

**ORDINANCE NO. 3925**

**AN ORDINANCE TO MODIFY THE REGULATION OF SECURITY GUARDS BY AMENDING SECTIONS 5.52.090, 5.52.100, 5.52.110, 5.52.130, 5.52.170, AND 5.52.180 OF CHAPTER 5.52 OF TITLE 5 OF THE RAPID CITY MUNICIPAL CODE.**

BE IT ORDAINED by the City of Rapid City that Section 5.52.090 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.090 License--Change of ownership or employer.**

Any change of ~~more than five percent~~ in ownership in a business licensed under this chapter shall require a new license. ~~Any change of employment by the holder of an individual merchant security or private security license shall require notification to the city finance office.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.100 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.100 License--Suspension or revocation.**

A. If, in the discretion of the chief of police, a special security license holder will create a risk to the public welfare, the chief of police may immediately suspend the license of such licensee until a hearing can be had before ~~a committee of the city council, appointed by the mayor to make recommendations to the council.~~ Such hearing must be requested by the licensee ~~shall be held upon request of the licensee~~ within ten days from the date of suspension. ~~The committee action will be in the form of recommendation to the city council on a date certain.~~ Final determination will be effective on council action.

B. Any continued violation of any provision of this chapter by a holder of a license under this chapter will be cause for suspension or revocation of the license.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.110 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended by deleting it in its entirety.

~~**5.52.110 Personnel changes--Procedures.**~~

~~A. For the hiring of any new or former employee of any licensee under this chapter, the applicable provisions of this chapter shall be followed, except when there has been a leave of absence granted by the employer. Such change in personnel shall be granted only by the approval of the chief of police and the issuance of an appropriate license if necessary.~~

~~B. At the termination of employment, business or the acceptance of employment at another business, notice of such termination or acceptance shall be given by the licensee in writing, to the chief of police.~~

**5.52.1210 Uniforms and identification cards and badges.**

Uniforms and identification badges worn by special security licensees shall be subject to the approval of the chief of police. Uniforms shall be distinctly marked to identify the particular licensee and distinguished from the city police force uniforms and from the uniforms of any other established special security organization. An identification card shall be carried by each special security licensee. After January 1, 1977, no licensee shall predominantly display the word "police" on any uniform, identification card or identification badge.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.1300 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.1320 Firearms--Permit requirements--Term.**

~~A. No special security agent shall carry or use any firearm without a permit therefor as required by the state.~~

~~B. The chief of police shall have discretionary authority to issue to each special security agent a firearm permit after the special security agent has furnished the chief of police with a written statement of security activities which require such pistol or firearm.~~

~~C. The limited concealed weapons permit required herein shall expire on December 31 of each calendar year.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.140 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.1430 Merchant security vehicle identification.**

Vehicles used in any merchant security operation must be distinctly marked and uniform to the licensee operating such vehicles and distinguished from markings of any of the city police force vehicles or vehicles of any other established merchant security business. After January 1, 1977, no licensee shall predominantly display the word "police" on any merchant security vehicle provided however, that any decal or identification installed prior to that date may be continued until repaired or replaced.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.150 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.1540 Unlawful identification.**

It is unlawful for any person to use or carry identification or badge purporting to indicate that he has been appointed to the position of special security agent unless such person's special security license is valid and subsisting in accordance with the terms of this chapter. It is unlawful for any person to counterfeit, imitate or colorably imitate or cause to be counterfeited, imitated or colorably imitated any identification or badge issued by the chief of police to special security agents.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.160 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.160 Impersonating police.**

It is unlawful for any person holding a license as a special security agent to impersonate or intentionally create the impression that he is a member of the city police force or is a police official of any county, state or federal agency.

BE IT ORDAINED by the City of Rapid City that Section 5.52.170 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended by deleting it in its entirety.

~~5.52.170 Accepting business without license.~~

~~It is unlawful for any person not licensed under this chapter to accept business or employment in the nature of watching, guarding or protecting premises, property or persons.~~

BE IT ORDAINED by the City of Rapid City that Section 5.52.180 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code be amended to read as follows:

**5.52.180 City police officers employed as security guards--Applicability of provisions.**

A. This chapter shall apply to any regularly employed member of the city police department who may, with the approval and concurrence of the chief of police, accept employment as a private or merchant security agent, however, any member of the city police department so employed shall at all times be subject to the supervision, control and immediate call of the chief of police of the city. ~~This chapter shall not apply to any Rapid City policeman or Pennington County deputy sheriff when in the employment of a governmental agency.~~

B. This chapter shall not apply to any Rapid City police officer or Pennington County deputy sheriff when in the employment of a governmental agency.

C. This chapter shall not apply to any person employed by the City of Rapid City working on property owned or leased by the City.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)

First Reading:

Second Reading:

Published:

Effective:

Prepared By: CITY ATTORNEY'S OFFICE