

ORDINANCE NO. 5444

**AN ORDINANCE TO PROVIDE FOR CRIMINAL HISTORY
RECORDS CHECKS FOR CERTAIN BUSINESS LICENSES
BY AMENDING VARIOUS SECTIONS OF TITLE 5
OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted ordinances requiring business licenses for certain businesses or enterprises; and

WHEREAS, the businesses of pawnbroker, secondhand dealer, dealer in precious metals and precious gems, private security guard, and taxicab operator present health, safety and welfare concerns to public; and

WHEREAS the Common Council of the City of Rapid City, in the interests of promoting public health, safety and welfare, desires to require applicants for certain business licenses to submit to a criminal history records check; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to adopt the Legal Finance Committee's recommendation by amending Title 5 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 5.36.020 of the Rapid City Municipal Code is hereby amended to read as follows:

5.36.020 License–Required.

It is unlawful for any person, firm or corporation to engage in the business of pawnbroker or secondhand dealer, without first obtaining a license from the city's Finance Office. The application for the license shall contain all pertinent information required by Chapter 5.04 of this code and the city's Finance Office, and shall be issued and governed in accordance with Chapter 5.04. Any person applying for a pawnbroker's license or a secondhand dealer's license, must, before their application will be considered, come to the Rapid City's Police Department ~~and to~~ furnish adequate identification and submit to a criminal history records check by the Chief of Police and pay the associated fee provided by Section 2.20.030(A) of this code. No license under this chapter shall be issued to any person who has been convicted of a felony; no license under this chapter shall be issued to any corporation, 1 or more officers or directors of which have been convicted of a felony.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.40.020 of the Rapid City Municipal Code is hereby amended to read as follows:

5.40.020 License–Required.

It is unlawful for any person, firm or corporation to engage in the business of dealer in precious metals and precious gems without first obtaining a license from the city's Finance

Office. The application for the license shall contain all pertinent information required by Chapter 5.04 of this code and the city's Finance Office, and shall be issued and governed in accordance with Chapter 5.04. Any person applying for a dealer in precious metals and precious gems license must, before their application will be considered, come to the Rapid City Police Department ~~and~~ to furnish adequate identification and submit to a criminal history records check by the Chief of Police and pay the associated fee provided by Section 2.20.030(A) of this code. No license under this chapter shall be issued to any person who has been convicted of a felony; no license under this chapter shall be issued to any corporation, 1 or more officers or directors of which have been convicted of a felony.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.48.010 of the Rapid City Municipal Code is hereby amended to read as follows:

5.48.010 Peddling from vehicles on streets.

No person shall sell or offer for sale any goods or merchandise from a cart, wagon, automobile, truck or other vehicle in the streets or thoroughfares of the city. This section does not apply to the delivery of farm or garden products, where the order for same has been placed in advance, nor does it apply to drayage or the delivery of goods sold in the regular course of an established business. Nothing in this section shall prohibit the city from entering into a contract ~~for~~ authorizing the sale of ice cream and sundries for immediate consumption on the terms and conditions agreed to by the Common Council. Any person making application for such authorization shall submit to a criminal history records check by the Chief of Police and pay the associated fee provided by Section 2.20.030(A) of this code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.52.030 of the Rapid City Municipal Code is hereby amended to read as follows:

5.52.030 License–Applications.

A. The application for all classes of licenses under this chapter shall include an affidavit setting out the applicant's full name, age, residence, present occupation and occupation for the preceding 5 years. The affidavit shall show sufficient facts to prove that the applicant has attained the age of 18 and the good character, competence and integrity of the affiant and shall list any previous criminal record.

B. Each applicant for a license under this chapter shall submit to a criminal history records check by the Chief of Police and pay the associated fee provided by Section 2.20.030(A) of this code.

~~BC.~~ In addition to the requirements of subsections A. and B. of this section, each application for merchant security license shall provide the following information:

1. The number of vehicles to be used in the business; and
2. A description of each vehicle, including the year, make, model and serial number.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.60.110 of the Rapid City Municipal Code is hereby amended to read as follows:

5.60.110 Applicant to be fingerprinted.

Each applicant for a license under this article shall be fingerprinted by the Police Department and pay the associated fee provided by Section 2.20.030(B) of this code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.60.060 of the Rapid City Municipal Code is hereby amended to read as follows:

5.60.120 Application- ~~Investigation~~ Records Check -Issuance.

~~The application for a taxicab driver's license shall be investigated~~ Each applicant for a license under this article shall submit to a criminal history records check by the Chief of Police and pay the associated fee provided by Section 2.20.030(A) of this code. ~~who~~ The Chief of Police shall approve or deny the application based on the results of the ~~investigation~~ criminal history records check and applicant's submitted information. Any denial is subject to appeal to the Common Council as set forth in § 5.60.130.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: