

ORDINANCE NO. 1394

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR
A MERCHANT PATROL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION,
COLORADO:

Chapter 22 of the Code of Ordinances of the City of Grand Junction is hereby amended by adding thereto an Article II covering merchant patrol and reading as follows:

ARTICLE II MERCHANT PATROL

Sec. 22-21. DEFINITION

Merchant patrol shall mean any person, firm or corporation who conducts or is engaged in tile business of keeping a surveillance upon business, industrial or similar premises during the time that said premises are not open for business or are not occupied for the purposes of ascertaining that said 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 said premises. The term "merchant patrol" shall not include an individual or a firm duly licensed by the State of Colorado as a detective agency if said individual or firm id 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.

Sec. 22-22. SPECIAL POLICE COMMISSION REQUIRED.

It shall be 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 code and without first having obtained a special police commission from the City of Grand Junction.

Sec. 22-23. 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.

Sec. 22-24. FORM OF APPLICATION.

All applications for commissions under this ordinance 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.

Sec. 22-25. FEES.

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

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|------------------|-------|
| (a) Individuals | 5.00 |
| (b) Partnerships | 10.00 |
| (c) Corporations | 15.00 |

Sec. 22-26. BOND REQUIRED.

The individual, partnership or corporation applying for a commission under this code shall furnish a good and sufficient bond on a corporate bonding company approved by the city manager in the sum of five thousand dollars (\$5,000.00) conditioned on the faithful observance of this ordinance and further conditioned on the faithful performance 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 of Grand Junction, and to any person, firm or corporation who has been injured by any wilful, wanton or dishonest act of said licensee or any of its employees.

Sec. 22-27. ISSUANCE OR DENIAL OF COMMISSIONS, PROHIBITION OF TRANSFERENCE.

If the chief of police, with the approval of the city manager, shall find after investigation that the requirements set forth in this code 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 of 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. Such commission shall not be transferable. Action upon applications shall be made within

twenty days.

Sec. 22-28. SUSPENSION OR REVOCATION OF COMMISSION.

The city council shall have the authority to revoke any commission issued under this division for the following reasons:

(a) That the applicant or any employe 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 code.

(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 code.

Sec. 22-29. COMPLIANCE WITH THE CITY CODE.

Nothing herein shall be construed as permitting or allowing the applicant hereunder or any employe of the applicant to violate or to disobey any section of the code of the City of Grand Junction or any duly enacted ordinance of the City of Grand Junction.

Sec. 22-30. SCOPE OF AUTHORITY.

The authority granted under this ordinance 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 patrolman shall have no power of arrest except that afforded any private citizen.

Sec. 22-31. 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, uniform and equipment of local law enforcement agencies.

Sec. 22-32. 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 said person shall not attempt to investigate the suspicious circumstances himself.

Sec. 22-33. REPORT or 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.

Sec. 22-34. 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 enroute to and from such duties.

Sec. 22-35. 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.

PASSED AND ADOPTED this 21st day of April, 1971.

/s/ R. G. Youngerman
President of the Council

ATTEST:

/s/ Neva B. Lockhart
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1394, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 7th day of April, 1971, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of April, 1971.

/s/ Neva B. Lockhart
City Clerk

Published: April 25, 1971