

Introduced by: Council Member Drake
Date: May 27, 2003
Public Hearing: June 10, 2003
Action: Adopted
Vote: Unanimous

CITY OF BETHEL, ALASKA

ORDINANCE #03-10

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE SECTIONS 5.20.070 AND 5.20.110 TO ADD PROVISIONS REQUIRING ANY REQUESTED TAXICAB INSPECTION REPORT TO BE PAID BY THE TAXICAB OWNER, IMPOSING FINES AGAINST A DESIGNATED INSPECTOR STATIONS AND TAXICAB OWNERS FOR SUBMISSION OF ANY FALSE OR MISLEADING TAXICAB INSPECTION REPORTS, AUTHORIZING DENIAL, SUSPENSION OR REVOCATION OF A TAXICAB PERMIT UPON SUBMISSION OF SUCH A FALSE OR MISLEADING REPORT, AND PROVIDING FOR APPEAL PROCEDURES UNDER SECTION 5.20.100.

BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is permanent in nature and shall be incorporated into the Bethel Municipal Code ("Code").

SECTION 2. Content. Sections 5.20.070 of the Code is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

5.20.070 Powers and duties of transportation inspector.

In addition to the other duties and powers granted by Chapters 5.20 through 5.50, the transportation inspector shall:

- A. Keep records relating to permittees, regulated vehicles, regulated vehicles, chauffeurs, and dispatch services regulated under Chapter 5.20 through 5.50;
- B. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles to assure that the provisions of Chapter 5.20 through 5.50 are enforced and obeyed;
- C. Receive and process all applications for permits and licenses;
- D. Require a regulated vehicle to be taken out of service for an inspection when the transportation inspector reasonably believes that it poses a threat to the safety or health of persons or property. The transportation inspector may order the owner of the regulated vehicle to obtain and pay for an inspection report from a designated inspection station. The transportation inspector may keep a vehicle out of service for a reasonable time in order to perform the inspection; and

- E. Assess of a fine against a designated inspection station or the regulated vehicle operator or both, upon submission of an inspection report under Section 5.20.080 that contains false or misleading information, including any material omission. The fine shall not exceed three hundred dollars for each violator for each false or misleading inspection report. This fine shall be in addition to any other remedy or penalty provided by this code, such as denial, revocation, or suspension of a license or permit. Any appeal of the fine shall be in accordance with Section 5.20.100.
- F. Perform those administrative duties of the commission which are delegated to him or her by the commission.

SECTION 3. Content. Section 5.20.110 of the Code is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

5.20.110 Denial, suspension, or revocation of license or permit.

- A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
 - 1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in Section 5.40.030;
 - 2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
 - 3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with Section 5.20.085.
- B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine or bus permit.
 - 1. The commission shall suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that:
 - a. A permittee has not operated pursuant to the permit for forty-five consecutive days or for ninety days in any twelve-month period, provided that such failure to operate is not caused by strike, public catastrophe, or other act beyond the control of the permittee but not including insolvency;
 - b. A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty days after the date of such sale or loss;
 - c. A permittee has failed to make any payments required under Chapter 5.20 through 5.50 or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees

required by any other provisions of this code;

- d. A permittee has submitted a false or misleading inspection report from a designated inspection station.
 2. The commission may suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50;
 3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine or bus permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in Section 5.30.040;
 4. The Transportation Inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.
- C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:
1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;
 2. Such dispatch service has failed to provide dispatch services for a period of ninety consecutive days, provided that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
 3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.
- D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.
- E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector, and cease operating a regulated vehicle, immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first issued a new chauffeur's license in accordance with Section 5.40.030.

- F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.
- G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with Section 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with Section 5.20.100.
- H. Unless provided otherwise in Chapters 5.20 through 5.50, a permit or license that is revoked shall become void and revert to the commission.

SECTION 4. Effective Date. This Ordinance shall take effect immediately upon passage by the City Council.

ENACTED THIS 10th DAY OF June, 2003 by a vote of 4 in favor and 2 opposed.

ATTEST:

Hugh Short, Mayor

Janette Persinger, City Clerk