

CHAPTER 5

MERCHANT PATROL BUSINESSES

- 5-101 Definitions
- 5-102 License--Required
- 5-103 Same--Fees; expiration; transferability
- 5-104 Same--Application
- 5-105 Same--Issuance; contents; renewal; grounds for refusal; right of appeal upon refusal
- 5-106 Same--Limitation of authority
- 5-107 Same--Bond
- 5-108 Same--Possession; surrender upon revocation or expiration
- 5-109 Same--Revocation
- 5-110 Exemptions
- 5-111 False reports; divulging confidential information

Sec. 5-101 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Merchant patrol agency" means any person engaged in the merchant patrol business and employing one or more persons as employees, assistants, clerks or operatives.

"Merchant patrol business" means the business of, or the representation of being engaged in the business of guarding or protecting persons or property, or patrolling buildings, streets or districts for such purposes, either for hire or reward and as an independent contractor.

"Merchant patrolman" means any person who is employed as an operative by a merchant patrol agency, or any person engaged in the merchant patrol business who does not employ or use any employees, assistants, clerks, or operatives.

"Person" means any natural person, corporation, partnership or other association of persons formed for the purpose of carrying on a trade or business.

(Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954)

Sec. 5-102 License--Required.

It shall be unlawful for any person to act as a merchant patrolman or to engage in business as a merchant patrol agency without being the holder of a valid and subsisting license under the provisions of this chapter. *(Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954)*

Sec. 5-103 Same - Fees; expiration, transferability.

The license fee for a merchant patrol agency shall be \$25 per annum. The fee for a merchant patrolman license shall be \$2 per annum. All licenses shall expire on December 31st of the year of issue. No license shall be transferable. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-104 Same - Application.

a. Application for licenses required by this chapter shall be made to the city clerk on such forms as the city clerk may require, which shall show thereon the applicant's name, age, present and previous residence and occupation for a period of not less than 5 years immediately prior to such application, the address of his place of business, and name of his employer, if any, and shall state whether or not the applicant has ever been convicted of a felony. Such application shall be signed and verified by the applicant. If the applicant is a firm or corporation, the application shall be made by its resident manager, who shall meet the qualifications herein set forth.

b. All applications for licenses shall be forwarded to the chief of police for investigation and report. The chief of police shall require that each applicant be fingerprinted, his photograph taken and a full investigation made into the character, reputation and integrity of the applicant.
(*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-105 Same - Issuance; contents; renewal, grounds for refusal; right of appeal upon refusal.

If the chief of police finds that the applicant is qualified to hold a license under the provisions of this chapter, he or she shall direct the city clerk to issue such license; otherwise, he or she shall direct the city clerk to deny such license. Such license shall bear the name, address, age, and signature of the applicant, and such other information as may be required by the city clerk. Licenses may be renewed from year to year by the city clerk without referral to the chief of police, except as to those licenses which the chief of police advises the city clerk in writing require further investigation, which application for renewal shall then be handled in the same manner as original applications. No license required by this chapter shall be issued to any person unless he or she is at least 18 years of age, of good moral character, has a good reputation for honesty, integrity, and sobriety, and has never been convicted of a felony. If a license is denied under this section, the applicant shall have the right of hearing before the City's governing body by filing an appeal within 10 days after such license is denied. The findings of the governing body on such appeal shall be final and conclusive. (*Ord. 7315, Adop. 10/09/90; Ord. 6737, Adop. 7/03/79/ Ord. 3769, Adop. 4/09/1954*)

Sec. 5-106 Same - Limitation of authority.

The granting of a license under the provisions of this chapter shall not be construed as providing any additional powers of arrest other than those granted to private persons under the statutes of the state, nor shall the provisions of this chapter be construed as authority or power to carry weapons contrary to the statutory provisions of the state statutes. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-107 Same - Bond.

No license shall be issued to a merchant patrol agency, or to a merchant patrolman not employed by a person holding a merchant patrol agency license, until the applicant therefor shall have filed with the City Clerk a bond in the sum of \$1,000 and with a good and sufficient surety, running to the City, in a form approved by the City Attorney, or general liability insurance in an amount of not less than \$500,000, conditioned upon the faithful and honest conduct of such business by the applicant, the compliance with the requirements of this chapter; and further conditioned, that any person who shall have been injured by the wilful, malicious or wrongful act of such licensee may bring an action on such bond in his name to recover damages suffered by reason of such wilful, malicious or wrongful act. (*Ord. 2006-34, Adop. 9/19/06; Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-108 Same - Possession; surrender upon revocation or expiration.

Every person holding a license pursuant to this chapter shall at all times have the same in his possession. Upon the revocation or expiration of such license, it shall be surrendered to the chief of police. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-109 Same - Revocation.

Any license issued pursuant to this chapter may be revoked by resolution of the city's governing body at any time for cause deemed to be sufficient; provided, that before such revocation is made a public hearing shall be held before the governing body, of which hearing the licensee shall be given notice and at which he shall be entitled to be heard. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-110 Exemptions.

Nothing in this chapter shall apply to any officer or employee of any department or agency of the United States or of any state, county, city or other municipal corporation while engaged in the performance of his official duties; to any person furnishing information concerning the financial standing and credit of others, the personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit; or to claimants under insurance policies. This chapter shall also not apply to private police or watchmen not acting as independent contractors but acting as employees of a person other than one engaged in business as a private detective agency or merchant patrol agency. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)

Sec. 5-111 False reports; divulging confidential information.

It shall be unlawful for any licensee pursuant to this chapter to knowingly make or cause to be made any false report to his client or to divulge, or permit to be divulged, any information acquired from or for his client to any person other than his client except when so authorized by his client or when so required by law. (*Ord. 6737, Adop. 7/03/79; Ord. 3769, Adop. 4/09/1954*)