

ORDINANCE NO. 174

An Ordinance providing definitions; requiring a permit for private security officers and private security operators; requiring an application; providing for issuance and refusal of permits; providing permit fees; providing for revocation; providing for appeal; providing uniform and badge requirements; restricting company names and officer titles; providing operating procedures; requiring 40 hours of training for officers; providing for limitation on the carrying of firearms; providing a penalty not to exceed \$200.00; providing an effective date; and declaring an emergency.

WHEREAS, IT IS DEEMED IN THE BEST INTEREST OF THE CITY OF ADDISON, TEXAS THAT THERE BE SOME REGULATORY POWER OVER PRIVATE SECURITY OFFICERS AND PRIVATE SECURITY OPERATORS AND SETTING FORTH REQUIREMENTS AND PROCEDURES FOR THE ADMINISTRATION OF SUCH REGULATION;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

Sec. 1.01. Definitions.

For the purpose of this article, the following words have the meanings ascribed to them by this section:

(a) 'Private security operator' means a person, firm, or corporation which furnishes or agrees to furnish for hire, a private security officer to protect persons or property of another, or to prevent theft, loss, embezzlement, misappropriation or concealment of goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind belonging to another.

(b) 'Private security officer' means an individual who is not a peace officer certified by the Texas Commission on Law Enforcement Officer Standards and Education and who primarily performs the services of a watchman, guard, patrolman, or other services for the purpose of protecting persons or property, or preventing theft, loss, embezzlement, misappropriation, or concealment of goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind, but does not include an individual employed on a regular basis exclusively by one employer in connection with the affairs of that

(2) A statement indicating whether any owner of 25% or more, manager, officer, director, partner, or current employee of applicant has been convicted of a felony or an offense involving violence, theft, fraud, deception, or unlawfully carrying a weapon.

(3) Other information relevant to the consideration of the application.

(4) If the applicant is a corporation, the application must be signed by an authorized officer.

(5) If the applicant is a partnership, the application must be signed by each individual comprising the partnership.

(b) An applicant for a private security officer's permit shall file with the Chief of Police, a written application on a form provided for the purpose, which shall be signed and sworn to by the applicant. The following information is required in the application:

(1) The name, date of birth, and address of the applicant.

(2) Name and address of the employer for which private security services are to be performed.

(3) A written statement signed by the employer requesting the permit and certifying the amount of training in security work which the applicant has completed in a course of training approved by the Chief of Police. If the training has been certified in a previous application by another employer, new certification is not necessary.

(4) A list of previous employment and occupation for the preceding

employer only, where there exists an employer-employee relationship.

Sec. 1.02. Permit required.

(a) A person, firm, or corporation shall not engage in the business of a private security operator in the city without first obtaining and maintaining a license from the state and a private security operator's permit from the Chief of Police.

(b) A person shall not perform the services of a private security officer in the city without first obtaining and maintaining a valid private security officer's permit from the Chief of Police; except, that a peace officer currently certified by the Texas Commission on Law Enforcement Officer Standards and Education is not required to obtain a permit in order to perform these services.

(c) Although an individual employed on a regular basis for security work exclusively by one employer in connection with the affairs of that employer only, is not required to obtain a permit, he may do so if he desires by complying with the requirements of this article.

Sec. 1.03. Application.

(a) An applicant for a private security operator's permit shall file with the Chief of Police, a written application on a form provided for the purpose, which shall be sworn to by the applicant or his authorized agent. The following information is required in the application:

(1) The trade name, address, and state license number of the private security operator.

five years.

(5) A list of previous addresses for the preceding five years.

(6) A statement indicating whether applicant has been arrested for an offense other than a traffic violation and whether he has been convicted of a felony or an offense involving violence, theft, fraud, deception, intoxication, disorderly conduct, sexual misconduct, or unlawfully carrying a weapon.

(7) A recent passport size photograph of applicant.

(8) A set of applicant's fingerprints which will be made by the police department.

(9) Other information relevant to the consideration of the application.

Sec. 1.04. Private security operator's permit; Issuance and refusal.

(a) After investigation of an applicant for a private security operator's permit, the Chief of Police shall issue a permit unless he finds one or more of the facts listed in subsection (b) of this section to be true.

(b) The Chief of Police shall refuse to approve issuance or renewal of a private security operator's permit for any one or more of the following reasons:

(1) Investigation reveals a conviction of the applicant or an owner of 25% or more, manager, corporate officer, director, or partner of the applicant for a felony or an offense involving violence, theft, fraud, deception, or unlawfully carrying a weapon.

(2) Applicant or an owner of 25% or more, manager, corporate officer,

director, or partner of the applicant has been convicted for a violation of a provision of this article within five years preceding application.

(3) Applicant has made a false statement as to a material matter in the application.

(4) The applicant or any owner of 25% or more, manager, corporate officer, director, or partner has had a private security permit revoked within five years preceding the application.

Sec. 1.05. Private security officer's permit; Issuance and refusal.

(a) After investigation of an applicant for a private security officer's permit, if the applicant meets all requirements of this article, the Chief of Police shall issue either a temporary or annual permit unless he finds one or more of the facts listed in subsection (e) of this section to be true.

(b) If the applicant has completed the number of hours of training required by Section 1.13 of this article in a security training course approved by the Chief of Police and is otherwise qualified under this article, the Chief of Police shall issue the applicant an annual private security officer's permit.

(c) If the applicant has not completed forty hours of training in an approved security training course and is otherwise qualified under this article, the Chief of Police shall issue the applicant a temporary private security officer's permit. A temporary permit is valid for 150 days at the end of which the applicant must have completed forty hours of training in a security training course approved by the Chief of Police. Upon certification to the Chief of

Police by the applicant's employer that the applicant has completed the forty hours of training, the Chief of Police shall issue the applicant an annual private security officer's permit.

(d) Each time a private security officer terminates employment, he shall surrender his private security officer's permit to his former employer and shall obtain a new private security officer's permit for subsequent employment as a private security officer. In considering subsequent applications for a permit, the Chief of Police shall take notice of and give credit for previous certification of training received by an applicant.

(e) The Chief of Police shall refuse to approve issuance or renewal of a private security officer's permit for one or more of the following reasons:

(1) Investigation reveals a conviction of the applicant for a felony, or an offense involving violence, theft, fraud, deception, or unlawfully carrying a weapon, or three convictions of the applicant within the preceding five year period, of misdemeanors involving intoxication, disorderly conduct, or sexual offenses.

(2) Applicant has been convicted for a violation of a provision of this article within five years preceding application.

(3) Applicant has made a false statement as to a material matter in the application.

(4) Applicant's temporary private security officer's permit has expired and applicant has failed to complete the required training.

(5) Applicant has not reached the age of 18 years.

(6) Applicant's private security officer's permit has been revoked within five years preceding application.

Sec. 1.06. Action on application; Notice of denial.

When an application for a permit or renewal of a permit has been filed with the Chief of Police, pursuant to this article, the Chief of Police shall, within 10 days from the date of filing, approve or deny the application. The Chief of Police shall give the applicant in person or send to the applicant by certified mail, return receipt requested, a written statement of his action. If the application is denied, the statement shall include the reasons for denial. If the application is approved, the applicant shall present the application to the director of revenue and taxation of the city, pay the required fee, and the permit will be issued by the Chief of Police.

Sec. 1.07. Permit duration; Fees; Non-transferability.

(a) A permit issued pursuant to this article must be renewed by January 1 of each year.

(b) The annual fee for a private security operator's permit is \$50.00 and must be submitted with the application.

(c) The annual fee for a private security officer's permit is \$10.00 and must be submitted with the application. An additional fee for the annual permit is not required if it is obtained within 150 days from the date of issuance of a temporary permit.

(d) No refund of fees shall be made.

(e) A permit issued pursuant to this article is not transferable nor assignable.

Sec. 1.08. Permit revocation.

(a) The Chief of Police shall revoke a private security operator's permit or a private security officer's permit for one or more of the following reasons:

(1) The making of a false statement as to a material matter in an application for a permit or renewal of a permit.

(2) Conviction of an owner of 25% or more, manager, corporate officer, director, or partner of a private security operator permittee, for a violation of a provision of this article, or for a felony or an offense involving violence, theft, fraud, deception, or unlawfully carrying a weapon.

(3) Conviction of a private security officer permittee for a violation of a provision of this article, or for a felony or an offense involving violence, theft, fraud, deception, or unlawfully carrying a weapon.

(b) The Chief of Police shall send written notice of a revocation to the permittee by certified mail, return receipt requested, stating the reasons for the revocation. The permittee shall surrender his permit to the Chief of Police within ten days unless written appeal is filed.

Sec. 1.09. Appeal from refusal to issue or renew and from decision to revoke.

(a) If the Chief of Police refuses to approve issuance or renewal of a permit to an applicant or revokes the permit issued to a permittee under this article, this action shall be final unless the applicant or permittee, within ten

days after receipt of written notice of the action, files with the City Administrator a written appeal. The City Administrator shall, within ten days after appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the action. If the City Administrator sustains the action, the applicant or permittee may, within ten days of that decision file a written appeal with the city secretary to the City Council, setting forth specific grounds for the appeal. The City Council shall, at its next regularly scheduled meeting, grant a hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

(b) The filing of a timely appeal by a permittee stays the effect of an order by the Chief of Police or the City Administrator in refusing to approve renewal of a permit or in revoking a permit.

Sec. 1.10. Uniforms and badges.

(a) The private security operator shall provide patches, insignia and emblems for its employees which act as private security officers and a private security officer shall return these patches, insignia, and emblems within seven days of termination of employment.

(b) All private security officers employed by a private security operator shall wear uniforms while on duty; except, that a private security officer may wear civilian clothes while on duty at a single premise.

(c) A private security uniform consists of a hat or cap, shirt, optional

jacket, trousers or skirt, shoulder patch containing the name of the private security operator, and cloth badge. The cloth badge must be permanently attached over the left breast pocket of the shirt and jacket and on the front of the hat or cap. When approved by the Chief of Police, a private security officer may wear fatigues or coveralls for certain types of duty. The uniform shall not resemble a uniform of the Addison Police Department and must be approved by the Chief of Police.

(d) A private security operator shall submit to the Chief of Police two passport size color photographs of the uniform, badge, and hat or cap to be worn by his employees, one photograph being a front view and the other a left profile showing the shoulder patch.

(e) A private security officer shall not wear a metal badge or cap device, and shall not wear a rank designation on his uniform.

Sec. 1.11. Company names and officer titles.

A private security operator or private security officer shall not use a company or trade name nor officer title which projects the image of a federal, state, county, or municipal law enforcement agency. Private security operator names and officer titles must clearly designate them as a private business organization or individual. The designation of an individual as a "private policeman" or "private police officer" may not be used. Names and titles must be approved by the Chief of Police.

Sec. 1.12. Operating procedures.

(a) A private security operator shall not assign a person to duty as a private security officer who is not the holder of a valid private security officer's permit.

(b) A private security officer shall carry his private security officer's permit on his person at all times he is on duty.

(c) A private security officer shall obey the orders of the Chief of Police or his authorized representative in an emergency.

Sec. 1.13. Training requirements.

(a) An applicant for a private security officer's permit shall complete, and his employer shall certify to the Chief of Police that he has completed, forty hours of training in private security work through a course of training which is approved by the Chief of Police. For an applicant meeting all other requirements who has not completed forty hours of training, the Chief of Police shall issue a temporary private security officer's permit which will allow the applicant to work as a private security officer for 150 days while he completes the required training. Upon certification to the Chief of Police by the applicant's employer that the applicant has completed the required training, the Chief of Police shall issue an annual private security officer's permit.

(b) A course of training must include instruction in the following subjects to be eligible for approval by the Chief of Police:

(1) Orientation: purpose of a security officer - prevention vs.

apprehension - public relations - deportment - appearance - maintenance and safeguarding of uniforms and equipment. Report writing.

(2) Legal powers and limitations of a security officer: techniques of searching - preservation of evidence - use of force.

(3) Handling emergencies: communications - types of alarm reporting equipment and procedures during fires, explosions, floods, riots, etc. - procedures with regard to bomb threats.

(4) General duties: patrol and inspection - fire prevention and control - personnel control (I. D. system) - safety.

(5) Weapons handling and marksmanship for those whose duties will include carrying a weapon.

1.14. Firearms; carrying weapons.

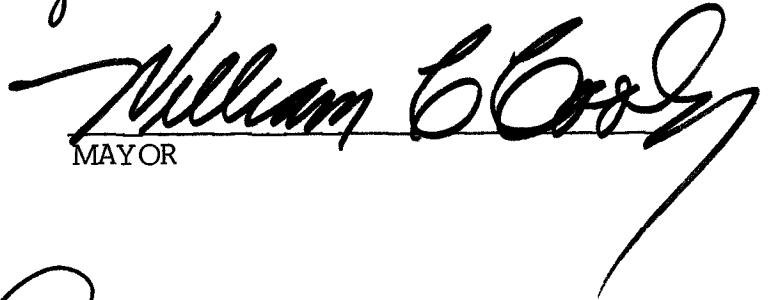
In regard to any private security operator or private security officer carrying firearms on or about their person, such private security operator or private security officer shall be governed by V.T.C.A., Penal Code, Section 46.03, 1973. In the event that any private security operator or private security officer shall carry any handgun, illegal knife or club in violation of V.T.C.A., Penal Code, Section 46.03, such shall constitute grounds for revocation of such private security operator or private security officer's permit as hereinbefore specified.

SECTION 2. That any person, firm or corporation violating any of the

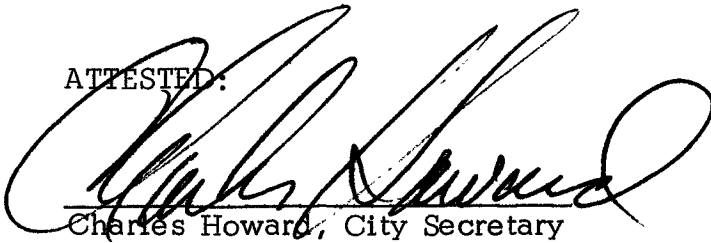
provisions or terms of this ordinance, and upon final conviction thereof, shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each such violation shall constitute a separate offense.

SECTION 3. That this ordinance shall take effect immediately from and after its passage and publication of the captioned as the law in such case provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS ON THE 1ST DAY OF July, 1974.


MAYOR

ATTESTED:


Charles Howard, City Secretary

APPROVED AS TO FORM:


Robert L. McCallum, City Attorney