

BILL NO. 81-55

Ordinance No. 2188

AN ORDINANCE RELATING TO PRIVATE INVESTIGATORS, PRIVATE PATROLMEN, PROCESS SERVERS, POLYGRAPH OPERATORS, REPOSSESSORS, AND CANINE SECURITY HANDLERS AND TRAINERS, REQUIRING A LICENSE TO ENGAGE IN BUSINESS, REQUIRING WORK CARDS FOR CERTAIN EMPLOYEES, REGULATING SUCH ACTIVITIES, REPEALING EXISTING REGULATIONS AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Sponsored by:	Summary: Repeals existing Chapter
Commissioner Ron Lurie	on private detectives and enacts a
	new one in conformance with
	codification.

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title V, Chapter 3 of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby repealed.

SECTION 2: Title V of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition is hereby amended to add a new Chapter 3 as follows:

- 5-3-1: The Board hereby finds that the activities of private investigators, private patrolmen, process servers, polygraph operators, reposseors, and canine security handlers and trainers seriously effects the safety and well being of the City and its residents and requires substantial education and training. Such businesses therefore must comply with LVC Title V, Chapter 4.
- 5-3-2: Unless the context otherwise requires the following words shall have the meaning ascribed to them as follows:
- (A) "Canine security handler and trainer" means any person who, for compensation, handles and trains canine security and guard animals.
 - (B) "Polygraph operator" means any individual who, for compensation, uses any polygraph or

1 similar device to determine the truth of any
2 statement made by an individual examined by
3 him.

4 (C) "Private Investigator" means any person who
5 for any consideration engages in business
6 or accepts employment to furnish, or agrees
7 to make or makes any investigation for the
8 purpose of obtaining information with reference
9 to:

10 (1) The identity, habits, conduct, business,
11 occupation, honesty, integrity, credi-
12 bility, knowledge, trustworthiness,
13 efficiency, loyalty, activity, movements,
14 whereabouts, affiliations, associations,
15 transactions, acts, reputation or charac-
16 ter of any person.

17 (2) The location, disposition or recovery of
18 lost or stolen property.

19 (3) The cause or responsibility for fines,
20 libels, losses, accidents or damage or
21 injury to persons or to property.

22 (4) Securing evidence to be used before any
23 court, board, officer or investigating
24 committee.

25 (D) "Private patrolman" means a person engaged in
26 the business of employing and providing for
27 other persons, watchmen, guards, patrolmen,
28 uniformed traffic-control officers or other
29 individuals for the purpose of protecting
30 persons or property, to prevent the theft,
31 loss or concealment of property of any kind
32 or to investigate the theft, loss or

1 concealment of property he has been hired to
2 protect.

3 (E) "Process server" means a person, other than a
4 peace officer of the State of Nevada, who engages
5 in the business of serving legal papers in any
6 civil action.

7 (F) "Qualifying Agent" means an individual licensed
8 by the State who is designated and employed by the
9 licensee to be responsible for supervising those
10 kinds of activities for which he holds a state
11 license.

12 (G) "Repossessor" means a person who engages in
13 business or accepts employment to locate or
14 recover personal property which has been sold
15 under a conditional sales agreement or which is
16 subject to any other security interest.

17 5-3-3 No person shall engage in the business of a private
18 investigator, private patrolman, process server,
19 polygraph operator, reposessor or canine security
20 handler or trainer, without a valid, unexpired license
21 and without complying with the requirements of this
22 Code.

23 5-3-4: This Chapter shall not apply:

24 (A) To any detective or officer belonging to the law
25 enforcement agencies of the State of Nevada or
26 the United States, or to any county or city of
27 the State of Nevada, while any such detective or
28 officer is engaged in the performance of his
29 official duties.

30 (B) To special police officers appointed by the
31 police department of any city, county or city and
32 county within the State of Nevada while any such

- 1 officer is engaged in the performance of his
2 official duties.
- 3 (C) To insurance adjusters and their associate adjus-
4 ters licensed pursuant to the Nevada
5 Insurance Adjusters Law who are not otherwise
6 engaged in the business of private investigators.
- 7 (D) To a person engaged exclusively in the business of
8 obtaining and furnishing information as to the
9 financial rating of persons.
- 10 (E) To a charitable philanthropic society or assoc-
11 iation duly incorporated under the laws of this
12 State which is organized and maintained for the
13 public good and not for private profit.
- 14 (F) To an attorney at law in performing his duties as
15 such.
- 16 (G) To a collection agency (licensed under NRS 649 and
17 this Code) unless engaged in a business as a
18 reposessor, or an employee thereof while acting
19 within the scope of his employment while making an
20 investigation incidental to the business of the
21 agency, including an investigation of the location
22 of a debtor or his assets and of property which
23 the client has an interest or lien upon.
- 24 (H) To admitted insurers and agents and insurance
25 brokers licensed under NRS 683A and this Code
26 performing duties in connection with insurance
27 transacted by them.
- 28 (I) To any bank organized under the laws of this State
29 or to any national bank engaged in banking in this
30 State.
- 31 5-3-5: Each applicant must designate and each licensee must
32 maintain in its employment a qualifying agent to super-

1 vise those kinds of activities for which he has been
2 designated by the licensee.

3 5-3-6: It is unlawful for any person to act or hold himself
4 out as a private investigator, private patrolman,
5 process server, polygraph operator, reposessor or
6 canine security handler or trainer without first
7 obtaining and without maintaining a valid unexpired
8 work card pursuant to LVC Chapter 46.

9 5-3-7: No license shall be issued until the applicant files
10 with the City a surety bond executed by such applicant
11 with two (2) or more sufficient sureties or by a surety
12 company authorized to do business in this State, in the
13 sum of two thousand dollars (\$2,000.00) conditioned for
14 the faithful and honest conduct of the business for
15 which the applicant is licensed. Such bond as to its
16 form, execution, and sufficiency of the sureties shall
17 be approved by the City Attorney.

18 The bond required shall be taken in the name of the
19 people of the City and every person injured by the
20 wilful, malicious, or wrongful act of the principal may
21 bring an action on the bond in his own name to recover
22 damages suffered by reason of such wilful, malicious,
23 or wrongful act. Every licensee shall at all times
24 maintain on file the surety bond required in full force
25 and effect, and upon failure to do so the license of
26 such licensee shall be suspended until such a bond is
27 furnished.

28 5-3-8: (A) Badges. No private patrolman and no employee
29 of a private patrolman shall use or carry a badge
30 until such badge shall have been approved by the
31 Metropolitan Police Department and until
32 such time as a photograph of said approved

1 badge shall have been filed with the Metropolitan
2 Police Department. It shall be unlawful for any
3 private detective to have in his possession any
4 badge not so approved.

5 (B) Uniforms. No private patrolman and no employee of
6 a private patrolman shall use or wear a uniform
7 until such uniform shall have been approved by the
8 Metropolitan Police Department and until such time
9 as a colored photograph of said approved uniform
10 shall be filed with the Metropolitan Police
11 Department. It shall be unlawful for any private
12 detective to use or wear a uniform not so approved.

13 (C) Vehicles: No private patrolman and no employee of
14 a private patrolman shall use a vehicle in his
15 employment, other than a vehicle having standard
16 factory colors and markings, until the color
17 scheme and marking of such vehicle have been
18 approved by the Metropolitan Police Department.
19 It shall be unlawful for any private patrolman to
20 use in his employment any vehicle not so approved.

21 (D) Standards: In granting approval or disapproval of
22 badges, uniforms, and vehicles, the Metropolitan
23 Police Department shall be guided by the standards
24 enunciated in LVC 5-3-12 and shall not approve
25 any badge, uniform or vehicle that would reason-
26 ably violate LVC 5-3-12.

27 5-3-9 It is unlawful for persons licensed as reposseors
28 to:

29 (1) Recover personal property which is subject to
30 a security interest before first obtaining a
31 signed or telegraphic authorization from the
32 secured party.

1 (2) Solicit from the legal owners the recovery of
2 specific personal property after such property has
3 been seen or located on a public street or on
4 public or private property.

5 (3) Charge for expenses not actually incurred for the
6 recovery, transportation and storage of personal
7 property.

8 (4) Use personal property, which has been recovered,
9 for the personal benefit of a licensee or officer,
10 director, partner, manager, or employee of a
11 licensee.

12 5-3-10: When a reposessor recovers personal property, it
13 shall be unlawful for such reposessor to fail to
14 immediately notify the Police Department of the prop-
15 erty's description, the person from whom it was re-
16 posessed, the location from where the property was
17 reposessed, the secured party for whom the repos-
18 sition was undertaken, and where the reposessed
19 property is now located. Any reposessor maintaining
20 storage premises for reposessed personal property
21 shall file notice of said premises with the Metro-
22 politan Police Department.

23 5-3-11: If personal effects or other personal property,
24 not covered by a security agreement are contained in or
25 on personal property, at the time it is recovered, a
26 complete and accurate inventory shall be made of such
27 personal effects or other personal property. The date
28 and time the inventory is made shall be indicated and
29 it shall be signed by the person or persons who re-
30 covered the personal property on behalf of the secured
31 party. The inventory shall be filed in the permanent
32 records of the licensee and shall be made available

to the Metropolitan Police Department upon demand during normal business hours. Falsification or alteration of an inventory shall be grounds for suspension or revocation of a license.

5-3-12 It is unlawful for any person to wilfully wear, exhibit, use or wilfully make, sell, loan, give or transfer to another any badge, insignia, emblem, device or any lable, certificate, card or writing, or to make, sell, or use any vehicle which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, uniform, or insignia, emblem, device, label, certificate, card or writing or vehicle of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer.

5-3-13: It is unlawful for any person to manufacture, make, sell, design or transfer any official police officer's badge or special police officer's badge or reserve officer's badge without the written authorization of the Metropolitan Police Department. Such persons may deliver such badges only to the Metropolitan Police Department and may manufacture only the number of badges authorized by the Metropolitan Police Department.

5-3-14: It is unlawful for any person to engage in the business of private investigator or private patrolman or in any other business under any business name which would deceive an ordinary reasonable person into believing such agency is affiliated with or a branch of the Las Vegas Metropolitan Police Department or any

1 other public law enforcement agency.

2 SECTION 3: If any section, subsection, subdivision,
3 paragraph, sentence, clause or phrase in this Chapter or any part
4 thereof, is for any reason held to be unconstitutional or invalid
5 or ineffective by any court of competent jurisdiction, such
6 decision shall not affect the validity or effectiveness of the
7 remaining portions of this Chapter or any part thereof. The
8 Board of City Commissioners of the City of Las Vegas, Nevada,
9 hereby declares that it would have passed each section, sub-
10 section, subdivision, paragraph, sentence, clause or phrase
11 thereof, irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or
13 phrases be declared unconstitutional, invalid or ineffective.

14 SECTION 4: Whenever in this ordinance any act is pro-
15 hibited or is made or declared to be unlawful or an offense or a
16 misdemeanor, or whenever in this ordinance the doing of any act
17 is required or the failure to do any act is made or declared to
18 be unlawful or an offense or a misdemeanor, the doing of any such
19 prohibited act or the failure to do any such required act shall
20 constitute a misdemeanor and upon conviction thereof, shall be
21 punished by a fine of not more than \$1,000.00 or by imprisonment
22 for a term of not more than six months, or by any combination of
23 such fine and imprisonment. Any day of any violation of this
24 ordinance shall constitute a separate offense.

25
26
27
28
29
30
31
32

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

PASSED, ADOPTED and APPROVED this 16th day of
September, 1981.

APPROVED:

By William H. Briare
WILLIAM H. BRIARE, MAYOR

ATTEST:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

1 The above and foregoing ordinance was first proposed and read by title
2 to the Board of Commissioners on the 2nd day of September, 1981,
3 and referred to the following committee composed of Commissioners Lurie
4 and Levy for recommendation; thereafter said committee reported
5 favorably on said ordinance on the 16th day of September, 1981,
6 which was a Regular meeting of said Board; that at said Regular
7 meeting, the proposed ordinance was read by title to the Board of Commissioners
8 as amended and adopted by the following vote:

9 VOTING "AYE" Commissioners Christensen, Lurie, Woofter and Mayor Briare

10 VOTING "NAY" Commissioners None

11 ABSENT: Commissioner Levy

12 APPROVED:

13
14
15 By William H. Briare
16 WILLIAM H. BRIARE, MAYOR

17
18 ATTEST:

19 Carol Ann Hawley
20 Carol Ann Hawley, City Clerk
21
22
23
24
25
26
27
28
29
30
31
32

BILL NO. 81-55
ORDINANCE NO. 2188
AN ORDINANCE RELATING
TO PRIVATE IN-
VESTIGATORS, PRIVATE
PATROLMEN, PROCESS
SERVERS, POLYGRAPH
OPERATORS, RE-
POSSESSORS, AND CANINE
SECURITY HANDLERS AND
TRAINERS, REQUIRING A
LICENSE TO ENGAGE IN
BUSINESS, REQUIRING
WORK CARDS FOR CERTAIN
EMPLOYEES, REGULATING
SUCH ACTIVITIES, REPEAL-
ING EXISTING REGULATIONS

AND PROVIDING OTHER
MATTERS PROPERLY RELAT-
ING THERETO.

Sponsored by:
Commissioner Ron Lurie
Summary: Repeals existing
Chapter on private detectives
and enacts a new one in con-
formance with codification.

The above and foregoing
amended ordinance was first
proposed and read by title to
the Board of Commissioners on
the 2nd day of September,
1981, and referred to the
following committee composed
of Commissioners Lurie and
Levy, for recommendation;
thereafter the said committee
reported favorably on said
amended ordinance on the
16th day of September, 1981
which was a regular meeting of
said Board; that at said regular
meeting the proposed ordi-
nance was read by title to the
Board of Commissioners as
amended and adopted by the
following vote:

VOTING "AYE"

Commissioners:
Christensen, Lurie, Woofter
and Mayor Briare

VOTING "NAY"

Commissioners: None

ABSENT: Commissioner Levy
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10th FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA.

Pub: September 19, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA,
COUNTY OF CLARK

ss.

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from Sept. 19

to Sept. 19

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Rex Taylor

Subscribed and sworn to before me this 19th
day of Sept. 1981



Notary Public in and for Clark County, Nevada
ROTHIE V. DESKIN

My Commission Expires

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

07593

CITY CLERK

SEP 24 10 13 AM '81

RECEIVED

1 Legal Notices

BILL NO. 81-55
AN ORDINANCE RELATING
TO PRIVATE INVESTIGATORS, PRIVATE
PATROLMEN, PROCESS
SERVERS, POLYGRAPH
OPERATORS, RE-
POSSESSORS, AND CANINE
SECURITY HANDLERS AND
TRAINERS, REQUIRING A
LICENSE TO ENGAGE IN
BUSINESS, REQUIRING
WORK CARDS FOR CERTAIN
EMPLOYEES, REGULATING
SUCH ACTIVITIES, REPEAL-
ING EXISTING REGULATIONS
AND PROVIDING OTHER
MATTERS PROPERLY RELAT-
ING THERETO.

Sponsored by:
Commissioner Ron Lurie

Summary:

Repeals existing Chapter on
private detectives and enacts a
new one in conformance with
codification.

At a Commission Meeting on
9/2/81

BILL NO. 81-55 WAS READ BY
TITLE AND REFERRED TO RE-
COMMENDING COMMITTEE:
COMMISSIONERS LURIE

and LEVY
COPIES OF THE COMPLETE
ORDINANCE ARE AVAILABLE
FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CITY
CLERK, 10TH FLOOR, CITY
HALL, 400 EAST STEWART
AVENUE, LAS VEGAS,
NEVADA.

Pub: September 9, 1981
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

REX TAYLOR

, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from September 9 to September 9

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Rex Taylor

Subscribed and sworn to before me this 9TH
day of

September, 1981



Notary Public in and for Clark County, Nevada

Notary Public-State of Nevada
COUNTY OF CLARK

My Appointment Expires Apr. 14, 1985

My Commission Expires

RECEIVED

SEP 11 1 17 PM '81

CITY CLERK

07984