

~~REPEALED~~

Repealed By 2270, Date: \_\_\_\_\_

ORDINANCE No. 884

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AND REGULATING DETECTIVE AGENCIES AND PRIVATE DETECTIVES, PROVIDING FOR THE LICENSING THEREOF, AND DEFINING OFFENSES AND PRESCRIBING PENALTIES

THE CITY COUNCIL OF THE CITY OF KIRKLAND do ordain as follows:

Section 1: DEFINITIONS: The words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

- (a) The term "City" shall be deemed the City of Kirkland.
- (b) 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:
  - Detecting, discovering or revealing crime or criminals, or securing secret information or evidence relating thereto;
  - Discovering or revealing the identity, whereabouts, character or actions of any person or persons, thing or things;
  - The habits, conduct, movements, whereabouts, associations, transactions, reputations or character of any person, firm or corporation;
  - The credibility of witnesses or other persons;
  - The location or recovery of lost or stolen property;
  - The causes, origin or responsibility for fires or accidents or injuries to real or personal property;
  - 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;
  - The truth or falsity of any statement or representation;
  - 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;.
- (c) 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.
- (d) 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.  
  
2: The words "private detective" shall mean and include any natural person of either sex who engages in, or who advertises or holds himself out as being engaged in, the private detective business

business, as agent or employee of a duly licensed detective agency.

Section 2: ENGAGING IN DETECTIVE BUSINESS WITHOUT LICENSE UNLAWFUL: It shall be unlawful for any person, unless duly licensed so to do pursuant to this ordinance, to engage in, or to advertise or hold himself out as being engaged in the private detective business; Provided, that no license required herein shall be granted to any person (1) who within ten years of the date of application for such license has been convicted of any felony, or (2) who is under 21 years of age.

Section 3: DETECTIVE AGENCY LICENSE FEE: It shall be unlawful for any person to engage in business as a detective agency without having first obtained and being the owner of a valid and subsisting license so to do, to be known as a "detective agency license" and having on file a surety bond as required by Section 8. The fee for such "detective agency license" shall be and hereby is fixed in the sum of \$25. per annum, provided that the Chief of Police may, within his discretion, waive the requirements of Sections 3, 4 and 5 of this Ordinance as to any private detective holding a valid private detective's license issued by any governmental body situate within the metropolitan Seattle area, when, upon application by such private detective, the Chief of Police is satisfied that the activity of such private detective within the city limits of Kirkland, will be ancillary to an investigative matter commenced in the area for which such a private detective holds a valid license. Such private detective shall be required to advise the Chief of Police as to his presence within the city of Kirkland, and shall in all other matters be governed by this Ordinance.

Section 4: PRIVATE DETECTIVE LICENSE FEE: It shall be unlawful for any person, whether licensed as a detective agency or not, to engage in the private detective business or to act, or engage in business, as a private detective, without first obtaining and being the owner and holder of a valid and subsisting license so to do, to be known as a "private detective license", the fee for which shall be and hereby is fixed in the sum of \$5. per annum; provided that a "private detective license" shall, without the payment of any fee therefor, be issued to an individual, to one member of a partnership or firm, or to one officer of a corporation holding a "detective agency license", or employed by the holder of a detective agency license". On such "private detective license" shall be designated the number of the detective agency license; by reason of which the "private detective license" is issued, and such license shall be in force and effect only so long as such person is possessed of, or is a member of a partnership or officer of, or is employed by the holder of such "detective agency license".

Section 5: APPLICATION FOR PRIVATE DETECTIVE LICENSE: Applications for "private detective license" shall be made to the City Clerk on forms by him furnished 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. The City Clerk 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 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 containing the results of his investigation, and if the City Clerk be 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, he shall issue the license applied for in accordance with the provisions of this ordinance, otherwise said application shall be denied.

**Section 6: EMPLOYEES NOT TO DIVULGE INFORMATION:** 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.

**Section 7: UNLAWFUL ACTS:** 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.

**Section 8: BOND FOR DETECTIVE AGENCY LICENSE:** Every applicant for a detective agency license shall file with the City Clerk at the time the application is filed, a surety company bond running to the City of Kirkland in a penal sum of \$2,000. 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.

**Section 9: PRIVATE GUARD LICENSE FEE:** 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 \$2. 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. Application for such license shall be made to the City Clerk on a similar form and shall follow the same procedure as is provided herein for a private detective license.

Section 10: REVOCATION AND SUSPENSION OF LICENSES: In addition to the penalties provided by law, the City Council reserves unto itself the right to revoke or suspend any license issued under the provisions of this ordinance at any time, where the same was procured by fraud, or false representation of fact, or for the violation of or failure to comply with, any of the provisions of this ordinance by the person holding such license, or any of his servants, agents or employees, while acting within the scope of their employment, where the conviction of the person holding such license of a felony or misdemeanor involving moral turpitude or intent to defraud, or the conviction of any of his servants, agents or employees of any felony or misdemeanor involving an attempt to defraud committed while acting within the scope of their employment, or if the licensee, any of his servants, agents or employees, while acting within the scope of their employment violate any law or ordinance relating to the sale or possession of intoxicating liquor, the use, possession or sale of narcotic drugs, or violate any law or ordinance relating to the public morality or decency. At least three days before revoking any license, the City Council shall cause to be mailed or delivered to the holder of such license, at his last known address, a notice of the time and place of hearing concerning the revocation, at which the licensee shall be entitled to be heard and introduce the testimony of witnesses. The action of the City Council relating to such revocation shall be final, provided that whenever any person to whom the license has been granted under the provisions of this ordinance, shall be convicted of violating any of the provisions thereof, such ~~revocation~~ <sup>conviction</sup> shall be prima facie evidence of facts sufficient to warrant revocation of the license held by such person.

Revocation of a license by the City Council shall be by ordinance and any person whose license has been revoked shall not again be licensed to engage in, or carry on the same line of business for a period of at least one year from the date of such revocation.

The City Council may suspend any license issued under the provisions of this ordinance for a period of not less than ten days, nor more than sixty days. All suspensions shall be by resolution of the City Council and shall be effective immediately.

It shall be unlawful for any person whose license has been revoked or suspended, to keep the license issued to him in his possession or under his control, but said license shall immediately be surrendered to the City Clerk. In all cases of revocation the license shall be cancelled and whenever a license is suspended the City Clerk shall retain the same during the period of the suspension.


Section 11: 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 (\$300.) Dollars, or by imprisonment in the City Jail for a period not exceeding 90 days, or by both such fine and imprisonment.

Section 12: This Ordinance shall be in effect and force five (5)


days from and after its passage, approval and posting or publishing in accordance with law.

Introduced this 17 day of September, 1962.

Passed and Approved this 1 day of October, 1962.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 884 and entitled "An Ordinance as above."  
....., City Clerk