

## Chapter 200

### POLICE AND FIRE DEPARTMENTS

Editor's Note — Ord. no. 1214 §§2 — 8, adopted March 21, 2005, repealed §§200.010 — 200.060 and enacted new provisions set out herein. Former §§200.010 — 200.060 derived from CC 1985 §§9.201 — 9.204 revised 1961 and revised 1984; CC 1985 §§6-101 — 6-102; amended ord. no. 875, 7-17-1989; amended ord. no. 1017, 10-21-1996; ord. no. 1075, 12-20-1999.

#### ARTICLE I

#### Department of Public Safety <sup>1</sup>

**Section 200.010. Department of Public Safety.** [Ord. No. 1214 §2, 3-21-2005]

The Department of Public Safety shall perform all of the duties and responsibilities for police, fire and emergency services in the City of Mulvane, and shall have all of the powers, duties and responsibilities conferred upon police, fire and emergency services by virtue of the Code of the City of Mulvane, Kansas, ordinances of the City of Mulvane, and shall have such other and additional powers, duties and responsibilities as may be lawfully imposed upon it by any administrative directives, resolution, rule, ordinance, Charter provision or Statute. Anywhere in this Code referencing the Police, Fire or Emergency Services Department shall now be the responsibility of the Department of Public Safety.

**Section 200.020. Chief of Police/Director of Public Safety.** [Ord. No. 1214 §3, 3-21-2005]

The Chief of Police/Director of Public Safety shall be the administrator and head of the Department of Public Safety. Said Chief of Police/Director of Public Safety shall have all of the duties, responsibilities and functions conferred upon a Chief of Police, Fire Chief and Emergency Services Director, as such terms are commonly used, including the authority to execute all processes issued by the Municipal Judge and delivered to him/her for that purpose. He/she shall, in addition thereto, have such other powers, duties and responsibilities as shall from time to time be lawfully conferred upon him/her by the Governing Body of said City and by law, and whenever any Statute, ordinance, municipal regulation or law shall require a duty or responsibility of the Chief of Police, Fire Chief or Emergency Services Director, such duties and responsibilities may be assumed and performed by such Chief of Police/Director of Public Safety. Anywhere in this Code referencing the Chief of Police, Fire Chief or Emergency Services Director shall now be the responsibility of the Chief of Police/Director of Public Safety.

**Section 200.030. Police Duties.** [Ord. No. 1214 §4, 3-21-2005]

Police Officers, while on duty, shall devote their time and attention to their respective duties

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1. Cross Reference — Interference with police dogs/horses prohibited, see §210.230.

according to the ordinances of the City and the laws of Kansas. It shall be their general duty at all times and to the best of their ability to preserve good order, peace, quiet and to enforce the City ordinances and the laws of Kansas throughout the City. It shall be their further duty to arrest all persons found at any time, day or night, in the act of violating any such ordinance or law or aiding or abetting any such violation. They shall make complaint against any and every person so arrested and shall cause such person to be brought to trial.

**Section 200.040. Power to Arrest.** [Ord. No. 1214 §5, 3-21-2005]

The Chief of Police/Director of Public Safety shall at all times have power to make or order an arrest with proper process for any offense against the ordinances of the City or the laws of Kansas and to arrest without process in all cases where any such offense shall be committed in his/her presence. All Policemen of the City shall have power to arrest all offenders against said ordinances or laws, by day or by night, in the same manner as the Chief of Police/Director of Public Safety and keep them in the County Jail or other safe places to prevent their escape until a trial can be held before the Municipal Court or other court having jurisdiction of the offense alleged.

**Section 200.050. Rewards to Be Paid to Court Clerk.** [Ord. No. 1214 §6, 3-21-2005]

All money due to or received by the Chief of Police/Director of Public Safety or any Police Officer on account of any reward accruing to him/her in consequence of any action in the line of duty shall be paid to the Court Clerk and deposited to the credit of the General Fund of the City.

**Section 200.060. Volunteer Fire Department Created.** [Ord. No. 1214 §7, 3-21-2005; Ord. No. 1221, 9-19-2005]

There is hereby created in this City a Volunteer Fire Department composed of not less than fifteen (15) nor more than fifty (50) firefighters.

**Section 200.070. Supervisory Responsibility.** [Ord. No. 1214 §8, 3-21-2005]

The Chief of Police/Director of Public Safety shall be the administrator and head of the Volunteer Fire Department. Anywhere in this Code referencing the Fire Chief or Assistant Fire Chief shall now be the responsibility of the Chief of Police/Director of Public Safety.

**Section 200.080. through Section 200.100. (Reserved)** <sup>2</sup>

**Section 200.110. Firemen's Relief Association.** [R.O. 1924 §68; CC 1985 §6-110]

The members of the Fire Department shall organize themselves into a Firemen's Relief Association and become incorporated under the laws of the State of Kansas in order that the members thereof may have the benefits provided for in Sections 40-1701 to 40-1707 of the Supplement to the General Statutes of Kansas.

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2. Editor's Note — Ord. no. 1075, adopted December 20, 1999, repealed Sections 200.070 through 200.010. Former Sections 200.070 through 200.100 derived from R.O. 1924 §§62, 65, 66; CC 1985 §§6-103, 6-104, 6-107, 6-108; amd. ord. no. 875, 7-17-1989; ord. no. 1017, 10-21-1996.

**Section 200.120. Emergency.** [CC 1985 §6-111; Amended Ord. No. 875, 7-17-1989; Ord. No. 1075, 12-20-1999]

- A. In the event of an emergency as defined by K.S.A. 12-111, the following individuals shall be deemed to be the person in charge for declaring an emergency, and in the event the individual first (1st) named is not available or is absent, then the succeeding individual, as numbered, shall be authorized to declare said emergency:
1. The Mayor of the City of Mulvane, Kansas;
  2. Council President;
  3. City Administrator;
  4. City Clerk.

ARTICLE II  
(Reserved) <sup>3</sup>

ARTICLE III  
**Fire District No. 12 Agreement** <sup>4</sup>

**Section 200.130. Fire District No. 12 Agreement.** [CC 1985 §17-501; Amended Ord. No. 767, 8-19-1985]

- A. *Intent.* The City of Mulvane intends and agrees to provide firefighting services and protection to Fire District No. 12, Sumner County, Kansas, usually hereafter Fire District.
- B. *Release Of Liability.* The City shall not be liable for any failure to act, or any action, for any damages or claims, arising out of the services extended to the Fire District.
- C. *Hold Harmless.* The Fire District agrees to indemnify and hold harmless the City from any and all claims, damages, or other liability, whether real or illusory regarding the extension of services or the failure to provide services.
- D. *Terms Of Contract.* The City and the Fire District will reach a mutually agreed upon term for this contractual relationship, and also reach agreement regarding the funds to be paid by the patrons of the Fire District to the City.

ARTICLE IV  
**"911" Emergency**

**Section 200.135. "911" Emergency.** [Ord. No. 1185 §§1 — 4, 9-2-2003; Ord. No. 1229, 6-5-2006; Ord. No. 1327, 6-1-2009]

- A. The Governing Body of the City of Mulvane, Kansas (the "City") deems it to be in the public interest and for the protection of the public safety, health and welfare to provide for

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3. Editor's Note — This article, previously titled "fire department" has been left reserved per ord. no. 1214 §9, adopted March 21, 2005.

4. Cross Reference — Fire prevention provisions, see ch. 225.

the operation of an emergency telephone system utilizing a single three digit "911" for reporting police, fire, medical and other emergency situations and to impose an emergency telephone tax for payment of such service as provided by K.S.A. 12-5301 et seq.

- B. An emergency telephone tax shall be imposed in the amount of seventy-five cents (\$.75) per month per telephone exchange access line or its equivalent within the corporate limits of the City. Said tax, together with any surplus revenues carried forward, will produce sufficient revenues to fund the expenditures necessary to support the emergency telephone system. Said tax shall become effective on the sixty-first (61st) day following the publication of this Section, unless a protest petition signed by not less than five percent (5%) of the registered voters of the City is filed with the Sumner or Sedgwick County election officer within sixty (60) days following publication of this Section.
- C. It is the intent of the City that the emergency telephone tax rate established under this Section be renewed annually taking effect each January first (1st). Immediately upon setting the annual rate, the rate shall be published in the minutes of the Governing Body of the City and, at least ninety (90) days before such new rate becomes effective, a copy of the ordinance or resolution shall be sent by registered mail to every service supplier.