

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS IN THE BUSINESS OF PRIVATE DETECTIVES OR CONDUCTING PRIVATE DETECTIVE AGENCIES; PROVIDING FOR THE PAYMENT OF CERTAIN FEES FOR LICENSES; CONTAINING A SEVERANCE CLAUSE; PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

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

Section 1. It shall be unlawful for any person to engage in the business of a private detective or conduct a private detective agency within the corporate limits of the City of Mesquite, without first having obtained a license therefor.

Section 2. Definitions.

A. The words "detective business" as herein used shall betaken to mean the business of making for hire, an investigation or investigations for the purpose of obtaining information with reference to any of the following matters: crimes against the laws of the land or wrongs done or threatened; the habits, conduct, movements, associates, transactions, reputation, character or location of persons; the credibility of witnesses or other persons; the location or recovery of lost, misplaced, mortgaged, bailed or stolen property; securing evidence or information for authorized investigating committees, board of award or arbitration, or in the trial of civil or criminal cases; the causes, origin or responsibility for fires or accidents or injuries, or strikes or labor difficulties.

A private detective is hereby defined to be a person engaged in the detective business for hire, who does not employ or use any employee, assistant, clerk, bookkeeper or operator.

A private detective agency is hereby defined to be any person engaged in the detective business for hire, which employs one or more persons as employee, assistant, clerk, bookkeeper or operator in its business.

B. The word "person" as used herein, shall include corporations and other associations, firms, partnerships and persons.

Section 3. Exemptions.

The following persons shall not be included in the definitions of detective business, private detective, and private detective agency contained in Section 2 of this ordinance:

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A. Any peace officer of the United States, the State of Texas, or of any county, city, town or other municipal corporation in Texas holding office by appointment or election having the power of peace officers, and then only when engaged within the scope of their duties as peace officers.

B. Any private special police officer or private guard, or private patrol, and then only when such special Police Officer, Private Guard or Private Patrol is employed exclusively in that capacity.

C. Any person, firm or corporation engaged exclusively in the insurance business.

D. Any attorney or counselor at law in the legal practice of their profession and any agent, employee or representative of such attorney or counselor at law while engaged in the course of his employment for such attorney or counselor at law.

E. Any person, firm, company, partnership, corporation, or any bureau or agency whose business is exclusively the furnishing of information as to the business and financial standing and credit responsibility of persons, firm or corporations or as to personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit, or of claimants under insurance policies.

Section 4. Procedure to Obtain License.

Any person intending to conduct a private detective business in the City of Mesquite shall file with the Chief of Police of the City of Mesquite a written application duly signed and verified as follows:

The application shall be signed and verified by such person and the application shall state the full name, age, residence, present and previous occupations of the applicant, that he is a citizen of the United States and shall also specify the name of the street and number at which his office will be located and such further facts as may be required by the Chief of Police to show the good character, competency and integrity of the applicant.

Each person or individual signing such application shall, together with such application, submit to the Chief of Police his photograph in duplicate, in passport size and also fingerprints of his two hands recorded in such manner as may be specified by the Chief of Police or his authorized representative. It shall be

the duty of the Chief of Police or his authorized representative to compare such fingerprints with those filed with the Identification Bureau of the Police Department of the City of Mesquite, Texas. Every such applicant shall establish to the satisfaction of the Chief of Police and by at least two duly acknowledged certificates that such applicant has been regularly employed as a detective or shall have been a member of a United States Government investigative service or a peace officer of the State of Texas, or a member of a City Police Department of a rank or grade higher than that of patrolman, for a period of not less than two years, or have a total of two years' experience in said employment. Such application shall be approved as to each person or individual so signing the same, by not less than five reputable citizens of this community, or of the community of which the applicant has recently been a resident, each of whom shall certify that he has personally known the said individual for a period of at least five years prior to the filing of such application, that he has read such application and that to the best of his knowledge and belief each of the statements made therein are true, that such person is honest, of good character and competent, but not related to the person applying by blood or marriage.

Local branches of detective agencies licensed, chartered or organized outside of the City of Mesquite by authority of law of their home state where the provisions are substantially the same as those of this ordinance, shall be exempted from the provisions of this subsection; however, the local manager and all employees, other than office employees shall be fingerprinted and shall file with the Chief of Police of the City of Mesquite an application for a license to do business in the City of Mesquite on a form to be prescribed by the Chief of Police and comply with all other provisions of this Ordinance unless expressly exempted.

Section 5. Approval or Disapproval of Applications.

Upon the filing of said application, properly filled out, the Chief of Police of the City of Mesquite shall make or cause to be made such investigation as he may deem necessary to determine the fitness of the applicant or applicants for a license, then the Chief of Police shall, within ten (10) days, forward the application, with his recommendation, to the City Manager, and the City Manager shall have authority to grant such license or licenses without further investigation, or shall have the authority to cause further investigation to be made before granting same or disapproving the application. Upon the granting of such license by the City Manager, it shall be the duty of the applicant to present the action of the City Manager to the Director of Finance of the City of Mesquite, and upon the payment of the proper license fee, as provided for herein, the Director of Finance shall accord-

ingly issue the proper license permit on a form to be prescribed by the Director of Finance.

The City Manager shall consider all licenses applied for under this Ordinance and approve or disapprove the same; provided, that upon refusal of the City Manager to approve such application, the applicant may within ten (10) days thereafter appeal to the Governing Body of the City of Mesquite, which shall within thirty (30) days thereafter accord to each applicant a hearing as to whether or not said license shall be granted.

No application may be approved when the district designated therein is already supplied with sufficient or ample police protection by the City or by a patrol service or system or both.

In approving or disapproving any license, the City Manager shall consider the following:

A. Whether the applicant has been convicted of a felony, or on renewal of license for the violation of any of the provisions of this ordinance, during the year next preceding the filing of this application;

B. Whether the applicant is not of good moral character or his reputation for being a peaceable law-abiding citizen is bad;

C. Whether the applicant was a former member of any law enforcement agency of the United States, State of Texas, County or Municipal corporation of Texas, or formerly employed as a special police officer and released for cause.

D. Such other lawful matters as he considers pertinent and proper in arriving at a fair and lawful conclusion with respect to such application for license.

Upon the granting of such license by the City Manager it shall be the duty of the applicant to present the action of the City Manager to the Director of Finance of the City of Mesquite, Texas, and upon the payment of the proper license fee, as provided for herein, the Director of Finance shall accordingly issue the proper license permit on a form to be prescribed by the Director of Finance. Each such license so granted and issued shall expire at midnight of the 31st day of December next following the date of issuance of same.

Upon receipt of such license by the applicant from the Director of Finance, it shall be the duty of the applicant to present the license to the Chief of Police, and upon the presentment of said license, the Chief of Police shall issue to said applicant an

identification card on a form to be prescribed by the Chief of Police which shall contain a finger or thumb print of the applicant, together with such other information as the Chief of Police shall prescribe.

Section 6. Bond Required.

Before any license shall be issued as provided in this Ordinance, the applicant shall furnish to the City of Mesquite a good and sufficient surety bond or insurance policy; in the event of a bond to be signed by a solvent surety company authorized to do business in this State, and in the event of an insurance policy, to be executed by some solvent insurance company authorized to do business in this State, and deliver the same to the Chief of Police for his approval. Said surety bond or insurance policy shall be in the sum of Three Thousand Five Hundred Dollars (\$3,500.00) and shall be conditioned that the obligator therein will pay to the extent of the face amount of such surety bond or insurance policy all judgments which may be recovered against said private detective agency by reason of the wrongful or illegal acts of its servant, officer, agent, or employee committed by them in the course of their employment. Said surety bond or insurance policy shall further be conditioned that such person so injured shall have the right to sue directly upon such surety bond or insurance policy in their own name, for the collection of a judgment obtained against the principal in said bond, and the same shall be subject to successive suits for recovery until a complete exhaustion of the fact amount thereof. Each such private detective shall, on or before the date of the expiration of his license to do business in the City of Mesquite, file a new surety bond or insurance policy containing the same terms or obligations of the preceding surety bond or policy so as to provide continuous security to persons so injured, and in the event any such private detective fails to execute any surety bond or insurance policy in the first instance, or to execute any new surety bond or insurance policy, or to file the same with the Chief of Police as provided herein, it shall constitute grounds for revoking the said license. Nothing herein shall be construed to authorize a private detective to have the power of peace officers of this City unless such power be conferred thereon under the provisions of such other law of this state or ordinance of this City.

Section 7. Posting and Surrender of License Certificate.

Immediately upon receipt of the license certificate issued by the City of Mesquite, Texas, the licensee named therein shall cause such license certificate to be posted and at all times displayed in a conspicuous place in the office of the licensee, so

that all persons visiting such place may readily see the same. Such license certificate shall at all reasonable times be subject to inspection by the Chief of Police or an authorized representative of the Police Department of the City of Mesquite, Texas. It shall be unlawful for any person holding such license certificate to post such certificate or permit such certificate to be posted upon premises other than those described therein, or to which it has been transferred pursuant to the provisions of this Article or knowingly to alter, deface, or destroy such license certificate. Every license certificate shall be surrendered to the Chief of Police within seventy-two (72) hours after its term shall have expired or after notice in writing to the holder that such license has been revoked. Failure to comply with any provisions of this section is a misdemeanor and sufficient cause for revocation of a license.

Section 8. Removal of Office.

If the holder of an unexpired license certificate issued pursuant to this Ordinance shall remove his office to a place other than that described in the license certificate, he shall within the twenty-four (24) hours immediately following such removal, give written notice of such removal to the Chief of Police, which notice shall describe the premises to which such removal is made and the date on which it was made, and send such license certificate to the Chief of Police, who shall cause to be written or stamped across the face of such certificate a statement signed by the Chief of Police to the effect that the holder of such licensee has removed, on the date stated in such written notice, his office from the place originally described in such license certificate to the place described in such written notice, and such license certificate with the endorsement thereon shall then be returned to the licensee named therein.

Section 9. Employees.

The holder of any license certificate issued pursuant to this Ordinance may employ to assist him in his work as private detective, and in the conduct of such business, as many persons as he may deem necessary, and shall at all times during such employment be legally responsible for the good conduct in the business of each and every person so employed; however, no person, other than office employees shall be employed who is not a licensed private detective under this Ordinance.

No holder of any unexpired license certificate shall knowingly employ in connection with his or its business, in any capacity, whatsoever, any person who has been convicted of a felony, or who has been discharged from a law enforcement agency for cause,

or any person whose private detective license was revoked or application for such license denied by the authority of this City, or any other city or state, or who has been found guilty of illegally using, carrying or possessing a pistol, or any other dangerous weapon, buying or receiving stolen property, or any offense indicating moral turpitude. Should the holder of an unexpired license certificate falsely state or represent that a person is or has been in his employ, such false statement or misrepresentation shall be sufficient cause for the revocation of such license. Any person falsely stating or representing that he is or has been a detective or employed by a detective agency, shall be guilty of a misdemeanor.

No person shall hereafter be employed by any holder of a license certificate in any capacity, whatsoever, until he shall have executed and furnished to such license holder a verified statement, to be known as "employee's statement", setting forth:

- A. His full name, age, and residence address;
- B. Place of birth and county of which he is a citizen;
- C. The business or occupation engaged in for five (5) years immediately preceding the date of the filing of the statement setting forth the place or places where such business or occupation was engaged in, and the name or names of employers, if any;
- D. That he has not been convicted of a felony or any offense involving moral turpitude or any of the offenses described above;
- E. Such further information as the Chief of Police of the City of Mesquite may be rule require to show the good character, competency, and integrity of the person executing the statement. The Chief of Police or his authorized representative shall at all times be given access to and may from time to time examine all "employee's statements" retained by the holder of a license under this Ordinance.

Section 10. License Fee.

In order to defray a part of the expenses necessary to provide the surveillance, supervision and inspection of persons as required under the terms of this Ordinance, there is hereby fixed a license fee, which shall be collected from each person engaged in the detective business or conducting a private detective agency of FIFTY AND NO/100 (\$50.00) DOLLARS per annum. All licenses issued under this Ordinance shall expire on December 31st of the year of issue. If an application is granted during the calendar year, the fee shall be paid pro rata for the balance of the current year, provided, however, that in no event shall more than one-half



(1/2) of the annual license fee be pro rated. In no event shall there be any refunds of license fees or police taxes paid under this Ordinance. The fee shall be paid to the Director of Finance of the City of Mesquite, Texas; who shall issue a receipt therefor on a form prepared by him for that purpose.

Section 11. The Governing Body of the City of Mesquite shall have the right and authority to revoke and cancel any license issued under the provisions of this Ordinance for cause, upon the hearing duly had after five (5) days' notice to the said licensee, and in addition to the general authority contained in this Ordinance for the revocation of license, any license issued under the provisions of this Ordinance may be revoked by the Governing Body of the City of Mesquite for any of the following reasons:

- (1) If such licensee has knowingly violated any of the provisions of this Ordinance;
- (2) If any employee or operator of such licensee shall have knowingly violated any of the provisions of this Ordinance with permission and instructions from said licensee to do so;
- (3) If such licensee has knowingly made a false report to his client, or other person or persons entitled to receive such information in respect to any of the matter in which said licensee may be employed;
- (4) If such licensee has knowingly and wrongfully divulged any confidential information which he may have acquired from, or for, his client, to any person or persons other than his client or other person or persons authorized to receive such information, and if such licensee has knowingly permitted or instructed any employee wrongfully to divulge any confidential information acquired from or for his client, in the event such employee or operator shall actually make such false report or wrongfully divulge such confidential information;
- (5) If such licensee has knowingly and wilfully sworn falsely in any judicial proceedings, or suborned perjury therein, upon conviction of such licensee of such offense or offenses;
- (6) If such licensee, during the period of his employment by the client, shall accept money or gratuity from any person or persons whose affairs he may have been employed by such client to investigate.



Section 12. Any person who is or has been an employee or a holder of a license, shall not divulge to anyone other than his employer, or as his employer may direct, except as he may be required by law, any information acquired by him during such employment in respect to any of the work to which he shall have been assigned by such employer. Any such employee violating the provisions of this section and any such employee who shall wilfully make false reports to his employer in respect to any such work shall be guilty of a misdemeanor. The employer of any employee believed to have violated this section shall supply the Chief of Police of the City of Mesquite, Texas, or such person as the Chief of Police may designate, all the known facts and circumstances in connection with the said employee's transactions or performance or action believed to be a violation of this section and the Chief of Police or his authorized representative shall, should the facts and circumstances be deemed to warrant, conduct further investigation and submit the evidence thus acquired in the support of charges filed against such employee.


Section 13. It is the intention of the City Council that each separate section, subsection, clause, phrase, sentence and word of this Ordinance shall be deemed independent of every other section, clause, phrase, sentence and word thereof, and it is the further intention of the Council that if any of the sections, sub-sections, clauses, phrases, sentences and words shall be declared invalid, all other sections, clauses, phrases, sentences and words shall remain valid and enforceable.

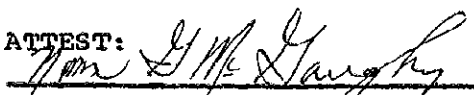
Section 14. Any person, firm, company, partnership, or corporation who shall violate or fail to comply with any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined not more than Two Hundred (\$200.00) Dollars.

Section 15.

Whereas, private detectives are now operating in Mesquite, and the present ordinances are inadequate to protect the inhabitants of the City of Mesquite, creates an urgency and an emergency in the preservation of the public peace, health, safety and general welfare, and requires that this ordinance take effect immediately from and after its passage, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, this the 16th day of July, 1962.

  
B. W. Cruce, Jr.  
Mayor

ATTEST:   
Norma G. McGaughy, City Secretary