

## *CITY OF BETHEL, ALASKA*

### **Ordinance #17-04**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE 5.20.120 PENALTIES AND REMEDIES [TAXICABS, RIVER TAXIS, LIMOUSINES AND BUSES] TO CREATE A FINE SCHEDULE**

**SECTION 1. Classification.** This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

**SECTION 2. Amendments.** Bethel Municipal Code Section 5.20.120, Penalties and Remedies [for Taxicabs, River Taxis, Limousines and Buses] amended as follows (old language is stricken, new language is underlined):

#### **5.20.120 Penalties and Remedies**

- ~~A. A person who violates a provision of Chapters 5.20 through 5.50 BMC or a regulation promulgated thereunder is guilty of an infraction and may be issued a citation. The penalty for these infractions is:~~
- ~~1. One hundred fifty dollars (\$150) for the first (1st) violation;~~
  - ~~2. Two hundred dollars (\$200) for the second (2nd) violation;~~
  - ~~3. Two hundred fifty dollars (\$250) for the third (3rd) violation;~~
  - ~~4. Three hundred dollars (\$300) for the fourth (4th) and each subsequent violation.~~
- ~~B. Each day during which a violation described in this section occurs shall constitute a separate offense.~~
- ~~C. In accordance with AS 29.25.070(a), citations for these offenses may be disposed of as provided in AS 12.25.195 through 12.25.230 without a court appearance upon payment of the fine amounts plus the state surcharge required by AS 12.55.039 and 29.25.074. If a person charged with one (1) of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed above.~~
- ~~D. In addition to the penalties provided for in subsection A of this section, a person who violates a provision of Chapters 5.20 through 5.50 BMC or any regulation promulgated thereunder may also be subject to the following:~~
- ~~1. Second (2nd) violation: suspension of the violator's license or permit for fifteen (15) days or less;~~
  - ~~2. Third (3rd) 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 (4th) or subsequent violation: revocation of license or permit.~~
- ~~E. The city may seek injunctive relief to enforce compliance with this chapter.~~

- A. A person who violates a provision of Chapters 5.20 through 5.50 of the Bethel Municipal Code (BMC) or a regulation promulgated thereunder may be guilty of an infraction and may be issued a citation.
- B. In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below. If an offense is not listed on this fine schedule or another fine schedule, the defendant must appear in court to answer to the charges. These fines may not be judicially reduced.
- C. The penalty for an infraction under BMC 5.20 through 5.50 are as follows:

<u>Offense</u>	<u>Section</u>	<u>Fine Amount</u>
<u>Failure to Conspicuously Post Taxicab Rates</u>	<u>5.20.050(C)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Requiring/Requesting Rate other than posted and/or approved</u>	<u>5.20.050(D)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Requiring/Requesting Payment of Dispatch service other than posted and/or approved</u>	<u>5.20.050(E)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to establish record of all complaints registered against chauffeur(s)</u>	<u>5.20.055(B)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to establish record of all complaints registered against the condition of a regulated vehicle</u>	<u>5.20.055(B)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>

Introduced by: Councilman Albertson  
 Introduction Date: January 24, 2017  
 Public Hearing: February 14, 2017  
 Action: Passed  
 Vote: 4-0

<u>Improper/Insufficient record of complaints</u>	<u>5.20.055(A)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Operating a regulated vehicle that is unsafe, unclean or not in compliance with law</u>	<u>5.20.080(C)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Steering mechanism not in good working order</u>	<u>5.20.080(D)(1)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to meet mechanical standards</u>	<u>5.20.080</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to maintain current application</u>	<u>5.20.140</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to comply with safety belts and child safety restraints regulations.</u>	<u>5.20.170</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Providing taxicab services without a permit</u>	<u>5.30.010(A)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Providing taxicab services without a permittee agreement</u>	<u>5.30.010(A)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Unauthorized loan of taxicab permit</u>	<u>5.30.010(B)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u>

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		<u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Operating or dispatching a vehicle not described on a taxicab permit</u>	<u>5.30.010(C)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Providing river taxi service without a permit</u>	<u>5.30.020</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Providing bus service without a permit</u>	<u>5.30.030</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Providing limousine service without a permit</u>	<u>5.30.035</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Transferring permit or interest in permit without approval of transportation inspector</u>	<u>5.30.060</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to post permit</u>	<u>5.30.065</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Operating more than one vehicle under a single taxicab permit without authorization</u>	<u>5.30.070</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Taxicab failure to subscribe to dispatch service</u>	<u>5.30.080</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>

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<u>Improper/insufficient taxicab vehicle markings</u>	<u>5.30.090</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Two-way radio required</u>	<u>5.30.100(A)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Equipping taxicab with apparatus capable of monitoring a frequency used by a dispatch service other than that used by taxicab's service</u>	<u>5.30.100(A)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Insufficient interior light</u>	<u>5.30.100(B)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Non-flashing rooftop light required only when taxicab is in service</u>	<u>5.30.100(C)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Seat-belts required</u>	<u>5.30.100(D)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Insufficient/Improper Equipment for River Taxi</u>	<u>5.30.100(E)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Video Camera Required</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Improper/insufficient video camera system</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u>

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		<u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Improper/insufficient storage of video camera recording</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Altering or manipulating video camera recoding</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Improper/insufficient positioning of video camera recording</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Video surveillance of passenger area of limousine</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Improper/insufficient GPS</u>	<u>5.30.100(F)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Insurance Required</u>	<u>5.30.120</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Posting of Insurance Notice</u>	<u>5.30.130</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Records Maintenance</u>	<u>5.30.140</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>

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<u>Single use of vehicle</u>	<u>5.30.160</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Vehicle Horn Honking</u>	<u>5.30.170</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Safety Equipment Tampering</u>	<u>5.30.180</u>	<u>\$250 1<sup>st</sup> Violation</u> <u>\$500 2<sup>nd</sup> Violation</u> <u>\$750 3<sup>rd</sup> Violation</u> <u>\$1,000 4<sup>th+</sup> Violation</u>
<u>Chauffeur's license required</u>	<u>5.40.010</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Posting of Chauffeur's license</u>	<u>5.40.040</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Maximum Number of Hours per day</u>	<u>5.40.050</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Duty to Serve Public</u>	<u>5.40.060</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to notify dispatcher of refusal</u>	<u>5.30.060(B)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>

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<u>Smoking or burning material in regulated vehicles</u>	<u>5.30.060 (D)</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Alcoholic Beverages and Controlled Substances</u>	<u>5.30.070</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Carrying Alcoholic Beverages</u>	<u>5.30.080</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to provide charter of Taxicab upon request</u>	<u>5.30.090</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Failure to provide receipt upon request</u>	<u>5.30.100</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Two-way radio prohibited</u>	<u>5.40.110</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Handheld device use prohibited</u>	<u>5.40.120</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Check-In and Check-Out requirement</u>	<u>5.40.130</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Operating a vehicle for hire without the headlines on</u>	<u>5.45.020</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u>

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		<u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Dispatch Service Permit Required</u>	<u>5.50.010</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Dispatch Service Permit Transfer</u>	<u>5.50.030</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Provision of Service (Dispatch)</u>	<u>5.50.040</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Dispatch Service Operation</u>	<u>5.50.050</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Communication requirement between dispatchers and taxicab chauffer</u>	<u>5.50.060</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Compliance with Federal Communications Commission regulations</u>	<u>5.50.070</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>
<u>Records requirement</u>	<u>5.50.080</u>	<u>\$150 1<sup>st</sup> Violation</u> <u>\$200 2<sup>nd</sup> Violation</u> <u>\$250 3<sup>rd</sup> Violation</u> <u>\$300 4<sup>th+</sup> Violation</u>

D. In addition to the penalties provided for in subsection C, 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:

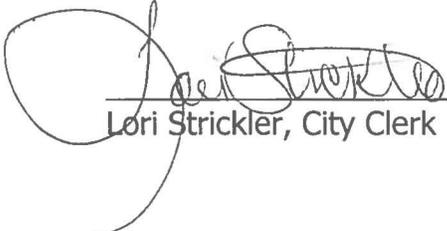
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Vote:

1. Suspension of the violator's chauffer's license or permit for fifteen (15) days or less for a second (2<sup>nd</sup>) violation of the same or similar offense;
  2. Suspension of the violator's chauffer's license or permit for thirty (30) days or less for a third (3<sup>rd</sup>) violation of the same or similar offense;
  3. A permanent Suspension of the violator's chauffer's license or permit for a fourth (4<sup>th</sup>) or subsequent violation of the same or similar offense.
- E. Each day during which a violation described in this section occurs shall constitute a separate offense.
- F. In addition to the penalties and other relief listed above, the City may seek injunctive relief or any other remedies available at law.

**SECTION 3. Effective Date.** This ordinance shall become effective upon passage by the Bethel City Council.

**ENACTED THIS 14 DAY OF FEBRUARY 2017, BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
\_\_\_\_\_  
Richard Robb, Mayor  
\_\_\_\_\_  
Lori Strickler, City Clerk