

ORDINANCE 52

VEHICLES FOR HIRE

Under AS 29.48.035 (a) (2), the city may regulate "licensing of drivers of taxicabs, for-hire automobiles, motor buses, or other vehicles for the transportation of passenger or baggage." It may also regulate, under AS 29.48.035 (1), "licensing and operation of motor vehicles."

Sec. 52-1. DEFINITIONS

(a) Chauffeur's Permit: Whenever used herein shall be deemed to mean a license granted by the city to operate any taxicab or motor bus upon the streets of Bethel as the driver or chauffeur thereof.

(b) Taxicab: Is and shall be deemed for the purpose of this Ordinance to mean a motor vehicle used for the purpose of carrying passengers for hire or pay, upon the public streets of Bethel, but not limited in its operation to any particular route, and not exceeding a seven-passenger capacity, including the driver, for a sedan, and nine passenger capacity, including the driver, for a van.

(c) Taxicab Permit: Whenever used herein shall be deemed to mean the permit or license granted by the City of Bethel to any person or business organization to operate or keep for hire, any taxicab as the case may be, within the City of Bethel, or upon the public streets thereof.

Sec. 52-2. GENERAL REQUIREMENTS FOR PERMITS

Every person, including all officers, agents, servants, employees and chauffeurs of any corporation, company, or individual business licensed as provided in this ordinance shall possess the following qualifications:

- (a) Ability to read and write the English language.
- (b) Nonaddiction to the use of intoxicants or narcotics.
- (c) Good moral character and repute as determined by arrest records and two affidavits of character from references.
- (c) No conviction of a felony for ten years previous to date of application; no conviction at any time of a felony or misdemeanor involving moral turpitude or assault with a deadly weapon or use of or traffic in narcotic drugs or traffic in women for immoral purposes.

In addition to the requirements set forth in this section, all chauffeurs shall possess a current State of Alaska driver's license; a physician's certificate as to a physical ability to operate a for hire vehicle; and be nineteen years of age or older.

Sec. 52-3. FINGERPRINTS, PHOTOGRAPHS, ETC.

Each applicant for a taxicab or a chauffeur's permit under the provisions of this ordinance shall make application on blanks furnished by the police department and shall submit together with his application:

- (a) The necessary fees, if any.
- (b) Two photographs of applicant taken within six months of application.
- (c) A full set of fingerprints to be taken by the police department.
- (d) Two affidavits of his (her) good moral character from reputable citizens who have known the applicant at least six months prior to date of application.

Item (c) of this section shall also apply to officers, agents, servants and employees (employed in Bethel) of corporations or companies, associations and partnerships.

Sec. 52-4. CHAUFFEUR'S PERMIT GENERALLY

No person shall drive a vehicle required to be licensed under this ordinance while said vehicle is in commercial use until he shall have first obtained a chauffeur's permit from the City of Bethel.

Sec. 52-5. ISSUANCE OF CHAUFFEURS' PERMITS

The chief of police shall be the issuing authority for all temporary and permanent chauffeurs' permits. If the application for a chauffeurs' permit indicates that the applicant meets the qualifications for a license the chief of police shall issue a temporary permit pending completion of the investigation of the applicant's background and qualifications. This temporary license shall expire by its own terms at the end of forty-five days from the date of issuance. If, upon completion of the necessary investigation, the applicant meets all of the requirements and qualifications as established in this ordinance, the temporary permit will automatically achieve permanent status. The chauffeur's license is renewable annually on or before January first of each year, under the provisions of this ordinance.

Sec. 52-6. DENIAL OF CHAUFFEURS' PERMITS -- GENERALLY

If, in the opinion of the chief of police, the applicant does not meet the requirements and qualifications established by this ordinance, he may deny the issuance of either a temporary or a permanent chauffeur's permit. He shall do so in writing, stating briefly and concisely the reasons for such decision.

Sec. 52-7. REVOCATION OR SUSPENSION OF CHAUFFEUR'S PERMIT

The chief of police shall have the power, after public hearing as hereinafter provided, to revoke or suspend any permanent chauffeur's permit issued under the provisions of this ordinance when said chauffeur has filed a false statement in his application; or has been convicted of a felony; or has been convicted of a misdemeanor involving moral turpitude or assault with a deadly weapon, or use of or traffic in narcotic drugs or traffic in women for immoral purposes; or has been convicted of driving while under the influence of intoxicating liquor, or under the influence of narcotic or hypnotic drugs; or has been convicted of reckless driving, negligent driving, leaving the scene of an accident; or is a habitual offender of the traffic laws and ordinances of the City of Bethel or the State of Alaska.

The chief of police shall have the power, without public hearing, to suspend or revoke in like manner any temporary chauffeur's permit.

The chief of police shall suspend the permit of any chauffeur who shall be convicted of three moving violations within one year computed from the date of the last violation for which conviction was had. Such suspension shall be not less than thirty nor more than sixty days.

Sec. 52-8. TAXICAB PERMITS

No person shall operate taxicabs in commercial use under a business name or style or individual name without obtaining a permit for each such taxicab from the city clerk. Each permit shall be issued upon certification of the chief of police who shall determine that all of this ordinance pertaining to vehicles for hire has been complied with.

If the applicant for a permit be a corporation, the permit shall be issued in its name; otherwise, all permits shall be issued to natural persons. A corporate permittee shall file with the chief of police a complete current list of shareholders. Any change in shareholders shall work a revocation unless the city council applies the standards set in section 52-24 and determines that revocation would result in unnecessary hardship or would not be in the public interest, and decides that the permit not be revoked.

If a taxicab with a permit is inoperable due to the unavailability of parts for repairs, a temporary "Down-Cab Permit" may be issued, for a specific length of time, by the chief of police for an unpermitted vehicle to be used while the permitted taxicab is being repaired. The unpermitted vehicle must conform to all the standards herein applicable to taxicabs. The Chief of Police must be notified immediately upon repair of the permitted vehicle whereupon the Down-Cab Permit will immediately expire.

Sec. 52-9. REVOCATION OR SUSPENSION OF TAXICAB PERMIT(S)

The chief of police shall have power, after a public hearing as hereinafter provided, to revoke or suspend any or all taxicab permits held by a permittee who has signed a false statement in his application; or has been convicted of any violation of any of the provisions of this ordinance or shall have been convicted of a felony; or has been convicted of a misdemeanor involving moral turpitude or assault with a deadly weapon or use of or traffic in narcotic drugs and/or traffic in women for

immoral purposes. The chief of police shall further have power to revoke or suspend taxicab permits for failure of the operator to maintain adequate service to the public (Sec. 52-19) or for failure to comply with regulations governing the operation of taxicab.

Sec. 52-10. HEARING ON SUSPENSION OR REVOCATION OF CHAUFFEUR'S OR TAXICAB PERMIT

Before suspending or revoking any taxicab permit or permanent chauffeur's permit, the chief of police shall set the time and place for a public hearing. The chief of police shall notify the permittee of the time and place for the public hearing and of the charges against him. The time of the public hearing shall not be less than three days nor more than ten days after the written notice is mailed or delivered to the permittee. The permittee involved shall be entitled to be represented by counsel and call witnesses in his own behalf. After the public hearing hereinabove required, the chief of police may suspend either the taxicab or the permanent chauffeur's permit for a specified period of time not to exceed sixty days or may revoke either of them.

Sec. 52-11. APPEAL FROM SUSPENSION OR REVOCATION OF TAXICAB OR CHAUFFEUR'S PERMIT(S)
OR APPLICATION THEREOF

Any applicant or permittee desiring to appeal the decision of the chief of police suspending or revoking a taxicab permit or a temporary or permanent chauffeur's permit shall, within ten days from the receipt of the written decision of the chief of police, file with the city manager a written notice of appeal stating the order or decision from which the appeal is taken. The city manager upon receipt of any such notice of such appeal shall set the date of public hearing before the city manager at a place designated by him. The city manager shall upon setting the date of the public hearing, notify the appellant and the chief of police of the time and place of such hearing. The notice of the time and place of such hearing shall be given not more than ten days nor less than three days prior to the hearing. After said public hearing has been had the city manager may modify, revoke, rescind or affirm the order from which an appeal is taken or may enter his own order as may be justified under the circumstances. All appeal decisions of the manager shall be in writing and a copy shall be mailed to the appellant.

In the event that the city manager affirms the suspension or revocation of a chauffeur's or a taxicab permit or application by the chief of police, the appellant may appeal to the city council by filing a written notice of appeal with the city manager within twenty days from the date of the manager's decision. The notice shall state the grounds for appeal and no other issue than stated in the notice shall be considered by council on appeal. Upon receiving a timely notice of appeal; the city manager shall put the appeal on the agenda for a public hearing at the next regular council meeting. The council at the close of the hearing may modify, revoke, rescind, or affirm the decision of the city manager. The council's decision is final.

Sec. 52-12. INSURANCE REQUIRED

Before any taxicab permit is issued for any vehicle for hire the applicant therefore shall furnish one or more policies or certificates of insurance assured by an insurance company authorized to do business in the State of Alaska providing indemnity for the insured in the amounts specified below and agreeing to pay, within the limits of said amount, to any judgement creditor recovering final judgement (other than the employees of the insured) for personal injuries, including death, and damages to property suffered during the applicable year in which said insurance is in effect, resulting from the negligent operation, maintenance or use of said vehicle. The minimum insurance liability of the applicant as to any one covered public vehicle shall be that amount required by state law.

SPECIFIED INSURANCE AMOUNTS

Bodily Injury Liability - \$15,000 each person
Bodily Injury Liability - 30,000 each accident
Property Damage Liability- 5,000 each accident

Said policy or policies of liability insurance shall be approved as to substance and form by the city attorney and filed with the city clerk.

Sec. 52-13. NOTICE OF CANCELLATION OR TERMINATION OF INSURANCE

Every such insurance policy or certificate shall contain a clause obligating the insurer or surety to give the city clerk, by registered mail, at least fifteen days written notice before the cancellation, expiration, lapse or other termination of such insurance for each and/or every vehicle issued a taxi permit.

Sec. 52-14. REGULATION AND DISPLAY OF FARES

The city council may regulate the fares for the use of any motor vehicle for hire licensed pursuant to this ordinance. Before any of said regulations shall be effective the city council shall hold a public hearing. Notice of this hearing shall be given to all owners of vehicles affected by the regulations. Fares shall be at all times posted in a conspicuous place in the interior of the vehicle, and said fares shall be nondiscriminatory. Receipt for fares must be given upon request of the passengers.

Sec. 52-15. VEHICLE INSPECTION

No less than twice a year, and more frequently if required by the circumstances, the police department shall inspect all vehicles issued a permit. No permit shall be issued until the vehicle is inspected by the police department and found in safe, satisfactory and sanitary condition for the transportation of passengers. Any vehicle permitted as provided herein, which has been involved in a collision or accident, shall be inspected by the police department before it can again be used in service. Notice of such collision or accident shall be given immediately to the police department. Private automobile mechanics may be employed for inspection purposes to examine vehicles. The expense in employing private automobile mechanics may be charged against the owner of said vehicle. The chief of police may prohibit the use of any vehicle which is found in an unsafe or unsanitary condition, or is otherwise unfit or unsuited for public patronage.

Sec. 52-16. MAXIMUM NUMBER OF HOURS PER DAY FOR CHAUFFEURS

No chauffeur shall remain in control of any vehicle for hire for a total period of more than twelve consecutive hours and shall not return to work until another eight hours have elapsed.

Sec. 52-17. DUTY TO SERVE THE PUBLIC

If the taxicab is available, no chauffeur shall refuse or neglect to convey any orderly person or persons upon request unless forbidden by this ordinance to do so.

Chauffeurs shall not drink alcoholic beverages while on duty or for three hours prior to starting a shift.

The chauffeur shall have no alcoholic beverages in his possession in a taxicab except beverages in the possession of fare paying passengers. Such alcoholic beverages shall be unopened.

Sec. 52-18. MAXIMUM NUMBER OF TAXICABS IN OPERATION

The council shall have the power to determine from time to time the maximum number of taxicabs required. The city clerk may issue taxicab permits not to exceed the total number authorized by the city council. The city council shall consider the public necessity and convenience and shall arrive at their decision, after a public hearing and after notice to all taxicab permittees, by the consideration of the following:

- (a) The demands for such service.
- (b) The effect on traffic congestion.
- (c) Whether the safe use of streets for vehicular traffic will be impaired.
- (d) Any other facts which the city council deem relevant.

The total number of taxicab permits within the City of Bethel shall be limited to 27. Requests for additional permits will be received as deemed necessary by the city council.

Sec. 52-19. MINIMUM UTILIZATION OF TAXICAB PERMIT

No taxicab permit shall be issued for a second or succeeding year for the same taxicab or for any other taxicab under the same permit, unless the taxicab, or any

other taxicab for which the permit has been transferred, (which includes temporary down-cab permits for a permitted taxicab) has, during the current year covered by the permit, been operated on a regular twelve hour shift for at least two weeks out of a month for which the permit was valid, nor shall any new taxicab permit be issued to any person holding another permit which lapses because of failure to meet the foregoing use requirement during the preceding permit year unless the council determines the nonrenewal of such permit would result in unnecessary hardship or would not be in the public interest. Compliance with the foregoing use requirement shall be determined by the council after examination of dispatch and other records at such times as the council deems appropriate.

Sec. 52-20. TAXICAB REGULATIONS GENERALLY

All taxicabs must conform to the following requirements:

- (1) Bear a vehicle number which shall be the taxi permit number, in letters 4" size placed in a designated location on the taxicab.
- (2) Be equipped with a two-way radio and operate this radio as well as take all taxi call-ins under a licensed dispatch service.
- (3) Every taxicab permittee in the City of Bethel shall place on the side of both front doors in 4" size letters the owner of the vehicle as specified on the taxi permit.
- (4) Each taxicab shall be equipped with a nonflashing top light which shall specify the dispatch name used by the permittee and which shall be lighted at all times while the taxicab is in operation.

Sec. 52-21. REMOVAL, CHANGE, ETC, OF TAXICAB MARKINGS

In the event any taxicab is, for any reason, disqualified or no longer used for a taxicab, all signs and markings and any other device or insignia indicating that such automobile is a taxicab shall be removed prior to the utilization of such vehicle for any other purpose. No private vehicle shall bear any insignia, marking or lights which tend to indicate such vehicle is or has been a taxicab as herein defined.

Any permittee using a color scheme in common with other permittees shall, upon voluntary or involuntary disassociation with said permittees, file with the police a separate color scheme for vehicles covered by his permits if applicable.

Sec. 52-22. TAXICAB DISPATCH OFFICE AND TAXICAB RECORDS GENERALLY

Every taxicab permittee shall maintain an individual dispatch office with a dispatcher; provided, however, that any number of permittees may join together in an organization to provide a common dispatch service. Said dispatch office shall be located within the corporate limit of the city.

Each taxicab permittee shall keep and maintain at all times a complete and accurate record of all chauffeurs employed by him, which record shall show in detail the names and dates of the beginning and termination of said chauffeurs, hours of each day of his employment, and his total gross taxicab fares received for each day of service. Such record shall be displayed to the police department or city manager at any time upon demand and shall not be destroyed for a period of two years. Each such taxicab permittee shall file quarterly with the city manager a list of all chauffeurs in his employ during said quarter, the total gross taxi fares received by each chauffeur for that quarter, and a list of all taxicab operated and the number of days each taxicab operated a regular shift during said quarter.

The keeping of records and other duties herein imposed on permittees may be performed by a service organization formed by and consisting of permittees, but the primary responsibility for compliance shall at all times remain with the individual permittee. Noncompliance with this section shall be grounds for revocation or suspension of taxicab permit(s) per Section 52-9.

Sec. 52-23. TERM AND COST OF PERMIT(S)

All permits issued under this ordinance shall be for a period not exceeding one year and must be renewed on or before January first of each year hereafter.

The fee schedule for permits issued pursuant to this ordinance shall be as follows:

Taxicab Van Permit per year, \$200, with \$50.00 payable in advance to receiving permit, and \$50.00 payable quarterly thereafter.

Taxicab Sedan Permit per year, \$150, with \$37.50 payable in advance to receiving permit, and \$37.50 quarterly thereafter.

Chauffeur's permit per year, or any part thereof, \$10.00 payable in advance to receiving permit.

Sec. 52-24. SALE OF BUSINESS

If any permittee shall sell or otherwise dispose of the assets of a for hire business to a person or corporation the council may recommend or deny the issuance of a new permit(s) to the purchaser of the assets upon surrender of the existing permit(s) under which said assets were being operated if it shall find:

- (a) That the purchase price does not include the permit as an element of value.
- (b) That the issuance of a new permit will be in the public interest.

Provided, however, that no such purchaser shall have any vested right to a new permit but the issuance thereof shall be wholly within the discretion of council.

Sec. 52-25. TAXICAB DISPATCH SERVICE

(a) No person shall engage in the dispatching of taxicabs under a business name or style or individual name without first obtaining a nontransferable license there-fore. If the applicant for a license be a corporation, the license shall be issued in its name; otherwise, all licenses shall be issued to natural persons.

(b) All applications for a license to dispatch taxicabs shall be made to the city clerk and she shall submit them to the council for approval. If the application is approved the city clerk shall issue the license. In approving an application for such license, the council shall consider the public convenience, the number of taxi-cabs to be served, and such other facts as the council may deem relevant.

(c) A corporate licensee shall file with the city manager a complete, current list of shareholders. Any change of shareholders shall work a revocation of the license unless the city council determines that revocation will result in unnecessary hardship and would not be in the public interest.

(d) Each dispatch service shall maintain a current list of taxicabs with the chief of police and city manager, including the city permit number and name of owner, which the dispatch service is dispatching. The dispatch of any taxicab not listed with the city manager shall work an automatic revocation of the dispatch license.

(e) Each dispatch service shall maintain a system of records of all dispatches. Such records shall be retained for a period of not less than two years and be made available to the chief of police and city manager upon request.

Sec. 52-26. This ordinance supercedes and replaces all previous City Ordinances related to Vehicles for Hire.

Passed and approved by the City Council of the City of Bethel, Alaska this 23rd day of April, 1973.

APPROVED:

Margaret Mick Cooke
Mayor for the City of Bethel

ATTEST:

Carrie Kashafok
City Clerk for the City of Bethel