

ORDINANCE NO. 4950

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 5.20, PRIVATE DETECTIVES--MERCHANT PATROLMEN AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany since 1953 has conducted background investigations of and issued licenses to private detectives and merchant patrolmen, and

WHEREAS, since 1953, the State of Oregon has adopted laws to regulate the private detective and merchant patrolmen businesses, and

WHEREAS, the cost of providing background investigations is greater than the license fee charged to applicants.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Chapter 5.20, Private Detective--Merchant Patrolmen is hereby amended to read as follows:

Chapter 5.20

PRIVATE DETECTIVES AGENCY--MERCHANT PATROLMEN POLICE BUSINESS

Sections:

- 5.20.010 Definitions.
- 5.20.020 License.
- 5.20.030 ~~Qualifications submitted with Private Detective Agency--Merchant police business application.~~
- ~~5.20.040 Investigation of applicants.~~
- 5.20.050 Issuance of license.
- 5.20.060 Fee.
- 5.20.070 Bond.
- 5.20.080 Revocation of license.
- ~~5.20.090 Notice of termination by licensee.~~
- ~~5.20.110 Uniform.~~
- ~~5.20.120 Cooperation to police department.~~
- 5.20.080 Violation--Penalty.

5.20.010 Definitions. (a) "Private detective" means a detective engaged by an individual, firm or corporation for private protection or for the purpose of ascertaining facts of the civil or criminal nature for the benefit of a private person, firm, or corporation for which a fee is paid.

(b) "Merchant police" means any person, firm or corporation engaged in the business of watching, guarding or protecting any premises, property or persons; provided, however, that the term does not include any individual who is employed specifically and exclusively to watch, guard or protect only the premises or property of a specific person or concern.

5.20.020 License. It is unlawful for any person, firm, or corporation to own or operate a private detective agency or operate a merchant police business or engage in private detective business as a private detective or engage in the business as a merchant policeman, except as provided in and authorized by this chapter, without first having obtained a license from the city.

5.20.030 ~~Qualifications submitted with Private Detective Agency--Merchant Police business application.~~ ~~There shall be submitted with the application for such license the following:~~

~~(1) A signed application form provided by the City and referred to the chief of police for investigation and shall show with facts sufficient to prove to the satisfaction of the chief of police the good character, competency, and integrity of each such applicant and shall among other facts, list any previous arrests or convictions of or for a crime.~~

~~(2) Each application shall be supported by statements in writing from not less than two reputable citizens, each of whom shall certify that he has personally known the applicant for a period of at least five years prior to the filing of the aforesaid application and that he believes the applicant is competent, honest, and of good character and that he would recommend that the applicant is suitable to engage in such business.~~

~~(3) The application shall state any qualifications as to previous police work and shall state whether the applicant is applying for merchant police license or private detective license or both. Each applicant for a private detective agency license or a merchant police business license shall apply to the City Recorder for such license upon such form as is prescribed by the City Recorder and shall include the following information:~~

- ~~(1) Name and post office address of the applicant (if a partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto).~~
- ~~(2) The business name under which the operator will do business and the location of the business.~~

~~5.20.040 Investigation of applicants. The chief of police shall investigate the applicant as to character, competency and integrity and other qualifications and shall submit a written report to the city manager along with the chief of police's recommendation as to whether the license should be issued or denied.~~

~~5.20.050 Issuance of license. The license for the principal operator of a merchant police business or private detective agency shall be issued through the city recorder, who shall issue such a license only when approved by the city manager. The license as a private detective or merchant policeman issued to an individual who is employed by a person holding a merchant police license or private detective agency as a principal owner thereof shall be issued on an administrative basis by the city recorder. Upon issuance of the license, the applicant shall thereupon pay to the city recorder the annual license fee as hereinafter set forth.~~

~~5.20.060 Fee. The annual license fees for a private detective agency or for a person employed as a private detective or merchant police business or those in business as merchant police shall be twenty five one-hundred dollars for the first year and then a renewal fee of ten twenty-five dollars annually in advance to the City Recorder. of the city for each person.~~

~~5.20.070 Bond. The licensee or applicant shall, before receiving a license, furnish a good and sufficient surety bond in the sum of five one-thousand dollars, conditioned upon the faithful performance and honest conduct of himself/herself and his/her employees who will be engaged in watching, guarding, or protective undertakings of to the person, firm or corporation licensed hereunder. In the event that licensee has several employees, the bond required to be given under this section shall be for the licensee only, however, it shall be all inclusive as to any and all employees of the licensee. The bond shall be payable to the city and any other affected persons, businesses or corporations and shall guarantee payment of any judgment secured against the licensee or any of his/her agents for negligence, default or breach of conduct in the performance of duties authorized by the licensee up to the sum of one five-thousand dollars.~~

5.20.080 Revocation of license. If at any time the activities of the licensee or her/his employee shall be such that the best interest of the citizens of Albany are not fully protected then, upon the written recommendation of the chief of police setting forth the reasons therefor, the city manager may revoke the license granted hereunder.

~~It shall be the duty of the chief of police to make periodic investigation of the activities of any licensee hereunder and to ascertain any and all information which may be of benefit to determine whether or not such license should be continued in force and effect.~~

5.20.090 Notice of termination by licensee. At the termination of the employment of an employee engaged in the private detective business or in the merchant police business, notice of such termination shall be given by the licensee in writing to the chief of police.

5.20.110 Uniform. The licensees hereunder, or the registrants, as provided in Section 5.20.100, shall not wear any uniform which represents them to be, nor shall they in person represent themselves to be, a member of the police department of the city. No patch, insignia, badge, or uniform shall represent the licensees and registrants hereunder to be other than what they are and shall contain the word "licensed merchant police," "detective" or "watchman," as the case may be.

5.20.120 Cooperation to police department. Licensees and registrants hereunder shall give their full cooperation to the Police Department of the city and shall make full disclosures of all information coming to them of a criminal nature to the Police Department and turn over to the Police Department, immediately, any evidence which they may have in their possession concerning any case which the Albany Police Department is or may be interested.

5.20.130 Violation--Penalty. Any person violating any of the provisions of this chapter is subject to the penalties set forth in Section 1.04.010 of this code.

Section 2. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: February 13, 1991

Approved by Council President: February 14, 1991

Effective Date: February 13, 1991



Council President

ATTEST:



Deputy City Recorder