

ORDINANCE NO. 401

AN ORDINANCE FOR THE REGULATION OF MERCHANT PATROL AND THOSE IN BUSINESS AS MERCHANT PATROLMEN; REQUIRING THE LICENCING AND REGISTRATION OF WATCHMEN, GUARDS AND REGULATING UNIFORMS AND INSIGNIA THEROF; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

SECTION 1. Definition of Merchant Patrol:

The term "Merchant Patrol" means any firm, person, or corporation engaged in the business of watching, guarding, or protecting any premises, property or persons; provided, however, that the term shall not include any individual who has only one employer and who is employed to watch, guard, or protect only his employer's premises.

SECTION 2.

It shall be unlawful for any person, firm or corporation to own or operate a merchant patrol business, or engage in business as a merchant patrolman except as provided in and authorized by this ordinance and without first having obtained a license from the City Recorder.

SECTION 3.

There shall be submitted with the application for a license the following:

a. An affidavit setting out the full name, age, residence, present occupation, and occupations for the proceeding five years shall be submitted by each person, employer or person employed by that employer, proposing to engage in the business of merchant patrolman. Such affidavit shall show facts sufficient 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 Recorder that the affiant is suitable to engage in the merchant police business.

SECTION 4.

The following annual license fees for merchant patrol businesses and those in business as merchant patrolmen shall be in effect, and shall be paid upon submitting the application for a license or renewal thereof:

a. Merchant patrol businesses employing or operated by only one person within the City of Stayton - \$10.00.

b. Merchant patrol businesses employing more than one individual within the City of Stayton - \$25.00.

SECTION 5.

If the City Police Chief shall find after investigation that the character, competency, and integrity of the applicant is such as to command the confidence of the public and that all other requirements have been met, he shall thereupon recommend that the Council authorize the City Recorder to issue the applicant a merchant patrol license upon filing a surety bond. Such license shall not be transferable. If the City Police shall find after investigation that the applicant or any employee thereof does not satisfy every requirement of the ordinance, he shall withhold recommending the issuance of the license until such time as the service of the particular employee shall be terminated. All prospective employees of any such licensed merchant patrol business shall be subject to qualification in all the aforesaid requirements prior to beginning merchant patrol activities within the City of Stayton.

SECTION 6.

The licensee or applicant shall furnish a corporate surety bond in the sum of \$2,500.00 conditioned on the faithful performance and honest conduct of all watching, guarding or protective undertakings of the person, firm, or corporation licensed hereunder. Such bond shall be payable to the City of Stayton.

SECTION 7.

At the termination of any employee in his employment with any licensed merchant patrol business operating within the City of Stayton or any other person, notice of such termination shall be given by the licensee, in writing, within twenty-four hours, to the City Recorder. Failure to comply with this Section shall result in revocation of the license of that merchant patrol business.

SECTION 8.

If at any time new facts arise or become known to the City Recorder which would be sufficient to warrant refusal or withholding of a license under the terms of Section 6 hereof, the City Recorder shall notify the licensee of such facts and further inform the licensee that unless the same are satisfactorily explained forthwith, the license shall be revoked.

SECTION 9.

The activities of a licensed merchant patrol owner and employees of any such licensed business in the City of Stayton, indulging in a merchant patrol business, shall be of such nature and appearance that they will not be mistaken for members of the City Police Department, nor bring criticism upon themselves which is founded in fact.

SECTION 10.

The following specific regulations shall be adhered to at all times by any employee or person affiliated with any licensed merchant patrol activities in the City of Stayton, while on duty:

a. The wearing of firearms in plain view, while on official duty and in uniform is permitted.

b. The uniform of the licensed merchant patrol shall all be identical, and of a different color than those worn by any division of the Police Department.

c. No person carrying firearms and licensed as merchant patrolman shall loiter in or around the premises of a licensed liquor establishment, whether employed by that establishment or not.

d. Any merchant patrolman, watchman or special officer having knowledge of a crime shall immediately notify the Police Department and stand by until regular officers arrive. At no time shall he conduct an investigation beyond determining that a crime has been committed.

e. At no time shall any member of a licensed merchant patrol organization convey the impression, by word or action, that he enjoys any official capacity within the City of Stayton.

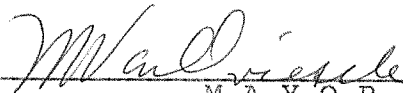
SECTION 11.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine in the sum not to exceed \$300.00 or imprisonment in the City Jail for a period not to exceed 90 days, or by both such fine and imprisonment.

SECTION 12.

This ordinance being necessary for the immediate preservation of the public peace and safety, an emergency is hereby declared and this ordinance shall be in full force and effect from and after the date of passage.

Passed by the Council and approved by the Mayor this 2nd day of November, 1970.


MAYOR

ATTEST:


City Recorder