

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 10, OF THE  
INDEPENDENCE CITY CODE REGARDING PRIVATE SECURITY  
GUARDS

**WHEREAS**, the City of Independence desires to receive criminal history record information on applicants and licensees in specified occupations; and

**WHEREAS**, the City of Independence desires to enact an ordinance to facilitate the receipt of criminal history record information from the Missouri State Highway Patrol central repository and the Federal Bureau of Investigation (FBI) pursuant to Chapter 43, Section 43.535 Revised Statutes of Missouri; and

**WHEREAS**, the City of Independence desires to enact such a requirement for private security guard applicants to protect the health, safety, and welfare of the City's residents by ensuring all individuals employed as private security guards will not be a risk to public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:**

**SECTION 1.** The City of Independence enacts this ordinance pursuant to Chapter 43, Section 43.535 RSMo. Independence City Code Chapter 5, Article 10, shall be amended to hereafter read as follows and to regulate the following:

**ARTICLE 10. – ~~PRIVATE WATCHGUARDS~~ PRIVATE SECURITY GUARDS**

Sec. 5.10.001. – ~~Watchguard~~ **Private security guard** license required and employment purposes.

**License purposes. Any individual applying for a private security guard license, issued by the City of Independence, must submit to a fingerprint-based criminal background check for licensure purposes.** ~~No person shall engage in the business of private watchguard security guard, operate a private watch security service or be employed as a security guard for a private watch security service without having first obtained a license to do so as hereinafter provided.~~

Sec. 5.10.002. – Article 1 applies.

The following special provisions for applicants or holders of private ~~watchguard~~ **security guard** licenses shall not be construed as the only requirement of such ~~persons~~ **individuals** under this chapter. Rather, Article 1 shall be applied herein in its entirety, except where specific provisions of this article override the general provisions of Article 1.

Sec. 5.10.003 ~~Watchguard~~ **Private security guard** license application.

- A. Any ~~person~~ **individual** ~~operating or intending to be a~~ ~~establish the business of private watchguard security guard, private watch service, or employed or intending to be employed as a guard~~ shall file with the License Officer, **as defined in Section 5.01.003 to this Code**, a written application for a license upon forms provided by the License Officer.
- B. ~~If the application is for a license for a private watch service it shall indicate the location of its principal office, the names of the owners and operators thereof and the names of the guards to be employed together with such additional information as may be required by the License Officer.~~
- C. ~~If the application is for a license for a private watchguard security guard it shall indicate the name and address of the applicant, experience in such work together with such additional information as may be required by the License Officer.~~
- D. ~~If the application is for a license for a security guard it shall indicate the name and address of the applicant, the name and address of the private watch security service employing the applicant and experience in such work together with such additional information as may be required by the License Officer.~~

Sec. 5.10.004. - Investigation, issuance of ~~watchguard~~ **private security guard** license and expiration.

- A. All applications for a **private security guard** license ~~for a private watch security service or private watchguard or guard~~ shall be referred to the Chief of Police who shall investigate the fitness of the applicant, experience in such business, the character of service to be performed and the manner in which such business is to be carried on. The Chief of Police shall obtain such other information concerning the applicant as deemed necessary ~~in order to determine the fitness and qualifications of the applicant for the conduct of such business. The Chief of Police shall require the applicant to submit a complete set of fingerprints together with photographs of the applicant of a size and dimension to be prescribed by the Chief of Police.~~ **Any individual seeking a private security guard license to be employed as a private security guard under this Article shall submit fingerprints cards and any required fees to the Missouri State Highway Patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under Missouri Revised Statute Section 43.540. The Missouri State Highway Patrol shall notify the City of Independence of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of Missouri Revised Statute Section 610.120 to the contrary, all records related**

to any criminal history information discovered shall be accessible and available to the City of Independence.

- B. The City of Independence shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City of Independence will decide whether the subject of record has been convicted of or is under pending indictment for (a) a crime which bears upon his/her ability or fitness to serve in that capacity; (b) any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers. ~~License Officer shall review the report of the investigation by the Chief of Police together with the license application. If the License Officer determines that the applicant meets the requirements of this article, a license shall be issued. If the License Officer determines that the applicant is not qualified under the provisions of this article, the application shall be denied.~~
- C. All licenses so issued shall be renewed annually upon application and payment of the fee as required by this article. All licenses issued under this article shall expire on the last day of the license year, unless renewed by the last day of the first month of the next succeeding license year. The License Officer shall prior to the issuance of any license hereunder affix a photograph of the licensee to the license.
- D. A licensee hereunder shall be required to carry the license and to exhibit the same to any duly authorized law enforcement officer or citizen upon request. Failure to comply with this provision shall result in strict enforcement of this chapter.
- E. The subject of record may request and receive a copy of his/her criminal history record information from the City of Independence. Should the subject of record seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record, and the FBI for records from other state jurisdictions maintained in its file.

Sec. 5.10.005. - License fees.

The license fee for a license issued under the provisions of this article shall be outlined in the Schedule of Fees.

Sec. 5.10.006. - Bond requirements.

- A. Every private ~~watchguard~~ **security guard** licensed under the provisions of this article ~~and every security guard employed by any private watch security service licensed hereunder~~ shall furnish a bond to the City in the sum of \$10,000.00 conditioned upon the faithful performance of such work and the observance of all ordinances of the City and laws of the State of Missouri and of the United States. Such bonds shall be for the use and benefit of the City and of any ~~person~~ **individual** who may have employed such licensee and have been injured by any willful,

malicious or wrongful act of such licensee. The bond required hereunder shall be of a form approved by the City Counselor.

- B. In lieu of the bond as provided herein, the applicant may submit a certificate of public liability insurance approved by the City Counselor and Director of Finance. The certificate of insurance shall evidence that the liability insurance policy covers the policy holder and the City named as insured. The insurance shall be the sum of at least \$250,000.00 for each ~~person~~ **individual** injured and the sum of at least \$500,000.00 for each occurrence, and \$50,000.00 for property damage. Such policy shall provide that before it shall be canceled or altered, the License Officer shall be notified of such cancellation or alteration by the insurance carrier within ten days before such cancellation or alteration shall become effective.

Sec. 5.10.007. - Applicability of Article 10.

- A. The provisions of this article are not applicable to reserve officers of the City Police Department or the Emergency Preparedness Organization of the City.
- B. Private ~~watchguards~~ **security guards** shall not be appointed special members of the City Police Department.

Sec. 5.10.008. - Uniform requirements.

It shall be unlawful for any private ~~watchguard~~ security guard ~~or guard~~ to wear a uniform similar to the uniform worn by the officers of the Police Department of the City. All private ~~watchguards security guards and private watch security services~~ shall exhibit to the Chief of Police a sample of the uniform they intend to wear. It shall be the duty of the Chief of Police to approve or disapprove such uniform.

**Sec. 5.10.009. – Definitions.**

**The following terms as used in this section shall be defined as follows:**

**Licensee. An individual licensed as a security guard by the City of Independence.**

**Private Security Guard. An individual with certain powers to protect life and property on/in a designated area, armed or unarmed, who must be in uniform, and licensed by the City of Independence.**

Secs. 5.10.010—5.10.999. - Reserved

SECTION 2. This Ordinance shall be in full force and effect from and after passage.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BY THE CITY COUNCIL OF THE  
CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY

\_\_\_\_\_  
City Manager

**NOTE: Words struck through are being removed by this ordinance and words in bold are being added by this ordinance.**

BILL NO. 25.032

ORDINANCE NO. 191078

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 10, OF THE  
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GUARDS

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**ARTICLE 10. – PRIVATE WATCHGUARDS PRIVATE SECURITY GUARDS**

Sec. 5.10.001. – ~~Watchguard Private security guard license required and employment purposes.~~

**License purposes. Any individual applying for a private security guard license, issued by the City of Independence, must submit to a fingerprint-based criminal background check for licensure purposes.** ~~No person shall engage in the business of private watchguard security guard, operate a private watch security service or be employed as a security guard for a private watch security service without having first obtained a license to do so as hereinafter provided.~~

Sec. 5.10.002. – Article 1 applies.

The following special provisions for applicants or holders of private ~~watchguard security guard~~ licenses shall not be construed as the only requirement of such persons **individuals** under this chapter. Rather, Article 1 shall be applied herein in its entirety, except where specific provisions of this article override the general provisions of Article 1.

Sec. 5.10.003 ~~Watchguard~~ **Private security guard** license application.

- A. Any person ~~individual operating or intending to~~ **be a** ~~establish the business of private watchguard security guard, private watch service, or employed or intending to be employed as a guard~~ shall file with the License Officer, as defined in Section 5.01.003 to this Code, a written application for a license upon forms provided by the License Officer.
- B. ~~If the application is for a license for a private watch service it shall indicate the location of its principal office, the names of the owners and operators thereof and the names of the guards to be employed together with such additional information as may be required by the License Officer.~~
- C. ~~If the application is for a license for a private watchguard security guard it shall indicate the name and address of the applicant, experience in such work together with such additional information as may be required by the License Officer.~~
- D. ~~If the application is for a license for a security guard it shall indicate the name and address of the applicant, the name and address of the private watch security service employing the applicant and experience in such work together with such additional information as may be required by the License Officer.~~

Sec. 5.10.004. - Investigation, issuance of ~~watchguard~~ **private security guard** license and expiration.

- A. All applications for a **private security guard** license ~~for a private watch security service or private watchguard or guard~~ shall be referred to the Chief of Police who shall investigate the fitness of the applicant, experience in such business, the character of service to be performed and the manner in which such business is to be carried on. The Chief of Police shall obtain such other information concerning the applicant as deemed necessary ~~in order to determine the fitness and qualifications of the applicant for the conduct of such business. The Chief of Police shall require the applicant to submit a complete set of fingerprints together with photographs of the applicant of a size and dimension to be prescribed by the Chief of Police.~~ Any individual seeking a private security guard license to be employed as a private security guard under this Article shall submit fingerprints cards and any required fees to the Missouri State Highway Patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under Missouri Revised Statute Section 43.540. The Missouri State Highway Patrol shall notify the City of Independence of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of Missouri Revised Statute Section 610.120 to

the contrary, all records related to any criminal history information discovered shall be accessible and available to the City of Independence.

- B. The City of Independence shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the City of Independence will decide whether the subject of record has been convicted of or is under pending indictment for (a) a crime which bears upon his/her ability or fitness to serve in that capacity; (b) any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers. ~~License Officer shall review the report of the investigation by the Chief of Police together with the license application.~~ If the License Officer determines that the applicant meets the requirements of this article, a license shall be issued. If the License Officer determines that the applicant is not qualified under the provisions of this article, the application shall be denied.
- C. All licenses so issued shall be renewed annually upon application and payment of the fee as required by this article. All licenses issued under this article shall expire on the last day of the license year, unless renewed by the last day of the first month of the next succeeding license year. The License Officer shall prior to the issuance of any license hereunder affix a photograph of the licensee to the license.
- D. A licensee hereunder shall be required to carry the license and to exhibit the same to any duly authorized law enforcement officer or citizen upon request. Failure to comply with this provision shall result in strict enforcement of this chapter.
- E. The subject of record may request and receive a copy of his/her criminal history record information from the City of Independence. Should the subject of record seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record, and the FBI for records from other state jurisdictions maintained in its file.

Sec. 5.10.005. - License fees.

The license fee for a license issued under the provisions of this article shall be outlined in the Schedule of Fees.

Sec. 5.10.006. - Bond requirements.

- A. Every private ~~watchguard~~ **security guard** licensed under the provisions of this article ~~and every security guard employed by any private watch security service licensed hereunder~~ shall furnish a bond to the City in the sum of \$10,000.00 conditioned upon the faithful performance of such work and the observance of all ordinances of the City and laws of the State of Missouri and of the United States. Such bonds shall be for the use and benefit of the City and of any ~~person~~ **individual** who may have employed such licensee and have been injured by any willful,



malicious or wrongful act of such licensee. The bond required hereunder shall be of a form approved by the City Counselor.

- B. In lieu of the bond as provided herein, the applicant may submit a certificate of public liability insurance approved by the City Counselor and Director of Finance. The certificate of insurance shall evidence that the liability insurance policy covers the policy holder and the City named as insured. The insurance shall be the sum of at least \$250,000.00 for each ~~person~~ **individual** injured and the sum of at least \$500,000.00 for each occurrence, and \$50,000.00 for property damage. Such policy shall provide that before it shall be canceled or altered, the License Officer shall be notified of such cancellation or alteration by the insurance carrier within ten days before such cancellation or alteration shall become effective.

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- A. The provisions of this article are not applicable to reserve officers of the City Police Department or the Emergency Preparedness Organization of the City.
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**The following terms as used in this section shall be defined as follows:**

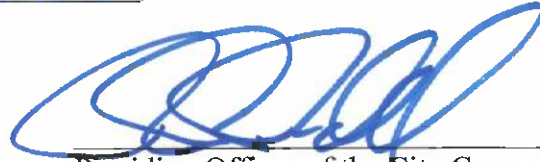
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Secs. 5.10.010—5.10.999. - Reserved

SECTION 2. This Ordinance shall be in full force and effect from and after passage.

PASSED THIS 2nd DAY OF June, 2025, BY THE CITY COUNCIL OF THE  
CITY OF INDEPENDENCE, MISSOURI.



Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

Shannon Howard  
City Clerk

APPROVED - FORM AND LEGALITY:

J. M. C.  
City Counselor

REVIEWED BY

Zachary Walker  
City Manager



**NOTE: Words struck through are being removed by this ordinance and words in bold are being added by this ordinance.**