

AN ORDINANCE AMENDING SECTION 54-137 OF THE BRANSON MUNICIPAL CODE PERTAINING TO BACKGROUND CHECKS FOR SECURITY PERMIT HOLDERS.

WHEREAS, the Board of Aldermen is authorized by Section 79.110 of the Revised Statutes of Missouri to enact ordinances expedient for the preservation of peace and good order of the City of Branson; and

WHEREAS, the Board finds that the requiring of a fingerprint-based state and federal background check for a security services permit on anyone providing security or guard services within the City is expedient to preserve the peace and good order of the City; and

WHEREAS, the Board finds, in collaboration with the Police Chief and the Missouri State Highway Patrol, that additional changes to the current background check requirements are needed in order to comply with applicable laws and regulations to facilitate the receipt of criminal history record information from the Missouri state Highway Patrol, Criminal Justice Information Services (CJIS) Division and the Federal Bureau of Investigation (FBI) pursuant to Chapter 43, Section 43.535 RSMo.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 54 – *Law Enforcement*; Article IV. – *Security and Other Guard Services*; Division 2. – *Permit*; Sec. 54-137 *Application* of the Branson Municipal Code is hereby amended to read as follows:

CHAPTER 54 – LAW ENFORCEMENT
ARTICLE IV. – SECURITY AND OTHER GUARD SERVICES
DIVISION 2. - PERMIT

Sec. 54-137. - Application.

(a) The application for a security services permit form as provided by the police department shall contain the following:

(1) Name, address and phone number of business.

(2) Name, address and phone number of local owner/operator [~~supervisor/manager~~].

- (3) Names, addresses, phone numbers and descriptions of all **security guard** employees of the **business** [company] that will or may be involved in patrol either on foot or in vehicle, whether in uniform or not, which during such employment would require them to move about from place to place (business to business) within the city limits, or because of employment requirements would cause them to move about on the same property in a manner that would attract attention, such as moving through and out of buildings or through parking lots.
- (4) Uniform and/or identifying clothing information, as applicable.
- (5) Vehicle-identifying information.
- (6) Other pertinent information as required in special instances, such as but not limited to firearms information and/or whether **security guard** [employees] will be armed or not.
- (b) Uniformed security **guards** [persons] are exempted from this section only when the hours of employment are during the respective establishment's normal business hours and personnel are restricted to on-premises security only.
- (c) **An individual** [Any person] seeking a security services permit to engage in providing security or guard services under this section, [~~including applicants, owner or operators, (“owner”, an individual holding 10% or greater financial interest or voting interest in an entity applying for a security services permit with the City of Branson), employees of applicants (full-time and part-time),~~] shall submit their fingerprints to the state highway patrol, criminal justice information services division, along with appropriate fees. The state highway patrol, criminal justice information services division will compare the subject's fingerprints against its criminal file and submit the fingerprints to the federal bureau of investigation for a comparison with national criminal history records. The results of the federal bureau of investigation check will be returned to the state highway patrol, criminal justice information services division, which will disseminate the state and national results to city of Branson, police department.
- (d) The police chief shall render a fitness determination based upon the results of the criminal background check. In rendering a fitness determination, the chief will decide whether the subject of record has been convicted of or is under pending indictment for:
- (1) A crime which bears upon their ability or fitness to serve in that capacity.
- (2) Any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.
- (3) Enumerated disqualifiers.
- (e) Failure to submit fingerprints under this section may result in denial of a permit. Individuals currently commissioned as a peace officer by the state peace officer standards and training commission shall be exempt from the requirements of Section 54-137(c).

(f) As used in this section, the following terms apply:

- (1) "Owner", an individual holding ten-percent or greater financial interest or voting interest in a business applying for a security services permit with the City of Branson;
- (2) "Operator", an individual employed by the business applying for a security services permit who is held accountable for the profits and losses of the business and who also runs the day-to-day operations of the business applying for a security services permit with the City of Branson;
- (3) "Security Guard", an individual employed with certain powers to protect life and property on/in a designated area, whether in uniform or not, whether armed or unarmed

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

Section 4: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

Read, this first time on this _____ day of _____, 20__.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this _____ day of _____, 20__.

Larry D. Milton
Mayor

ATTEST:

APPROVED AS TO FORM:



Hillary Briand
City Clerk

City Attorney