

ORDINANCE NO. 1228

AN ORDINANCE REGULATING THE BUSINESS OF PRIVATE
DETECTIVE: PROVIDING FOR INVESTIGATION AND
SUPERVISION BY THE CHIEF OF POLICE: PRESCRIBING
DUTIES OF PERMITEES: AND PRESCRIBING PENALTIES
FOR THE VIOLATION OF ITS PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
PRICHARD, ALABAMA, AS FOLLOWS:

Section One: Definitions. For the purposes of this ordinance the following terms, phrases, words, and the derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Prichard, Alabama.

(2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) "Private Detective" is any person who accepts employment for hire, fee, or reward to furnish or supply information as to the personal character or actions or identity of any person or as to the character or kind of business or occupation of any person or to furnish guard or watchman service. The term shall not include within its meaning a private investigator employed exclusively for one employer in connection with a business of a collection agency. Nor shall it include a detective or officer belonging to the law enforcement agencies of the United States or any state, county, or city, while engaged in work for said agencies. Nor shall it include any person engaged in the insurance adjusting business or polygraph examiners.

Section Two: Permit Required. No person shall operate as a private detective in the City without first obtaining a permit as hereinafter provided from the City Council.

Section Three: (a) Application for Permit. Applications for permits issued hereunder shall be made upon blank forms prepared and made available by the Chief of Police and shall state:

(1) The full name, age, residence, present and previous occupations of the applicant;

(2) Whether the person signing the application is a citizen of the United States;

(3) A specific description of the location of the principal place of business of the applicant;

(4) The number of years experience the applicant has had as a private detective or in the related fields;

(5) The length of time applicant has been a bona fide resident of the State of Alabama immediately preceding the filing

of the application;

(6) Such other information as the Chief of Police shall find reasonably necessary to effectuate the general purpose of this Ordinance and to make a fair determination of whether the terms of this Ordinance have been complied with.

(b) Fingerprints and Photograph. The application required hereunder shall be accompanied by a full set of fingerprints and a recent photograph.

(c) Application Fee. The application required shall be accompanied by an application fee of \$10.

Section Four: Standards for Issuance of Permit. The following standards must be met by all applicants for a permit hereunder:

(a) The applicant must be of good moral character;

(b) The applicant must not have been convicted of any felony or any offense against the decency and morals of the community;

(c) The applicant must be a natural born or a fully naturalized citizen of the United States;

(d) The applicant must not believe in or advocate the overthrow of the Government of the United States, or the State of Alabama, by force or violence and the applicant must not be a member of any organization or party which believes in or teaches directly or indirectly the overthrow of the Government of the United States, or of the State of Alabama, by force or violence.

Section Five: Standards Applicable to Employees. All employees of any person having or applying for a permit hereunder shall meet the standard set forth above and shall be subject to all requirements of this Ordinance.

Section Six: Investigation by Chief of Police. Within ten (10) days after receipt of an application as provided for herein the Chief of Police shall cause an investigation to be made of the applicant and his proposed operation, and the Chief of Police shall complete such investigation within not more than twenty (20) days from the date of filing of the application.

Section Seven: Procedure on Approval or Rejection. Upon the completion of such investigation, the Chief of Police shall file a written report of his findings with the City Council, and thereupon the application shall be considered and heard by the City Council at its next regular meeting. At such hearing, the City Council shall make a determination, and if it determines that the applicant has fully complied with the provisions of this Ordinance, shall approve the application; and if the City Council determines that the applicant has not fully complied with the provisions of this Ordinance, shall reject the application.

Section Eight: Permit Fee. A permit shall be issued to

a successful applicant upon payment of a permit fee of \$5.00.

Section Nine: Conditions of Permit.

(1) Transferability. Permits issued hereunder shall not be transferable.

(2) Revocation and Suspension. Permits issued hereunder shall be subject to revocation or suspension up to thirty (30) days by the City Council for violation of any of the provisions of this Ordinance, or the laws of the State of Alabama, or misconduct by the permittee or his employees, after reasonable notice and an opportunity to be heard has been given the permittee. The City Council shall immediately notify any permittee, by personal service, of such suspension or revocation.

(3) Renewal. The City Council shall issue renewal permits to all permittees whose permits have not been suspended at the time said permits have expired, upon payment of the permit fee.

(4) Term of Permit. All permits issued hereunder shall be for a term of one (1) calendar year.

Section Ten: Before a permit hereunder shall be issued by the City of Prichard the applicant for such permit must first obtain and deposit with the City Tax Officer a comprehensive general liability policy with limits of \$100,000.00/\$300,000.00 for bodily injury and \$10,000.00 for property damage. All insurance policies required to be deposited with the City Tax Officer under the provisions of this Ordinance must contain an endorsement providing for thirty (30) days written notice to the Tax Officer of the City of Prichard prior to any material change therein or cancellation thereof.

Section Eleven: Duties of Permittee.

(1) Carry and Post Permit Certificates. The permittees hereunder shall cause a certificate of such permit to be displayed at all times in a conspicuous place in or on his place of business described in such permit. The permittee shall carry on his person at all times when performing services as a private detective a certificate of the permit issued hereunder.

(2) Impersonation of State Police Officers. No private detective licensed hereunder shall impersonate or hold himself out as a peace officer of this State; nor shall a private detective operate or permit to be operated a motor vehicle with a siren, blinker light, or with any insignia thereon bearing likeness to the insignia used by peace officers of this state.

Section Twelve: Any person found guilty of violating any provisions of the Ordinance shall be fined in an amount not exceeding the sum of \$100.00 and may be also sentenced to the City Jail for not exceeding six (6) months, or to hard labor for the City not exceeding six (6) months, or by both such fine and imprisonment or hard labor in the discretion of the Court trying the case.

Section Thirteen: The holding by any court of competent jurisdiction that any section or sub-section of this Ordinance is unconstitutional and invalid for any reason shall not affect any other section or sub-section of this Ordinance not in and of itself unconstitutional and invalid.

Section Fourteen: This ordinance shall have full force and effect upon its approval as required by law.

Adopted this 22nd day of December, 1969.

APPROVED: _____

Mayor

ATTEST:

James H. Sauter
City Clerk

I, Eva C. Greene, City Clerk-Treasurer of the City of Prichard, Alabama, do hereby certify that this Ordinance is a true and correct copy adopted by the Council on 22nd day of December, 1969., and are on file in the City Clerk's Office of the City of Prichard, Alabama.

Eva C. Greene

Eva C. Greene,
City Clerk-Treasurer
City of Prichard, Alabama

Sworn to and subscribed to me before me this 1st day of June, 1988.

Elizabeth R. Gilchrist
NOTARY PUBLIC

1/7/88
COMMISSION EXPIRES