

Title 5

BUSINESS LICENSES AND REGULATIONS

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Chapter 5.10

MUSIC FESTIVALS

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Cross-references:

Chapter 70.108 RCW: Outdoor music festivals.

5.10.010 Legislative findings.

The Board of Cowlitz County Commissioners finds and declares that it is necessary for the protection and preservation of the public peace, health, safety, morals and welfare in regard to music festivals, that certain rules, regulations and conditions be established, and further that there is a danger to the people attending or taking part in such music festivals if measures affecting the public peace, health, safety, morals and welfare are not ade-

quately provided for, and further that it is necessary to pass under the police power of the county, an ordinance to regulate and license the holding of such music festivals. [Ord. 2000, § 1, 4-21-70.]

5.10.020 “Music festival” defined.

As used in this chapter, “music festival” shall mean any outdoor musical entertainment, amusement and/or assembly, in operation for eight or more hours during a single day or a total of 12 or more hours on two or more consecutive days, which attracts or which the Board of Cowlitz County Commissioners (hereinafter referred to as the “Board”) has reason to believe will attract 1,000 or more persons, of which the presentation of outdoor, live or recorded musical entertainment is or will be a major activity, and to which the public generally may gain admission with or without the payment of an admission fee. [Ord. 2000, § 2, 4-21-70.]

5.10.030 Permit required.

No person, persons, partnership, corporation, association, society, fraternal or social organization shall: (1) allow, conduct, hold, maintain, permit or participate in a music festival, without the limits of incorporated cities or towns in Cowlitz County, unless a valid permit has been obtained for the operation of such music festival, or (2) encourage, promote or cause to be advertised a music festival, proposed to be located without the limits of incorporated cities or towns in Cowlitz County, unless preliminary approval, as herein provided, has been granted. One such permit shall be required for each music festival and such permit shall be effective for as many consecutive days as such music festival shall be in operation, or where such music festival shall not be in operation on consecutive days, such permit shall be effective only for a single day. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained herein shall be subject to the civil and/or criminal penalties provided for herein. [Ord. 2000, § 3, 4-21-70.]

5.10.040 Application procedure – Fee – Information required.

Application for music festival permits herein shall be in writing and filed with the Clerk of the Board on forms provided by the Cowlitz County Auditor. Said application shall be filed not less than 45 or more than 180 days prior to the first day upon which such music festival is to be, or may be

held, and shall be accompanied with a receipt showing payment to the Cowlitz County Auditor of a permit fee in the amount of \$2,500. Said application shall include:

A. The name of the person, persons, partnership, corporation, association, society, fraternal or social organization on whose behalf said application is made (hereinafter referred to as the “applicant”), and a statement by the applicant that the person filing said application on behalf of the named applicant is authorized so to file;

B. The type of business organization of said applicant;

C. The names and addresses of all persons having a 10 percent or more proprietary interest in said organization, and the names, addresses and telephone numbers of any and all officers of said organization, together with a three-inch by five-inch photograph recently taken;

D. The principal place of business of said organization;

E. A legal description of the land to be occupied, the address of the owner thereof, and a verified consent by said owner to the issuance of a permit herein if said owner be different than the applicant;

F. The date of the first day and the number of consecutive days such music festival is proposed to be held;

G. A statement that the applicant will abide by the provisions of this chapter and the laws of the State of Washington for the protection of the public peace, health, safety, morals and welfare;

H. The signature of the person so authorized to sign on behalf of the named applicant; and

I. The verification by such signer of the truth of the matters contained in such application under the pains and penalties of perjury. The application forms may include such other provisions consistent with this chapter as the Board shall require. [Ord. 2000, § 4, 4-21-70.]

5.10.050 Plans for compliance with governmental regulations required.

Each application for a music festival permit filed with the Clerk of the Board shall be accompanied by specific plans for compliance with the rules and regulation of any governmental or quasi-governmental body, the approval of which is required herein prior to the granting of any music festival permit. Each application shall also contain proof of service of such plans upon the above-mentioned governmental or quasi-governmental bodies. [Ord. 2000, § 5, 4-21-70.]

5.10.060 Preliminary approval – Refund upon denial.

Ten days after the filing of application and plans, the Board shall grant or deny preliminary approval thereof, and notice of approval or denial shall be served personally or by certified mail on the applicant. Any notice of denial shall state the rules, regulations, conditions and/or laws upon which denial is based, and the nature of the non-compliance by the applicant therewith. Within five days after service of said notice, the applicant shall remedy such noncompliance, and upon the failure of the applicant so to do, such denial shall be final and conclusive. No permit shall be issued thereafter to said applicant unless new application be made, and said applicant otherwise complies with the rules, regulations and conditions of this chapter. Such denial shall entitle the applicant to apply for and receive a refund of that portion of the application fee not expended by the Board in conducting the investigation to determine whether or not to grant such permit. [Ord. 2000, § 1, 4-21-70.]

5.10.070 Conditions for permits.

Permits shall be granted providing the following conditions as enumerated in CCC 5.10.080 through 5.10.140 are met by the applicant at least seven days prior to the first day of operation of any such music festival, and no such permit shall be issued less than seven days prior to the first day of operation of any such music festival. [Ord. 2000, § 7, 4-21-70.]

5.10.080 Condition 1 – Health standards.

No music festival permit shall be granted herein unless the Board has received the written approval of the Cowlitz-Wahkiakum Health District indicating that the applicant has complied with the applicable health requirements of said district and said approval shall state what the said requirements are and how the applicant has complied therewith. [Ord. 2000, § 7, 4-21-70.]

5.10.090 Condition 2 – Fire prevention standards.

No music festival permit shall be granted herein unless the Board has received the written approval of the fire protection district in which the proposed music festival is to be located, indicating that the applicant has complied with the applicable fire prevention requirements and said approval shall state what said requirements are and how the applicant has complied therewith. [Ord. 2000, § 7, 4-21-70.]

5.10.100 Condition 3 – Bond – Liability insurance.

No permit shall be granted herein unless the applicant has on deposit with the Cowlitz County Treasurer, cash or surety bond in the amount applicable as hereinbelow stated, to save and protect the county from any and all expense and/or damage arising out of the operation of the applicant's music festival or caused by vehicles, employees, participants and/or patrons of or at such music festival. The bond shall be used to: (1) pay all charges and losses of the county for damage to the streets, pavements, bridges, road signs and other county property; (2) pay all expenses incurred by the county in restoring the land upon which such music festival is held to a safe and sanitary condition; and (3) pay any extraordinary law enforcement costs incurred by the county which result from or arise out of the operation of such music festival. The amount of such bond shall be determined on the basis of the number of persons in attendance or reasonably expected by the Board to be in attendance at any music festival, as follows:

| | |
|--------------------------------|---------|
| 0 to 10,000 persons | \$5,000 |
| 10,000 to 20,000 persons | 7,500 |
| 20,000 to 30,000 persons | 10,000 |
| each additional 10,000 persons | 2,500 |

The bond deposited shall be returned to the applicant as hereinafter provided when the Cowlitz County Auditor certifies to the Cowlitz County Treasurer that no charge for damage or loss may be made against said deposit, or that such charge is less than the cash amount of said deposit and the balance thereof should be returned. Further, the applicant shall be required to furnish evidence of a liability insurance policy providing for a minimum of \$100,000 bodily injury coverage per person; \$300,000 bodily injury coverage per occurrence; \$100,000 property damage coverage; and naming Cowlitz County as an additional insured. [Ord. 2000, § 7, 4-21-70.]

5.10.110 Condition 4 – Public safety – Expenses of enforcement.

No permit shall be granted herein unless the applicant complies with and agrees to abide by the following conditions:

A. Written contracts for the employment of peace officers of the State of Washington during the hours of operation of such music festival shall be submitted not less than 10 days prior to the first day such music festival is to be in operation, and

each contract shall be signed by the applicant and the peace officer so to be employed.

B. One such peace officer shall be employed primarily for the purpose of crowd control for every 200 persons expected or reasonably expected by the Board to be in attendance at any time during the music festival and one such peace officer shall be employed primarily for the purpose of traffic control for every 400 such persons.

C. The peace officers herein stated shall be employed to enforce the provisions of this chapter and of the laws of the State of Washington and to protect and preserve the public peace, health, safety, morals and welfare at such music festival, and if in the opinion of the Board it is necessary to secure the services of additional peace officers for such enforcement, all expenses for such services shall be borne by the applicant. [Ord. 2000, § 7, 4-21-70.]

5.10.120 Condition 5 – Parking areas.

Application for a permit shall be accompanied by a scale drawing showing proposed parking facilities. No permit shall be granted herein unless the Board has the written approval of the Cowlitz County Engineer indicating that upon the premises for which a permit application has been made, the applicant has provided parking areas enclosed by physical barriers. Such parking areas shall be constructed so as to allow the adequate ingress and egress of any vehicle at any time and to provide parking space for one vehicle for every four persons expected or reasonably expected by the Board to be in attendance at such music festival; provided, that no vehicle shall be allowed in any other area of the premises excepting emergency vehicles and vehicles necessary for the supply and maintenance of any business or operation offering goods or services upon the premises to the patrons of such music festival; provided further, that should busses be used to transport the public between any location within Cowlitz County and said music festival, it shall be shown that public parking or parking as described hereinabove is available at any such location. [Ord. 2000, § 7, 4-21-70.]

5.10.130 Condition 6 – Consent to access by government officials.

All peace officers of the State of Washington, all public health and fire control officers of Cowlitz County, each member of the Board, the Prosecuting Attorney, and each member of his staff, any member or employee of any other governmental or quasi-governmental body, the approval of which

body is required herein, shall have free access at all times to come upon the premises for which a music festival permit has been or may be granted for the purpose of inspection and supervision to enforce the rules, regulations and conditions under which said permit is or may be granted and no such permit shall be granted unless the applicant therefor shall so consent in writing upon the application for such permit. [Ord. 2000, § 7, 4-21-70.]

5.10.140 Condition 7 – Light.

No permit shall be granted herein, unless 10 days prior to the first day of operation of any music festival to be conducted during non-daylight hours, there shall be installed upon the premises, for which application herein has been made, light poles, one end of which shall be firmly set not less than five feet into the ground and shall measure not less than six inches in diameter at the base and not less than four inches in diameter at the top. There shall be one such pole for every 40,000 square feet of such premises, excluding any area upon which any building or structure is situated, and no such pole shall be located at a distance of more than 200 feet from any other such pole. There shall be affixed to each such pole, at a height above the ground of not less than 20 feet or more than 30 feet, an electric light or lights having a rating of not less than 150-watt incandescent or 75-watt high intensity discharge, and such lights shall be of an intensity to provide a minimum intensity of 0.1 footcandles in all areas of the premises exclusive of any area upon which any building or structure is situated; provided, that the requirements for the number of poles and lights and light rating shall be waived, except in the areas approved for parking, and a permit shall be granted if the premises is lighted so as to provide a minimum light intensity of 0.1 footcandles in all areas of the premises on which the above requirements apply. Such lights hereinabove referred to shall be in operation each day a music festival is in operation from one hour after sunset to 2:00 a.m. of the following day. All buildings, halls, rooms, pavilions, or other places situated upon the premises for which an application for a music festival permit is made shall at all times, while such music festival is open to the public, be well lighted. [Ord. 2000, § 7, 4-21-70.]

5.10.150 Crowd limitation – Proprietors’ duty to remove law violators.

If at any time during said music festival the size of the crowd exceeds by 20 percent the number of persons expected to be in attendance, the Sheriff of

Cowlitz County, or any of his deputies, shall require the permittee or sponsor to limit further admissions until sanitation, parking, fire, health, traffic, lighting and crowd control requirements have been brought into conformity with the standards herein. Any person with more than 10 percent proprietary interest in said music festival shall be required to be in attendance at said music festival and shall be responsible for insuring that no person shall be allowed to remain on the premises if said person is violating any state or county laws. Any such person having a duty to remove law violators who willfully fails to do so shall be deemed to be an aider or abettor of such violation. [Ord. 2000, § 8, 4-21-70.]

5.10.160 Hours of operation.

No music festival for which a permit has been granted herein shall be conducted between the hours of midnight and 10:00 a.m., and no person or persons shall be allowed to remain upon the premises of such music festival between the hours of 2:00 a.m. and 8:00 a.m. other than those persons hereinbefore mentioned in Section 2(6)* and CCC 5.10.110 and 5.10.130. [Ord. 2000, § 9, 4-21-70.]

*Codifier’s note: Section 2 of Ordinance 2000 contains no subsection (6). Section 2 is codified herein as CCC 5.10.020.

5.10.170 Applicant to be 18.

No permit shall be issued to any person under 18 years of age. [Ord. 5230, 5-12-77; Ord. 2000, § 10, 4-21-70.]

5.10.180 Regulations to be posted.

CCC 5.10.170 through 5.10.260 shall be in full force and effect and posted at all times in a conspicuous place where any music festival is being conducted. [Ord. 2000, § 11, 4-21-70.]

5.10.190 Permit revocable.

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the Board to revoke such permit is a consideration of its issuance. [Ord. 2000, § 12, 4-21-70.]

5.10.200 Grounds for revocation.

Any permit granted herein to conduct a music festival shall be summarily revoked by the Board when they find that by reason of disaster, public

calamity or other emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation, and notice of any meeting of the Board for such purpose shall be given to the applicant in the same manner as the members of the Board are notified. Any permit granted herein to conduct a music festival may otherwise be revoked by the Board for any violation of this chapter or the laws of the State of Washington after a hearing held upon not less than three days' notice served upon the applicant personally or by certified mail. The action of the Board in revoking any permit herein shall be final and conclusive. [Ord. 2000, § 13, 4-21-70.]

5.10.210 Revocation not exclusive penalty.

The revocation of any permit granted herein shall not preclude the imposition of further penalties as provided for in this chapter and the laws of the State of Washington, but shall be considered merely as a part of the said penalties imposed for violation of the rules, regulations and conditions herein stated and the laws of the State of Washington. [Ord. 2000, § 14, 4-21-70.]

5.10.220 Minors.

No person under the age of 18 years shall be permitted to attend any music festival without the escort of his or her parent or legal guardian and proof of the conditions hereinabove stated shall be provided upon request. [Ord. 2000, § 15, 4-21-70.]

5.10.230 Intoxicating liquor prohibited.

No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time said music festival is in operation, permit or allow any person to bring upon the premises of said music festival, any intoxicating liquor, or permit or allow intoxicating liquor to be consumed on the premises, and no person shall take or carry onto said premises, or drink thereon any intoxicating liquor. [Ord. 2000, § 16, 4-21-70.]

5.10.240 Distance from habitation.

No music festival shall be operated in a location which is closer than 1,000 yards from any schoolhouse or church, or 500 yards from any house, residence or other place of human habitation. [Ord. 2000, § 17, 4-21-70.]

5.10.250 Posting of permit – Nontransferability.

Any permit granted herein shall be posted in a conspicuous place; no such permit shall be transferable or assignable without the consent of the Board and the permit shall be valid only for the time and place specified therein. [Ord. 2000, § 18, 4-21-70.]

5.10.260 Penalties.

Any person who shall violate any provision of this chapter, or who shall, having obtained a permit herein, willfully fail to comply with the rules, regulations and conditions herein, or who shall aid or abet such a violation or failure to comply, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$250.00, or be imprisoned in the Cowlitz County Jail for not more than 90 days, or both. [Ord. 2000, § 19, 4-21-70.]

5.10.900 Severability.

If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. [Ord. 2000, § 20, 4-21-70.]

Chapter 5.14

DANCES AND DANCE HALLS

(Repealed by Ord. 03-057)

Chapter 5.20**SALE OF MALT LIQUOR**

Sections:

- 5.20.010 Generally.
- 5.20.020 Severability.
- 5.20.030 Effective date.

5.20.010 Generally.

A. Any person who sells or offers for sale kegs or other containers containing seven gallons or more of malt liquor to consumers who are not licensed under Chapter 66.24 RCW shall:

1. Require the purchaser to sign a receipt for the beverage and provide the following:

a. Two pieces of identification, one of which is a motor vehicle operator's license number or a Washington State identification card;

b. The location, date and time where the beverage will be consumed;

c. A sworn statement providing that the purchaser is of legal age to purchase, possess or use malt liquor, that the purchaser will not allow any person under the age of 21 years to consume the beverage except as provided in RCW 66.44.270, and that the purchaser will not remove or obliterate the numbered label affixed to the container.

2. Record the identification of the keg or container for the purpose of tracing the items if the contents are consumed in violation of this ordinance in the following manner:

a. Record the serial number of the keg or container on the receipt;

b. Identify the keg or container purchased by affixing a numbered label to the keg or container;

c. Record the identification number of the receipt.

The original copy of the receipt shall be retained for a period of one year subject to inspection by the Cowlitz County Sheriff's Office. A copy of such receipt shall be provided to the purchaser.

3. Notify the Cowlitz County Sheriff's Office immediately in the event that the purchase exceeds 20 gallons or more of malt liquor.

B. Violation of any of the provisions of this section is a misdemeanor, punishable as provided by a fine not exceeding \$250.00. [Ord. 80-135, § 1, 5-5-80.]

5.20.020 Severability.

If any provisions of this chapter or its application to any person or circumstance is held invalid,

the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. [Ord. 80-135, § 2, 5-5-80.]

5.20.030 Effective date.

The ordinance codified in this chapter shall be in full force and effect from and after five days from the date of its passage. [Ord. 80-135, § 3, 5-5-80.]

Chapter 5.24

MERCHANT PATROL AND PRIVATE DETECTIVE AGENCIES

Sections:

- 5.24.010 Title.
- 5.24.020 Purpose.
- 5.24.030 Grant of authority.
- 5.24.040 Definitions.
- 5.24.050 License required.
- 5.24.060 License fees.
- 5.24.070 Identification of employer.
- 5.24.080 Merchant patrol, private detective agency – License qualifications.
- 5.24.090 Merchant patrol, private detective agency – License application.
- 5.24.100 Merchant patrolman, private detective license – Applicant qualifications.
- 5.24.110 Merchant patrolman and private detective – License application.
- 5.24.120 Investigation of applicants for licenses.
- 5.24.130 License contents.
- 5.24.140 Renewal of license.
- 5.24.150 Refusal to issue or renew – Hearing.
- 5.24.160 License suspension or revocation.
- 5.24.170 Operating regulations.
- 5.24.180 Insurance.
- 5.24.190 Exemptions.
- 5.24.200 Existing business.
- 5.24.210 Penalties.
- 5.24.220 Adoption of standards and regulations.
- 5.24.230 Savings.
- 5.24.240 General duty.

5.24.010 Title.

This chapter shall be known and may be cited as the “Cowlitz County Merchant Patrolman and Private Detective Ordinance.” [Ord. 83-076, § 1, 3-28-83.]

5.24.020 Purpose.

In the interest of public safety and welfare of the inhabitants of Cowlitz County, it is necessary to license and regulate persons engaged in the business of merchant patrolman and/or private detective in Cowlitz County. [Ord. 83-076, § 2, 3-28-83.]

5.24.030 Grant of authority.

This chapter is enacted pursuant to the police powers and licensing authority provided in Wash-

ington Constitution Article XI, Section 11 and RCW 36.32.120. [Ord. 83-076, § 3, 3-28-83.]

5.24.040 Definitions.

For the purpose of this chapter the following terms shall have the following meanings:

A. “Compensation” means any consideration and includes any reward.

B. “Manager,” with respect to a sole proprietorship means the proprietor; with respect to a partnership means each partner; with respect to a corporation means each officer and director; and with respect to any other firm, association, or organization, means each person vested with authority or responsibility analogous to those of a manager of a sole proprietorship, partnership, or corporation.

C. “Merchant patrolman” means any person who engages in or holds himself out as engaged in the merchant patrol business.

D. “Merchant patrol agency” means any person who employs one or more merchant patrolmen.

E. “Merchant patrol business” means the business of providing or offering services, for compensation, of guarding or protecting persons or property, or patrolling or protecting buildings, streets, or other areas.

F. “Person” means an individual, sole proprietorship, partnership, corporation, or any other firm, association, or organization.

G. “Private detective” means any person who engages in or holds himself out as engaged in the private detective business.

H. “Private detective agency” means any person who employs one or more private detectives.

I. “Private detective business” means the business of providing or offering services, for compensation, of:

1. Obtaining information or evidence in relation to crime or criminals; or
2. Obtaining information concerning the habits, movements, whereabouts, associations, reputation, character, or actions of any person; or
3. Locating or recovering lost or stolen property; or
4. The gathering of information or evidence to be used before investigative committees, or for the trial of civil or criminal cases; or
5. Locating, detaining, or transporting persons stated to be lost, missing, or in the custody of another.

J. “Sheriff” means the Cowlitz County Sheriff or his designee. [Ord. 83-076, § 4, 3-28-83.]

5.24.050 License required.

It is unlawful for any person to engage in or hold himself or itself out as engaged in the merchant patrol business or private detective business within the unincorporated areas of Cowlitz County without a current license from the Cowlitz County Sheriff. [Ord. 83-076, § 5, 3-28-83.]

5.24.060 License fees.

A. The annual fees for each merchant patrolman, private detective, merchant patrol agency, and private detective agency license are as follows:

1. Merchant patrolman – \$5.00 per year;
2. Private detective – \$5.00 per year;
3. Merchant patrol agency – \$25.00 per year;
4. Private detective agency – \$25.00 per year.

Such fees must be paid before any license can be issued or renewed. Every license shall expire at the end of the calendar year in which it is issued, and shall be nontransferable.

B. A person having a valid Cowlitz County private detective license may engage in the merchant patrol business without obtaining a merchant patrol license or paying an additional fee. A private detective agency having a valid Cowlitz County private detective agency license may also engage in the merchant patrol business without obtaining a merchant patrol agency license or paying an additional fee. [Ord. 83-076, § 6, 3-28-83.]

5.24.070 Identification of employer.

An applicant for a merchant patrolman license or private detective license shall identify his employer. Once a person receives such a license, it shall be the licensee's responsibility to notify the Sheriff of any change of employment. [Ord. 83-076, § 7, 3-28-83.]

5.24.080 Merchant patrol, private detective agency – License qualifications.

Each manager of an applicant for a merchant patrol agency or private detective agency license shall:

- A. Be 18 years of age or older;
- B. Be able to speak, read, and write the English language;
- C. Be a citizen of the United States;
- D. Not have been convicted of any felony, nor of any misdemeanor involving moral turpitude;
- E. Be and remain of good moral character. [Ord. 83-076, § 8, 3-28-83.]

5.24.090 Merchant patrol, private detective agency – License application.

All applications for merchant patrol agency or private detective agency licenses shall be made to the Sheriff on forms to be furnished by him for that purpose; shall be signed and verified by each manager of the applicant; shall state the applicant's name and business address; shall affirmatively show that each manager of the applicant has satisfied the requirements of CCC 5.24.080; and shall be accompanied by statements of four citizens stating that they have known the applicant and believe him to be of good moral character. Each manager of an applicant shall make an imprint of his thumbs and fingers of both hands on forms to be provided by the Sheriff. [Ord. 83-076, § 9, 3-28-83.]

5.24.100 Merchant patrolman, private detective license – Applicant qualifications.

Each applicant for a merchant patrolman or private detective license shall:

- A. Be 18 years of age or older;
- B. Be able to speak, read, and write the English language;
- C. Be a citizen of the United States;
- D. Not have been convicted of any felony, or of any misdemeanor involving moral turpitude;
- E. Be and remain of good moral character. [Ord. 83-076, § 10, 3-28-83.]

5.24.110 Merchant patrolman and private detective – License application.

Applications for merchant patrolman and private detective licenses shall be made to the Sheriff on forms furnished by him for that purpose; shall be signed and verified by the applicant; shall state the applicant's full name, age, residence, present employment, and employment for the past five years; if the applicant is an employee of a merchant patrol agency or private detective agency, shall state the name and business address of his employer; shall affirmatively show that the applicant has satisfied the requirement of CCC 5.24.100, and shall be accompanied by statements of four citizens stating that they have known the applicant and believe him to be of good moral character. Each applicant shall make an imprint of his thumbs and the fingers of both hands on forms to be provided by the Sheriff. [Ord. 83-076, § 11, 3-28-83.]

5.24.120 Investigation of applicants for licenses.

Upon receipt of the license fee required under CCC 5.24.060 and the application required under CCC 5.24.090 or this section, and the accompanying statements, the Sheriff shall investigate as to the truth thereof. The Sheriff shall, within 20 days after receipt of the above materials, provide a written report of his investigation. If his investigation substantiates the statements made in the application and indicates that the applicant complies with all the prerequisites of CCC 5.24.100, then the Sheriff shall approve the application. If his investigation does not substantiate the statements made in the application or indicates that the applicant does not comply with CCC 5.24.100, the Sheriff shall deny the application. If the Sheriff approves the application and the applicant has satisfied all the requirements of this chapter, the Sheriff shall issue the license. If the Sheriff denies the application, or the applicant has not satisfied all the requirements of this chapter, the Sheriff shall not issue the license. If the application is denied, any license fee shall be returned to the applicant. [Ord. 83-076, § 12, 3-28-83.]

5.24.130 License contents.

No license issued by the Sheriff hereunder shall be valid until signed by the licensee; when the licensee is not an individual, the signature must be by a manager of the licensee. To each merchant patrolman and private detective license shall be affixed a photograph of the licensee, so attached that it cannot be removed and another photograph substituted without the possibility of detection. Every licensee shall produce his license upon request of any law enforcement officer. [Ord. 83-076, § 13, 3-28-83.]

5.24.140 Renewal of license.

Any licensee in good standing at the end of a calendar year may apply, on forms provided by the Sheriff, for renewal of the license. The Sheriff shall renew or deny the application for renewal within 20 days of receipt of such application. If the Sheriff denies renewal of the license he shall provide a written report to the applicant within the 20 days stating the reason why said license renewal is denied. If the Sheriff determines that the license shall be renewed said license will be effective upon the licensee's payment of the annual license fee. Renewal may be accomplished by either an endorsement on the license or by issuing a new license, at the Sheriff's discretion. If the Sheriff in

his written report recommends denial of the renewal application the Sheriff shall not renew the license. The Sheriff, in recommending denial of the renewal application, shall specify the reasons therefor. [Ord. 83-076, § 14, 3-28-83.]

5.24.150 Refusal to issue or renew – Hearing.

A. In the event the sheriff denies an application for any license hereunder or for the renewal of any such license he shall in writing advise the applicant or licensee of the denial and the reason(s) therefor.

B. The denial of an application for any license hereunder or for the renewal of any such license shall be subject to review by the Board of County Commissioners upon written request of the applicant or licensee filed with the Board within 10 calendar days of the date of written notice of the denial. Failure to request review by the Board within such 10 calendar days shall extinguish any right to appeal.

C. The Board, upon the timely filing of a request for review, shall fix a time and place for hearing. At the hearing evidence for and against the issuance or renewal of the license shall be considered. The applicant may appear personally and/or through counsel and present evidence and/or argument on his behalf. The Sheriff shall furnish the Board with a written report on the matter. The applicant or licensee shall have the burden of proof.

D. The decision of the Board on the request for review shall be final, subject only to any right of appeal to the Cowlitz County Superior Court. [Ord. 83-076, § 15, 3-28-83.]

5.24.160 License suspension or revocation.

A. Any license issued hereunder may be revoked or suspended by the Board of County Commissioners, after a hearing, whenever the licensee has willfully or negligently violated any provision hereof or willfully permitted the same to be violated, or whenever other good cause exists for revocation or suspension. Upon the Sheriff's filing with the Board of County Commissioners a notice setting forth the basis upon which it is asserted that a license should be revoked or suspended, the Board shall fix a time and place for a hearing thereon. A copy of the notice filed by the Sheriff, together with a notice of the time and place of the hearing, shall be mailed to the licensee at his address stated on his license, or served personally on the licensee, at least 10 days prior to the date of the hearing.

B. At the hearing, the licensee may appear and defend the charges and, if he so desires, be represented by counsel.

C. The decision of the Board shall be final, subject only to any right of appeal to the Cowlitz County Superior Court. [Ord. 83-076, § 16, 3-28-83.]

5.24.170 Operating regulations.

Every person shall comply with the following regulations while engaging in the merchant patrol business or private detective business or while operating a merchant patrol agency or private detective agency. Each merchant patrol agency and private detective agency shall be responsible for the acts and omissions of the merchant patrolmen and/or private detectives under its employ.

A. Uniform. No merchant patrolman may wear a uniform, in the course of his duties, that is deceptively similar to a uniform of the Cowlitz County Sheriff's Office. No uniform may be used in the merchant patrol business until it is approved by the Sheriff for compliance with this subsection.

B. Badge. No merchant patrolman or private detective may use or display, in the course of his duties, a badge that is deceptively similar to any badge in use by the Cowlitz County Sheriff's Office. No badge may be used in the merchant patrol business until it is approved by the Sheriff for compliance with this subsection.

C. Vehicles. No vehicle used in the merchant patrol business or private detective business shall bear identifying markings deceptively similar to those vehicles used by the Cowlitz County Sheriff's Office. No vehicle used in the merchant patrol or private detective business may bear any identifying markings until the Sheriff has approved such markings for compliance with this subsection. [Ord. 83-076, § 17, 3-28-83.]

5.24.180 Insurance.

A. Each applicant for a license under this chapter shall execute and deliver to the Sheriff a bond with good and sufficient surety in the following amounts:

1. Merchant patrolman: \$10,000;
2. Private detective: \$10,000;
3. Merchant patrol agency: \$25,000;
4. Private detective agency: \$25,000.

B. The required bond shall be executed and delivered before any license under this chapter may be issued. Each bond shall be conditioned upon the faithful and honest conduct of the licensed business by the licensee. The bond shall be taken in the name of Cowlitz County, and any person who shall

have been injured by the willful, malicious, or wrongful act of any licensee may bring an action on the bond in his name to recover damages suffered by reason of such willful, malicious, or wrongful act. Each licensee shall maintain the required bond in effect throughout the period covered by the license. [Ord. 89-144, § 1, 8-21-89; Ord. 83-076, § 18, 3-28-83.]

5.24.190 Exemptions.

Nothing in this chapter shall apply to:

A. An officer or employee of any state, county, city, or town acting in his official capacity; or

B. Any person whose sole business is the furnishing of information as to the business and financial standing and credit of other persons; or

C. Any person whose sole business is inquiring into the personal habits and financial responsibilities of applicants for insurance, indemnity bonds, or commercial credit, or of claimants under insurance policies; or

D. Any person who is engaged in the merchant patrol or private detective business for only one person or employer, and does so entirely on the private property of that person or employer; or

E. Law enforcement officers of any governmental entity, while acting in their official capacity; or

F. Any person gathering information or evidence to be used solely in his own behalf. [Ord. 83-076, § 19, 3-28-83.]

5.24.200 Existing business.

Any person who, as of the effective date of the ordinance codified in this chapter, is engaged in the merchant patrol business or is a merchant patrol agency, or is engaged in the private detective business or is a private detective agency, within the unincorporated areas of Cowlitz County, shall obtain a license and otherwise comply with the provisions of this chapter within 90 days of the effective date of the ordinance codified in this chapter. [Ord. 83-076, § 20, 3-28-83.]

5.24.210 Penalties.

Each violation of this chapter shall constitute a misdemeanor. Each day's violation shall be deemed to constitute a separate offense and shall be punishable as such. [Ord. 83-076, § 21, 3-28-83.]

5.24.220 Adoption of standards and regulations.

The Sheriff may adopt such standards and regulations as may be necessary to effectuate the intent

and purpose of this chapter. Such standards and regulations shall become effective upon filing with the Board of County Commissioners. [Ord. 83-076, § 22, 3-28-83.]

5.24.230 Savings.

If any provision of this chapter shall be held to be invalid, the remaining provisions shall not be affected and shall remain in effect. [Ord. 83-076, § 23, 3-28-83.]

5.24.240 General duty.

Nothing in this chapter shall create a cause of action against Cowlitz County or its officials or employees, for legal or equitable relief for any injury or damage arising out of or in any way related to any acts or omissions of any merchant patrolman, private detective, merchant patrol agency or manager thereof, or private detective, agency or manager thereof. [Ord. 83-076, § 24, 3-28-83.]