

Ordinance Bill No. 5 for 1986

ORDINANCE NO. 943

AN ORDINANCE LICENSING AND REGULATING PRIVATE SECURITY BUSINESSES; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCE NO. 591; AND DECLARING AN EMERGENCY.

Whereas, those firms doing business as a private detective agency or engaged in the business of watching, guarding, and protecting property of others, should be investigated and regulated; and

Whereas, regulation, investigation, and supervision of those firms engaged in the such business can best be achieved through the licensing by the City of Sweet Home;

The City of Sweet Home does ordain as follows:

Section 1. Definitions.

(a) A private detective agency is a firm engaged by an individual, firm, or corporation for private protection, or for the purpose of ascertaining facts of a civil or criminal nature for the benefit of a private person, firm, or corporation and for which a fee is paid.

(b) The terms security firm and security person mean any person, firm, or corporation engaged in the business of watching, guarding, or protecting any premises, property, or persons; provided, however, that the terms shall not include any individual employee (not a contractor) of only one employer, and who is employed to watch, guard, or protect only the premises, property, or person of that employer or any common carrier engaged in interstate commerce, or any individual employed by such carrier to watch, guard, or protect premises, property, or persons for such carrier.

Section 2. It shall be unlawful for any person, firm, or corporation to own or operate a private detective agency, or operate a security firm or engage in private detective business as a private detective, or engage in the business as a security person, except as provided in and authorized by this ordinance, without first having obtained a license from the City of Sweet Home; provided, however, that a person shall not be required to be licensed if he is employed by a private detective agency or security firm, and said agency or firm is licensed under the provisions of this ordinance.

Section 3. There shall be submitted with the application for such license the following:

(a) An affidavit signed and sworn to before a Notary Public setting out the full name, age, residence, present occupation, and occupations for the preceding five years of said applicant. The affidavit shall be referred to the Chief of Police for investigation and shall show facts sufficient to prove to the satisfaction of the Chief of Police the good character, competency, and integrity of each such affiant, and shall list any previous arrests or convictions of or for a crime.

(b) Each affidavit shall be supported by statements in writing from not less than two reputable citizens, each of whom shall certify that he has personally known the affiant for a period of at least five years prior to the filing of the aforesaid affidavit and that he believes the affiant is competent, honest, and of good character, and that he would recommend to the City Council that the affiant is suitable to engage in such business.

(c) The affiant shall state any qualifications as to previous police work and shall state whether the affiant is applying for a security firm license or a private detective agency license, or both.

(d) The applicant shall pay an application fee of \$200.00. If the license is not granted, there shall be no refund of any part of the application fee, unless authorized by the Council.

Section 4. The Chief of Police shall investigate the applicant as to character, competency, and integrity and other qualifications and shall submit his written report and his recommendation as to whether the license should be issued or denied, to the City Manager.

Section 5. The license shall be issued by the Council of the City of Sweet Home through the City Recorder, only upon motion made and passed by the Council.

Section 6. The license fee from the date of issue through the following June 30th shall be deemed paid from the application fee. The annual license fee for a private detective agency or a security firm shall be \$100.00 for each fiscal year from July 1st through the following June 30th, and shall be paid in advance by July 1st of each fiscal year.

Section 7. Before hiring an employee for security or detective work, the security firm or detective agency shall investigate him and determine that he or she is of good character, competent, has integrity, and has no criminal record that would make him unsuitable for the job.

Section 8. The licensee or applicant shall, before receiving a license, furnish a good and sufficient surety bond in the sum of \$10,000.00 conditioned upon the faithful performance and honest conduct of himself and his employes who will be engaged in investigating, watching, guarding, or protective undertakings of the person, firm, or corporation licensed hereunder. Such bond shall be payable to the City of Sweet Home and any other affected persons, businesses, or corporations, and shall guarantee payment of any judgment secured against said licensee for his negligence, default, or breach of conduct in the performance of his duties authorized by the said license, up to the sum of \$10,000.00.

Section 9. If, at any time, the activities of the said licensee or employes shall be such that the best interest of the citizens of Sweet Home are not fully protected, then, upon the written recommendation of the Chief of Police setting forth the reasons therefor, the Council of the City of Sweet Home may revoke the license granted hereunder. The Chief of Police shall furnish a copy of said written recommendations to the licensee, and the licensee shall be entitled to have a hearing before the Council prior to the Council making a decision thereon.

Section 10. At the termination of the business of a licensee, notice of such termination shall be given by the licensee in writing to the Chief of Police, and the license shall be terminated.

Section 11. Any individual who has only one employer who is employed to watch, guard, or protect the premises, property, or persons of the employer shall register with the Chief of Police and carry identification furnished by the Chief of Police while on duty. The City of Sweet Home shall require a reasonable deposit on all identification and badges furnished such registrants.

Section 12. Each licensed firm shall register each of its security employees promptly with the Chief of Police and furnish such pertinent information thereto as required by the Chief of Police. Said employees shall carry identification furnished by their employer while on duty.

Section 13. The licensees hereunder, or the registrants, as provided in Section 11, shall not wear any uniform which represents them to be, nor shall they in person represent themselves to be, a member of the police department of the City of Sweet Home. Said uniforms shall not be dark blue, as said color is used by City of Sweet Home police officers; provided, that dark blue uniforms now in use may be used until June 1, 1987. No patch, insignia,

badge, or uniform shall represent the licensees and registrants hereunder to be other than what they are, and shall contain the words "security guard," "licensed merchant police," "watchman," or other appropriate title, as the case may be.

Section 14. Licensees and their employees, and registrants hereunder, shall give their full cooperation to the police department of the City of Sweet Home and shall make full disclosures of all information coming to them of a criminal nature to the police department of the City and turn over to the said police department, immediately, any evidence which they may have in their possession concerning any case in which the Sweet Home police department is or may be interested.

Section 15. Violation of this ordinance constitutes an infraction and may be prosecuted under the provisions of Ordinance No. 876.

Section 16. Any security person or private detective now operating or doing business within the corporate limits of the City of Sweet Home shall have 30 days from the effective date of this ordinance within which to comply herewith.

Section 17. Ordinance No. 591 is hereby repealed.

Section 18. That inasmuch as it is deemed necessary for the public health, peace, and safety of the citizens of the City of Sweet Home that the provisions shall be immediately operative, it is hereby declared that an emergency exists; and this ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 19th day of May, 1986.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder