

## CHAPTER 31.

PATROL SYSTEMS AND PATROLMEN.<sup>1</sup>Article I. Patrol System.

- Sec. 31-1. State license required.
- Sec. 31-2. Permit from city council--Required; application generally; hearing generally.
- Sec. 31-3. Same--Contents of application; application fee.
- Sec. 31-4. Same--Evidence to accompany application.
- Sec. 31-5. Same--Investigation and recommendation of sheriff.
- Sec. 31-6. Same--When hearing to be set.
- Sec. 31-7. Same--Notice of city council action.
- Sec. 31-8. Same--Contents.
- Sec. 31-9. Same--Jurisdictional area limitations.
- Sec. 31-10. Same--Modification--Application.
- Sec. 31-11. Same--Same--Granting.
- Sec. 31-12. Same--Nontransferable; influencing grant of additional permit prohibited.
- Sec. 31-13. Employment of personnel.
- Sec. 31-14. Change in personnel.

Article II. Patrolman.

- Sec. 31-15. Exemptions from article.
- Sec. 31-16. Permit from city council--Required; application generally; appeal from denial.
- Sec. 31-17. Same--Contents of application; fees designated.
- Sec. 31-18. Same--Investigation and report of sheriff.
- Sec. 31-19. Repealed.
- Sec. 31-20. Same--Refund of fee.
- Sec. 31-21. Issuance of badge.
- Sec. 31-22. Change of employer.
- Sec. 31-23. Return of badge and permit.
- Sec. 31-24. Unlawful activities.
- Sec. 31-25. Equipment.
- Sec. 31-26. Uniform.
- Sec. 31-27. Identification to be carried.
- Sec. 31-28. Rank and title.
- Sec. 31-29. Badges to be nontransferable.
- Sec. 31-30. Unauthorized ownership of badges.
- Sec. 31-31. Duty to report violations of law, etc.

Article I. Patrol System.Sec. 31-1. State license required.

Every person applying for a city patrol system license shall first produce a license from the state. (Mun. Code, Sec. 3309)

---

<sup>1</sup>For state law authorizing localities to regulate street patrol officers, see B. & P. C., Sec. 7523.

Sec. 31-2. Permit from city council--Required; application generally; hearing generally.

It shall be unlawful to conduct a patrol system without having a permit to conduct the same issued pursuant to the hearing before the city council. Each application for a permit pursuant to the provisions of this article shall be placed on the agenda of the city council by the city clerk as soon as possible after an application meeting all requirements of chapter 11 is filed with the city clerk. The city council shall thereafter hold a special hearing on the issuance of the permit, giving the applicant at least five days written notice of the time and place of the hearing, unless the applicant appears before the city council and waives the notice. (Mun. Code, Sec. 3309)

Sec. 31-3. Same--Contents of application; application fee.

In addition to those items required in chapter 11, any person desiring a permit to conduct a patrol system shall pay an application fee of ten dollars, and such application shall contain the following:

- (a) The name and address of the applicant.
- (b) If the applicant is a partnership, the name and address of all partners.
- (c) If the applicant is a corporation, the names and addresses of the corporate officers and manager, and a certified copy of the resolution authorizing such application.
- (d) The district or territory proposed to be served by the patrol system.
- (e) A description of the methods of operation.
- (f) The names and addresses of all patrolmen who are or will be owners, officers or employees of the applicant.
- (g) A statement as to what offenses, if any, any person mentioned in paragraphs (a), (b), or (c) hereof, have been convicted, and of the time, place and circumstance thereof.
- (h) Such other information as either the city clerk or the sheriff may require. (Mun. Code, Sec. 3309)

Sec. 31-4. Same--Evidence to accompany application.

With every application for a permit to conduct a patrol system, and with every application for a patrolman's permit the applicant shall produce evidence that:

- (a) He is a duly registered voter in the county, or has an honorable discharge from the armed forces, issued within one year last past, if an individual.
- (b) If a partnership, every partner is a duly registered voter in the county, or has an honorable discharge from the armed forces, issued within one year last past.
- (c) If a corporation, that it is authorized to do business in the state, and has appointed a local agent who is a registered voter of the county upon whom process may be served.
- (d) He has a license pursuant to section 7520 of the Business and Professions Code. (Mun. Code, Sec. 3309)

Sec. 31-5. Same--Investigation and recommendation of sheriff.

Upon receipt of an application for a permit to conduct a patrol system the sheriff shall investigate the character, fitness and qualifications of every person whose name appears on such application. He shall transmit such application to the city clerk and recommend that he:

- (a) Grant the permit as applied for.
- (b) Grant the permit subject to certain conditions or for less territory than applied for, or both.
- (c) Deny the permit.

He shall also inform the city clerk as to what persons in his opinion should be permitted to act as patrolmen. (Mun. Code, Sec. 3309)

Sec. 31-6. Same--When hearing to be set.

Upon receipt of the report of the sheriff, the city clerk shall set the application for hearing before the city council, in accordance with the terms and provisions of this article. The sheriff shall also be notified of the time and place of the hearing. (Mun. Code, Sec. 3309)

Sec. 31-7. Same--Notice of city council action.

The city council shall inform the sheriff and the city clerk of its final action on each application for a permit to conduct a patrol system. (Mun. Code, Sec. 3309)

Sec. 31-8. Same--Contents.

Every permit to conduct a patrol system shall contain, among other things, an accurate description of the area in which operations are permitted and the names of all patrolmen permitted to such permittee. (Mun. Code, Sec. 3309)

Sec. 31-9. Same--Jurisdictional area limitations.

A permit to conduct a patrol system shall not authorize any person either as patrolman, agent or owner to patrol any territory outside of the area specified in the permit of such patrol system. (Mun. Code, Sec. 3309)

Sec. 31-10. Same--Modification--Application.

The holder of a permit to conduct a patrol system at any time may file an application with the city clerk either to change or increase his territory of operation or to add patrolmen, or both. If additional patrolmen are requested, unless already filed, such patrolmen shall file either applications for permits or applications to modify existing permits. (Mun. Code, Sec. 3309)

Sec. 31-11. Same--Same--Granting.

The city council shall grant or deny applications to modify existing patrol system permits in the same manner as in the case of original applications. (Mun. Code, Sec. 3309)

Sec. 31-12. Same--Nontransferable; influencing grant of additional permit prohibited.

The holder of a patrol system permit shall not sell or offer to sell any transfer or relinquishment of the privilege to operate a patrol system in territory to him or for any consideration whatever agree to advocate, or not to oppose the granting of any other patrol system permit. (Mun. Code, Sec. 3309)

Sec. 31-13. Employment of personnel.

The operator of a patrol system shall neither employ nor utilize the services in any way of a patrolman whose name is not on the permit of such operator, or who does not possess a valid, subsisting permit. (Mun. Code, Sec. 3309)

Sec. 31-14. Change in personnel.

The holder of a permit to conduct a patrol system shall so inform the city clerk within five days after any patrolman no longer is an owner, member or employee of such permittee, and shall return the permit and badge of such patrolman to the sheriff. The city clerk shall remove such patrolman's name from the permit of such patrol system. (Mun. Code, Sec. 3309)

Article II. Patrolman.

Sec. 31-15. Exemptions from article.

Patrolman does not include a person who guards the property of a single owner while such property is not open to the public and the entire salary of such person is paid by the owner and there exists only an employer-employee relationship, or a person who, as an employee, only incidentally guards such property but whose main or principal duty is not that of guarding or protecting property. (Mun. Code, Sec. 3309)

Sec. 31-16. Permit from city council--Required; application generally; appeal from denial.

- (a) It shall be unlawful to act as a patrolman without having a permit to conduct the same issued by the city clerk. Each application for a permit, pursuant to the provisions of this article, shall be submitted to and approved or disapproved by the city clerk.
- (b) Appeal. Any applicant aggrieved by the decision of the city clerk with respect to refusal to issue such permit may appeal to the city council by filing written notice of appeal with the city clerk within ten days after receipt of city clerk's refusal to issue the permit. The matter shall thereupon be placed on the council agenda for hearing.

The city council shall grant or deny the issuance of the permit, giving the applicant at least five days. notice of the time and place of the hearing. (Mun. Code, Sec. 3309; Ord. No. 368)

Sec. 31-17. Same--Contents of application; fees designated.

Any person desiring a permit to act as a patrolman shall file a verified application with the city clerk, accompanied by a fee of ten dollars to cover the application. The application form shall contain the following:

- (a) The name and address of the applicant.
- (b) A statement of all businesses and occupations engaged in for the last five years, and the names

and addresses of not less than three persons able to verify the statement.

VERSION 10/2007

Sec. 31-17

Sec. 31-21

- (c) A statement of what offenses, if any, the applicant has been convicted of, and the time, place and circumstances thereof.
- (d) A complete set of fingerprints of the applicant taken by the sheriff.
- (e) The name and permit number of the patrol system by whom he will be employed, or of which he is to be an owner or officer. If no such permit has been granted the applicant shall state when an application for such permit has been filed.
- (f) Such other information as either the sheriff or city council may require.
- (g) With every application for a patrolman's permit, the applicant shall also file a letter from the permittee of a patrol system, certifying that such permittee desires to employ such patrolman or that such patrolman is, or will be an owner or member of such patrol system.
- (h) Upon making an application for a permit other than a renewal, in addition to the fee required by this section, a patrolman shall pay ten dollars to the county sheriff's department for deposit in the trust fund thereof. (Mun. Code, Sec. 3309)

Sec. 31-18. Same--Investigation and report of sheriff.

Upon receipt of the application for a permit, the city clerk shall refer the application to the sheriff and the sheriff shall investigate the character and qualifications of the applicant. He shall transmit the application to the city clerk and recommend that he:

- (a) Grant the permit as applied for.
- (b) Grant the permit subject to certain conditions or for less territory than applied for, or both.
- (c) Deny the permit. (Mun. Code, Sec. 3309)

Sec. 31-19. Repealed by Ordinance No. 368, Sec. 2.

Sec. 31-20. Same--Refund of fee.

If an application for a patrolman's permit, other than for a renewal, is denied, the sheriff shall refund to the applicant the ten dollars paid. (Mun. Code, Sec. 3309)

Sec. 31-21. Issuance of badge.

If an application for a patrolman's permit, other than for a renewal, is granted, the sheriff shall thereupon transfer five dollars as rental for such badge to the general fund of the county. (Mun. Code, Sec. 3309.)

Sec. 31-22. Change of employer.

Upon written application by a patrolman having a permit, accompanied by the written application of the patrol system which proposes to employ such patrolman, and upon satisfying the city council by competent evidence that such patrolman is, or will be no longer employed by the patrol system formerly employing such patrolman, the city council may modify the patrolman's permit so as to designate the new employer and may modify the permits of the patrol systems by removing such patrolman's name from the one permit and adding it to the other permit.

Unless a patrolman applies to have his permit modified, the city council shall revoke the permit of such patrolman when he is no longer employed by the patrol system named in his permit. (Mun. Code, Sec. 3309)

Sec. 31-23. Return of badge and permit.

A patrolman shall turn in his badge and permit to his employer when his permit is revoked. A patrolman shall turn in his badge and permit to his employer when he ceases to be employed as a patrolman. (Mun. Code, Sec. 3309)

Sec. 31-24. Unlawful activities.

A patrolman shall not, either by himself or through the actions of another, harass, annoy or commit a nuisance against, or injure the property of, or unnecessarily enter or otherwise trespass upon the property of any person whose property the patrol system of such patrolman is not employed to protect. (Mun. Code, Sec. 3309)

Sec. 31-25. Equipment.

The sheriff shall specify the police equipment, including weapons, which a permittee may wear while on duty. A permittee shall not wear any equipment or weapon or carry any weapon not so specified. (Mun. Code, Sec. 3309)

Sec. 31-26. Uniform.

A patrolman shall not wear any uniform which is in imitation of, or can be mistaken for, an official sheriff uniform or an official police uniform of the police force of any city within the county, or an official uniform of any state officer. (Mun. Code, Sec. 3309)

Sec. 31-27. Identification to be carried.

While engaged in his duties as such, a patrolman shall keep upon his person at all times, his permit and shall wear the badge issued by the sheriff and shall wear no other badge of any kind, character or description, except a badge issued to him by lawful government authority. (Mun. Code, Sec. 3309)

Sec. 31-28. Rank and title.

A patrolman shall not assume or use a rank or title the same as or similar to any rank or title used by the sheriff or by a police department within the county. (Mun. Code, Sec. 3309)

VERSION 10/2007

Sec. 31-29

Sec. 31-31

Sec. 31-29. Badges to be nontransferable.

A person shall not give, deliver to or sell any patrolman's badge or any badge of a design the same as, or similar to the patrolman's badge as to be mistaken therefor, to any private person. (Mun. Code, Sec. 3309)

Sec. 31-30. Unauthorized ownership of badges.

A person shall not purchase or receive as a gift, pawn or pledge any patrolman's badge. (Mun. Code, Sec. 3309)

Sec. 31-31. Duty to report violations of law, etc.

Permittees shall not perform official police or investigation activities, but shall immediately report every violation of law and every unusual occurrence to the nearest sheriff or police substation. A permittee shall make a full report of such violation or other occurrence without unnecessary delay to such substation. (Mun. Code, Sec. 3309)

(Mun. Code, Sec. 3309; Ord. No. 368)

(This page left blank intentionally)