

**ORDINANCE NO. 6074**

**AN ORDINANCE REPEALING FAIRBANKS GENERAL CODE  
SECTION 1-19**

**WHEREAS**, FGC Sec. 1-19 was first enacted as Section 1.114 of the 1960 Code;  
and

**WHEREAS**, Sec. 1-19 allows for the warrantless inspection of private property during reasonable hours when valid grounds exist for suspicion that public health, welfare, or safety is being jeopardized; and

**WHEREAS**, a United States Supreme Court case, *Frank v. Maryland*, 359 U.S. 360 (1959), and a Maryland case, *Givner v. State*, 124 A.2d. 764 (Md. 1956), were cited as authority for this code section; and

**WHEREAS**, *Frank v. Maryland* was overturned by *Camara v. Municipal Court of the City and County of San Francisco*, 387 U.S. 523, 528-34 (1967), which held that the Fourth Amendment bars the prosecution of persons who refuse to allow an unwarranted inspection of their personal residence; and

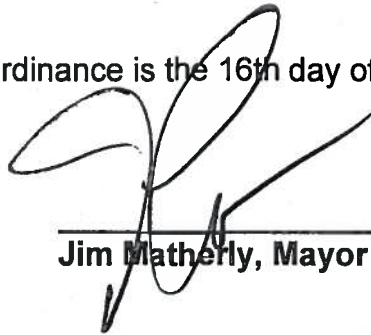
**WHEREAS**, the Alaska Supreme Court, in *Woods & Rohde, Inc. v. State, Dept. of Labor*, 565 P.2d 138, 150-52 (1977), ruled that the Alaska Constitution, Article I, Sections 14 and 22, affords protection against warrantless administrative searches of commercial premises; and

**WHEREAS**, because the original authority for FGC Sec. 1-19 has been overturned and the Alaska Supreme Court has ruled against warrantless administrative searches, and because the right of entry in emergency situations and for inspections is currently addressed in codes adopted in Chapter 10 of the Fairbanks General Code, this ordinance proposes to repeal FGC Sec. 1-19.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That FGC Sec. 1-19, Right of entry of city officials to inspect for enforcement of health, welfare, and public safety requirements, is hereby repealed.

**Section 2.** That the effective date of this Ordinance is the 16th day of June 2018.




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Jim Matherly, Mayor

AYES: Rogers, Bagwill, Therrien, Pruhs, Cleworth  
NAYS: None  
ABSENT: Huntington  
ADOPTED: June 11, 2018

ATTEST:

APPROVED AS TO FORM:



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D. Danyielle Snider, CMC



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Paul J. Ewers, City Attorney