

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2200

AN ORDINANCE regulating the activities of private security personnel; amending the Bellevue City Code to make it similar to King County Ordinance No. 1888 by deleting chapter 5.12 and adopting a new chapter 5.12.

Section 1. Title 5 of the Bellevue City Code is amended by the deletion of chapter 5.12 in its entirety and a new chapter 5.12 is adopted, as follows:

Chapter 5.12

PRIVATE SECURITY

Sections:

- 5.12.010 Definitions.
- 5.12.040 License required.
- 5.12.050 Exemptions.
- 5.12.060 License-Application.
- 5.12.070 Procedures required of licensees.
- 5.12.080 Background check.
- 5.12.090 License-Scope and classification.
- 5.12.100 License-Fees.
- 5.12.110 License-Denial.
- 5.12.120 License-Revocation or suspension.
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- 5.12.260 Bond and insurance-License suspension or denial for failure to file.
- 5.12.270 Branch offices.
- 5.12.280 Registration of employees.
- 5.12.290 Licensees and registrants-Knowledge and ability to use firearms.
- 5.12.300 Registration-Exempt employees.

- 5.12.310 Registration-Denial, suspension or revocation.
- 5.12.320 Registration-Issuance.
- 5.12.330 Termination of registrant with licensee.
- 5.12.340 Registration-Fee.
- 5.12.350 Renewal of license, registration or permit-Late penalty.
- 5.12.360 Violation-Penalty.
- 5.12.370 Civil penalty.
- 5.12.380 Additional enforcement.

5.12.010 Definitions. For the purpose of this chapter the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

ARMORED-TRANSPORT AGENCIES provide armed personnel to convey valuable articles for a fee.

CONTRACT GUARD OR PATROL AGENCIES includes partnerships, corporations joint ventures, as well as individuals who are self-employed which provide privately employed guards or patrolmen for a fee.

CONTRACT INVESTIGATIVE AGENCY includes partnerships, corporations, joint ventures, as well as individuals who are self-employed which provide private investigative services for a fee, except individuals investigating bodily injury or property damage actions under the supervision of a licensed attorney.

CREDIT INVESTIGATION AGENCIES AND CREDIT INVESTIGATORS are businesses and persons who conduct investigations primarily to furnish information as to the business and financial standing and credit responsibility of persons, firms, or corporations.

ENFORCEMENT OFFICER means such city employee as authorized to enforce this chapter or the King County director of public safety and his duly authorized representatives as authorized by co-operative agreement executed by and between the City of Bellevue and King County under RCW 39.34.080.

IN-HOUSE GUARD FORCES provide private guard services exclusively in connection with the affairs of the one business that employs them.

IN-HOUSE INVESTIGATIVE FORCES provide private investigative services exclusively in connection with the affairs of the one business that employs them.

LICENSING OFFICIAL means such city employee as the City Manager designates or the director of the King County Department of General Services and his duly authorized representatives as designated by cooperative agreement executed by and between the City of Bellevue and King County under RCW 39.34.080.

PERSON shall mean "persons" as defined in 1.04.010(m) of the Bellevue City Code, as now or hereafter amended.

PRIVATE GUARDS are persons who protect or attempt to protect persons or property from damage, injury, loss, or any criminal act and includes "guard dogs," "watchmen," "security officer," "protective agent," "merchant guard," and "special officer."

PRIVATE INVESTIGATION includes investigations by a privately employed person(s) for the purpose of obtaining information concerning:

- (1) Crimes or wrongs, done or threatened;
- (2) The identity, habits, conduct, movements, whereabouts, associations, transaction, credibility, reputation, employment history, criminal record, or character of any person(s), group, or business, for any purpose;
- (3) The location of lost or stolen property;
- (4) The causes and responsibility for fires, libel, slander, losses, accidents or injuries;
- (5) The whereabouts of missing persons.

PRIVATE INVESTIGATORS/DETECTIVES are personnel who conduct investigations for a contract investigative agency, including undercover agents employed by contract agencies, but excluding in-house investigative force employees, credit

investigators, insurance investigators and adjusters.

PRIVATE/MERCHANT PATROLMEN perform the same functions as guards, but do so at a number of different locations, access to which is accomplished by means of travel on public property.

PRIVATE SECURITY includes all privately employed guards, investigators, detectives, patrolmen, and any other personnel performing similar security functions or services.

5.12.040 License required. No contract investigative agency or contract guard or patrol agency shall furnish private security services, nor shall they advertise, solicit, nor in any way promise nor inform anyone that they will perform such services in the City of Bellevue without receiving from the licensing official a license as provided in this chapter.

5.12.050 Exemptions. The provisions of this chapter shall not apply to:

- (a) A person employed as an in-house guard and/or investigator by only one employer in connection with the affairs of such employer and where there exists an employer-employee relationship.
- (b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while the employee or officer is engaged in the performance of official duties;
- (c) A person engaged exclusively in the business of obtaining and furnishing information in relation to the financial rating of persons;
- (d) An attorney-at-law in performing his duties;
- (e) Admitted insurers, agents, and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them.

5.12.060 License - Application.

- (a) An application for a license under the provisions of this chapter shall be in the form prescribed by the licensing official and shall include the following:

- (1) Full name and business address of the applicant;
- (2) Name under which the applicant intends to do business;
- (3) A statement as to the general nature of the business in which the applicant intends to engage;
- (4) Whether or not a firearm is to be used in connection with the applicant's duties as a licensee;
- (5) A statement as to the classification under which the applicant desires to be qualified;
- (6) The full name and residence address of each of its officers, partners, and directors, if the applicant is an entity other than an individual;
- (7) Three recent photographs of the individual applicant, of a type to be prescribed by the licensing official;
- (8) A classifiable set of fingerprints;
- (9) A statement of experience qualifications;
- (10) Employment history for five years preceding the date of the application;
- (11) A list of arrests, convictions or confinements; and,
- (12) Any other information, evidence, statements, or documents as may be required by the licensing official.

(b) The applicant for a license, under the provisions of this chapter, shall be eighteen years of age or older and have two years experience in security work determined to be adequate by the licensing official. Security work determined to be adequate shall include, but is not limited to, the following:

- (1) Two years active experience in private security work while in the military;

(2) Two years active experience in public law enforcement;

(3) Successful completion of two years of college level study in law enforcement, police science, criminology, or areas of like nature;

(4) Successful completion of a course of study which has been approved by the licensing official and the enforcement officer on the basis that such course provides sufficient material to enable students thereof to operate competently as a licensee under this chapter;

(5) Two years active experience as a registrant under the provisions of this chapter; and

(6) Any combination of the above acceptable to the licensing official.

(c) The applicant for registration under the provisions of this chapter, shall be eighteen years of age or older.

5.12.070 Procedures required of licensees. Licensees shall perform private security services in such fashion that no interference with the Bellevue Department of Emergency and Safety Services will result. Regarding this end, licensees shall:

(a) Recommend to their customers that, in the event of a police problem, the customer should first call the Bellevue Police Department;

(b) If a customer calls about a law enforcement problem, instruct the customer to call the Bellevue Police Department if possible; and if not possible, the licensee will notify the Bellevue Police Department;

(c) Instruct its employee that, if a situation involving possible Department of Emergency and Safety Services interest is observed, the employee will immediately notify the Department of Emergency and Safety Services;

(d) If evidence of trespass is noticed by an employee on duty, instruct employees to immediately notify the Bellevue Police Department; and,

(e) Use all reasonable efforts to inform and advise their present and prospective officers, licensing officials, partners, agents, representatives, employees, and all other persons acting under, for, or on behalf of the licensee, of the provisions of this chapter, and direct them to comply therewith.

5.12.080 Background check. Each person, will be subject to a background check, as determined by the licensing official and the enforcement officer. The enforcement officer shall send a letter to the licensing official and to the Bellevue Police Department concerning the background of the applicant, which may contain any objection or recommendation as to the application.

5.12.090 License - Scope and classification.

(a) No person may engage in any private security operation outside the scope of his license.

(b) For the purpose of defining the scope of licenses, the following license classifications are established:

(1) Class A: Contract investigative agency, covering operations as defined in Section 5.12.010(K);

(2) Class B: Contract guard or patrol agency, covering operations as defined in Section 5.12.010(K) & (L);

(3) Class C: Covering the operations included within Class A and Class B, as defined in Section 5.12.010.

5.12.100 License - Fees. Fees for licenses under the provisions of this chapter are fixed as follows:

(a) Class A license - \$150.00 per year;

(b) Class B license - 5 or more registrants - \$150.00 per year; 4 or less registrants - \$100.00 per year; and,

(c) Class C license - \$250.00 per year. There shall be no lower fee, based on number of registrants, for Class C license.

5.12.110 License - Denial. The licensing official may deny a license if any applicant under this chapter has

- (a) Committed any act constituting fraud;
- (b) Committed any act, which, if committed by a licensee, would be a ground for the suspension or revocation of a license under the provisions of this chapter;
- (c) Committed any act resulting in conviction of a felony or a crime involving moral turpitude;
- (d) A record, based upon reliable evidence, which leads to the reasonable conclusion that the applicant is not competent to perform the duties and fulfill the responsibilities of a licensee under the provisions of this chapter;
- (e) Been refused a license under the provisions of this chapter or had a license revoked; provided, however, that any applicant denied a license under the provisions of this chapter may reapply after six months if the basis for such denial no longer exists;
- (f) Been an officer, director, or partner of an agency who knowingly participated or acquiesced in the acts or conduct of any person, as defined by this chapter, for which that person was refused a license, or whose license was revoked under the provisions of this chapter;
- (g) While unlicensed, committed or aided and abetted the commission of any act for which a license is required under the provisions of this chapter;
- (h) Failed to successfully complete the firearms test specified in Section 5.37.290;
- (i) Made any false statements in his application; or,
- (j) Failed to comply with the requirements of Section 5.12.070.

5.12.120 License - Revocation or suspension.

(a) The licensing official may suspend or revoke a license issued under the provisions of this chapter if he determines that any licensee has:

(1) Made any false statement or given any false information in connection with an application for a license or a renewal or reinstatement of a license;

(2) Violated any of the provisions of this chapter;

(3) Been convicted of a felony or any crime involving moral turpitude;

(4) Illegally used, carried or possessed a dangerous weapon;

(5) Violated any rule of the licensing official adopted pursuant to his authority contained in this chapter;

(6) Committed or permitted any employee to commit any act, while the license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

(7) Knowingly violated, or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee; or,

(8) Committed any act which is a ground for denial of an application for license under the provisions of this chapter.

(b) The licensing official may suspend or revoke a license issued under the provisions of this chapter if he determines that any licensee knowingly has in his employment any person who:

(1) Has committed any act, which, if committed by a licensee, would be grounds for suspension or revocation of a license under the provisions of this chapter;

(2) Has been convicted of a felony or any crime involving moral turpitude;

(3) Has a record, based upon reliable evidence, which leads to the reasonable conclusion that the applicant is not competent to perform the duties and fulfill the responsibilities of a registrant under the provisions of this chapter; or,

(4) Does not possess a valid registration card issued under the provisions of this chapter.

(c) The licensing official may suspend or revoke a license issued under the provisions of this chapter if he determines that any licensee, has committed or used any unfair or deceptive acts or practices in the course of the licensee's business. Examples of such acts and practices are:

(1) Engaging in retail installment transactions with members of the public in the state of Washington without complying with all applicable provisions of RCW 63.14 as amended;

(2) Using a name different from that under which he is currently licensed on any advertisement, solicitation, or contract for business;

(3) Knowingly making a false report to his employer or client for whom the information was being obtained;

(4) Wilfully failing or refusing to render a client services or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, if required by law;

(5) Making any false, deceptive or misleading representations to members of the public concerning the qualifications of employees and agents of the licensee, the nature or extent of the services provided by the licensee, or the cost to members of the public of services by the licensee;

(6) Manufacturing evidence;

(7) Knowingly making a false statement relating to evidence or information obtained in the course of employment, or knowingly publishing a slander or libel in the course of business; or,

(8) Accepting employment adverse to a client or former client relating to a matter with respect to which the licensee has obtained confidential information by reason of or in the course of his employment by such client or former client.

(d) Suspension or revocation of a license issued under the provisions of this chapter shall take effect only after the expiration of the period in which an appeal thereof may be filed.

(e) In cases of suspension, the license or registration shall be reinstated upon compliance with the violated provision(s) of this chapter or until the period of suspension fixed by the licensing official has expired.

In cases of revocation, the license or registration shall be cancelled; provided, however, such revocation for violation of any of the provisions of this chapter shall not relieve the licensee or registrant of the penalties otherwise provided for in this chapter.

5.12.150 License - Transferability. A license issued under the provisions of this chapter shall apply to a single location only and shall not be transferable to other locations or to any other person other than that designated on the license; provided, however, that, in the event of death of the individual, partner(s) or officer(s) who satisfied the requirements of Section 5.12.060(b), the surviving spouse, partner(s) or officer(s) may operate under the existing license for a period not to exceed ninety days; further provided, however, that, at the end of this ninety day period, the surviving spouse, partner(s) or officer(s) shall satisfy the requirements of Section 5.12.060(b).

5.12.170 New Officers. Applications, on forms prescribed by the licensing official, shall be submitted by all new officers or partners. The licensing official may suspend or revoke a license issued under the provisions of this chapter if he determines that at the time the person becomes an officer or partner of a licensee, any of the facts in

Sections 5.12.110 and 5.12.120 existed as to such person.

5.12.180 Licensee responsible for conduct of employee. A licensee shall at all times be legally responsible for the good conduct of each employee while on duty.

5.12.190 Emergency equipment. It is unlawful for any licensee, or his agents, to use emergency equipment, such as sirens and flashing red or blue lights, on vehicles owned or operated by the licensee, except as specifically authorized or licensed by the state of Washington or any of its political subdivisions.

5.12.200 Certain practices prohibited.

(a) It is unlawful for a licensee to represent to members of the public in any way, either directly or indirectly or by implication, that the licensee is an official or semiofficial law enforcement organization or that employees, agents or solicitors of the licensee are authorized by the state of Washington or any of its political subdivisions to act as law enforcement officer, including, by way of example but not limitation, the following conduct:

(1) Use of any name or initials in the course of business which has the capacity or tendency to convey said representation to members of the consuming public, including but not limited to any name using the words "police," "department," "Bellevue City Police," or "Bellevue City Detective;"

(2) Use of any uniform, badge, insignia, business card, stationery or any other device, object, or type of apparel, which is not readily distinguishable to average members of the consuming public from such devices, objects, or types of apparel which are used by authorized law enforcement officers;

(3) Use any uniform, badge, insignia, title, or identification card, or make any statement with the intent to give an impression that the licensee is connected in any way with the federal government, a state government, or any political subdivision of either; or,

(4) Use any letterhead, advertisement, or other printed matter, or in any manner illegally represents that the licensee is an instrumentality of the federal government, state government, or any political subdivision of either.

(b) It is unlawful for any licensee to engage in any acts, practices, or conduct which hampers the operations and activities of authorized law enforcement and public safety officials.

5.12.210 Uniforms - Approval required. No license shall be issued under the provisions of this chapter until approval is given by the licensing official and the enforcement officer, of the uniforms and accouterments to be worn by registrants of the licensee.

5.12.220 Divulgence of information. Any licensee or officer, director or partner of a licensee shall divulge to any law enforcement officer or prosecuting attorney, or his representative, any information he may acquire as to any criminal offense, as he may be required by law so to do; provided, however, that he shall not divulge to any other person any information acquired by him except at the direction of the employer or client for whom the information was obtained.

5.12.230 Advertisements - Solicitation of business.

(a) Every advertisement by a licensee advertising or soliciting business shall contain his company name and address as they appear in the records of the City of Bellevue Finance Department business and occupation tax records.

(b) Licensees, in their promotional literature and oral sales presentations to members of the public, shall not claim any relationship or affiliation with any official or semiofficial law enforcement organization. Such literature or sales presentation shall be accompanied by an accurate and clear description of the services which the licensee does in fact offer or provide.

(c) Solicitors performing oral sales presentations to members of the public shall not carry visible weapons.

5.12.240 Surety bond required.

(a) No license shall be issued under the provisions of this chapter unless the applicant files with the licensing official a surety bond executed by a surety company authorized to do business in this state in the sum of ten thousand dollars conditioned to recover against the principal, its servants, officers, agents, and employees by reason of its wrongful or illegal acts in conducting such business licensed under the provisions of this Chapter; provided, however, that applicants requesting a Class B license, who employ four or less registrants, shall be permitted to file a five thousand dollar surety bond. The licensing official shall require a certified copy of said bond to be filed in his office.

(b) The bond required by this chapter shall be made payable to the City of Bellevue, and anyone so injured by the principal, its servants, officers, agents and employees shall have the right and shall be permitted to sue directly upon this obligation in their own names, and this obligation shall be subject to successive suits for recovery until complete exhaustion of the face amount hereof.

5.12.250 Insurance coverage required.

(a) No license shall be issued under the provisions of this chapter unless the applicant files with the licensing official a certificate of insurance naming the City of Bellevue as an additional insured.

(b) Minimum coverage is fixed as follows:
Bodily injury - one hundred thousand to three hundred thousand dollars; Property damage - one hundred thousand dollars.

5.12.260 Bond and insurance - License suspension or denial for failure to file.

(a) Every licensee shall at all times maintain on file with the licensing official the surety bond and insurance required by this chapter in full force and effect and upon failure to do so, the license of such licensee shall be suspended and shall not be reinstated until this requirement is met.

(b) The licensing official shall deny the application for a license if the applicant fails to satisfy the surety bond or insurance requirements.

(c) The licensing official may refuse to reinstate a license notwithstanding the licensee's compliance with this section, if, during the suspension, the licensing official:

(1) Finds any reason which would justify refusal to issue or justifies a suspension or revocation of a license; or,

(2) Finds performance by an applicant of any practice, while under suspension for failure to keep his surety bond or insurance in force, for which a license under the provisions of this chapter is required.

5.12.270 Branch offices. Each licensee shall file in writing with the licensing official the address of each branch office, and within fourteen days after the establishment or closing of such office, or change of location of a branch office, shall notify the licensing official in writing of such fact.

5.12.280 Registration of employees.

(a) Except as otherwise provided in this chapter, every employee of a licensee, including dispatchers, and solicitors, shall be registered with the licensing official in the manner prescribed by the provisions of this chapter.

(b) The application for registration under the provisions of this chapter shall be on a form prescribed by the licensing official and shall include:

(1) Full address, telephone number, date of birth, and place of birth;

(2) A listing of any and all aliases used by the applicant;

(3) The name and address of the licensee and the date the employment commenced;

- (4) A letter from the licensee requesting that the employee be registered under his/her license;
- (5) The title of the position occupied by the employee and a description of his/her duties;
- (6) Whether or not a firearm is to be used by the employee in connection with his/her duties as a registrant;
- (7) Three recent photographs of the employee, of a type described by the licensing official, and a classifiable set of fingerprints;
- (8) Employment history for five years preceding the date of the application; and,
- (9) Such other information, evidence, statements, or documents as may be required by the licensing official.

5.12.290 Licensees and registrants - Knowledge and ability to use firearms.

- (a) An applicant for a license or registration who uses a firearm in connection with employment regulated under the provisions of this chapter, shall be tested by the licensing official and the enforcement officer in order to determine that such applicant has sufficient knowledge and ability to use such firearm in a competent and safe manner.
- (b) The content of such test shall be determined by the licensing official and the enforcement officer and shall be in a form prescribed by them.

5.12.300 Registration - Exempt employees. Notwithstanding any other provision of this chapter, employees of a licensee who are employed exclusively in stenographic, typing, filing, clerical or other activities which do not constitute the work of providing private security as described in this chapter, shall not be required to register under the provisions of this chapter with the licensing official.

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5.12.310 Registration - Denial, suspension or revocation. The licensing official may refuse to register any employee, or may suspend, or revoke a previous registration, if the individual has committed any act which, if committed by a licensee, would be a ground for refusing to issue a license, or for the suspension or revocation of license under the provisions of this chapter.

5.12.320 Registration - Issuance. Upon completion of registration the licensing official shall issue to the registered employee a registration card, which shall be carried on his person at all times. The exhibition of this card to the licensee shall be considered prima facie evidence that the person is registered by the City of Bellevue, under the licensee's license number.

5.12.330 Termination of registrant with license. Each person registered under the provisions of this chapter whose employment has been terminated with the licensee shall immediately surrender his registration card to the licensee, and the licensee shall surrender same within seven days thereafter to the licensing official for cancellation. A notation stating that the registered employee was terminated and for what cause may be enclosed with the registration card. The licensee shall notify the licensing official in writing within a reasonable time of any change in the resident address of a registered employee.

5.12.340 Registration - Fee. The registration fee for employees of a licensee is fixed as follows: Fifteen dollars per year; seven dollars fifty cents for renewal thereof.

5.12.350 Renewal of license, registration or permit - Late penalty. A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such penalty is fixed as follows: For a license, registration or permit requiring a fee of fifty cents or more, but less than fifty dollars - twenty percent of the required fee. For a license, registration or permit requiring a fee

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of fifty dollars or more, but less than one thousand dollars - ten percent of the required fee. For a license, registration or permit requiring a fee of one thousand dollars or more - five percent of the required fee.

5.12.360 Violation - Penalty. Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed two hundred fifty dollars or by imprisonment for a period not to exceed ninety days.

5.12.370 Civil penalty. In addition to or as an alternative to any other penalty provided herein or by law any person who violates any provision of any business license ordinance shall be subject to a civil penalty in an amount not to exceed two hundred fifty dollars per violation to be directly assessed by the licensing official, in a reasonable manner, may vary the amount of the penalty assessed to consider the appropriateness of the penalty to the size of the business of the violator; the gravity of the violation; the number of past and present violations committed and the good faith of the violator in attempting to achieve compliance after notification of the violation. All civil penalties assessed will be enforced and collected in accordance with the procedure specified under this title.

5.12.380 Additional enforcement. Notwithstanding the existence or use of any other remedy, the licensing official may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute regulations herein adopted.

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Section 2. Severability. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

Passed by the City Council this 24 day of March, 1975, and signed in authentication of its passage this 24 day of March, 1975.

(SEAL)

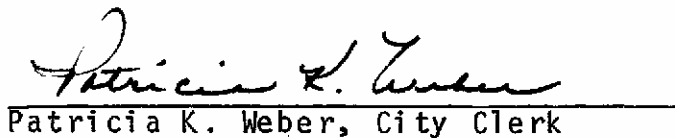


Nancy L. Rising, Mayor Pro tem

Approved as to form:


Lee Kraft, City Attorney

Attest:


Patricia K. Weber, City Clerk

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