

..Number
230678
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. PRATT, ALD. COGGS, ALD. BORKOWSKI AND ALD. CHAMBERS

..Title
A substitute ordinance relating to the establishment of license and bond requirements for private security personnel.

..Section
81-104.7 rn
81-104.7 cr
84-55 cr

..Analysis
This ordinance establishes a requirement for security personnel to obtain a license, and to execute a bond agreement prior to attaining such license.

..Body
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-104.7 of the code is renumbered to 81-104.8

Part 2. Section 81-104.7 of the code is created to read:

81-104.7. Security Personnel.

1. Each license shall be valid for 2 years from the date of issuance.
2. The fee for each license shall be \$100.

Part 2. Section 84-55 of the code is created to read:

84-55. Security Personnel License.

1. DEFINITIONS. In this section, “security personnel” means any on-site employee or contractor of an establishment, or any employee of a third-party security firm hired by an establishment, whose primary job responsibility is maintaining the security of a premise.
2. LICENSE; WHEN REQUIRED. It shall be unlawful for any person, firm or corporation to inform the city that an establishment utilizes security personnel, unless such personnel possess a valid license issued pursuant to this section, or a valid private security permit pursuant to ch. SPS 31, Wis. Admin. Code.
3. APPLICATION. License application forms shall be obtained from the city clerk and require the information specified in s. 85-12.
4. INVESTIGATION AND FINGERPRINTING. Each application for a new license shall be referred to the chief of police in accordance with s. 85-21.
5. CONDITIONS FOR APPROVAL. a. A license may be issued under this section if the individual applicant, or each member of a partnership or a limited liability company or each corporate officer who executed the application:
 - a-1. Subject to ss. 111.321, 111.322, and 111.335, Wis. Stats., does not have an arrest or conviction record involving a misdemeanor or a violation, as defined in s.440.26 (4m),

Wis. Stats.

a-2. Has not been convicted in this state or elsewhere of a felony, unless pardoned.

a-3. Is not a user of drugs or alcohol to an extent dangerous to himself or herself or to other persons or to an extent which could impair a person's ability to direct or perform private security activities responsibly.

a-4. Does not have a physical, emotional, or mental condition that might adversely affect the applicant's ability to responsibly direct or perform private security activities.

b. If an application does not meet the conditions for approval established in this subsection, the application shall be referred to the licenses committee in accordance with 85-2.7

6. CHANGES TO BE REPORTED. A licensee shall notify the city clerk whenever there is a change in any information that is reported on the application form or renewal application form. The licensee shall make this notification in writing within 10 days after the change occurs.

7. LICENSE FEE. See ch. 81 for the required license fee.

8. AGE QUALIFICATION. No license shall be issued to any person or any agent of a corporation or limited liability corporation who is not 18 years of age or older.

9. DISQUALIFICATION. Whenever any application is denied, or a license is revoked, surrendered or not renewed, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

10. ISSUANCE. See s. 85-12.5 for provisions relating to the issuance of a license.

11. RENEWAL. Application for renewal of a license shall be made to the city clerk in accordance with the provisions of s. 85-26. The city clerk shall refer the application to the chief of police. If the applicant still meets the licensing qualifications, the license shall be issued unless a written objection has been filed under s. 85-3. If there is objection to renewal of the license, the procedure for considering the renewal application shall be as specified in ss. 85-3 to 85-5.

12. REVOCATION OR SUSPENSION OF LICENSE. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the permit holder and a hearing. Notice and hearing on the revocation shall be conducted in accordance with s. 85-3.

13. BOND REQUIRED No license may be issued under this section until a bond or liability policy in the amount of \$2,000 has been executed, filed with, and approved by the license division. Such bonds or liability policies shall be furnished by an insurer authorized to do a surety business in this state in a form approved by the department. The person shall maintain the bond or liability policy during the period that the license is in effect.

14. PENALTIES. a. Any person violating this section shall be fined not less than \$25 nor more than \$100 for the first offense or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law; and for a second or subsequent offense not less than \$25 nor more than \$200 or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law.
b. If upon conviction of a 2nd or subsequent violation, the person violating this section is found personally guilty of a failure to exercise due care to prevent the violation, the person shall be fined not less than \$25 nor more than \$300 or, in lieu of nonpayment or default of such fine, costs and disbursements, may be imprisoned as provided by law. Conviction under this paragraph may result in immediate termination of the license of

the person convicted of being personally guilty of failure to exercise due care and the person shall not be entitled to another license under this section for a period of 5 years after conviction, nor shall the person in that period act as the servant or agent of a person licensed under this section in the performance of acts authorized by the license.

..LRB
APPROVED AS TO FORM
K. Broadnax

Legislative Reference Bureau
Date: March 15, 2024

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
..Requestor

..Drafter
LRB179362-1
Gunnar Raasch
3/15/2024