

AN ORDINANCE CREATING NEW CHAPTER 3.72 OF THE  
CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO  
PRIVATE SECURITY OFFICERS AND PRIVATE SECURITY  
AGENCIES WITHIN THE CITY, AND REPEALING THE  
ORIGINAL OF SAID CHAPTER 3.72.

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

SECTION 1. Section 3.72.010 of the Code of the City of Wichita, Kansas, shall read as follows: **“Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings unless otherwise clearly indicated by the context:

- (1) "Agency" means an establishment engaged in doing business for another.
- (2) "Armored car private security officer" means any person employed by a licensed armored car service whose duties include providing secured transportation, protecting and safeguarding valuable cargo from one place to another and providing cash services for automated teller machines, all by means of bullet-resistant armored vehicles.
- (3) "Arrest" means the act of stopping, and the taking or detaining in custody by authority of law.
- (4) "Authorized equipment" means equipment authorized by the Chief of Police that may be carried or used by private security officers permitted under this chapter.
- (5) "Basic responsibilities of a private security officer" means to observe and report crimes and incidents; on occasion to stop and question; to provide security against

loss from fire or mechanical equipment failure and enforce property rules and regulations; to control access to specific areas of a facility or building; and to act occasionally as a crowd monitor or to maintain order. These responsibilities shall include vehicle patrol when an approved course on defensive driving has been completed. These responsibilities shall not include: authority beyond that of a private citizen, the right to use physical force in the performance of these duties except to protect the private security officer and others from clear and immediate threat of serious bodily harm, or acting in the capacity of a private security officer for other than a client for which the private security officer is contracted to provide services.

(6) "Business" means commercial, industrial or professional dealings, activity or the supply of services engaged in as a means of livelihood.

(7) "Client" means any person who engages the services of a private security agency.

(8) "Chief of Police" as used in this chapter means the Chief of the Wichita Police Department or his or her authorized designee.

(9) "Citizen's arrest" or "Arrest by a private person" shall have the meaning as set forth in K.S.A. 22-2403, which states that a person who is not a law enforcement officer may arrest another person when: (1) A felony has been or is being committed and the person making the arrest has probable cause to believe that the arrested person is guilty thereof; or (2) any crime, other than a traffic infraction, has been or is being committed by the arrested person in the view of the person making the arrest.

(10) "Firearm" for the purpose of this chapter, means any pistol or revolver commonly referred to as a handgun, constructed or arranged so as to be capable of being

loaded with gunpowder or other explosive substances, cartridges, shots, slugs or balls, and being exploded, fired or discharged. Shotguns carried by armored car private security officers shall also be included in this definition.

(11) "Firearm permit" means a permit for the limited authority to carry an unconcealed loaded firearm by a person not a law enforcement officer, within the city limits, when the carrying of such firearm would otherwise be in violation of Section 5.88.010 of the Code of the City of Wichita, Kansas. Such permit does not in any way purport to regulate the right to carry a concealed firearm issued or recognized pursuant to any federal, state or local law.

(12) "For hire" includes all compensation paid directly or indirectly.

(13) "License" means the authority to conduct business by a private security agency within the city limits.

(14) "Licensee" means any person to whom a current license has been issued under this chapter authorizing such person to conduct business as a private security agency within the city limits.

(15) "Person" means any natural person, corporation, partnership or association.

(16) "Permit" means the authority to work as a private security officer in the city limits, and pursuant to the following classifications:

(a) "Temporary basic private security permit" means the permit issued to a person who meets the qualifications required of a private security officer but who has not yet completed the basic private security course. A person with a

temporary basic permit may carry out the basic responsibilities of a private security officer, but is not authorized to carry any weapons, including handcuffs.

(b) "Basic private security permit" means the permit issued to a person having completed the basic private security course, including a defensive driving course given by either the city of Wichita or a private driving instructor approved by the chief of police, and meeting the qualifications, required of a private security officer. This permit shall allow the person to perform the basic duties of a private security officer including vehicle patrol. This permit shall not allow the person to carry any equipment other than handcuffs.

(c) "Advanced private security permit" means the permit issued to a person who has completed both the basic and advanced private security courses and meets the qualifications required of a private security officer. This permit shall allow the individual to perform the basic duties of a private security officer to include vehicle patrol and the carrying of authorized equipment.

(d) "Advanced private security and firearm permit" means the permit issued to a person who has completed the basic and advanced private security courses and the firearms training course. This permit shall allow the person to perform the basic duties of a private security officer to include vehicle patrol and, in addition to authorized equipment, allows the person to carry a firearm while performing the duties of a private security officer.

(e) "Armored car private security permit" means the permit issued to a person who has completed an armored car private security training course and meets the qualifications required of a private security officer. This permit shall allow the

person to provide secured transportation, protect and safeguard valuable cargo from one place to another, and provide cash services for automated teller machines by means of a bullet-resistant armored vehicle. This permit shall allow the person to carry a firearm while performing these duties.

(17) "Private security officer" means any person regularly employed by a person, firm or corporation, and whose duties, in addition to patrolling, guarding and watching the property of the employer or any client of the employer, include conducting investigations concerning the reputation or character of employees or prospective employees, and investigations concerning the location of property of the employer that becomes lost or stolen. For the purposes of this chapter, "private security officer" shall also include persons permitted as armored car private security officers.

(18) "Private security agency" means any person, firm or corporation who engages in a business for hire to provide a protective service for the property of others, and whose duties and activities in that connection include patrolling, guarding or watching the property of a subscriber, purchaser or client under a contract or agreement to provide a protective service. For the purposes of this chapter, "private security agency" shall also include armored car services."

SECTION 2. Section 3.72.015 of the Code of the City of Wichita, Kansas, shall read as follows: **"Scope of regulations, authority of licensees and permittees.**

(1) The provisions of this Chapter are intended to regulate uniformed private security officers as that term is defined in Section 3.72.010(17) herein. The provisions of this Chapter are further intended to regulate such uniformed private security officers who

are authorized by a permit issued under the provisions of this Chapter to carry an unconcealed firearm in the course of such private security officer's duties.

- (2) It is not the intent of this Chapter to regulate any of the following:
  - (a) activities performed in a non-uniformed or plain-clothes capacity, with or without a concealed weapon; or
  - (b) activities that fall under the regulation of the statutes of this state or any similar laws from other jurisdictions regulating private investigators; or
  - (c) activities that are allowed pursuant to the right to carry a concealed firearm issued or recognized pursuant to any federal, state or local law; or
  - (d) The business of transporting prisoners under a contract with any state or county government or the federal government.

(3) No license or permit issued pursuant to this Chapter provides the holder thereof with any authority to direct traffic on the streets or highways of the City of Wichita.

(4) A licensee or permittee under this Chapter who engages in any activity or business that involves the wearing of non-uniformed or plain clothing or the carrying of a concealed firearm or other weapon must have legal authority for such activity independent of the license or permit issued pursuant to this Chapter.”

SECTION 3. Section 3.72.020 of the Code of the City of Wichita, Kansas, shall read as follows: “**Persons not deemed to be engaged in private security business.**

The following persons shall not be deemed to be engaging in the private security business:

(1) The provisions of this chapter do not include, and are not applicable to, any person employed in any capacity if such employee's duties are carried out exclusively on private property of his or her employer; provided, however, that it is unlawful for such employees to wear a distinctive uniform, including a badge, except as follows:

- (a) Directly from his or her residence to his or her place of employment,
- (b) During his or her tour of duty while actively engaged in the duties of his or her employment,
- (c) Directly from his or her place of employment to his or her residence,
- (d) The wearing of any distinctive uniform into any tavern or private club is prohibited, and the wearing of any distinctive uniform, including a badge, at any time other than that which has been specified in (a) through (c) above is a violation of this chapter, and shall be punished as set forth in Section 3.72.340.

(2) Any officer or employee of the United States of America or of this state or a political subdivision thereof while engaged in the performance of his or her official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons;

(4) A charitable philanthropic society or association duly incorporated under the laws of any state which is organized and maintained for the public good and not for private profit;

(5) An attorney at law, in performing his or her duties as such attorney at law;

(6) A licensed collection agency or an employee thereof while acting within the scope of his or her employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or the debtor's property where the contract with an assignor creditor is for collection of claims owed or due or asserted to be owed or due or the equivalent thereof;

(7) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(8) The legal owner of personal property which has been sold under the conditional sales agreement or a mortgagee under the terms of a chattel mortgage;

(9) Any bank subject to the State Bank Commissioner of the state of Kansas;

(10) A person engaged solely in the business of securing information about persons or property from public records;

(11) An insurance adjustor;

(12) A private detective; and

(13) A duly certified and/or commissioned law enforcement officer.”

SECTION 4. Section 3.72.030 of the Code of the City of Wichita, Kansas, shall read as follows: “**License required – Private Security Agency.** It is unlawful for any person to engage in the private security business or operate a private security agency in this city without a license as required by this chapter.”

SECTION 5. Section 3.72.040 of the Code of the City of Wichita, Kansas, shall read as follows: “**Private security permit required.** (1) It is unlawful for any person to act as or perform the duties of a private security officer within the city until such person has obtained from the chief of police a private security permit. These permits shall be

issued in the following categories: Temporary Basic Private Security, Basic Private Security, Advanced Private Security, Advanced Private Security and Firearm, and Armored Car Private Security.

(2) It is also unlawful for a manager, owner, operator or any person in charge of any private security agency within the city to hire a person as a private security officer without first having that person obtain from the chief of police a private security officer permit."

SECTION 6. Section 3.72.050 of the Code of the City of Wichita, Kansas, shall read as follows: "**Private Security Agency license, application form and content, grounds for denial.** Every firm desiring to be licensed in the City of Wichita, Kansas, as a private security agency shall make application therefore to the City of Wichita. An application for a license under this chapter shall be on a form prescribed by the City Treasurer's Office and accompanied by the required application fee, certificate of insurance and corporate surety bond as required by this chapter. An application shall be verified and shall include:

(1) The name of the agency under which the applicant intends to do business and the complete address of the applicant's principal place of business, including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box.

(2) The full name and residence address of the applicant and personal information;

(3) If the license is to be held by a corporation, the Resident Agent and Registered Office of said corporation;

(4) The full name, date of birth, Social Security number and residence address of each of its partners, officers, directors or associates;

(5) Before an application for a license may be granted, the applicant, or if the applicant is a corporation, partnership or other business entity, all of the officers, directors, partners, or associates shall:

(a) Be at least twenty-one years of age,

(b) Comply with such other qualifications as the chief of police may fix by rule or regulation;

(6) The chief of police or the City Attorney or his or her designee may deny a license if the applicant or, if the applicant is a corporation, partnership or other business entity, any of its officers, directors, partners or associates has:

(a) Committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter, or

(b) been convicted of a felony, or

(c) within ten years immediately prior to the date of application been convicted of any crime involving dishonesty or fraud, any weapons charge, any crime of violence, any crime involving physical force, or violation of any law regulating any controlled substance; or

(d) while unlicensed, committed or aided and abetted the commission of any act for which a license is required by this chapter, or

(e) knowingly provided false information or made any false statement in his/her application or

(f) provided incomplete information or failed to provide any requested information on his/her application.

(7) A licensee may request reconsideration of the denial of his/her application by following the procedures set forth in Section 3.04.065 of this code, and any amendments thereto.

(8) If a license is denied for knowingly providing false information or making any false statement on an application, the applicant, whether an individual or a business entity, shall be ineligible to reapply for a license under this chapter for one calendar year from the date of the license denial.”

SECTION 7. Section 3.72.055 of the Code of the City of Wichita, Kansas, shall read as follows: “**Fees – Private Security Agency license – new and renewal.** Every application for a Private Security Agency license shall be accompanied by a fee of \$300 per year for a new agency and \$100 per year for license renewals. All fees are non-refundable and no fees shall be pro-rated.”

SECTION 8. Section 3.72.060 of the Code of the City of Wichita, Kansas, shall read as follows: “**Bond required – Private Security Agency; conditions, amount and term.** No license shall be issued under this chapter unless the applicant files a corporate surety bond with the city clerk. Such bond shall be executed by a company authorized to do business in this state in the sum of five thousand dollars, conditioned for the faithful and honest conduct of his/her business by such applicant. The city attorney shall approve each such bond as to its form, execution and sufficiency of the sureties. Such bond shall be taken in the name of the people of this city, and every person injured by any unlawful act of the principal or the principal’s employees or agents, whether licensed or not, may

bring an action on the bond in his/her own name to recover damages suffered by reason of such unlawful act.

Every licensee shall maintain on file at all times the surety bond required by this chapter in full force and effect. Bonds executed and filed with the city clerk's office pursuant to this chapter shall remain in force and effect until the surety has terminated future liability by a thirty-day notice to the city clerk.”

SECTION 9. Section 3.72.070 of the “Code of the City of Wichita, Kansas, shall read as follows: **“Insurance required – Private Security Agency.** All private security licensees shall carry insurance for the purpose of indemnifying third persons for bodily injury, in amounts not less than five hundred thousand dollars (\$500,000) for each bodily injury and one million dollars (\$1,000,000) aggregate limit; and further, to indemnify third persons for any damage to property as the result of the actions of said private security officer or employee, in the amount of not less than two hundred thousand dollars (\$200,000) per claimant and five hundred thousand dollars (\$500,000) aggregate limit. The insured shall cause to be filed a certificate of insurance with the city clerk approved as to form by the city attorney. It shall be the business licensee'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.

The policy shall also provide coverage in the amounts of not less than one hundred thousand dollars (\$100,000) per claimant and three hundred thousand dollars (\$300,000) aggregate limit for false arrest, slander and malicious prosecution.”

SECTION 10. Section 3.72.080 of the Code of the City of Wichita, Kansas, shall read as follows: **“License form, content and duration.** (1) A license, when issued,

shall be in such form as may be determined by the city treasurer's office, and shall include:

- (a) The name of the licensee;
- (b) The name under which the licensee is to operate;
- (c) The number and date of the license.

(2) Any license issued shall be valid for a period of one year from the date of issuance and shall not be assignable. Renewal of any such license shall be made as prescribed for obtaining an original license, including payment of the appropriate fee required by this chapter, and providing proof of the required bond and insurance coverage.

(3) It shall be unlawful for any private security agency to operate on an expired license. Any license presented for renewal that has expired shall be processed as a new agency license and shall be assessed the fee for a new agency as set forth in Section 3.72.055 of this Code.”

SECTION 11. Section 3.72.090 of the Code of the City of Wichita, Kansas, shall read as follows: “**Records of employees to be kept by Private Security Agency.** All private security agencies licensed under this ordinance are responsible for maintaining a record of each private security officer permitted under this ordinance. Such record shall include a copy of all information and/or documentation required to obtain a permit, which includes proof of identification, training, drug screening, etc., and any other information that the chief of police may require, as well as a copy of the employee’s most recent permit. Records required to be maintained by this section shall

be kept for all current employees and for one calendar year after any employee is no longer employed by an agency.”

SECTION 12. Section 3.72.100 of the Code of the City of Wichita, Kansas, shall read as follows: “**Revocation or suspension of permit/license.** Any permit or license issued pursuant to this chapter may be suspended or revoked by the chief of police if it is determined that the permittee, or licensee, or if the licensee is a corporation or other business entity, any of its officers, directors, partners associates or employees has:

(1) Made any false statement or given any false information in connection with an application for a permit or license or a renewal or reinstatement of a permit or license; or

(2) Violated any provision of this chapter; or

(3) Committed any act which would be grounds for denial of an application for a permit or license or otherwise becomes ineligible for a permit or license; or

(4) Failed to pay the annual permit or licensing fee; or

(5) Has aided or abetted the commission of any act which is a violation of this chapter; or

(6) If a licensee, failed to maintain on file with the City Clerk the surety bond required by this chapter; or

(7) If a licensee, failed to maintain in force the insurance coverage required by this chapter; or

(8) If a licensee knowingly allowed or encouraged the violation of any of the provisions of this chapter by any employee.”

SECTION 13. Section 3.72.110 of the Code of the City of Wichita, Kansas, shall read as follows: **“Revocation or suspension of permit/license, notice and hearing procedures.** If the chief of police suspends or revokes a permit or license under the provisions of this section, the following procedure will apply:

(1) Notice shall be in writing and shall be personally served upon the permittee or licensee or sent by certified mail, return receipt requested, and shall include:

- (a) the reason for suspension/revocation;
- (b) the effective time and date of the suspension/revocation;
- (c) if a suspension, the length of time of such suspension;
- (d) the date by which and to whom the permittee or licensee must surrender the permit or license; and
- (e) Information regarding the permittee’s or licensee’s right to a hearing and appeal.

(2) The permittee or licensee may request reconsideration of the suspension/revocation by filing with the chief of police a written request for a reconsideration hearing within ten (10) business days after receipt of the notice of revocation. Filing of a request for a reconsideration hearing shall stay the suspension/revocation of the permit or license until the chief of police conducts said hearing and renders a final decision.

(3) If a request for a reconsideration hearing is not made within ten (10) business days, the action suspending or revoking the permit or license shall be final.

(4) If a request for a reconsideration hearing is made within ten (10) business days, the chief of police shall serve as a hearing officer on the reconsideration of the permit or license suspension/revocation, and shall consider evidence presented by any

interested person. The chief of police shall render a decision on the basis of a preponderance of the credible evidence presented at the hearing, which shall be recorded.

(5) The chief of police shall render a decision within ten business (10) days of the hearing and that decision shall affirm, reverse or modify the suspension/ revocation. Written notice of the decision of the chief of police shall be personally served upon the permittee or licensee or sent by certified mail, return receipt requested, and shall include:

- (a) If the suspension/revocation is affirmed, the reason for such and date by which and to whom the permittee or licensee must surrender the permit or license;
- (b) If the suspension/revocation is reversed, the reason for the reversal;
- (c) If the suspension/revocation is modified, the reason for the modification and the extent of the modification; and
- (d) The right of the permittee or licensee to appeal the decision of the chief of police to the city council.

(6) In the event a permittee or licensee desires to appeal the decision of the chief of police to the city council, written notice of such appeal shall be filed with the city clerk within ten (10) business days of the date upon the chief's written decision. Upon receipt of such notice the city clerk shall notify the chief of police who shall forward all relevant information and exhibits to the city clerk within ten (10) business days. Any appeal taken from the decision of the chief of police shall stay the order of suspension/ revocation until the matter is heard and a decision rendered by the city council.

(7) The city council shall review the record presented and will affirm or reverse in full or in part the action of the chief of police. All such appeals to the city council shall be on the record.

(8) The permittee or licensee may appeal the decision of the city council to the Sedgwick County District Court in the manner provided by state statute. Any appeal to the district court shall not stay the decision of the city council.

(9) For the purposes of subsections (1) and (5) above, if written notice is served by certified mail, return receipt requested, it shall be deemed sufficient upon the mailing of the notice to the most recent address on the application of the permittee or licensee.”

SECTION 14. Section 3.72.120 of the Code of the City of Wichita, Kansas, shall read as follows: “**Qualifications for a private security permit.** To obtain a permit to work as a private security officer, a person must meet the following qualifications:

- (1) Be at least eighteen (18) years of age;
- (2) Be able to read and write the English language;
- (3) Have no felony conviction, nor be currently under indictment, charge or information for, or on diversion or deferred judgment for a felony offense;
- (4) Have no adjudication as a juvenile offender for an act that would constitute a felony if committed by an adult:
  - (a) within five (5) years preceding the date of application for a non-person offense, or
  - (b) within ten (10) years preceding the date of application for a person offense;

(5) Have no misdemeanor conviction, shall not be currently under indictment, charge or information for, or on diversion or deferred judgment for a misdemeanor offense or have been adjudicated to be a juvenile offender as a result of the commission of an act that would constitute a misdemeanor if committed by an adult:

(a) within five (5) years preceding the date of application for weapons charges, crimes of violence, or crimes involving physical force;

(b) within two (2) years preceding the date of application for any other misdemeanor crimes not included in subsection (5)(a);

(6) Have no history of or present mental or emotional impairment, unless, in the opinion of a licensed psychiatrist or psychologist, such impairment would not adversely affect the permittee's ability to carry out the duties of a private security officer."

SECTION 15. Section 3.72.1303 of the Code of the City of Wichita, Kansas, shall read as follows: "**Application for private security permit--Approval of issuance.**

(1) The application for a private security permit shall contain:

(a) A full set of the applicant's fingerprints;

(b) Two passport-sized color photographs of the applicant taken within the preceding thirty days;

(c) Proof of age and identity which must be provided by presentation of a government-issued photo ID.

(d) A letter from the agency stating that the applicant is being considered for employment;

(e) A drug screening test, the results of which are no older than 30 days preceding the date of application, which has been performed by a licensed laboratory certified to conduct such testing, indicating the applicant is free from the use of amphetamines, barbiturates, benzodiazepines, cannabinoid, cocaine metabolites, opiates and phencyclidine; and

(f) If the application is for a firearms permit, a letter from a licensed psychologist or psychiatrist, dated within the preceding six (6) months, stating that in his or her opinion the applicant does not suffer from any mental or emotional impairment which would adversely affect the applicant's abilities to carry out the duties of an armed private security officer or an armored car private security officer.

(2) All questions on the application form shall be answered truthfully and fully in the applicant's own handwriting. Falsifying or omitting any information requested on the application shall be cause for denying a permit. If a permit is denied for providing false information or making a false statement on an application, the applicant shall be ineligible to reapply for a permit under this chapter for one calendar year from the date of the permit denial.

(3) Private security officers shall be required to satisfactorily complete the private security officer course or courses of study approved by the chief of police within ninety days from the date of application; provided, however, that the chief of police may, upon written request and for good cause shown, extend the ninety day course completion requirement, or waive the training requirement.”

SECTION 16. Section 3.72.140 of the Code of the City of Wichita, Kansas, shall read as follows: “**Permit - Information and display required.** Every person engaged in the business of or operating as a private security officer, under the provisions of this chapter, shall have a permit which includes a photograph, thumbprint and signature of the holder, and shall display said permit upon demand by any law enforcement officer. This permit will be in the form approved by the chief of police.

It is unlawful for any permit holder to engage in any activities within the purview of this chapter without having such permit in his or her possession. Upon suspension, revocation or expiration of this permit, it shall be surrendered immediately to the chief of police.”

SECTION 17. Section 3.72.150 of the Code of the City of Wichita, Kansas, shall read as follows: “**Temporary Basic Private Security permit.** An individual meeting the requirements of Section 3.72.120 of this chapter may be issued a temporary basic private security permit to perform the duties of a private security officer for a period not to exceed ninety (90) days; provided, however, that the chief of police may, upon written request and for good cause shown, extend the ninety (90) day duration of a temporary permit. No such temporary permit may be renewed and no individual shall be eligible for more than one (1) temporary permit within a two (2) year period.”

SECTION 18. Section 3.72.160 of the Code of the City of Wichita, Kansas, shall read as follows: “**Fees – permits and training – new and renewal.** The following fees are established for the permitting and training of private security officers. All fees are non-refundable and no fees shall be pro-rated:

- (1) Permit fees:
  - (a) Initial permit: \$35.00
  - (b) Firearm permit upgrade \$15.00
  - (c) Additional permit (for private security officers employed by more than one agency): \$25.00
  - (d) Permit renewal: \$25.00
  - (e) Additional permit renewal: \$25.00
  - (f) Permit replacement: \$15.00
  - (g) Fingerprinting and criminal history records check: Fee as set by the Kansas Bureau of Investigation

- (2) Training fees:
  - (a) Basic training: \*
  - (b) Advanced training: \*
  - (c) Firearm training: \*
  - (d) Annual firearm proficiency testing \*

\*Fees for training courses are set by designated training providers and are subject to review and approval by the chief of police.”

SECTION 19. Section 3.72.170 of the Code of the City of Wichita, Kansas, shall read as follows: “**Permit duration.** (1) The permit fee for the private security permit shall be in accordance with the schedule contained in Section 3.72.160. No permit shall be issued for less than the full amount of such fee, and such permit shall be valid only for one (1) year from the date of issuance and upon expiration must be surrendered as herein provided or renewed.

- (2) It is unlawful to act or perform the duties of a private security officer

within the city on an expired permit. If a permit is presented for renewal that has been expired for longer than 30 days, it shall be processed as an initial permit and assessed the fee as set forth in Section 3.72.160 of this Code.

(3) It is unlawful for a manager, owner, operator or any person in charge of any private security agency within the city to allow a person to work as a private security officer on an expired permit.”

SECTION 20. Section 3.72.180 of the Code of the City of Wichita, Kansas, shall read as follows: “**Transferability of permits - Multiple permits.**

(1) No permit granted under the provisions of this chapter shall be transferable from one individual to another; or by an individual from employment by one private security agency to employment with another private security agency.

(2) An individual may hold multiple permits allowing such individual to be employed by more than one private security agency, however, no additional permit will be issued without written authorization from all private security agencies with which the individual is or seeks to be permitted. The fee for an additional permit shall be as set forth in Section 3.72.160.”

SECTION 21. Section 3.72.190 of the Code of the City of Wichita, Kansas, shall read as follows: “**Termination of employment.** (1) It shall be unlawful for any agency that employs a private security officer, upon the termination such person’s employment, to fail to immediately notify the police department of such termination and to collect the person’s permit and surrender it to the police department. If for any reason such agency is unable to collect a permit upon termination of a private security officer,

notification of the police department shall be made in writing within ten (10) days explaining in full detail why the permit was not collected.

(2) It is unlawful for any private security officer regulated by the provisions of this chapter to fail to immediately surrender such person's permit upon termination of his or her employment as a private security officer. If the agency that employed the private security officer fails to collect the person's permit as required in subsection (1) herein, the person shall be responsible for turning in his or her permit to the police department."

SECTION 22. Section 3.72.200 of the Code of the City of Wichita, Kansas, shall read as follows: **"Permits allowed for persons not employed by a Private Security Agency.** The City recognizes that certain employers who are not required to be licensed under the provisions of this Chapter, and whose employees are not required to be permitted under this Chapter may nonetheless desire that select employees obtain a private security permit. Such permits may be authorized by the chief of police under the following circumstances:

(1) The employer must not be a private security agency as defined by Section 3.72.010(18) of this Code.

(2) The employee must meet all requirements of the particular permit for which he or she is applying, except those made inapplicable by this section.

(3) As a part of the permit application, the employee must have a written request from his or her current employer that such employee be allowed to obtain a private security permit.

(4) The employee must obey all the requirements of this Chapter and any other ordinance of the City of Wichita that is applicable to a person who holds a valid

private security permit, including the requirement that the person surrender his or her permit upon termination of employment.”

SECTION 23. Section 3.72.210 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm permit – Issued by chief of police, requirements.** A firearm permit shall be issued to a private security officer by the chief of police provided that:

(1) no firearm permit shall be issued to any person who has not attained the age of 21 years; and

(2) the private security officer is not prohibited from lawfully possessing a firearm by any federal, state or local law; and

(3) the private security officer presents satisfactory proof that he or she has completed the required course of training; and

(4) the private security officer is currently in possession of an advanced private security permit or a temporary permit issued to an armored car private security officer prior to the firearm permit being issued; and

(5) the agency employing the private security officer provides a written statement that he or she is required to carry a firearm in order to perform the duties of employment.”

SECTION 24. Section 3.72.220 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm permit – Fee, duration, expiration.** A fee according to the schedule set forth in 3.72.160 shall be charged for each firearm permit. A firearm permit shall be valid only for one year from the date of issuance and upon expiration must either be renewed or surrendered as provided in this chapter.”

SECTION 25. Section 3.72.230 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm permit – Training required.** All persons initially applying for a firearm permit shall be required to complete and satisfactorily pass a firearm training and qualification course as approved by the chief of police. All persons seeking to renew an existing firearm permit shall be required to complete and satisfactorily pass a firearm qualification course as approved by the chief of police. The required training and/or qualification course must be completed prior to the firearm permit being issued or renewed.”

SECTION 26. Section 3.72.240 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm permit – Limited to authorized firearm only, information required.** (1) The chief of police shall approve the make, model and caliber of all firearms which may be carried pursuant to a firearm permit. Only a specific firearm of the type approved by the chief of police shall be carried pursuant to a firearms permit.

(2) The make, model, caliber and serial number of the specific firearm shall be noted on the private security officer’s permit which shall be in his or her possession at all times when the authorized firearm is carried, and failure to do so is considered a violation of this ordinance.”

SECTION 27. Section 3.72.250 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm permit – Duty to report change in status.** (1) Every person possessing a firearm permit shall be required to report to the chief of police any change in such person’s permit status of either advanced private security and firearm or armored car private security.

(2) It shall also be the duty of every private security agency to notify the chief of police of any employee's change in permit status of either advanced private security and firearm or armored car private security.

(3) Every person possessing a firearm permit issued pursuant to this chapter shall be required to report immediately to the chief of police if such person becomes ineligible to possess a firearm under any federal, state or local law.

(4) If any private security agency becomes aware that any employee of such agency has become ineligible to possess a firearm under any federal, state or local law, it shall be the duty of such agency to report such information immediately to the chief of police.

(5) Failure to make any report as required in this section shall constitute a misdemeanor and shall be punishable as set forth in Section 3.72.340.”

SECTION 28. Section 3.72.260 of the Code of the City of Wichita, Kansas, shall read as follows: “**Firearm – when carrying prohibited.** (1) Every person possessing a firearm permit under this chapter shall carry such firearm only while traveling directly from the person's residence to the person's place of employment, during the person's tour of duty while actively engaged as a private security officer, and while traveling directly from the person's place of employment to the person's residence.

(2) Carrying a firearm into any tavern, private club or drinking establishment is prohibited, except that this prohibition shall not apply to a person possessing an armored car private security permit while actively engaged in the duties of his or her employment.

(3) Carrying of any firearm other than the firearm specifically authorized by the private security officer's firearm permit is prohibited.

(4) Failure to comply with any of the provisions set forth in this section shall be considered a violation of this ordinance and shall be punishable as set forth in 3.72.340.”

SECTION 29. Section 3.72.270 of the Code of the City of Wichita, Kansas, shall read as follows: **“Firearm – Discharge of firearm.** Any holder of a firearm permit who discharges the holder's firearm within the city limits at any time other than while at an approved range shall immediately report the same to the police department. Failure to make the required report shall be considered a violation of this ordinance and shall be punishable as set forth in 3.72.340.”

SECTION 30. Section 3.72.280 of the Code of the City of Wichita, Kansas, shall read as follows: **“Firearms Permit – suspension/revocation, grounds therefore and right to hearing.** The chief of police may suspend or revoke any firearm permit provided that the holder of the permit shall immediately be given notice of the cause of such suspension or revocation and an opportunity to be heard as set forth in Section 3.72.110.”

SECTION 31. Section 3.72.290 of the Code of the City of Wichita, Kansas, shall read as follows: **“Uniform requirements.** (1) Every permitted private security officer shall, at a minimum, display on the outermost garment the name of the private security agency or armored car service by whom the permitted security officer is employed, the word “Security” and identification which contains the last name of the private security

officer, except that uniforms worn by a permitted armored car private security officer may display the word “Armored” instead of the word, “Security”.

(2) The name of the private security agency and the word “Security” or “Armored” shall be of a size, style, shape, design and type which is clearly visible by a reasonable person under normal conditions.

(3) Such uniforms and any insignias worn by a permitted private security officer shall be distinctively different from those worn by officers of the Wichita Police Department, the Sedgwick County Sheriff’s Office, the Kansas Highway Patrol, or any reserve component of the foregoing agencies.”

SECTION 32. Section 3.72.300 of the Code of the City of Wichita, Kansas, shall read as follows: “**Uniforms – prohibited acts.** (1) It is unlawful for any private security officer to wear a uniform or display any badge, shoulder patch, logo or any other insignia or identification which contains the words “Law Enforcement” and/or similar word(s) including, but not limited to: police, agent, enforcement agent, detective, task force, fugitive recovery agent or any other combination of names which gives the impression that the bearer is in any way connected with the federal government, state government or any political subdivision of a state government.

(2) It is unlawful for any person to wear a private security uniform as required in Section 3.72.290 until a private security permit has been issued to such individual by the chief of police.

(3) It is unlawful for any permitted private security officer to wear a private security uniform as required in Section 3.72.290 or any other distinctive badge, shoulder patch, logo or other insignia or identification except as follows:

- (a) Directly from the individual's residence to the individual's place of employment;
- (b) During the individual's tour of duty while actively engaged as a private security officer; and
- (c) Directly from the individual's place of employment to the individual's residence.

(4) It is unlawful for any permitted private security officer to wear a private security uniform or any other distinctive uniform, badge, shoulder patch, logo or other insignia or identification into any tavern, private club or drinking establishment, except when the establishment has employed the private security officer to work in the capacity as a private security officer. Further, this prohibition shall not apply to a person possessing an armored car private security permit while actively engaged in the duties of his or her employment.”

SECTION 33. Section 3.72. 310 of the Code of the City of Wichita, Kansas, shall read as follows: “**Vehicles.** The vehicles used to conduct the business of a private security agency or armored car service within the City of Wichita by any licensee shall be of a design and color scheme distinctly different from that of the marked patrol vehicles of the Wichita Police Department, the Sedgwick County Sheriff's Office and the Kansas Highway Patrol. In addition, such vehicles shall be equipped only with lighting devices as required or authorized by state law and city ordinance. The word or words, “Security” or “Private Security” or “Armored” shall be prominently displayed on both sides of such vehicles, with the letters being of a size, style, shape, design and type which is clearly visible by a reasonable person under normal conditions.

No vehicle shall have the word "Police" painted, placed or otherwise displayed upon such vehicle, nor shall any insignia be painted, placed or otherwise displayed upon such vehicle which is similar to, or which could be confused with, a law enforcement vehicle.

SECTION 34. Section 3.72.320 of the Code of the City of Wichita, Kansas, shall read as follows: "**Arrest by a private person.** A private security officer may exercise the power of making a citizen's arrest only as set forth in K.S.A. 22-2403 and Section 3.72.010(9) of this code."

SECTION 35. Section 3.72. 330 of the Code of the City of Wichita, Kansas, shall read as follows: "**Impersonating a private security officer.** Any person who shall wear a private security uniform or badge, or shall otherwise represent himself or herself to be a private security officer while such person is not duly permitted under this chapter to exercise the duties of a private security officer shall be deemed guilty of a misdemeanor."

SECTION 36. Section 3.72.340 of the Code of the City of Wichita, Kansas, shall read as follows: "**Penalty.** Any person, who, within the corporate limits of the City of Wichita, violates any of the provisions of this chapter, or fails to comply with any requirements of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor in excess of \$2,500."

SECTION 37. The original of Chapter 3.72 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 38. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 24th day of June, 2008.

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Carl Brewer, Mayor

Attest:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law