

**ORDINANCE NO. 2023-04- \_\_\_\_**

**AN ORDINANCE MODIFYING MUNICIPAL CODE SECTION 18-20, OF THE CITY OF ARKANSAS CITY, KS, TO EXEMPT PERMANENT ESTABLISHED BUSINESSES WITH 100 OR MORE EMPLOYEES, FROM LICENSING PRIVATE SECURITY OFFICERS THROUGH THE CITY OF ARKANSAS CITY.**

**WHEREAS**, current Municipal Code requires all private security officers and private security businesses to have a valid license from the city at all times; and

**WHEREAS**, upon application for a private security license, the businesses investigate the applicant to ensure the applicant is legitimate; and

**WHEREAS**, the process involved of city staff to investigate is significantly reduced for businesses that have already have an permanent established location of business in Arkansas City, as the city may quickly conclude the applicant is legitimate; and

**WHEREAS**, because of the reduced staff time required, the cost for a license fee for permanent established businesses that exclusively officer security services with 100 or more employees, within the city is unwarranted.

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

**SECTION ONE: AMENDMENT TO MUNICIPAL CODE.**

The Governing Body of the City of Arkansas City hereby amends Section 18-27 of the Arkansas City Municipal Code to read as follows (new provisions in italics):

**Section 18-20. — Licensure.**

- (a) Every private security officer and private security service *staffing less than 100 employees* within the city, must always have a valid license from the city at all times.

The completed application for a license shall be filed with the city clerk, accompanied by:

- (1) A full set of the applicant's fingerprints, and if applicable, fingerprints of its owners and employees;
- (2) Two black and white or colored photographs of the applicant, and if applicable, its owners and employees, taken within the past 30 days;
- (3) Proof that the applicant is age 18 years or older, or in the case of a service, that all of its owners are age 21 years or older;
- (4) The non-refundable application fee established by the board of city commissioners;
- (5) In the case of a private security officer, a drug screen test indicating the applicant is free from illegal drugs and a letter from a licensed psychologist or psychiatrist stating that the applicant does not suffer from any mental or emotional impairments which would adversely affect the applicant's abilities to carry out the duties of a private security officer;
- (6) For a private security service, a corporate surety bond executed by a company authorized to do business in the state in the principal sum of \$5,000.00, conditioned for the faithful and honest conduct of his business. Such bond shall be taken in the name of the city and every person injured by any unlawful act of the principal, whether licensed or not, may bring an action on the bond in his own name to recover damages suffered by reason of such unlawful act; and

- (7) Proof of insurance in amounts of not less than:
- a. \$200,000.00 for each bodily injury and \$500,000.00 aggregate limit; and \$100,000.00 per claimant; and
  - b. \$300,000.00 aggregate limit for property damage.
- (c) All questions on the application shall be answered truthfully and fully in the applicant's own handwriting. The applicant must certify that he, or its owners or employees (if applicable):
- (1) Shall not currently be under indictment, charge, information, diversion or deferred judgment, nor within the last ten years had a diversion, deferred judgment, conviction or juvenile adjudication, for any of the following: (i) any felony, (ii) any offense that would be a felony if committed by an adult; or (iii) acts involving violence, physical force or threat thereof, illegal use, carrying or possession of a dangerous weapon, dishonesty, sexual relations, lewd and lascivious behavior, narcotics or non-narcotic drugs, sodomy, gambling, promoting obscenity, promoting obscenity to minors, sexual battery, or bigamy.
  - (2) Has no past or present history of any mental or emotional impairment unless in the opinion of a licensed psychiatrist or psychologist, such impairment would not adversely affect the licensee's ability to carry out the duties of a private security officer.
- (d) The chief of police, or his or her designee, may deny or revoke a license if the applicant or any of its owners or employees:
- (1) Has personally, or been an officer, director, partner, associate or manager of any license holder who has, been, refused a license under this article or had a similar license refused or revoked in other jurisdiction;
  - (2) Committed or aided or abetted the commission of any act for which a license is required by this article without said license;
  - (3) Made any false statement in the application for license; or
  - (4) Does not meet the requirements to obtain a license, as established by this section.
- (e) Any license issued shall be valid for the calendar year in which issued and shall expire on December 31, of such year of issuance. Such license shall not be assignable.

## **SECTION TWO: PUBLICATION; EFFECTIVE DATE.**

The City Clerk shall cause this Ordinance, or a summary thereof, to be published one time in the official City newspaper and said Ordinance shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas this 18<sup>TH</sup> day of April, 2023.

Seal

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Diana L. Spielman, Mayor

ATTEST:

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Tiffany Parsons, City Clerk

DRAFTED AND APPROVED AS TO FORM:

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Larry R. Schwartz, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2023-04-\_\_\_\_ of the City of Arkansas City, Kansas adopted by the Board of City Commissioners on April 18, 2023, as the same appears of record in my office.

DATED: \_\_\_\_\_.

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Tiffany Parsons, City Clerk