

PART II - CODE OF ORDINANCES

Chapter 14 - BUSINESSES

ARTICLE IV. PRIVATE DETECTIVES

ARTICLE IV. PRIVATE DETECTIVES ¹⁴¹

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Sec. 14-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Private detective means any person who accepts employment for hire, fee or reward to furnish or supply information as to the personal character, actions or identity of any person or as to the character or kind of business or occupation of any person. The term shall not include within its meaning a private investigator employed exclusively for one employer in connection with a business of a collection agency. The term shall not include a detective or officer belonging to the law enforcement agencies of the United States or of the state, borough or city.

(Code 1960, § 4.301; Ord. No. 5932, § 1, 10-26-2013)

Sec. 14-122. License required.

- (a) No person shall operate as a private detective in the city without first obtaining a private detective license from the city clerk and a business license from the State of Alaska and the City of Fairbanks.
- (b) The city clerk shall issue a private detective license if the city clerk determines that the applicant meets the minimum requirements, is 18 years of age or older and is a natural-born or a fully naturalized citizen of the United States.

(Code 1960, § 4.302; Ord. No. 5932, § 1, 10-26-2013)

Sec. 14-123. Application for license; standards for issuance of license; renewals.

- (a) Applications for new licenses and license renewals issued under this article shall be made upon forms prepared and made available by the city clerk and shall state:
 - (1) The full name, date of birth, residence, and five-year employment history of the applicant.
 - (2) Whether the applicant is a citizen of the United States.

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- (3) A specific description of the location of the principal place of business of the applicant.
 - (4) The number of years of experience the applicant has had as a private detective or in related fields.
 - (5) An eight-year history of residency of the applicant.
 - (6) Such other information as the city clerk may find reasonably necessary to effectuate the general purpose of this article and to make a fair determination of whether the terms of this article have been complied with.
- (b) Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
- (1) Prostitution or promotion of prostitution;
 - (2) Any offense under AS Title 11, Chapter 71 Controlled Substances;
 - (3) Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
 - (4) Burglary, felony larceny, fraud or embezzlement;
 - (5) Any sexual offense; or
 - (6) Two separate felony convictions of any type within 8 years.
- (c) The applicant must not be addicted to the use of intoxicants or narcotics; must be of good moral character and repute; and must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.
- (d) The City Clerk's Office shall procure an online criminal history report for each applicant, the cost of which shall be included in the private detective application fee. Both the application fee and the biennial license fee for all new licenses and renewals will be set forth in the city's schedule of fees and charges for services.
- (e) All licenses issued under this article shall be for a term of two years and shall not be transferrable.
- (Code 1960, § 4.303; Ord. No. 5744, § 25, 7-1-2008; Ord. No. 5932, § 1, 10-26-2013)

Secs. 14-124—14-127. Reserved.

Editor's note—

Ord. No. 5932, § 1, effective October 26, 2013, repealed §§ 14-124—14-127, which pertained to investigation; standards for issuance of license; standards applicable to employees; notice of rejection and derived from §§ 4.304—4.307 of the 1960 Code.

Sec. 14-128. Denials, revocations and appeals.

Denials. If all the criteria as outlined in this article are not satisfied, the city clerk shall deny the application for a private detective license.

Revocations. If at any time the licensee fails to comply with the requirements of this article; or makes a false statement in their application; or at any time fails to meet those qualifications required to obtain a license, the license may be revoked.

Appeals.

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- (1) An applicant claiming a factual or clerical error must provide any relevant document to the city clerk at which time the city clerk, upon verification, may reverse the license denial.
- (2) The city council may consider appeals of an applicant whose application for a private detective license has been denied by the city clerk. The city council may, for good cause, waive compliance with the requirements of [section 14-123\(b\)\(1\)—\(6\)](#), except that the city council will not consider an appeal if the reason for the denial is a conviction for a sexual offense or for a felony drug offense within the time indicated in [section 14-123\(b\)](#) or if the applicant has more than one conviction for offenses listed in [section 14-123\(b\)\(1\)—\(6\)](#) within the time indicated.

(Code 1960, § 4.308; Ord. No. 5932, § 1, 10-26-2013)

Sec. 14-129, 14-130. Reserved.

Editor's note—

Ord. No. 5932, § 1, effective October 26, 2013, repealed §§ 14-129, [14-130](#), which pertained to license fee; conditions of licensing. See Code Comparative Table for complete derivation.

Sec. 14-131. Bond required.

- (a) No license shall be issued under this article unless the applicant files with the city a surety bond executed by such applicant with two or more sureties, or by a surety company authorized to do business in the state, in the sum of \$10,000.00, or such other financial security as may be approved by the city attorney, conditioned upon the careful, faithful and honest conduct of the services to be performed by the applicant or his employees. Such bond shall be approved by the city attorney as to form, execution and sufficiency of sureties. For an out of state applicant who is not licensed as a private detective in at least two other states, the bond shall be \$20,000.00.
- (b) The bond or approved security required in this section shall be taken in the name of the people of the city; and every person injured by the negligent, willful, malicious or wrongful act of the principal, his agent, servant or employee, or in the conduct of business of a private detective, may bring an action on the bond in his own name to recover damages for such negligent, willful, malicious or wrongful act.
- (c) The city clerk shall suspend any license when the bond or other approved financial security required in this section has lapsed or is reduced by reason of a judgment, or for any other reason is no longer in full force and effect.

(Code 1960, § 4.311; Ord. No. 5744, § 25, 7-1-2008; Ord. No. 5932, § 1, 10-26-2013)

Sec. 14-132. Reserved.

Editor's note—

Ord. No. 5932, § 1, effective October 26, 2013, repealed [§ 14-132](#), which pertained to promulgation of regulations by city clerk and derived from § 4.312 of the 1960 Code.

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Sec. 14-133. Duties of licensee.

- (a) Licensees under this article shall carry on his person at all times, when performing services as a private detective, a copy of the license issued under this article.
- (b) No private detective licensed under this article shall impersonate or hold himself out as a peace officer of this state; nor shall a private detective operate or permit to be operated a motor vehicle with a siren, blinker light or with any insignia bearing likeness to the insignia used by peace officers of this state.

(Code 1960, § 4.313; Ord. No. 5932, § 1, 10-26-2013)

Sec. 14-134. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as provided in [section 1-15](#).

(Code 1960, § 4.314)

Secs. 14-135—14-165. Reserved.

FOOTNOTE(S):

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State Law reference— Security guard, AS 18.65.490. ([Back](#))