in the management of the merchant security service does not meet the standards set by Section 13-205.1.

13-205.3

If the Chief of Police shall disapprove any application he or she shall give the

reasons in writing, file the same with the City Manager, and mail a copy to the applicant. The applicant may appeal such disapproval by filing a written notice thereof with the City Manager within thirty (30) days after the Chief of Police files his or her written statement of reasons for disapproval. A hearing on such appeal shall be held by the City Manager, or his or her designee, within thirty (30) days of the receipt of the request for an appeal. The City Manager may reverse or affirm the decision of the Chief of Police. (Ord. 5170, 13-205; Ord. 6758)

13-206

PERMIT FEE, TERM, EXPIRATION.

- (A) The fee for a merchant security service permit shall be \$200.00 per calendar year, January 1 through December 31.
- (B) Every person making application for or receiving a permit for a merchant security service within the first six (6) months of the calendar year shall pay the full amount of the fee provided herein. If such person makes application within the last six (6) months of the calendar year, he shall pay one-half (2) the permit fee, for the current calendar year in which such application is made.

13-206.1

Application for renewal may be made thirty (30) days prior to the expiration date.

13-206.2

All permits shall expire at midnight on December 31 of each year and all such permits shall be returned to the City Clerk within thirty (30) days after the date of expiration.

13-206.3

- (A) Permit fees are not refundable upon cancellation during a calendar year.
 - (1) Permits are not transferable nor assignable under this Act. (Ord. 5170, 13-206; Code 1985)

13-207

LICENSE FEE, TERM EXPIRATION.

- (A) The fee for a merchant security officer license shall be \$50.00 per calendar year, January 1 through December 31.
- (B) Every person making application for or receiving a license for merchant security officer within the first six (6) months of the calendar year shall pay the full amount of the fee provided herein. If such person makes application within the last six (6) months of the calendar year, he or she shall pay one-half (2) the license fee for the current calendar year in which application is made.
- (C) The renewal fee for a merchant security officer shall be \$25.00 per calendar year, January 1 through December 31. (Ord. 5518)

13-207.1

Application for renewal may be made thirty (30) days prior to the expiration.

13-207.2

All licenses shall expire at midnight on December 31 of each year and all such licenses shall be returned to the City Clerk within thirty (30) days after the date of expiration.

13-207.3

- (A) License fees are not refundable upon cancellation during a calendar year.
- (B) Licenses are not transferable nor assignable under this Act. (Ord. 5170, 13-207)

13-208

REVOCAION OR SUSPENSION OF LICENSE OR PERMIT; VIOLATION OF ARTICLE PROVISIONS.

- (A) The City Manager shall have the authority to revoke or suspend any permit or license granted pursuant to this Article for violation of any federal or state statute, city law, for falsification of application documents, for failure to obtain a license for employees acting as security officers, or for violation of the provisions of this Article. The suspension period shall be for a maximum of sixty (60) days. Prior to any revocation or suspension, the City Manager, or the designee of the City Manager, shall provide sufficient notice to the licensee or permittee of possible revocation or suspension action. The City Manager, or the designee of the City Manager, shall schedule a hearing, with sufficient notice to the permittee or licensee, on the proposed action. At such hearing, the permittee or licensee shall have the right to present relevant evidence and documentation concerning the proposed revocation or suspension. Any action of the City Manager pursuant to this Section shall be made in writing with a copy to the licensee or permittee.
- (B) In addition to the authority to revoke or suspend the permit or license pursuant to the provisions of subsection (A), the violation of any provisions of this Article by a licensee or permittee, or any individual required to have a license or permit pursuant to this Article, shall be considered a municipal offense, and upon conviction in municipal court, the defendant shall be fined a maximum of \$500.00 for each offense. (Ord. 5170, 13-208; Ord. 6758)

13-209

IN ADDITION TO OTHER LICENSES OR PERMITS.

This Article is intended to be in addition to all other licenses and permits, or other law enforcement authority vested in persons by the State of Kansas, Douglas County or the City of Lawrence and it shall not be a defense to the failure to secure a license or permit that said person had such authority. (Ord. 5170, 13-209)

13-210

INSURANCE.

All merchant security service business permittees shall carry insurance for the purpose of indemnifying third persons for bodily injury, in amounts not less than \$500,000 for each bodily injury and \$1,000,000 aggregate limit; and further to indemnify third persons for any damage to property as the result of the actions of said merchant security service, its agents or employees, in an amount of not less than \$100,000 per claimant and \$250,000 aggregate limit. The surety shall be approved as to form by the City Attorney's office. It shall be the permittee's responsibility to determine that its insurance carrier has notified the City Clerk of any lapse or cancellation in coverage within ten (10) days of notification to the insured. (Ord. 5170, Ord. 6758, 13-210)

13-211

ADDITIONAL INSURED.

The applicant for a license hereunder shall file with the City Clerk of Lawrence, Kansas, in a form to be approved by the City Attorney's office, evidence that the City of Lawrence has been named as additional insured on the permittees liability insurance which will provide liability insurance coverage for the City of Lawrence in the amount of not less than \$500,000 for each bodily injury and \$1,000,000 aggregate limit; property damage in the amount of not less than \$100,000 per claimant, \$250,000 aggregate limit; the cost of defense of any claim brought against the City of Lawrence, Kansas, or any agency thereof as a result of any claim arising out of an allegation that the permittee, its officers, agents, servants or employees committed some act of omission or commission resulting in bodily injury or property damage for which claim is made against the City of Lawrence. Permittee and its

insurance carrier will indemnify and save harmless the City of Lawrence from all liability for any injury to persons or property which the permittee, its agents, servants or employees may cause by reason of engaging in the business of merchant security service. (Ord. 5189, Ord. 6758, 13-217)

13-212

IDENTIFICATION.

In addition to the license or permit, the Chief of Police shall issue an identification card to each licensee and permittee at all times while on duty as a merchant security officer. The identification card shall include the following information:

- (A) The type of license or permit and expiration date thereof;
- (B) Name, address, physical description and picture of the licensee or permittee is an agent or employee of a merchant security service;
- (C) The name of the employer if the licensee or permittee is an agent or employee of a merchant security service;
- (D) The signature of the licensee or permittee and that of the Chief of Police;
- (E) A statement as to whether or not the licensee or permittee is authorized to carry a firearm.
- (F) Such information as the Chief of Police may deem necessary. (Ord. 5170, 13-211)

13-213

UNIFORMS, VEHICLES, AND BADGES..

At the time of application for a merchant security business, and prior to any change or alteration in the security business uniforms, vehicles, and badges, the applicant or business shall submit photographs, duplicates, samples or other materials for review by the Chief of Police of the security officer uniforms and badges, and the security service vehicles to be used in the security service. No uniforms, vehicles, or badges of a security service or security service personnel shall be of similar type, color or design of the uniforms, vehicles, or badges of the Lawrence Police Department or the Police Department of the University of Kansas. The Chief of Police shall approve the uniforms, badges, and vehicles of a security business for compliance with the provisions of this Section, provided that such approval shall not be unreasonable withheld by the Chief of Police.

Permittee and its insurance carrier will indemnify and save harmless the City of Lawrence from all liability for any injury to persons or property which the permittee, its agents, servants or employees may cause by reason of engaging in the business of merchant security service. (Ord. 5170, 13-212; Ord. 6758)

13-214

UNLAWFUL ACTS.

It shall be unlawful for any licensee or permittee to:

- (A) Hinder or interfere with any investigation under the jurisdiction of the Lawrence or University of Kansas Police Departments.
- (B) Fail to report immediately to the Lawrence Police Department violations of city, state, federal laws which constitute felonies or breach of peace coming to his or her attention. This Section shall not apply to those violations coming to the attention of the licensee or permittee while on a client's business for which the client does not wish to pursue.

- (C) Fail to notify the Lawrence Police Department of any arrests and to fail to turn such person over to the Lawrence Police Department. However, the licensee or permittee, upon refusal of the Lawrence Police Department to take custody of the subject, may turn the individual over to any competent law enforcement agency.
- (D) Represent himself or herself to be a member of the Lawrence Police Department or the University of Kansas Police Department.
- (E) Willfully suppress facts that pertain to any violation of city, state or federal law under investigation by the Lawrence Police Department. (Ord. 5170, 13-213)

13-215

CHANGE IN PERSONNEL.

- (A) Whenever an agent or employee of a merchant security service is discharged for any reason, the employer shall immediately notify the City Clerk of such fact. The City Clerk shall forward a copy of the notification to the Chief of Police. The employer shall notify the Lawrence Police Department of the reasons for dismissal and such information shall be kept confidential.
- (B) When an agent or employee of a merchant security service is dismissed, he or she shall forthwith surrender their license and identification card issued to their employer who shall forward the same to the Chief of Police. In the event the person surrendering the license and identification card is re-employed during the remainder of the year, the identification card and license may be reissued to him or her without charge. (Ord. 5170, 13-214)

13-216

CHANGE OF VEHICLES.

Whenever any licensee or permittee acquires a new vehicle for use in the conduct of business, the type and description of said vehicle shall be immediately reported to the Chief of Police. (Ord. 5170, 13-215)

13-217

CHANGE OF BUSINESS ADDRESS.

Any permittee changing place of business or abode shall immediately notify the Chief of Police. (Ord. 5170, 13-216)

13-218

BOND.

The applicant for license or permit hereunder shall file a bond by a surety authorized to do business in the State of Kansas in the sum of \$10,000 conditioned that the applicant shall and will carry out and perform all the duties imposed upon him by the provisions of this Act and that such applicant will indemnify and save harmless the City of Lawrence from all liability for any injury to persons or property which the principal, his or her agent, servant or employee may cause by reason of engaging in the business of merchant security service. Said bond shall be approved as to form by the City Attorney's office. (Ord. 5170, 13-217)

ARTICLE 3. EMERGENCY ALARM SYSTEMS

13-301

PURPOSE.

The purpose of this Article is to establish conditions and requirements for the installation and use of emergency alarm systems in the City of Lawrence, Kansas. (Code 1979, 13-301)

DEFINITIONS.

Definitions of terms as used in this Article shall be as follows:

- (A) **Alarm Company** means the business by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, receiving, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (B) **Alarm** means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which the police or fire departments are expected to respond.
- (C) **Alarm User** means the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained.
- (D) **Automatic Dialing Device** means a device which is interconnected to a telephone line and is programmed to transmit by voice message or code signal a selected telephone number indicating a need for emergency response.
- (E) **Burglary Alarm System** means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (F) **Central Alarm System** shall mean any facility, central station, modified central station, or answering service operated by any person, business, firm, corporation or other commercial entity engaged in occupation of selling, renting, leasing, installing, maintaining, operating or repairing an alarm system which facility is manned at all times by operators employed to receive, record and validate alarm signals transmitted to such facility and to relay information about such signals to the Police Department by a direct telephone line.
- (G) **City** shall mean the City of Lawrence.
- (H) **City Clerk** means the individual designated by the City Manager to issue permits and enforce the provisions of this Article.
- (I) **False Alarm** means an alarm signal eliciting a response by the police or fire department where an emergency situation does not in fact exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- (J) **Interconnect** means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- (K) **Primary Trunk Line** means a telephone line serving the Judicial and Law Enforcement Center or any central alarm station that is designated to receive emergency calls.

- (L) **Robbery Alarm System** means an alarm system signaling a robbery or attempted robbery.
- (M) **Police Chief** means the Chief of the Police Department of the City of Lawrence, or his or her designated representative.
- (N) **Direct Telephone Line** means a telephone line directly to the Police Department.
- (O) **Fire Alarm System** means an alarm signaling a fire or intensive heat within an area protected by the system.
- (P) **Local Alarm System** means the subscriber, person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained to activate a local alarm on the premises, such as a bell, siren or horn.
- (Q) **Hold-up Alarm System** means an alarm signaling a hold-up or attempted hold-up in progress wherein an alarm system is maintained.
- (R) **Check-in/Check-out** is an alarm system where the alarm user has to call the central alarm station prior to his or her entry or exit from the area protected by the system.
- (S) **Permit year** is January 1 through December 31. (Code 1979, 13-302)

13-303

ALARM USERS.

Alarms from public institutions, federal insured financial institution buildings, industrial, commercial and private buildings equipped with alarms will be monitored by the Douglas County Communications Center. All automatic dialing devices and supervisory controls (e.g., sprinkler, thermostats, water controls) must use a central alarm station, answering service or local alarm system and will not be monitored by the Douglas County Communications Center. (Code 1979, 13-303)

13-304

Reserved.

13-305

ALARM COMPANIES; LICENSE.

- (A) An alarm company doing business in the City shall obtain a license from the City Clerk. Application fee for the license shall be \$300.00 for the first year and \$150.00 per year thereafter with an annual renewal date of January 1st of each year. Each application for license shall include the following information: (Ord. 8423)
 - (1) Address and phone number of parent company.
 - (2) Local address and phone number of representative of the parent company.
 - (3) State sales tax number.
 - (4) Brief description of the nature of the company's business.
 - (5) Current list of the names of at least three (3) responsible persons to contact in an event of an emergency regarding the systems the

company is responsible for.

(6) Arrests or charges of offense other than minor traffic violations during the past five (5) years.

(7) List of your company's alarm users.

(B) Electrical contractors licensed under Chapter V of the City Code are exempt from alarm company license fee, but shall register with the City Clerk. (Ord. 5285, Ord. 8423)

(C) It shall be unlawful for an alarm company to conduct business in the City without the license provided for in this section. (Ord. 8423)

13-305.1 A \$75.00 late charge will be to alarm companies who fail to obtain a license within sixty (60) days after notification of the conditions of this Article, or who are sixty (60) days delinquent in renewing a license. (Ord. 8423)

13-305.2 (A) Each alarm company selling, leasing or furnishing to any alarm user an alarm system which is installed on premises located within the City limits shall furnish the alarm user with instructions and training for its personnel that provides information to enable the alarm user to operate the alarm system properly and to locate and obtain service for the alarm system at any time.

(B) Each alarm company shall keep its alarms and alarm equipment in satisfactory condition at all times. (Ord. 5285)

13-306

AUTOMATIC DIALING DEVICE: CERTAIN INTERCONNECTIONS PROHIBITED.

Provisions relating to automatic dialing device shall be as follows:

(A) Within thirty (30) days after September 21, 1986, all existing automatic dialing devices programmed to the Judicial and Law Enforcement Center lines shall be reprogrammed or disconnected.

(B) It is unlawful for any person or alarm company to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

(C) Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

(1) A central station;

(2) A modified central station; or

(3) A licensed answering service.

(D) Relaying of messages by intermediate services to the communication center shall be over a special trunk line, except that central stations may relate messages over a direct line. All telephone charges involved shall be paid by such intermediate services or central stations.

(E) This Section shall not apply to those persons approved and selected to participate in the Life Safety Alert System utilizing residential transmitting equipment designed for direct telephone access to dedicated control receiving equipment. (Code 1979, 13-304; Ord. 5764)

13-307 **Reserved.**

13-308 **Reserved.**

13-309 **Reserved.**

13-310 **Reserved.**

13-311 **Reserved.**

13-312 **Reserved.**

13-313 **TERMS AND CONDITIONS FOR INSTALLATION OF TERMINAL ALARM FACILITIES.**

The following terms and conditions shall govern the alarm company authorized to install terminal alarm facilities in the Judicial and Law Enforcement Center:

13-313.1 (A) All materials and labor necessary to make the connection between the private system and the terminal point in the Judicial and Law Enforcement Center shall be furnished by the alarm company at its own expense.

(B) The company shall furnish the Police Chief with a company set of written specifications adequately describing the equipment and placement of the terminal alarm system. After installation, no change, modification or alternation of the equipment shall be made unless and until the alarm company furnishes additional written specifications showing such changes.

(C) No person shall adjust, repair, remove, inspect or otherwise tamper with any portion of such equipment unless said person presents authorized identification to show that he is qualified and authorized to do so by the alarm company; all such adjustments, repairs and the like shall be made as the sole responsibility of the alarm company.

13-313.2 If malfunctions should develop in the direct alarm system connected to the Judicial and Law Enforcement Center terminal facilities that could jeopardize the proper operation of any other terminal facilities or communications systems in the Police Department, or, if excessive or chronic false alarms be transmitted by any such system terminating in the Judicial and Law Enforcement Center, service shall be disconnected and shall not be reactivated until and unless such malfunction or the cause of the false alarms is corrected by the company at its expense. The City, its elected and appointed officers and each and every employee, shall be held blameless for any malfunction of such alarms or for failure to respond to the alarms for whatever reasons.

13-313.3 The alarm company shall keep on file in the Police Department the names, addresses and phone numbers of at least three (3) persons to call in event of an emergency and such information shall be current at all times. The alarm company shall keep its alarm equipment in good order at all times.

13-313.4 All alarm equipment, installations and repairs shall comply with:

- (A) Standards determined by the Police Department and to applicable ordinances, standards and codes determined by the City.
- (B) Rules and regulations promulgated by the Police Chief regulating the times and conditions under which such installations and repairs may be made. (Code 1979, 13-306)

13-314

INTERPRETATION.

This Article which is administered by the City of Lawrence or employees shall be liberally construed to effect the purpose of this Article and to achieve uniform interpretation and application of the respective ordinances. (Code 1979, 13-307)