

CITY OF LYNNWOOD

ORDINANCE NO. 794

AN ORDINANCE REGULATING PRIVATE DETECTIVE BUSINESSES, DETECTIVE AGENCIES, AND PRIVATE GUARDS AND PROVIDING FOR THE ISSUANCE AND REVOCATION OF LICENSES THEREFOR AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the City Council of the City of Lynnwood finds that the unregulated activities of private detective businesses, detective agencies, and private guards may tend to and do injure the interests of the citizens of the City of Lynnwood; and

WHEREAS, the enactment of this ordinance is necessary for the protection and preservation of the public health, safety and welfare,

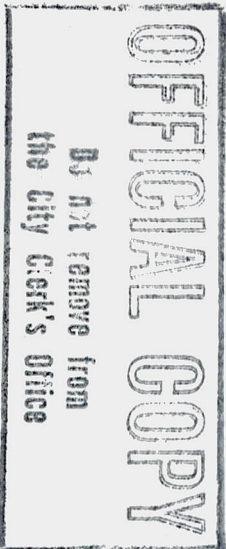
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: That the Lynnwood Municipal Code should be and hereby is amended by adding thereto Chapter 10.25 which shall read as follows:

10.25.010 Definitions: For the purpose of this chapter, the following terms, words and phrases shall have the following meaning:

(a) The words "Private detective business" shall mean and include the business of, or the representation of being engaged in the business of making for-hire or reward investigation or investigations with reference to any of the following matters:

- (1) Detecting, discovering or revealing crime or criminals, or
- (2) Securing secret information or evidence relating thereto;
- (3) Discovering or revealing the identity, whereabouts, character or actions of any person or persons, thing or things;
- (4) The habits, conduct, movements, whereabouts, associations, transactions, reputations or character of any person, firm or corporation;
- (5) The credibility of witnesses or other persons;
- (6) The location or recovery of lost or stolen property;
- (7) The causes, origin or responsibility for fires or accidents or injuries to real or personal property;
- (8) The affiliation, connection or relation of any person, firm or corporation with any union or non-union organization, with any official member or representative thereof, or with any person or persons seeking employment in the place of any person or persons who have quit work by reason of any strike;



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- (9) The truth or falsity of any statement or representation;
- (10) The business of securing for hire or reward evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases;
- (b) (1) The words "detective agency" shall mean and include any person who as principal or employer engages in or who advertises or holds himself out as being engaged in, the private detective business, and/or "private guard" business.
- (2) The words "private detective" shall mean and include any natural person who engaged in, or who advertises or holds himself out as being engaged in, the private detective or private guard business as agent or employee of a duly licenses detective agency or private security guard.
- (c) Provided, that nothing in this ordinance shall apply to any officer or employee of any state, county, city or town, appointed or elected by due authority of law; to any person, firm or corporation, whose business is the furnishing of information as to the business and financial standing and credit of persons, firms or corporations; nor to any person, firm or corporation inquiring as to the personal habits and financial responsibilities of applicants for insurance, indemnity bonds, or commercial credit, or of claimants under insurance policies.

10.25.020 Detective Agency License Fee: The initial fee for a detective agency shall be \$250.00 and renewable annually, there after for a fee of \$100.00. Such license shall be conspicuously displayed in the office or place of business of the holder thereof. A surety bond in the amount of \$2,000.00 will be filed with the City Clerk's Office (see Section 10.25.040).

10.25.030 Private Detective License Fee: The initial fee for a private detective license shall be \$10.00 per annum. Such license shall contain the name and address of detective agency the applicant is employed by and shall be in force only so long as the holder is employed by, or a member, partnership or an officer of a corporation holding a detective agency license as outlined in Section 10.25.020.

10.25.040 Prohibited Activity: Detective Agency. It shall be unlawful to engage in a business as a detective agency without first having obtained a valid license to do so as outlined in Section 10.25.020 and having on file a surety bond of \$2,000.00 as follows: Every applicant for a detective agency license at the time the application is made shall furnish to the License Bureau a surety company bond running to the City of Lynnwood, in a penal sum of Two Thousand Dollars (\$2,000.00), conditioned that the licensee will faithfully comply with all the requirements of this ordinance, insofar as they relate to the business of detective or detective agency.

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10.25.050 Prohibited Activity, Private Detective: It shall be unlawful for any person unless licensed to do so pursuant to this ordinance to engage in or advertise themselves as being a private detective. It shall be unlawful for any person who is or has been an employee of a Detective Agency to divulge to any person, other than his employer, except as his employer may direct and except as may be required by law, any information acquired by him during such employment with respect to any of the work to which he, or any other employee of such detective agency, shall have been assigned by such detective agency, or with respect to any of the work, business or affairs of such detective agency. It shall be unlawful for any licensee under this ordinance to knowingly incite, encourage or aid in inciting or encouraging any person or persons who have become a party to any strike, to commit unlawful acts against the person or property of anyone, or knowingly to incite, stir up, create or aid in inciting discontent or dissatisfaction among the employees of any person, firm or corporation with the intention of having them strike, or to send letters or literature to employers offering to eliminate labor unions, or for any persons to falsely state or represent that he is or has been a private detective or employed by a detective agency, or for any licensee hereunder or employee thereof to assume to act as an officer of the law without proper authority.

10.25.060 Application for Private Detective License: Applications for private detective and private guard license shall be made to the City Clerk's office on forms to be furnished by them for that purpose, shall be signed and verified by the applicant, and shall state his full name, age and residence, his present and previous occupations and the address of the place of business and the name of his employer. Each application for a Private Detective License shall be accompanied by two prints of a recent photograph of the applicant (full face view) one inch by one inch in size. The City Clerk's Office upon presentation of an application for a Private Detective License, and before acting upon the same, shall request the Chief of Police to make a full investigation as to the truth of the statements contained therein and as to any and all other matters which might tend to aid the City Clerk's Office in determining whether or not the application shall be granted. The Chief of Police shall, within five days after the date of such request, furnish a written report to the City Clerk's Office containing the results of his investigation, and that he is satisfied that the statements contained in said application are true, that the applicant is of good moral character and has complied with all requirements of this ordinance. The City Clerk's Office shall then issue the license applied for in accordance with the provisions of this ordinance. Each such license shall bear the photograph and right thumbprint of the license holder.

10.25.070 Private Detective Temporary Permit: The City Clerk's Office may upon recommendation of the Chief of Police pending completion of the required investigation notify the Clerk to issue a temporary permit to any applicant for a Private Detective License and/or Private Guard License who has been a resident of the State of Washington for a period of at least five (5) years next preceding the date of application. Such temporary permit shall authorize the permittee to act either as a private detective, private guard or both, while he is employed by, or an agent of, the detective agency specified in the permit and the same shall be valid for a period of not to exceed 30 days. The fee for this temporary permit will be \$10.00.



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10.25.080 Private Guard: It is unlawful to engage in occupation of private guard to prevent theft or unlawful taking of goods, wares and merchandise or to purport to engage therein without a Private Guard License, the fee for which shall be Five Dollars (\$5.00) per annum and which shall expire December 31st of each year. No private guard shall operate except as an employee under a duly licensed Detective Agency, and shall follow the same procedure as is provided in Section 10.25.060 hereof for a private detective license; Provided, anyone holding a valid Merchant's Patrol Agency License or Merchant Patrolman's License under City Ordinance 10.26 shall be exempt from such license requirements.

10.25.090 Penalty: Any person violating or failing to comply with any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

THIS ORDINANCE shall take effect five (5) days after its passage, approval and publication.

PASSED this 23rd day of June, 1975, and signed in authentication of its passage this 23rd day of June, 1975.

  
M. J. HRDLICKA, Mayor

ATTEST:

  
R. W. NOACK, City Clerk

APPROVED AS TO FORM:

  
G. GAYLORD RIACH, City Attorney

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