ORDINANCE 71

AN ORDINANCE AMMENDING ORDINANCE 65 PROVIDING FOR THE REGULATION OF THE SETTING FARES FOR TAXICABS, MOTOR BUSES, AND LIMOUSINES BY THE CITY OF BETHEL AND SETTING AN EFFECTIVE DATE.

hnder AS.29.48.030(12),AS.29.48.035 (a)(2)(4), and AS.29.48.130 (7) the ity may regulate "licensing of drivers of taxicabs, regulating and fixing ares, for-hire Automobiles, Motor Buses or other vehicles for the transportation of passengers or baggage." It may also regulate under AS.29.49 035(1) licensing and operating of motor vehicles.

ec. 71-1. DEFINITIONS.

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

(b) TAXICAB: Is and shall be deemed for the purpose of this rdinance 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 peration to any particular route, and not exceeding a seven passenger capacity, including the driver, for a van.

(c) TAXICAB AND MOTOR BUS 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 or motor bus, as the case may be, within the City of Bethel, or upon the public streets thereof.

(d) MOTOR BUS: Shall mean any motor vehicle having a seating capacity of fifteen(15) persons or more, according to manufacturing 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 fees assessed.

(e) LIMOUSINE: Limousine means a motor driven passenger convenience offered for public hire, charging upon a time or distance basis, carrying passengers to specific destinations following fixed routes and operated on a predetermined schedule and having a seating capacity of nine (9) persons.

(f) LIMOUSINES 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 for hire, any limousine, as the case may be, within the City of Bethel, or upon the public streets thereof. The City, when grating a limousine permit, shall define and place on the face of such permit, at the time of its issuance, the designated route and/or designated schedule for the operation of such limousines. The established route or schedule on the permit may be modified only by the City of Bethel.

Sec. 71-2. GENERAL REQUIREMENTS FOR PERMITS.

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

(a) Ability to read and write the English language.

(b) Nonaddition to the use of intoxicants or narcotics.

(c) Good moral character and repute as determined by arrest records and two good affidavits of character from references.

(d) 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 traffice in narcotic drugs or traffic in women for immoral purposes.

In addition to the requirements set forth in this section, all chauffeur's shall possess a current State of Alaska driver license, a physician's certificate as to physical ability to operate a for-fire vehicle, this medical certificate not to be issued earlier than 30 days prior to application for chauffeur's permit. Applicant must be 19 years of age or older.

Sec. 71-3. FINGERPRINTS, PHOTOGRAPHS, ETC.

Each applicant fora taxicab or a chauffeur's permit under the provisions of this ordiance 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 application.
(c) Two affidavits of his (her) good moral character from reputable citzens 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. 71-4. CHAUFFEUR'S PERMIT GENERALLY

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

Sec. 71-5. ISSUANCE OF CHAUFFEUR'S PERMITS

The chief of police shall be the issuing authority for all temporary and permanent chauffeur's permits. If the application for chauffeur's permit indicates that the applicant meets the qualifications for a license the chief of poclice shall issue a temporary permit pending completion of the investigation of the applicants backgroud 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 firstof each year, under the provisions of this ordinance.

Sec. 71-6. DENIAL OF CHAUFFEUR'S PERMIT - 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 permanet chauffeur's permit. He shall do so in writing, stating briefly and concisely the reason for such decision.

Sec. 71-7. REVOCATION OR SUSPENSION OF CHAUFFEUR'S PERMIT.

The chief of police shall have the power, after public hearings provided to revoke or suspend any permanent chauffeur's permit issued under the provisions of this ordinance when said chauffeur has filed false statement in his application; orhas been convicted of a felony; or has been convicted of a misdemeanor involving moral turpitude as assault withi 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 ordinance of theCity 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 or more than sixty days.

Sec. 71-8. TAXICAB AND MOTOR PERMITS

No person shall operate taxicabs or motor buses in commercial use under a usiness name or style or individual name without obtaining a permit for ach taxicab or motor bus from the City Clerk. Each permit shall be issued pon certification of the chief of police, who shall determine that all of his ordinance pertaining to vehicles for hire has been complied with.

If the application 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 permit shall file with the chief of police a complete current list of share holders. Any change in shareholders shall work a revocation unless the City Council spplies the standards set in Section 71-24 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 or motor bux with a permit is inoperable due to the unavailability ofparts of repairs, a temporary "Down-Cab Permit or Down-Bus 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 or motor buss is being repaired. The unpermitted vehicle must conform to all the standards herein applicable to taxicabs or motor buses. The chief of police must be notified immediately upon reapir of the permitted vehicle whereupon the Down-Cab Permit or Down-Bus Permit will immediately expire.

Sec. 71-9. REVOCATION OR SUSPENSION OF TAXICAB, MOTOR BUS, AND LIMOUSINE PERMIT(S).

The chief of police shall have power, after a public hearing as hereinafter provided, to revoke or suspend any or all taxicab, motor bus, or limousine permits held by a permitee who has signed a false statement in his application or has been convicted of any violation of any of the provisions of this ordiance or shall have been convicted of a misdemeanor involving moral turpitude or assault with a deadly weapon or use of or traffic in narcotic drugs and/or traffice in women for immoral purposes. The chief of police shall further have power to revoke or suspend taxicab, motor bus, or limousine permits for failure of the operator to maintain adequate service to the public (Sec. 71-19) or for failure to comply with regulations governing the operation of taxicab, motor bus, or limousine.

Sec. 71-10. HEARING ON SUSPENSION OR REVOCATION OF CHAUFFEUR'S OR TAXICAB PERMIT

Before suspending or revoking any taxicab or permanent chauffeur's permit, the shief 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 a public hearing and of the charges against him. The time of the public hearing shall be less than three days nor more than ten days after the involved shall be entitled to be represented by council 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. 71-11. 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 the appeal is taken. The city manager shall upon setting date of public hearing, notify the appellant and the chief of police of the time and place of such hearing. After said public hearing has been had the city manager may modity, revoke, rescind, or affirm the order from which an appeal is taken or may enter his own orders 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 dates from the date of the manager's decision. The notice shall state the grounds fro 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. 71-12 INSURANCE REQUIRED

Before any taxicab, motor bus, or limousine permit is issued for any vehicle for hire the applicant therefore shall furnish one or more policies or certificates of insurance assured by an isurance 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 theapplicable year in which said insurance is in effect, resulting from the negligent operator, 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	$50,000 each person
Bodily Injury Liability -	30,000 each accident	300,000 each accident
Property Damage Liability -	5,000 each accident	50/300,000 each accident

Said policy or policies of liability insurance shall be approved as to sustance and form by the City Attorney and filed with the City Clerk.

Sec. 71-13. 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 and each and any vehicle issued a motor bus or limousine permit.

Sec. 71-14. REGULATION AND DISPALY 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 intereior of the vehicle, and said fares shall be nondiscriminatory. Receipt for fare must be given upon request of the passengers.

(a) Effective October 21, 1974 in accorande with this section 71-14 of this ordinance #71 ammending ordinance 52, 62 and 65 of this City of Bethel, the following rate and fare structure is approved and will become effective (October 7, 1974) or October 21, 1974.

(b) Cab fares in the City including Bethel Heights	1.25
Fare to the Hospital and Trailer Court	1.50
Fare to the Airport	3.00
Charter fare $20 per hour.	
Bus fares; under 6 years of age	free
6 to 12 years of age	.50
12 to 18 years of age	.75
over 18 years of age	1.00
to the Airport	2.00
(c) Limousine fare to airport	2.00
(c) Limousine fare to airport	

Sec. 71-15. VEHICLE INSPECITON

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 conditinn 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 vehicles. 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. 71-16. MAXIMUM NUMBER OF HOURS PER DAY FOR CHAUFFEUR'S

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. 71-17. DUTY TO SERVE THE PUBLIC

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

Chauffeurs shall not drink alcholic beverages while on duty or eight hours prior to starting a shift.

Chauffeurs shall have no alcholic beverages in his possession in a taxicab or motor bus expect beverages in the passession of fare paying passengers. Such alcoholic beverages shall be unopened.

Chauffeurs shall not use or have in his possession any narcotics or intoxicants while on duty.

Sec. 71-18. MAXIMUM NUMBER OF TAXICABS OR MOTOR BUSES IN OPERATION

The council shall have the power to determine from time to time the maximum number of taxicabs or motor buses required. The City Clerk with council approval may issue taxicab permits not to exceed the total number authorized by the City Council. The total number of taxicab permits withing the City of Bethel shall be limited to 22 . Request for additional permits will be received as deemed necessary by the City Council. The City Council shall consider the public necessary and convenience and shall arrive at their decision, after a public hearing and after notice to all taxicab and motor bus permittees, by the consideration of the following;

(a) The demands for such services
(b) The effect on traffic congestion.
(c) Whether the safe use of street for vehicular traffic will be impaired.
(d) Any other facts which the City Coucnil deem relevant.
(e) There shall be only one (1) limousine permit.
(f) There shall be only one (1) motor bus permit.

Sec. 71-19 MINIMUM UTILIZATION OF TAXICAB AND MOTOR BUS PERMITS.

No taxicab or motor bus permits shall be issued for a second or succeeding year for the same taxicab or motor bus or for any other taxicab or motor bus for which the permit has been transfered, (which includes temporary down-cab or down-bus permits for a permitted taxicab or motor bus) has, during the current year covered by th permit, been operated on a regular twelve hour shift for at least two weeks out of the month for which the permit was valid, nor shall any new taxicab or motor bus permit be issued to any person holding another permit which lapses because of failure to meet the foregoing use requirement shall be determined by the council deems appropriate. Each company or corporation operating taxicabs or motor buses must certify in writing to the City Clerk that this Sec. 71-19 has been complied with during the preceeding year before new permits for his company is issued.

Sec. 71-20 TAXICAB AND MOTOR BUS REGULATIONS GENERALLY

A. All taxicab and motor buses must conform to the following requirements:

(1) Bear a vehicle number which shall be the taxi or motor bus permit number, in letters 4" size places in designated location on the taxicab or motor bus.

(2) Be equiped with a two-way radio and operate this radio as well as take all taxicab call-ins under a licensed dispatch service (for taxicabs only).

(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 equiped with a nonflashing top light which shall specify the dispatch name used by the permittee and which shall be lighted at all times which the taxicab is in operation.

(5) Motor buses will accept passengers on a posted route only and will receive and discharge passengers at official stops designated by the Chief of Police only.

(6) Motor buses will operate and adhere to a posted schedule approved by a transportation committee.

3. All limousines must confrom to the following requirements:

(1) Every limousine permittee in the City of Bethel shall place on the side of both doors in 4" size letters the owner of the vehicle as specified on the limousine permit.

(2) Limousines will accept passengers on a posted route only and will receive and discharge passengers at official stop designated by the Chief of Police only.

(3) Limousines will operate and adhere to a posted schedule approved by a transportation committee.

Sec. 71-21. REMOVAL, CHANGE, ETC., OF TAXICAB, MOTOR BUSES, OR LIMOUSINES MARKINGS

In the event any taxicab, motor bus, or limousine for any reason, disqualified or no longer used for a taxicab, motor bus, or limousine, all signs and markings and any other device or insignia indicating that such automobile is a taxicab, motor bus, or limousine 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 tends to indicate such vehicle is or has been a taxicab as herein defined.

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

Sec 71-22. TAXICAB AND MOTOR BUS DISPATCH OFFICE AND TAXICAB AND MOTOR BUS RECORDS GENERALLY

Every taxicab and motor bus 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 comman dispatch service. Said dispatch office shall be located within the corporate limit of the city.

Each taxicab and motor bus 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 or motor bus 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 taxicab and motor bus permittee shall file quarterly with the city manager a list of all chauffeurs in his employ during said quarter, the total taxi fares received by each chauffeur for that quarter , and a list of all taxicab or motor buses 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 permittes 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 suspension of taxicab or motor bus permit(s) per section 71-9.

Sec. 71-23. TERMS AND COST OF PERMIT(S)

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

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

Taxicab Van permits per year, $200.00

Taxicab Sedan permits per year, $150.00

Motor Bus permit per year, $200.00

Limousine permit per year, $200.00

Chauffeur's permit per year, or any part thereof, payable in advance to receiving permit, $50,00, and with a renewal rate of $25.00, per year.

Permits not renewed timely are suspended until paid and taxicabs and Motor buses suspended under this section will comply with Sec. 71-21 and remove all signs, markings, and any other device or insignia indicating that such vehicle is a taxicab or moto bus.

Sec. 71-24. SALE OF BUSINESS

If permittee shall sell or otherwise dispose of the assests 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 assests 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. 71-25. TAXICAB AND MOTOR BUS DISPATCH SERVICE

(a) No person shall engage in the dispatching of taxicabs or motor buses under a business name or style or individual name without first obtaining a nontransferable license therefore. 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 taxicabs and motor buses to be served, and such other fact 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 and motor buses with the chief of police and city manager, including the city permit and name of owner, which the dispatcher service is dispatching. The dispatch of any taxicab or motor bus 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 record shall be reatined for a period of not less than two years and be made available to the chief of police and city manager upon request.

Sec. 71-26. This ordinance supercedes and replaces and amends all previous City Ordinance related to Vehicle for Hire.

Sec. 71-27. If any provision of this ordinance of any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

PASSED AND APPROVED BY THE CITY COUNCIL of the City of Bethel, Alaska this 29th day of December, 1975.

APPROVED:

Edward Hoffman Sr
Mayor

ATTEST:

Rebecca J Nelson
City Clerk