

## ORDINANCE NO. 437

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE REGULATION OF LICENSING OF PERSONS IN BUSINESS AS SPECIAL POLICE OFFICERS, PRIVATE GUARDS AND PRIVATE PATROLS; PROVIDING FOR THE PAYMENT OF CERTAIN FEES; REQUIRING A BOND AND REQUIRING THAT REPORTS BE MADE TO THE CHIEF OF POLICE IN COMPLIANCE WITH HIS ORDERS AS HEREINAFTER SET FORTH; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; 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, either for himself, or as agent or representative of another, to engage in the business of a special police officer, seeking to protect two or more establishments, unless property of same person or corporation, either residence or business, within the corporate limits of the City of Mesquite, without first having obtained a license therefor.

Section 2. Definitions.

A. The term "special police officer" as used herein, shall include all private guards, private patrols, patrol systems and services together with each member and employee thereof;

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

Section 3. Procedure to Obtain License.

Every person before engaging in a business set out in this Ordinance, shall make application upon a blank to be furnished by the Chief of Police of the City of Mesquite, which shall include, among other things, the following information, and which shall be sworn to: trade name of business, address thereof, whether owner, member or employee of said business, extent of area in which the business is to operate, whether or not applicant was ever convicted of a felony, or has a police record, age of applicant, and if applicant is by a corporation, to be signed by a duly authorized officer, if by a partnership, the application shall be signed and verified by each individual composing or intending to compose such firm or partnership.

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.

Section 4. 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 accordingly 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.

Section 5. Functions, Powers and Duties.

The functions, powers and duties of the Police Department shall include, among others, the following:

A. To investigate qualifications for fitness of all applicants;

B. To investigate and aid in the prosecution of all violations of this Ordinance and cooperate in the prosecution of all offenders before any Court having jurisdiction to hear the same;

C. To fingerprint all applicants;

D. To investigate condition of police protection prevailing in the designated district of the applicant.

Section 6. Bond Required.

Before any license shall be issued as provided in this Ordinance to any private patrol or patrol system, the applicant shall furnish to the City of Mesquite a good and sufficient bond or public liability policy in writing, such bond to consist of a good and sufficient bond or public liability policy in the sum of THREE THOUSAND FIVE HUNDRED (\$3,500.00) DOLLARS, to be approved by the

City Manager, and sufficiently conditioned that the holder of the license shall well and truly pay to the City of Mesquite, for the benefit of every judgment creditor who has been injured or whose property has been damaged, other than the licensee or his employees, through negligence on the part of the licensee in the performance of his duties as a special police officer. The said bond or public liability policy shall provide that each cause of action shall survive in case of death of the injured person for the benefit of the beneficiary of such person and that such bond or policy shall be subject to successive recoveries during the time such bond or policy may continue in effect, such bond or public liability further providing that no action shall be thereon or against the surety or sureties thereon until more than thirty (30) days after a final judgment in favor of said judgment creditor against the principal, said judgment not pending on appeal or writ of error and remaining unsatisfied. No action for indemnity against loss provided by said bond or said public liability policy shall be against the sureties on said bond, or against the surety, unless brought within two (2) years from the date of said judgment. The said bond or public liability policy shall be executed by a solvent surety company or insurance company, authorized to do business in the State of Texas. The bond provided for in this Section shall not be required of a special police officer or a private guard, and shall only be required of all private patrols or patrol systems.

Section 7. License Fee. In order to defray a part of the expense 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 any person, firm or corporation, providing protection for two or more establishments, either residence or business of TWENTY AND NO/100 (\$20.00) DOLLARS per annum, and from each special police officer so engaged shall be collected a license fee of TEN AND NO/100 (\$10.00) DOLLARS per annum. All licenses issued under this Ordinance shall expire on December 31 of the year of issue. If 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 paid under this Ordinance. The fee shall be paid to the Director of Finance of the City of Mesquite, who shall issue a receipt therefor on a form prepared by him for that purpose.

Section 8. It shall be the duty of all persons licensed under this Ordinance to:

- A. Report and deliver to the Chief of Police daily all arrests made by their employees in writing;
- B. Obey orders of the Chief of Police in an emergency;
- C. When allowed to carry arms to only do so when on duty at the premises or district guarded;
- D. When on patrol or guard to wear proper uniforms, said uniforms of said special police officers shall be identical, but shall be of a different color than those worn by the Police Department of the City of Mesquite and must be approved by the Chief of Police.

Badges and cap pieces must be of a design approved by the Chief of Police of the City of Mesquite.

Each guard or patrolman shall wear a shoulder patch on the left sleeve, bearing the name of the patrol to which he belongs.

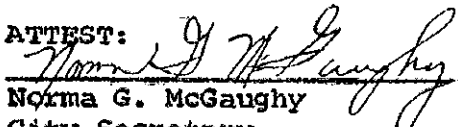
Section 9. It is the intention of the City Council that each separate section, subsection, clause, phrase, sentence and word of this Ordinance shall be deemed independent of every other section, clause, phrase, sentence and word hereof, and it is the further intention of the Council that if any of the sections, subsections, clauses, phrases, sentences and words shall be declared invalid, all other sections, clauses, phrases, sentences and words shall remain valid and enforceable.

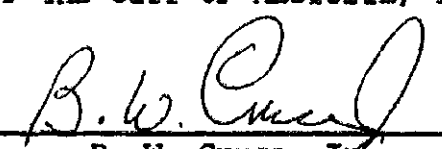
Section 10. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction in Corporation Court shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

Section 11. Whereas, the Ordinance regulating, supervision and controlling special police officers, private patrols or patrol systems is inadequate, creates an urgency and an emergency for the immediate preservation of the public peace, health and safety, requiring that this Ordinance shall become effective 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.

ATTEST:

  
Norma G. McGaughy  
City Secretary

  
E. W. Cruce, Jr.  
Mayor