

ORDINANCE NO. 2476

AN ORDINANCE LICENSING AND REGULATING PRIVATE DETECTIVES AND MERCHANT POLICE AND PROVIDING FOR PENALTIES OF THE VIOLATION THEREOF

WHEREAS, the Council of the City of Albany believes the character and responsibility of those engaged in the business of watching, guarding, and protecting property of others should be investigated and regulated, and

WHEREAS, regulation, investigation and supervision of those engaged in such business can best be achieved through the licensing by the City of Albany,

THE CITY OF ALBANY DOES ORDAIN AS FOLLOWS:

Section 1: DEFINITIONS

(a) A private detective is 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 and for which a fee is paid.

(b) The term 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 shall not include any individual who has only one employer and who is employed to watch, guard, or protect only the premises, property, or person of that employer or any common carrier engaged in interstate commerce or any individual employed by such carrier or carriers to watch, guard or protect premises, property, or persons for such carrier.

Section 2: It shall be 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 ordinance without first having obtained a license from the City of Albany.

Section 3: There shall be submitted with the application for such license the following:

(a) An affidavit signed and sworn to before a notary public setting out the full name, age, residence, present occupation and occupations for the preceding five (5) years of said applicant. The affidavit shall be referred to the Chief of Police for investigation and shall show facts sufficient to prove to the satisfaction of the Chief of Police the good character, competency, and integrity of each such affiant and shall list any previous arrests or convictions of or for a crime.

(b) Each affidavit shall be supported by statements in writing from not less than two reputable citizens, each of who shall certify that he has personally known the affiant for a period of at least five (5) 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 Council that the affiant is suitable to engage in such business.

(c) The affiant shall state any qualifications as to previous police work and shall state whether the affiant is applying for merchant police license of a private detective license or both.

Section 4: 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.

Section 5: The license shall be issued by the Council of the City of Albany through the City Recorder who shall only issue said license upon motion made and passed by the Council. If the Council authorizes and directs the issuance of said license, the applicant shall thereupon pay unto the City Recorder the annual license fee as hereinafter set forth.

Section 6: The annual license fees for a private detective agency or for a person employed as a private detective or a merchant police business or those in business as merchant police shall be ten dollars (\$10.00) per year for each such person.

Section 7: The licensee or applicant shall, before receiving a license, furnish a good and sufficient surety bond in the sum of

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ONE THOUSAND DOLLARS (\$1,000.00) conditioned upon the faithful performance and honest conduct of himself and his employees who will be engaged in watching, guarding, or protective undertakings of the person, firm, or corporation licensed hereunder. Such bond shall be payable to the City of Albany and any other affected persons, business or corporation and shall guarantee payment of any judgment secured against said licensee for his negligence, default or breach of conduct in the performance of his duties authorized by the said license up to the sum of ONE THOUSAND DOLLARS (\$1,000.00).

Section 8: If, at any time, the activities of the said licensee or 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 therefore, the Council of the City of Albany 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 here under and to ascertain any and all information which may be of benefit to the council to determine whether or not such license should be continued enforce and effect.

Section 9: 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.

Section 10: Any individual who has only one employer who is employed to watch, guard, or protect the premises, property, or persons of the employer shall register with the Chief of Police and carry identification furnished by the Chief of Police while on duty. The City of Albany shall require a reasonable deposit on all identification and badges furnished such registrants.

Section 11: The licensees hereunder, or the registrants, as provided in the preceding section, 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 of Albany. 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.

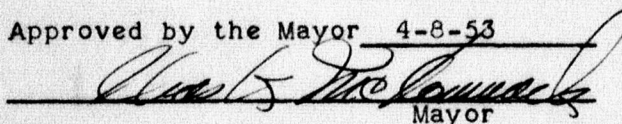
Section 12: Licensees and registrants hereunder shall give their full cooperation to the police department of the City of Albany and shall make full disclosures of all information coming to them of a criminal nature to the police department of the City and turn over to the said police department, immediately, any evidence which they may have in their possession concerning any case which the Albany Police Department is or may be interested.

Section 13: In addition to the suspension or revocation of any license issued hereunder or rescission by the Council of the approval of any person whose name appears on the application for a license, any person, firm, or corporation who violates any provisions of this ordinance shall, upon conviction, be fined an amount not to exceed TWO HUNDRED DOLLARS (\$200.00) or imprisonment not to exceed sixty (60) days or both such fines and imprisonment upon conviction of the said violation in the Recorder's Court of the City of Albany.


Section 14: Any merchant policeman or private detective now operating or doing business within the corporate limits of the City of Albany shall have twenty (20) days from the effective date of this ordinance within which to comply herewith.

Passed by the Council 4-8-53

Approved by the Mayor 4-8-53


Mayor

ATTEST


City Recorder