

Introduced by: City Manager Herron
Date: January 9, 2001
Action: Referred to the PSTC;
with a review by
Council after 60 days
Public Hearing: April 24, 2001
Vote: 4 yes, 1 no (Notti)

CITY OF BETHEL, ALASKA

SECOND SUBSTITUTE ORDINANCE #01-02

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTERS 2.25 OF THE
BETHEL MUNICIPAL CODE RELATING TO THE PUBLIC SAFETY AND
TRANSPORTATION COMMISSION; AND REPEALING AND REENACTING
CHAPTERS 5.20 THROUGH 5.50 OF THE BETHEL MUNICIPAL CODE RELATING
TO REGULATION OF TAXI CABS, RIVER TAXIS, BUSES, LIMOUSINES, AIRPORT
LIMOUSINES, CHAUFFEURS AND DISPATCH SERVICES**

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

SECTION 1. Classification. This ordinance is permanent in nature and shall be placed in the Bethel Municipal Code.

SECTION 2. Amendment of Certain Sections of Chapter 2.25. Sections 2.25.010, 2.25.020.B, and 2.25.060 of Chapter 2.25 of the Bethel Municipal Code are amended to read as follows (new language is underlined and old language is stricken out):

2.25.010 Establishment of commission.

There is hereby established a public safety and transportation commission ("the PSTC"). The PSTC shall provide advice regarding public safety and transportation issues, and regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with this chapter, Chapters 5.20 through 5.50 of the Bethel Municipal Code, and other applicable law.

2.25.020 Powers and Duties

B. With respect to regulating taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services, the PSTC shall:

1. Regulate taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services in accordance with Chapters 5.20 through 5.50 of the Bethel Municipal Code and other applicable law;
2. Hold public hearings as necessary to investigate the quality of service rendered by taxicabs, river taxis, buses, limousines or airport limousines,

chauffeurs and dispatch services and make such recommendations to the council as it deems necessary for the improvement of such services;

3. Administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the PSTC for the purpose of regulating taxicabs, river taxis, buses, limousines or airport limousines, chauffeurs and dispatch services. The commission may petition a court of the state to enforce its subpoenas or other process;

4. Conduct hearings pursuant to Chapter 5.20 of the Bethel Municipal Code and other applicable ordinances now in effect or hereinafter enacted;

5. Perform such other duties as the city council may refer to it from time to time;

6. Do such other acts as are necessary and proper to the performance of the duties and functions set forth in this chapter.

...

2.25.060 Regulations.

The PSTC may promulgate regulations relating to operation of, and rates to be charged for services provided by taxicabs, river taxis, buses, limousines or airport limousines, and dispatch services not inconsistent with the provisions of Chapter 5.20, 5.30, 5.40, and 5.50 of the Bethel Municipal Code, and other applicable ordinances now in effect or hereinafter enacted.

2.25.070 Public and private ground transportation facilities defined.

"Public and private ground transportation facilities" include but are not limited to buses, taxicabs, river taxis, limousines or airport limousines, and other motor driven passenger conveyances offered for public hire.

SECTION 3. Repeal and Reenactment. Chapters 5.20 through 5.50 of the Bethel Municipal Code are repealed and reenacted as follows:

Chapter 5.20

GENERAL PROVISIONS

5.20.010	Definitions.
5.20.020	Bethel Public Safety and Transportation Commission.
5.20.030	Bethel Public Safety and Transportation Commission-Powers and duties.
5.20.040	Bethel Public Safety and Transportation Commission-Regulations.
5.20.050	Bethel Public Safety and Transportation Commission-Rates.
5.20.055	Bethel Public Safety and Transportation Commission-Complaints and civil and criminal citations.
5.20.060	Hearing officer.

5.20.070	Powers and duties of Transportation Inspector.
5.20.080	Vehicle inspections.
5.20.085	Drug and alcohol testing.
5.20.090	Enforcement authority.
5.20.100	Hearings-Appeals.
5.20.110	Denial, suspension or revocation of license or permit.
5.20.120	Penalties and remedies.
5.20.130	Renewal of license or permit.
5.20.140	Duty to maintain current application.
5.20.150	Submission, Review and certification of application.
5.20.160	Fees.
5.20.170	Compliance with AS 28.05.095(b) required.

5.20.010 Definitions.

When used in chapters 5.20-5.50, unless the context requires otherwise:

- A. *Bus* means any vehicle used to transport passengers for hire and having a capacity of more than nine (9) passengers, except that any vehicle engaged exclusively in the transport by motor vehicle of students to and from school is not a “bus” for purposes of Chapters 5.20 through 5.50.
- B. *Chauffeur* means a person authorized by the Transportation Inspector through the issuance of a chauffeur's license to operate a vehicle regulated in accordance with Chapters 5.20 through 5.50 of the Bethel Municipal Code.
- C. *Commission* means the Bethel Public Safety and Transportation Commission.
- D. *Dispatch service* means a business authorized pursuant to Chapter 5.50 to engage in the dispatch of taxicabs or river taxis to persons desiring to hire them.
- E. *Interest* means any share in or right to a permit issued in accordance with Chapters 5.20 through 5.50.
- F. *Lease Operator* means a person who has entered into an agreement with a taxicab permittee which allows that person to provide taxicab services pursuant to the permittee's authority under the Bethel Municipal Code, only if such an arrangement is approved in advance by the Transportation Inspector, and only if such an arrangement is operated in accordance with conditions placed upon it by the Transportation Inspector.
- G. *Licensee* means a person authorized by the Transportation Inspector to operate a regulated vehicle while it is in service.
- H. *Limousine or Airport Limousine* means a chauffeured motor vehicle used to transport passengers for hire with a chauffeur over unfixed or undefined routes, and which is not a bus or taxicab.

H. *Operate* means to drive, pick up, transport or discharge passengers.

I. *Permit* means a written authorization issued by the Transportation Inspector allowing the operation of a vehicle regulated in accordance with Chapters 5.20 through 5.50 of the Bethel Municipal Code. A permit to operate may be separate from ownership or lease of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.

J. *Permittee* means a person authorized by the Transportation Inspector to put a regulated vehicle in service.

K. *Rate* means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.

L. *Regulated vehicle* means any vehicle regulated by Chapters 5.20 through 5.50 of the Bethel Municipal Code.

M. *River Taxi* means any motor vehicle used to transport passengers for hire on a river which operates within the city limits of the City of Bethel.

N. *Taxicab* means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer's rated seating capacity of nine or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.

O. *Transfer* (with respect to an interest in a permit issued under Chapters 5.20 through 5.50) means to sell, lease, convey, give, exchange, or otherwise transfer an interest in a permit issued in accordance with Chapters 5.20 through 5.50 to another person or entity, including but not limited to a transfer of interest through power of attorney.

P. *Transportation Inspector* means the Bethel Chief of Police or his or her designee.

5.20.020 Bethel Public Safety and Transportation Commission.

A. The Bethel Public Safety and Transportation Commission is established in accordance with Chapter 2.25 of the Bethel Municipal Code.

5.20.030 Bethel Public Safety and Transportation Commission-Powers and duties.

A. In addition to the powers and duties enumerated in section 2.25.020 of the Bethel Municipal Code, the Commission shall have the powers and duties further enumerated in this section.

B. The Commission shall regulate all regulated vehicles, chauffeurs, and dispatch services in accordance with Chapters 5.20 through 5.50 of the Bethel Municipal Code except for any regulated vehicles which the Commission determines are subject to regulation in accordance

with a taxicab regulation program established by Alaska or federal law. No motorized vehicle may be offered for hire to transport passengers in Bethel without being a regulated vehicle. The purpose of the provisions set forth in Chapters 5.20 through 5.50 or regulations adopted by the Commission shall be to protect the public's interest with respect to the price and quality of service provided by regulated vehicles.

C. The Commission shall hold at least two (2) public hearings annually to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs and dispatch services, and shall make such recommendations to the City Council as it deems necessary for the improvement of such services.

D. The Commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the Commission. The Commission may petition a court of this state to enforce its subpoenas or other process.

5.20.040 Bethel Public Safety and Transportation Commission - Regulations.

The Commission may promulgate regulations setting rates and/or other charges for service and minimum standards for service as well as any other regulations necessary to carrying out the provisions of Chapters 5.20 through 5.50. Such regulations shall be approved or rejected by the City Council at or before the third City Council meeting following adoption of the regulations by the Commission. If such regulations are not considered by the City Council by the third City Council meeting following their adoption by the Commission, they shall be deemed approved by the City Council.

5.20.050 Bethel Public Safety and Transportation Commission - Rates.

A. The Commission:

1. Shall establish maximum rates to be charged for taxicab and river taxi service and may establish minimum rates for such services;
2. May establish dispatch service, limousine, or bus minimum and/or maximum rates;
3. May establish maximum lease rates between permittees and lease operators of taxicabs, including daily lease rates for taxicab chauffeurs.

B. All rates established by the Commission shall be nondiscriminatory, just and reasonable.

C. A statement of actual taxicab rates charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or

other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the Transportation Inspector.

D. No person may require payment of rates other than those established by the Commission pursuant to this section.

E. No person may require payment of dispatch service rates other than those established by the Commission pursuant to this section.

5.20.055 Bethel Public Safety and Transportation Commission-Complaints.

The Commission, through the Transportation Inspector, shall:

1. Establish a system for processing and adjudicating citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle and further establish a system to keep records of all such complaints. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the Commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty.
2. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the Transportation Inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty. The dispatch companies shall, on a monthly basis, provide the Transportation Inspector with a complete copy of logged complaints.
3. Require that within all regulated vehicles a Commission-approved notice of the telephone numbers required for the filing of complaints with the Commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the Transportation Inspector.
4. Provide permittees with a monthly summary of all logged complaints, civil or criminal citations, and convictions entered against chauffeurs or vehicles operating under the permittee's permit.

5. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
6. Provide current information in response to any public request, as to the number of citations issued or convictions entered against a chauffeur or permittee within the preceding twelve (12) months.

5.20.060 Hearing officer.

A. Except as provided in subsection B of this section, in all appeals to it in accordance with section 5.20.100, the Commission shall provide for a hearing officer to conduct the hearings, to make rulings regarding the admission of evidence and procedure, and to prepare a proposed decision, with findings of facts and conclusions of law. The Commission may adopt the hearing officer's decision or decide the matter itself based upon the record created before the hearing officer. The record shall include tapes or transcripts of the hearing before the hearing officer. The hearing officer who presided at the hearing shall be present during the consideration of the case by the Commission to assist and advise the Commission.

B. If in the case of an emergency or an expedited matter, there is not enough time to appoint a hearing officer to hear appeals in accordance with subsection A of this section, the Commission may conduct a hearing without providing for a hearing officer. The Commission is solely responsible for determining whether or not there is sufficient time to appoint a hearing officer. All other provisions of this section apply to the conduct of a hearing held without a hearing officer.

C. Hearings shall be conducted under this section in accordance with AS 44.62.430 through 44.62.540 (state administrative procedures for the conduct of administrative hearings by hearing officers).

D. A hearing officer may be appointed to conduct appeals without complying with section 4.20.170 of the Bethel Municipal Code.

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, chauffeurs, and dispatch services regulated under Chapters 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 chapters 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 keep a vehicle out of service for a reasonable time in order to perform the inspection; and

E. Perform those administrative duties of the Commission which are delegated to him or her by the Commission.

5.20.080 Vehicle inspections.

A. All regulated vehicles shall be inspected by a designated inspection station and the approved inspection form presented to the Transportation Inspector before a permit will be issued. At least twice a year thereafter, all regulated vehicles shall be inspected. No regulated vehicle may be operated until it has been inspected and found to be in compliance with Chapters 5.20 through 5.50 of the Bethel Municipal Code and any other applicable law. The Transportation Inspector may also inspect a regulated vehicle at any time to determine if the vehicle is in compliance with all provisions of Chapters 5.20 through 5.50, and keep the vehicle out of service for a reasonable time in order to perform the inspection.

B. When a regulated vehicle has been operating under any permit for two years or has accumulated a total of 200,000 miles, whichever occurs first, the Transportation Inspector may increase the required annual inspection frequency to four inspections annually, after reasonable notice to the permittee.

C. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. If the Transportation Inspector determines that a regulated vehicle is mechanically unsound, unclean or otherwise out of compliance with all applicable laws, the permittee shall take the vehicle out of service immediately upon notification from the Transportation Inspector.

D. Mechanical Equipment Standards.

1. The steering mechanism shall be in good working order and wheel play shall not exceed two (2) inches.

2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function as designed.

3. All windows shall be fully operable and composed of approved safety glass. The windshield shall have no chips or stars larger than a 25 cent piece and shall not be cracked above four (4) inches from the bottom or below four (4) inches from the top of the windshield. No cracks in a vertical position are permitted on either side of the windshield. At no time shall a driver's vision be obstructed by damage to the windshield, side windows or rear window. Interior and exterior mirrors shall be firmly attached to the vehicle.

4. All brakes shall be in good mechanical working order. When pressed, the brake pedal shall not be less than 1-3/4 inches from the floorboard. Brake linings shall not be less than 1/32 of an inch at any point. Brake drums shall not exceed 40/1000 of an inch in excess of factory specifications.

5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not permeate into the interior of the vehicle.

6. The vehicle shall be equipped with four (4) tires, each of which shall have tread depth measurements at approximately every 120 degrees of its circumference of not less than 2/32 of an inch. There shall be no sidewall damage to the tires.

7. The speedometer shall be properly installed and maintained in good working order and exposed to view.

8. The interior of the vehicle shall be maintained in a clean and sanitary condition, and be free from torn upholstery and from damaged or broken seats.

9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use, and shall be on whenever the vehicle is in use.

10. The horn and two windshield wipers shall be in good mechanical working order.

11. All wire connections shall be permanent and located out of the way of the driver and passengers.

12. The vehicle shall be structurally sound and not have cracked or dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances.

13. Defrosting and heating systems shall be operational.

14. There shall be no measurable leakage of fluids or oil from any part of the vehicle.

15. The vehicle shall be equipped with a readily accessible fire extinguisher.

16. The vehicle shall be equipped with accessible and operable seat belts for all seats.

17. The vehicle shall comply with the provisions of AS 28.05.095 regarding child safety restraints and seat belts.

18. The vehicle's odometer shall be kept in good working order.

E. All regulated vehicles shall be subject at all times to an inspection by the Transportation Inspector, or a police officer who has reason to believe that the vehicle does not comply with all federal, state and local equipment laws or regulations.

5.20.085 Drug and alcohol testing.

A. The Commission shall:

1. Establish a Commission-approved drug and alcohol testing program for chauffeurs of regulated vehicles. The program may include chauffeur applicant drug screening tests, random tests, reasonable cause tests, post-accident tests, and post-citation tests. The testing program shall be administered by the Transportation Inspector.
2. Provide for the immediate denial or revocation of the chauffeur's license by the Transportation Inspector of any such chauffeur failing, or failing to submit to a

chauffeur application drug screening test, a random drug or alcohol test, a reasonable cause drug or alcohol test, a post-accident drug or alcohol test, or a post-citation drug or alcohol test, for a period of not less than six (6) months for a first offense. In the case of a revocation under this section, the revocation may continue beyond six (6) months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program.

3. Provide for the immediate revocation by the Transportation Inspector of the chauffeur's license of any chauffeur failing or failing to submit to such a random, reasonable cause, post-accident, or post-citation test, for a period of not less than two years for a second or subsequent offense.

B. Within ninety (90) days of the enactment of this Ordinance, a design, cost structure, and fee determination for the drug and alcohol testing program shall be developed by the Commission and submitted to the City Council for approval subject to the following conditions:

1. Direct operational costs for the random, post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees. Direct operational costs for the chauffeur application drug screening test shall be borne by licensees.

5.20.090 Enforcement authority.

The Transportation Inspector shall have all powers required to enforce the provisions of chapters 5.20 through 5.50.

5.20.100 Hearings-Appeals.

A. If the Transportation Inspector determines that an application for a license or permit does not meet the requirements of Chapters 5.20 through 5.50, the Transportation Inspector shall deny the application. The Transportation Inspector shall issue a written decision to the applicant which shall state the specific reasons for that denial within fifteen (15) days of the denial of the application.

B. A person aggrieved by the denial of an application under subsection A, or revocation or suspension of a permit or license by the Transportation Inspector pursuant to Chapters 5.20 through 5.50 may, within 15 days of receipt of the denial, suspension or revocation decision, and upon payment of the filing fee required by section 5.20.160, appeal that decision to the Commission. After a hearing conducted pursuant to section 5.20.060, the Commission shall uphold the decision of the Transportation Inspector, or authorize the conditional or unconditional issuance or reinstatement of a denied, suspended or revoked license or permit only upon an affirmative showing at a hearing by the appellant that the Transportation Inspector exceeded his or her authority under Chapters 5.20 through 5.50 in denying, suspending, or revoking the license or permit.

C. An appeal from any final decision of the Commission made in accordance with this section shall be filed in the Superior Court, Fourth Judicial District, Bethel, Alaska, no later than thirty (30) days following service of that decision upon the affected licensee or permittee at the last known address. Review by the court shall be limited to determining whether the decision appealed is supported by substantial evidence.

D. A permittee or licensee who has been issued a citation for a violation of a provision of chapters 5.20 through 5.50, or subjected to a penalty, may contest that citation or penalty by filing a notice of appeal with the Commission no later than fifteen (15) days after the day the citation or penalty has been issued. Such an appeal shall be considered by the Commission in accordance with the procedures established in sections 5.20.060 and 5.20.100.B.

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, 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 (45) consecutive days or for ninety (90) 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 (60) days after the date of such sale or loss;
 - c. A permittee has failed to make any payments required under Chapters 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 the Bethel Municipal Code.
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 (90) 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.

5.20.120 Penalties and remedies.

A. A person who violates a provision of Chapters 5.20 through 5.50 or a regulation promulgated thereunder shall be subject to a civil penalty of:

1. \$150.00 for the first violation;
2. \$200.00 for the second violation;
3. \$250.00 for the third violation;
4. \$300.00 for the fourth violation;
5. \$300.00 for each subsequent violation;

or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application for injunctive relief and a finding that a person is violating or threatening to violate a provision of Chapters 5.20 through 5.50 or a regulation promulgated thereunder, the Superior Court shall grant injunctive relief to restrain the violation.

B. Each day during which a violation described in this section occurs shall constitute a separate offense.

C. Penalties shall be paid within thirty (30) days of service of the citation or within ten (10) days after any appeal is denied. Failure to pay penalties within the established times will result in immediate suspension of a license or permit as well as repossession of the license or permit by the Transportation Inspector until such time as the penalty has been paid.

D. In addition to the penalties provided for in subsection A above, a person who violates a provision of Chapters 5.20 through 5.50 or any regulation promulgated thereunder may also be subject to the following:

1. *Second violation.* Suspension of the violator's license or permit for fifteen (15) days or less;
2. *Third violation.* Suspension of the violator's license or permit for no more than thirty (30) days or no less than fifteen (15) days;
3. *Fourth or subsequent violation.* Revocation of license or permit.

5.20.130 Renewal of license or permit.

A. A permit or license issued in accordance with Chapters 5.20 through 5.50 shall be valid for one (1) calendar year and shall expire automatically on the 31st day of December.

B. An application to renew a permit or license shall be made to the Transportation Inspector, at the time set for submitting the application, in the same manner as an original application and shall be treated in the same manner as an original application. A decision to grant a license or permit in one year does not preclude the Transportation Inspector from denying a license or permit upon application for renewal.

C. If a permittee or licensee is not qualified to hold his or her permit or license at the time of renewal, the Transportation Inspector shall not renew the permit or license and it shall become void and revert to the Commission.

D. Any person whose application for an original license or permit or for a renewal of a license or permit has been denied and any person whose license or permit has been revoked may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation. New taxicab permits shall only be issued in accordance with the provisions of section 5.30.050.

5.20.140 Duty to maintain current application.

A. A permittee or licensee is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of Chapters 5.20 through 5.50. A permittee or licensee shall give written notice to the Transportation Inspector of any change to be made on his or her application within ten (10) days, and the Transportation Inspector shall amend the application accordingly. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license.

B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under Chapters 5.20 through 5.50. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license and constitutes a violation of Chapters 5.20 through 5.50.

5.20.150 Submission, Review and Certification of Applications.

A. An application for an original or renewal permit or license required by Chapters 5.20 through 5.50 shall be submitted to the Transportation Inspector.

B. The Transportation Inspector shall review the application to assure it complies with the requirements of Chapters 5.20 through 5.50.

C. The Transportation Inspector shall transmit applications meeting the requirements stated in paragraph B of this section to the City Manager to determine whether the applicant owes any taxes, fees, assessments, or other payments to the City, and whether the applicant has a current City of Bethel business license.

D. If the applicant has no outstanding obligations and has a business license, the City Clerk shall certify the application, and return it to the Transportation Inspector. The Transportation Inspector shall not issue or renew an application for a permit or license unless the City Clerk certifies the application in accordance with this section.

5.20.160 Fees.

The following fees shall be payable to the City of Bethel:

A. \$150.00 monthly shall be paid to the Transportation Inspector for the issuance or renewal of a bus, limousine, dispatch service, or taxicab permit no later than the 10th of each month.

B. \$125.00 annually shall be paid to the Transportation Inspector for the initial issuance and each annual renewal of a chauffeur's license no later than the 10th day of December each year.

C. \$125.00 monthly shall be paid to the Transportation Inspector for the issuance or renewal of a river taxi permit no later than the 10th of each month.

D. \$100.00 shall be paid to the City Clerk for each appeal from a decision of the Transportation Inspector to the Commission under Chapters 5.20 through 5.50. Such fee shall be refunded if the decision is subsequently reversed. The City Clerk must notify all Commission members when an appeal is filed. The fee shall be forfeited if the party making the appeal fails to show for the appeal hearing.

E. \$85.00 shall be paid to the Transportation Inspector each time that a taxicab permittee applies to substitute a vehicle that operates under a permit.

F. \$125.00 shall be paid to the Transportation Inspector for an application to transfer an interest in a taxicab permit in accordance with the provisions of Chapters 5.20 through 5.50.

5.20.170 Compliance with AS 28.05.095 required.

Every regulated vehicle shall comply with the provisions of Alaska Statute 28.05.095 regarding safety belts and child safety restraints.

Chapter 5.30

TAXICABS, RIVER TAXIS, LIMOUSINE AND BUS PERMITS

5.30.010	Taxicabs-Permit required.
5.30.020	River Taxi Permit Required.
5.30.030	Bus or Limousine Permit Required.
5.30.040	Application for permit.
5.30.050	Issuance of new, non transferrable taxicab permits.
5.30.055	Taxicabs-Renewal of existing permits.
5.30.060	Taxicabs-Transfer of existing permits.
5.30.070	Taxicabs-Number of vehicles operated per permit.
5.30.080	Taxicabs-Subscription to dispatch service.
5.30.090	Taxicabs-Vehicle markings.
5.30.100	Required equipment.
5.30.110	Certification and sealing of equipment.
5.30.120	Insurance required.
5.30.130	Posting of insurance notice.
5.30.140	Records.
5.30.150	Chauffeur training.
5.30.160	Single use of vehicles.
5.30.170	Vehicle Horn Honking.

5.30.010 Taxicab Permit required.

A. No person may provide taxicab service in the City of Bethel unless that person:

1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50; or
2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittee's authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the Transportation Inspector. In order to obtain such approval from the Transportation Inspector, the Transportation Inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50. A decision of the Transportation Inspector denying a lease operator arrangement can be appealed to the Commission in accordance with 5.20.100.

B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.

C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.

D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50. Violation of this section is grounds for immediate revocation of a permit.

E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a Commission approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50.

5.30.020 River Taxi Permit Required.

A. No person may provide river taxi service within the City of Bethel without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the Commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50.

B. A person may apply for an original or renewal river taxi permit by complying with the requirements of 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 that apply to river taxis, he or she shall be issued a permit.

5.30.030 Bus and Limousine Permit Required.

A. No person may provide bus or limousine service within the City of Bethel without a bus or limousine permit. A permit, or any interest in a permit issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the Commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50.

B. A person may apply for an original or renewal bus or limousine permit by complying with the requirements of 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 that apply to buses or limousines, he or she shall be issued a permit.

5.30.040 Application for permits.

A. An application for an original or renewal taxicab, bus, limousine or river taxi permit shall be made to the Transportation Inspector.

B. An application for a permit shall be submitted on a form approved by the Transportation Inspector and shall be accompanied by:

1. The fee specified in section 5.20.160;
2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50;
3. Proof that the applicant is at least eighteen (18) years of age;
4. Proof that the applicant has or participates in a Commission-approved chauffeur training and testing program pursuant to section 5.30.150; and
5. Proof that the applicant is in compliance with the drug and alcohol testing requirements of section 5.20.085.

C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in section 5.40.030.

D. If the Commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with section 5.30.050, the following persons may apply for such a permit:

1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel.
2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for
 - a. Assniation, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute; or
 - b. Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, AS 04.16 or AS 04.17.

E. If the Commission decides to issue an additional permit or permits in accordance with this Chapter, a taxicab permit may be issued by the Commission only if the applicant complies with subsections B through D of this section, and is certified as required by section 5.20.150.

F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit.

5.30.050 Issuance of new non-transferrable taxicab permits.

A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the Commission may initiate Commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one or more additional non-transferable permits. The Commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four (24) month period.

B. At the hearing conducted pursuant to subsection A of this section, the Commission may consider, among other things, evidence of

1. The public demand for additional taxi service;
2. The unfulfilled requests for service;
3. The reasonableness of waiting time for service; and
4. The economic impact of additional permits on the viability of the existing taxicab industry.

C. If the Commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.

D. No later than ninety (90) days after the Commission determines that a new taxicab permit should be issued, the Transportation Inspector shall conduct a public auction as follows:

1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder.
2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in section 5.20.160.
3. The term "qualified bidder" means a person who meets the requirements of section 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder.
4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the Transportation Inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.

E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one or more new permits authorized for issuance, pursuant to

this section have been actually issued. The Commission may consolidate multiple hearing requests if it deems it appropriate to do so.

F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the Commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50.

G. Permittees issued non-transferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50, as well as all other requirements of Chapters 5.20 through 5.50.

5.30.055. Taxicabs—Renewal of Existing Permits.

An application for renewal of an existing taxicab permit made in accordance with section 5.30.040 shall be renewed only if the applicant is in compliance with all of the requirements of Chapters 5.20 through 5.50 that apply to taxicabs and taxicab permittees. A permit that is not renewed shall become void and revert to the Commission.

5.30.060 Taxicabs-Transfer of existing permit.

A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the Transportation Inspector.

B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the Transportation Inspector on forms approved by the Transportation Inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50, and the Transportation Inspector approves the language of the contract for sale or other interest transfer, the Transportation Inspector may approve the transfer.

C. A decision of the Transportation Inspector with respect to transfer of an interest under this section may be appealed to the Commission in accordance with section 5.20.100.

D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in

compliance with the provisions of Chapters 5.20 through 5.50, the permit shall become void and revert to the Commission.

E. New permits issued in accordance with section 5.30.050 shall not be transferable, and shall become void and revert to the Commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50.

5.30.070 Taxicabs-Number of vehicles operated per permit.

A. Except as otherwise provided in this section, only one vehicle, which shall be designated on the taxicab permit application, may be operated pursuant to that permit.

B. Upon application to the Transportation Inspector, payment of the appropriate fee, and a demonstration of need, the Transportation Inspector may authorize operation of a substitute vehicle for a period of time not to exceed fourteen (14) consecutive days. The Transportation Inspector shall be notified prior to substitution of the date, time, and substitute vehicle being placed in service, the permit number utilizing the substitute vehicle, the reason for the use of the substitute vehicle and the signature of the person authorizing the use of the substitute vehicle. If substitution is authorized, the Transportation Inspector shall subsequently be immediately notified of the date and time the substitute vehicle is removed from service and the regular permitted vehicle is placed back in service. No person may operate a substitute vehicle under this section unless the substitution has been authorized by the Transportation Inspector in accordance with this section, and a copy of the authorization is carried in the substitute vehicle at all times.

C. If the use of the substitute vehicle was occasioned by a mechanical problem or vehicle accident affecting the safe operation of the regular vehicle, the Transportation Inspector shall require an inspection of the regular vehicle before it is returned to service.

D. The Transportation Inspector shall not authorize the use of a substitute vehicle under a permit more than four (4) times in any calendar year, unless a vehicular accident or emergency requires more frequent substitution of vehicles. The Transportation Inspector is solely responsible for determining whether more frequent substitution of vehicles is required under this paragraph.

5.30.080 Taxicabs-Subscription to dispatch service.

Every taxicab permittee shall subscribe to a dispatch service permitted pursuant to chapter 5.50 for the taxicab operated under his or her permit. No taxicab may be dispatched by more than one dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

5.30.090 Taxicabs-Vehicle markings.

A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the Transportation Inspector in the area between the back bumper and

the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four inches high.

B. Every taxicab shall bear its vehicle number, as assigned to it by the Transportation Inspector, on all sides of the taxicab with permanent letters no less than four inches high. Every taxicab shall display its vehicle number assigned by the Transportation Inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four inches high. The number shall be placed in the middle of the fender, but in no event less than two inches above the bottom of the fender, or more than four inches below the top of the fender.

C. The Transportation Inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.

D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the Transportation Inspector.

5.30.100 Required equipment.

In addition to the mechanical equipment required in section 5.20.080.D, every taxicab shall have the following equipment.

A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service. At no time may a taxicab be equipped with an apparatus capable of monitoring a frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.

B. Every taxicab shall be equipped at all times with an interior light of not less than two candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half hour after sunset of one day and one-half hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.

C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the Transportation Inspector. The light shall be illuminated only when the taxicab is in service.

D. All taxicabs, limousines and buses must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.

E. River taxis shall have the following:

1. Four-wheel drive vehicle with at least 12" clearance.
2. VHF Radio.
3. Dual Battery System.
4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares, carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one wool blanket, one survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.
5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to, winter hat, boots, gloves, pants and coat.

5.30.120 Insurance required.

A. Before any permit is issued for any taxicab, river taxi, limousine or bus, the applicant shall furnish to the Transportation Inspector the insurance policies required by this section, issued by an insurance company that is authorized to do business within the State of Alaska.

B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six persons or less, or, if a mini-van, six persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$300,000.00; and
2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$100,000.00.

C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven persons or more, or if a mini-van, seven persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$700,000.00; and
2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$100,000.00.

D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the Transportation Inspector written notice no less than 30 days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle

not insured as required by this section. The insurance policy shall list the City of Bethel as a certificate holder.

5.30.130 Posting of insurance notice.

Proof of insurance as required by Chapters 5.20 through 5.50 shall be carried in the passenger compartment of all taxicabs at all times.

5.30.140 Records.

A. Every taxicab permittee shall maintain a current and accurate daily list of the taxicab operated pursuant to the permit. The daily list shall contain the following information:

1. The name, address, telephone number, chauffeur's license number and expiration of each chauffeur operating such taxicab;
2. The daily hours worked by each chauffeur operating such taxicab;
3. The number of days each such taxicab is operated during each calendar month;
4. A written record of all dispatch calls in a format to be approved by the Transportation Inspector shall be available for inspection.

B. The records maintained pursuant to subsection A above as well as any other records related to the operation of the permit shall be retained by the permittee for at least six months and shall be made available upon request of the Transportation Commission or the Transportation Inspector. The Transportation Inspector may request that the permittee forward the record to him on a monthly basis.

5.30.150 Chauffeur training.

A. Every regulated vehicle permittee shall have or participate in a chauffeur training and testing program approved by the Commission. Chauffeur training and testing shall be based upon a Commission-approved curriculum and shall be offered in a manner and frequency as annually approved by the Commission. The Commission shall have final authority for evaluation of the training and testing program but may delegate that authority.

B. The Transportation Inspector shall evaluate test results to determine whether a chauffeur's license shall be issued. The Transportation Inspector shall make available a site and appropriate resources and personnel, at no cost to permittees, to facilitate accomplishment of a successful training and testing program. All other chauffeur training and testing costs shall be borne by the permittees.

5.30.160 Single use of vehicle.

It shall be unlawful to use a regulated vehicle for any other transportation service regulated by Chapters 5.20 through 5.50 other than that service which is authorized on the permit.

5.30.170 Vehicle horn honking.

It shall be unlawful to honk the horn of a taxicab from 10 p.m. to 7 a.m., Sunday through Thursday, and from 12 a.m. to 7 a.m., Friday and Saturday.

Chapter 5.40

CHAUFFEURS

5.40.010	Chauffeur's license required.
5.40.020	Application for license.
5.40.030	Issuance of chauffeur's license.
5.40.040	Posting of chauffeur's license.
5.40.050	Maximum number of hours per day.
5.40.060	Duty to serve public.
5.40.070	Alcoholic beverages and controlled substances.
5.40.080	Carrying alcoholic beverages.
5.40.090	Charter of taxicab.
5.40.100	Fares and receipts.
5.40.110	Two-way radio prohibited.
5.40.120	Records.
5.40.130	Requirements of check-in and check-out.

5.40.010 Chauffeur's license required.

No person may operate a river taxi, taxicab, limousine or bus within the City of Bethel without having in their possession a valid chauffeur's license.

5.40.020 Application for license.

A. An application for a chauffeur's license shall be made to the Transportation Inspector.

B. An application shall be submitted on a form approved by the Transportation Inspector and shall be accompanied by:

1. The fee specified in section 5.20.160;
2. Photographs to be taken by the Transportation Inspector;
3. A complete set of fingerprints made by the Bethel Police Department or the Transportation Inspector on an FBI-approved form;
4. A certificate from a physician licensed to practice medicine in the state, or other health care practitioner licensed in the state to perform such testing, verifying the applicant's physical ability to drive, and proof of a negative drug test from a City-approved drug and alcohol testing facility;
5. Proof that the applicant currently holds a valid state driver's license which entitles him or her to operate a vehicle by which persons are transported for compensation;

6. Proof that the applicant is at least 18 years old;
7. Proof that the application has complied with paragraphs C and D of this section.

C. An application shall not be complete until the applicant has passed an examination administered by the Transportation Inspector or his or her designee and has satisfactorily completed a Commission-approved course of study encompassing safe driving, safe vehicle maintenance, knowledge of city streets and significant locations, driver personal safety, drug and alcohol testing requirements, and any other subjects the Commission finds to be in the public interest of ensuring safe and responsible public transportation. The course will include check ride certification for new chauffeurs by persons authorized by the Transportation Inspector to conduct check rides.

D. Applicants for a chauffeur's license must show proof of successful passage of the chauffeur training and testing program and any fees required in Chapters 5.20 through 5.50.

E. Any person who has been denied a license pursuant to this chapter may not apply again for such a license for a period of one year.

5.40.030 Issuance of chauffeur's license.

The Transportation Inspector shall issue a chauffeur's license to an applicant only if:

A. The applicant has submitted a complete application as prescribed in section 5.40.020, and is certified as required in section 5.20.150;

B. The applicant has not had a conviction entered by a court of competent jurisdiction within twelve (12) months of the date of his or her application for:

1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221-28.15.261, or a similar law of another jurisdiction;
2. Reckless driving;
3. Driving while license suspended or revoked;
4. Driving while under the influence of intoxicating liquor; depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction;

C. The applicant has not had his or her driver's license suspended or revoked within one year prior to the application date;

D. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:

1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction; or a violation of AS 04 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, AS 04.16 or AS 04.17.
3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
4. Burglary, larceny, fraud, theft or embezzlement; or
5. Any sexual abuse or sexual exploitation offense; and

E. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.

5.40.040 Posting of chauffeur's license.

The chauffeur's license for the operator of a taxicab, river taxi, limousine or bus shall be posted in the interior of the taxicab, river taxi, limousine or bus in the manner designated by the Transportation Inspector. No person may operate a taxicab, river taxi, limousine or bus for hire unless his chauffeur's license is so posted.

5.40.050 Maximum number of hours per day.

No chauffeur may operate a taxicab, river taxi, limousine or bus in excess of 12 consecutive hours. No chauffeur may engage in total gainful employment, whether chauffeuring or otherwise, for more than sixteen (16) hours in any twenty-four (24) hour period if the chauffeur has actually performed any chauffeuring in that twenty-four hour period.

5.40.060 Duty to serve public.

- A. A chauffeur subject to this chapter shall not refuse to transport any passenger unless:
1. The chauffeur has already been dispatched to another call;
 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the chauffeur to reasonably believe that his or her health or safety, or that of others, may be endangered;

3. The passenger, upon request, does not show an ability to pay the estimated fare or any applicable flat or group rate; or
4. The passenger refuses to refrain from smoking.

B. The chauffeur shall immediately notify the dispatcher of any incident of service refusal.

C. A chauffeur shall inspect his or her regulated vehicle at the beginning and during his or her shift ensuring the vehicle is in a safe operating condition and clean inside and outside. Any mechanical or safety deficiencies noted shall be immediately reported to the vehicle owner. A record of this notification and deficiency will be noted on the applicable trip sheet. The vehicle owner shall take action to immediately correct safety deficiencies. Non-safety deficiencies shall be corrected within seventy-two (72) hours of notification. Failure of the chauffeur to report a safety or mechanical deficiency may result in a citation.

D. It shall be unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or cigarette or to burn tobacco or any other material in such vehicles at any time, regardless of whether or not passengers are riding in the vehicle.

5.40.070 Alcoholic beverages and controlled substances.

No chauffeur may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030, while on duty or for eight (8) hours prior to operating a regulated vehicle.

5.40.080 Carrying alcoholic beverages.

A. No chauffeur may possess or knowingly allow another person to possess a container of alcoholic beverages in a taxicab except that a passenger may transport alcoholic beverages in the trunk or cargo area of a regulated vehicle.

B. No passenger may possess any container of alcoholic beverages inside the passenger compartment of a regulated vehicle.

5.40.090 Charter of taxicab.

If a passenger requests direct service to his or her destination without picking up or dropping off other passengers, the chauffeur shall honor the passenger's request, and may charge the passenger no more than the applicable charter rate established by the Commission for the trip.

5.40.100 Fares and receipts.

A. No chauffeur may require payment of rates greater than those established by the Commission pursuant to section 5.20.050.

B. On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, the permit number, the dispatch company, and the chauffeur's legibly printed name.

5.40.110 Two-way radio prohibited.

No chauffeur may possess in a taxicab or allow another to operate a radio capable of monitoring a frequency used by a dispatch service other than that used by the taxicab's dispatch service.

5.40.120 Records.

A. At all times a chauffeur shall carry in the taxicab a trip sheet in a form approved by the Transportation Inspector. Immediately after a chauffeur goes on duty, he or she shall enter the following information at the top of a trip sheet:

1. The chauffeur's name and license number, taxicab number, and date of report; and
2. The times between which the chauffeur is scheduled to operate the taxicab on the day the trip sheet is prepared.

B. Immediately after the passenger requesting service is in the taxicab, the chauffeur shall enter on a trip sheet the time and place of passenger pickup and the number of passengers transported.

C. Immediately after a taxicab chauffeur has discharged a passenger from the taxicab, he or she shall enter on a trip sheet the time of passenger delivery, the destination and the amount of the fare received or that no fare was received.

D. A taxicab chauffeur shall retain all trip sheets prepared pursuant to this section for not less than ninety (90) days. A chauffeur shall produce any or all of his or her trip sheets upon request of the Transportation Inspector or a police officer. The chauffeur shall forward the trip sheets to the Transportation Inspector on a monthly basis if ordered to do so.

5.40.130 Requirement of check-in and check-out.

Each chauffeur of a taxicab must check in with the dispatch service engaged by the permittee when the chauffeur begins a work shift and check out when the chauffeur departs a work shift.

Chapter 5.50

DISPATCH SERVICE

5.50.010	Dispatch service permit required.
5.50.020	Dispatch service permit application.
5.50.030	Dispatch service permit transfer.
5.50.040	Provision of service.
5.50.050	Dispatch service operation.
5.50.060	Communication requirement between dispatchers and taxicab chauffeurs.
5.50.070	Compliance with Federal Communications Commission regulations.
5.50.080	Records.

5.50.010 Dispatch service permit required.

No person may dispatch taxicabs who did not have a dispatch service permit on December 31, 2000, and without renewing the dispatch service permit on an annual basis in accordance with Chapters 5.20 through 5.50. Additionally, no person may dispatch taxicabs who does not have current City of Bethel and State of Alaska business licenses, and a current FCC frequency license.

5.50.020 Dispatch service permit application.

A. An application for annual renewal of a dispatch service permit shall be made to the Transportation Inspector.

B. An application for annual renewal of a dispatch service permit shall be submitted on a form approved by the Transportation Inspector and shall be accompanied by:

1. The fee specified in section 5.20.160;
2. Proof that the applicant has obtained and still possesses a valid FCC frequency license and identification of those frequencies authorized to be used in the dispatch service;
3. A list of the name, address and telephone number of every person who will have a financial, proprietary, security or other interest in the license;
4. A proposed color scheme, name and markings to be used by taxicabs dispatched by the applicant which is substantially different from the color scheme, name and markings used or proposed for use by any other dispatch company licensed under Chapters 5.20 through 5.50; and
5. Proof that the applicant is at least eighteen (18) years of age.

C. A dispatch service permit shall be issued by the Commission if the applicant complies with this section, is certified as required in section 5.20.150, and has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of the renewal application for:

1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for the aforementioned purposes; or
2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction or engaging in an act prohibited under AS 04.11, AS 04.16 or AS 04.17.

5.50.030 Dispatch service permit transfer.

A. No person may transfer any interest in a dispatch service permit or any interest in the corporation, joint venture, association, partnership or other entity which owns an interest in a dispatch service permit unless that person obtains the prior approval of the Transportation Inspector.

B. An application for transfer of a dispatch service permit in accordance with subsection A of this section shall be made to the Transportation Inspector on forms approved by the Transportation Inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a dispatch permit contained in Chapters 5.20 through 5.50, and the Transportation Inspector approves the language of the contract for sale or other interest transfer, the Transportation Inspector may approve the transfer.

C. A decision of the Transportation Inspector with respect to transfer of an interest under this section may be appealed to the Commission in accordance with section 5.20.100.

5.50.040 Provision of service.

A. Except as otherwise provided in this section, a dispatch service shall serve all taxicab permittees and their chauffeurs who request dispatch service and meet the requirements of this section so long as the fee for such service has been paid.

B. A dispatch service shall promulgate reasonable internal rules and regulations and shall supply the Transportation Inspector with a current copy thereof at all times. If a dispatch service executes one or more types of written contracts pertaining to dispatch of taxicabs, the dispatch service shall supply the Transportation Inspector with one copy of each such current contract form at all times.

C. A dispatch service may only provide dispatch service to a permitted taxicab.

D. Each dispatch service shall establish a system for identifying radio transmissions from each taxicab which is dispatched through the dispatch service.

E. A dispatch service company shall maintain an operations center separate and apart from any taxicabs who are provided dispatch service by the dispatch service company. A dispatch service company shall not operate out of a taxicab.

5.50.050 Dispatch service operation.

Every dispatch service shall respond to telephone calls, maintain radio communications with every taxicab subscribing to its service, and have a dispatcher on duty at least twenty hours during every twenty-four hour period.

5.50.060 Communication requirement between dispatchers and taxicab chauffeurs.

Each dispatch company licensed under Chapters 5.20 through 5.50 must operate and maintain a two-way communications system between dispatchers and taxicab chauffeurs. The two-way communications system shall allow each chauffeur on a dispatch company radio frequency to monitor dispatcher transmissions and transmissions from other chauffeurs on that dispatch company radio frequency.

5.50.070 Compliance with Federal Communications Commission regulations.

Each dispatch service shall take steps to ensure that dispatchers and chauffeurs comply with FCC regulations with respect to operation of radios.

5.50.080 Records.

- A. Every dispatch service shall maintain a current and accurate list of:
1. The permit number, name and address of the permittee for each taxicab dispatched and the number of daily hours each such taxicab is operated during every calendar month; and
 2. Daily dispatch activity, including the taxicab numbers, the permit number pursuant to which the taxicab is operated, the time of calls for service, and the place of passenger pickup.

B. The records maintained pursuant to subsection A of this section shall be retained by the dispatch permittee for at least two years and shall be made available upon request by the Commission, the Transportation Inspector or a police officer. The Transportation Inspector may request that a dispatch service forward the records to him or her on a monthly basis.

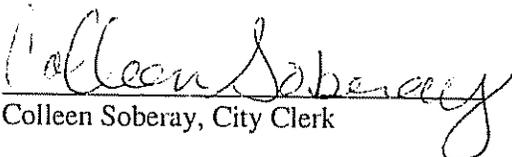
SECTION 4. Effective Date. This ordinance shall become effective sixty days from the date of enactment.

ENACTED THIS 24th DAY OF APRIL 2001, by a vote of 4 in favor and 1 opposed.

ATTEST:



Stanley "Tundy" Rodgers, Mayor



Colleen Soberay, City Clerk