

ORDINANCE # 26

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE OPERATION OF TAXICABS, MOTOR BUSES AND OTHER VEHICLES FOR HIRE, PROVIDING A PENALTY AND SETTING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF BETHEL, ALASKA

SECTION I. PURPOSE. The purpose of this ordinance is to regulate the use of taxi cabs, motor busses, and other for hire in and on the streets of Bethel, Alaska.

SECTION II. DEFINITIONS.

(A) For the purpose of this ordinance the following terms shall be defined to mean:

(1) "Taxicab" shall mean any motor vehicle having a seating capacity of nine persons, or less, according to the manufacturers rating and used for the purpose of transporting passengers, for a fee, over routes which are neither fixed, defined, nor regulated by law or municipal directive.

(2) Motorbus shall mean any motor vehicle having a seating capacity of nine or more, according to the manufacturers rating operating over established and fixed routes or under private charter agreement, and serving the public at large or any person who is willing to pay the fare or fee affixed.

(3) Other vehicle for hire shall mean any other vehicle not fitting within either of the foregoing definitions and yet used and operated as a carrier of passengers for pay, or for a fare, or for hire; including but not limited to, sightseeing vehicles and airport limousines.

SECTION III. WRITTEN PERMISSION.

(a) No person, partnership association, corporation or other business entity shall operate or cause to be operated, upon the streets of the City of Bethel. Any taxicab, motorbus or other for hire vehicle ostensibly engaged in the business of transporting passengers, unless he, or it, shall first obtain, through application to the council of the City of Bethel, and thereafter hold effective, written permission authorizing the operation of such vehicle, or vehicles, upon the streets of the City of Bethel. No such permission shall be issued for a period greater than one (1) year.

(b) Penalty of non-permit operation. Any person, partnership, association, corporation or other business entity operating a vehicle or causing a vehicle to be so operated, in violation of the foregoing subsection shall be deemed guilty of a misdemeanor and upon conviction of such offense, before the magistrate, shall be liable to a fine not to exceed \$100.00 or to be imprisoned in the city jail for a period not to exceed 10 days, or to both fine and imprisonment. Each act or violation, and every day upon which any such act or violation occurs, shall constitute a separate offense.

(c) Qualifications. All applicants for a written council permission, including all officers, agents, servants, and employees, of any corporation, association or company, shall possess the following qualifications:

- (1) Ability to read and write the English Language.
- (2) Non-addiction to the use of intoxicants or narcotics.
- (3) Good moral character and repute.
- (4) No conviction of a felony for ten (10) 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 women for immoral purposes.

(d) Application for written council permission. All applications for "written council permission" must be submitted to the city clerk, of the City of Bethel. The city clerk is directed to prepare an application form for the use of all applicants, and no application departing materially from the required form will be considered by the council. When the application is submitted to the city clerk he shall examine it for accuracy and completeness, and submit his recommendation to the city council based upon the qualification of the applicant.

Said application for permit shall contain the following:

- (1) The date of the application
- (2) The complete legal name and address of the person, corporation or company to whom the permit, if granted, is to be issued.
- (3) The nature of the company under which the applicant intends to do business (sole proprietorship, partnership, association, corporation).
- (4) The name and address of the owner of the company if a sole proprietorship or, the names and addresses of the partners or members, if the company is a partnership or association, or, the names, addresses and positions of the corporation officers, if the company is a corporation.
- (5) The exact name which the applicant will display upon the exterior of the vehicle(s) to be operated under the written council permission.
- (6) The term for which the council written permission is sought. (Normal term will run from January 1 to December 31 of each year).
- (7) The location of the terminal or dispatch office from which the vehicles, are to operate upon the granting of the council written permission.
- (8) The number of vehicles sought to be operated under and by virtue of the council written permission; and the nature of each of these vehicles, be it taxicab, motorbus, or other for hire vehicles such as air-line service and sightseeing automobiles and limousines.
- (9) The make, model (year) engine or serial number, Alaska license number, and record owner, of each vehicle to be operated under the council written permission, as well as the amount of bodily injury and property damage insurance coverage on each vehicle, the name of the insurer, and the insurance policy number.
- (10) The basis of control and regulations which the applicant intends to create or exercise over those persons who are to actually drive the vehicles to be operated under the council written permission, be it employer-employee, principal-agent, or other contractual or licensing agreement.
- (11) A statement by the applicant that he will accept responsibility for maintaining, on all vehicles and drivers thereof operating under the council written permission, no less than the minimum personal injury and property damage insurance as required by this ordinance.

(12) A statement by the applicant that he will accept responsibility for payment to the City of Bothol of all consumer sales tax due to the City of Bothol for passenger transportation services rendered by vehicles operated under and by virtue of the council written permission.

(13) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the council written permission; a listing, maintained current, of all chauffeurs or drivers of vehicles operated under the foregoing license reflecting termination dates of chauffeurs or drivers who withdraw from such positions; and such other data as may be from time to time required by the council written permission. The foregoing information to be submitted to the City Clerk of the City of Bothol within five days after the end of the month, except insofar as expressly waived by the City Council. All records of such information shall be preserved by the applicant for not less than two years to be made available to the City clerk upon request of the latter.

(14) The application shall be subscribed by the applicant or, where proper, a partner or officer thereof; shall set forth the capacity in which the subscriber acts; the name of the company for whom he acts; and, if a corporation, shall bear the corporate seal.

(15) There shall also be submitted with this application, copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner or driver of all vehicles to be operated by virtue of "the council written permission;" such insurance to afford coverage in an amount not less than fifty thousand dollars per person for personal injury sustained in any one accident, and to also provide coverage of twenty-five thousand dollars per person for property damage arising out of any one accident. Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

(e) City Clerk's recommendation. After completing his review of the application and any reports submitted to him, the city clerk shall make his recommendation to the city council.

(f) Council Action on Applications. The city council shall take final action on all applications submitted, for "the councils written permission" and may approve, modify, limit or deny the application.

(g) Issuance of Written Permission. Upon approval of an application by the council, the city clerk shall cause to be executed, under seal of the City of Bothol and signature of the city clerk, a proper certificate signifying the approval and issuance of "the council written permission" to the applicant. Where the council has imposed modifications, limitations or conditions, in approving the application, such will be set forth on "the council's written permission" certificate. Immediately thereafter the permit shall be presented to the city clerk to be held by him for a period not exceeding fifteen (15) days. If after fifteen (15) days have elapsed, the applicant has failed to accept the permit as thus tendered the same shall be returned to the city clerk for cancellation by him, with the council to be advised of this happening.

(h) Suspension and revocation of "the council written permission."  
"The council council written permission" may be temporarily suspended, or permanently revoked, by action of the council, for any of the following occurrences:

(1) Breach of any condition, limitation, or modification imposed by the council in approving the application for "the council written permission."

(2) Breach, by the holder of "the council written permission," of any covenant or agreement undertaken by the holder in making application for such a permit.

(3) Delinquency on the part of the holder of "the council written permission," or on the part of individual chauffeurs or drivers, in payment to the City of Bethel of consumer sales taxes imposed on fares collected for the transportation of passengers in vehicles operated under the license.

(4) Violation, by the holder of "the council written permission," or by any chauffeur or driver of a vehicle operated under and by virtue thereof, of any standard zone fare charge set, and regulated, by subsequent sections or provisions of this article.

(5) Violation of any of the provisions of this article pertaining to vehicle permit or without a permit of the chauffeur thereof.

(6) Any false statement in the application.

(7) If the applicant, or in case of a corporation or association, any officer or manager thereof, lacks good character, or has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the use of, or traffic in, narcotics or similar drugs, or traffic in women for immoral purposes.

(8) Before suspending, or revoking, any "council written permission", the city clerk shall set the time and place for a hearing and shall conduct said hearing before the Bethel City Council.

(i) Transfer or assignment of "council's written permission".

No "council written permission" shall be transferred or assigned by the holder thereof without the approval of the council of the City of Bethel.

(j) Applicants for "the council written permission" for motorbus operations regulated by the State of Alaska or the Interstate Commerce Commission and not involving local transportation within the corporate limits of the city may be relieved by the council from complying with such requirements of section III (d) as cannot reasonably be complied with, upon such conditions as the council may find appropriate.

#### SECTION LV. VEHICLE PERMITS.

(a) Permit required. No vehicle to be operated under, or by virtue of, "the council written permission" shall actually be placed in operation upon the streets of the City of Bethel, until a vehicle permit thereon shall be obtained from the city clerk of the City of Bethel and thereafter hold effective.

(b) Penalty for operation without permit. Any person actually operating, or driving, upon the streets of the City of Bethel, any vehicle in violation of the foregoing subsection, shall be guilty of a misdemeanor.

(c) Application for vehicle permit. All applications for vehicle permits shall be made to the city clerk, of the City of Bethel, any upon forms provided for that purpose, and shall set forth the following information:

(1) The name of the holder of "the council written permission" under which the vehicle is to be utilized.

(2) The name and address of the record title owner of the vehicle.

~~3~~) The make, model (year), engine or serial number, Alaska license number, vehicle permit number, the name of the insurer providing liability or indemnity insurance coverage on the operation of such vehicle, as well as the insurance policy number.

(4) The application shall be signed by the holder of "the council written permission", under which the vehicle is to operate, and also by the record title owner.

~~4~~) Subsequent inspection of vehicles. The city clerk, and his designees, may, at reasonable times, conduct an inspection of any vehicle for which a vehicle permit has been issued for purposes of ascertaining whether it is conforming to those standards and criteria on the basis of which the permit was originally granted. The city clerk, or his designee, shall inspect all vehicles on which vehicle permits are in effect, twice during each calendar year and submit his findings and recommendations thereon to the city council of the City of Bethel.

(g) Suspension of vehicle permits. Subsequent to the issuance of a vehicle permit, the city clerk, or his designee may cause, and effectuate, a temporary suspension of the same for any of the following reasons:

- (1) Erroneous information on application for permit.
- (2) Damaged, defective, or missing parts on the vehicle, which render the operation thereof as dangerous, unsafe, or unsightly.
- (3) Failure to maintain the interior or exterior of the vehicle in a neat and clean appearing manner.
- (4) Failure to display the vehicle permit.
- (5) Suspension of "the council's written permission" under which the vehicle operates.

A suspended vehicle permit shall be restored immediately upon removal or correction of the cause which brought about the suspension, and no fee shall be imposed for such restoration.

(h) Rejection of vehicle permit, subsequent to the granting of a vehicle permit, the City Council, may reject the application for a vehicle permit for any of the following reasons:

- (1) Revocation of "the Council Written Permission", under which the vehicle operates.
- (2) Erroneous information on application for permit.
- (3) Request by holder of "the council written permission", under which the vehicle operates, or by the record titleholder of the vehicle.

SECTION V

(a) Chauffers permit required. No person shall operate, or drive any taxicab, motorbus or vehicle for hire upon the streets of Bethel until he has been issued, and thereafter holds in effect a chauffers permit granted by the City of Bethel.

(b) Penalty of operating without permit. Any person operating or driving a vehicle in violation of the foregoing subsection shall be deemed guilty of a misdemeanor.

(c) Application and requirements for chauffers permit. All applications for issuance, or renewal, of a chauffers permit shall be made upon forms provided for this purpose by the City Clerk. The requirements to be fulfilled prior to issuance of a chauffers permit shall be as follows:

(1) Applicant must be 21 years of age or older, and furnish proof thereof if required.

(2) Applicant must be able to read, write and speak the English language.

(3) Applicant must be in possession of a current Alaska's drivers licence, and demonstrate familiarity with the traffic laws of the City of Bethel and of Alaska.

(4) Applicant must not have been:  
a. Convicted of an offense involving traffic in women for immoral purposes;  
b. Convicted of a sexual offense;  
c. Convicted of a felony involving a crime of violence;

(5) Applicant must not be addicted to the use of intoxicants or narcotics.

(6) Applicant must be of good moral character and repute, the same to be evidenced by two affidavits of respected citizens.

(7) Applicant must present a doctors certificate establishing his health to be such that he is medically fit to operate a motor vehicle.

Possession of a valid state school bus operators permit shall be deemed satisfactory compliance with items (3) and (7) herein.

(d) Issuance of chauffers permit. Upon an applicants compliance with the foregoing requirements, the City Clerk or his designee, shall issue a chauffers permit to said applicant. No chauffers permit shall be transferable or assignable.

(e) Suspensions and revocations. The City Council, City of Bethel may temporarily suspend, or permanently revoke, a chauffers permit for any of the following causes:

(1) False or erroneous material statements contained in the permittees application and which was conducive to issuance of the permit.

(2) Subsequent conviction of a traffic offense which has resulted in the suspension or revocation of the permittees Alaska drivers licence.

(3) Conviction of a felony, or conviction of a misdemeanor involving moral turpitude, or traffic in women for immoral purposes.

#### SECTION VII

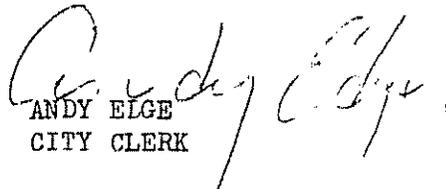
If any provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions herein contained.

This ordinance shall be effective within 30 days upon final passage and approval.

APPROVED

ARTHUR L. NICHOLSON  
MAYOR

ATTEST

  
ANDY ELGE  
CITY CLERK