

ORDINANCE 726

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 5.22 OF THE LACEY MUNICIPAL CODE RELATING TO THE LICENSING AND REGULATION OF PRIVATE PATROL SERVICES WITHIN THE CITY AND PROVIDING PENALTIES FOR VIOLATION OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 5.22 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 5.22

PRIVATE PATROL SERVICES

Sections:

- 5.22.010 Definitions.
- 5.22.020 License required.
- 5.22.030 Application for license.
- 5.22.040 Standards for issuance of license.
- 5.22.050 Appeal procedure.
- 5.22.060 License fee.
- 5.22.070 Surety bond.
- 5.22.080 Distinctive identification required.
- 5.22.090 Violation a misdemeanor.

5.22.010 Definitions. For the purpose of this chapter, the term "private patrol service" means any private service or system which purports to furnish or does furnish to members or subscribers for a consideration, or otherwise, any watchman, guard, patrolman, or other private police person, either uniformed or otherwise, to patrol, guard or watch any property or to perform any service customarily performed by public police agencies. The term includes the performance of guard or security duty at a public function. Further, the term includes those firms or individuals commonly identified as "merchant patrol," "security patrol," "private police" or any other term used to indicate a similar purpose or organization and includes one individual as well as a firm hiring more than one individual. (Ord. 643 §1(part), 1982).

5.22.020 License required. No person shall engage in performing private patrol services in the city without first obtaining a license from the city, nor shall any person carry a weapon while engaging in private patrol services unless permission has been granted as part of the issuance of the license. (Ord. 643 §1(part), 1982).

5.22.030 Application for license. Applications for licenses issued under this chapter shall be made to the city clerk upon forms prepared and made available by the city to applicants and shall state:

A. The full name, age, residence, present and previous occupations of the applicant, and if the applicant is a firm with employees who will perform private patrol services, the full name, age, residence, present and previous occupation of each of the employees;

B. Such other information as the city clerk shall find reasonably necessary to effectuate the purpose of this chapter, including but not limited to an accurate set of fingerprints for each person who is to perform private patrol services;

C. If the applicant intends to carry a weapon in the performance of private patrol services, the applicant shall attach proof of proficiency in the use of the weapon to the application. (Ord. 643 §1(part), 1982).

5.22.040 Standards for issuance of license. The chief of police shall cause an investigation to be made of the applicant and all employees of the applicant intending to perform private patrol services and shall issue a license to the applicant and each individual employee of the applicant who is to perform private patrol services within twenty days after the filing of the application and upon posting of the bond required by Section 5.22.070; provided, however, if the investigation reveals that the applicant has been convicted of any felony or of any offense not constituting a felony but which, because of its nature, would render the applicant unfit for the performance of private patrol services within the city, the application of the applicant as well as all employees of the applicant should be denied. If the investigation reveals similar facts about an individual employee of the applicant, only that employee's application shall be denied. If the applicant or any of its employees indicate an intention to carry a weapon in the performance of such services, permission to do so shall be indicated upon the license or licenses only after the chief of police receives satisfactory proof of the applicant's proficiency in the use of the weapon. (Ord. 643 §1(part), 1982).

5.22.050 Appeal procedure. Any person or firm whose application for the performance of private patrol services has been denied, shall have the right to appeal the denial to the city council by filing an appeal with the director of administrative services of the city within ten days after the receipt of such denial. The city council shall proceed to hear the appeal and render its decision within thirty days after appeal is filed. (Ord. 643 §1(part), 1982).

5.22.060 License fee. A nonrefundable license fee in the sum of \$50.00 shall be paid upon filing of the application by a firm for a private patrol services license. In addition, a nonrefundable license fee for each employee

applicant shall be paid in the sum of \$25.00. Each license shall be renewed annually prior to the thirty-first of January of each year and the renewal fee shall be \$50.00 for each private patrol services firm and an additional \$25.00 for each employee of the firm intending to perform private patrol services. (Ord. 643 §1(part), 1982).

5.22.070 Surety bond. Any firm applying for a license under this chapter shall file with the city prior to the issuance of the license, a surety bond in the sum of \$10,000.00, running to the city of Lacey, and conditioned upon the faithful and honest conduct of such business by the applicant firm and each of its employees in compliance with the requirements of this chapter. Any person applying for a license who is not an employee of a firm which has posted a bond as set forth within this section, shall be considered a firm for purposes of this section. (Ord. 643 §1(part), 1982).


5.22.080 Distinctive identification required. Any uniform worn by a licensee in performing private patrol services shall be distinctly different from the uniform worn by police officers of the city and shall contain an identifying patch or badge of a shape and design different from that utilized by the Lacey police department which clearly indicates the private nature of the services performed with distinctive lettering of a size at least as large as any other lettering on the patch or badge. If a licensee utilizes an automobile in the performance of the services, the automobile shall be of such a design, color or have insignia printed thereon that shall clearly identify the private nature of the services and distinguish the automobile from the patrol vehicles of the Lacey police department. (Ord. 643 §1(part), 1982).

5.22.090 Violation a misdemeanor. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 643 §1(part), 1982).

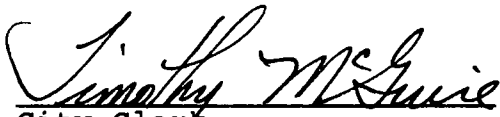
Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 5.22 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

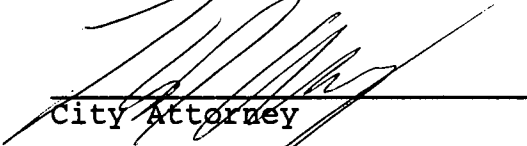
CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Posted: March 29, 1985