5.32 - Private Security Services

CHAPTER 5.32

Private Security Services

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5.32.010 Private security services defined.

A. Private security services means a person, firm or corporation, including its employees and agents, engaged in the business of providing protection to any person, firm or corporation, and/or their property, and preserving the peace and conduct of any business in the City.

B. This definition includes, by way of example only, persons who are employed to provide internal security for their employer's business; armed private security personnel; guard and patrol services and personnel for hire; investigative services and personnel for hire; alarm services and personnel for hire; and armored car and armored courier services and personnel for hire. (Ord. 858-92, 1992)

5.32.020 License and permit required.

A. It is unlawful for any person, firm or corporation, or employee or agent of such person, firm or corporation, to engage in the business of a private security service or to represent himself or herself to any person or the public as a private security service without having first procured a license or permit therefor, as provided in this Chapter, from the City Clerk, except that no person who is a peace officer having a valid certification shall be required to obtain a license or permit pursuant to this Chapter to engage in off-duty employment as a private security service within the jurisdiction of the governmental entity employing him or her as a peace officer.

B. The Chief of Police may, upon written application, grant an exception to the license or permit requirement of individuals if, in the judgment of the Chief of Police, the exception is reasonable. No exemption granted by the Chief of Police shall be for more than thirty (30) calendar days.

C. It shall be unlawful for any private security service to employ any agent or employee unless the person to be employed has obtained a license or permit as hereinafter provided, or the Chief of Police has granted an exception to the license/permit requirement. This requirement is not intended to include employees whose job responsibilities are exclusively administrative and not functional; this includes, by way of example only, but is not limited to, secretarial positions.

D. It shall be unlawful for any person to accept employment as a private security service employee or agent operating within the City without obtaining a permit as hereinafter provided for or having been granted an exception by the Chief of Police. This requirement is not intended to include employees whose job responsibilities are exclusively administrative and not functional; this includes, by way of example only, but is not limited to, secretarial positions. (Ord. 858-92, 1992)

5.32.030 License and permit – application contents.

Applicants for licenses or permits as private security service, or as an employee or agent of a private security service, shall file an application with the City Clerk on a form to be provided for that purpose which shall contain the following:

A. A description of the nature and type of business to be conducted or services to be offered and the area

expected to be covered in the conduct of business;

B. A statement as to the number of persons to be employed as agents or employees;

C. A statement as to the number and type of vehicles to be used in the conduct of the business, and a description thereof;

D. A description of any other equipment to be used in conducting the business;

E. A statement of the applicant's intention relative to carrying a firearm;

F. If the applicant is to be employed by any other firm, corporation or person, it shall be stated who the employer is, the nature of services to be rendered to the employer and any other pertinent facts required by the City Clerk;

G. A statement as to whether the applicant has ever been convicted of any felony, misdemeanor or ordinance violation, the nature of the offense, penalty or punishment imposed, and the date and place where such offense occurred;

H. A statement as to whether or not the applicant has ever had a civil judgment or criminal conviction of fraud, deceit or misrepresentation entered against him or her and if so, the details thereon;

I. A certificate showing satisfactory completion of an approved and generally accepted private security training course consisting of at least twenty-four (24) hours of classroom instruction or an acceptable equivalent amount of training as determined by the Chief of Police. An acceptable course of instruction will include and address, as a minimum, legal powers and authority of private security services, Colorado Revised Statutes (Criminal Code), limitations on the use of force in general and the limitation on the use of deadly force specifically. (Ord. 858-92, 1992)

5.32.040 License and permit – issuance – annual renewal.

The City Clerk shall issue licenses or permits to applicants who are eligible to be licensed under the terms and provisions of this Chapter. Such licenses or permits shall be renewed annually. Licensees and permit holders desiring the renewal of their license or permit must apply for renewal within thirty (30) days immediately preceding the expiration date of the license/permit. As a part of the license/permit renewal process, the licensee or permit holder must demonstrate documentation of the receipt of no less than twenty-four (24) hours of additional in-service training during the previous year. (Ord. 858-92, 1992)

5.32.050 License and permit fee.

A. There is assessed an annual fee for the following:

1. For persons, firms and corporations engaged in the business of private security services;

2. For agents and employees of such persons, firms and corporations;

3. For individuals hired for the purpose of preserving the peace and conduct of a business by other than private security services businesses.

Such fee is established by City Council by resolution. (Ord. 1124-98, 1998; Ord. 858-92, 1992)

5.32.060 License and permit – conditions barring issuance.

No license or permit shall be issued to the following persons:

A. Any person under twenty-one (21) years of age;

B. Any person who has been convicted of a felony or misdemeanor or violation of municipal ordinance pertaining to moral turpitude or breach of the peace in the five (5) years immediately preceding the date of application;

C. Any person against whom civil judgment or criminal conviction for fraud, deceit or misrepresentation has been entered within five (5) years immediately preceding the application;

D. Any person who has a record of illegal drug use or a record of violent acts against person or property;

E. Any person whose physical or mental condition is such as not to warrant confidence that the service to be rendered will not jeopardize the health, safety or welfare of any person;

F. Any person who fails to comply with all license/permit requirements. (Ord. 858-92, 1992)

5.32.070 License and permit – suspension and revocation.

A. The Chief of Police shall have the power to suspend or revoke any license or permit granted under this Chapter for violation of any federal or state statute, city ordinance or any of the provisions of this Chapter, or for any act committed by the license/permit holder which is detrimental to the health, welfare and safety of the public. It shall be considered a violation of a federal or state statute or city ordinance if criminal charges are filed in any court; if the licensee or permit holder is acquitted of the charges, he or she shall be reinstated as a license/permit holder under this chapter upon application to the City Clerk.

B. No further application of any person whose license or permit has been revoked shall be accepted by the City Clerk until at least one (1) year has elapsed since the last previous revocation.

C. In the event that the license or permit expires while under suspension, no renewal license or permit shall be issued until the end of the suspension.

D. Any person aggrieved by the action of the Chief of Police or the City Clerk in the denial, suspension or revocation of a license or permit as provided in this Chapter may appeal to the City Manager.

E. Such appeal shall be taken by filing with the City Manager, within fourteen (14) calendar days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The City Manager shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant. (Ord. 858-92, 1992)

5.32.080 Rules and regulations – authority of Chief of Police.

The Chief of Police may issue and promulgate, from time to time, rules and regulations to provide for the health, safety and welfare of the City in relation to the private security service. Such rules may pertain, by way of example, to the duties of licensees or permit holders, manner of conduct and reports to be furnished to the Chief of Police. (Ord. 858-92, 1992)

5.32.090 Inspection by police.

A licensee or permit holder shall be subject to inspection as to his or her activities and duties by the Chief of Police or any police officer of the City. (Ord. 858-92, 1992)

5.32.100 Identification card – issuance – contents.

In addition to the license or permit, the City Clerk shall issue to each license/permit holder an identification card which shall include the following:

A. Name, address, physical description and picture of the license/permit holder;

B. The name of employer if the permit holder is an employee of agent;

C. Signature of the license/permit holder and that of the City Clerk;

D. A statement as to whether or not license/permit holder is authorized to carry firearms;

E. The expiration date of the license or permit and such other information as the City Clerk may deem advisable. (Ord. 858-92, 1992)

5.32.110 Uniforms, badges and insignia.

The Chief of Police shall approve all uniforms, badges and insignia used by all private security services, agents or employees, and such uniforms, badges and insignia shall not be similar or a colorable imitation to any uniforms, badges or insignia used by the City police or other local law enforcement agencies. (Ord. 858-92, 1992)

5.32.120 Vehicles – color – lights or sirens – insignia.

If any vehicles are used by the private security service, agents or employees with the City, they shall be of a color approved by the Chief of Police and shall be distinguishable from all vehicles used by the Police Department of the City or other local law enforcement agencies. In addition, the vehicles shall not be equipped with any lights or sirens in violation of the traffic code of the City or the State, nor shall any insignias be painted on the sides thereof which are similar to or which could be confused with those painted on the sides of the vehicles of the Police Department of the City or other local law enforcement agencies. Whenever a new vehicle is acquired by the licensee or permit holder for use in the conduct of his or her business, the type and description shall be immediately reported to the Chief of Police. (Ord. 858-92, 1992)

5.32.130 Words that may be confused with City police – use prohibited.

The words "police" or "officer" or any other words that may be confused to indicate any connection with the Police Department of the City shall not be used by any private security service, agent or employee. (Ord. 858-92, 1992)

5.32.140 Firearms – specific grant of authority and training required.

Licensee or permit holder shall be authorized to carry firearms only when specifically authorized by the Chief of Police. Prior to authorization, the license/permit holder must present a certificate of satisfactory completion of an approved and generally accepted firearms training course; such training course shall consist of a minimum of sixteen (16) hours of instruction and qualification with the firearm to be carried. To renew a license or permit with authorization to carry a firearm, the licensee or permit holder must present a certificate of satisfactory completion of an approved firearms refresher course that consists of a minimum of four (4) hours of instruction and qualifications with the firearm to be carried. (Ord. 858-92, 1992)

5.32.150 Firearms – authority to carry limited to while on duty or en route.

The authority to carry firearms will be extended only while the licensee or permit holder is performing the required duties of his or her employment and while en route to and from his or her place of business. (Ord. 858-92, 1992)

5.32.160 Discharge or other cessation of work – notice to City.

Whenever a private security service, agent or employee is discharged for any reason or ceases to be employed as a private security service, immediate notification shall be given to both the Chief of Police and the City Clerk. (Ord. 858-92, 1992)

5.32.170 Discharge or other cessation of work – surrender of identification card – reissue upon re-employment.

When any private security service, agent or employee ceases to be employed by a private security service, he or she shall forthwith surrender his or her identification card to the City Clerk. In the event the person surrendering an identification card is re-employed or conducts a business as a private security service for the remainder of the year, the identification card may be reissued to him or her without charge. (Ord. 858-92, 1992)

5.32.180 Changes of abode or business address – notice.

Any licensee or permit holder changing place of business or abode shall immediately notify the City Clerk of such fact, together with the address of the new place of business or abode; provided, however, that in the event the licensee or permit holder changes his or her place of abode, this is not a transfer of a license or permit and does not require the payment of additional fees. (Ord. 858-92, 1992)

5.32.190 Unlawful acts – arrest.

It is unlawful for a licensee or permit holder to arrest any person except when that person commits a criminal offense in the presence of the license/permit holder and the arrest conforms to a citizen's arrest in accordance with the laws of the State. (Ord. 858-92, 1992)

5.32.200 Unlawful acts – failure to turn over arrested person to police.

It is unlawful for a licensee or permit holder to fail to turn over any such person arrested immediately to the Police Department of the City. (Ord. 858-92, 1992)

5.32.210 Unlawful acts – firearms.

It is unlawful:

A. For any licensee or permit holder to carry a firearm without having successfully completed the prescribed training, or without designation on his or her license or permit while in the performance of duties as a private security service, agent or employee.

B. For any licensee or permit holder to fire or draw firearms in the performance of his or her duties, except when necessary to protect himself or herself from serious bodily injury or death or to prevent the commission of a felony involving serious bodily injury or death.

C. For any licensee or permit holder who fires a firearm within the City to fail to promptly report such incident to the Police Department.

D. For any licensee or permit holder to carry a firearm concealed on or about his or her person while performing duties under the authority of this Chapter. (Ord. 858-92, 1992)

5.32.220 Unlawful acts – police investigations.

It is unlawful for any licensee or permit holder to engage in or interfere with any investigation of the jurisdiction of the Police Department of the City. (Ord. 858-92, 1992)

5.32.230 Unlawful acts – reporting violations.

It is unlawful for any licensee or permit holder to fail to report immediately to the Police Department all violations of city, state or federal ordinances and laws which constitute felonies or breach of the peace coming to his or her attention. (Ord. 858-92, 1992)

5.32.240 Unlawful acts – uniforms, badges and insignia.

It is unlawful for any licensee or permit holder to wear a uniform, badge or insignia other than that authorized by the Chief of Police. (Ord. 858-92, 1992)

5.32.250 Unlawful acts – misrepresentation as police officer.

It is unlawful for a licensee or permit holder to represent himself or herself to be an officer of the Police Department or any other law enforcement agency. (Ord. 858-92, 1992)

5.32.260 Unlawful acts – conduct generally.

It is unlawful for any licensee or permit holder to fail to conduct himself or herself in a lawful and orderly manner at all times. (Ord. 858-92, 1992)

5.32.270 Unlawful acts – identification card.

It is unlawful for any licensee or permit holder to fail to immediately produce the private security permits upon request by a law enforcement officer. (Ord. 858-92, 1992)

5.32.280 Violation – penalty.

A person who violates the requirements of this Chapter shall be punished by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment of not more than one (1) year, or by both such fine and imprisonment. (Ord. 858-92, 1992)

Code Documents

5.32_private_security_services.pdf

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