

**ORDINANCE NO. 18-2024**

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE VII OF THE *CODE OF ORDINANCES OF THE CITY OF ALAMOSA* CONCERNING LICENSING OF SECURITY SERVICES**

**WHEREAS**, Alamosa's ordinance governing the licensing of private security service companies and persons has remained essentially unchanged since the 1964 code which first contained it; and

**WHEREAS**, Colorado is one of nine states that does not license security guards or security companies, and there are currently no statewide training or hiring standards; and

**WHEREAS**, for that reason, it is important that Alamosa retain licensing requirements for security services; and

**WHEREAS**, the current licensing scheme, found in Chapter 10, Article VII of the *Code of Ordinances of the City of Alamosa*, contains provisions that are not workable, for instance requiring the police department to certify gun range proficiency and the City Clerk to investigate ill-defined standards such as "is of good moral character," and "is not an habitual drunkard or addicted to or dependent upon any drugs;" and

**WHEREAS**, Council considers it advisable if private security personnel are to carry firearms they have a concealed carry permit issued pursuant to the provisions of Part 2 of Article 12 of Title 18, Colorado Revised Statutes, and that the Clerk investigate objective standards such as felony convictions and convictions of crimes of moral turpitude or fraud and deceit, rather than vague standards such as "of good moral character;"

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Alamosa, Colorado, as follows:

Section 1. Repeal and Reenactment of Chapter 10, Article VII of the *Code of Ordinances of the City of Alamosa*. Chapter 10, Article VII of the *Code of Ordinances of the City of Alamosa* is repealed and reenacted, to read in its entirety as follows:

**ARTICLE VII. SECURITY SERVICES**

**Sec. 10-187. Purpose.**

The purpose of this article is to increase the levels of integrity, competence and performance of contract security personnel in order to safeguard the public against illegal, improper or incompetent actions committed by private security personnel.

**Sec. 10-188. Definitions.**

*Contract security service* means any person that conducts or is engaged in the business of providing for-hire protection to persons and/or property, or preserving the peace in the conduct of any business. This definition specifically excludes the assignment by an employer of its employees to duties which involve apprehending shoplifters or preserving the peace on the premises of the employer, or protecting property belonging to the employer.

*Person* means one (such as a human being, a partnership, or a corporation) that is recognized by law as the subject of rights and duties

*Security guard* means any individual who accepts employment from any employer providing contract security services as defined in this section.

**Sec. 10-189. License required.**

It shall be unlawful for any person to engage in the business of contract security services within this city or to act as a security guard within this city without having first obtained a license from the city. However, this requirement does not apply to a peace officer certified by the Peace Officers Standards and Training Board in accordance with Part 1 of Article 2.5 of Title 16, C.R.S., nor to a law enforcement agency of Colorado or a political subdivision of Colorado that employs a peace officer.

**Sec. 10-190. License qualifications.**

No applicant shall be granted a license unless such applicant, or in the case of a partnership or corporation, each partner, officer and director of such applicant, meets the following requirements:

- (1) Is 18 years of age or older;
- (2) Is a citizen of the United States or resident alien;
- (3) Has not been convicted of a felony, or of a misdemeanor crime of violence as defined in C.R.S. § 18-1.3-406, within ten (10) years immediately preceding the date of the application;

- (4) Has not been convicted of or found to be guilty of, in either a criminal or a civil action, fraud, deceit or misrepresentation within ten (10) years immediately preceding the date of the application.

**Sec. 10-191. License application.**

Applicants for a license as contract security service or security guard shall file an application with the city clerk, on forms to be provided for that purpose, which shall contain at least the following information:

- (1) A description of the nature and type of business to be conducted, the services to be offered, and the area to be covered in the conduct of the business;
- (2) A statement as to the number and identity of persons to be employed as agents or employees;
- (3) A statement as to the type and number of vehicles to be used in the business, a description of vehicles and equipment to be used in providing protection, and other pertinent facts requested by the city;
- (4) The address and name of the person, firm or corporation by whom the applicant is to be employed;
- (5) Each applicant for a license shall be required to furnish the following information, and if the applicant is a partnership or corporation, such information shall be furnished for each partner, officer and director:
  - a. A statement of applicant's convictions of any felony, misdemeanor, or ordinance violation (other than minor traffic violations); the nature of the offense; the penalty or punishment imposed; and the date and place where such event occurred;
  - b. A statement as to whether or not an applicant has ever had a judgment entered against him or her for fraud, deceit, or misrepresentation, and if so, details thereof;
  - c. One set of fingerprints to be taken by a certified fingerprint agency. These are for purposes of the required background check. If the applicant has a concealed carry permit, the applicant may provide a copy of that background check (if completed within the preceding five years) in lieu of providing fingerprints.

d. If the applicant is a corporation, the names and percentages of ownership of each shareholder. The applicant shall also furnish any of the foregoing information which may be requested by the city with regard to any shareholder.

**Sec. 10-192. Investigation of applicant; issuance or denial of license.**

Upon receipt of each application, the clerk shall immediately institute such investigation of the applicant's business and moral character as may be deemed necessary, and the city clerk shall issue or deny the application within two (2) weeks after it has been filed.

**Sec. 10-193. Application fee.**

All applications for licenses shall be accompanied by a nonrefundable application fee of three hundred dollars (300.00).

**Sec. 10-194. License and renewal fee.**

A license shall be valid for the calendar year in which it was issued and may, upon application, be renewed from year to year. The fee for the renewal of such license shall be one hundred dollars (\$100.00) per year. An application for renewal may be filed in the months of November or December, and shall be filed before January 15 of the year following expiration or will be considered a new application.

**Sec. 10-195. Insurance requirements.**

All licensees shall file with the clerk a certificate of insurance evidencing comprehensive general liability coverage for bodily injury, personal injury and property damage with endorsements for assault and battery, and personal injury, including false arrest, libel, slander and invasion of privacy in the minimum amount of five hundred thousand dollars (\$500,000.00) for bodily or personal injury and property damage. Licensees shall also file endorsements for damage to property in their care, custody and control and for errors and omissions. The certificates shall provide that the insurance shall not be modified or canceled unless ten (10) days' prior notice shall have been given to the

city clerk.

**Sec. 10-196. Identification cards, badges, uniforms, and equipment.**

(a) Identification cards. Every contract security service shall issue to each security guard employed by it an identification card which shall be approximately two and one-half (2½) inches by four and one-half (4½) inches, and shall contain the following information:

- (1) The type of license issued and the date of expiration;
- (2) Name, address, physical description and picture of the licensee;
- (3) The name of the employer;
- (4) A statement as to whether or not the licensee is authorized by the contract security service to carry a firearm during the course of employment;
- (5) Such other information as the city may deem necessary.

(b) Badges. No badge shall be worn by any licensee which is a colorable imitation of badges worn by officers of the police department, county sheriff's department or the state patrol.

(c) Vehicles. No vehicle shall be used which may be confused with those vehicles used by the police department, the county sheriff's department or the state patrol, nor shall any vehicle be equipped with a siren or lights, except for lights normally required on civilian motor vehicles.

(d) Terminology. The words "police" or "officer" shall not be used in any advertisement or notice, or on any vehicle or equipment used by the licensee.

(e) Discretion of police chief. The chief of police may request of each licensee further information on equipment, vehicles, uniforms or badges used by the licensee; may request samples, pictures or inspection of such items; and may issue an order denying use of any item which contravenes this section.

(f) Uniforms. The uniforms, if any, worn by security guards while employed within the city shall be of a color and type that are readily distinguishable from the uniforms of the police department, and the county sheriff's department or the state patrol.

**Sec. 10-197. Firearms.**

(a) No contract security service licensee shall permit any employee to carry a firearm during working hours unless such employee has, and keeps in force for the duration of the license, a concealed carry permit issued by the Alamosa County Sheriff or other sheriff in the state of Colorado in accordance with Part 2 of Article 12 of Title 18, Colorado Revised Statutes.

(b) Each licensee shall notify the chief of police of the name of each employee who is authorized to carry a firearm and of the description of the firearm used by each such employee. Any change in the use of a firearm shall immediately be reported to the chief of police.

**Sec. 10-198. Change in personnel.**

(a) Any contract security service shall notify the clerk of the termination or dismissal of any employee licensed under this article, and of the reason for the termination or dismissal.

(b) Upon termination or dismissal from employment, every licensed security guard shall surrender to the city clerk his or her license and identification card.

(c) Any licensee changing a place of business or residence shall immediately notify the city clerk of such fact, together with the location of the new place of business or residence, but such notification shall not be deemed to be a transfer of license or to require the payment of a new fee.

**Sec. 10-199. Unlawful acts.**

(a) It shall be unlawful for any person to engage in or to conduct a business of security service or to act as such business or as a security guard without obtaining a license as provided in this article.

(b) It shall be unlawful for any licensee to fail to exhibit such licensee's certificate of license or identification card to any police officer of the city upon demand.

(c) It shall be unlawful for any licensee to fail to report immediately to the police department of the city any discharge of a firearm by such licensee within the city.

- (d) It shall be unlawful for any licensee to hinder or interfere with any investigation under the jurisdiction of any public law enforcement agency.
- (e) It shall be unlawful for any licensee to represent himself to be an officer of the police department of the city.
- (f) It shall be unlawful for any applicant to knowingly misrepresent or to fail to disclose any required fact or information in connection with obtaining a license under this article.
- (g) It shall be unlawful for any licensee to fail to surrender his or her identification card or badge after discharge or termination.
- (h) It shall be unlawful for any licensee to violate any other requirement or provision of this article.

**Sec. 10-200. Revocation and suspension of licenses.**

The city may revoke or suspend a license, either summarily or after hearing, if it finds that:

- (1) The licensee has engaged in any act of coercion, threat or harassment in order to obtain business;
- (2) The insurance required by this article to be carried by every licensee has been or will be revoked or modified;
- (3) The licensee has falsified or misrepresented facts on his or her application;
- (4) The licensee has done anything which would have caused a denial of a license when originally applied for;
- (5) The licensee has violated any provision of this article which would bring into question the licensee's ability to continue his or her duties as a security guard or contract security service.

**Sec. 10-202. Appeal procedures.**

Any person aggrieved by the action of the city in the denial, suspension or revocation of a license, or in rules and regulations, as provided in this article may appeal

to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) days after notice of the action complained of, a written statement setting forth the grounds for the appeal. The council shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in writing. If the action complained of was summary action, such hearing shall be held within fifteen (15) days of the filing of the appeal. In all other cases the hearing shall be held within forty-five (45) days of the filing of the appeal.

**Sec. 10-203. Duty of citizens.**

(a) Any person residing or doing business in the city and having reason to employ a contract security service or security guard shall request the party employed to produce a valid license and shall not employ such person until license is secured and produced.

(b) Any person is also under a duty to bring to the attention of the chief of police any irregularities relating to the provision of security services.

Section 2. Repealer. All acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purpose, and published according to law.

Section 4. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

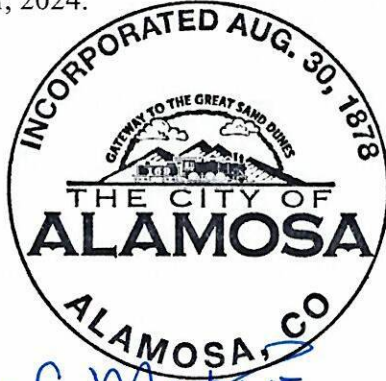
Section 5. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 6. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

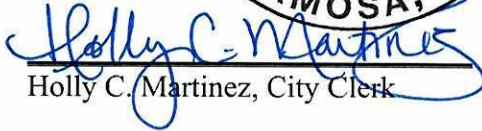


INTRODUCED, READ AND APPROVED on first reading the 21st day of August, 2024, and published as provided by law with notice of a public hearing to be held for consideration of the adoption of the said ordinance on the 4th day of September, 2024, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after the public hearing on the 4th day of September, 2024.




ATTEST:

  
Holly C. Martinez, City Clerk

CITY OF ALAMOSA

By

  
Ty Coleman, Mayor