

## **CHAPTER X. POLICE**

Article 1. Police Department

Article 2. Property in Police Custody

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### **ARTICLE 1. POLICE DEPARTMENT**

10-101. **POLICE DEPARTMENT.** The law enforcement department shall consist of a chief of police and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 15-204. (Code 2012)

10-102. **LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES.** It shall be the general duty of the chief of police and all sworn law enforcement personnel to the best of their ability to preserve good order, peace and quiet throughout the city as provided by law or ordinance.

The chief of police and all sworn law enforcement personnel shall at all times have the power to make arrest under proper process or without process when permitted through K.S.A. 22-2401 et seq. and to keep all persons so arrested, unless admitted to bail, in the city jail, county jail or other proper place to prevent their escape until their trial can be had before the proper officer.

All persons arrested for violation of any law of the state and who shall not be charged with an offense under any law of the city shall be released to the custody of the sheriff of the county and such arrest shall be reported to the county attorney. (Code 1984)

10-103. **RULES AND REGULATIONS.** The chief of police shall have the power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. (Code 2012)

## ARTICLE 2. PROPERTY IN POLICE CUSTODY

- 10-201.           APPLICABILITY OF CHAPTER. This chapter relates to and embraces all lost, stolen, strayed, abandoned, unclaimed or confiscated property which of itself is not contraband or the possession of which is not unlawful, which is now or which may hereafter come into the possession of the authorized officers of the city. (Ord. 2011-06; Code 2012)
- 10-202.           CUSTODY; RECLAMATION BY OWNERS WITHIN THIRTY DAYS. All personal property of the character described in 10-201 shall be delivered to the custody of the Chief of Police who shall retain the possession of such property for a period of thirty days, except as elsewhere herein provided, unless the owner or person entitled to the possession of such property shall sooner claim such property and establish ownership and right to possession thereof. (Ord. 2011-06; Code 2012)
- 10-203.           NOTICE OF INTENT TO SELL; REQUIREMENTS AS TO SALE, ETC. If the owner or person entitled to the possession of property as described in this shall fail to claim such property within 30 days, then at such time or at any time thereafter, the Chief of Police may:
- (a) Cause a notice to be published in the official city paper, setting forth a detailed description of such property and stating that unless the property is claimed within 10 days, such property will be sold at public auction to the highest bidder therefore for cash, and stating the time and place of such sale; provided, that if such property be livestock, the value of which is less than the cost of keeping the property for the periods described in this section, such property shall be advertised immediately and sold after a three days' notice given as herein provided; or
- (b) Upon a determination that the property holds no market value, the Chief of Police may dispose the property through charitable donation or otherwise as deemed appropriate.  
(Ord. 2011-06; Code 2012)
- 10-204.           FAILURE OF OWNER TO CLAIM BEFORE SALE; SALE TO HIGHEST BIDDER, ETC. If the owner or person entitled to the possession of property advertised under the preceding section shall fail to claim the property at any time before the date of such sale, then it shall be sold to the highest bidder therefore for cash, and the purchaser thereof shall take a good and perfect title thereto. (Ord. 2011-06; Code 2012)
- 10-205.           COSTS TO BE PAID BY OWNER IF PROPERTY CLAIMED AFTER PUBLICATION. If the owner or person entitled to the possession of property contemplated by this article shall claim the property after the publication of the sale as provided in (Notice of intent to sell-requirements as to sale), he/she shall pay the actual cost of publication, together with the actual cost of keeping such property during its custody. (Ord. 2011-06; Code 2012)

10-206.           DISPOSITION OF UNSOLD PROPERTY. If property is left unclaimed and is not sold after proper notice has been given under the preceding sections, the Chief of Police may donate unsold property to charity, or otherwise dispose of the property. (Ord. 2011-06; Code 2012)

10-207.           DISPOSITION OF PROCEEDS OF SALE. Any funds received from the sale of any property as provided in this article, less the cost of publication and keeping the property for sale, and the costs of such sale, shall be paid directly to the police equipment fund and it will be booked as miscellaneous income. (Ord. 2011-06; Code 2012)