

**CHAPTER 6
PRIVATE PATROL SERVICES**

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4-6-1: PRIVATE PATROL PERSON DEFINED; EXCEPTIONS:

(A) Definition: As used in this Chapter, a "private Patrol Person" is any person who contracts or is employed or hired to guard, protect or maintain peace and order in or about any structure, premises or property within the City. This definition shall apply regardless of whether or not such person wears a uniform and without regard to whether he or she performs these activities on foot or by vehicle.

(B) Exceptions: The following persons are specifically excluded from the definition of "private Patrol Person" set forth in this section:

- (1) Regularly appointed City police officers.
- (2) Regularly appointed peace officers and law enforcement agents of the United States, the State of Idaho or any political subdivision of the State.
- (3) Guards, officers and detectives employed by interstate or intrastate carriers.
- (4) Guards, officers and detectives employed by a private business to guard, protect or maintain peace and order in or about structures,

premises or property owned, maintained or used by the private business, where the major portion of such employment is confined to services performed on or in such structures, premises or property.

4-6-2: PRIVATE PATROL SERVICES DEFINED: As used in this Chapter, a "private patrol service" is any business which employs two or more private patrol persons.

4-6-3: LICENSE REQUIRED: No person shall act or offer to act as a private Patrol Person and no person shall engage in the business of a private patrol service without first obtaining a license from the City.

4-6-4: LICENSE APPLICATION, PRIVATE PATROL PERSON:

(A) Applications for private Patrol Person licenses shall be made at the office of the City Clerk on a form furnished by the City. The application shall state the applicant's full name, age, residence, present and previous occupations for a period of three (3) years prior to the application and all other information necessary to show that the applicant meets the qualifications set forth in this Chapter. At the time of making application, the applicant shall have his or her fingerprints taken by the City Police Department. The application shall be accompanied by a nonrefundable license fee.

(B) To determine the suitability of prospective applicants for a license, the Chief of Police shall require a first time applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to Section 67-3008, Idaho Code, and congressional enactment Public Law 92-544, the Chief of Police shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and information required by this section shall be on forms prescribed by the Idaho State Police. The Chief of Police is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for a license under this section. As required by state and federal law, further dissemination of other use of the criminal history information is prohibited. Fingerprinting shall not be required for a license renewal. (Ord. 2440, 2-15-02)

4-6-5: QUALIFICATIONS, PRIVATE PATROL PERSON: No person shall be issued a license as a private Patrol Person who:

(A) Is not at least twenty-one (21) years of age.

(B) Is not a citizen of the United States.

(C) Has been convicted of a felony or of any crime or offense involving violence or moral turpitude, or of any offense concerning the sale or transportation of intoxicating or alcoholic liquor.

4-6-6: LICENSE APPLICATION, PRIVATE PATROL SERVICE: Applications for private patrol service licenses shall be made at the office of the City Clerk on a form furnished by the City. The application shall state the applicant's full name, age, residential address, present and previous occupations for a period of three (3) years prior to the application, the name of the business and all other information necessary to show that the applicant meets the qualifications set forth in this Chapter. If the applicant is an individual, the application shall be signed or verified by such individual; if the applicant is a firm or partnership, the application shall be signed and verified by at least one of the individuals comprising such firm or partnership; if the applicant is a corporation, the application shall be signed and verified by the president or the secretary and treasurer thereof; or if a foreign corporation, such application shall be acceptable if accompanied by a certificate signed by the proper officers of such corporation showing the place and date of incorporation, a certified copy of its right to do business in the State, and the name and address of its duly authorized local agent in the State, its principal place of business in the City, and the application shall be signed and verified by the duly authorized local agent of such foreign corporation. The application shall be accompanied by a nonrefundable license fee.

4-6-7: QUALIFICATIONS, PRIVATE PATROL SERVICE: A private patrol service license shall not be issued to any individual, firm, partnership or corporation under any of the following conditions:

(A) If the individual, any member of the firm or partnership, or any officer of the corporation is less than twenty-one (21) years of age.

(B) If the individual, any member of the firm or partnership or any officer of the corporation is not citizen of the United States.

(C) If the individual, any member of the firm or partnership or any officer of the corporation has been convicted of a felony or of any crime or offense involving violence or moral turpitude, or of any offense concerning the sale or transportation of intoxicating or alcoholic liquor.

4-6-8: LICENSE APPROVAL AND ISSUANCE: On receipt of a completed application for any license required under this Chapter and the relevant license fee, the City Clerk shall forward the application to the Chief of Police for review and recommendation for approval or denial. The Chief of Police shall review the application and conduct whatever investigation is necessary to determine whether the applicant is qualified for the license sought. Within thirty (30) days of receiving the application from the City Clerk, the Chief shall return the application together with the recommendation to the Clerk. The Clerk shall submit the application and the Chief's recommendation to the City Council. The Council shall have authority to approve or deny the issuance of any license required by this Chapter. If the Council approves the issuance of the license, the City Clerk shall issue the license.

4-6-9: BOND REQUIRED:

(A) **Bond Required:** Before any license is issued under this Chapter, the applicant shall file with the City Clerk a surety bond in favor of the City in the amount set forth in this section. This bond shall be in a form approved by the City Attorney, executed by the applicant as principal and issued by a surety licensed to engage in business in the State of Idaho. The bond shall be issued for a term coterminous with the term of the license sought. The bond shall be conditioned upon the honest and lawful conduct of the activities for which the applicant seeks a license and to hold harmless the City against any personal injury or property damage resulting from any act of the licensee.

(B) **Amount of Bond:** The amount of the bond(s) required under this Section for a private Patrol Person or for a private patrol service shall be in an amount set from time to time by Resolution of the Council.

(C) **Forfeiture:** If the City Council determines that the licensee has made any false statement on the license application or that the licensee or any employee or agent of the licensee commits any dishonest or unlawful act in the conduct of the licensee's services or business, the Council may order the entire amount of the surety bond forfeited. The Council also may order that the proceeds of the bond be paid to any person damaged by any dishonest, unlawful, willful, malicious or wrongful action of the licensee or any employee or agent of the licensee.

(D) **Return of Bond:** After expiration of the license and on written request of the licensee, the City Clerk shall return the surety bond within six (6) months of the date of the request for return, unless the Clerk has received notice that any claim or cause of action is pending against the bond, then the Clerk shall return the bond within thirty (30) days after final resolution of the claim or cause of action. (Ord. 2964, 8-14-14)

4-6-10: **INSURANCE REQUIRED:** Any person licensed under this Chapter shall obtain and maintain a policy of general public liability insurance in an amount of not less than \$500,000- single limit liability for personal injury and property damage resulting from the licensee's activities as a private Patrol Person or in conducting a private patrol service. The licensee shall be a named insured under this policy. Before any license is issued under this Chapter, the applicant shall file a certificate evidencing such insurance with the City Clerk. The certificate shall provide that the insurance policy required by this Section shall not be canceled except upon thirty (30) days prior written notice to the City Clerk.

4-6-11: **LICENSE FEES:** Fees required for licenses for a Private Patrol Person and for a Private Patrol Service issued under this Chapter shall be in an amount set from time to time by Resolution of the Council. (Ord. 2964, 8-14-14)

If any person makes application for a license as a private Patrol Person or to operate a private patrol service within thirty (30) days after the expiration of his or her license under this Chapter, the license fee shall be one half (1/2) of the amounts set forth above.

4-6-12: **LICENSE EXPIRATION:** All licenses issued under this Chapter shall expire at 12 midnight, December 31 of the year for which the license is issued.

4-6-13: **FORM OF LICENSE:** The license for a private Patrol Person shall be an identification card containing the words "private Patrol Person" and stating the year for which the license is issued. The license for a private patrol service shall be a placard stating the name of the licensee and the year for which the license is issued. Upon the termination or expiration of any license, the license shall be returned to the City Clerk.

4-6-14: **UNLAWFUL DISPLAY OF LICENSE:** It shall be unlawful for any person to wear or display any license required by this Chapter unless the person is duly licensed therefor.

4-6-15: **PRIVATE PATROL SERVICE EMPLOYEES:** It shall be unlawful for any private patrol service to employ any person to perform the services of a private Patrol Person unless that person holds a valid private Patrol Person license issued by the City.

4-6-16: **LICENSE; AUTHORITY:** The issuance of any license under this Chapter shall not be construed as granting any power of arrest other than that granted a private person under Idaho Code and this Code. Nor shall the provisions of this Chapter be construed as authority to carry weapons contrary to the Idaho Code.

4-6-17: **GROUND FOR LICENSE REVOCATION:** Any license issued under this Chapter may be revoked by the City Council for any of the following reasons:

- (A) Any violation of any provision of this Chapter.
- (B) The conviction of the licensee in any court of any crime or offense involving violence or moral turpitude.
- (C) Obtaining the license under any false or fraudulent pretense or statement.
- (D) The conviction of the licensee in any court of any felony or any offense involving or concerning the sale or transportation of intoxicating or alcoholic liquor.

4-6-18: **AUTOMATIC REVOCATION OF LICENSE:** Any license issued under this Chapter shall be revoked immediately and without notice to the licensee upon the cancellation or termination of the bond or insurance required by this Chapter unless the licensee posts a new comparable bond or obtains comparable insurance and files a certificate of such insurance with the City Clerk prior to the date on which the original bond or insurance is canceled or terminated.