

CHAPTER X. POLICE

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ARTICLE 1. POLICE DEPARTMENT

- 10-101. POLICE FORCE. The regular police force of the city shall consist of the chief of police, assistant chief of police and such law enforcement personnel as the governing body may provide. The chief of police under the direction of the city administrator, shall have supervision and be in charge of the police department and any law enforcement personnel appointed by the governing body. (Code 1965, 11-101; Code 1992)
- 10-102. DUTIES OF CHIEF OF POLICE AND ASSISTANTS. It shall be the duty of the chief of police and the assistant chief of police and other law enforcement personnel to see that the laws of the State of Kansas and all ordinances of the city and all resolutions of the governing body are properly enforced and obeyed within the police jurisdiction of the city. Whenever an arrest is made they shall attend all trials in municipal court unless excused by the municipal judge. They shall promptly serve all process papers, notices or orders required by law or as directed by the mayor. They shall also perform such other duties as may be required by the city administrator, or by laws of the city. (Code 1965, 11-102; Code 1992)
- 10-103. CHIEF OF POLICE; POWERS. The chief of police shall at all times have power to make or order an arrest, with proper process, for any offense against the laws of the State of Kansas, or of the city and bring the offender for trial before the proper officer of the city, and to arrest without process in all cases where any such offense shall be committed, or attempted to be committed, in his or her presence. The chief of police shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. (Code 1965, 11-103; Code 1992)
- 10-104. ARRESTS BY LAW ENFORCEMENT PERSONNEL. The law enforcement personnel of the city shall have power to arrest all offenders against the laws of the State of Kansas, or of the city, by day or night, in the same manner as the chief of police, and keep them in the city prison, or other place to prevent their escape, until a trial can be had before the proper officer. (Code 1965, 11-104; Code 1992)
- 10-105. SUSPENSION OF SUBORDINATES BY CHIEF OF POLICE. The chief of police may, with the consent of the city administrator, suspend or discharge any subordinate under his or her direction for neglect of duty or disobedience of his or

her orders. (K.S.A. 14-1503; Code 1965, 11-106)

ARTICLE 2. AUXILIARY POLICE UNIT

- 10-201. **AUXILIARY POLICE UNIT; CREATED; APPOINTMENT OF MEMBERS.** There is hereby created and established within the police department of the City of Horton, Kansas, an auxiliary police unit, the members of which shall be appointed by the city administrator upon recommendation of the chief of police. (Ord. 839, Sec. 1)
- 10-202. **VOLUNTARY SERVICES: COMPENSATION AND EQUIPMENT.** All members of the auxiliary police unit shall serve on a voluntary basis. Each member shall be required to furnish part of his or her own uniform and personal equipment. The city may pay the premium on Workmen's Compensation insurance on sworn auxiliary officers. (Ord. 839, Sec. 2; Code 1992)
- 10-203. **CONTROL BY CHIEF OF POLICE.** The chief of police, or his or her designee, shall have full command power and control over all auxiliary police personnel and shall direct the use of all firearms and equipment. The chief of police shall direct the auxiliary police unit in its activities and functions and be responsible for the assigning, training, stationing, and direction of the work of the members. (Ord. 839, Sec. 3)
- 10-204. **RULES AND REGULATIONS.** The auxiliary police unit shall be subject to all rules and regulations as adopted by the governing body of the city. (Ord. 839, Sec. 4)
- 10-205. **DUTIES.** The members of the auxiliary police force shall have police powers only when actually called to duty by the chief of police. The auxiliary police unit shall be ready at all times to assist the police department in periods of national emergency, riots, disasters, catastrophes, or any other occasion when additional forces may be necessary or upon call to duty as determined by the chief of police. (Ord. 839, Sec. 5)
- 10-206. **CITY LIABILITY.** The city shall not be liable to any injuries and/or property damage occurring to members of the auxiliary police unit whether such injuries and/or property damage occurred while members are acting as auxiliary police officers or while they are off duty. (Ord. 839, Sec. 6)
- 10-207. **TENURE OF MEMBERS.** The appointment of any member to the auxiliary police unit may be terminated at any time by the city administrator upon recommendation by the chief of police. (Ord. 839, Sec. 7)

ARTICLE 3. PROPERTY IN POLICE CUSTODY

- 10-301. **REGULATIONS.** The police department is required to establish regulations detailing the collection, storage, and inventory of property which may come under

its control by any manner. (Code 1992)

10-302. DISPOSITION. Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-303, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Code 1992)

10-303. SAME; EXEMPT PROPERTY. The following classes of property shall be considered exceptions to section 10-302 and shall be dealt with in the following manner:

- (a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-302.
- (b) Firearms which are available for disposition may be dealt with in the following manner:
 - (1) If compatible with law enforcement usage, they may be turned over to the police department inventory.
 - (2) They may be sold to a firearms dealer who maintains the appropriate federal firearms license.
 - (3) They may be destroyed.
 - (4) In no case shall firearms be sold at public auction.
- (c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.
- (d) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.
- (e) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.
- (f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.
- (g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.
- (h) Items with a value in excess of \$500 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.

(Code 1992)

10-304. CLAIMING PROPERTY. The police department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner. (Code 1992)

10-305. PROOF OF OWNERSHIP. Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented. (Code 1992)

10-306. AUCTION. At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the police department and any claims on property must be made prior to the start of the auction. (Code 1992)

ARTICLE 4. POLICE FEES

10-401. FEE FOR POLICE RESPONSES TO PARTY. Definitions. As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Host: The person who owns or is in possession of the property where the party, gathering or event takes place, or the person in charge of the premises, or the person who organized the event. If the host is a minor, then the parents or guardians of that minor will be jointly and severally liable for the fee incurred for police services.

Party, Gathering or Event: An event involving a group of persons who have assembled or are assembling for a social occasion or for a social activity.

Police Services Fee: The cost to the city of any special security assignment, including, but not limited to, salaries of police officers while responding to or remaining at the party, gathering or event, the pro rata cost of equipment, the cost of repairing city equipment and property, the cost of any medical treatment of injured police officers, and the cost of reasonable attorney fees.

Special Security Assignment: The assignment of police officers, services and equipment during a second or subsequent response to the party, gathering or event after the delivery of a written notice to the host that a fee may be imposed for costs incurred by the city for any subsequent police response. (Code 1992)

10-402. INITIAL POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS. When any police officer responds to any party, gathering or event, and that police officer determines that there is a threat to the public peace, health, safety, or general welfare, the police officer shall issue a written notice to the host or hosts that a subsequent response to that same location or address within 24 hours of the first response shall be deemed a special security assignment rendered to provide security and order on behalf of the party, gathering or event and that the host may be liable for a police services fee as defined in this article. (Code 1992)

10-403. SUBSEQUENT POLICE RESPONSES TO PARTIES, GATHERINGS OR EVENTS; LIABILITY. If, after a written notice is issued pursuant to section 10-302, a subsequent police response or responses is necessary to the same location or address within 24 hours of the first response, such response or responses shall be deemed a special security assignment. Persons previously warned shall be jointly

and severally liable for a police services fee as defined in this article.

The amount of the fee shall be a debt owed to the city by the person or person warned, and if he or she is a minor, his or her parents or guardians shall be jointly and severally liable for the debt.

(Code 1992)

- 10-404. COST; COLLECTION. The chief of police shall notify the city treasurer in writing of the performance of a special security assignment, of the name and address of the responsible person or persons, the date and time of the incident, the services performed, the costs and such other information as may be required. The city treasurer shall thereafter cause appropriate billings to be made. (Code 1992)