

Introduced by: Mayor Cleworth
Date: August 19, 2013

ORDINANCE NO. 5923

**AN ORDINANCE TO REPEAL FAIRBANKS GENERAL CODE
SECTIONS 14-31 THROUGH 14-40 REGARDING LICENSING OF
SECURITY GUARDS**

WHEREAS, the City currently requires security guards and security guard businesses to be licensed; and


WHEREAS, the State of Alaska also licenses security guards and security guard agencies under AS 18.65.400 through 18.65.490; and

WHEREAS, current state regulations provide adequate safeguards for the public;

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

Section 1. That Fairbanks General Code Sections 14-31 through 14-40 are hereby repealed.

Section 2. That the effective date of this ordinance shall be the 14th day of September 2013.

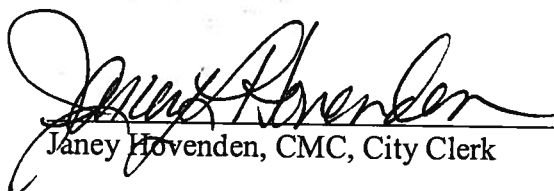


Jerry Cleworth, Mayor

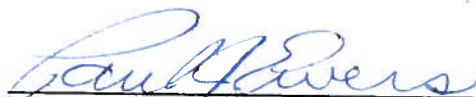
AYES: Staley, Matherly, Gatewood, Hilling, Eberhart, Walley
NAYS: None
ABSENT: None
ADOPTED: September 9, 2013

ATTEST:

APPROVED AS TO FORM:



Janey Hovenden, CMC, City Clerk



Paul Ewers, City Attorney

Sec. 14-31. 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:

Security guard means any person engaged in the business of watching, guarding or protecting any premises, property or person; however, 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 any such carrier to watch, guard or protect premises, property or persons for such carrier.

(Code 1960, § 4.101)

Cross reference— Definitions generally, § 1-2.

Sec. 14-32. License required.

It shall be unlawful for any person to own or operate a security guard business, or engage in business as a security guard except as provided in and authorized by this article, and without first having obtained a license from the city.

(Code 1960, § 4.102)

Sec. 14-33. License application.

Before any license is issued pursuant to this article, the applicant shall submit to the city clerk a written application for the license, which application shall include the following information:

(1)

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 years of the applicant, shall be submitted by any such person proposing to engage in the business of security guard. The affidavit shall be reviewed by the city clerk and shall show facts sufficient to prove to the satisfaction of the city clerk the good character, competency and integrity of each such affiant, and shall list any previous arrests and convictions of or for a crime. Conviction of a felony, or for a misdemeanor involving moral turpitude, shall disqualify the applicant for a license.

(2)

Each affidavit shall be supported by statements in writing from not less than three 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 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 a security guard business.

(3)

The applicant must submit a current criminal history report obtained from the state department of public safety if a state resident, or, if not, a current record obtained from the state of residency.

(Code 1960, § 4.103)

Sec. 14-34. Report.

If the city clerk shall find, after investigation, that the applicant is qualified and meets all requirements, he shall submit a written report, with his recommendation to the city council, that the license be granted or denied.

(Code 1960, § 4.104)

Sec. 14-35. License fee.

The fees for security guard license are as set forth in the city's schedule of fees and charges for services.

(Code 1960. §§ 1.115(3). 4.106; Ord. No. 5744, § 24, 7-1-2008)

Sec. 14-36. Issuance of license; renewal.

(a)

A new license shall be issued by the city council, through the city clerk, who shall only issue the license upon motion made and passed by the city council. If the city council authorizes and directs the issuing of the license, the applicant shall thereupon pay to the city clerk the license fee.

(b)

The city clerk may renew a license if it is determined that the applicant is qualified and meets all the requirements under this article. Renewal may be granted upon the submission by the licensee of an application for renewal, which shall be accompanied by an application fee half the amount of a new application and the payment of the annual license fee. The application for renewal must be accompanied by a current criminal history report obtained from the state department of public safety if a state resident, or, if not, a current record obtained from the state of residency.

(c)

The denial by the city clerk to renew a license may be appealed to the city council.

(Code 1960. § 4.105; Ord. No. 5744, § 24, 7-1-2008)

Sec. 14-37. Proof of insurance.

The licensee or applicant shall, before receiving the license, provide proof of insurance in a form and amount acceptable to the city attorney. Such insurance shall protect those who suffer from negligence, default or other damages.

(Code 1960, § 4.107, Ord. No. 5744, § 24, 7-1-2008)

Sec. 14-38. Revocation.

If at any time the licensee is found to have violated any of the ordinances of the city or the laws of Alaska, or the United States; or fails to comply with the requirements of this article; or makes a false statement in his application; or at any time fails to meet those qualifications required to obtain a license, the license may be revoked. Whenever there is reason to believe that the license should be revoked, the city clerk shall serve notice upon the licensee that a hearing will be held before the city clerk for the purpose of determining whether the license should be revoked. If the city clerk determines that the license should be revoked, the licensee may appeal to the city council within 15 days from the date the licensee receives notice of the decision.

(Code 1960, § 4.108)

Sec. 14-39. Rules of city council.

The city council may issue and promulgate rules and regulations to protect the health, safety and peace of the citizens of the city in relation to the security guard business. Such rules may require reports to be furnished to the director of public safety concerning the licensee and those employed by the licensee.

(Code 1960, § 4.109)

Sec. 14-40. Uniforms.

It shall be unlawful for any security guard or other licensee regulated by this article, and not a member of the department of public safety, to wear a uniform, cap, badge or buttons similar to or in imitation of the department of public safety.

(Code 1960, § 4.111)

AS 18.65.400. License as Security Guard.

A person may not be employed as a security guard or security guard agency until the person has obtained a license from the commissioner of public safety under AS 18.65.400 - 18.65.490.

AS 18.65.410. Applications.

(a) Application for a license as a security guard must be made on forms provided by the commissioner. The application must require the furnishing of information reasonably required by the commissioner to carry out the provisions of AS 18.65.400 - 18.65.490, including classifiable fingerprints and the fees required under AS 12.62.160 for criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400 to determine if the applicant has a criminal record. The application must be accompanied by a nonrefundable application fee of \$50 for a security guard and \$200 for a security guard agency.

(b) Upon request, the commissioner shall provide a social security number provided under (a) of this section to the child support services agency created in AS 25.27.010 , or the child support enforcement agency of another state, for child support purposes authorized under law.

AS 18.65.420. Bonding and Insurance.

As a condition to issuance of a license, the applicant or the applicant's employer must furnish a bond or proof of a policy of insurance to protect the state and its residents from damages arising out of the acts of the licensee.

AS 18.65.430. Duration of License.

A security guard license issued under AS 18.65.400 - 18.65.490 is valid for a period of two years and may be renewed for additional two-year terms. A renewal fee of \$50 shall be paid for each renewal.

AS 18.65.440. Revocation of License.

A security guard license issued under AS 18.65.400 - 18.65.490 is subject to revocation in accordance with AS 44.62 (Administrative Procedure Act) for the following reasons:

- (1) false statements in an application issued under AS 18.65.400 - 18.65.490;
- (2) violation of a provision of AS 18.65.400 - 18.65.490 or a regulation adopted under AS 18.65.450 ;
- (3) conviction of a felony or a crime involving moral turpitude while licensed;
- (4) knowing impersonation of a law enforcement officer; or
- (5) knowingly continuing the employment of an individual as a security guard who has been convicted of a felony or a crime involving moral turpitude, or who has impersonated a law enforcement officer while employed by the licensee.

AS 18.65.450. Regulations.

The commissioner shall adopt regulations necessary to implement AS 18.65.400 - 18.65.490, including provisions specifying the amount of bond or insurance required and the types of uniforms, badges, and insignia that may be used.

AS 18.65.460. Exceptions to Licensure.

An employer is not required to seek licensure for the employer's employees who provide unarmed plant security on that employer's premises.

AS 18.65.470. Firearms Training.

Security guards licensed under AS 18.65.400 - 18.65.490 may not be armed with a firearm for the purpose of protecting property until they have completed firearms training acceptable to the commissioner.

AS 18.65.480. Penalty.

A violation of a provision of AS 18.65.400 - 18.65.490 or a regulation adopted under AS 18.65.450 is a misdemeanor and upon conviction is punishable by imprisonment for not more than 60 days, or by a fine of not more than \$1,000, or by both.

AS 18.65.490. Definitions.

In AS 18.65.400 - 18.65.490,

- (1)** "commissioner" means the commissioner of public safety;
- (2)** "security guard" means a person in the business of being a private watchman, providing patrol services, or providing other services designed to prevent the theft, misappropriation, or concealment of goods, money, or valuable documents;
- (3)** "security guard agency" means a person in the business of furnishing for hire private watchmen, patrol services, or other services designed to prevent the theft, misappropriation, or concealment of goods, money, or valuable documents.