

ORDINANCE NO. 7

Series 2015

June 2, 2015: Introduced as Council Bill 3, Series 2015 by Mayor Pro Tem Alex Brown, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

June 16, 2015: Considered in full text on second reading. Passed by a vote of 4 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING ARTICLE 3 OF CHAPTER 6 OF THE MUNICIPAL CODE
CONCERNING SECURITY GUARD BUSINESSES**

WHEREAS, the City of Cherry Hills Village is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the City regulates and licenses security guard businesses in the City according to Article 3 of Chapter 6 of the Municipal Code; and

WHEREAS, the City Council wishes to amend the Municipal Code regarding the definition of security guard business in order to clarify licensing requirements; and

WHEREAS, the City Council wishes to add language to Article 3 authorizing the Chief of Police the discretionary authority to issue a temporary, provisional license while the complete application is being reviewed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 6-3-10 is hereby amended to read in full as follows:

Sec. 6-3-10. Definitions.

Security guard business means: (i) any company that provides protection of persons or property of others with security guards, or (ii) any company that employs security guards for the protection of its own property or individuals thereon; ~~provided that security guard business does not include an individual who employs security guards directly for the protection of his own person, family, property or individuals thereon.~~

Section 2. That Section 6-3-70 is hereby amended and restated to read in full as follows:

Sec. 6-3-70. License – issuance.

- (a) Issuance. After the receipt and investigation of such application, and upon being satisfied that the company making the same is of good repute and intends to carry on an honest and legitimate business, and that all requirements of this Article have been met, the Chief of Police shall issue a license authorizing the applicant to carry on a security guard business within the City for a period of one (1) year from and after the date of issuance of such license.
- (b) Denial. If, after receipt and investigation of any application received pursuant to the terms of this Article, the Chief of Police determines that the applicant's character or business responsibility is unsatisfactory, or if the applicant fails to meet any of the requirements of this Article, the Chief of Police shall deny the application and shall notify the applicant of such disapproval.
- (c) Provisional License. In his or her sole discretion, the Chief of Police may issue a provisional license to a security guard business to legally conduct business in the City pending review of a complete application. A provisional license shall automatically expire and be of no force and effect upon one of the following events: (1) approval of the complete application and license issuance to the applicant; (2) the Police Chief's written denial of the application; (3) written revocation of the provisional license by the Chief of Police due to defects in the application, violations of this Article, delays in processing the application caused by the applicant or for other just cause determined by the Chief of Police in his or her sole discretion.

~~(e)~~(d) Compliance. It shall be the sole and exclusive responsibility of the licensee to investigate and assure the compliance of each of the licensee's employees with the requirements of this Article.

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 5. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 7, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado, on the 16th day of June, 2015.

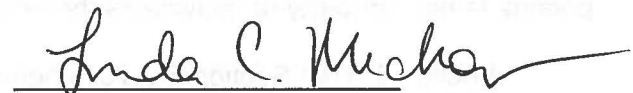
(SEAL)


Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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