

ORIGINAL
Do not remove from
the City Clerk's Office

CITY OF LYNNWOOD

ORDINANCE NO. 1864

AN ORDINANCE REPEALING ORDINANCE NOS. 794 AND 795; REPEALING SECTIONS 7, 8, 9, 10, AND 11 OF ORDINANCE NO. 1071; REPEALING CHAPTER 5.56 OF THE LYNNWOOD MUNICIPAL CODE; REVISING CHAPTER 5.54 OF THE LYNNWOOD MUNICIPAL CODE; LICENSING PRIVATE SECURITY COMPANIES AND PRIVATE DETECTIVE AGENCIES.

WHEREAS, pursuant to Ch. 334 and Ch. 328 of the Laws of Washington 1991, the state has preempted municipal regulation of private security companies, private security guards, private detective agencies, and private detectives, except for security guards and private detectives who are regular employees of one employer; and

WHEREAS, pursuant to Ch. 334 §14(2) and Ch. 328 §11(2) Laws of Washington 1991, municipalities may nevertheless continue to levy upon private security companies and private detective agencies a business license fee if so levied upon other businesses; and

WHEREAS, the City of Lynnwood does levy a business license fee upon other businesses operating in Lynnwood,

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Repealer. Ordinance No. 794, Ordinance No. 795, Sections 7, 8, 9, 10, and 11 of Ordinance No. 1071, Sections 5.54.010, .020, .030, .040, .050, and .060 of the Lynnwood Municipal Code, and Chapter 5.56 of the Lynnwood Municipal Code are hereby repealed.

Section 2. Catchline of Ch. 5.54 LMC Amended. The catchline of Chapter 5.54 of the Lynnwood Municipal Code is amended to read as follows:

~~MERCHANT PATROL AGENCIES AND MERCHANT PATROLMEN~~ PRIVATE SECURITY GUARDS, PRIVATE SECURITY COMPANIES, PRIVATE DETECTIVES AND PRIVATE DETECTIVE AGENCIES

Section 3. Definitions. A new section is added to Chapter 5.54 of the Lynnwood Municipal Code, to read as follows:

5.54.010. DEFINITIONS

- A. For the purposes of this Chapter, the term "private security company", shall have the same meaning as provided by Chapter 43.101 RCW, as now existing or hereafter revised, amended, recodified, or reenacted.
- B. For the purposes of this chapter, the term "private detective agency" shall have the same meaning as set forth in Chapter 43.101 RCW, as now existing or hereafter revised, amended, recodified, or reenacted.

Section 4. Business License Required: Private Security Companies and Private Detective Agencies. A new section is added to Chapter 5.54 of the Lynnwood Municipal Code, to read as follows:

5.54.020. BUSINESS LICENSE REQUIRED: PRIVATE SECURITY COMPANIES AND PRIVATE DETECTIVE AGENCIES

- A. It shall be unlawful for any security company or private detective agency to engage in business in the City of Lynnwood without securing and holding a valid business license issued by the Lynnwood City Clerk pursuant to the business licensing procedures set forth in Chapter 5.04 of the Lynnwood Municipal Code, and paying all fees prescribed herein.

B. The fee for a private security company or a private detective agency business license shall be as follows:

1. If a "non-resident" business, as defined by LMC 5.06.010, Sixty Dollars (\$60.00) per year;
2. If a "resident" business, as defined by LMC 5.06.010, Forty Dollars (\$40.00) per year, plus Four Dollars and Fifty Cents (\$4.50) for each employee of the resident business per year.

Section 5. Proof of State License Required. A new section is added to Chapter 5.54 of the Lynnwood Municipal Code, to read as follows:

5.54.030. PROOF OF STATE LICENSE REQUIRED

Before issuing a business license to a private security company or private detective agency, the City Clerk shall require satisfactory proof that such company or agency possesses a valid state license issued pursuant to Chapter 43.101 RCW, as now existing or hereafter amended, revised, recodified, or reenacted. Revocation or suspension of the state license shall constitute grounds for revocation or suspension of the licensee's City of Lynnwood business license.

Section 6. Penalty - Violation. A new section is added to Chapter 5.54 of the Lynnwood Municipal Code, to read as follows:

5.54.040. VIOLATION - PENALTY

- A. Any violation of the provisions of this Chapter shall constitute a misdemeanor, punishable by a maximum fine of \$500.00 and 90 days imprisonment, or both such fine and imprisonment. Each day that any such violation exists or continues shall constitute a separate offense.
- B. In addition, any violation of the provisions of this Chapter by a licensee hereunder shall be grounds for suspension or revocation of the licensee's City of Lynnwood business license, pursuant to the procedures provided by Chapter 5.04 LMC.

Section 7. Severability. If any section, subsection, paragraph, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, paragraph, sentence, clause, phrase or work of this ordinance.

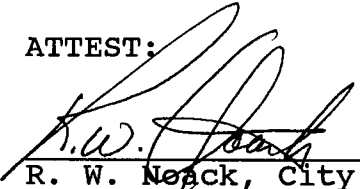
Section 1. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 23rd day of December, 1991, and signed in authentication of its passage this 26th day of December, 1991.




M. J. HRDLICKA, Mayor

ATTEST:



R. W. Neack, City Clerk

APPROVED AS TO FORM



City Attorney's Office