

ORDINANCE NO. 1108

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 15.34 OF THE PAYETTE MUNICIPAL CODE ESTABLISHING CRITERIA FOR PRIVATE INVESTIGATORS AND PRIVATE PATROL SERVICE; ESTABLISHING A PENALTY; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. There is hereby created a new chapter of the Payette Municipal Code which shall be designated 15.34, and which shall read as follows:

15.34.010. DEFINITIONS:

Private Investigative Service or Patrol Service. Any Service which furnishes any watchman, guard, security officer or investigative service, either uniformed or otherwise, to patrol any area of the City, or to guard or watch any property, or which employs any person to perform any type of guard duty, protect or maintain peace and order at any private or public function.

Private Investigator. Any person singularly employed or employed by a Private Investigative service to investigate persons or property or who performs the functions of a private investigator.

Private Patrolman. Any person employed by a private patrol service or who performs individually the functions of a private patrol service.

Private Investigators, Private Investigative Services or Private Patrols who are hired or retained by other governmental agencies to provide services are exempt from the requirements of this ordinance.

15.34.020. LICENSE REQUIRED. It is unlawful for any person to conduct a private patrol service or private investigative service in the City of Payette unless that person has first applied for and been issued a license for that purpose.

It is unlawful for any person to act or to offer to act as a private investigator or private patrolman unless that person has first applied for and been issued a license for that purpose.

It is unlawful for any private patrol service to employ the services of a private patrolman unless said private patrolman has been licensed.

15.33.030. UNIFORMS AND EMBLEMS. It is unlawful for any private patrol service or private patrolman to use or authorize the use of:

A. Any uniform, clothing, uniform emblems or shoulder patches having a color design and/or shape such as makes any of them individually, or some or all of them in the aggregate appear indistinguishable from any uniform, uniform emblems and/or shoulder patches of the Payette Police Department.

B. It is unlawful for any private patrol service to omit the use of a name plate which has the words such as "private patrol service", "private patrol system", "bonded police" to be affixed to the left breast of the uniform or clothing worn by a private patrolman. This requirement shall not be applicable to persons posing as private investigators who are not in uniform.

C. Every private patrol service, private investigator or private patrolman, prior to being licensed, shall obtain approval and authorization to use any color or uniform design, uniform emblems, badges or shoulder patches to be utilized by such licensee. The application for such approval shall be made to the Payette Department of Public Safety and approval, if any, shall be given in writing by the Department head. The approval shall be attached to the license and application and shall describe the color, design and shape of the uniform, patches, badges and/or emblems.

15.34.040. FINGERPRINTS AND PHOTOGRAPH. At or before the time of making application, each applicant shall have his fingerprints and photograph taken by the Department of Public Safety.

15.34.050. QUALIFICATIONS. No person shall be issued a license as a private investigator or private patrolman who:

A. Is under 18 years of age.

B. Has been convicted of any felony or misdemeanor involving moral turpitude within 3 years of making application.

15.34.060. INVESTIGATION. The Director of Public Safety or his designee shall investigate all applications.

15.34.070. BOND AND INSURANCE REQUIRED. Before any license is issued to any applicant:

A. The applicant shall be required to provide a performance bond to the City of Payette in a sum not to exceed \$2,500.00 for any private patrolman and \$10,000.00 for each private investigative service or private patrol service, which bond shall guarantee faithful compliance with the provisions of this Chapter, all

other ordinances of the City of Payette and the statutes of the State of Idaho.

B. General and personal liability insurance for personal or property injury or death sustained by persons arising out of any assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit or interference with property or contract rights. The minimum limits for such insurance shall be \$100,000 per incident or occurrence.

15.34.080. IDENTIFICATION. While undertaking any action in the performance of their duties, a private investigator or private patrolman shall have in their possession an identification card with a photo attached which shall contain the words "private patrolman", or "private investigator" and which identification card shall also bear numerals designating the year in which such license is in force and effect.

15.34.090. UNLAWFUL DISPLAY OF LICENSE. It is unlawful for any person to wear or display any license required by this chapter unless such person is duly licensed therefor.

15.34.100. LICENSE AUTHORITY. The granting of any license under the provisions of this Chapter shall not be construed in any manner as granting or providing any additional or further power of arrest than that granted under the provisions of the statutes of the State of Idaho, and the provisions of the ordinances of the City of Payette. Nor shall the provisions of this chapter be construed in any manner as authority or power to carry weapons contrary to the laws of the State of Idaho.

15.34.110. REVOCATION. Any license may be revoked by the Director of Public Safety for failure to maintain the qualifications required in this Chapter or for making a false statement on any application. Any licensee may appeal any such revocation to the City Council. At any such appeal, the licensee shall have the right to a hearing and may be represented by counsel.

Section 2. Any person who violates this ordinance shall be guilty of a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

Section 3. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 4. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1108.

Section 5. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 6. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 17th day of July, 1995.

CITY OF PAYETTE

By James E. McCen
Mayor

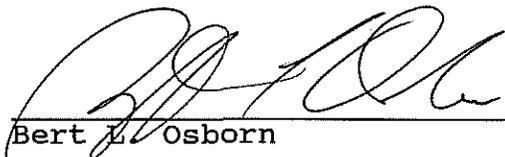
ATTEST:

John P. Frapp
City Clerk

SUMMARY OF ORDINANCE 1108

Ordinance 1108 passed July 17, 1995, is an ordinance of the City of Payette, Payette County, Idaho, which establishes criteria for private investigators and private patrol service within the city limits of Payette, Idaho by creating a new Chapter 15.34 of Title 15 of the Payette Municipal Code. The Ordinance sets forth definitions of private investigative service or patrol service, private investigator and private patrolman and provides that private investigators, private investigative services or private patrols hired or retained by other governmental agencies to provide services are exempt from the requirements of this ordinance. The Ordinance requires that a license be applied for and issued and that it is unlawful for any person to act as a private investigator or private patrolman unless that person has a license and that it is unlawful for any private patrol service to employ the services of a private patrolman who has not been licensed. The Ordinance sets forth the type of uniforms and emblems which may be worn. The Ordinance requires each applicant to have his fingerprints and photograph taken by the Department of Public Safety, lists qualifications for persons issued a license and provides that the Director of Public Safety investigate all applications. The Ordinance requires the issuance of a bond and sets forth insurance requirements. The Ordinance sets forth the requirements of an identification card which each licensee shall have in their possession. The Ordinance provides that it is unlawful for any person to display any license unless such person is duly licensed and sets forth the authority the license grants. The Ordinance provides under what circumstances the license may be revoked. The Ordinance contains a repealer clause, a severability clause and an effective date clause and a paragraph allowing publication by summary.

I, Bert L. Osborn, legal advisor for the City of Payette, state the foregoing summary is true and complete and provides adequate notice to the public. The full text of the ordinance which is summarized by this publication is on file with the City Clerk and shall be made available to any citizen upon personal request.


Bert L. Osborn