

56-73-4b
56-73-11

ORDINANCE NO. 1337

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF SECURITY PATROL SERVICES AND SYSTEMS AND PROVIDING PENALTIES FOR VIOLATION.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1: Definitions. For the purpose of this ordinance, the words "Security Patrol Service" and "Security Patrol System" shall be deemed to be any service or system which purports to furnish or does furnish to members or subscribers for a consideration, or otherwise, any watchman or guard, either uniformed or otherwise, to patrol any district in the city, or to guard or watch any property, or to perform any service usually and customarily performed by the regular patrolmen of the Police Department of the City of Hood River Security patrol services" and "security patrol systems" shall also include the performance by any person on guard duty at a public function, while wearing a type of uniform which would indicate that such person is a peace officer.

"Security Patrol Service" and "Security Patrol System" shall not include any individual that has only one employer and who is employed to watch, guard, or protect only the premises, property or person of that employer, or a common carrier engaged in interstate commerce, or an individual employed by such carrier to watch, guard, or protect the premises, property, or persons travelling on or for such carrier.

Section 2. Security Patrol License and Employee Permits Required. No person, firm or corporation shall, either as principal or agent, engage in the business of conducting or maintaining, or soliciting business for any security patrol system or security patrol service without first obtaining a security patrol license from the city to do so. No person shall be employed as a watchman, guard, or security patrol officer, by a person, firm or corporation engaged in the security

patrol business, without first obtaining an employee permit from the city to do so. Any person, firm or corporation, either as principal or agent, engaging in the business of conducting or maintaining or soliciting business for any patrol service or system at the time of the enactment of this ordinance and any person employed as a watchman, guard, or security patrol officer, by a person, firm or corporation, engaged in the security control business at the time of the enactment of this ordinance shall have a period of thirty (30) days from the date of enactment of this ordinance, to procure the security patrol license and employee permits required by this section.

Section 3. Application for Security Patrol License.

Before any person, firm or corporation shall engage in the business of conducting, or maintaining or soliciting business for any security patrol system or service in the City of Hood River, he shall make application in writing to the city recorder on a form provided by the City of Hood River for permission to engage in such business, describe therein the district in which he desires to operate, and shall furnish therewith the following information:

- (1) The applicant's fingerprints on a standard job applicant fingerprint card.
- (2) Records or transcripts from all secondary and post-high school educational institutions attended.
- (3) Complete occupational history with names and addresses of all previous employers.
- (4) All home addresses during the preceding three years.
- (5) Service discharge papers, if applicant has been in the service.
- (6) Financial statement of current net worth.
- (7) A minimum of four credit references.
- (8) A minimum of four personal references as to

the applicant's character and morals.

(9) A general written consent authorizing the release of any and all information concerning the applicant to the City of Hood River in connection with the investigation to determine the applicant's eligibility for such license.

(10) Any other information which the City of Hood River shall reasonably deem necessary. In the event the applicant is a corporation or partnership, the foresaid information shall be furnished, insofar as applicable, for the business entity and for each partner, officer, stockholder holding more than 20% of the stock of a corporate applicant, and managing employee. In addition to the information above required, the applicant may furnish additional information bearing on the applicant's qualifications for issuance of such license.

Section 4: Investigation - Issuance of Security Patrol License. The city recorder, upon receipt of the application for security patrol license and allied papers required by Section 3 of this ordinance, shall refer said application and allied papers to the chief of police who shall personally or by means of a subordinate, make an investigation of the applicant's suitability to engage in a security patrol business. The chief of police shall have fourteen (14) days from his receipt of the application to report the results of his investigation to the city recorder. If the chief of police makes the following affirmative findings, he shall recommend to the city recorder that a security patrol license be issued to the applicant.

Section 5. Security Bond Required. Prior to the issuance of a security patrol license, the applicant shall furnish and at all times while the license is in force, shall maintain a surety bond in favor of the City of Hood River for the benefit of the city and all persons who are damaged or may be damaged as a result of any action or omission of the applicant or the applicant's agents or employees in the conduct of the security patrol business, issued by

an authorized corporate surety in the amount of not less than
\$ 10,000.00 .

Section 6. Application for Employee Permits. Before any person shall be employed as a watchman, guard or security patrol officer, by a person engaged in the security patrol business, he shall make application in writing to the city recorder on a form provided by the City of Hood River for an employee permit to be so employed. Annexed to the application shall be the same information as is required of an applicant for a security patrol license, as provided in Section 3. Upon receipt of the application for employee permit and the required information appended thereto, said application shall be referred to the chief of police who shall personally or by means of a subordinate, make an investigation of the applicant's suitability for employment, and shall within fourteen (14) days of this receipt of the application, report his findings to the city recorder. The chief of police shall recommend that the applicant's employee permit be issued if he makes the following affirmative findings of fact concerning the applicant:

(1) That the applicant is of good moral character and has never been convicted of a felony of any kind or a misdemeanor involving a breach of trust or moral turpitude or of a violation of any law or ordinance concerning possession or use of firearms.

(2) The applicant is of sufficient financial responsibility to avoid undue temptation for dishonesty.

(3) That the applicant is of adequate ability by reason of training or experience to adequately perform the duties of his employment.

If the chief of police finds that the applicant does not meet the aforesaid qualifications and conditions, he shall recommend to the city recorder that the application shall be denied and the city recorder shall not then issue an employee permit to the

applicant.

Section 7. Terms and Conditions of Security Patrol Licenses and Employee Permits. Any security patrol license or employee permit issued under the terms of this ordinance, shall be issued upon the following terms and conditions:

(1) All security patrol services or systems shall be operated and conducted under the general supervision of the chief of police.

(2) Uniforms and vehicles used by a licensee or permit holder shall not be the same as, or deceptively similar to those used by the Hood River Police Department or of any other public law enforcement agency in the geographical area. All uniform and vehicle designs and identifying marks shall be approved by the chief of police prior to use.

(3) That the persons operating any patrol service or system in the city and their employees comply with all state statutes concerning (a) security patrol; (b) guard agencies, and (c) the use and possession of firearms.

(4) That neither the person operating any security patrol system or service business or their employees shall engage in chronic or frequent intoxication or intoxication while on duty.

(5) That the persons operating the security patrol business or their employees have not themselves, or on behalf of the security control business, filed a petition for bankruptcy, or become insolvent.

(6) That the chief of police be furnished the names and addresses of all new accounts and notification of the loss of previous accounts. This information must be furnished by the security patrol business within ten (10) days of the opening or closing of all commercial accounts.

(7) That all persons operating security patrol businesses and their employees report immediately to the Hood River Police Department any and all information concerning or relative to

criminal or suspected criminal activity within the city.

(8) That within seventy-two (72) hours of the termination of employment of a person holding an employee permit, written notice shall be given by employer to the chief of police. Failure to give this notice shall result in revocation of the license of the employer.

(9) Any license holder ceasing to do business within the city shall within seventy-two (72) hours of ceasing to do business for a period of 72 hours or more under such license within the city give written notice to the chief of police of the cessation of business under the license.

Upon breach of any of the conditions set out above, or occurrence of any circumstances which would justify the refusal to issue a license or permit in the first instance under the terms of this ordinance, or a finding of misrepresentation on any information furnished in or appended to the application for a license or employee permit, said license or employee permit, or both, may be revoked or suspended upon recommendation of the chief of police, and after notice of such revocation or suspension has been received by the holder of the license or employee permit.

Section 8. Appeals. Any security patrol service or system or employee thereof which has been denied a security patrol license or employee permit or who has previously been issued such license or permit which has been subsequently revoked under the provisions of this ordinance, shall have the right of appeal to the city council for the purpose of reconsideration of the action under this ordinance of denial, revocation or suspension of the license or permit. Any request for appeal shall be presented to the city recorder within fifteen (15) days of the date of denial or revocation of the license or permit. If such appeal is timely filed, the city council shall hold a public hearing on the appeal within forty-five (45) days of the filing of the notice of appeal. Such public hearing shall be proceeded by notice published in a

newspaper of general circulation in the city setting forth the purpose, time and place of hearing, at least ten (10) days prior to the date of the hearing. In reaching a decision on the appeal, the city council shall be bound by the same standards that pertain to the initial issuance or revocation of the license or permit as set forth in this ordinance.

Section 9. Period of License and Employee Permit - Transferability. Security patrol license and employee permits issued hereunder create no vested rights, are not transferable, and may be revoked or suspended for cause under the terms of this ordinance at any time. Licenses and employee permits shall be issued on a calendar year basis to expire on December 31 of the year for which issued; provided, however, that if the initial license or employee permit is issued on or after November 1, it shall be valid for the remainder of the current year and for the next following calendar year.

Section 10. Renewal of Licenses and Permits. At least thirty (30) days prior to the expiration of any security patrol license or employee permit; and upon any change in the officers, managing employees, principal stockholders or partners of a corporate or partnership licensee; the holder of such license or permit shall apply to the chief of police for renewal thereof. The application for renewal shall contain the same information as is required for an initial application or, in the alternative, a statement of the particulars in which the information furnished within the original application has changed. Upon such investigation as the chief of police deems proper, the license or permit shall be renewed if it is found that the applicant for renewal remains qualified as in the case of an original application.

Section 11. Fees. Every person, firm or corporation that makes initial application for a security patrol license shall pay a license fee of \$75.00. Upon each succeeding application for renewal of a previously issued security patrol license, the amount

of \$25.00 shall be paid. Every person submitting an initial application for an employee permit under the terms of this ordinance shall pay an initial license fee of \$25.00. Each annual application for annual renewal of a previously issued employee permit shall be accompanied by a license fee of \$10.00. All fees accompanying applications for security patrol licenses and employee permits, or for their renewal shall be non-refundable to the applicant. The fee schedule established in this section is established on a basis to substantially defray the direct and indirect costs to the city in investigating applicants, monitoring the security patrol business, and administering the terms and conditions of this ordinance.

Section 12. Penalties and Fines. Any person or persons, association of persons, firm or corporation, or any agent representative thereof, or any of them who shall engage in or carry on within the corporate limits of the city in the business of conducting or maintaining, or soliciting business for any security patrol service or system without first having paid the license fee and obtained the license therefore, as required by this ordinance, shall be deemed guilty of a violation of this ordinance and shall, upon conviction, be punished by a fine in the sum not to exceed \$200.00 or by imprisonment not to exceed thirty (30) days or by both such fine and imprisonment. A person or persons, association of persons, firm or corporation, or any agent representative thereof, or any of them who shall engage in or carry on within the corporate limits of the city the business of conducting or maintaining, or soliciting business for any security patrol service or system, without possessing valid and in force employee permits for all employees engaged in said business and having paid the permit fee required by this ordinance, shall be deemed guilty of a violation of this ordinance and shall, upon conviction, be punished by a fine in the sum not to exceed \$200.00 or by imprisonment not to exceed ten (10) days, or by both such fine and imprisonment. Each day that a violation of this

ordinance continues, shall be considered a separate offense.

Section 13. Validity - Severability. Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared invalid.

Read for the first time: October 8, 1973.

Read for the second time: October 9, 1973.

PASSED by the Council of the City of Hood River
this 9th day of October, 1973.



City Recorder

APPROVED by the Mayor of the City of Hood River
this 9th day of October, 1973.



Mayor