

ORDINANCE NUMBER 1511

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REGULATING SECURITY SERVICES.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Definition.

A. "Security Service" means engaging in or the performance of any of the following activities or contracting with another for the performance of such activities:

1. Patrol service.
2. Private investigation.
3. Guard service.
4. Crowd control.

B. The term "Security Service" shall not include proprietary security, wherein persons are employed by one employer to perform such services for that employer only, except that proprietary security will be considered security service if performed during an event open to the public which requires crowd control.

Section 2. License Required. No person, whether proprietor or employee, shall engage in the business of security services within the city without first obtaining a license from the city. There shall be two classes of license: (1) a Security Service license and (2) an Employee license.

Section 3. Application. The city may require separate application forms for a "Security Service license" and an "Employee license."

A. The application for a "Security Service license" shall be required of any person, partnership, or corporation wishing to operate a security service in the City of Milwaukie.

B. The application for an "Employee license" shall be required of all persons employed by security services licensed to operate in the City of Milwaukie.

C. The application forms shall request information necessary to evaluate the applicant's character and qualifications. Application forms are available upon request at the Police Department.

Section 4. Investigation and Issuance of License.

A. Upon the filing of an application, the Chief of Police shall cause an investigation to be made. If the Chief of Police shall determine upon investigation that the information contained in the application is true, that the applicant is of good moral character, that the applicant has the ability through training or experience to adequately assume the responsibilities and perform the function of a security service business, or employee of such business, the license shall be issued upon the filing of the bond and furnishing the evidence of insurance as required in the following section.

B. If the Chief of Police finds that the applicant, or employee of the business, do not meet the qualifications and conditions in A above, the application shall be denied.

C. Neither the Chief of Police nor any authorized representative of the Chief of Police who is engaged in the receipt and review of any application for, or in the issuing or denial of any license under this section, shall incur any civil or criminal liability as the result of the lawful performance of his duties under this section.

Section 5. Surety Bond, Liability Insurance and Hold Harmless. Prior to the issuance of a Security Service license, the applicant shall furnish, and at all times while the license is in force shall maintain, a surety bond and a policy of liability insurance, in the following forms, approved by the city.

A. The surety bond shall be in favor of the City of Milwaukie for the benefit of the city and any and all persons who might be damaged by the theft or defalcation of the applicant in the conduct of the security service business.

The bond shall be issued by an approved corporate surety in an amount not less than \$5,000. In lieu of such corporate surety bond, the applicant may deposit with the city for such purposes cash or government securities of not less than \$5,000 or may establish a deposit account in the amount of \$5,000 assigned to the City of Milwaukie.

B. The policy of liability insurance shall insure the applicant against liability for property damage up to \$50,000 per person, liability for all other claims up to \$100,000 per person and \$300,000 per occurrence arising out of the negligent act or omission of the applicant in the conduct of the security service business. The policy shall contain a provision that the insurer will notify the city of cancellation or nonrenewal of the policy not less than 30 days prior to termination of coverage. All insurance policies shall name the city as additional insured.

C. In addition to the above, by applying for and being granted a license to conduct a security service business, the applicant agrees to hold the city harmless from any claims arising out of its conduct of the business.

D. The surety bond and insurance policy shall be maintained in force for six months after applicant's security service license expires or is revoked.

Section 6. Period of License and Transferability. Security services licenses issued hereunder create no vested rights and are not transferable. Licenses 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 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 7. Renewal of License. At least thirty (30) days prior to the expiration of any security service license or upon any change in the officers, managing employees, principal stockholders or partners of a corporate or partnership licensee engaged in security services within the City of Milwaukie, the holder of such license shall apply to the Chief of Police for renewal thereof. The application for renewal shall contain the same information as required for a initial application, or a statement of what information furnished with an original application has changed. Upon such investigation as the Chief of Police deems proper, the license shall be renewed if it is found that the applicant for renewal remains qualified.

Section 8. Fees.

A. Original Security Service license: \$150.00, non-refundable.

B. Renewal fee: \$50.00.

C. Employee license: \$25.00 per employee per year.

The City Council may from time to time amend these fees by resolution. The schedule shall be established on a basis to substantially defray the direct and indirect costs to the city in investigating applicants, monitoring the security service business, and administering the provisions of this ordinance.

Section 9. Revocation and Suspension of Licenses. Any license issued pursuant to this ordinance may be revoked or suspended by the Chief of Police for misrepresentation in any information furnished to the Chief of Police in or with an application, bankruptcy or insolvency, violation of the ordinance, violation of any law or ordinance concerning possession or use of firearms, the commission of a felony or a misdemeanor involving moral turpitude, intoxication while on duty, the cancellation or expiration of the bond or insurance policy required hereunder, or any other circumstances which would justify the refusal to issue a license in the first instance.

Section 10. Uniforms and Vehicles. All uniforms and vehicles and identifying marks shall be approved by the Chief of Police prior to use.

Section 11. Firearms.

A. A Security Service shall provide training and standards regarding firearms qualification which shall be equal to those required of police officers of the City of Milwaukie.

1. A firearms policy and training plan shall be submitted for approval to the Chief of Police by each Security Service. It shall contain provisions for testing, qualifications, and documentation of scores for each employee attempting to qualify or requalify to carry a firearm.

2. No employee of a Security Service shall carry a firearm in conjunction with his duties until specific documentation is provided by the Security Service to the Chief of Police that the employee has successfully completed the training program specified in 1 above.

3. No member of any Security Service is authorized by this ordinance to carry a firearm off duty.

Section 12. Penalties. Any person knowingly making a false or deceptive statement in his application or violating the provisions of this ordinance shall be punished upon conviction by a fine not to exceed \$500.00.

Section 13. Appeals and Hearing.

A. Any Security Service or employee thereof which has been denied a license or has previously been issued a license which has been subsequently revoked under the provisions of this ordinance, shall have the right of appeal to a hearings officer appointed by the City Manager.

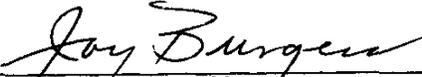
B. Any request for a hearing shall be presented to the City Manager's office within fifteen (15) days of the date of denial or revocation of the license. The hearing shall be scheduled within fifteen (15) days of the date of request.

C. In reaching a decision on the appeal, the hearing officer shall be bound by the same standards that pertain to the initial issuance or revocation of the license as set forth in this ordinance.

Read the first time on January 14, 1982, and moved to second reading by unanimous vote of the City Council.

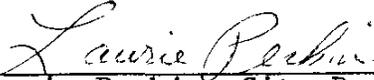
Read the second time and adopted by the City Council on January 14, 1982.

Signed by the Mayor on January 15, 1982.



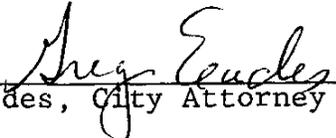
Joy Burgess, Mayor

ATTEST:



Laurie Perkin, City Recorder

Approved as to form:



Greg Eades, City Attorney