

## Chapter 5.16

### MERCHANT PATROLS

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5.16.010 Definition. "Merchant patrol" means any person, firm or corporation who conducts or is engaged in the business of keeping a surveillance upon business, industrial or similar premises during the time that such premises are not open for business or are not occupied for the purposes of ascertaining that such premises are safe and secure, that lights are turned out, doors are locked, windows are intact and, generally, to determine whether any suspicious circumstances exist which would indicate unlawful trespassing or other illegal interference with such premises. The term "merchant patrol" shall not include an individual or a firm duly licensed by the state as a detective agency if such individual or firm is only keeping a specific premises under surveillance for a specific period of time and notifies the chief of police of such surveillance in advance thereof. (Ord. 13, §1, 1975)

5.16.020 Special police commission required. It is unlawful for any individual, partnership or corporation to own or operate a merchant patrol business or engage in business as a merchant patrol except as provided herein and authorized by this Chapter and without first having obtained a special police commission from the City. (Ord. 13, §2, 1975)

5.16.030 Application for commission. There shall be submitted with the application for a merchant patrol commission the following:

A. An affidavit setting out the full name, age, residence, present occupation and occupations for the preceding five years shall be submitted by each individual applicant and by each employee of an individual, partnership or corporate applicant except stenographic and clerical employees. Such affidavit shall show sufficient facts to prove the good character, competency, and integrity of each such affiant and shall list any previous police record.

B. Each affidavit shall be supported by statements in writing from not less than five reputable citizens, each of whom shall certify that he has personally known the affiant for a period of at least five years prior to the filing of the aforesaid affidavit and that he believes the affiant is competent, honest and of good character and that he would recommend to the City Manager that the affiant is suitable to engage in the merchant patrol business. (Ord. 13, §3, 1975)

5.16.050 Form of application. All applications for commissions under this Chapter shall be submitted in duplicate to the City Clerk, together with the foregoing supporting documents on such forms as may be prescribed by the City Manager. (Ord. 13, §4, 1975)

5.16.050 Fees. The annual commission fees for individuals, partnerships and corporations engaged in the business of merchant patrol as herein defined shall be as follows:

- A. Individuals, five dollars;
- B. Partnerships, ten dollars;
- C. Corporations, fifteen dollars. (Ord. 13, §5, 1975)

5.16.060 Bond required. The individual, partnership or corporation applying for a commission under this Chapter shall furnish a good and sufficient bond on a corporate bonding company approved by the City Manager in the sum of five thousand dollars conditioned on the faithful observance of this Chapter and honest conduct of all watching, guarding or protecting undertaken by the individual, partnership or corporation licensed hereunder. Such bond shall be payable to the City and to any person, firm or corporation who has been injured by a willful, wanton or dishonest act of such licensee or any of its employees. (Ord. 13, §6, 1975)

15,16.070 Issuance or denial of commission--Prohibitions of transference. The Chief of Police, with approval of the City Manager, shall find after investigation that the requirements set forth in this Chapter have been met and that the character, competency, integrity and physical qualifications of all those whose names appear on the application for the commission and all those employed by the applicant are such as to command the confidence of the public and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, the City Clerk shall thereupon issue and deliver to the applicant a special police commission. Action upon applications shall be made within a reasonable time. The City Council may issue the special commission contingent upon such matters or occurrences as it may specify. (Ord. 8, §1, 1983)

5.16.080 Suspension or revocation of commission. The City Council shall have the authority to revoke any commission issued under this Chapter for the following reasons:

A. That the applicant or any employee of the applicant has been convicted of a felony under the laws of the United States or under the laws of any state or territory of the United States;

B. That the applicant or any employee of the applicant has failed to report a crime to the police department or has failed to report circumstances to the police department which should have put him on notice that a crime has been committed;

C. That the applicant has failed to comply with the requirements set forth in this Chapter:

D. That the Council finds and determines that the public interest requires a suspension or revocation;

E. Any exercise of police authority not granted under this Chapter. (Ord. 13, §8, 1975)

5.16.090 Scope of authority. The authority granted under this Chapter shall be limited to the premises of the employer unless a merchant patrolman is called upon for assistance by an officer of the police department. A merchant patrol shall have no power to arrest except that afforded any private citizen. (Ord. 13, §10, 1975)

5.16.100 Badges, uniforms and equipment. All badges, uniforms and equipment used by individuals, partnerships or corporations engaged in the merchant patrol business shall be sufficiently distinctive to avoid confusion in the mind of the public with badges, uniforms and equipment of local law enforcement agencies. (Ord. 13, §11, 1975)

5.16.110 Suspicious circumstances. It shall be the duty of every person engaged in merchant patrol work to report break-ins and suspicious circumstances to the police department as soon as possible and to cooperate with the police department in the investigation of the same whenever requested to do so, but such person shall not attempt to investigate the suspicious circumstances himself. (Ord. 13, §12, 1975)

5.16.120 Report of customers. A report of all customers of the merchant patrol will be currently provided the police department and a monthly written report shall be furnished the department of all premises of such customers found unsecured during the regular check of the premises. (Ord. 13, §13, 1975)

5.16.130 Authority to carry firearms. Authority to carry concealed firearms shall be limited to that time when the member of the merchant patrol is engaged in the performance of his required duties and while en route to and from such duties, and each patrolman shall obtain a written permit from the Chief of Police before carrying a weapon. (Ord. 13, §14, 1975)

5.16.140 Additional rules and regulations. The Chief of Police may issue such further rules and regulations not inconsistent with the provisions herein as may be in the interest of the general public health, safety and welfare of the citizens of the City. (Ord. 13, §15, 1975)

5.16.150 Violation--Penalty. Any violation of this Chapter shall constitute a misdemeanor and shall be punished accordingly as set forth in this Code. (Ord. 13, §16, 1975)