

CITY OF MERIDIAN ORDINANCE NO. 14-1631

BY THE CITY COUNCIL:

BIRD, BORTON, CAVENER,
MILAM, ROUNTREE, ZAREMBA

AN ORDINANCE AMENDING THE CITY OF MERIDIAN PRIVATE SECURITY SERVICES TO ELIMINATE LICENSING OF PRIVATE SECURITY GUARDS, BUT REQUIRING CERTAIN STANDARDS BE MET BY ALL PRIVATE SECURITY COMPANIES OR AGENTS OPERATING WITHIN THE CITY OF MERIDIAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Meridian desires to amend its ordinance regarding Private Security Services operating within the City of Meridian by eliminating a requirement for licensing of this activity; and

WHEREAS, the City Council finds establishing standards of appearance while operating as a private security agent or guard within the City is necessary to protect the health and safety of its citizens so that security guards or agents are not confused with law enforcement personnel; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That Title 3, Chapter 8, of the Meridian City Code, is amended to read as follows:

Chapter 8
PRIVATE SECURITY SERVICES STANDARDS

3-8-1: DEFINITIONS:

3-8-2: LICENSE REQUIRED; EXEMPTIONS:

3-8-3: APPLICATION FOR LICENSE:

3-8-4: LICENSE ISSUANCE; DENIAL; REVOCATION:

3-8-52: OPERATING REQUIREMENTS:

3-8-63: PENALTY:

3-8-1: DEFINITIONS:

For the purposes of this chapter, the following words and derivations thereof shall be defined as follows:

PRIVATE SECURITY GUARD OR AGENT: Any person who provides or performs private security services, for any consideration whatsoever.

PRIVATE SECURITY SERVICES: Any private employer, service, or system which purports to

provide, or does provide, any watchman or guard to patrol, guard, or watch any property, or which employs any person to perform any type of duty to guard, protect or maintain security, peace, and order. (Ord. 09 1421, 7-14-2009)

~~3-8-2: LICENSE REQUIRED; EXEMPTIONS:~~

- ~~A. It shall be unlawful for any person to provide, act as, employ, hire, conduct, operate or maintain, or permit to be conducted, operated or maintained, or to participate in the conduct, operation or maintenance of, private security services without a valid city of Meridian private security services license.~~
- ~~B. It shall be unlawful for any person to provide, act as, employ, or hire a private security agent without a valid city of Meridian private security services license.~~
- ~~C. This chapter shall not apply to or include regularly appointed police officers of the city or to any regularly appointed police officer or law enforcement agent of the United States and of this state, or any political subdivision thereof while on duty. (Ord. 09 1421, 7-14-2009)~~

~~3-8-3: APPLICATION FOR LICENSE;~~ 

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- ~~A. Application for a city of Meridian private security services license shall be made to the city clerk, and shall be accompanied by the application fee as provided by the fee schedule.~~
- ~~B. The application shall include the following information:~~
 - ~~1. Applicant's name, residence address, and employment address.~~
 - ~~2. Applicant's social security number.~~
 - ~~3. Written proof that the applicant is at least eighteen (18) years of age.~~
 - ~~4. Applicant's weight, height, hair color, and eye color.~~
 - ~~5. Two (2) front face photographs taken within thirty (30) days of the date of application and at least two inches by two inches (2" x 2") in size.~~
 - ~~6. Applicant's business, occupation, and employment history in the five (5) years immediately preceding the date of application.~~
 - ~~7. Whether the applicant has ever had any security or similar license or application denied, revoked or suspended, and the reason therefor.~~

~~8. Whether the applicant has been convicted of, placed on probation, received a deferred sentence, received a withheld judgment, suffered the forfeiture of a bond for failure to appear, or completed any sentence of confinement for any felony or misdemeanor.~~

~~9. Applicant's fingerprints, taken by the Idaho state police.~~

~~10. Written description and drawing of any uniform, clothing, uniform emblems, badges and/or shoulder patches to be utilized or worn, describing and/or showing the color, design and shape thereof.~~

~~11. Proof of general and personal liability insurance for bodily injury, sickness, disease or death sustained by persons and arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with property and contract rights in the minimum limit of five hundred thousand dollars (\$500,000.00) for the result of any one occurrence or accident regardless of the number of persons injured or the number of claimants.~~

~~C. Upon receipt of a complete application for a private security services license, the city clerk shall cause a criminal background investigation to be made and shall refer all applications to the police chief or designee for recommendation. (Ord. 09-1421, 7-14-2009)~~

~~3-8-4: LICENSE ISSUANCE; DENIAL; REVOCATION;~~

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~~A. The city clerk, upon receiving the recommendation of the police chief or designee, but no later than forty two (42) days from the date of submission of the completed application and all application materials required by this chapter, shall determine if the qualifications and conditions in this chapter have been met and shall either issue or deny the license.~~

~~B. Each city of Meridian private security services license shall expire at the end of one year from the date of its issuance, unless sooner revoked or surrendered.~~

~~C. The city clerk shall deny a city of Meridian private security services license if it is found that:~~

~~1. The applicant has been convicted of, paid any fine, placed on probation, received a deferred sentence, received a withheld judgment, suffered the forfeiture of a bond for failure to appear for charges related to, or completed any sentence for any felony.~~

~~2. The applicant has been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, suffered the forfeiture of a bond for failure to appear or completed any sentence of confinement for any misdemeanor in the five (5) years prior to the date of application, provided that nonmoving traffic misdemeanors shall not be a disqualifying condition.~~

~~3. The applicant has made any false, misleading, or fraudulent statement of fact in the application or in any document required to be submitted in support thereof.~~

4. ~~The applicant has had a similar permit or license denied, revoked, or suspended for any cause by the city or any other state or local agency within five (5) years prior to the date of the application.~~
5. ~~The applicant is not over the age of eighteen (18) years.~~

~~Where the city clerk denies an application for a city of Meridian private security services license, the city clerk shall notify the applicant of such denial in writing, which shall include notice of the right to appeal such decision as set forth in this section. Written notice of the denial shall be sent via U.S. mail to the applicant at the address set forth on the application. The applicant may appeal the city clerk's denial of a city of Meridian private security services license by filing a written appeal according to the procedures set forth in this chapter.~~

~~D. All persons licensed hereunder shall continue throughout the license period to have all of the qualifications and none of the disqualifications as provided for in this chapter. Upon a violation of this chapter, the city clerk may revoke a city of Meridian private security services license, in addition to other applicable criminal and/or civil penalties. Where the city clerk revokes a city of Meridian private security services license, the city clerk shall notify the applicant of such revocation in writing, which shall include notice of the right to appeal such decision as set forth in this section. Written notice of the revocation shall be sent via U.S. mail to the applicant at the address set forth on the application. The applicant may appeal the city clerk's revocation of a city of Meridian private security services license by filing a written appeal according to the procedures set forth in this chapter.~~

~~E. The city clerk's denial or revocation of a city of Meridian private security services license may be appealed by filing a written appeal. The written appeal shall state the reasons for such appeal, and shall be delivered to the city clerk via U.S. mail or in person within fourteen (14) days of such denial. Upon receipt of such written appeal, the city clerk shall schedule a public hearing on the appeal at a city council meeting within thirty (30) days. Following a public hearing on the appeal, city council shall either affirm or reverse the city clerk's action and shall issue written findings supporting such decision. The city council's decision on such appeal shall be a final decision, and may be appealed to district court according to the provisions of the Idaho administrative procedures act. (Ord. 09-1421, 7-14-2009)~~

3-8-52: OPERATING REQUIREMENTS:

A. It shall be unlawful for any private employer or private security agent to use or authorize the use of 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 city police department any Ada County law enforcement agency both cities and counties. All private security agents shall wear a badge, name plate, patch or tape reading clearly identifying security agent as one of the following: "Security, private security service, security officer, security guard or private security" on the left breastfront of the clothing and visible of-on any and all uniforms and/or clothing.

B. ~~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 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 or in violation of any other provision of law. (Ord. 09-1421, 7-14-2009)~~

3-8-63: PENALTY:

A first and second violation of any provision of this chapter shall be a misdemeanor or an infraction, punishable by a fifty dollar (\$50.00) fine for the first offense; a one hundred dollar (\$100.00) for the second offense.; and the third and any other subsequent offenses shall be a misdemeanor, punishable by such fine and/or imprisonment as established by Idaho Code. In addition to such penalty, any person violating any provision of this chapter shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. Each day upon which a violation of this chapter continues or occurs may be deemed a separate and distinct violation.

PASSED by the City Council of the City of Meridian, Idaho, this 10th day of November, 2014.

APPROVED by the Mayor of the City of Meridian, Idaho, this 10th day of November, 2014.

APPROVED:

ATTEST:

CCN. RT
~~Tammy de Weerd, Mayor~~

Charlie Rountree,
Council President



Jaycee Holman
Jaycee Holman, City Clerk