



City of Bethel Police Dept.

PO Box 809
Bethel, AK 99559
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PUBLIC NOTICE
REGULAR MEETING OF THE
PUBLIC SAFETY & TRANSPORTATION COMMISSION
Tuesday, September 1, 2015 -7:00 p.m.
300 STATE HIGHWAY – CITY COUNCIL CHAMBERS
AGENDA

Members

Joan Dewey
Chair

Alisha Welch
Vice Chair

Chuck Herman
Council Representative

Naim Shabani

Ex-Officio Members

Andre Achee
Chief of Police

William Howell III
Fire Chief

Christina Him
Recorder

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF
June 2, July 7, and August 10, 2015.
- VI. SPECIAL ITEM OF BUSINESS
 - A. PUBLIC HEARING: On the price and quality of service provided by all regulated vehicles, chauffeurs, and dispatch services
- VII. CHIEFS' COMMENTS
 - Fire Chief
 - Police Chief
- VIII. TRANSPORTATION INSPECTOR'S REPORT
- IX. COUNCIL REPRESENTATIVE'S COMMENTS
- X. UNFINISHED BUSINESS
 - A. Drug Screening Policy for Chauffeurs (Commission Member Sabani)
 - B. Taxi Permit number and Vehicle numbers (Commission Member Sabani)
 - C. Revocation of Vehicle Permit (BMC 5.20.110) (Commission Member Sabani)
- XI. NEW BUSINESS
 - A. BMC 5.40.080 Carrying Alcoholic Beverages (Commission Member Sabani)
 - B. Council Recommendations for BMC Changes
 - C. Community Preparedness—PFD (Chair Dewey)
 - D. City Council Candidacy (Vice Chair Welch)
- XII. COMMISSION MEMBER'S COMMENTS
- XIII. ADJOURNMENT

Christina Him, Recorder

POSTED on August 27th, 2015.



Public Safety & Transportation Commission: 09/01/2015

PEOPLE TO BE HEARD:

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2. FRANK MAZZARO

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City of Bethel, Alaska

Public Safety & Transportation Commission

June 2nd, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on June 2nd, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:00PM

II. ROLL CALL

Present: Joan Dewey *Chair*
Alisha Welch *Vice Chair*
Chuck Herman *Council Representative*
Naim Shabani

Excused absent:

Ex-Officio Present: Bill Howell *Fire Chief*
Andre Achee *Police Lieutenant*

III. PEOPLE TO BE HEARD

No one present to be heard.

IV. APPROVAL OF AGENDA

MOVED:	Herman	Motion to approve the agenda.
SECONDED:	Welch	
VOTE ON MAIN MOTION	All in favor.	

V. APPROVAL OF MINUTES

MOVED:	Herman	Motion to approve the minutes from the regular meeting of April 7 and May 5.
SECONDED:	Sabani	
VOTE ON MAIN MOTION	All in favor.	

VI. SPECIAL ITEM OF BUSINESS

A. Change scheduled date and time of PSTC meetings

Discussed, schedule to remain the same.

VII. CHIEFS' COMMENTS

Chief Bill Howell- *See Manager's Report in Commission Packet.*

Chief Andre Achee - *The City of Bethel participated in a statewide emergency preparedness exercise called "Pills to Polar Bears" during the week of May 12th, 2015. The City worked together with YKHC, State of Alaska Public Health Nursing, AST, National Guard, as well as the Bethel Family Clinic. This exercise assists the state in preparation for a mass pandemic on vaccination inoculation; specifically this drill's plot consisted of exposure to anthrax by domestic terrorism.*

Fire Chief, Bill Howell was the Operations Section Chief for the exercise. Bethel along with Craig, Juneau, Anchorage, and the Matsu Valley participated in this drill. Bethel did pretty good; an important part of the exercise was the implementation and facilitation of closed PODs (Points of Dispensing), which are primarily used to inoculate first responders and their family. The Police Department's role in the exercise primarily dealt with the logistics aspect and providing security.

In the scenario, the state lab tested the substance to be a positive exposure of Anthrax and in conclusion, placebo packets of medication were sent to Bethel from the State pharmacy and CDC through articulate coordination with Alaska Airlines. The DOT (Department of Transportation) met the jet on the ground with security, directly took the packages from the aircraft and escorted it to the appropriate location. The exercise was able to help identify areas that the City needed to improve on as well as areas that worked well.

The Police Department has been busy on serious calls, such as homicide and investigations of that nature. During a recent investigation, the PD was able to partner with AST to assist in crime processing. ABI (Anchorage Bureau of Investigation) also sent out some investigators to assist with the case; however the case still remains BPD's. BPD also received lot of help from the public in helping to identify persons of interest, and an arrest has been made.

Staffing is still below 50% as calls are beginning to pick up, two of our Officers Justin Ulak of Scammon Bay and Eric Pavil II of Bethel, are graduating from the Police Academy in Sitka, and will both be back in Bethel. We anticipate a fast training process as they have already begun their FTO before they left to the Academy. Two additional conditional letters of employment were given to two applicants, one is a current police officer in the State of Alaska with over 20 years of experience, and the other potentially new recruit officer is awaiting background check. Our current dispatch supervisor, KaJena Baty's last day of employment is June 18th. With her absence, that will put the department down below minimum staffing, to three dispatchers. We have extended one conditional offer, the applicant has accepted, but will be starting within a week and a half. We anticipate a lot of staffing issues with dispatch, but are hopeful to get more positions filled soon.

Our budget is currently both at the Council, and it seems to be a smooth process thus far. We requested additional positions, however one position was approved. The approved position is for an additional CSO, whose primary duty will be Animal Control. Our goal for this position is to maintain animal control, implement some planning aspects, code violation issues, and enforce municipal ordinances; whereas our CSO will continue to focus on taking care of inebriates during the day shift. As the end of the fiscal year is approaching, our recruitment is still on-

going, as we've always maintained continual recruitment for police officers, CSOs, CSPs and dispatchers.

VIII. TRANSPORTATION INSPECTOR REPORT

See Report in Commission Packet

IX. COUNCIL MEMBER'S COMMENTS

Council Member Herman – *The “Ridgecrest Road Project” is an important issue in terms of transportation. Five or six years ago, the City received a grant for this project, however nothing was accomplished and as of recently, all of the terms have been changed for the grant and somehow the City is expected to come up with money to fund it. The Ridgecrest Project is intended to focus on renovating the roads in front of the high school, with the goal being to reduce traffic. The issue at hand is that the land that is not along the road belongs to the school district and if they do not end up changing their traffic flow, then the road would continue to be congested with traffic. At this time, there is still discussion going on whether or not the school district will make the necessary changes as well as funding for the project, due to the new terms of the contract. Gravel on the other hand, was originally slashed in the budget, however it has been restored to what it was, which would mean that the road should be good next year.*

X. UNFINISHED BUSINESS

A. Drug Screening Policy for Chauffeurs

Discussed, no action taken

B. Taxi Permit Number and Vehicle Numbers

Discussed, to be implemented with the upcoming fiscal year.

C. Revocation of Vehicle Permit (BMC 5.20.110)

MOVED:	Welch	Motion to recommend proposed changes of the amended language of BMC 5.20.110 to strike 45 consecutive and 90 consecutive days and add 180 days in a 12 month period, to Council.
SECONDED:	Sabani	
VOTE ON MAIN MOTION	All in favor.	

XI. NEW BUSINESS

A. Summer Recess

MOVED:	Sabani	Motion for a one month summer recess in July. Next PSTC meeting will be moved from August 4 th to August 10 th .
SECONDED:	Herman	
VOTE ON MAIN MOTION	All in favor.	

I. COMMISSION MEMBER COMMENTS

Chuck Herman- *No comments.*

Alisha Welch- *No comments.*

Naim Shabani- *Wishes everyone a good, happy July. Enjoy your summer as much as you can.*

Joan Dewey- *No comments.*

II. ADJOURNMENT

MOVED:	Herman	Motion to adjourn.
SECONDED:	Welch	
VOTE ON MAIN MOTION	All in favor.	

Meeting adjourned at 8:27pm

APPROVED THIS 4th DAY OF September, 2015.



Christina Him, Recorder



Joan Dewey, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

July 7, 2015

Cancelled Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was NOT held on July 7th, 2015 in the City Council Chambers.

This meeting was not called to order and was cancelled in advance due to a one month summer recess in July.

APPROVED THIS 4th DAY OF September, 2015.



Christina Him, Recorder



Joan Dewey, Chair

City of Bethel, Alaska

Public Safety & Transportation Commission

August 10, 2015

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Public Safety and Transportation Commission was held on August 10th, 2015 in the Bethel City Hall Council Chambers.

This meeting was called to order at 7:05pm.

II. ROLL CALL

Present: Naim Sabani
Chuck Herman *Council Representative*

Excused Absent: Joan Dewey *Chair*

Absent: Alisha Welch *Vice Chair*

Ex-Officio Present: Andre Achee *Chief of Police*
Christina Him *Recorder and Transportation Inspector Designee*

Ex-Officio Absent: William Howell III *Fire Chief*

A quorum was not established of the Commission.

III. ADJOURNMENT

Meeting adjourned at 7:06pm.

APPROVED THIS 4th DAY OF September, 2015.



Christina Him, Recorder



Joan Dewey, Chair

CITY OF BETHEL
POLICE DEPARTMENT



DATE: September 1, 2015
TO: Ann Capela, City Manager
FROM: Andre Achee, Chief of Police
RE: August 2015 Monthly Report

Personnel:

Officer Alicia Chagluak submitted her letter of resignation last week, effective September 10, 2015. Officer Chagluak has accepted a police officer position with the University of Alaska Anchorage. Officer Chagluak has served the community of Bethel for approximately 2 years as a police officer. Her time and dedication to the police department and community is appreciated and she will be missed.

On September 2, 2015, Thomas Quinn will be reporting for duty as a newly hired police officer. Officer Quinn has approximately 5 years of experience as a police officer and is certified in the State of Georgia. We would like to welcome him aboard our team.

Police recruitment continues to be a priority for the Bethel Police Department. It is a difficult and long process to find a suitable police officer candidate. With the resignation of Officer Chagluak and hiring of Officer Quinn, we still have four police officer position vacancies (3 patrol officers and 1 investigator/corporal).

During the month of August, our dispatch staffing was below minimum due to an unforeseen vacancy. During this difficult period, we were able to continue 24 hour/7 days week coverage thanks to the dedication and commitment of our dispatch staff.

Public Safety Dispatcher Natalie Hayes (acting supervisor) and Public Safety Dispatcher Debbie Stonecipher made it possible to maintain this coverage. These employees worked diligently during this difficult time to maintain dispatch coverage for the City of Bethel with assistance from some patrol and administrative staff.

Jenelle Evans recently completed her field training program in dispatch and is currently scheduled on day shift. Congratulations Jenelle.

Bethel Police Department | P.O. Box 809 | 157 Salmonberry Rd. | Bethel, Alaska 99559
Telephone 907-543-3781 | Fax 907-543-5086 | www.cityofbethel.org

A conditional offer was accepted by dispatch candidate Kisa Quinn, who will be reporting for duty at the end of the month. Kisa has approximately 10 years of experience in Law Enforcement and Dispatch. She will be a welcomed addition to our team.

We currently have one of the two budgeted Community Service Officer (CSO) position vacant. We have conducted interviews for this position and the hiring process is continuing. We hope to have this position filled by the end of the month.

This CSO position was funded by the City Council with the intent to have this individual concentrate on animal control and code enforcement violations.

Our Community Service Patrol program is in full swing and active. We are fully staffed with three locally hired CSP Officers. This program continues to be a valuable asset to the Bethel Police Department and community by freeing up police officers to take priority cases, while CSP officers can handle the time consuming tasks associated with the care, transportation and safe placement of our citizens that cannot safely care for themselves due to alcohol.

I would like to thank and acknowledge the employees of the Bethel Police Department and community members and businesses that supported and/or participated in the "Pledge to Live" suicide awareness walk on August 15th. It was good to see the community involved in such an important issue.

During the past several months, we have seen an increase in reported property crimes in the City of Bethel involving juvenile offenders. As a result we have launched a mandatory citation campaign. All juveniles violating the curfew ordinance will be dealt with in the form of citation, no longer being afforded a verbal warning. We hope this can reduce the number of juveniles involved in these offenses and maintain the safety of our kids.

Patrol / Support Services:

The Bethel Police Department Dispatch Center received 1433 calls for services for the month of August 2015; of which 98 were reportable offenses generating a police report and/or arrest report.

For a detailed view of the total statistics, please refer to the attached August 2015 Statistics.

Animal Control:

The Bethel Police Department had 74 calls for service regarding animals during this reporting period (August), of which 11 dogs were impounded

The following are the disposition of the animals in the pound:

- 3 returned to owner
- 5 Released to Bethel Friends of K9
- 2 Still in Pound
- 2 Quarantine
- 1 Citations Issued
- 1 Euthanized

Transportation Inspector:

Below is a summary of August 2015 Transportation Inspector report. For additional information, please refer to the Transportation Inspector Report attachment.

New Chauffeurs	2
Chauffeurs Renewal	0
Chauffeurs Transfer	1
Permit Renewals	0
Vehicle Transfers	6
Vehicle Inspections	17
Revocations	0
Temporary Permits	0

Closing:

Tonight there will be a Public Safety Transportation Commission meeting at the City Council Chambers at 7:00 pm. There are a variety of topics on the agenda, several of which involve proposed ordinance changes to the Bethel Municipal Code (BNC) on the transportation industry. We hope there will be good participation and discussion regarding these important topics.

We have had a difficulty in holding PSTC meetings due to a lack of quorums. I urge anyone who is interested in getting involved in the community to please submit a letter of interest for vacant commission seats to the City Clerk's office.

As a reminder, please safeguard your vehicle and personal property in it by always locking your doors, removing vehicle keys from inside the vehicle, and concealing or removing valuable items from your vehicle.

Attachments: August 2015 Statistics
August 2015 ETOH Involvement Statistics
August 2015 Animal Control Statistics
Transportation Inspector Report August 2015

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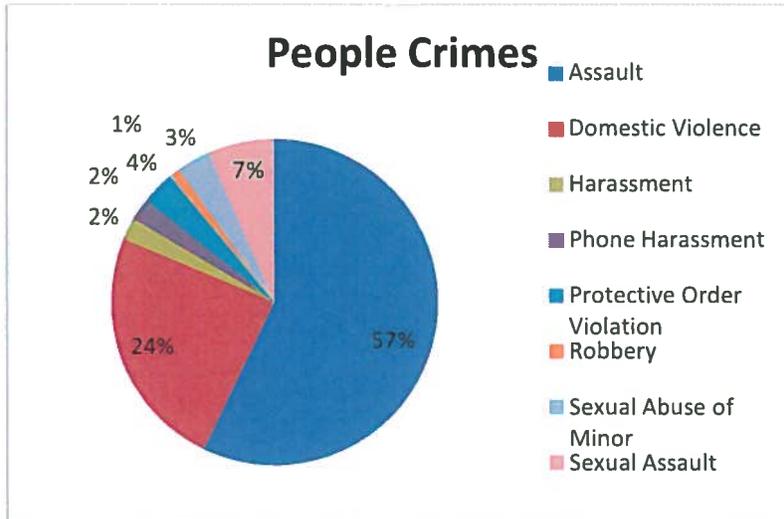
TRANSPORTATION INSPECTOR REPORT: AUGUST 2015

2015	August
New Chauffeurs	2
Chauffeur Renewals	0
Chauffeur Transfers	1
Vehicle Permit Renewals	0
Vehicle Transfers	6
Inspections	17
Revocations	0
Temporary Permits	0

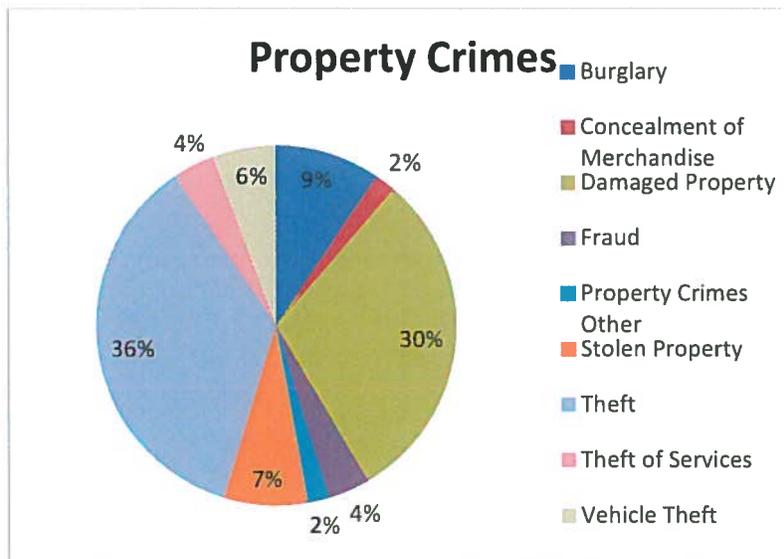
- There were no scheduled semi-annual inspections in the month of August, however all 17 inspections were randomly conducted inspections on various day and evening shifts.
 - Of the 17 inspections, there were 4 citations issued: 2 for failing to provide a fully charged and accessible fire extinguisher (BMC 5.20.080 D), 1 for failing to provide a child safety restraint (BMC 5.20.170) and the other was a traffic violation.
 - Other minor issues (i.e. interior light of cabs malfunctioning) were followed up with additional inspections at the police station afterwards.
- There were only 3 complaints made, they were minor issues about the cab not stopping completely at a stop sign, or the chauffeur being on his cell phone while driving. All of these complaints were followed up by our officers.
- The next semi-annual inspection will be for Alaska Cab in September.

August 2015 Calls for Service

***The following numbers represent calls for service only (CFS) and do not necessarily indicate a crime was in fact committed. Some CFS result in the offence being unfounded, or the subjects are gone prior to officer arrival.



Assault	52
Domestic Violence	22
Harassment	2
Phone Harassment	2
Protective Order Violation	3
Robbery	1
Sexual Abuse of Minor	3
Sexual Assault	6
Total	91



Burglary	5
Concealment of Merchandise	1
Damaged Property	16
Fraud	2
Property Crimes Other	1
Stolen Property	4
Theft	19
Theft of Services	2
Vehicle Theft	3
Total	53

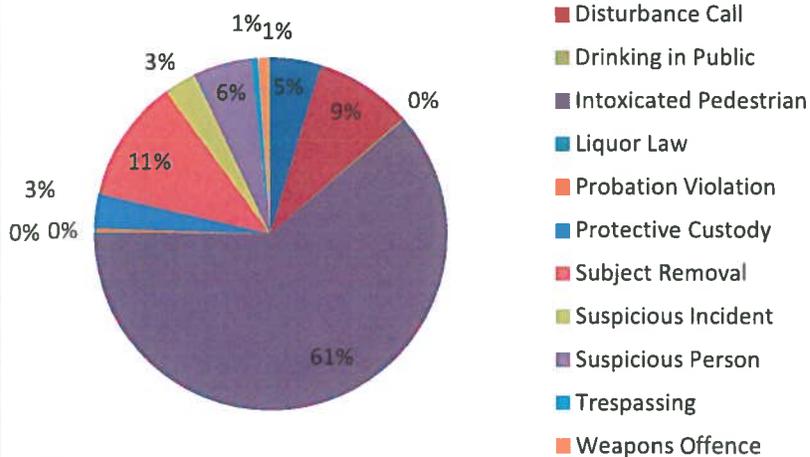
Death/Suicide Calls

Death Calls
0%



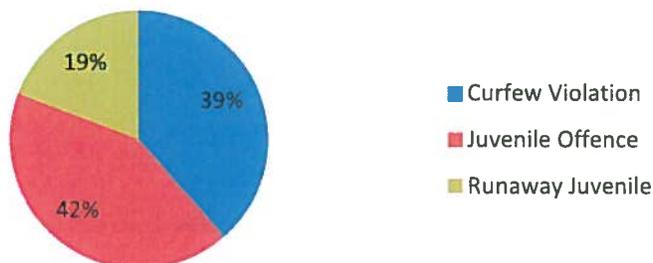
Attempted Suicide	13
Death Calls	0
Total	13

Other Offences

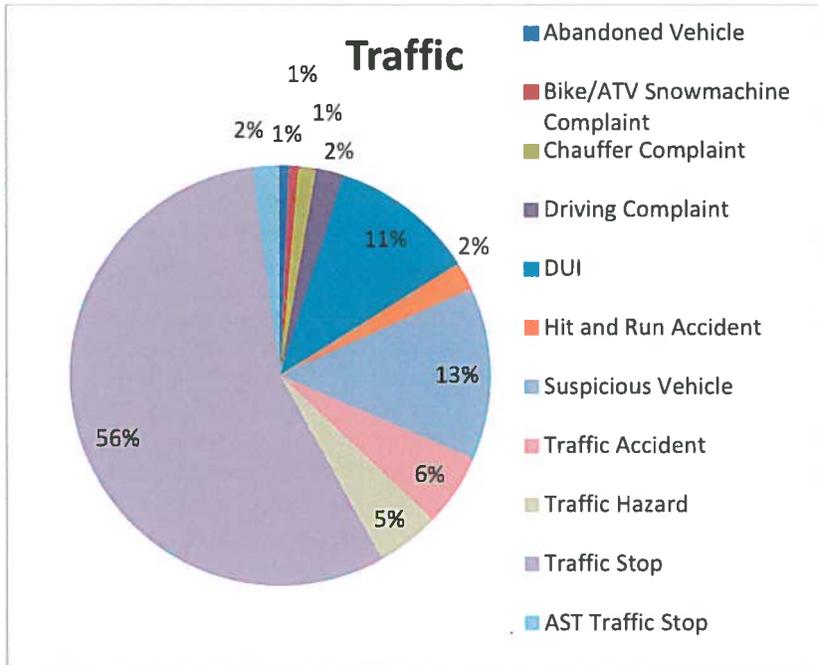


Alarms	25
Disturbance Call	48
Drinking in Public	1
Intoxicated Pedestrian	329
Liquor Law	1
Probation Violation	2
Protective Custody	17
Subject Removal	61
Suspicious Incident	16
Suspicious Person	29
Trespassing	3
Weapons Offence	6
Total	538

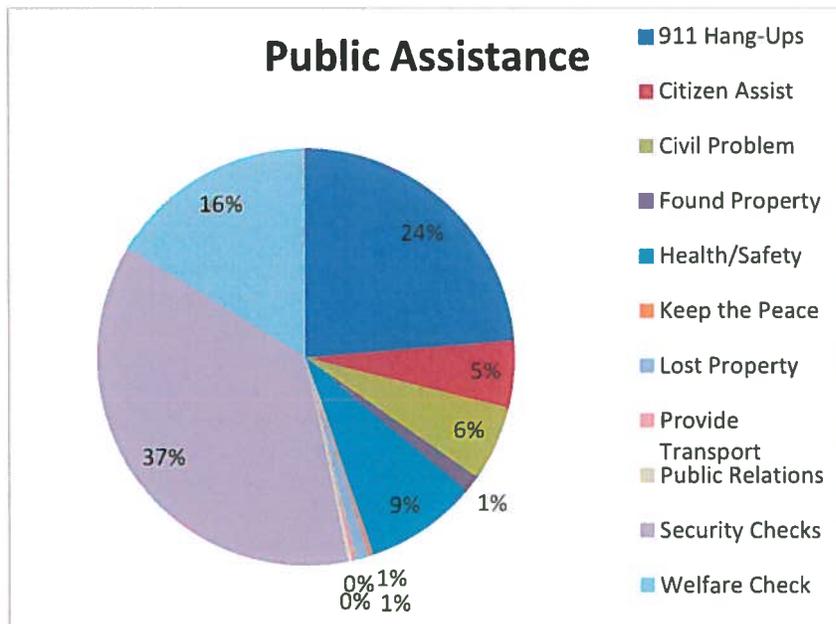
Juvenile Calls



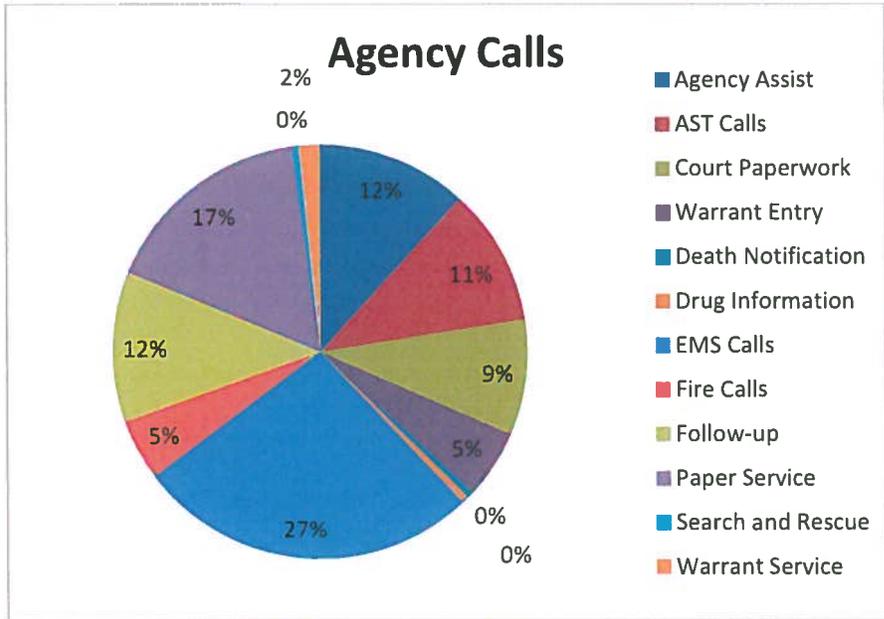
Curfew Violation	10
Juvenile Offence	11
Runaway Juvenile	5
Total	26



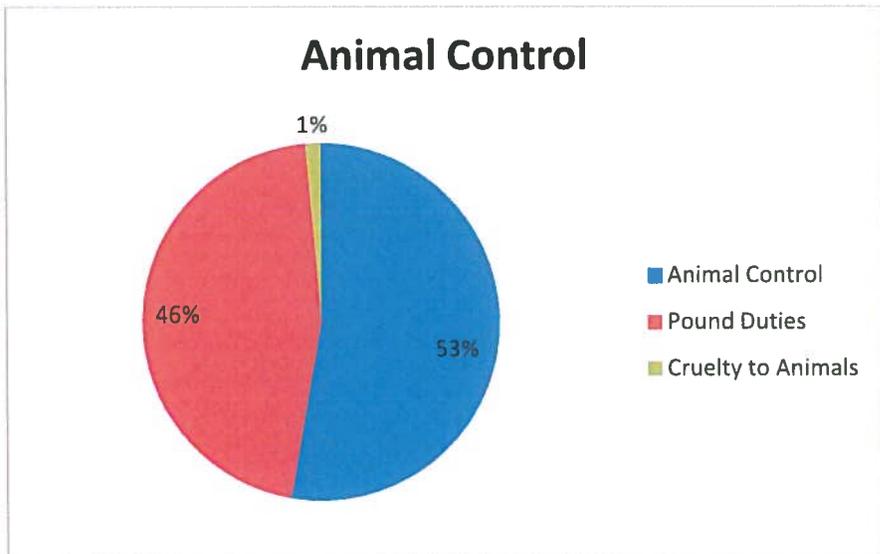
Abandoned Vehicle	1
Bike/ATV Snowmachine Complaint	1
Chauffer Complaint	2
Driving Complaint	3
DUI	16
Hit and Run Accident	3
Suspicious Vehicle	19
Traffic Accident	8
Traffic Hazard	7
Traffic Stop	80
AST Traffic Stop	3
Total	143



911 Hang-Ups	73
Citizen Assist	16
Civil Problem	18
Found Property	4
Health/Safety	27
Keep the Peace	1
Lost Property	3
Provide Transport	1
Public Relations	1
Security Checks	114
Welfare Check	50
Total	308

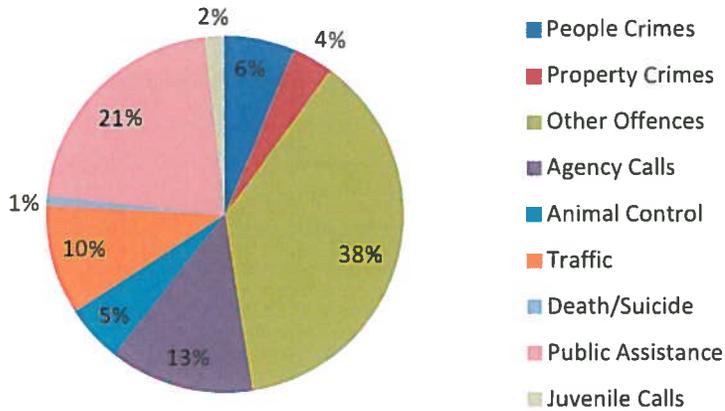


Agency Assist	22
AST Calls	20
Court Paperwork	17
Warrant Entry	10
Death Notification	1
Drug Information	1
EMS Calls	50
Fire Calls	9
Follow-up	22
Paper Service	31
Search and Rescue	1
Warrant Service	3
Total	187



Animal Control	39
Pound Duties	34
Cruelty to Animals	1
Total	74

Calls for Service

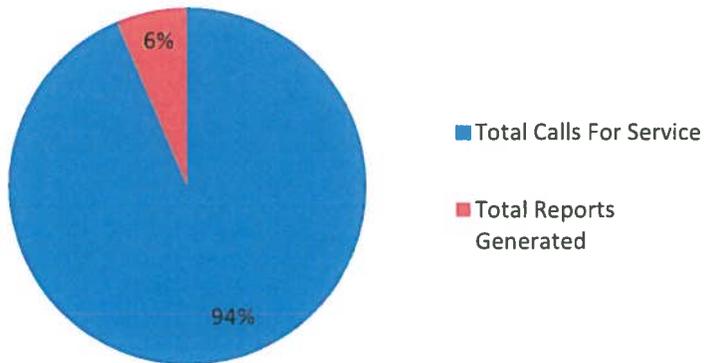


People Crimes	91
Property Crimes	53
Other Offences	538
Agency Calls	187
Animal Control	74
Traffic	143
Death/Suicide	13
Public Assistance	308
Juvenile Calls	26
Total CFS	1433

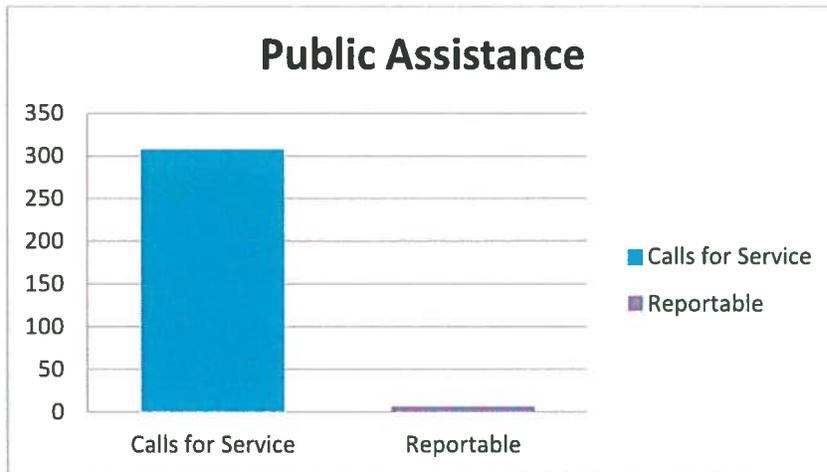
Reportable Calls

***The following represents calls for service that required the creation of a police report.

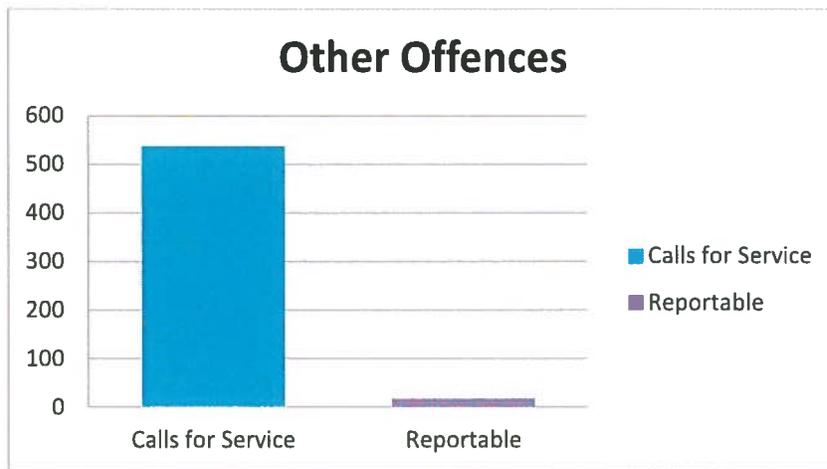
Reportable vs. Non-Reportable



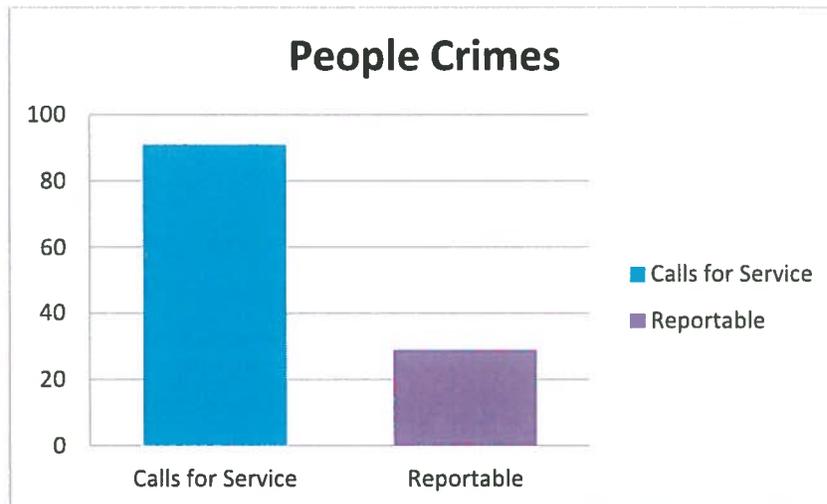
Total Calls For Service	1433
Total Reports Generated	98



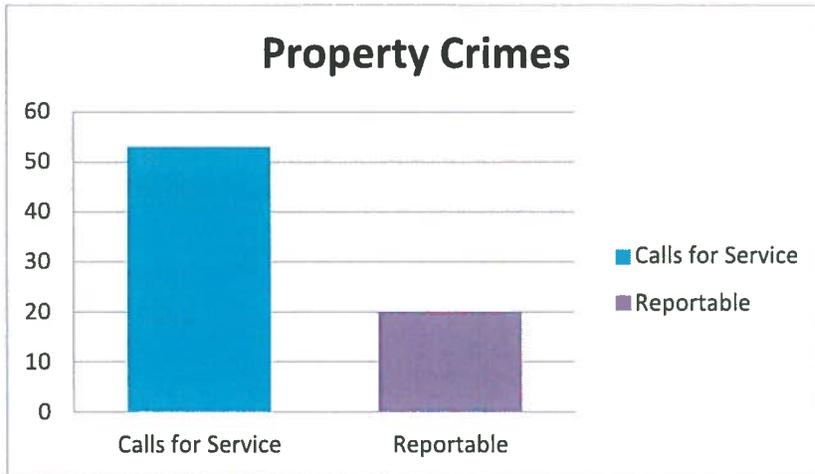
Calls for Service	308
Reportable	6



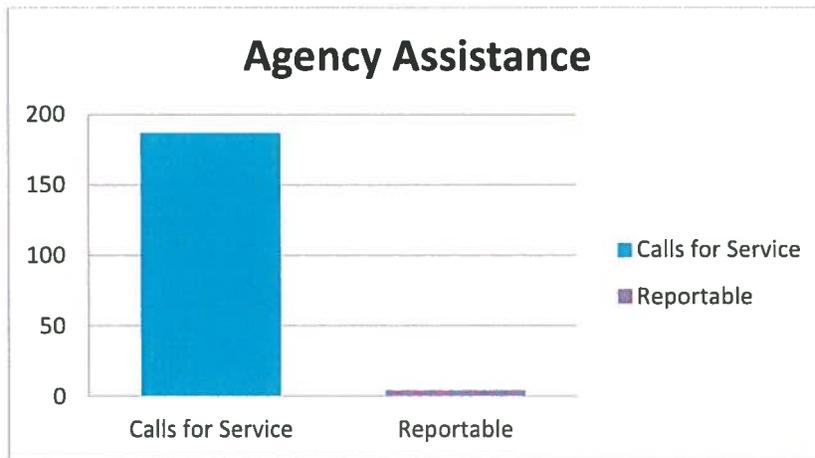
Calls for Service	538
Reportable	17



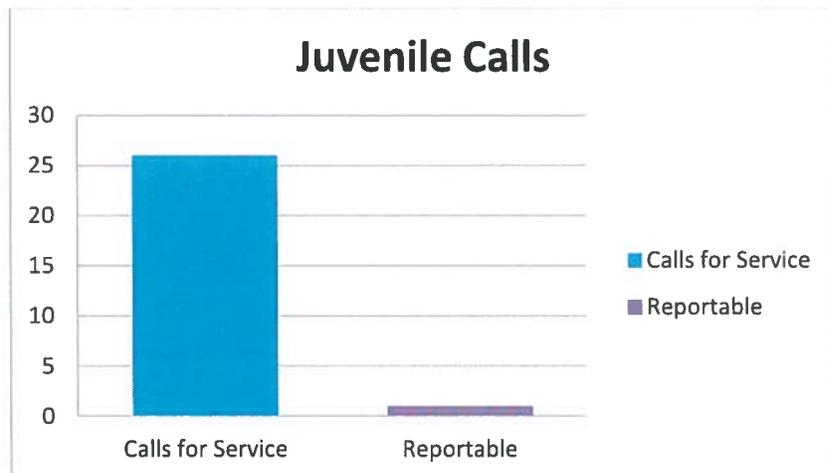
Calls for Service	91
Reportable	29



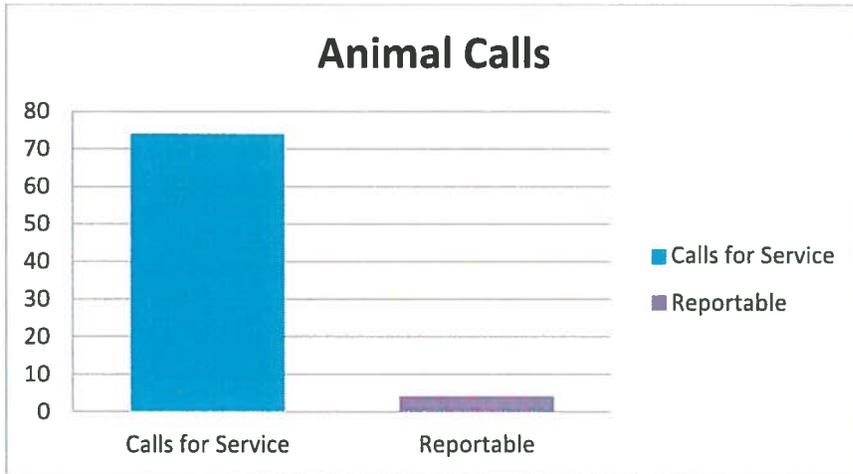
Calls for Service	53
Reportable	20



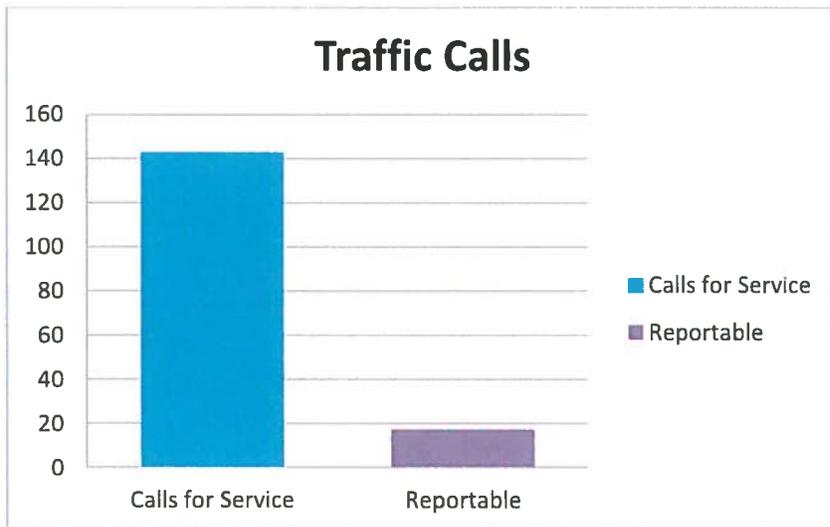
Calls for Service	187
Reportable	4



Calls for Service	26
Reportable	1



Calls for Service	74
Reportable	4



Calls for Service	143
Reportable	17

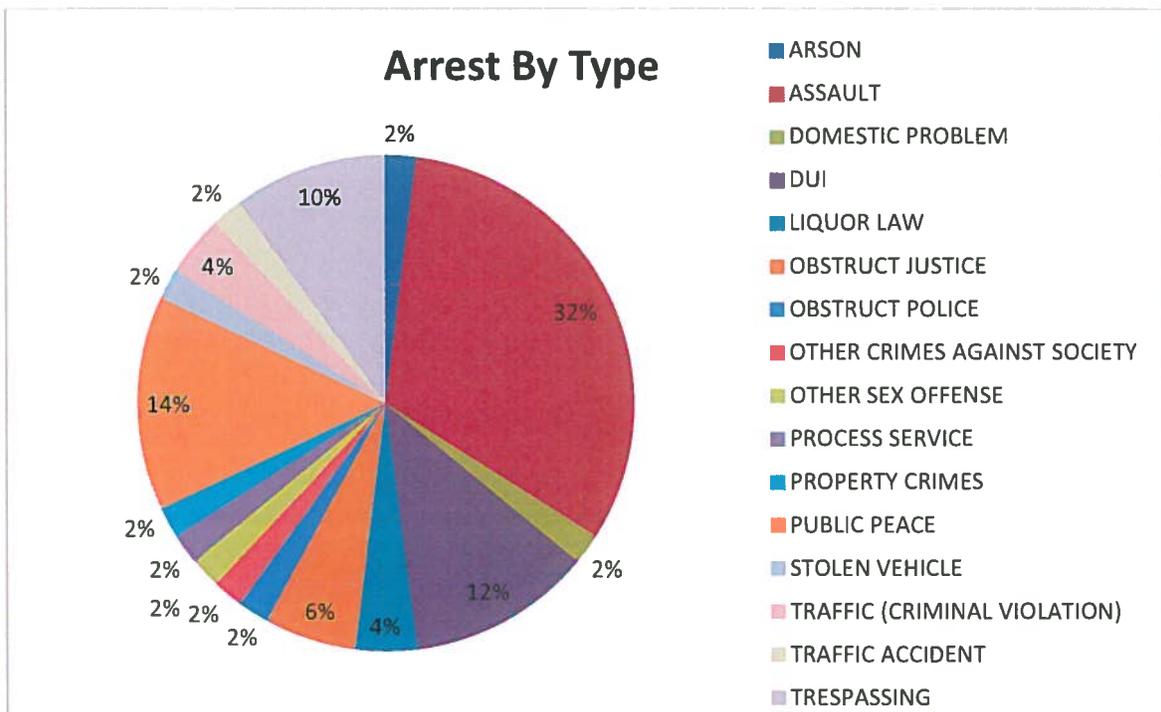
Arrest Report

***The following reflects the number of arrests by the Bethel Police Department.

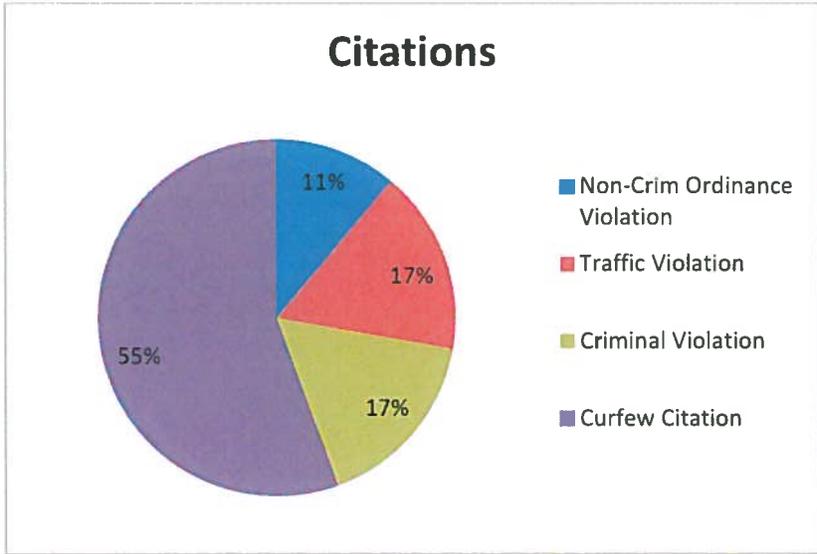
***Many times a Call for Service will initially come in as one call type, but further investigation reveals a different crime.

***Juveniles referred to BYF and otherwise released to their parent or guardian are not classified as an arrest.

CLASSIFICATION	NUMBER OF ARRESTS
ARSON	1
ASSAULT	16
DOMESTIC PROBLEM	1
DUI	6
LIQUOR LAW	2
OBSTRUCT JUSTICE	3
OBSTRUCT POLICE	1
OTHER CRIMES AGAINST SOCIETY	1
OTHER SEX OFFENSE	1
PROCESS SERVICE	1
PROPERTY CRIMES	1
PUBLIC PEACE	7
STOLEN VEHICLE	1
TRAFFIC (CRIMINAL VIOLATION)	2
TRAFFIC ACCIDENT	1
TRESPASSING	5



Citation Report



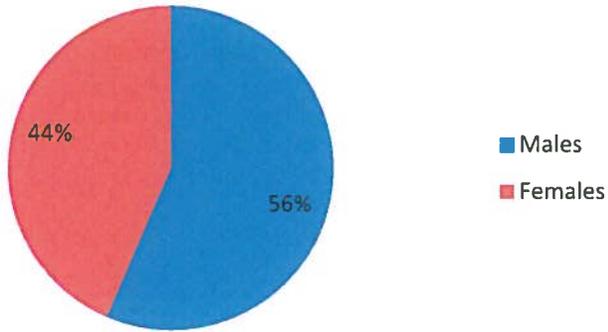
Non-Crim Ordinance Violation	2
Traffic Violation	3
Criminal Violation	3
Curfew Citation	10
Total Citations Issued	18

Period: 08/01/2015 – 08/31/2015

ANIMAL CONTROL STATS 2015	AUGUST
DOGS IMPOUNDED	11
DOGS RELEASED TO BFK9	5
DOGS RELEASED TO OWNERS	3
DOGS STILL IN POUND	2
DOGS QUARANTINED	2
DOGS CAPTURED BY LIVETRAP	0
DOGS EUTHANIZED	1
CITATIONS ISSUED	3
TOTALS	27

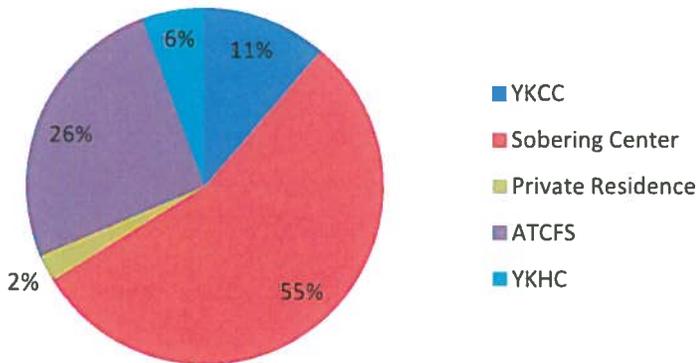
August 2015 ETOH and PC Statistics

Male Vs. Female PC'd

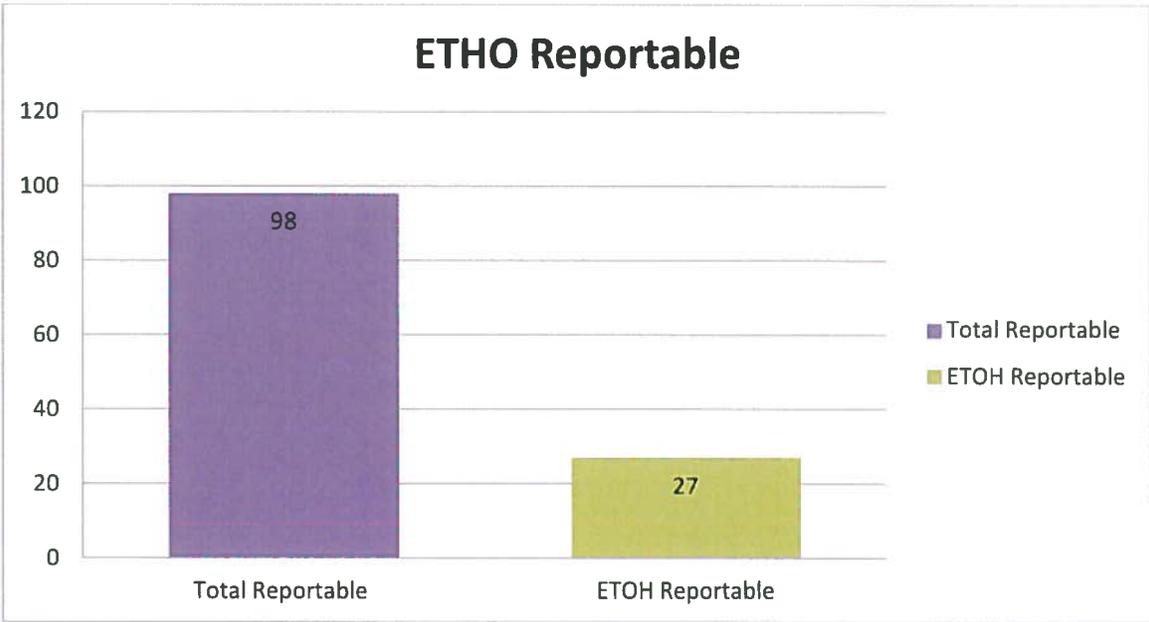
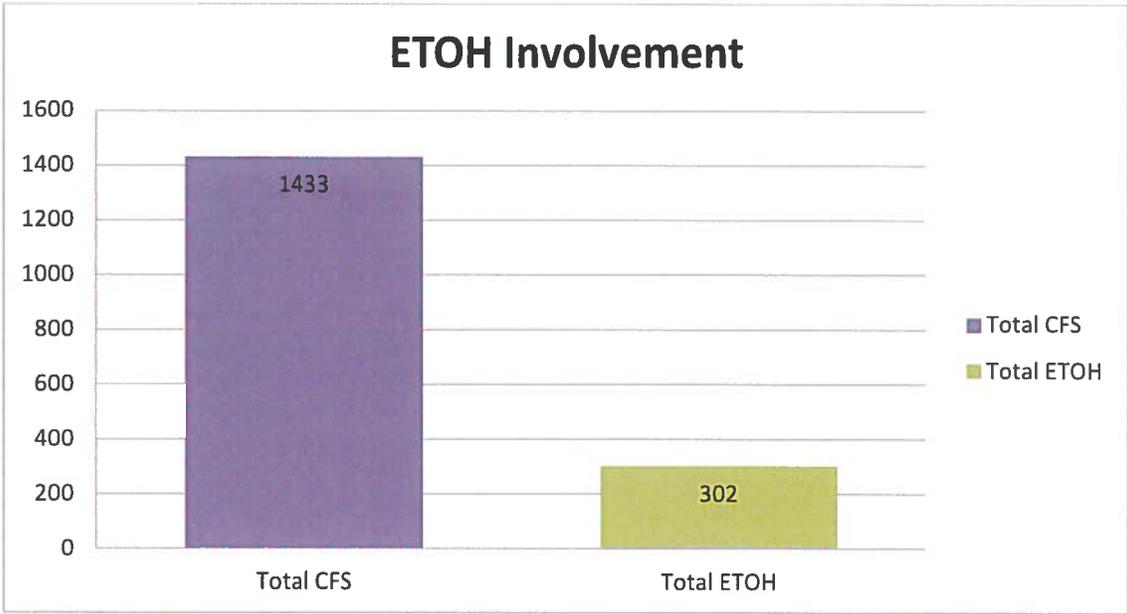


Male	70
Female	54
Total PC's	124

PC Locations



YKCC	14
Sobering Center	68
Private Residence	3
ATCFs	32
YKHC	7



CITY OF BETHEL
POLICE DEPARTMENT



DATE: September 1st, 2015

TO: Citizens of Bethel

FROM: The Office of the Chief of Police

RE: Curfew and Police Enforcement

The Bethel Police Department and the City of Bethel are directing their Police Officers to stringently enforce Bethel Municipal Code 9.05.010 – Curfew.

Below is a breakdown of the applicable hours and attached to this memorandum is the complete code description.

HOURS

9.05.020 Curfew – Hours designated.

No youth shall be upon the public streets, alleys, vacant lots, or in public buildings or places of amusement and entertainment or other unsupervised public places between the hours of **10:00 p.m. and 5:00 a.m., Sunday evening through Friday morning, and 12:00 midnight and 5:00 a.m., Friday evening through Sunday morning**, unless the youth's presence is excepted from the curfew in accordance with BMC [9.05.030](#). [Ord. 14-11 § 2; Ord. 02-28 § 3; Ord. 98-30 § 2; Amendment 1 to Ord. 9, 1986; prior code § 8.36.010. Formerly 9.20.010.]

Parents will ultimately responsible for knowing their children's whereabouts. Citations will be issued to the parent or guardian charged with the care and welfare of the juvenile. Fines are set at \$250.00 per municipal code.

If there are any questions regarding curfew or juvenile issues please contact the Bethel Police Department.

9.05.010 Curfew – Definitions.

As used in this chapter:

- A. “Guardian” means a person who is legally responsible for a youth.

- B. “Emergency” means an unforeseen combination of circumstances that call for immediate action including, but not necessarily limited to, a fire, natural disaster, automobile accident, life-threatening illness or accident, or any other situation requiring immediate action to prevent physical injury or loss of life.

- C. “Youth” means a person who is seventeen (17) years of age or younger and for whom the disabilities of minority have not been removed for general purposes under AS 09.55.590. [Ord. 14-11 § 2; Ord. 02-28 § 2. Formerly 9.20.005.]

9.05.020 Curfew – Hours designated.

No youth shall be upon the public streets, alleys, vacant lots, or in public buildings or places of amusement and entertainment or other unsupervised public places between the hours of 10:00 p.m. and 5:00 a.m., Sunday evening through Friday morning, and 12:00 midnight and 5:00 a.m., Friday evening through Sunday morning, unless the youth’s presence is excepted from the curfew in accordance with BMC 9.05.030. [Ord. 14-11 § 2; Ord. 02-28 § 3; Ord. 98-30 § 2; Amendment 1 to Ord. 9, 1986; prior code § 8.36.010. Formerly 9.20.010.]

9.05.030 Curfew – Exceptions.

It is an exception to a violation of BMC 9.05.020 if, during curfew hours, a youth is:

- A. Accompanied by his or her parent or guardian.

- B. On an errand at the direction of his or her parent or guardian, without any detour or stop.

- C. Involved in an emergency.

- D. Engaged in an employment activity, or going to or returning from an employment activity, without detour or stop.

- E. On the public right-of-way immediately abutting the youth’s residence or immediately abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the youth’s presence.

- F. Attending, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city of Bethel, the Lower Kuskokwim school district, a civic organization or another similar entity that takes responsibility for the youth.

G. Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly. [Ord. 14-11 § 2; Ord. 02-28 § 4; Ord. 93-08 § 5. Formerly 9.20.015.]

9.05.040 Curfew – Parental responsibility.

A. No parent or guardian shall allow a youth to go at large or unaccompanied in the city upon any public street or other place mentioned in BMC 9.05.020 during the restricted hours set forth in BMC 9.05.020 unless the youth's presence in public is excepted from the curfew under BMC 9.05.030.

B. A person who violates this section is guilty of an infraction and is punishable by a fine of not more than two hundred fifty dollars (\$250) nor less than twenty-five dollars (\$25). [Ord. 14-11 § 2; Ord. 02-28 § 5; Ord. 98-14 § 3; Amendment 1 to Ord. 9, 1986; Ord. 98, 1977; prior code § 8.36.020. Formerly 9.20.020.]

9.05.050 Motion picture admittance – Person defined.

"Person" is defined, within this section, as any individual, owner, employee, agent, corporate officer or manager who is working as or for an exhibitor of motion pictures. [Ord. 14-11 § 2; prior code § 8.40.030. Formerly 9.20.030.]

9.05.060 Motion picture admittance.

Any person working as or for an exhibitor of motion pictures shall enforce the recommended age restrictions of the rating standards established by the Motion Picture Association of America. [Ord. 14-11 § 2.]

TRANSPORTATION INSPECTOR REPORT: JUNE & JULY 2015

2015	June	July
New Chauffeurs	2	1
Chauffeur Renewals		6
Chauffeur Transfers	3	1
Vehicle Permit Renewals	0	0
Vehicle Transfers	7	9
Inspections	7	24
Revocations	1	1
Temporary Permits	0	0

JUNE 2015

- In June, there were no scheduled semi-annual inspections, however there were 3 chauffeur transfers, 2 new chauffeurs and 7 vehicle transfers.
- 6/8/2015 - There was one permit suspended for 10 days – Qu yana Cab #14 Hung Kwon – cited for BMC 5.20.080 D Mechanical Equipment Standards – failure to have a readily accessible fire extinguisher, BMC 5.20.170 Failure to have a child safety restraint and BMC 5.30.065 Failure to have permit posted in interior of taxicab, and BMC 5.40.080 – No chauffeur may knowingly possess or knowingly allow another person to possess a container of alcoholic beverages in a taxicab. She was fined \$150.00 for each of these infractions. Hung Kwon’s chauffeur permit was suspended for 10 days and a letter was sent out to her in regards to the suspension and incident.

JULY 2015

- Taxi Cab had their semiannual inspection in July – no major issues noted here.
- There were 24 inspections conducted in July, 12 of which consisted of Taxicab’s semi-annual inspection, and the other 12 were randomly conducted taxi cab inspections on various shifts throughout the day/evening.
- There were 9 vehicle transfers, 1 chauffeur transfer, 1 new chauffeur and 6 chauffeur license renewals.
- 7/13/2015 – Alaska Cab #93 chauffeur license suspended for 10 days. BPD was notified by the WAANT unit that this chauffeur was either a principle or an accomplice in the sold, offered for sale or barter, trafficked in, or bartered an alcoholic beverage without a license or permit. Status of his chauffeur license is pending finalized report from AST and if he is charged, it will be revoked indefinitely. Letter sent out in regards to this matter. (BMC 5.40.080 and AS 4.11.010)
- 7/22/15 - Qu yana Cab #19 was cited for violation of BMC 5.40.080 – A. No chauffeur may possess or knowingly allow another person to possess a container of alcoholic beverages in a taxicab...B. No passenger may possess any container of alcoholic beverages inside the passenger compartment of a regulated vehicle.
- 7/23/2015- Qu yana Cab #29 cited for smoking inside of his vehicle per BMC 5.40.060 which states that “it is unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or

cigarette or to burn tobacco or any other material in such vehicles at any time, regardless of where or not passengers are riding in the vehicle.”

- 7/27/2015 Quyan Cab #23 issued citation for BMC 5.20.170 for not having a child safety restraint. Action corrected
- 7/27/2015 Complaint made on Taxicab #87 in regards to transporting multiple passengers with open alcoholic beverages. Chauffeur stated that he removed the individuals from his car as soon as he realized they had open containers. One of our officers, Corporal Hendrix responded to this matter and gave him a verbal warning; additionally a written letter was sent to chauffeur.
- 7/28/2015 Alaska Cab #95 issued a citation for not having a readily accessible fire extinguisher per BMC 5.20.80. Action corrected, vehicle inspected on 7/29/15.
- Currently working on drafting a letter to all cab companies in regards to changing their vehicle numbers to match their permit numbers. Fee schedule will need to be forwarded to City office, once I find a vendor to order the reflective decals from to price match (BMC 5.30.090 Taxicabs – Vehicle Markings). Once further research is conducted and the draft is finalized, I will try to implement this sometime within this new fiscal year.
- This month, I began going on random cab inspections with officers during various shifts to make sure that all taxicabs are in compliance with BMC. Of the 12 random inspections conducted BPD has issued 7 citations thus far in the June – July period. I intend to continue conducting random inspections as it seems to be somewhat effective in making sure that taxicabs are in compliance with BMC.

TRANSPORTATION INSPECTOR REPORT: AUGUST 2015

2015	August
New Chauffeurs	2
Chauffeur Renewals	0
Chauffeur Transfers	1
Vehicle Permit Renewals	0
Vehicle Transfers	6
Inspections	18
Revocations	0
Temporary Permits	0

- There were no scheduled semi-annual inspections in the month of August, however all 18 inspections were randomly conducted inspections on various day and evening shifts.
 - Of the 18 inspections, there were 4 citations issued: 2 for failing to provide a fully charged and accessible fire extinguisher (BMC 5.20.080 D), 1 for failing to provide a child safety restraint (BMC 5.20.170) and the other was a traffic violation.
 - Other minor issues (i.e. interior light of cabs malfunctioning) were followed up with additional inspections at the police station afterwards.
- There were only 3 complaints made, they were minor issues about the cab not stopping completely at a stop sign, or the chauffeur being on his cell phone while driving. All of these complaints were followed up by our officers.
- The next semi-annual inspection will be for Alaska Cab in September.



MUNICIPALITY OF ANCHORAGE TRANSPORTATION INSPECTION DIVISION

4501 Elmore, Anchorage, AK 99507 Phone: 907-786-8525 Fax: 907-249-8091

Chauffeur License Renewal

You must attend a refresher training class before you can renew your license. Classes are held the first Wednesday of each month at 6:00 p.m. at 4700 Elmore St. There is no charge for the class and no need to call ahead to sign up.

You also need a **5 Drug Non-DOT Test** from Worksafe, Inc. at 300 W. 36th Ave. The drug test results from Worksafe must be received via fax at our office before we can renew your license. Drug test results take up to 2 business days to process.

After you have been to the refresher training class, bring your **updated physical card** and your chauffeur license to the Transportation Inspection office to renew.

The following is a list of the expenses to renew your license:

Refresher Training Class	No Charge
Physical Exam (from the Physician of your choice)	\$105 and up
5 Drug Non-DOT Test (from WorkSafe)	\$35.00
Municipal License renewal fee	<u>\$65.00</u>
Total	\$200.00 (approximately)

➡ **Chauffeur licenses are renewed Monday through Friday, 1:00 p.m. to 4:30 p.m.** ←

MUNICIPALITY OF ANCHORAGE

TRANSPORTATION INSPECTION DIVISION
4501 ELMORE RD ANCHORAGE, AK 99507

907-786-8525
FAX: 907-249-8091



Mayor Ethan Berkowitz

CHAUFFEUR LICENSE REQUIREMENTS

You are not eligible for a chauffeur license if you are required to register as a sex offender or if you have a conviction within the last five years of any crime involving:

- (a) prostitution;
- (b) drugs;
- (c) the use or threat of force upon a person;
- (d) burglary, larceny, fraud, theft, or embezzlement;
- (e) a sexual offense against a minor.

You will not be eligible if your driver's license has been suspended or revoked within one year prior to the application date. The following factors will also disqualify you from obtaining a chauffeur's license if you have been convicted within the last twelve months for:

- (f) reckless driving;
- (g) driving while license suspended or revoked;
- (h) DUI;
- (i) a moving violation which resulted in your driver's license being suspended or revoked.

You will not be eligible for a chauffeur's license if you owe the municipality any money, such as delinquent fees or fines. All delinquent accounts must be paid in full before a chauffeur's license may be issued.

Estimated Cost for Obtaining a Chauffeur License

Fingerprinting	65.00
Drug Test	35.00
Physical Exam	105.00 and up
MOA License Fee	<u>65.00</u>
Approximate Total	\$270.00 and up

1. Provide Transportation Inspection with evidence of being fingerprinted for a criminal background check.

Transportation Inspection must receive, **directly from CasTech Fingerprinting Services**, evidence of submission of fingerprints and application for a criminal background report. CasTech is at **2217 E. Tudor Road, #12**, (Lake Otis & Tudor) (907) 337-5002. Hours are weekdays 9:00 a.m. to 6:00 p.m. and no appointment is necessary.

2. **Provide Transportation Inspection with proof of a negative drug test.**
Transportation Inspection must receive, **directly from the testing laboratory**, the results of a **5 Drug Non-DOT** urinalysis before the chauffeur license can be issued. WorkSafe Laboratories is at **300 W. 36TH AVENUE STE. A**; open weekdays from 8 a.m. to 5 p.m. at 563-8378. Transportation Inspection typically receives test results two to three business days after you submit the sample.
3. **Provide Transportation Inspection with a physical exam to verify your physical ability to drive.** You may have the exam from the physician or clinic of your choice using the standard DOT form, the form provided by Transportation Inspection, or the equivalent.
4. **Complete Chauffeur's License Application at the Transportation Inspection Office.**
5. **AMC 11.30.020 states that you will need to demonstrate ability to read, write and speak the English language.** Completing the chauffeur license application and answering general questions without assistance will be considered a satisfactory demonstration.
6. **Once Transportation Inspection has verified and received the above referenced documentation, you will be approved and provided authorization to attend a required all-day training class:**

Chauffeur Class –Jacki at Associated General Services 884-8805

Location: **4700 Elmore Rd., Anchorage, AK 99507**

The classroom training will be held on Saturday's when 3 or more people have signed up.

The class will start at 8:00 am.

The instructor will notify you of any cancellation of the class.

Bring your letter of eligibility and Alaska drivers license to the class.

7. **After completing all of the above requirements and attending the training, return to Transportation Inspection for issuance of your chauffeur's license.**
You will be issued a chauffeur's license contingent on satisfactory criminal history report. It generally takes 6 to 8 weeks to receive the report. If no disqualifying issues are present upon receipt of the criminal history report, your chauffeur license would be valid for two years.

Introduced by: Public Safety and
Transportation Commission
Date: May 5, 2015
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #5.20.110-

AN ORDINANCE BY THE PUBLIC SAFETY AND TRANSPORTATION COMMISSION AMENDING BETHEL MUNICIPAL CODE SECTION 5.20.110 DENIAL, SUSPENSION OR REVOCATION OF LICENSE OR PERMIT

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC Title 5.20.110 The Bethel Municipal Code is amended as follows (new language is underlined and ~~old language is stricken out~~):

5.20.110 Denial, suspension or revocation of license or permit

A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.

1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030;
2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with BMC 5.20.085.

B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine or bus permit.

1. The commission shall suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that:

Introduced by: Public Safety and
Transportation Commission
Date: May 5, 2015
Public Hearing:
Action:
Vote:

- a. A permittee has not operated pursuant to the permit for ~~forty five (45) consecutive days or for ninety (90) days~~ one hundred eighty (180) days in any twelve- (12-) month period; provided, that such failure to operate is not caused by strike, public catastrophe, or other act beyond the control of the permittee but not including insolvency;
 - b. A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty (60) days after the date of such sale or loss;
 - c. A permittee has failed to make any payments required under Chapters 5.20 through 5.50 BMC or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees required by any other provisions of this code;
 - d. A permittee has submitted a false or misleading inspection report from a designated inspection station.
2. The commission may suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50 BMC. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50 BMC;
 3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine or bus permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in BMC 5.30.040;
 4. The transportation inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten (10) days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.

Introduced by: Public Safety and
Transportation Commission
Date: May 5, 2015
Public Hearing:
Action:
Vote:

C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:

1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;
2. Such dispatch service has failed to provide dispatch services for a period of ninety (90) consecutive days; provided, that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.

D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.

E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector and cease operating a regulated vehicle immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first (1st) issued a new chauffeur's license in accordance with BMC 5.40.030.

F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.

G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with BMC 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with BMC 5.20.100.

H. Unless provided otherwise in Chapters 5.20 through 5.50 BMC, a permit or license that is revoked shall become void and revert to the commission. [Ord. 03-10 § 4; Ord. 01-02 § 3.]

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

Introduced by: Public Safety and
Transportation Commission
Date: May 5, 2015
Public Hearing:
Action:
Vote:

**ENACTED THIS ____ DAY OF _____ 2015, BY A VOTE OF ____ IN FAVOR AND
____ OPPOSED.**

Richard Robb , Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-19

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 5.40.070, CHAUFFEURS, ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES AND REPEALING 5.40.080, CHAUFFEURS, CARRYING ALCOHOLIC BEVERAGES

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken).

Chapter 5.40 CHAUFFEURS

Sections:

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

5.40.010 Chauffeur's license required.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

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

5.40.020 Chauffeur application for license.

- A. An application for a chauffeur's license shall be made to the transportation inspector.
- B. An application shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in BMC 5.20.160;
 - 2. Photographs to be taken by the transportation inspector;
 - 3. A complete set of fingerprints made by the Bethel police department or the transportation inspector on an FBI-approved form;
 - 4. A certificate from a physician licensed in the state to perform such testing, verifying the applicant's physical ability to drive, and proof of a negative drug test from a city-approved drug and alcohol testing facility;
 - 5. Proof that the applicant currently holds a valid state driver's license which entitles him or her to operate a vehicle by which persons are transported for compensation and has held a valid driver's license in Alaska or another state in the United States for at least one (1) year before the date of the application;
 - 6. Proof that the applicant is at least eighteen (18) years old; and
 - 7. Proof that the applicant has complied with subsections C and D of this section.
- C. Except as provided in subsection D of this section, an application shall not be complete until the applicant has passed an examination administered by the transportation inspector or his or her designee that tests the applicant's knowledge of safe driving, safe vehicle maintenance, knowledge of the city streets and significant locations, driver personal safety, drug and alcohol testing requirements, and any other subjects the commission finds to be in the public interest of ensuring safe and responsible public transportation. The examination shall consist of two (2) portions. One (1) portion shall be written test and the

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
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other portion shall be driving test. An applicant shall first (1st) take the written portion of the examination. If the applicant fails the written portion of the examination, he or she may not take the driving portion of the test. If the applicant fails either portion of the examination in any combination three (3) times in any one (1) calendar year, the applicant may not reapply for a chauffeur's license for one (1) year from the date of the third (3rd) failure.

- D. Each licensed chauffeur shall provide the transportation inspector with a current driving record every six (6) months from the date of issue or renewal. Any licensed chauffeur accumulating six (6) or more points against their driver's license shall be required to successfully pass both the written and driving examination administered by the transportation inspector as outlined in subsection C of this section.
- E. Applicants for a chauffeur's license must show proof of a successful passage of the written and driving portions of the examination required in subsections C and D of the section and proof of payment of any fees required in Chapters 5.20 through 5.50 BMC.
- F. 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 (1) year.

5.40.030 Issuance of chauffeur's license.

The transportation inspector shall issue a chauffeur's license to an applicant only if:

- A. The applicant has submitted a complete application as prescribed in BMC 5.40.020, and is certified as required in BMC 5.20.150;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within twelve (12) months of the date of his or her application for:
 - 1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221 through 28.15.261, or a similar law of another jurisdiction;
 - 2. Reckless driving;
 - 3. Driving while license suspended or revoked;

Introduced by: Council Member Springer
Date: July 28, 2015
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Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

4. Driving while under the influence of intoxicating liquor; depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction;
- C. The applicant has not had his or her driver's license suspended or revoked within one (1) year prior to the application date;
- D. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
 2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction; or a violation of AS 04 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17;
 3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
 4. Burglary, larceny, fraud, theft or embezzlement; or
 5. Any sexual abuse or sexual exploitation offense; and
- E. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.

5.40.040 Posting of chauffeur's license.

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

5.40.050 Maximum number of hours per day.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

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

5.40.060 Duty to serve public.

- A. Chauffeurs of limousines shall be exempt from subsections A and B of this section. A chauffeur subject to this chapter shall not refuse to transport any passenger unless:
 - 1. The chauffeur has already been dispatched to another call;
 - 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the chauffeur to reasonably believe that his or her health or safety, or that of others, may be endangered;
 - 3. The passenger, upon request, does not show an ability to pay the estimated fare or any applicable flat or group rate; or
 - 4. The passenger refuses to refrain from smoking.
- B. The chauffeur shall immediately notify the dispatcher of any incident of service refusal.
- C. A chauffeur shall inspect his or her regulated vehicle at the beginning and during his or her shift ensuring the vehicle is in a safe operating condition and clean inside and outside. Any mechanical or safety deficiencies noted shall be immediately reported to the vehicle owner. A record of this notification and deficiency will be noted on the applicable trip sheet. The vehicle owner shall take action to immediately correct safety deficiencies. Nonsafety deficiencies shall be corrected within seventy-two (72) hours of notification. Failure of the chauffeur to report a safety or mechanical deficiency may result in a citation.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
Transportation Commission for a 90
day review period.
Public Hearing:
Action:
Vote:

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

5.40.070 Alcoholic beverages and controlled substances.

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

B. No chauffeur may operate a regulated vehicle when there is an open container of alcoholic beverage in the passenger compartment of the vehicle, except as provided in this section.

1. A chauffeur may transport an open container of alcoholic beverage when the container is:

- a) In the trunk of the regulated vehicle;
- b) Behind the last upright seat in a trunkless regulated vehicle, if the open container is enclosed within another container;
- c) Behind a solid partition that separates the chauffeur from the area normally occupied by passengers.

2. If alcohol is transported in a regulated vehicle the transport shall be for a passenger riding with the alcoholic beverages and must accompany a receipt.

For purposes of this subsection:

- a) "Open" means that the seal around the lid, cap or cork of the container has been broken, or that the lid, cap or cork has been removed, but does not include, when repackaged or resealed in accordance with state law: (i) beer repackaged by a licensee under 3 AAC 304.365; or (ii) a resealed or recorked wine bottle.
- b) "Passenger compartment" means the area normally occupied by the chauffeur and passengers and includes a utility or glove compartment accessible to the chauffeur or a passenger while the vehicle is being operated.

C. No chauffeur may purchase, or solicit the purchase of an alcoholic beverage for another person in connection with performance of duties as a chauffeur.

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to Public Safety and
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D. Any Chauffeur convicted of a violation of BMC 5.40.070 shall have their chauffeur license and/or vehicle permit revoked permanently.

E. Any dispatch company having four or more chauffeurs convicted of a violation of BMC 5.40.070 shall have their dispatch permit revoked permanently.

~~5.40.080 Carrying alcoholic beverages.~~

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

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

*****Renumbering of the following subsections will be taken care of by the City Clerk's Office.***

5.40.090 Charter of taxicab.

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

5.40.100 Fares and receipts.

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

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

5.40.110 Two-way radio prohibited.

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

5.40.120 Handheld device use prohibited.

Introduced by: Council Member Springer
Date: July 28, 2015
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- A. A chauffeur may not operate a regulated vehicle with a passenger for hire while using a handheld device, except licensed two- (2-) way radio for dispatch purposes, unless the chauffeur is using his or her handheld device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or when parked.
- B. A chauffeur operating a permitted vehicle with a passenger for hire, while holding a handheld device, is guilty of violating this section, and is subject to the penalties under BMC 5.20.120.

5.40.130 Requirement of check-in and check-out.

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

SECTION 4. Effective Date. This ordinance shall become effective upon passage by the City Council.

ENACTED THIS ___ DAY OF _____ 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Introduced by: Council Member Springer
Date: July 28, 2015
Referred to the Public Safety
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CITY OF BETHEL, ALASKA

Ordinance #15-20

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE CHAPTER 5.20.120 F, PENALTIES AND REMEDIES

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken):

Chapter 5.20

TRANSPORTATION INDUSTRY GENERAL PROVISIONS

Sections:

- 5.20.010 Definitions.
- 5.20.020 Bethel public safety and transportation commission.
- 5.20.030 Bethel public safety and transportation commission – Powers and duties.
- 5.20.040 Bethel public safety and transportation commission – Regulations.
- 5.20.050 Bethel public safety and transportation commission – Rates.
- 5.20.055 Bethel public safety and transportation commission – Complaints.
- 5.20.060 Hearing officer.
- 5.20.070 Powers and duties of transportation inspector.
- 5.20.080 Vehicle inspections.
- 5.20.085 Drug and alcohol testing.
- 5.20.090 Enforcement authority.
- 5.20.100 Hearings – Appeals.
- 5.20.110 Denial, suspension, or revocation of license or permit.

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- 5.20.120 Penalties and remedies.
- 5.20.130 Renewal of license or permit.
- 5.20.140 Duty to maintain current application.
- 5.20.150 Submission, review and certification of applications.
- 5.20.160 Fees.
- 5.20.170 Safety belts, child safety restraints, and vehicle air bags.

5.20.010 Definitions.

When used in Chapters 5.20 through 5.50 BMC, unless the context requires otherwise:

- A. "Bus" means a regulated vehicle designated by its manufacturer as a bus used to transport passengers for hire and having a capacity of eight (8) or more passengers, except that any vehicle engaged exclusively in the transport by motor vehicle of students to and from school is not a "bus" for purposes of Chapters 5.20 through 5.50 BMC.
- B. "Chauffeur" means a person authorized by the transportation inspector through the issuance of a chauffeur's license to operate a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC.
- C. "Commission" means the Bethel public safety and transportation commission.
- D. "Dispatch service" means a business authorized pursuant to Chapter 5.50 BMC to engage in the dispatch of taxicabs or river taxis to persons desiring to hire them.
- E. "Interest" means any share in or right to a permit issued in accordance with Chapters 5.20 through 5.50 BMC.
- F. "Lease operator" means a person who has entered into an agreement with a taxicab permittee which allows that person to provide taxicab services pursuant to the permittee's authority under this code, only if such an arrangement is approved in advance by the transportation inspector, and only if such an arrangement is operated in accordance with conditions placed upon it by the transportation inspector.
- G. "Licensee" means a person authorized by the transportation inspector to operate a regulated vehicle while it is in service.
- H. "Limousine" means a regulated vehicle designated by its manufacturer as a limousine used to transport passengers for hire with a chauffeur over unfixed or undefined routes at rates greater than those charged for taxicabs and buses.

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Curbside and flag stop service are prohibited for limousine chauffeurs; all service must be prearranged.

- I. "Operate" means to drive, pick up, transport or discharge passengers.
- J. "Permit" means a written authorization issued by the transportation inspector allowing the operation of a vehicle regulated in accordance with Chapters 5.20 through 5.50 BMC. A permit to operate may be separate from ownership or lease of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.
- K. "Permittee" means a person authorized by the transportation inspector to put a regulated vehicle in service.
- L. "Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.
- M. "Regulated vehicle" means any vehicle regulated by Chapters 5.20 through 5.50 BMC.
- N. "River taxi" means any motor vehicle used to transport passengers for hire on a river which operates within the city limits of the city of Bethel.
- O. "Taxicab" means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer's rated seating capacity of nine (9) or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.
- P. "Transfer" (with respect to an interest in a permit issued under Chapters 5.20 through 5.50 BMC) means to sell, lease, convey, give, exchange, or otherwise transfer an interest in a permit issued in accordance with Chapters 5.20 through 5.50 BMC to another person or entity, including but not limited to a transfer of interest through power of attorney.
- Q. "Transportation inspector" means the Bethel chief of police or his or her designee.

5.20.020 Bethel public safety and transportation commission.

The Bethel public safety and transportation commission is established in accordance with Chapter 2.25 BMC.

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5.20.030 Bethel public safety and transportation commission – Powers and Duties.

- A. In addition to the powers and duties enumerated in BMC 2.25.020, the commission shall have the powers and duties further enumerated in this section.
- B. The commission shall regulate all regulated vehicles, chauffeurs, and dispatch services in accordance with Chapters 5.20 through 5.50 BMC except for any regulated vehicles which the commission determines are subject to regulation in accordance with a taxicab regulation program established by Alaska or federal law. No motorized vehicle may be offered for hire to transport passengers in Bethel without being a regulated vehicle. The purpose of the provisions set forth in Chapters 5.20 through 5.50 BMC or regulations adopted by the commission shall be to protect the public's interest with respect to the price and quality of service provided by regulated vehicles.
- C. The commission shall hold at least two (2) public hearings annually to investigate the quality of services rendered by regulated vehicles, permittees, chauffeurs and dispatch services, and shall make such recommendations to the city council as it deems necessary for the improvement of such services.
- D. The commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the commission. The commission may petition a court of this state to enforce its subpoenas or other process.

5.20.040 Bethel public safety and transportation commission – Regulations.

The commission may promulgate regulations setting rates and/or other charges for service and minimum standards for service as well as any other regulations necessary to carrying out the provisions of Chapters 5.20 through 5.50 BMC. Such regulations shall be approved or rejected by the city council at or before the third (3rd) city council meeting following adoption of the regulations by the commission. If such regulations are not considered by the city council by the third (3rd) city council meeting following their adoption by the commission, they shall be deemed approved by the city council.

5.20.050 Bethel public safety and transportation commission – Rates.

- A. The commission:

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1. Shall establish maximum rates to be charged for taxicab and river taxi service and may establish minimum rates for such services;
 2. May establish dispatch service, limousine, or bus minimum and/or maximum rates;
 3. May establish maximum lease rates between permittees and lease operators of taxicabs, including daily lease rates for taxicab chauffeurs.
- B. All rates established by the commission shall be nondiscriminatory, just and reasonable.
- C. A statement of actual taxicab rates charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the transportation inspector.
- D. No person may require payment of rates other than those established by the commission pursuant to this section.
- E. No person may require payment of dispatch service rates other than those established by the commission pursuant to this section.

5.20.055 Bethel public safety and transportation commission – Complaints.

The commission, through the transportation inspector, shall:

- A. Establish a system for processing and adjudicating citizen complaints against chauffeurs of regulated vehicles or against the condition of a regulated vehicle and further establish a system to keep records of all such complaints. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty.
- B. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number and permittee of the vehicle involved in the complaint, as well as the name, address, and/or

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telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the transportation inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for issuance of a civil or criminal citation or penalty. The dispatch companies shall, on a monthly basis, provide the transportation inspector with a complete copy of logged complaints.

- C. Require that within all regulated vehicles a commission-approved notice of the telephone numbers required for the filing of complaints with the commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the transportation inspector.
- D. Provide permittees with a monthly summary of all logged complaints, civil or criminal citations, and convictions entered against chauffeurs or vehicles operating under the permittee's permit.
- E. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
- F. Provide current information in response to any public request, as to the number of citations issued or convictions entered against a chauffeur or permittee within the preceding twelve (12) months.

5.20.060 Hearing officer.

- A. Except as provided in subsection B of this section, in all appeals to it in accordance with BMC 5.20.100, the commission shall provide for a hearing officer to conduct the hearings, to make rulings regarding the admission of evidence and procedure, and to prepare a proposed decision, with findings of facts and conclusions of law. The commission may adopt the hearing officer's decision or decide the matter itself based upon the record created before the hearing officer. The record shall include tapes or transcripts of the hearing before the hearing officer. The hearing officer who presided at the hearing shall be present during the consideration of the case by the commission to assist and advise the commission.
- B. If, in the case of an emergency or an expedited matter, there is not enough time to appoint a hearing officer to hear appeals in accordance with subsection A of

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this section, the commission may conduct a hearing without providing for a hearing officer. The commission is solely responsible for determining whether or not there is sufficient time to appoint a hearing officer. All other provisions of this section apply to the conduct of a hearing held without a hearing officer.

- C. Hearings shall be conducted under this section in accordance with AS 44.62.430 through 44.62.540 (state administrative procedures for the conduct of administrative hearings by hearing officers).
- D. A hearing officer may be appointed to conduct appeals without complying with BMC 4.20.170.

5.20.070 Powers and duties of transportation inspector.

In addition to the other duties and powers granted by Chapters 5.20 through 5.50 BMC, the transportation inspector shall:

- A. Keep records relating to permittees, regulated vehicles, chauffeurs, and dispatch services regulated under Chapters 5.20 through 5.50 BMC;
- B. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles to assure that the provisions of Chapters 5.20 through 5.50 BMC are enforced and obeyed;
- C. Receive and process all applications for permits and licenses;
- D. Require a regulated vehicle to be taken out of service for an inspection when the transportation inspector reasonably believes that it poses a threat to the safety or health of persons or property. The transportation inspector may order the owner of the regulated vehicle to obtain and pay for an inspection report from a designated inspection station. The transportation inspector may keep a vehicle out of service for a reasonable time in order to perform the inspection;
- E. Assess a fine against a designated inspection station or the regulated vehicle operator or both, upon submission of an inspection report under BMC 5.20.080 that contains false or misleading information, including any material omission. The fine shall not exceed three hundred dollars (\$300) for each violator for each false or misleading inspection report. This fine shall be in addition to any other remedy or penalty provided by this code, such as denial,

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revocation, or suspension of a license or permit. Any appeal of the fine shall be in accordance with BMC 5.20.100; and

- F. Perform those administrative duties of the commission which are delegated to him or her by the commission.

5.20.080 Vehicle inspections.

- A. All regulated vehicles shall be inspected by a designated inspection station and the approved inspection form presented to the transportation inspector before a permit will be issued. At least twice a year thereafter, all regulated vehicles shall be inspected. No regulated vehicle may be operated until it has been inspected and found to be in compliance with Chapters 5.20 through 5.50 BMC and any other applicable law. The transportation inspector may also inspect a regulated vehicle at any time to determine if the vehicle is in compliance with all provisions of Chapters 5.20 through 5.50 BMC, and keep the vehicle out of service for a reasonable time in order to perform the inspection.
- B. When a regulated vehicle has been operating under any permit for two (2) years or has accumulated a total of two hundred thousand (200,000) miles, whichever occurs first (1st), the transportation inspector may increase the required annual inspection frequency to four (4) inspections annually, after reasonable notice to the permittee.
- C. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. If the transportation inspector determines that a regulated vehicle is mechanically unsound, unclean or otherwise out of compliance with all applicable laws, the permittee shall take the vehicle out of service immediately upon notification from the transportation inspector.
- D. Mechanical Equipment Standards.
 - 1. The steering mechanism shall be in good working order and wheel play shall not exceed two (2) inches;
 - 2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function as designed;
 - 3. All windows shall be fully operable and composed of approved safety glass. The windshield shall have no chips or stars larger than a twenty-five cent piece

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- (\$.25) and shall not be cracked above four (4) inches from the bottom or below four (4) inches from the top of the windshield. No cracks in a vertical position are permitted on either side of the windshield. At no time shall a driver's vision be obstructed by damage to the windshield, side windows or rear window. Interior and exterior mirrors shall be firmly attached to the vehicle;
4. All brakes shall be in good mechanical working order. When pressed, the brake pedal shall not be less than one and three-fourths (1 3/4) inches from the floorboard. Brake linings shall not be less than one thirty-second (1/32) of an inch at any point. Brake drums shall not exceed forty-one thousandths (40/1,000) of an inch in excess of factory specifications;
 5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not permeate into the interior of the vehicle;
 6. The vehicle shall be equipped with four (4) tires, each of which shall have tread depth measurements at approximately every one hundred twenty (120) degrees of its circumference of not less than two thirty-seconds (2/32) of an inch. There shall be no sidewall damage to the tires;
 7. The speedometer shall be properly installed and maintained in good working order and exposed to view;
 8. The interior of the vehicle shall be maintained in a clean and sanitary condition, and be free from torn upholstery and from damaged or broken seats;
 9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use;
 10. The horn and two (2) windshield wipers shall be in good mechanical working order;
 11. All wire connections shall be permanent and located out of the way of the driver and passengers;
 12. The vehicle shall be structurally sound and not have cracked or dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances;
 13. Defrosting and heating systems shall be operational;

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14. There shall be no measurable leakage of fluids or oil from any part of the vehicle;
 15. The vehicle shall be equipped with a readily accessible fire extinguisher with a gauge that clearly indicates that the unit is fully charged, mounted and readily accessible within the driver's immediate reach in the vehicle;
 16. The vehicle shall be equipped with accessible and operable seat belts for all seats;
 17. The vehicle shall comply with the provisions of AS 28.05.095 regarding child safety restraints and seat belts;
 18. The vehicle's odometer shall be kept in good working order.
- E. All regulated vehicles shall be subject at all times to an inspection by the transportation inspector, or a police officer who has reason to believe that the vehicle does not comply with all federal, state and local equipment laws or regulations.

5.20.085 Drug and alcohol testing.

A. The commission shall:

1. Establish a commission-approved drug and alcohol testing program for chauffeurs of regulated vehicles. The program may include chauffeur applicant drug screening tests, random tests, reasonable cause tests, post-accident tests, and post-citation tests. The testing program shall be administered by the transportation inspector;
2. Provide for the immediate denial or revocation of the chauffeur's license by the transportation inspector of any such chauffeur failing or failing to submit to a chauffeur application drug screening test, a random drug or alcohol test, a reasonable cause drug or alcohol test, a post-accident drug or alcohol test, or a post-citation drug or alcohol test, for a period of not less than six (6) months for a first (1st) offense. In the case of a revocation under this section, the revocation may continue beyond six (6) months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program;
3. Provide for the immediate revocation by the transportation inspector of the chauffeur's license of any chauffeur failing or failing to submit to such a

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random, reasonable cause, post-accident, or post-citation test, for a period of not less than two (2) years for a second (2nd) or subsequent offense.

- B. Within ninety (90) days of the enactment of the ordinance codified in this chapter, a design, cost structure, and fee determination for the drug and alcohol testing program shall be developed by the commission and submitted to the city council for approval subject to the following conditions:
1. Direct operational costs for the random, post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees. Direct operational costs for the chauffeur application drug screening test shall be borne by licensees.

5.20.090 Enforcement authority.

The transportation inspector shall have all powers required to enforce the provisions of Chapters 5.20 through 5.50 BMC.

5.20.100 Hearings – Appeals.

- A. If the transportation inspector determines that an application for a license or permit does not meet the requirements of Chapters 5.20 through 5.50 BMC, the transportation inspector shall deny the application. The transportation inspector shall issue a written decision to the applicant which shall state the specific reasons for that denial within fifteen (15) days of the denial of the application.
- B. A person aggrieved by the denial of an application under subsection A of this section, or revocation or suspension of a permit or license by the transportation inspector pursuant to Chapters 5.20 through 5.50 BMC may, within fifteen (15) days of receipt of the denial, suspension or revocation decision, and upon payment of the filing fee required by BMC 5.20.160, appeal that decision to the commission. After a hearing conducted pursuant to BMC 5.20.060, the commission shall uphold the decision of the transportation inspector, or authorize the conditional or unconditional issuance or reinstatement of a denied, suspended or revoked license or permit only upon an affirmative showing at a hearing by the appellant that the transportation inspector exceeded his or her authority under Chapters 5.20 through 5.50 BMC in denying, suspending, or revoking the license or permit.
- C. An appeal from any final decision of the commission made in accordance with this section shall be filed in the Superior Court, Fourth Judicial District, Bethel, Alaska,

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no later than thirty (30) days following service of that decision upon the affected licensee or permittee at the last known address. Review by the court shall be limited to determining whether the decision appealed is supported by substantial evidence.

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

5.20.110 Denial, suspension, or revocation of license or permit.

- A. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
1. The transportation inspector shall immediately suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in BMC 5.40.030;
 2. The transportation inspector shall suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude that it is more likely than not that a chauffeur is incapable of controlling a motor vehicle safely;
 3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test in accordance with BMC 5.20.085.
- B. Upon a request by the transportation inspector or on its own initiative, the commission shall have the power to suspend or revoke a taxicab, river taxi, and limousine or bus permit.
1. The commission shall suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that:
 - a) A permittee has not operated pursuant to the permit for forty-five (45) consecutive days or for ninety (90) days in any twelve- (12-) month period; provided, that such failure to operate is not caused by strike,

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public catastrophe, or other act beyond the control of the permittee but not including insolvency;

- b) A permittee has sold or otherwise lost the use of the vehicle which was being operated pursuant to the permit and has failed to replace it within sixty (60) days after the date of such sale or loss;
 - c) A permittee has failed to make any payments required under Chapters 5.20 through 5.50 BMC or to make any payments (including but not limited to business license fees and sales taxes) or remit any fees required by any other provisions of this code;
 - d) A permittee has submitted a false or misleading inspection report from a designated inspection station.
2. The commission may suspend or revoke a taxicab, river taxi, limousine or bus permit upon finding after a hearing that a permittee has violated any provision of Chapters 5.20 through 5.50 BMC. The commission may suspend or revoke a chauffeur's license upon finding after a hearing that a licensee has violated any provision of Chapters 5.20 through 5.50 BMC;
3. The transportation inspector shall immediately suspend or revoke a taxicab, river taxi, limousine or bus permit upon being provided with appropriate notice that a permittee has been convicted by a court of competent jurisdiction of an offense set forth in BMC 5.30.040;
4. The transportation inspector may immediately revoke a permit under this subsection if the transportation inspector determines that continued operation of the permit will result in substantial risk to the public health or welfare. If the transportation inspector revokes a permit based upon such determination, the revocation action shall expire in ten (10) days, unless within this time the commission holds a hearing and determines that a continued emergency revocation is warranted until such time as the commission makes a decision on an appeal to the revocation, should such an appeal be filed by the permittee.
- C. The commission may suspend or revoke a dispatch service permit upon a finding after a hearing that:
- 1. Such dispatch service has not commenced operation within ninety (90) days after issuance of the permit;

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2. Such dispatch service has failed to provide dispatch services for a period of ninety (90) consecutive days; provided, that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the dispatch service other than insolvency; or
 3. Such dispatch service does not have a valid radio station license issued by the Federal Communications Commission ("FCC") or such dispatch service is not in compliance with any terms and conditions imposed on it by the FCC.
- D. Violation of any of the terms and conditions of a suspension or revocation imposed by this section is a separate violation.
- E. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. A chauffeur shall surrender his or her chauffeur's license to the transportation inspector and cease operating a regulated vehicle immediately upon suspension or revocation of the chauffeur's state driver's license. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first (1st) issued a new chauffeur's license in accordance with BMC 5.40.030.
- F. A permittee or licensee must surrender his or her permit or license to the transportation inspector immediately upon suspension or revocation.
- G. A permittee or licensee may appeal a suspension or revocation by the transportation inspector to the commission in accordance with BMC 5.20.100. A permittee or licensee may appeal a suspension or revocation by the commission to the Superior Court in accordance with BMC 5.20.100.
- H. Unless provided otherwise in Chapters 5.20 through 5.50 BMC, a permit or license that is revoked shall become void and revert to the commission.

5.20.120 Penalties and remedies.

- A. A person who violates a provision of Chapters 5.20 through 5.50 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;

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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.
- F. A violation of BMC 5.40.070 is an exception to this section. Violations of BMC 5.40.070 shall be those provided under that section.

5.20.130 Renewal of license or permit.

- A. A permit or license issued in accordance with Chapters 5.20 through 5.50 BMC shall be valid for two (2) calendar years and shall expire automatically on the date of original issue.
- B. An application to renew a permit or license shall be made to the transportation inspector, at the time set for submitting the application, and shall be treated in the same manner as an original application. A decision to grant a license or

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permit in two (2) years does not preclude the transportation inspector from denying a license or permit upon application for renewal.

- C. If a permittee or licensee is not qualified to hold his or her permit or license at the time of renewal, the transportation inspector shall not renew the permit or license and it shall become void and revert to the commission.
- D. Any person whose application for an original license or permit or for a renewal of license or permit has been denied and any person whose license or permit has been revoked may not apply for a new license or permit for one (1) year from the initial date of the denial or revocation unless the revocation is due to a violation of BMC 5.40.070 Alcoholic beverage and controlled substances of which requires a permanent revocation. New taxicab permits shall only be issued in accordance with the provisions of BMC 5.30.050.

5.20.140 Duty to maintain current application.

- A. A permittee or licensee is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of Chapters 5.20 through 5.50 BMC. A permittee or licensee shall give written notice to the transportation inspector of any change to be made on his or her application within ten (10) days, and the transportation inspector shall amend the application accordingly. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license.
- B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under Chapters 5.20 through 5.50 BMC. Failure to comply with this subsection is grounds for denial, suspension or revocation of a permit or license and constitutes a violation of Chapters 5.20 through 5.50 BMC.

5.20.150 Submission, review and certification of applications.

- A. An application for an original or renewal permit or license required by Chapters 5.20 through 5.50 BMC shall be submitted to the transportation inspector.
- B. The transportation inspector shall review the application to assure it complies with the requirements of Chapters 5.20 through 5.50 BMC.

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- C. The transportation inspector shall transmit applications meeting the requirements stated in subsection B of this section to the city manager to determine whether the applicant owes any taxes, fees, assessments, or other payments to the city, and whether the applicant has a current city business license.
- D. If the applicant has no outstanding obligations and has a business license, the city manager or his or her designee shall certify the application, and return it to the transportation inspector. The transportation inspector shall not issue or renew an application for a permit or license unless the city manager or his or her designee certifies the application in accordance with this section.

5.20.160 Fees.

The following fees shall be payable to the city:

- A. One hundred eighty-five dollars (\$185) monthly shall be paid to the transportation inspector for the issuance or renewal of a bus, limousine, river taxi, dispatch service, or taxicab permit no later than the tenth (10th) of each month.
- B. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a chauffeur's license no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- C. Two hundred fifty dollars (\$250) shall be paid to the transportation inspector for the initial issuances and each two- (2-) year renewal of a vehicle permit no more than three (3) months prior to expiration date, not after one (1) month prior to expiration date.
- D. One hundred dollars (\$100) shall be paid to the city finance department for each appeal from a decision of the transportation inspector to the commission under Chapters 5.20 through 5.50 BMC. Such fee shall be refunded if the decision is subsequently reversed. The ex officio member of the public safety and transportation commission must notify all commission members when an appeal is filed. The fee shall be forfeited if the party making the appeal fails to show for the appeal hearing.

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- E. Eighty-five dollars (\$85) shall be paid to the transportation inspector each time that a taxicab permittee applies to substitute a vehicle that operates under a permit.
- F. One hundred twenty-five dollars (\$125) shall be paid to the transportation inspector for an application to transfer an interest in a taxicab permit or a dispatch service permit in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. There shall be a one hundred dollar (\$100) surcharge for late payment of fees provided for in subsections A, B, and C of this section.
- H. Twenty-five dollars (\$25) shall be paid to the transportation inspector for administration of the examination required in BMC 5.40.020(C), except that this payment shall not be required the first (1st) time that an applicant for a chauffeur's license takes the examination.
- I. Fifteen dollars (\$15) shall be charged for chauffeur and vehicle renewal applications which are mailed in.
- J. Thirty-five dollars (\$35) shall be charged for chauffeur drug testing.

5.20.170 Safety belts, child safety restraints, and vehicle air bags.

Every regulated vehicle shall comply with the provisions of AS 28.05.095 regarding safety belts and child safety restraints. Additionally, no operator of a regulated vehicle shall allow a child under twelve (12) years of age to ride in the front seat of the vehicle if it has a passenger air bag.

SECTION 4. Effective Date. This section shall become effective upon passage by the City Council.

ENACTED THIS ___ DAY OF JULY 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST

Introduced by: Council Member Springer
Date: July 28, 2015
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Lori Strickler, City Clerk

Introduced by: Council Member Springer
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CITY OF BETHEL, ALASKA

Ordinance #15-21

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING BETHEL MUNICIPAL CODE, CHAPTER 5.30, TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS, TO REQUIRE VIDEO CAMERA SURVEILLANCE SYSTEM AND GLOBAL POSITIONING SYSTEM CAPABILITIES

NOW, THEREFORE BE IT ORDAINED, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amendment. The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken)

Chapter 5.30 TAXICAB, RIVER TAXI, LIMOUSINE AND BUS PERMITS

Sections:

- 5.30.010 Taxicab permit required.
- 5.30.020 River taxi permit required.
- 5.30.030 Bus permit required.
- 5.30.035 Limousine permit required.
- 5.30.040 Application for permits.
- 5.30.050 Issuance of new nontransferable taxicab permits.
- 5.30.055 Taxicabs – Renewal of existing permits.
- 5.30.060 Taxicabs – Transfer of existing permit.
- 5.30.065 Posting of taxicab permit.
- 5.30.070 Taxicabs – Number of vehicles operated per permit.
- 5.30.080 Taxicabs – Subscription to dispatch service.
- 5.30.090 Taxicabs – Vehicle markings.
- 5.30.100 Required equipment.

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- 5.30.120 Insurance required.
- 5.30.130 Posting of insurance notice.
- 5.30.140 Records.
- 5.30.160 Single use of vehicle.
- 5.30.170 Vehicle horn honking.
- 5.30.180 Safety equipment tampering prohibited.

5.30.010 Taxicab permit required.

- A. No person may provide taxicab service in the city unless that person:
1. Is a permittee in possession of a valid taxicab permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC; or
 2. Has entered into an agreement with a permittee as a lease operator which allows that person to provide taxicab services pursuant to the permittees authority only for as long as the permittee is lawfully in possession of the permit and complies with all terms and conditions of issuance of the permit, and only if such an arrangement is approved in advance by the transportation inspector. In order to obtain such approval from the transportation inspector, the transportation inspector must approve the language of a written lease agreement and determine that the lease operator meets all requirements imposed on chauffeurs and taxicab permittees by Chapters 5.20 through 5.50 BMC. A decision of the transportation inspector denying a lease operator arrangement can be appealed to the commission in accordance with BMC 5.20.100.
- B. No permittee shall allow another person to provide taxicab service under the authority of his or her permit except as allowed in subsection A of this section. Violation of this section is grounds for immediate revocation of a taxicab permit.
- C. No person may operate or dispatch a vehicle as a taxicab unless that vehicle is described on a taxicab permit as provided in subsection A of this section. Violation of this section is grounds for immediate revocation of a license or permit.

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- D. No person may provide taxicab service pursuant to a taxicab permit except in accordance with Chapters 5.20 through 5.50 BMC. Violation of this section is grounds for immediate revocation of a permit.
- E. The permittee shall utilize as chauffeurs only currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.

5.30.020 River taxi permit required.

- A. No person may provide river taxi service within the city without a river taxi permit. A river taxi permit, or any interest in a river taxi permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal river taxi permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to river taxis, he or she shall be issued a permit.

5.30.030 Bus permit required.

- A. A person may provide bus service within the city with a bus permit. A permit, or any interest in a permit issued pursuant to this section, shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if it is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- B. A person may apply for an original or renewal bus permit by complying with the requirements of BMC 5.30.040. If the applicant is in compliance with all of the terms and conditions of Chapters 5.20 through 5.50 BMC that apply to buses, he or she shall be issued a permit.
- C. A bus must operate on a defined route. The route must be submitted to the transportation inspector. Any changes in the route must be submitted to the

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transportation inspector. Bus operators may deviate from the defined route up to three-fourths (3/4) of a mile to accommodate handicapped passengers.

5.30.035 Limousine permit required.

A. A person may provide limousine service in the city if that person:

1. Is a permittee in possession of a valid limousine permit issued to him or her, and is in compliance with Chapters 5.20 through 5.50 BMC;
2. Operates a limousine;
3. Utilizes currently licensed chauffeurs who have satisfactorily completed a commission-approved driver training and testing program and who are otherwise in compliance with all of the requirements of Chapters 5.20 through 5.50 BMC.

B. A limousine will provide service by reservation or prearranged call for service. It is unlawful for a limousine chauffeur to provide flag stop service to passengers by curbside hail or the use of fixed routes.

C. The current rates to be charged by a limousine permittee shall be provided to the transportation inspector in the form of a rate sheet. The permittee is responsible for providing the inspector with a new rate sheet as prices change. The prices on the rate sheet must be greater than the maximum rates allowed for the provision of a similar ride by taxicab.

The following rates are established as minimum rates for limousine operators:

One-half (1/2) hour or less arranged ride: fifty dollars (\$50.00);

One (1) hour arranged ride: eighty dollars (\$80.00).

5.30.040 Application for permits.

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

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

1. The fee specified in BMC 5.20.160;

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2. Proof of insurance for the vehicle as required by Chapters 5.20 through 5.50 BMC;
 3. Proof that the applicant is at least eighteen (18) years of age; and
 4. Proof that the applicant is in compliance with the drug and alcohol testing requirements of BMC 5.20.085.
- C. An applicant shall not be granted an original or renewal permit unless the applicant meets the requirements imposed on chauffeurs in BMC 5.40.030.
- D. If the commission determines that the public convenience and necessity requires issuance of additional taxicab permits in accordance with BMC 5.30.050, the following persons may apply for such a permit:
1. Currently active chauffeurs licensed under Chapters 5.20 through 5.50 BMC with no fewer than two (2) years of continuous experience as a taxicab chauffeur in good standing in Bethel;
 2. Applicants who have not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within five (5) years of the date of application for:
 - a) Assniation, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining vehicle for the purpose of prostitution or accepting money from a prostitute; or
 - b) Sale, transportation, possession or use of any controlled substance as defined by AS 11.71 or a similar law of another jurisdiction, or engaging in an act prohibited under AS 04.11, 04.16 or 04.17.
- E. If the commission decides to issue an additional permit or permits in accordance with this chapter, a taxicab permit may be issued by the commission only if the applicant complies with subsections B through D of this section, and is certified as required by BMC 5.20.150.
- F. Each representation made in an application for an original or renewal permit shall be correct. Any false or misleading statement or misrepresentation as to a

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material matter in an application shall be grounds for denial of the application for a permit or revocation of a permit.

5.30.050 Issuance of new nontransferable taxicab permits.

- A. The total number of outstanding taxicab permits shall be determined by the public convenience and necessity. Any person or any member of the commission may initiate commission inquiry into the public convenience and necessity for issuance of additional permits. Hearings regarding public convenience and necessity shall be held to determine if the public convenience and necessity warrants issuance of one (1) or more additional nontransferable permits. The commission shall hold an inquiry into the public convenience and necessity at least once in a twenty-four (24-) month period.
- B. At the hearing conducted pursuant to subsection A of this section, the commission may consider, among other things, evidence of:
 - 1. The public demand for additional taxi service;
 - 2. The unfulfilled requests for service;
 - 3. The reasonableness of waiting time for service; and
 - 4. The economic impact of additional permits on the viability of the existing taxicab industry.
- C. If the commission finds that it is more likely than not, based on the evidence presented at hearing, that the public convenience and necessity would be best served by the issuance of one (1) or more new taxicab permits, such permit or permits shall be issued in the manner provided in subsection D of this section.
- D. No later than ninety (90) days after the commission determines that a new taxicab permit should be issued, the transportation inspector shall conduct a public auction as follows:
 - 1. The auction shall be conducted by sealed bid, and the permit shall be issued to the highest qualified bidder;

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2. To be responsive, a bid must equal or exceed the taxicab permit issuance fees provided for in BMC 5.20.160;
 3. The term "qualified bidder" means a person who meets the requirements of BMC 5.30.040, and tenders the successful full bid price in cash within five (5) days after notice that he or she is the highest bidder;
 4. If the highest bidder is not a qualified bidder, the permit shall be issued to the next highest bidder who is also a qualified bidder. If none of the bidders are also qualified bidders, the transportation inspector shall again offer the permit at auction as provided by this section within one hundred eighty (180) days after the previous auction.
- E. No person may apply for a hearing pursuant to subsection A of this section within one hundred twenty (120) days after one (1) or more new permits authorized for issuance pursuant to this section have been actually issued. The commission may consolidate multiple hearing requests if it deems it appropriate to do so.
- F. A permit, or any interest in a permit, issued pursuant to this section shall not be transferable through sale, lease, rental, power of attorney, or any other manner of conveyance, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.
- G. Permittees issued nontransferable permits in accordance with this section are subject to all revocation, suspension, and penalty provisions of Chapters 5.20 through 5.50 BMC, as well as all other requirements of Chapters 5.20 through 5.50 BMC.

5.30.055 Taxicabs – Renewal of existing permits.

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

5.30.060 Taxicabs – Transfer of existing permit.

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- A. A person may transfer an interest (whether financial or proprietary in nature, a security interest, or some other form of interest) in a taxicab permit originally issued prior to December 31, 2000, or any interest in the corporation, joint venture, association, partnership, or other group or entity which owns an interest in a taxicab permit originally issued prior to December 31, 2000, only if the person obtains the prior approval of the transportation inspector.
- B. An application for transfer of a taxicab permit in accordance with subsection A of this section shall be made to the transportation inspector on forms approved by the transportation inspector and shall be accompanied by the proposed contract for sale or other interest transfer which states the specific consideration to be paid by the transferee, as well as all other material conditions of the sale or other transfer of interest. The application for transfer shall also identify all parties who have or are proposed to have a financial, proprietary, security or other interest in the permit. The application may request other information necessary to determine if the transfer is in the best interests of the public, including but not limited to evidence of the financial ability to meet the consideration requirements of the contract for sale or other interest transfer. If the transferee meets the requirements of this section and all other requirements for obtaining a taxicab permit contained in Chapters 5.20 through 5.50 BMC, and the transportation inspector approves the language of the contract for sale or other interest transfer, the transportation inspector may approve the transfer.
- C. A decision of the transportation inspector with respect to transfer of an interest under this section may be appealed to the commission in accordance with BMC 5.20.100.
- D. If transfer of a permit is not approved in accordance with this section and the permittee no longer wishes to operate under the permit or the permittee is no longer in compliance with the provisions of Chapters 5.20 through 5.50 BMC, the permit shall become void and revert to the commission.
- E. New permits issued in accordance with BMC 5.30.050 shall not be transferable, and shall become void and revert to the commission if the permit is revoked or not renewed in accordance with the provisions of Chapters 5.20 through 5.50 BMC.

5.30.065 Posting of taxicab permit.

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The permit for each taxicab, river taxi, limousine or bus shall be posted in the interior of the taxicab, river taxi, limousine or bus in the manner designated by the transportation inspector. No person may operate a taxicab, river taxi, limousine or bus unless the permit is so posted.

5.30.070 Taxicabs – Number of vehicles operated per permit.

- A. Except as otherwise provided in this section, only one (1) vehicle, which shall be designated on the taxicab permit application, may be operated pursuant to that permit.
- B. Upon application to the transportation inspector, payment of the appropriate fee, and a demonstration of need, the transportation inspector may authorize operation of a substitute vehicle for a period of time not to exceed thirty (30) consecutive days. The transportation inspector shall be notified prior to substitution of the date, time, and substitution vehicle being placed in service, the permit number utilizing the substitute vehicle, the reason for the use of the substitute vehicle and the signature of the person authorizing the use of the substitute vehicle. If substitution is authorized, the transportation inspector shall subsequently be immediately notified of the date and time the substitute vehicle is removed from service and the original permitted vehicle is placed back in service. The transportation inspector shall require an inspection of the original vehicle before it is returned into service. No person may operate a substitute vehicle under this section unless the substitution has been authorized by the transportation inspector in accordance with this section, and a copy of the authorization is carried in the substitute vehicle at all times.
- C. If the use of the substitute vehicle was occasioned by a mechanical problem or vehicle accident affecting the safe operation of the original vehicle, the transportation inspector may allow a permanent vehicle transfer.
- D. The transportation inspector may permit a permanent vehicle transfer not more than four (4) times before the expiration of the original permit for reasons other than mechanical problems.

5.30.080 Taxicabs – Subscription to dispatch service.

Every taxicab permittee shall subscribe to a dispatch service permitted pursuant to Chapter 5.50 BMC for the taxicab operated under his or her permit. No taxicab may be

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dispatched by more than one (1) dispatch service. Failure to comply with this section shall be grounds for immediate revocation of a permit or license.

5.30.090 Taxicabs – Vehicle markings.

- A. Every taxicab shall display the trade name under which it operates and the vehicle number assigned to it by the transportation inspector in the area between the back bumper and the top of the trunk of the taxicab on the rear end of the taxicab with permanent contrasting letters and numbers no less than four (4) inches high.
- B. Every taxicab shall bear its vehicle number, as assigned to it by the transportation inspector, on all sides of the taxicab with permanent letters no less than four (4) inches high. Every taxicab shall display its vehicle number assigned by the transportation inspector on the front fender adjacent to the front door jam on both the driver and passenger side of the vehicle in numbers no less than four (4) inches high. The number shall be placed in the middle of the fender, but in no event less than two (2) inches above the bottom of the fender, or more than four (4) inches below the top of the fender.
- C. The transportation inspector will provide every taxicab permit holder with reflective decals bearing the assigned vehicle number required to meet the requirements of this section. Taxicab permit holders shall display trade names on vehicles with reflective decals that meet the requirements of this section.
- D. Except as otherwise provided by law, no taxicab may be used or sold for any purpose other than for use as a taxicab until all signs, insignia, license plates, lights or other markings have been removed or an "out of service" sign is posted on the taxicab in the form and manner designated by the transportation inspector.

5.30.100 Required equipment.

In addition to the mechanical equipment required in BMC 5.20.080(D), every taxicab shall have the following equipment:

- A. Every taxicab shall be equipped with an operable two-way radio that receives and transmits a signal only on the frequency used by that taxicab's dispatch service. At no time may a taxicab be equipped with an apparatus capable of monitoring a

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frequency used by a dispatch service other than that used by that taxicab's dispatch service. The radio of each taxicab shall be identifiable through the dispatch company through which the taxicab is dispatched.

- B. Every taxicab shall be equipped at all times with an interior light of not less than two (2) candlepower arranged so as to illuminate the entire passenger compartment. The light shall be illuminated whenever passengers are being loaded or unloaded from the taxicab between one-half (1/2) hour after sunset of one (1) day and one-half (1/2) hour before sunrise the next day. No shades or blinds shall be drawn over any windows of the taxicab while occupied by a passenger.
- C. Every taxicab shall be equipped with a nonflashing light on the exterior of the roof of a type approved by the transportation inspector. The light shall be illuminated only when the taxicab is in service.
- D. All taxicabs, limousines and buses must have factory seat belts for the maximum number of passengers that may be transported in a particular vehicle.
- E. River taxis shall have the following:
1. Four-wheel drive vehicle with at least twelve- (12-) inch clearance;
 2. VHF radio;
 3. Dual battery system;
 4. All equipment listed in subsections A through C of this section in addition to the following: a come-a-long or winch and shovel; ground and air flares; carbon monoxide detector; first aid kit; safe alternate form of heat, i.e., candles, canned heat, etc., one (1) wool blanket, one (1) survival or space blanket for each potential passenger, spare tire, and tools required to change a tire, i.e., jack lug wrench, etc.;
 5. A river taxi driver shall carry clothes appropriate for the weather conditions and the number of passengers for a particular trip, to include but not be limited to, winter hats, boots, gloves, pants and coats.

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F. Every regulated vehicle shall be equipped at all times with a video camera surveillance system and have global positioning system capability. The surveillance and GPS systems shall be capable of recording and storing the data of at least 72 hours of in-service operations. The recorded data shall be stored on board the taxicab or transmitted for storage. The stored data for the immediately preceding 72 hours of recording shall not be altered or manipulated by any person, and shall be made available for review and inspection by the transportation inspector for purposes of enforcement of chapters 5.20, 5.30 and 5.40 or by a peace officer as defined in AS 1.10.060 upon request. For good cause, the Transportation Inspector may order retention of recorded data of specific dates, trips, or incidents for up to two years.

1. The video camera surveillance system shall have the capability to operate 24 hours a day, record video only, and be compatible with surveillance during both daytime and nighttime. The surveillance system shall either have continuous operation or be activated by the opening of a door, or some other self-initiating device which does not require the specific decision or action by the chauffeur to activate the surveillance system. The system shall be capable of producing high-quality pictures for law enforcement use. The system shall have cameras facing the front and rear and positioned in a manner that provides views of the regulated vehicle interior that are visible to passerby and does not violate privacy rights. A limousine shall not have video surveillance of the passenger area designed and intended to provide privacy from the chauffeur and public view, but may have a view into that area when a privacy partition or device is open.

2. The global positioning system capability of any regulated vehicle shall either have continuous operation or be activated by a self-initiating device which does not require the specific decision or action by the chauffeur to activate the global positioning system. The global positioning system in taxicabs must be capable of alerting the monitoring station of emergencies. The dispatch company or a company within the municipality approved by the transportation inspector will be the monitoring station for a taxicab's global positioning system.

5.30.120 Insurance required.

A. Before any permit is issued for any taxicab, river taxi, limousine or bus, the applicant shall furnish to the transportation inspector the insurance policies

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required by this section, issued by an insurance company that is authorized to do business within the state.

- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of six (6) persons or less, or, if a mini-van, six (6) persons or less seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: three hundred thousand dollars (\$300,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity of seven (7) persons or more, or if a mini-van, seven (7) persons or more seating capacity after seat removal to accommodate baggage, shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one (1) accident: Seven hundred thousand dollars (\$700,000); and
 2. For all persons injured or dead in any one (1) accident caused by an uninsured motorist: One hundred thousand dollars (\$100,000).
- D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the transportation inspector written notice no less than thirty (30) days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance, unless the specified policy is for a vehicle which will no longer be used as a taxicab. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list the city as a certificate holder.

5.30.130 Posting of insurance notice.

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

5.30.140 Records.

A. Every taxicab, river taxi, and limousine permittee shall maintain a current and accurate daily list of the regulated vehicles 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 regulated vehicles;
2. The daily hours worked by each chauffeur operating such regulated vehicles;
3. The number of days each such regulated vehicle is operated during each calendar month;
4. The records maintained pursuant to subsection A of this section as well as many other records related to the operation of the permit shall be retained by the permittee for at least six (6) months and shall be made available upon the request of the transportation commission or the transportation inspector. The transportation inspector may request that the permittee forward the record to him or her on a monthly basis.

B. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the permittee for at least six (6) 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 or her on a monthly basis.

5.30.160 Single use of vehicle.

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

5.30.170 Vehicle horn honking.

It is unlawful to honk the horn of a taxicab from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 12:00 a.m. to 7:00 a.m., Friday and Saturday.

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5.30.180 Safety equipment tampering prohibited.

A. Except for maintenance or repair, no person shall disconnect, cover, misdirect or cause to be non-functional the radio identifier, silent electronic alarm, surveillance or security camera, or global positioning system in a regulated vehicle. Tampering with the safety equipment as described herein is a violation subject to civil penalty of:

1. First violation. \$250.00.
2. Second violation. \$500.00
3. Third violation. \$750.00.
4. Fourth violation. \$1,000.

SECTION 3. Effective Date. This section shall become effective upon passage by the City Council.

ENACTED THIS ___ DAY OF _____ 2015, BY A VOTE OF ___ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk