

B O N N E V I L L E C O U N T Y

ORDINANCE NO. 116-79

AN ORDINANCE TO BE KNOWN AS "PRIVATE PATROL SERVICE ORDINANCE". PROVIDING FOR BY SECTION:

- 5-19- 1: DEFINITION
- 5-19- 2: PRIVATE PATROL SERVICE
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PROVIDING WHEN THE ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BONNEVILLE, STATE OF IDAHO:

5-19-1: DEFINITION:

The term "private patrolman" is hereby defined as any person, whether in uniform or otherwise, who, for hire or reward, shall guard or protect any structure, premises or property by patrolling on foot or in any vehicle upon any street, highway, alley or other public place in the County, and shall include any person, who, for hire or reward, shall be employed to guard, protect or maintain peace and order in or about any structure, premises or property which is operated, maintained or conducted as a dance hall, theater or other place of public amusement or entertainment or any other place open to and frequented by the general public.

The term "private patrolman" shall not apply to or include regularly appointed deputies of the County or to any regularly appointed peace officer or law enforcement agent of the United States or of the State of Idaho, or any political subdivision thereof, nor shall such terms apply to guards, officers or detectives employed by any interstate or intrastate carrier nor to guards, officers or detectives employed in private business establishments or enterprises, or the premises or structures thereof, are not places of amusement, recreation or entertainment, frequented by the general public.

5-19-2: PRIVATE PATROL SERVICE:

The term "private patrol service" is hereby defined as any person, firm or corporation, who furnishes or provides the services of a private patrolman or private patrol watchman as defined in Section 5-19-1.

5-19-3: UNLAWFUL PRACTICES:

It shall be unlawful:

- (A) For any person to engage in the business of operating or conducting a private patrol service without first being licensed therefor.
- (B) For any private patrol service to employ or hire the services of a private patrolman until and unless said private patrolman is duly licensed therefor.
- (C) For any person to act, or to offer to act, as a private partolman without first procuring a license therefor.

5-19-4: LICENSE APPLICATION, PRIVATE PATROLMAN:

- (A) Each applicant for a license for a private patrolman shall make application to the Sheriff upon a form to be furnished by the Sheriff, such form to contain the information required from time to time by rules and regulations promulgated by the County Commission. At the time of making application, each such applicant shall have his pictured fingerprints taken by the Sheriff's Department, one (1) copy of such fingerprint records to be forwarded to the Federal Bureau of Identification at Washington, D. C.
- (B) Each applicant shall complete in full, the form provided by the Sheriff showing the full name, age, residence, present and previous occupations covering a period of three (3) years prior to such other information as is required by the provisions of this Chapter.

5-19-5: QUALIFICATIONS:

No person shall be inssued a license as a private patrolman who:

- (A) Is not over nineteen (19) 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 liquors and/or drugs.

5-19-6: LICENSE, PATROL SERVICE:

Each applicant for a license to conduct or operate a private patrol service shall make application to the Sheriff, upon a form to be furnished by the Sheriff. Such application shall show all information as may be provided by rules and regulations promulgated by the County Commission from time to time. 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 (1) 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 County, and the application shall be signed and verified by the duly authorized local agent of such foreign corporation. Each application shall show:

- (A) The full name, age, residence, present and previous occupations, covering a period of three (3) years prior to such application, of such individual signing the application
- (B) The name of the business, location or business address in the County.

5-19-7: INVESTIGATION OF APPLICANTS:

The Sheriff shall cause a thorough investigation of each application to be made under this Chapter and shall forward such application, together with his recommendation, to the County Clerk within fifteen (15) days after receipt of such application.

5-19-8: BOND REQUIRED:

Before any license shall be issued to any applicant, a bond, executed by a surety company duly authorized to do business in Idaho shall be filed with the County Clerk conditioned upon the faithful and conditioned to save the County harmless by reason of any acts of the licensee and conditioned that any person who shall have been injured by the wilful, malicious or wrongful act of any such licensee may bring an action on said bond in his name to recover damage suffered by reason of such wilful, malicious or wrongful act. The penal amount of the bond hereby required shall be as follows:

- (A) For every private patrolman the sum of two thousand dollars (\$2,000.00).
- (B) For each private patrol service, the sum of ten thousand dollars (\$10,000.00).

The bond herein required shall be kept in full force and effect by the licensee, and in the event of the expiration or termination of the bond, the license of the licensee shall automatically be forfeited and the licensee shall be subject to all penal provisions of this Chapter.

5-19-9: CERTIFICATE OF INSURANCE REQUIRED:

Before any license shall be issued to any applicant, a certificate shall be filed with the County Clerk showing that such applicant is covered by public liability insurance by a company authorized to do business in Idaho and with a Certificate of Liability attached to notify the Sheriff's Office in the case of cancellation, and in an amount not less than fifty thousand dollars (\$50,000.00) for injury or death of one (1) person, nor less than one hundred thousand dollars (\$100,000.00) for one (1) occurrence, nor less than twenty thousand dollars (\$20,000.00) for damage to property in one (1) occurrence. Such insurance shall be maintained in full force and effect while the licensee is operating within the County. Failure to so maintain such insurance shall result in immediate revocation of the license, and shall subject the licensee to the penalties of this Ordinance if he operates without insurance.

5-19-10: LICENSE FEES:

The license fees required for licenses issued under the provisions of this Chapter shall be as follows:

- (A) For a private patrolman, the sum of ten dollars (\$10.00 and ten dollars (\$10.00) each year thereafter.
- (B) For a private patrol service, the sum of fifty dollars (\$50.00).

5-19-11: LICENSE: EXPIRATION:

All licenses issued under the provisions of this Chapter shall expire December 31, of the year in which such license is issued.

5-19-12: LICENSE: FORM:

The license for a private patrolman shall be in the form of an I.D. card which shall contain the words "private patrolman", and shall, also, bear numerals designating the year in which such license is in force and effect. Upon the termination of any license, or upon renewal thereof, such card shall be returned to the County Clerk.

The license for a private patrol service shall be in the form of a placard and shall contain the name of the licensee and the term for which the license is issued.

5-19-13: UNLAWFUL DISPLAY OF LICENSE:

It shall be unlawful for any person to wear or display any license required or provided for by this Chapter unless such person is duly licensed therefor.

5-19-14: LICENSE: AUTHORITY:

The granting or issuance 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 a private person under the provisions of the Statutes of the State, and the provisions of this Code; nor shall the provisions of this Chapter be construed in any manner as authority or power to carry weapons contrary to the Statutes of the State.

5-19-15: LICENSE: REVOCATION:

Any license issued under the provisions of this Chapter may be revoked by the County Commission for:

- (A) Any violation of the provisions of this Chapter.
- (B) The conviction of the licensee in any court of any offense involving moral turpitude.
- (C) Obtaining any such license under any false or fraudulent pretense or statement.
- (D) The conviction of any felony or any offense involving or concerning the sale or transportation of intoxicating liquors and/or drugs.

5-19-16: PENALTIES:

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, punishable by a fine of not to exceed three hundred dollars (\$300.00), or imprisonment for not to exceed six (6) months, or both such fine and imprisonment.

PASSED by the Board of County Commissioners this 17th day of December, 1979. This Ordinance shall be in full force and effect from and after its passage, approval and due publication.

BONNEVILLE COUNTY COMMISSIONERS

Clyde A. Burtenshaw
Clyde A. Burtenshaw, Chairman

A. Wylie Snarr
A. Wylie Snarr, Member

Thomas F. Loertscher
Thomas F. Loertscher, Member

ATTEST:

Ron Longmore
Ron Longmore, County Clerk

CERTIFICATION

STATE OF IDAHO)
COUNTY OF BONNEVILLE)

I, Ron Longmore, County Clerk of the County of Bonneville, State of Idaho, do hereby certify that the above and foregoing is a full, true, and correct copy of an Ordinance entitled: Ordinance No. 116-79 - Private Patrol Service.

Ron Longmore
Ron Longmore, County Clerk

ADOPTED: December 17, 1979

PUBLISHED: December 27, 1979