

ORDINANCE #191

An ordinance of the City Council of Bethel, Alaska, repealing and reenacting Chapter 5.20 of the Bethel Municipal Code and repealing Ordinances #110 and #127.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA, THAT THE BETHEL VEHICLE FOR HIRE ORDINANCES, CHAPTER 5.20 OF THE BETHEL MUNICIPAL CODE AND ORDINANCES #110 AND #127. ARE HEREBY REPEALED IN ITS ENTIRETY, INCLUDING ALL AMENDMENTS THERETO, AND REENACTED TO READ AS FOLLOWS:

CHAPTER 5.20 - VEHICLE FOR HIRE ORDINANCE
GENERAL PROVISIONS

SECTIONS:

- 5.20.010 Definitions
- 5.20.020 Rates
- 5.20.030 Transportation Inspector
- 5.20.040 Vehicle Inspections
- 5.20.050 Hearings - Appeals
- 5.20.060 Suspension of Revocation of License or Permit
- 5.20.070 Penalties and Remedies
- 5.20.080 Renewal of Permit or License
- 5.20.090 Duty to Maintain Current Application
- 5.20.100 Review and Certification of Application
- 5.20.110 Fees

5.20.010 DEFINITIONS

When used in this title:

- A) "Bus" means any vehicle used to transport passengers for hire and having a capacity of more than nine (9) passengers. Except 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. 5.30 and 5.40.
- B) "Chauffeur" means a person licensed by the Transportation Inspector to operate a vehicle for hire.
- C) "Commission" means the Bethel Transportation Commission.
- D) "Dispatch Service" means a person authorized to engage in the dispatch of taxicabs to persons desiring to hire them.
- E) "Operate" means to drive. pick up, transport or discharge passengers for hire.
- F) "Permit" means a taxicab permit. river taxi permit, bus permit or dispatch service permit.
- G) "Permittee" means a person authorized to provide taxicab, river taxi, bus or dispatch service.

- H) "Person" means an individual, partnership, joint venture, corporation, association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- I) "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, observed, charged or collected by a taxicab, river taxi or bus permittee.
- J) "River Taxi" means any motor vehicle used to transport passengers for hire between another village and Bethel and which operates within the City limits of the City of Bethel.
- K) "Taxicab" means a motor vehicle used to transport passengers for hire having a factory recommended seating capacity of nine (9) passengers or less, including the driver.
- L) "Transportation Inspector" means the Bethel Chief of Police or his designee.
- M) "Transportation Vehicle" means a bus, river taxi or taxicab.

5.20.020 RATES

- A) The Commission shall by regulation establish just and reasonable maximum rates to be charged for permitted transportation.
- B) The Commission shall establish rates in a non discriminatory manner.
- C) A statement of current transportation rates shall be conspicuously posted in every permitted vehicle.
- D) No person may require payment of transportation rates greater than those established by the Commission.

5.20.030 TRANSPORTATION INSPECTOR

The Bethel Chief of Police or his designee shall act as Transportation Inspector. In addition to the other duties and powers granted by his title, the Transportation Inspector shall:

- A) Keep records relating to permittees, and chauffeur's licensed under Chapter 5.30, 5.40 and 5.50.
- B) Inspect and examine transportation vehicles, investigate the background of persons involved in the operations of a permittee and investigate the driving of those holding chauffeur's licenses.
- C) Receive and process all applications for permits and chauffeur's licenses in the form and manner prescribed by the Commission.
- D) Require a transportation vehicle to be taken out of service for an inspection when the Transportation Inspector has probable cause to believe that the transportation vehicle 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.

- E) Perform those administrative duties of the Commission which are delegated to the Transportation Inspector by the Commission.

5.20.040 VEHICLE INSPECTIONS

- A) All transportation vehicles shall be inspected by the Transportation Inspector within thirty days of the adoption of this ordinance. At least twice a year thereafter all transportation vehicles shall be inspected. The Transportation Inspector shall schedule the time, place and scope of inspection and shall designate a qualified person to perform the required inspections. No transportation vehicle may be operated until it has been inspected and found to be in compliance with all applicable laws and ordinances and City inspection requirements.

5.20.050 HEARINGS - APPEALS

- A) If the Transportation Inspector determines that an applicant for a permit or chauffeur's license does not meet the requirements of Chapter 5.30, 5.40 or 5.50, the Transportation Inspector shall issue a written decision within fifteen (15) days to the applicant which shall state the specific reasons for that denial.
- B) Any person aggrieved by any decision of the Transportation Inspector, denying a permit or license, revoking a license or permit or denying the renewal of a license or permit may, within fifteen (15) days of the decision complained of, upon payment of the filing fee required by Section 5.20.120, appeal that decision to the Commission. The Commission may authorize the conditional or unconditional issuance or reinstatement of a denied or revoked license or permit within thirty (30) days upon an affirmative showing at a hearing by the appellant that he has been rehabilitated and has the ability to assume the responsibilities of a permittee or chauffeur or that the Transportation Inspector erred in the decision.
- C) An appeal from a decision of the Commission shall be made to the City Council, Bethel, Alaska, no later than thirty (30) days following that decision. Review by the City Council shall be limited to determining that the decision of the commission is supported by substantial evidence.
- D) A decision of the Transportation Inspector, the Commission or the City Council is effective only for the year the license or permit would have been valid and has no binding effect upon the Transportation Inspector, the Commission or the City Council when reviewing a license or permit application from the same individual in a future year.

E) An appeal from a decision of the City Council under this title shall be made to the Superior Court, Fourth Judicial District, Bethel, Alaska, no later than thirty (30) days following that decision. Review by the Court shall be limited to determining that the decision of the Commission is supported by substantial evidence.

5.20.060 REVOCATION OF LICENSE OR PERMIT

A) If a person is convicted by a court of competent jurisdiction of an offense set forth in 5.40.030 D or E, the Bethel Chief of Police shall revoke the license or permit.

B) After a hearing, the Commission shall revoke a transportation permit upon a finding that:

1. A permittee has not operated pursuant to its permit for forty-five (45) consecutive days or 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; or

2. The 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) After a hearing, the Commission shall revoke a dispatch service permit upon a finding that:

1. such dispatch service has not commenced operation within ninety (90) days after the 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 permittee not including insolvency; or

3. such dispatch service does not have a valid radio station license issued by the Federal Communications Commission.

D) Violation of a revocation imposed by this section is a separate violation of this Chapter.

E) Upon the suspension, revocation, or cancellation of an Alaska driver's license issued to a person who is also licensed as a chauffeur by the City of Bethel, the person's chauffeur's license shall simultaneously and automatically be revoked for the same period of time. Such person shall surrender the chauffeur's license to the Transportation Inspector immediately upon suspension or revocation of his Alaska's driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he is again authorized by

law to do so and a chauffeur's license has been reissued or restored to him under Chapter 5.40.

5.20.070 PENALTIES AND REMEDIES

- A) A person who violates a provision of Chapter 5.20, 5.30, 5.40 or 5.50 or municipal regulation promulgated under such Chapters shall be subject to a civil penalty of not more than \$250.00 for each offense, 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 by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of Chapter 5.20, 5.30, 5.40 or 5.50 or a municipal regulation promulgated under such Chapters 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.

5.20.080 RENEWAL OF PERMIT OR LICENSE

- A) A bus permit, dispatch service permit, river taxi permit, taxicab permit, or chauffeur's license 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 in the same manner as an original application and shall be treated in the same manner as an original application except that a chauffeur need not comply with Section 5.40.020(b) (2) and (3). A decision to grant a license or permit in one year does not preclude the City from denying a license or permit upon application for renewal.
- C) If a permittee or chauffeur is not qualified to hold its permit or license at the time of renewal, the Transportation Inspector shall not renew the permit or license and it shall lapse and become invalid.
- 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 pursuant to Section .060 of this Chapter may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation.

5.20.090 DUTY TO MAINTAIN CURRENT APPLICATION

- A) A permittee or chauffeur is under a continuing obligation to keep the information on its application current. Failure to do so shall be a violation. A permittee or licensee shall give written notice to the Transportation Inspector of any change to be made on his application within ten (10) days from the date the permittee or licensee knew or should have known that the information on his application was no longer accurate. The Transportation Inspector

shall amend the application accordingly.

- B) A knowing violation paragraph A of this section shall be grounds for denial or revocation.

5.20.100 SUBMISSION, REVIEW AND CERTIFICATION OF APPLICATIONS

- A) An application for a permit or chauffeur's license shall be submitted to the Transportation Inspector.
- B) The Transportation Inspector shall review the application to assure it complies with the requirements of Chapters 5.30, 5.40 or 5.50.
- C) The Transportation Inspector shall transmit applications meeting the requirements stated in paragraph B of this section to the City Clerk for review by the appropriate Department Heads to determine:
 1. Whether the applicant owes any municipal taxes, if applicable, assessments, judgements or bills for collection in connection with the business or activity for which a license or permit is sought. The Department Head shall certify to the City Clerk the existence or nonexistence of any outstanding obligations owed to the City.
 2. Whether the applicant has a current Bethel City business license if applicable.
- D) If the applicant has no outstanding obligations owed to the City and has the necessary business license, the City Clerk shall so certify.
- E) Departments or officials requested to certify the application under this Chapter shall complete their review within 10 days following the request by the Bethel City Clerk.

5.20.110 FEES

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

- A) \$100.00 monthly shall be paid for the issuance or renewal of bus, dispatch service or taxicab permit.
- B) \$50.00 shall be paid for the issuance of an initial chauffeur's license.
- C) \$25.00 shall be paid for the annual renewal of a chauffeur's license.
- D) \$100.00 annual fee shall be paid for the issuance or renewal of river taxi permit.
- E) \$50.00 shall be paid for each appeal from the decision of the Bethel Chief of Police to deny or revoke an application for a

chauffeur's license. Such fee shall be refunded if the decision of the Bethel Chief of Police is subsequently reversed or if the Transportation Commission does not meet within 15 days of the filing of the appeal. The City Clerk must notify all Transportation 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. The fee for filing an appeal may be waived by the City's Finance Director upon receipt of proof that the petitioner cannot afford to pay such a fee.

CHAPTER 5.30
TAXICABS

SECTIONS:

- 5.30.010 Taxicab Permit Required
- 5.30.020 River Taxi
- 5.30.030 Bus Permit Required
- 5.30.040 Permit Application
- 5.30.050 Taxicab Permit Transfer
- 5.30.060 Number of Vehicles Operated Per Permit
- 5.30.070 Subscription to Dispatch Service
- 5.30.080 Taxicab Markings
- 5.30.090 Taxicab Equipment
- 5.30.100 Taxicab size
- 5.30.110 Insurance Required
- 5.30.120 Posting of Insurance
- 5.30.130 Records
- 5.30.140 Single use of Vehicle

5.30.010 TAXICAB PERMIT REQUIRED

No person may operate and receive compensation for providing taxicab service unless that person is a permittee in possession of a valid taxicab permit(s) issued under this Chapter or is a chauffeur, licensed in accordance with Chapter 5.40, who has contracted to provide taxicab service with a person holding a valid taxicab permit issued under this chapter.

5.30.020 RIVER TAXI PERMIT REQUIRED

No person may provide river taxi service within the City of Bethel without a river taxi permit.

5.30.030 BUS PERMIT REQUIRED

No person may provide bus service within the City of Bethel without a bus permit.

5.30.040 PERMIT APPLICATION

A) An application for or transfer of a bus, river taxi or taxicab permit shall be made to the Transportation Inspector. The Transportation Inspector shall refuse to accept any application unless it pertains to:

1. transfer of an existing permit;
2. a change of the vehicle or dispatch service for an existing permit;
3. a request for a new permit;
4. a request for a renewal of an existing permit.

- 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 5.20.110;
 2. proof of insurance as required by Section 5.30.110;
 3. a complete list of the name, address, and telephone number of every person who shall have a financial or proprietary interest in the permit;
 4. proof that the applicant is at least 18 years of age.
- C) An application for a taxicab or bus permit shall be granted by the Transportation Inspector, if the applicant complies with subsection B above, is certified as required by section 5.20.100, and if the applicant has not within five years:
1. had a felony or misdemeanor conviction entered by a court of competent jurisdiction for heinous or violent offenses or offenses of moral turpitude;
 2. been committed voluntarily or involuntarily to a medical facility by reason of mental illness;
 3. had a felony or misdemeanor conviction entered by court of competent jurisdiction for the sale, transportation, possession, or use of any controlled substance as defined in A.S. 11.71;
 4. had a felony or misdemeanor conviction entered by a court of competent jurisdiction for the sale of liquor without a license or possession of liquor with the intent to sell (A.S. 04.11.010 and A.S. 04.16.200).
- D) An applicant for a river taxi permit shall be granted by the Chief of Police if the applicant complies with subsection B above and is certified as required by Section 5.20.110.

5.30.050 TAXICAB PERMIT TRANSFER

- A) No person may transfer any financial or proprietary interest in a taxicab permit or any interest in the corporation, joint venture association, partnership, or other group or entity which owns an interest in a taxicab permit unless that person obtains the prior approval of the Commission.
- B) Only a taxicab permittee can transfer his interest in a taxicab permit to another party. An application for transfer shall be made to the Transportation Inspector on forms approved by the Transportation Inspector and shall be accompanied by a proposed contract of sale which states the specific consideration to be paid by the transferee as well as all other material conditions of the sale. If the transferee meets the requirements of this section and those of Section 5.30.040 for issuance of a permit, then the Commission shall approve the transfer. A dispute arising

from an underlying contract of sales is not grounds upon which the Transportation Commission can refuse to transfer a taxicab permit.

5.30.060 NUMBER OF VEHICLES OPERATED PER PERMIT

- A) Only one vehicle number, which shall be designated on the permit application, may be operated pursuant to that permit.

5.30.070 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 permit. No taxicab may be dispatched by more than one dispatch service.

5.30.080 TAXICAB MARKINGS

- A) Every taxicab shall bear the trade name under which it is operated and display the name on both sides of the taxicab with permanent letters no less than four inches high.
- B) Every taxicab shall bear its vehicle number, as assigned to it by the Transportation Inspector on both sides and front and rear of the taxicab with permanent letters no less than four inches high.
- C) No vehicle for which a taxicab permit has been issued may be used for purposes other than as a taxicab unless all of the markings required by this section have been removed or covered. No vehicle for which a taxicab permit has been issued may be sold unless the markings required by this section have been removed.

5.30.090 TAXICAB EQUIPMENT

- A) Every taxicab shall be equipped at all times with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service.
- B) Every taxicab shall be equipped at all times with an interior light of not less than two candle power 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 of the next day. No shades or blinds shall be drawn over any windows of the taxicab while the taxicab is occupied by a passenger.
- C) Every taxicab shall be equipped with a nonflashing light of type approved by the Transportation Inspector, the light to be displayed on the exterior of the roof of the taxicab. This light shall be illuminated only when in service.

5.30.100 TAXICAB AND BUS SIZE

- A) All taxicabs must be capable of seating, with factory seat belts, a minimum of four (4) adults.

B) All buses must be capable of seating a minimum of nine (9) adults.

5.30.110 INSURANCE REQUIRED

- A) Before any permit is issued for any taxicab, river taxi, or bus the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company authorized to do business in the State of Alaska.
- B) The insurance required by this section for vehicles for hire shall provide minimum coverage as required by state law (A.S. 28.22.101) (d).
- C) Proof of liability insurance shall be filed with the Transportation Inspector.
- D) Every insurance policy or certificate of insurance 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, non-renewal, or termination of insurance coverage shall work as 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.

5.30.120 POSTING OF INSURANCE

Proof of liability insurance shall be carried in the passenger compartment of all taxicabs at all times.

5.30.130 RECORDS

- A) Every taxicab permittee shall maintain a current and accurate daily list of the taxicabs 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 taxicabs;
 3. The number of days each such taxicab is operated during each calendar month;
 4. A written or audio tape record of all dispatch calls 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.

5.30.140 SINGLE USE OF VEHICLE

- A) It shall be unlawful to use a for hire vehicle for any other transportation service regulated by this title other than that service which is authorized on the permit.

CHAPTER 5.40
CHAUFFEURS

SECTIONS:

- 5.40.010 Chauffeur's License Required
- 5.40.020 Application for License
- 5.40.030 Chauffeur's License
- 5.40.040 Maximum Number of Hours Per Day
- 5.40.050 Duty to Serve Public
- 5.40.060 Alcoholic Beverages and Controlled Substances
- 5.40.070 Carrying Alcoholic Beverages
- 5.40.080 Fares and Receipts
- 5.40.090 Frequency Monitor Devices

5.40.010 CHAUFFEUR'S LICENSE REQUIRED

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

5.40.020 APPLICATION FOR LICENSE

- A) An application for a 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 5.20.110;
 - 2. photographs of the applicant as taken by the Bethel Police Department;
 - 3. a complete set of fingerprints made by the Bethel Police Department;
 - 4. a certificate from a registered nurse licensed to practice nursing in Alaska or a physician licensed to practice medicine in Alaska certifying the applicant's physical ability to drive;
 - 5. proof that the applicant currently holds a valid Alaska driver's license;
 - 6. proof that the applicant is at least 18 years old.
- C) 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 from the initial date of the denial.

5.40.030 CHAUFFEUR'S LICENSE

The Transportation Inspector shall issue a chauffeur's license to an applicant only if the following requirements are met:

- A) The applicant has submitted a complete application as prescribed

in Section 5.40.020;

- B) the applicant has not had a conviction entered by a court of competent jurisdiction within 12 months for:
 - 1. a moving traffic violation which resulted in the suspension, revocation or cancellation of the applicant's driver's license pursuant to A.S. 28.15.221 - .261;
 - 2. a traffic offense including hit and run, reckless driving, negligent driving, or unlawful passing of a school bus;
 - 3. a traffic offense pursuant to A.S. 28.15.291.
- C) The applicant has not had his driver's license suspended or revoked within one year prior to the application date.
- D) The applicant has not had a misdemeanor conviction entered by a court of competent jurisdiction within five years for:
 - 1. assignation. 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;
 - 2. sale. transportation. possession. or use of any controlled substance as defined in A.S. 11.71; sale of liquor or possession with intent to sell as defined in A.S. 04.11.010 and 04.16.200;
 - 3. any offense which includes as an element the use or threat of force upon a person;
 - 4. a conviction pursuant to A.S. 28.35.030 or A.S. 28.35.032 (f);
- E) Within the preceding five years, the applicant has not had a felony conviction entered by a court of competent jurisdiction.
- F) The applicant has made no misrepresentations in his application.

5.40.040 MAXIMUM NUMBER OF HOURS PER DAY

No chauffeur may operate a taxicab or bus in excess of sixteen consecutive hours. No chauffeur may operate a taxicab or bus until eight hours have elapsed since the end of any previously gainful occupation whether chauffeuring or otherwise.

5.40.050 DUTY TO SERVE

- A) No chauffeur may refuse or neglect to convey any orderly person or persons upon request if the proper fee is tendered by such person or persons.

5.40.060 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 A.S. 11.71 while on duty or for the eight hours prior to operating a taxicab or bus.

5.40.070 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 taxicab.
- B) No passenger may possess any container of alcoholic beverages inside the passenger compartment of the taxicab.

5.40.080 FARES AND RECEIPTS

- A) No chauffeur may require payment of rates greater than those established by the Transportation Commission pursuant to Section 5.20.020.
- B) On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, place of pickup, destination, permit number, dispatch company, chauffeur's legibly printed name, and taxicab number.

5.40.090 FREQUENCY MONITOR DEVICES

- A) At no time may a taxicab be equipped with, nor may a chauffeur possess in a vehicle for hire, or allow another to operate a device capable of monitoring a frequency used by a dispatch service other than that used by the taxicab permittee's dispatch service.

CHAPTER 5.50
DISPATCH SERVICE

SECTIONS:

- 5.50.010 Dispatch Service Permit
- 5.50.020 Dispatch Service Permit Application
- 5.50.030 Dispatch Service Permit Transfer
- 5.50.040 Mandatory Dispatch Service
- 5.50.050 Dispatch Service Operation
- 5.50.060 Records Required

5.50.010 DISPATCH SERVICE LICENSE REQUIRED

Any dispatch service must have a current dispatch service permit, a current City of Bethel business license, a current State of Alaska business license, and a current FCC license.

5.50.020 DISPATCH SERVICE PERMIT APPLICATION

- A) An application for a dispatch service license shall be made to the Transportation Inspector.
- B) An application for 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 5.20.120;
 - 2. proof that the applicant has obtained an possesses a valid Federal Communication Commission frequency license;
 - 3. a list of the name, address, and telephone number of every person who will have a financial or proprietary interest in the license;
 - 4. name and markings to be used by taxicabs dispatched by the applicant;
 - 5. proof that the applicant is at least 18 years of age.
- C) A dispatch service license shall be issued by the Transportation Inspector if the applicant complies with this section, is certified as required by Section 5.20.100, and has not had a felony conviction entered by a court of competent jurisdiction within five years for those offenses stated in Section 5.30.040 (C).

5.50.030 DISPATCH SERVICE PERMIT TRANSFER

Dispatch Service license is not transferable.

5.50.040 MANDATORY DISPATCH SERVICE

- A) Each taxicab permit holder must subscribe to a dispatch service.

Only one dispatch service may be subscribed to for each taxicab permit.

5.50.050 DISPATCH SERVICE OPERATION

- A) 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 RECORDS REQUIRED

- A) Each dispatch service shall maintain a system of records of all dispatches. Such records shall be retained for a period of not less than two years and be made available to the Transportation Inspector and City Manager upon request.

*EFFECTIVE DATE JUNE 1, 1990.

PASSED AND APPROVED THIS 24th DAY OF April, 1990.


Ben Dale. Acting Mayor

ATTEST:


Anna McGowan. City Clerk

AMENDMENT #1
TO
ORDINANCE #191

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA AMENDING BETHEL MUNICIPAL CODE SECTION 5.20, 5.30 AND 5.40, TITLED VEHICLE FOR HIRE.

THEREFORE BE IT ORDAINED THAT FOLLOWING SECTIONS OF THE BETHEL MUNICIPAL CODE 5.20, 5.30 AND 5.40 be amended as follows:

5.20.020 RATES: add Item E - Maximum rates for permitted transportation are as follows:

CAB FARES IN THE CITY (INCLUDING BETHEL HEIGHTS)	\$ 2.50
FARE TO THE HOSPITAL	2.50
FARE TO THE TRAILER COURT, HANGAR LAKE, POWER PLANT	3.00
FARE TO THE AIRPORT	5.00
FARE TO B.I.A.	6.00
HALF HOUR FARE CHARTER	15.00
LIMOUSINE FARE TO THE AIRPORT	5.00
BUS FARE	1.50
BUS FARE, SENIOR CITIZENS 62/OLDER, WITH SENIOR I.D.	1.00

5.20.060 REVOCATION OF LICENSE OR PERMIT: Add under Section B, #3: The permittee has failed to submit payments as prescribed in Section 5.20.110.

Add Section F: The Transportation Inspector shall revoke the chauffeur's license when the licensee is formally charged with felony offenses. The revocation shall continue pending disposition from the court.

5.20.100 SUBMISSION, REVIEW AND CERTIFICATION OF APPLICATIONS: A) An application for a permit (or chauffeur's license) shall be submitted to the Transportation Inspector.

B) The Transportation Inspector shall review the application to assure it complies with the requirements of Chapters 5.30 (5.40) or 5.50.

C) 1) Whether the applicant owes any municipal taxes, if applicable, assessments, judgements or bills for collection in connection with the business or activity for which (a license or) permit is sought. The Department Head shall certify to the City Clerk the existence or nonexistence of any outstanding obligations owed to the City.

5.20.110 FEES: Add to section A) \$100.00 monthly shall be paid for the issuance or renewal of bus, dispatch service or taxicab permit no later than the 10th of each month.

CHANGE Section B as: \$50.00 shall be paid for the (issuance of an) initial application for chauffeur's license and renewal. The renewal is non-refundable.

Delete all of Section C.

Change section D to C: \$100.00 annual fee shall be paid for the issuance (or renewal) of river taxi permit no later than the 10th of January.

Change Section E to D.

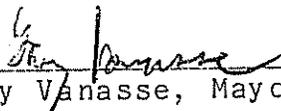
5.30.040 PERMIT APPLICATION. Section 2 to read: been committed voluntarily or involuntarily to a medical facility or Psychiatric Institution by reasons of mental illness.

5.30.080 TAXICAB MARKINGS: Section B: change word (letters) to numbers.

5.40.030 CHAUFFEUR'S LICENSE: Add Section D, 5: Being committed voluntarily or involuntarily to a medical facility or Psychiatric Institution by reasons of mental illness or substance abuse.

EFFECTIVE DATE: DECEMBER 1, 1990

PASSED AND APPROVED THIS 13 DAY OF NOVEMBER, 1990.



Gary Vanasse, Mayor

ATTEST:



Anna McGowan, City Clerk

failed

AMENDMENT #2
TO
ORDINANCE # 191

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA, AMENDING
BETHEL MUNICIPAL CODE SECTION 5.20 TITLED VEHICLE FOR HIRE.

THEREFORE BE IT ORDAINED THAT THE FOLLOWING SECTION OF THE BETHEL
MUNICIPAL CODE 5.20 be amended as follows:

5.20.020 RATES

- A) The Commission [SHALL] may [BY REGULATION] establish [JUST AND REASONABLE] maximum or minimum rates to be charged for permitted transportation with City Council confirmation by ordinance.
- B) The [COMMISSION SHALL ESTABLISH] rates [IN A] shall be just and reasonable and non-discriminatory [MANNER].
- C) A statement of current transportation rates shall be conspicuously posted in every permitted vehicle.
- D) No person may require payment of transportation rates greater or lesser than those established [BY THE COMMISSION].

Add new section: 5.20.120 VEHICLE PERMIT

The Commission may limit with City Council confirmation by ordinance the number of vehicle permits issued for the operation of vehicles for hire.

PASSED AND APPROVED THIS _____ DAY OF _____, 1992.

James H. Feaster III, Mayor

ATTEST:

Jane Elam, City Clerk

Underlined material indicates text that is being added to the Code and [BRACKETED MATERIAL IN CAPITAL LETTERS] indicates deletions from the code.

HICKS, BOYD, CHANDLER & FALCONER

ATTORNEYS AT LAW
SUITE 200
825 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
TELECOPIER: (907) 274-3698

March 3, 1992

BY FAX: 543-4171

Mr. George Hohman, Jr.
City Manager
City of Bethel
P.O. Box 388
Bethel, AK 99559

Re: Authority to Regulate Taxicab Rates

Dear George:

This confirms my telephone advise that the City of Bethel does have the authority to set the minimum as well as the maximum fares of vehicles for hire operating within the City. This regulatory power must be exercised by an ordinance adopted in the usual manner by the City Council.

Very truly yours,

HICKS, BOYD, CHANDLER
& FALCONER

By 

Brooks W. Chandler

BWC/smc



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

March 3, 1992

MEMORANDUM - FAX

TO: Brooks Chandler
FROM: Jane Elam
SUBJ: Vehicle for Hire Ordinance

We have received your fax of today which states that the City Council can set minimum cab fares by ordinance. This raises two questions from us based on an initiative that was passed in 1988 (copies of the petition and the certification of special election are enclosed) and on the current vehicle for hire ordinance #191:

1. The intent of the initiative (petition circulated 8/8/88; special election certified October 25, 1988; effective January 1, 1989) states that if passed it "...would also eliminate the ability of the Bethel City Council to regulate the minimum fare that may be charged by any taxi cab..." (see boxed paragraph of the petition). As a result of the initiative that was passed by the voters, can the City Council enact an ordinance that would in effect negate the wishes of the voters?
2. Ordinance #191 (passed and approved April 24, 1990) repealed Chapter 5.20 (Vehicle for Hire Ordinance) in its entirety thereby eliminating sections 5.20.110 Vehicle Permit and 5.20.160 Fare Regulation (see copy of Certificate of Special Election enclosed). Did the City Council have the authority to enact an ordinance that repealed the results of the election?

HICKS, BOYD, CHANDLER & FALCONER

ATTORNEYS AT LAW
SUITE 200
825 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
TELECOPIER: (907) 274-3698

March 5, 1992

Mr. George Hohman, Jr.
City Manager
City of Bethel
P.O. Box 388
Bethel, Alaska 99559

Re: Vehicle for Hire Ordinance

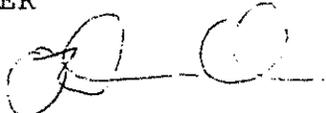
Dear George:

This confirms my telephone advice of March 3, 1992 regarding proposed changes to the Vehicle for Hire Ordinance. The fact that the minimum taxicab fare became unregulated through an initiative does not prohibit the City Council from modifying the current ordinance. The ban on amending or repealing ordinances that have been adopted through an initiative lasts for two years from the date of the initiative election. The vehicle for hire initiative election was conducted in 1988. Accordingly, the two-year ban does not prohibit the current council from modifying the City's existing Vehicle for Hire Ordinance to provide for minimum and maximum rate regulation.

Very truly yours,

HICKS, BOYD, CHANDLER &
FALCONER

By


Brooks W. Chandler

BWC/gp

HICKS, BOYD, CHANDLER & FALCONER

ATTORNEYS AT LAW
SUITE 1530
550 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
TELECOPIER: (907) 274-3698

February 8, 1990

Mr. Mark Earnest
City Manager
City of Bethel
P.O. Box 388
Bethel, Alaska 99559

RE: Proposed Vehicle For Hire Ordinance

Dear Mark:

Our office has reviewed the proposed vehicle for hire ordinance. Several changes to the ordinance are reflected on the enclosed proposed draft. The majority of the proposed changes are only for clarity. However, two changes are substantive in nature.

The substantive changes involve the duties of the Chief of Police or his designee, referred to in the ordinance as the Transportation Inspector. In Section 5.20.080, as modified, applications for renewal of a permit or license are submitted to the Transportation Inspector.

In Section 5.20.100, as modified, an applicant for a permit or chauffeur's license submits the application to the Transportation Inspector. The Transportation Inspector shall then assure that the application complies with Chapter 5.30, 5.40 or 5.50 as the case may be, and then gives the application to the City Clerk's office. The City Clerk then checks to see if the applicant has no outstanding obligations owed to the City and has the necessary business licenses to transact business in the City of Bethel.

Mr. Mark Earnest
February 8, 1990
Page--2

There are several other changes which you should be aware of in considering the ordinance. Under 5.20.050, Hearings and Appeals, a new section D was added, which provides that a decision by the Transportation Inspector, the Commission or the City Council is effective only for the year the license or permit would have been valid and does not bind the Transportation Inspector, the Commission or the City Council in future years. This is a policy decision that should be made by the City Council when it considers the ordinance.

We have deleted subsection B of 5.20.070. We felt that this subsection was not needed in light of subsection C of the City's draft. As our draft reflects in subsection A, the penalty for a violation of a provision of Chapters 5.20, 5.30, 5.40 or 5.50 is not more than \$250 for each offense. Subsection B, however, provided that violation of any provision of the above Chapters or any regulation promulgated pursuant to those Chapters would be subject to a civil penalty of \$100 for each violation. This discrepancy should be addressed by the Council when it considers the ordinance. The Council could decide to impose a fine of not less than \$100 nor more than \$250 for each violation.

The language of 5.20.080 B was modified in order to make it clear that a decision to grant a license or permit in one year does not preclude the City from denying a license or permit upon application for renewal. The change proposed in subsection D of 5.20.080 provides that a person who has been denied an original license or permit or renewal as well as a person whose license or permit has been revoked may not apply for a new license for a period of one year, beginning from the initial date of the denial or revocation. This clarifies the language in the City's draft.

We have deleted references to the city sales tax that were contained in 5.20.110 and 5.20.120. The city's sales tax ordinance adequately addresses the applicability of municipal sales tax to vehicles for hire.

The proposed ordinance contains many distinctions between taxicab permits, river taxi permits and bus permits. For example, a person may be denied a taxicab or bus permit if they have been convicted of bootlegging; while the same person would not be denied a river taxi permit. Similarly, subsection C of 5.30.40 prohibits a person who has been voluntarily or involuntarily committed by reason of mental illness from obtaining a taxicab permit. Subsection D of

Mr. Mark Earnest
February 8, 1990
Page--3

5.40.030 contains no such similar prohibition for a person applying for a chauffeur's license.

In order for the differential treatment to be valid, it must be based on some rational reason that is stated at the time the ordinance is adopted.¹ The City Council or the Transportation Commission must highlight, explain and discuss, the differential treatment during public hearings on the ordinance and, if it is to be retained in the final ordinance, the City Council or the Transportation Commission must state the reason for the difference in treatment. These policy goals do not need to be set out in the ordinance itself but only discussed at the hearings leading up to the adoption of the ordinance.

If you have any questions concerning this letter or our proposed changes to the ordinance please contact our office.

Very truly yours,

HICKS, BOYD, CHANDLER
& FALCONER



Brooks W. Chandler

BWC/mmc
Enclosure

¹/An ordinance adopted by a City must be reasonable. Taxi's Inc. v. East Rutherford, 373 A 2d. 717 (N.J. 1977). An ordinance regulating vehicles for hire must be definite in its meaning and must not treat different classes of service or people differently without a rationale reason for doing so. Beene v. Brant, 201 S.W.2d. 268 (Tx. Civ. App. 1964).

ORDINANCE #191

An Ordinance of the City Council of Bethel, Alaska, repealing and reenacting Chapter 5.20 of the Bethel Municipal Code and repealing Ordinances #110 and #127.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA THAT THE BETHEL VEHICLE FOR HIRE ORDINANCE, CHAPTER 5.20 OF THE BETHEL MUNICIPAL CODE AND ORDINANCES #110 AND #127, ARE HEREBY REPEALED IN THEIR ENTIRETY INCLUDING ALL AMENDMENTS THERETO, AND REENACTED TO READ AS FOLLOWS:

VEHICLE FOR HIRE ORDINANCE

CHAPTER 5.20
GENERAL PROVISIONS

DRAFT

SECTIONS:

- 5.20.010 Definitions
- 5.20.020 Rates
- 5.20.030 Transportation Inspector
- 5.20.040 Vehicle Inspections
- 5.20.050 Hearings - Appeals
- 5.20.060 Suspension of Revocation of License or Permit
- 5.20.070 Penalties and Remedies
- 5.20.080 Renewal of Permit or License
- 5.20.090 Duty to Maintain Current Application
- 5.20.100 Review and Certification of Application
- 5.20.110 Fees

5.20.010 DEFINITIONS

When used in this Title:

- A. "Bus" means any vehicle used to transport passengers for hire and having a capacity of more than nine (9) passengers. Except 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, 5.30 and 5.40.
- B. "Chauffeur" means a person licensed by the Transportation Inspector to operate a vehicle for hire.
- C. "Commission" means the Bethel Transportation Commission.
- D. "Dispatch Service" means a person authorized to engage in the dispatch of taxicabs to persons desiring to hire them.
- E. "Operate" means to drive, pick up, transport or discharge passengers for hire.
- F. "Permit" means a taxicab permit, river taxi permit, bus permit or dispatch service permit.
- G. "Permittee" means a person authorized to provide taxicab, river taxi, bus or dispatch service.

- H. "Person" means an individual, partnership, joint venture, corporation, association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- I. "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, observed, charged or collected by a taxicab, river taxi or bus permittee.
- J. "River Taxi" means any motor vehicle used to transport passengers for hire between another village and Bethel and which operates within the City limits of the City of Bethel.
- K. "Taxicab" means a motor vehicle used to transport passengers for hire having a factory recommended seating capacity of nine (9) passengers or less, including the driver.
- L. "Transportation Inspector" means the Bethel Chief of Police or his designee.
- M. "Transportation Vehicle" means a bus, river taxi or taxicab.

5.20.020 RATES

- A. The Commission shall by regulation establish just and reasonable maximum rates to be charge for permitted transportation.
- B. The Commission shall establish rates in a non discriminatory manner.
- C. A statement of current transportation rates shall be conspicuously posted in every permitted vehicle.
- D. No person may require payment of transportation rates greater than those established by the Commission.

5.20.030 TRANSPORTATION INSPECTOR

The Bethel Chief of Police or his designee shall act as Transportation Inspector. In addition to the other duties and powers granted by his title, the Transportation Inspector shall:

- A. Keep records relating to permittees, and chauffeur's licensed under Chapters 5.30, 5.40 and 5.50.
- B. Inspect and examine transportation vehicles, investigate the background of persons involved in the operations of a permittee and investigate the driving record of those holding chauffeur's licenses.
- C. Receive and process all applications for permits and chauffeur's licenses in the form and manner prescribed by the Commission.
- D. Require a transportation vehicle to be taken out of service for an inspection when the Transportation Inspector has probable cause to believe that the transportation vehicle 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.
- E. Perform those ministerial duties of the Commission which are delegated to the Transportation Inspector by the Commission.

5.20.040 VEHICLE INSPECTIONS

- A. All transportation vehicles shall be inspected by the Transportation Inspector within thirty days of the adoption of this ordinance. At least twice a year thereafter all transportation vehicles shall be inspected. The Transportation Inspector shall schedule the time, place and scope of inspection and shall designate a qualified person to perform the required inspections. No transportation vehicle may be operated until it has been inspected and found to be in a safe and clean condition and in compliance with all applicable laws and ordinances.

5.20.050 HEARINGS - APPEALS

- A. If the Transportation Inspector determines that an applicant for a permit or chauffeur's license does not meet the requirements of Chapter 5.30, 5.40 or 5.50, the Transportation Inspector shall issue a written decision within fifteen (15) days to the applicant which shall state the specific reasons for that denial.
- B. Any person aggrieved by any decision of the Transportation Inspector, denying a permit or license, revoking a license or permit or denying the renewal of a license or permit may, within fifteen (15) days of the decision complained of, and upon payment of the filing fee required by Section 5.20.120, appeal that decision to the Commission. The Commission may authorize the conditional or unconditional issuance or reinstatement of a denied or revoked license or permit within thirty (30) days upon an affirmative showing at a hearing by the appellant that he has been rehabilitated and has the ability to assume the responsibilities of a permittee or chauffeur or that the Transportation Inspector erred in the decision.
- C. An appeal from a decision of the Commission shall be made to the City Council, Bethel, Alaska, no later than thirty (30) days following that decision. Review by the City Council shall be limited to determining that the decision of the commission is supported by substantial evidence.
- D. A decision of the Transportation Inspector, the Commission or the City Council is effective only for the year the license or permit would have been valid and has no binding effect upon the Transportation Inspector, the Commission or the City Council when reviewing a license or permit application from the same individual in a future year.
- E. An appeal from a decision of the City Council under this title shall be made to the Superior Court, Fourth Judicial District, Bethel, Alaska, no later than thirty (30) days following that decision. Review by the Court shall be limited to determining that the decision of the Commission is supported by substantial evidence.

5.20.060 REVOCATION OF LICENSE OR PERMIT

- A. If a person is convicted by a court of competent jurisdiction of an offense set forth in 5.40.030 D or E, the Bethel Chief of Police shall revoke the license or permit.
- B. After a hearing, the Commission shall revoke a transportation permit upon a finding that:
 - 1. A permittee has not operated pursuant to its permit for forty-five (45) consecutive days or 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; or
 - 2. The 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. After a hearing, the Commission shall revoke a dispatch service permit upon a finding that;
 - 1. such dispatch service has not commenced operation within ninety (90) days after the 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 permittee not including insolvency; or
 - 3. such dispatch service does not have a valid radio station licence issued by the Federal Communications Commission.
- D. Violation of a revocation imposed by this section is a separate violation of this Chapter.
- E. Upon the suspension, revocation, or cancellation of an Alaska driver's license issued to a person who is also licensed as a chauffeur by the City of Bethel, the person's chauffeur's license shall simultaneously and automatically be revoked for the same period of time. Such person shall surrender the chauffeurs license to the

Transportation Inspector immediately upon suspension or revocation of his Alaska's driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he is again authorized by law to do so and a chauffeur's license has been reissued or restored to him under Chapter 5.40.

5.20.070 PENALTIES AND REMEDIES

- A. A person who violates a provision of Chapter 5.20, 5.30, 5.40 or 5.50 or municipal regulation promulgated under such Chapters shall be subject to a civil penalty of not more than \$250.00 for each offense, 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 by the municipality for injunctive relief and a finding that a person is violating or threatening to violate a provision of Chapter 5.20, 5.30, 5.40 or 5.50 or a municipal regulation promulgated under such Chapters 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.

5.20.080 RENEWAL OF PERMIT OR LICENSE

- A. A bus permit, dispatch service permit, river taxi permit, taxicab permit or chauffeur's license 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 in the same manner as an original application and shall be treated in the same manner as an original application except that a chauffeur need not comply with Section 5.40.020(b)(2) and (3). A decision to grant a license or permit in one year does not preclude the City from denying a license or permit upon application for renewal.
- C. If a permittee or chauffeur is not qualified to hold its permit or license at the time of renewal, the Transportation Inspector shall not renew the permit or license and it shall lapse and become invalid.

- 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 pursuant to section .060 of this Chapter may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation.

5.20.090 DUTY TO MAINTAIN CURRENT APPLICATION

- A. A permittee or chauffeur is under a continuing obligation to keep the information on its application current. Failure to do so shall be a violation. A permittee or licensee shall give written notice to the Transportation Inspector of any change to be made on his application within ten (10) days from the date the permittee or licensee knew or should have known that the information on his application was no longer accurate. The Transportation Inspector shall amend the application accordingly.
- B. A knowing violation paragraph A of this section shall be grounds for denial or revocation.

5.20.100 SUBMISSION, REVIEW AND CERTIFICATION OF APPLICATIONS

- A. An application for a permit or chauffeur's license shall be submitted to the Transportation Inspector.
- B. The Transportation Inspector shall review the application to assure it complies with the requirements of Chapters 5.30, 5.40 or 5.50.
- C. The Transportation Inspector shall transmit applications meeting the requirements stated in paragraph B of this section to the City Clerk for review by the appropriate Department heads to determine:
 - 1. Whether the applicant owes any municipal taxes, if applicable, assessments, judgments or bills for collection in connection with the business or activity for which a license or permit is sought. The Department Head shall certify to the City Clerk the existence or non-existence of any outstanding obligations owed to the City.

2. Whether the applicant has a current Bethel City Business license if applicable.
- D. If the applicant has no outstanding obligations owed to the City and has the necessary business license, the City Clerk shall so certify.
- E. Departments or officials requested to certify the application under this Chapter shall complete their review within 10 days following the request by the Bethel City Clerk.

5.20.110 FEES

The following fees shall be payable to the City of Bethel at the office of the Bethel City Clerk.

- A. \$100.00 monthly shall be paid for the issuance or renewal of bus, dispatch service or taxicab permit.
- B. \$50.00 shall be paid for the issuance of an initial chauffeur's license.
- C. \$25.00 shall be paid for the annual renewal of a chauffeur's license.
- D. \$100.00 annual fee shall be paid for the issuance or renewal of river taxi permit.
- E. \$50.00 shall be paid for each appeal from the decision of the Bethel Chief of Police to deny or revoke an application for a chauffeur's license. Such fee shall be refunded if the decision of the Bethel Chief of Police is subsequently reversed or if the Transportation Commission does not meet within 15 days of the filing of the appeal. The City Clerk must notify all Transportation Commission members when an appeal is filed. The fee will be forfeited if the party making the appeal fails to show for the appeal hearing. The fee for filing an appeal may be waived by the City's Finance Director upon receipt of proof that the petitioner cannot afford to pay such a fee.

CHAPTER 5.30
TAXICABS

SECTIONS:

- 5.30.010 Taxicab Permit Required
- 5.30.020 River Taxi Permit Required
- 5.30.030 Bus Permit Required
- 5.30.040 Permit Application
- 5.30.050 Taxicab Permit Transfer
- 5.30.060 Number of Vehicles Operated Per Permit
- 5.30.070 Subscription to Dispatch Service
- 5.30.080 Taxicab Markings
- 5.30.090 Taxicab Equipment
- 5.30.100 Taxicab Size
- 5.30.110 Insurance Required
- 5.30.120 Posting of Insurance
- 5.30.130 Records
- 5.30.140 Single use of Vehicle

5.30.010 TAXICAB PERMIT REQUIRED

No person may operate and receive compensation for providing taxicab service unless that person is a permittee in possession of a valid taxicab permit(s) issued under this Chapter or is a chauffeur, licensed in accordance with Chapter 5.40, who has contracted to provide taxicab service with a person holding a valid taxicab permit issued under this Chapter.

5.30.020 RIVER TAXI PERMIT REQUIRED

No person may provide river taxi service within the City of Bethel without a river taxi permit.

5.30.030 BUS PERMIT REQUIRED

No person may provide bus service within the City of Bethel without a bus permit.

5.30.040 PERMIT APPLICATION

- A. An application for or transfer of a bus, river taxi or taxicab permit shall be made to the Transportation Inspector. The Transportation Inspector shall refuse to accept any application unless it pertains to:
 - 1. transfer of an existing permit;
 - 2. a change of the vehicle or dispatch service for an existing permit;
 - 3. a request for a new permit;

4. a request for a renewal of an existing permit.
- 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 5.20.110;
 2. proof of insurance as required by Section 5.30.110;
 3. a complete list of the name, address, and telephone number of every person who shall have a financial or proprietary interest in the permit;
 4. proof that the applicant is at least 18 years of age.
- C. An application for a taxicab or bus permit shall be granted by the Transportation Inspector, if the applicant complies with subsection B above, is certified as required by section 5.20.100, and if the applicant has not within five years:
1. had a felony or misdemeanor conviction entered by a court of competent jurisdiction for heinous or violent offenses or offenses of moral turpitude;
 2. been committed voluntarily or involuntarily to a medical facility by reason of mental illness;
 3. had a felony or misdemeanor conviction entered by a court of competent jurisdiction for the sale, transportation, possession, or use of any controlled substance as defined in A.S. 11.71;
 4. had a felony or misdemeanor conviction entered by a court of competent jurisdiction for the sale of liquor without a license or possession of liquor with the intent to sell (A.S. 04.11.010 and A.S. 04.16.200).
- D. An application for a river taxi permit shall be granted by the Chief of Police if the applicant complies with subsection B above and is certified as required by Section 5.20.110.

5.30.050 TAXICAB PERMIT TRANSFER

- A. No person may transfer any financial or proprietary interest in a taxicab permit or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit unless that person obtains the prior approval of the Commission.
- B. Only a taxicab permittee can transfer his interest in a taxicab permit to another party. An application for transfer shall be made to the Transportation Inspector on forms approved by the Transportation Inspector and shall be accompanied by a proposed contract of sale which states the specific consideration to be paid by the transferee as well as all other material conditions of the sale. If the transferee meets the requirements of this section and those of Section 5.30.040 for issuance of a permit, then the Commission shall approve the transfer. A dispute arising from an underlying contract of sales is not grounds upon which the Transportation Commission can refuse to transfer a taxicab permit.

5.30.060 NUMBER OF VEHICLES OPERATED PER PERMIT

- A. Only one vehicle number, which shall be designated on the permit application, may be operated pursuant to that permit.

5.30.070 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 permit. No taxicab may be dispatched by more than one dispatch service.

5.30.080 TAXICAB MARKINGS

- A. Every taxicab shall bear the trade name under which it is operated and display the name on both sides of the taxicab with permanent letters no less than four inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the Transportation Inspector on both sides and front and rear of the taxicab with permanent letters no less than four inches high.
- C. No vehicle for which a taxicab permit has been issued may be used for purposes other than as a taxicab unless all of the markings required by

this section have been removed or covered. No vehicle for which a taxicab permit has been issued may be sold unless the markings required by this section have been removed.

5.030.090 TAXICAB EQUIPMENT

- A. Every taxicab shall be equipped at all times with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service.
- B. Every taxicab shall be equipped at all times with an interior light of not less than two candle power 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 of the next day. No shades or blinds shall be drawn over any windows of the taxicab while the taxicab is occupied by a passenger.
- C. Every taxicab shall be equipped with a non-flashing light of type approved by the Transportation Inspector, the light to be displayed on the exterior of the roof of the taxicab. This light shall be illuminated only when in service.

5.30.100 TAXICAB AND BUS SIZE

- A. All taxicabs must be capable of seating, with factory seat belts, a minimum of four (4) adults.
- B. All buses must be capable of seating a minimum of nine (9) adults.

5.30.110 INSURANCE REQUIRED

- A. Before any permit is issued for any taxicab, river taxi, or bus the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company authorized to do business in the State of Alaska.
- B. The insurance required by this section for vehicles for hire shall provide minimum coverage as required by state law (A.S. 28.22.101)(d).
- C. Proof of liability insurance shall be filed with the Transportation Inspector.

- D. Every insurance policy or certificate of insurance 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, non-renewal, lapse, or other termination of such insurance. A lapse, cancellation, expiration, non-renewal, or termination of insurance coverage shall work as 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.

5.30.120 POSTING OF INSURANCE

Proof of liability insurance shall be carried in the passenger compartment of all taxicabs at all times.

5.30.130 RECORDS

- A. Every taxicab permittee shall maintain a current and accurate daily list of the taxicabs 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 date for 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 or audio tape record of all dispatch calls 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.

5.30.140 SINGLE USE OF VEHICLE

- A. It shall be unlawful to use a for hire vehicle for any other transportation service regulated by this title other than that service which is authorized on the permit.

CHAPTER 5.40
CHAUFFEURS

SECTIONS:

- 5.40.010 Chauffeur's License Required
- 5.50.020 Application for License
- 5.40.030 chauffeur's License
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- 5.40.070 Carrying Alcoholic Beverages
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5.40.010 CHAUFFEUR'S LICENSE REQUIRED

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

5.40.020 APPLICATION FOR LICENSE

- A. An application for a 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 5.20.110;
 - 2. photographs of the applicant as taken by the Bethel Police Department;
 - 3. a complete set of fingerprints made by the Bethel Police Department;
 - 4. a certificate from a registered nurse licensed to practice nursing in Alaska or a physician licensed to practice medicine in Alaska certifying the applicant's physical ability to drive;
 - 5. proof that the applicant currently holds a valid Alaska driver's license;
 - 6. proof that the applicant is at least 18 years old.
- C. 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 from the initial date of the denial.

5.40.030 CHAUFFEUR'S LICENSE

The Transportation Inspector shall issue a chauffeur's license to an applicant only if the following requirements are met:

- A. The applicant has submitted a complete application as prescribed in Section 5.40.020;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within 12 months for:
 1. a moving traffic violation which resulted in the suspension, revocation or cancellation of the applicant's driver's license pursuant to A.S. 28.15.221 - .261;
 2. a traffic offense including hit and run, reckless driving, negligent driving, or unlawful passing of a school bus;
 3. a traffic offense pursuant to A.S. 28.15.291.
- C. The applicant has not had his driver's license suspended or revoked within one year prior to the application date.
- D. The applicant has not had a misdemeanor conviction entered by a court of competent jurisdiction within five years for:
 1. assignation, 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;
 2. sale, transportation, possession, or use of any controlled substance as defined in A.S. 11.71; sale of liquor or possession with intent to sell as defined in A.S. 04.11.010 and 04.16.200;
 3. any offense which includes as an element the use or threat of force upon a person;
 4. a conviction pursuant to A.S. 28.35.030 or A.S. 28.35.032(f);

- E. Within the preceding five years, the applicant has not had a felony conviction entered by a court of competent jurisdiction.
- F. The applicant has made no misrepresentations in his application.

5.40.040 MAXIMUM NUMBER OF HOURS PER DAY

No chauffeur may operate a taxicab or bus in excess of sixteen consecutive hours. No chauffeur may operate a taxicab or bus until eight hours have elapsed since the end of any previously gainful occupation whether chauffeuring or otherwise.

5.40.050 DUTY TO SERVE

- A. No chauffeur may refuse or neglect to convey any orderly person or persons upon request if the proper fee is tendered by such person or persons.

5.40.060 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 A.S. 11.71 while on duty or for the eight hours prior to operating a taxicab or bus.

5.40.070 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 taxicab.
- B. No passenger may possess any container of alcoholic beverages inside the passenger compartment of the taxicab.

5.40.080 FARES AND RECEIPTS

- A. No chauffeur may require payment of rates greater than those established by the Transportation Commission pursuant to Section 5.20.020.
- B. On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, place of pickup, destination, permit number, dispatch company, chauffeur's legibly printed name, and taxicab number.

5.40.090 FREQUENCY MONITOR DEVICES

- A. At no time may a taxicab be equipped with, nor may a chauffeur possess in a vehicle for hire, or allow another to operate a device capable of monitoring a frequency used by a dispatch service other than that used by the taxicab permittee's dispatch service.

CHAPTER 5.50
DISPATCH SERVICE

SECTIONS:

- 5.50.010 Dispatch Service Permit
- 5.50.020 Dispatch Service Permit Application
- 5.50.030 Dispatch Service Permit Transfer
- 5.50.040 Mandatory Dispatch Service
- 5.50.050 Dispatch Service Operation

5.50.010 DISPATCH SERVICE LICENSE REQUIRED

Any dispatch service must have a current dispatch service permit, a current City of Bethel business license, a current State of Alaska business license, and a current FCC license.

5.50.020 DISPATCH SERVICE PERMIT APPLICATION

- A. An application for a dispatch service license shall be made to the Transportation Inspector.
- B. An application for 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 5.20.120
 - 2. proof that the applicant has obtained an possesses a valid Federal Communication Commission frequency license;
 - 3. a list of the name, address, and telephone number of every person who will have a financial or proprietary interest in the license;
 - 4. name and markings to be used by taxicabs dispatched by the applicant;
 - 5. proof that the applicant is at least 18 years of age.
- C. A dispatch service license shall be issued by the Transportation Inspector if the applicant complies with this section, is certified as required by Section 5.20.100, and has not had a felony conviction entered by a court of competent jurisdiction within five years for those offenses stated in Section 5.30.040(C).

5.50.030 DISPATCH SERVICE PERMIT TRANSFER

Dispatch Service license is not transferable.

5.50.040 MANDATORY DISPATCH SERVICE

- A. Each taxicab permit holder must subscribe to a dispatch service. Only one dispatch service may be subscribed to for each taxicab permit.

5.50.050 DISPATCH SERVICE OPERATION

- A. 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 RECORDS REQUIRED

- A. Each dispatch service shall maintain a system of records of all dispatches. Such records shall be retained for a period of not less than two years and be made available to the Transportation Inspector and City Manager upon request.