

**ORDINANCE NO. 5
SERIES 2023**

**AN ORDINANCE ADDING A NEW CHAPTER 15 TO TITLE 4 OF THE
VAIL TOWN CODE, TO REGULATE PRIVATE SECURITY GUARDS AND
PRIVATE SECURITY EMPLOYERS**

WHEREAS, the Town Council of the Town of Vail desires to regulate security guards and private security employers within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO, THAT:

Section 1. Title 4 of the Vail Town Code is hereby amended by the addition of a new Chapter 15, to read as follows:

**CHAPTER 15
SECURITY GUARDS AND PRIVATE SECURITY EMPLOYERS**

4-15-1: DEFINITIONS:

For the purposes of this Chapter, the following terms shall have the following meanings:

BACKGROUND CHECK. A national criminal history records check conducted by the Federal Bureau of Investigation upon submission of fingerprint records and all required documents.

BODILY HARM. Physical damage to a person's body for which medical attention was provided, including cuts, burns, disfigurement, concussion, loss of consciousness, or any impairment of physical condition.

CONDUCTIVE ENERGY WEAPON. A device capable of temporarily immobilizing a person by the infliction of an electrical charge, including without limitation but not limited to stun guns and tasers.

DEPARTMENT. The Vail Police Department.

PERSONAL PROTECTIVE SERVICES. A private arrangement where one or more qualified individuals, for a fee or other consideration, provide services to ensure the safety of another specific individual or group who may be exposed to elevated personal risk because of their employment, financial status, associations or fame.

PRIVATE SECURITY EMPLOYER. An employer that employs security guards to provide security services in the Town.

SECURITY GUARD. A person employed by a private security employer to provide security services in the Town.

SECURITY SERVICES. Any of the following activities:

- (A) Observing, investigating, or reporting unlawful activity;

- (B) Preventing or detecting theft or misappropriation of goods, money, or other items of value;
- (C) Protecting individual or property from harm or misappropriation;
- (D) Taking enforcement action by physically detaining or ejecting persons from premises; or
- (E) Controlling access to premises.

WEAPON. A conductive energy weapon, oleoresin capsicum ("OC") aerosol spray, baton, or any other "dangerous or illegal weapon" as defined by C.R.S. § 18-12-102.

4-15-2: LICENSE REQUIRED:

- (A) Security guards. It is unlawful for any person to act as a security guard without first obtaining a license as provided by this Chapter.
- (B) Private security employers. It is unlawful to operate as a private security employer without first obtaining a license as provided by this Chapter.
- (C) Exceptions. This Chapter shall not apply to:
 - (1) Law enforcement officers while engaged in the performance of their official duties or while engaged in off-duty employment;
 - (2) Personal protective services;
 - (3) An individual while protecting the individual's own property;
 - (4) A Town employee while engaged in the performance of their assigned job duties; or
 - (5) An individual providing guest services, including without limitation a ticket vendor, ticket taker, usher, door attendant, identification checker, parking attendant, traffic controller, crowd monitor, or event staff, if such individual does not: carry a weapon; wear a uniform or clothing readily identifiable by the public as that worn by a security guard or law enforcement officer; have the authority or permission to initiate confrontational activities, including physical contact and the confiscation of property; or have the authority to physically detain or eject persons from the premises.

(D) Nontransferable. A license granted pursuant to this Chapter is not transferable.

(E) Posting. A private security employer license shall at all times be posted in a conspicuous place in the licensee's principal place of business.

4-15-3: APPLICATION; ISSUANCE:

(A) Security guard license. An application for a security guard license shall be filed with the Department on a form provided by the Department.

Every application for a security guard license shall contain all of the following information:

(1) The name of the private security employer by whom the applicant will be employed, the address of the employer, the nature of the services to be rendered.

(2) A list of any criminal convictions of the applicant, including the date and location of each offense, the nature of the offense and the penalty or punishment imposed.

(3) A background check as defined in this Chapter, provided by the applicable private security employer, completed no more than sixty (60) days before the application date.

(4) Verification of a successful completion of a basic security guard training program as provided by this Chapter, completed no more than sixty (60) days before the application date.

(5) Any additional relevant information required by the Department.

(B) Private security employer license. An application for a private security employer license shall be filed with the Department on forms provided by the Department, and shall include all of the following information:

(1) The name of the private security employer, the address of its principal place of business, and the name and address of each principal and managing agent.

(2) A description of the specific types of services to be offered.

(3) A description and photograph of the uniform and badges to be worn by the security guards.

(4) A list of any criminal convictions for each principal and managing agent, including the date and location of the offense, the nature of the offense and the penalty or punishment imposed.

(5) An affidavit attesting that each of its security guards is duly licensed pursuant to this Chapter.

(6) Certificates of insurance demonstrating the minimum insurance coverage as required by this Chapter.

(7) Any additional relevant information required by the Department.

(C) Grounds for denial. An application for a security guard license or a private security employer license under this Chapter may be denied under the following circumstances:

(1) The issuance of a license to the applicant would not comply with any applicable law, rule or regulation.

(2) The applicant owes any outstanding fines, assessments, taxes or fees to the Town;

(3) The applicant has an outstanding warrant for their arrest.

(4) The application contains any fraudulent or false statement or material misrepresentation;

(5) The applicant is under eighteen (18) years of age;

(6) The applicant has been convicted of or released from incarceration for any felony within five (5) years of the application date;

(7) The applicant has been convicted of or released from incarceration for any misdemeanor offense involving fraud, theft, deceit, or misrepresentation within five (5) years of the application date;

(8) The applicant has been convicted of or released from incarceration for any offense involving an act of violence against persons or property within five (5) years of the application date, including without limitation, assault, child abuse, and offenses where the underlying factual basis has been found to include any act of domestic violence.

(9) The applicant has been previously denied a license under this Chapter or has had a license issued under this Chapter revoked within five (5) years of the application date.

(10) The applicant has been convicted of operating without a license required by Chapter or performing any act for which a license is required by this Chapter.

(11) The applicant is unable to provide sufficient verification that they are physically and mentally capable of performing security services in a manner that will not jeopardize the public health, safety, or welfare of any person.

(12) The applicant's character and reputation show a pattern of conduct or personal history that does not demonstrate honesty, fairness, and respect for the rights of others or for the law.

(C) Issuance. Within 30 days of the filing of a complete application, the Department shall issue the license or shall issue a written statement explaining why the license was denied.

4-15-4: SECURITY GUARD LICENSE ENDORSEMENTS:

(A) Plainclothes endorsement.

(1) A security guard shall not work in plainclothes without first receiving an endorsement from the Department authorizing them to do so.

(2) A security guard that intends to seek a plainclothes endorsement shall submit with their initial or renewal application, a letter of request describing why plainclothes are necessary. The request shall:

- (a) Be documented on the private security employer's letterhead;
 - (b) Describe the nature and context of each business or event for which the applicant seeks plainclothes status, including time and location; and
 - (c) Include an explanation for the necessity of plainclothes status.
- (3) A plainclothes license endorsement shall be effective only for the times, events and locations identified on the application. A security guard shall provide notice to the Department prior to adding additional times, events or locations to the plainclothes endorsement, no less than seventy-two (72) hours prior to the first time or event.
- (4) The plainclothes endorsement is associated only with specific private security employer.

(B) Firearms endorsement.

(1) A security guard shall not carry a firearm while acting as a security guard without first receiving an endorsement from the Department authorizing them to do so. No security guard under twenty-one (21) years of age may carry a firearm while acting as a security guard.

(2) A security guard who intends to seek a firearms endorsement shall submit with application a letter of request describing the need to carry a firearm. The request shall:

- (a) Be documented on the private security employer's letterhead;
- (b) Include an explanation for the necessity of a firearms endorsement for the security guard;
- (c) Include a statement from the private security employer stating that they are not aware of any mental, physical, or emotional condition that would disqualify the applicant from possession of a firearm; and
- (d) Include a statement from the private security employer releasing the Town from any liability related to the request to arm the employee.

(3) If the security guard wishes to obtain a plainclothes endorsement in addition to a firearms endorsement, a valid copy of their concealed handgun permit must be included. It is unlawful for a security guard to work in plainclothes and open-carry a firearm while providing security services.

(4) A firearms endorsement shall be effective only for the term of the underlying security guard license.

(5) A firearms endorsement is associated only with a request related to a specific private security employer.

(6) A security guard who has obtained a firearms endorsement shall not carry more than one (1) firearm at any times while providing security services.

4-15-5: PRIVATE SECURITY EMPLOYER LICENSE ENDORSEMENTS:

(A) Weapons endorsement.

(1) A private security employer shall not provide or otherwise authorize the use of any weapon, without first receiving a weapons endorsement from the Department.

(2) A private security employer that intends to seek a weapons endorsement shall submit with its application, a letter of request describing why the weapons are necessary. The request shall:

(a) Be documented on the private security employer's letterhead;

(b) Identify the types of weapons to be provided or authorized for use;

(c) Include an explanation of the necessity of the weapons endorsement, including the name, dates and information related to any public or private event for which the weapons endorsement is requested;

(d) Include a statement certifying that all security guards that will be provided or otherwise authorized to use the identified weapons will have successfully completed training specific to said weapons before carrying or using said weapons; and

(e) Include a statement from the private security employer releasing the Town from any liability related to the request for a weapons endorsement.

(3) A weapons endorsement shall be effective only for the term of the private security employer license.

(4) A weapons endorsement shall only be provided for weapons that are approved for use by the Department. The weapons endorsement is associated only with the specific weapons outlined in the request. A private security employer shall not add or modify the weapons it provides or authorizes without prior approval from the Department.

(B) Vehicle endorsement.

(1) A private security employer shall not authorize the use of vehicles for security services without first receiving a vehicle endorsement from the Department.

(2) A private security employer that intends to seek a vehicle endorsement shall submit with its application a written request to use vehicles. The request shall include either photographs or a rendering of

each proposed vehicle design that depicts the front, back, and sides of the vehicle in full color, including any insignias.

(3) A vehicle endorsement shall be effective only for the term of the private security employer's license.

(4) A vehicle endorsement is associated only with the specific vehicle design disclosed to the Department.

4-15-6: TERM:

Unless the license granted pursuant to this Chapter is granted only for a specific public or private event, a license granted under this Chapter shall be valid for a period of one (1) year from the date of issuance, unless suspended or revoked earlier. Any firearm endorsement, plainclothes endorsement, weapons endorsement or vehicle endorsement shall expire at the same time as the license.

14-5-7: RENEWAL:

(A) Security guard license. Applications for renewal of a security guard license shall include:

(1) A background check completed by the applicable private security employer, no more than sixty (60) days before the renewal application check;

(2) Any additional relevant information required by the Department.

(B) Private security employer license. Applications for renewal of a private security employer license shall include:

(1) An affidavit attesting that each security guard is duly licensed pursuant to this Chapter;

(2) Updated certificates of insurance; and

(3) Any additional relevant information required by the Department.

(C) Grounds for denial. The Department may refuse to renew a license for any of the grounds stated in Section 4-15-3(C).

4-15-8: IDENTIFICATION:

(A) Identification card. In addition to a license, each security guard shall be issued an identification card which shall contain, at a minimum, the following information:

(1) The license type and license number;

(2) The issuance date and expiration date of the license;

(3) The name and a recent photograph of the cardholder;

(4) A firearm endorsement, if applicable; and

(5) A plainclothes endorsement, if applicable.

(B) Location. The security guard shall carry the identification card on their person at all times when performing security services, and shall exhibit the card upon request by a law enforcement officer or other Town official. Security guards who have been granted a firearms endorsement shall wear their identification card on the outermost part of their uniform in a clearly visible manner at all times when performing security services; a plainclothes endorsement does not exempt any security guard from this requirement.

4-15-9: TRAINING:

(A) Verification. With an application for a security guard license, the applicant shall provide verification of successful completion of at least the basic security guard training program no more than sixty (60) days before the application date. The training verification shall identify, at a minimum, the applicant's name, the courses taken, the number of training hours obtained, the date(s) of training, and the name of the training provider.

(B) Basic training program. The basic training program shall include at least sixteen (16) hours with a certified training provider, covering the following topics, at a minimum:

- (1) Duties of a security guard;
- (2) Communication procedures and protocol;
- (3) Interaction with law enforcement;
- (4) Use of force, including the use of oleoresin capsicum ("OC") aerosol spray;
- (5) Cardiopulmonary resuscitation;
- (6) De-escalation training; and
- (7) Any additional training required by the Department.

(C) Annual training. In addition to the basic training program, each security guard shall complete eight (8) hours of annual training with an eligible training provider, covering the topics described in subsection (B) hereof.

(D) Weapons training. A private security employer requesting a weapons endorsement shall provide verification that its employees underwent training specific to the weapons used.

(E) Training provider certification. Training providers shall be approved in the discretion of the Department. In determining whether to approve a training provider, the Department may consider the following factors:

- (1) The experience of the trainer, consultant, industry expert, or person providing the training;

(2) Whether the trainer has tenure with federal, state, or local law enforcement agencies;

(3) Copies of the training provider's lesson plans, curricula, and materials.

4-15-10: INSURANCE:

(A) Private security employers shall maintain the following minimum insurance coverages at all times:

(1) Workers' compensation and employers' liability insurance as required by law.

(2) If vehicles are used to provide security services, automobile liability insurance with a minimum policy limit of five hundred thousand dollars (\$500,000).

(3) Commercial general liability insurance with a policy limit of one million dollars (\$2,000,000) combined single limit for bodily injury and property damage for each occurrence.

(B) Notice of any change in insurance shall be provided to the Department within seventy-two (72) hours. The suspension, voiding, nonrenewal, cancellation, or reduction of insurance is cause of automatic suspension of the license until the coverage is reinstated.

4-15-11: INDEMNIFICATION:

Each security guard and private security employer licensed under this Chapter shall indemnify and hold harmless the Town and its officers, agents, and employees from all suits, actions, damages, claims or injuries to any person or property due to any act or omission of the licensee, its agents or employees, or due to the failure of the licensee to observe any provision of this Chapter.

4-15-12: UNIFORMS AND BADGES:

(A) Unless they hold a plainclothes endorsement provided by this Chapter, all security guards shall wear a uniform while performing security services. All uniforms shall be presented to the Department for approval prior to being issued by any private security employer to any security guards, and upon approval uniforms shall not be changed except with further approval from the Department.

(B) The outer uniform shall prominently display the following:

(1) A badge or patch containing the words "security", "private security", "security guard", or "guard."

(2) A nametag or identification card containing the guard's name.

(3) A badge or patch containing the name of the private security employer.

(C) It is unlawful for any person, while performing or providing security services, to wear a uniform or badge similar to that worn by any law enforcement agency.

(D) It is unlawful for any person to wear or display any badge, insignia, shield, patch, or pattern that indicates or implies that the person is a law enforcement officer.

(E) It is unlawful for any person, while performing security services, to wear a uniform or badge that contains the words "enforcement", "police" or "officer."

14-15-13: VEHICLES:

(A) All vehicles used for security services shall be approved by the Department, and once determined, shall not be changed without approval from the Department.

(B) It is unlawful for any person, while providing or performing security services within the Town, to use or operate any vehicle displaying the word "police" "patrol" or "officer", or displaying any sign, shield, marking, or insignia that indicates or implies that the vehicle is operated by a law enforcement agency.

(C) It is unlawful for any person to equip vehicles used to perform security services in any manner resembling any authorized emergency vehicle, including lights or sirens.

4-15-14: WEAPONS:

(A) Batons. A private security employer that is permitted to issue batons to its employees shall only be authorized to issue a baton that meets the following specifications:

(1) Length: A baton cannot be longer than twenty-six (26) inches either solid or when fully expanded;

(2) Diameter: A baton shall be between one (1) inch to one and one quarter (1.25) inches in diameter;

(3) Weight: A baton's weight shall be proportional to its size as specified by the manufacturer;

(4) Surface: The ends of the baton shall be rounded blunt with no ridged, or sharp edges;

(B) Firearms. Security guards may only carry a firearm with a firearms endorsement. A permit to carry a concealed weapon does not constitute the specific authorization required by this Chapter. The authority to carry firearms includes only the time while the security guard is performing security services while in route to or from the place of business.

4-15-15: CONFISCATION OF PROPERTY:

(A) A security guard may temporarily confiscate personal property from an individual only if that property constitutes a security risk or otherwise would endanger the health, safety, and welfare of the persons, property, or premises the security guard is employed to protect.

(B) Upon confiscation of property from any individual, a security guard shall make a record of the property and store the property in a manner that will allow the individual to identify and retrieve their property upon exiting the premises or at a later time.

4-15-16: REPORTING REQUIREMENTS:

(A) Termination or changes in employment.

(1) When the employment of a security guard is terminated for any reason, the private security employer shall notify the Department within seventy-two (72) hours of such termination.

(2) When the employment of a security guard is terminated for any reason, the security guard shall notify the Department within seventy-two (72) hours of such termination.

(3) Any person changing a place of business or adding an employee shall notify the Department of such fact within seventy-two (72) hours, together with the name and address of the new place of business or new employee.

(B) Convictions. If a security guard is convicted of a crime, the security guard shall notify the Department within seventy-two (72) hours of such a conviction.

(C) Use of force. When a security guard, while providing security services, uses force that results in bodily harm to another person, the security guard shall immediately notify the Department.

(D) Changes to principal or managing agent. A private security employer shall notify the Department of any changes to the named principals or managing agents associated with their license within seventy-two (72) hours. Any new principal or managing agent shall receive approval from the Department before acting as the principal or managing agent.

4-15-17: REVOCATION:

If the Department receives notice that a person holding a license or endorsement under this Chapter has violated any provision of this Chapter, the Department may revoke the license or endorsement, following reasonable notice and an opportunity to be heard. Upon revocation, the Department shall provide a written statement explaining the grounds for the revocation.

4-15-18: VIOLATION; PENALTY:

(A) Violation: It is unlawful for any person to violate any provision of this Chapter, and each day of violation shall be a separate offense. In addition, the following acts shall be considered violations of this Chapter:

(1) For any security guard to detain and hold any person except when that person commits a criminal offense in the presence of the security guard, and it is unlawful for the security guard to fail to immediately release upon request any such person detained to the Department.

(2) For any person to draw or fire a firearm while providing security services, except as allowed by C.R.S. §§ 18-1-704 – 18-1-707.

(3) For any person, while performing security services, to possess or be accompanied by a canine or to have a canine within a vehicle used for security services.

(4) For a security guard or private security employer to hinder or interfere with any investigation under the jurisdiction of the Department or any other law enforcement agency.

(5) For any security guard or private security employer to fail to report immediately to the Department all violations of Town, state, or federal laws, or to fail to cooperate in the investigation of such criminal activity when requested by law enforcement.

(6) For any person to represent themselves as a law enforcement officer while providing security services.

(B) Penalty. Violations of this Chapter shall be subject to the penalties set forth in Section 1-4-1 of this Code, which shall be in addition to any other penalties allowed by law, including without limitation revocation of a license or endorsement issued under this Chapter.

Section 2. Effective Date: This ordinance shall take effect on June 1, 2023.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.


Section 4. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 5. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision


amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 7th day of March, 2023 and a public hearing for second reading of this Ordinance set for the 21st day of March, 2023, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.



Kim Langmaid, Mayor



ATTEST:



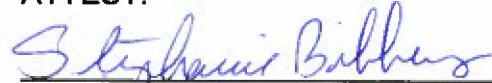
Stephanie Bibbens, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this 21st day of March, 2023.



Kim Langmaid, Mayor

ATTEST:



Stephanie Bibbens, Town Clerk

