

## Chapter 5.52 SECURITY GUARDS

### 5.52.010 Definitions.

As used in this chapter:

"Merchant security" means any person, firm, partnership or corporation engaged in the business of protecting, guarding or watching various property or premises by conducting a regular patrol action with vehicles or employing more than three security agents as contracted or subcontracted for by owners of such property.

"Private security" means any individual engaged in the business of protecting the premises, enterprises, properties or person of any individual person, firm, partnership or corporation on their premises under their immediate direction and control of their employer or watchman; guards and others who have only one employer and who are employed to watch, guard or protect the premises, property or person of that employer or who are employed by one or more interstate common carriers to watch, guard or protect the premises, property or persons of such carrier or carriers.

"Special security" means persons engaged in security activity as a merchant security agent or private security agent as defined herein, and holding a license issued by this city in one or more classifications set forth in this chapter.

### 5.52.020 License--Required.

It is unlawful for any person to engage in any kind of security activity as described herein without first obtaining a license from the city. Each individual person engaged in special security work must obtain an individual license even though employed by a merchant security organization that is licensed for merchant security work. Each business firm, corporation or individual operating as a merchant security organization as defined herein, must further obtain a merchant security license authorizing such business even though such individual and his employees may each have an individual license and are required by this article to have such individual license.

### 5.52.030 License--Applications.

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 five years. Such affidavit shall show sufficient facts to prove that the applicant has attained the age of majority and the good character, competence and integrity of the affiant and shall list any previous criminal record.

### 5.52.040 License--Security instruction requirements--Administrative rules.

All applicants for special security license may be required by the chief of police to have basic security instruction for the purpose of improved special security operations. All applicants shall be subject to the administrative rules established by the chief of police within the scope of this chapter.

### 5.52.050 License--Application--Determination--Notice--Appeal.

A. Each application for a license under this chapter shall be submitted to the chief of police for his recommendation of approval or denial.

B. Any applicant denied a license shall be notified in writing by the city finance office and within ten days after notification may request a hearing before the city council. Any person aggrieved by any action of the chief of police under this chapter may request a hearing before the city council.

#### 5.52.060 License--Issuance.

Upon approval by the chief of police of an application for a license under this chapter and upon payment of the required fee, a license shall be issued by the city finance officer to the applicant.

#### 5.52.070 License--Fees.

A. The license fees for security licenses shall be:

1. Individual merchant security and private security:

- a. Initial fee: fifty dollars per year,
- b. Renewal fee: twenty-five dollars per year;

2. Merchant security business:

- a. Initial fee: one hundred fifty dollars per year,
- b. Renewal fee: one hundred dollars per year.

B. If any security license application is withdrawn or recommended for denial by the police department or denied by the common council no portion of the fee shall be refunded.

#### 5.52.080 License--Term.

Every license issued under this chapter shall expire on December 31st of the year next following its issuance; provided, however, any license applied for after October 1st of any calendar year shall remain in effect until December 31st of the succeeding calendar year, unless sooner revoked, canceled or otherwise terminated.

#### 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.~~

#### 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.

~~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.~~

5.52.120 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.

5.52.130 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.~~

5.52.140 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.

5.52.150 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.

## 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.

~~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.~~

## 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.**