

**ORDINANCE NO. 22-AA**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, DELETING CHAPTER 18, PRIVATE WATCHMEN, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and reflects current practice;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

**Section 1.** That Chapter 18, Private Watchmen, of the Code of Ordinances, City of Alvin, Texas, is hereby deleted in its entirety as follows:

~~**CHAPTER 18—PRIVATE WATCHMEN**~~

~~**ARTICLE I.—IN GENERAL**~~

~~**Sec. 18-1.—Area of permitted operation.**~~

~~No watchman licensed under this chapter shall act as a watchman in any area other than that described in the license application and for which the license was issued. Application for a change in the area which a licensee is permitted to patrol may be filed at any time, without payment of an additional fee and without additional fingerprints or investigation of the applicant's fitness, but subject to approval as to public convenience and necessity in like manner as in case of an original application for a license.~~

~~**Sec. 18-2.—Not to impersonate peace officer.**~~

~~No watchman licensed under this chapter shall present himself to be a peace officer, or wear any badge or insignia reasonably likely to lead any person, on casual observation, to believe him to be a peace officer, unless such licensee is otherwise duly appointed a special officer.~~

~~Secs. 18-3—18-7.—Reserved.~~

~~**ARTICLE II.—LICENSE**~~

~~**Sec. 18-8.—Required.**~~

~~No person shall, for compensation, patrol any public streets or alleys for the purpose of watching or guarding the property of another without obtaining a license so to do from the city.~~

**~~Sec. 18-9. Application generally.~~**

~~Application for a license required by this article shall be in writing and filed with the city secretary and shall state the name and business and residence address of the applicant, the length of his residence in the city, all addresses at which he has resided within the last two (2) years, and whether he has ever been convicted of a felony or of a misdemeanor involving moral turpitude. The application shall be verified by the affidavit of the applicant and accompanied by such recommendations as are required of applicants for positions on the city police force. The application shall specify the area (which need not be continuous) within the city which the applicant desires to patrol.~~

**~~Sec. 18-10. Action on application by chief of police.~~**

~~The city secretary shall transmit each application for a license under this article to the chief of police, who shall make appropriate investigation of the applicant's record with reference to his fitness to act as a watchman. The chief of police shall also determine whether public convenience and necessity would be served by the issuance of the license applied for, on which question the applicant shall, if he so desires, be entitled to a public hearing. The chief of police shall certify his findings to the city secretary. The applicant may appeal from an adverse finding to the city council, whose decision thereon shall be final.~~

**~~Sec. 18-11. Fingerprinting applicant.~~**

~~The chief of police shall cause to be made two (2) sets of fingerprints of each applicant for a license under this article.~~

**~~Sec. 18-12. Fee.~~**

~~The fee for a license required by this article shall be as set forth in chapter 28 of this Code. Such fee must accompany the license application and shall be used by the city to pay part of the expense of enforcing this chapter.~~

**~~Sec. 18-13. Issuance.~~**

~~The city secretary shall issue a license applied for under this article, if the chief of police or the city council, as the case may be, has found that the applicant is a proper person to be licensed and the public convenience and necessity justify the issuance of the license.~~

**~~Sec. 18-14. Term; renewal.~~**

~~Each license issued under this article shall be good for one year. Applications for renewal shall be subject to approval as to fitness of the applicant and as to public convenience and necessity in like manner as the original application, and shall be accompanied by the same fee.~~

~~Sec. 18-15. License to be carried at all times and exhibited on request.~~

~~A licensee under this article shall carry his license at all times while engaged in the performance of his duties as watchman, and shall exhibit the same to any person upon request.~~

~~**Sec. 18-16. License does not authorize arrests or carrying of arms.**~~

~~A license issued under this article shall not constitute the licensee a special officer and shall not authorize him to make arrests or carry arms. This provision is not intended to prevent the licensee from being appointed a special officer under authority of any other law or ordinance.~~

~~**Sec. 18-17. Revocation or suspension.**~~

~~After reasonable notice and opportunity to be heard, a license issued under this article may be revoked or suspended by the chief of police for a violation by the licensee of any provision of this chapter or for a material misstatement in the application for such license, or if such licensee has been guilty of fraud or dishonesty, or has demonstrated untrustworthiness or incompetency to act as a watchman, or if the licensee shall consume any alcoholic liquor while engaged in the performance of his duties or be under the influence of alcoholic liquor while engaged in the performance of his duties, or if he shall loiter in the company of immoral persons while engaged in the performance of his duties, or shall change his business or residence address and fail, within a reasonable time after such change, to give notice thereof to the chief of police. The licensee may appeal to the city council from revocation or suspension of his license, and the action of the city council, after hearing on such appeal, shall be final.~~

**Section 2. Incorporation into Code of Ordinances.** The provisions of this ordinance shall be removed from the Code of Ordinances, City of Alvin, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 3. Effective Date.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

**Section 4. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

**PASSED and APPROVED** on the 7<sup>th</sup> day of April 2022.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary