

Chapter 5.16

MERCHANT PATROLS

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5.16.010 Definitions.

A. "Business guard" or "industrial guard" means an individual who, while uniformed or armed, accepts employment from a single employer for the purpose of watching, guarding, or otherwise protecting the persons or property of their employer only, or to preserve the peace in the conduct of that employer's business, except any individual so employed by any common carrier engaged in interstate commerce, but shall exclude maintenance persons and installers, janitors, repairmen, or persons engaged in similar occupations.

B. "Company" means and includes any person, firm, association, or corporation engaged in the business or occupation of merchant patrol, as defined by this Section.

C. "Merchant patrol" means Merchant patrol" means any person employed by or acting at the direction of a company, except clerical employees, to perform merchant patrol services, defined as the business or occupation of providing uniformed or armed protection of persons or property of others, or the furnishing of any uniformed or armed guard, patrol, or protection service to others for a valuable consideration,

except a business or industrial guard (Ord. 13, §1, 1975; Ord. 4, 2022)

5.16.020 Applicability. This Chapter shall not apply to or regulate activities of: any police officer while acting or employed in their official capacity; any private detective not engaged in providing merchant patrol or business or industrial guard service; any person engaged in the direction, escort, or protection of a funeral procession; or any merchant patrolman or business or industrial guard engaged in the business of providing to others a pickup and delivery service for the purpose of distributing money or other negotiable securities. (Ord. 4, 2022)

5.16.030 Merchant Patrol Commission required. It is unlawful for any company 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 Merchant Patrol Commission from the City. (Ord. 13, §2, 1975; Ord. 4, 2022)

5.16.040 Application for Commission. An application for a Merchant Patrol Commission shall be made upon forms provided by the City and filed with the City Clerk, and shall be accompanied by an application fee as set by the City's annual fee schedule. The application shall include the following:

A. An affidavit setting out the full name, age, residence, present occupation, and occupations for the preceding five (5) years shall be submitted by each individual applicant and by each employee of an applicant, except 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 (5) reputable citizens, each of whom shall certify that they have personally known the affiant for a period of at least five (5) years prior to the filing of the aforesaid affidavit and that they believe the affiant is competent, honest, and of good character and that they would recommend to the City Manager that the affiant is suitable to engage in the merchant patrol business. (Ord. 13, §3, 1975; Ord. 4, 2022)

5.16.050 Fees. The annual Commission fees shall be established by the City's annual fee schedule. (Ord. 13, §5, 1975; Ord. 4, 2022)

5.16.060 Bond required. The applicant for a Merchant Patrol Commission shall furnish a good and sufficient bond on a corporate bonding company approved by the City Manager in an amount set by the City's annual fee schedule conditioned on the faithful observance of this Chapter and honest conduct of all watching, guarding, or protecting undertaken by the company 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; Ord. 4, 2022)

15.16.070 Issuance or denial of Commission--Prohibitions of transference.

A. 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.

B. The City Clerk shall thereupon issue and deliver to the applicant a Merchant Patrol Commission.

C. Action upon applications shall be made within a reasonable time.

D. The City Council may issue the Commission contingent upon such matters or occurrences as it may specify.

E. All licenses issued under this Chapter shall be non-transferable. Ord. 8, §1, 1983; Ord. 4, 2022)

5.16.080 Suspension or revocation of Commission. The City Council shall have the authority to revoke any Commission issued under this Chapter upon finding that:

A. 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. 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 them on notice that a crime has been committed;

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

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

E. The applicant or any employee of the applicant has exercised police authority not granted under this Chapter.
(Ord. 13, §8, 1975; Ord. 4, 2022)

5.16.090 Scope of authority. The authority granted under this Chapter shall be limited to the premises of the applicant 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; Ord. 4, 2022)

5.16.100 Badges, uniforms and equipment. All badges, uniforms, and equipment used by companies 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; Ord. 4, §2022)

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

merchant patrol is engaged in the performance of their required duties and while en route to and from such duties, and each merchant patrol shall obtain a written permit from the Chief of Police before carrying a weapon. (Ord. 13, §14, 1975; Ord. 4, 2022)

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)