

AN ORDINANCE amending Article II, Police, Division 3, Private Detectives, Private Investigators and Security Guards, Subdivision II, License, of Chapter 70, Law Enforcement, of the Code of Ordinances of the City of Joplin to implement certain fee language changes.

WHEREAS, by Ordinance Number 2008-030, passed on February 14, 2008, the City amended Chapter 30, Businesses, to increase fees; and,

WHEREAS, many Sections of the Code make reference to Chapter 30 and its requirements; and,

WHEREAS, in order to bring consistency to the Code, the Council of the City of Joplin is desirous of amending those Sections of the affected Code Sections in relation to license fees and license processes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article II, Police, Division 3, Private Detectives, Private Investigators and Security Guards, Subdivision II, License, of Chapter 70, Law Enforcement, be amended to read as follows:

CHAPTER 70 LAW ENFORCEMENT

ARTICLE II. POLICE

DIVISION 3. PRIVATE DETECTIVES, PRIVATE INVESTIGATORS AND SECURITY GUARDS

Subdivision II. License

Sec. 70-111. Required.

(a) Private investigators. No individual shall engage in, maintain or conduct any activity as a private investigator in the city without first obtaining a license from the director of finance of the city as set forth in Article III of Chapter 30.

(b) Security guards. All persons engaged in providing services as security guards shall first secure a license from the director of finance of the city as set forth in Article III of Chapter 30.

Sec. 70-112. Application; temporary permit.

Applications for licenses under this subdivision shall be made available by the police department, records division, and shall include all information the chief of police deems necessary. Applications shall be submitted to the chief of police, who upon request may grant a temporary permit to the applicant pending final review of the application. The applicant's employer shall execute an agreement of responsibility for the applicant's actions pending issuance of the license, and that the applicant is of good moral character. Such permit shall terminate automatically upon issuance of the license, and may also be revoked by the chief of police without hearing if the chief of police finds any statements therein to be incomplete or untrue, or if the applicant would not otherwise qualify for a license under this subdivision.

Sec. 70-113. Investigation.

Within 15 days after receipt of an application for a license under this subdivision, the chief of police shall cause an investigation to be made of the applicant. The chief of police is authorized to require the applicant to make available any information or material the chief of police considers necessary for the investigation concerning the applicant. The chief of police, at any time after issuance of the license, may initiate an investigation concerning the licensee and may require him to make available any information or material deemed necessary. Failure of the licensee to provide such information shall be grounds for denial, suspension or revocation of a license. Upon completion of the investigation, the chief of police shall send the application, with his recommendation, to the director of finance.

Sec. 70-114. Standards for issuance.

The director of finance shall issue a license as set forth in section 30-121 under this subdivision only when he finds each of the following:

- (1) That the applicant is of good moral character.
- (2) That the applicant has never been convicted of any felony or any misdemeanor involving moral turpitude.
- (3) That the applicant is a natural born or a fully naturalized citizen of the United States.

Sec. 70-115. Employees.

All employees of any person having or applying for a license under this subdivision shall meet the standards of section 70-114(1), (2) and (3), and shall be subject to all regulations of this division, except that employees shall not be required to secure a license unless performing investigative work.

Sec. 70-116. Issuance or denial.

The director of finance shall act upon the application for a license under this subdivision within 30 days after the filing thereof. If the director of finance disapproves the application, he shall notify the applicant in writing within ten days thereafter, giving specific reasons for the denial.

Sec. 70-117. Appeals.

(a) Any person aggrieved shall have the right to a hearing of any denial, revocation or suspension of license under this subdivision before the administrative hearing officer. For purposes of this division, the administrative hearing officer shall be the judge of the municipal division of the circuit court, except, if the judge cannot serve, the mayor is hereby authorized to appoint another person to serve in this capacity. The appeal shall be taken upon a written notice and a deposit of \$25.00 to the director of finance. The hearing shall be within ten days of the notice of appeal. The administrative hearing officer shall act upon the appeal within 15 days of the hearing.

(b) The procedure to be followed in the appeal is that of RSMo ch. 536.

Sec. 70-118. Fee.

The fee shall be as set forth in section 30-121.

Sec. 70-119. Transfer.

Licenses issued under this subdivision shall not be transferable.

Sec. 70-120. Suspension or revocation.

Licenses issued under this subdivision shall be subject to revocation or suspension by the director of finance for violation of any of the provisions of this division, or misconduct by the licensee or his employees, or activity amounting to dishonesty or fraud, or failure to obey the laws of the United States or the state and the ordinances or regulations of the city governing the conduct of his investigative work, after reasonable notice and an opportunity to be heard has been given the licensee. The director of finance shall follow the revocation procedures as set forth in section 30-104.

Sec. 70-121. Renewal.

The director of finance shall issue renewal licenses to all licensees under this subdivision whose licenses have not been suspended at the time the licenses have expired, upon payment of the license fee.

Council Bill No. 2008-520 (Continued)

Sec. 70-122. Term; execution.

All licenses issued under this division shall be for a term of one year and be executed in accordance with chapter 30, article III.

Sec. 70-123. Identification card.

The director of finance shall issue an identification card to each individual licensed under this subdivision showing all descriptive data as may be required by the chief of police. Identification cards shall not be transferable or assignable. If the identification card is lost, the director of finance shall be notified. Such identification card shall also indicate whether the holder of such identification card is licensed as a private investigator or whether such individual is licensed only as a security guard.

Sec. 70-124. Liability insurance.

No license shall be issued under this subdivision unless the applicant files with the director of finance an approved policy of public liability insurance in the amount of \$300,000.00. Such policy of insurance shall be maintained in full force and full coverage at all times the license is in effect and shall cover all employees who engage in investigative work, and shall comply with this division.

Section 2. That this ordinance shall become effective on June 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 5th day of May, 2008.

Gary L. Shaw, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:
Brian W Head, City Attorney