

**ORDINANCE NO. 5932**

**AN ORDINANCE TO AMEND FAIRBANKS GENERAL CODE CHAPTER  
14 BUSINESSES, ARTICLE IV PRIVATE DETECTIVES LICENSES**

**WHEREAS**, the City Code pertaining to private detectives is outdated in areas; and

**WHEREAS**, online criminal background checks are now available which provide instant results and a more thorough nationwide criminal history search; and

**WHEREAS**, the proposed changes will make the Code pertaining to private detectives more consistent with other Code sections governing occupational licensing; and

**WHEREAS**, the proposed changes will streamline the application process, will provide instant results for applicants, and will be less costly for applicants; and

**WHEREAS**, the City no longer enforces the fingerprinting requirement for any occupational license,

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

**SECTION 1.** Fairbanks General Code Chapter 14, Article IV is amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**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 ~~any~~ the state, ~~county~~ borough or city.

**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.**

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

(a) ~~Contents.~~ Applications for new licenses and license renewals issued under this article shall be made upon blank forms prepared and made available by the city clerk and shall state:

- (1) The full name, agedate of birth, residence, ~~present and previous occupations and~~ **five-year employment history** of the applicant.
- (2) Whether the ~~person signing the application~~ **applicant** is a citizen of the United States.
- (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) ~~The length of time the applicant has been a bona fide resident of the state immediately preceding the filing of the application~~ **An eight-year history of residency of the applicant.**
- (6) Such other information as the city clerk ~~shall~~ **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. ~~The applicant shall also 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, and a current driving record.~~

~~(a) *Fingerprints and photograph.* The application required under this section shall be accompanied by a full set of fingerprints and a recent photograph, which will thereupon be forwarded to the Federal Bureau of Investigation, Identification Service, for search and comparison purposes.~~

~~(b) *Application fee.* An application for a new license shall be accompanied by a fee as set forth in the city's schedule of fees and charges for services. An application for license renewal shall be accompanied by fee in half the amount provided for an application for a new license.~~

**(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.

**Sec. 14-124. - ~~Investigation~~Reserved.**

~~Within 20 days after receipt of an application as provided for in this article, the city clerk shall cause an investigation to be made of the applicant and his proposed operation.~~

**Sec. 14-125. - ~~Standards for issuance of license~~Reserved.**

~~The city clerk shall issue a license under this article when he finds that:~~

~~(1) The applicant has never been convicted of any felony or any offense involving decency or moral turpitude.~~

~~(2) The applicant is a natural born or a fully naturalized citizen of the United States.~~

~~(3) The applicant does not believe in or advocate the overthrow of the government of the United States or of the state by force or violence and is not a member of any organization or party which believes in or teaches directly or indirectly the overthrow of the government of the United States or of the state by force or violence.~~

**Sec. 14-126. - ~~Standards applicable to employees~~Reserved.**

~~All employees of any person having or applying for a license under this article shall meet the standards set forth in section 14 125 and shall be subject to all regulations of this article.~~

**Sec. 14-127. - ~~Notice of rejection~~Reserved.**

~~The city clerk shall act upon the application for a private detective's license within 20 days after its filing. If the city clerk disapproves the application, he shall mail to the applicant~~

~~within ten days after the date upon which the application was filed a notice of his action, stating the reasons for his denial of the permit.~~

**Sec. 14-128. – Denials, revocations and aAppeals procedure.**

~~Any person aggrieved shall have the right to appeal the denial of a private detective's license to the city council. The appeal shall be taken within ten days after notice. The city council shall act upon the appeal within 15 days after its receipt.~~

**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.**

**(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 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.**

**Sec. 14-129. – License feeReserved.**

~~A license shall be issued to a successful applicant upon payment of a fee as set forth in the city's schedule of fees and charges for services~~

**Sec. 14-130. - Conditions of licensingReserved.**

~~(a) Transferability. Licenses issued under this article shall not be transferable.~~

~~(b) Revocation and suspension. Licenses issued under this article shall be subject to revocation or suspension by the city clerk for violation of any of the provisions of this article or misconduct by the licensee or his employees, after reasonable notice and an opportunity to be heard has been given the licensee. The city clerk shall immediately notify any licensee, by personal service, of such suspension or revocation.~~

~~(c) Renewal. The city clerk shall issue renewal licenses to all licensees whose licenses have not been suspended at the time the licenses have expired, upon payment of the license fee.~~

~~(d) *Term of license.* All licenses issued under this article shall be for a term of two years.~~

**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) *Protection to public.* 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) *Suspension of license on failure of security.* 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.~~

**Sec. 14-132. - ~~Promulgation of regulations by city clerk~~Reserved.**

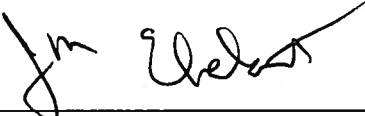
~~The city clerk shall have the authority to enact and enforce reasonable rules and regulations for the operation of private detectives in the interest of public safety, morals and welfare and to effectuate the general purpose of this article.~~

**Sec. 14-133. - Duties of licensee.**

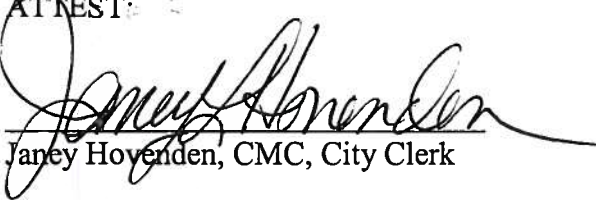
~~(a) *Carry and post license certificate.* Licensees under this article shall cause a certificate of such license to be displayed at all times in a conspicuous place in or on their places of business described in such licenses. Each licensee shall carry on his person at all times, when performing services as a private detective, a certificate copy of the license issued under this article.~~


~~(b) *Impersonation of state police officers.* 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.~~

**SECTION 2.** That the effective date of this Ordinance shall be the 26th day of October 2013.

  
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**John Eberhart, City Mayor**

AYES: Waitey, Matherly, Gatewood, Hilling, Eberhart, Staley  
NAYS: None  
ABSENT: None  
ADOPTED: October 21, 2013

ATTEST:  
  
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Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:  
  
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Paul J. Ewers, City Attorney