

CITY OF HOMER
ALASKA
ORDINANCE NO. 79- 1

AN ORDINANCE REPEALING CHAPTER 13 OF THE HOMER CITY CODE AND ENACTING A NEW CHAPTER 13 GOVERNING THE LICENSING AND OPERATION OF TAXICABS AND OTHER VEHICLES FOR HIRE.

THE CITY OF HOMER ORDAINS:

Section 1. REPEALER. Chapter 13 of the Homer City Code is hereby repealed.

Section 2. ENACTMENT OF NEW CHAPTER 13. There is hereby enacted Chapter 13 of the Homer City Code entitled "TAXICABS AND OTHER VEHICLES FOR HIRE", said chapter being hereinafter set forth:

CHAPTER 13

TAXICABS AND OTHER VEHICLES FOR HIRE

Article I. In General

Sec. 13-100.1 DEFINITIONS. Unless otherwise expressly stated, wherever used in this Chapter the following words and phrases shall have the meaning given to them by this section:

Chauffeur's License shall mean a written authorization granted to an individual driver permitting such person to drive a taxicab in the City of Homer.

City, unless otherwise specifically designated shall mean the City of Homer.

Operator shall mean and include any person owning or having control of the use of one or more taxicabs used for hire upon the streets or engaged in the business of operating a taxicab within the City.

Other for-hire vehicles shall mean and include any vehicle not fitting within the definition of "taxicab", yet used and operated as a carrier for passengers for pay or for a fare, or for hire; including but not limited to sightseeing vehicles and airport limousines.

Taxicab. Any motor vehicle having a manufacturer's rated seating capacity of nine (9) passengers or less engaged in the carrying of persons for hire, and not operated over a fixed route, whether the same be operated from a street stand or subject to calls from a garage or office, or otherwise operated for hire.

Taxicab Driver shall mean and include any person who drives a taxicab, whether such a person be the owner of such taxicab or be employed by a taxicab owner or operator.

Taxicab stand shall mean and include any place along the curb or streets, or elsewhere which is exclusively reserved by the City for the use of taxicabs.

Sec. 13-100.2 ANNUAL RENEWAL OF LICENSES AND PERMITS.

Annual renewal of any for-hire license, vehicle permit or chauffeur's license under this chapter in force and in good standing shall be granted automatically upon presentation of proper application and tender of the fees therefor, unless it can be shown that the holder thereof cannot meet the minimum requirements of this chapter for issuance of such license or permit.

Vehicle permit numbers shall remain unchanged from year to year so long as the holders thereof continue to maintain such permit in good standing.

Sec. 13-100.3 RATES. Rates charged from conveyance in taxicabs in the City shall be fixed by resolution of the City Council from time to time. No operator or taxicab driver shall charge any passenger a rate in excess of such fixed rates. Any proposed increase in rates shall be presented to the City Council for action thereon, at a regular council meeting.

Article II. For-Hire Licenses

Sec.13-200.1 REQUIRED.

No person shall operate or cause to be operated upon the streets of the city any taxicab, or other for-hire vehicle ostensibly engaged in the business of transporting passengers, unless he shall first obtain through application to the City Council and thereafter hold effective a for-hire license authorizing the operation of such vehicles upon the streets of the city. No for-hire license shall be issued for a period of greater than one year.

It shall be unlawful for any operator licensed by any authority other than the City of Homer to pick up passengers within the city limits.

Licenses issued under this Article shall be valid from July 1 of one year until June 30 of the following year and are subject to review by the council prior to renewal. All licenses issued after July 1 shall be valid from date of issue until June 30 following date of issuance. License fees shall be prorated by months from date license is granted until June 30 following such date.

Sec. 13-200.2. APPLICATION: FEE.

All applications for for-hire licenses shall be submitted to the chief of police. The chief of police is directed to

prepare an application form for the use of all applicants, and no application departing materially from the required form will be considered by the City Council. When the application is submitted to the chief of police, he shall examine it for accuracy and completeness, and submit his recommendation, based on the qualifications of the applicant. The City Manager shall review the report of the chief of police. Such application for license shall contain the following:

(a) Date of application.

(b) The complete legal name and address of the company to whom the license, if granted, is to be issued.

(c) The nature of the company under which the applicant intends to do business (sole proprietorship, partnership, association, or corporation).

(d) The name and address of the owner of the company if a sole proprietorship; or the names and addresses of the partners or members if the company is a partnership or association, or the names, addresses and positions of the corporate officers, and the names, addresses of stockholders holding 10% or more of shares issued, if the company is a corporation.

(e) The exact name under which the applicant will conduct business.

(f) The term for which the for-hire license is sought (normal term will run from July 1 to June 30 of the following year).

(g) The location of the terminal or dispatch office from which the vehicles are to operate upon granting of a for-hire license therefor. Any terminal or dispatch office must be located within the corporate boundaries of the City of Homer and be on call twenty-four (24) hours per day.

(h) The number of vehicles sought to be operated under and by virtue of the for-hire license, and the nature of each of these vehicles, be it taxicab, motor bus or other for-hire vehicles such as airline service and sightseeing automobiles and limousines.

(i) The make, model (year), engine or serial number, city vehicle permit number, state license number and registered owner of each vehicle to be operated under the for-hire license.

(j) The basis of control and regulation which the applicant intends to create or exercise over those persons who are to actually drive the vehicles to be operated under the for-hire license, be it employer, employee, principal, agent or other contractual or licensing agreement.

(k) The distinctive color scheme, if any, which the applicant intends to apply to the exterior of each vehicle to be operated under the for-hire license, including the color scheme or any lettering or numbers to appear on such exterior.

(l) A statement by the applicant that he will accept responsibility for payment to the city of all consumer sales taxes due the city for passenger transportation services rendered by vehicles operated under and by virtue of the business license.

(m) A statement by the applicant that he shall maintain a written record of all dispatches of vehicles operated under the for-hire license; including names of all chauffeurs of such vehicles and the dates and hours of their employment on each vehicle operated under such license. All such records shall be reported quarterly along with sales tax reports and the originals shall be preserved by the applicant for not less than two years and shall be made available to the chief of police upon request by the latter.

(n) Tender the licensing fee as set forth in Section 13-200.7, provided, that if the application is denied for any reason, 50% of said fee or fees shall be returned to the applicant.

(o) The application shall be subscribed by the applicant or, where proper, a partner or officer thereof; shall set forth the capacity in which the subscriber acts; the name of the company for whom he acts; and if a corporation, shall bear the corporate seal.

(p) There shall also be submitted with this application copies of proposed policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner or driver of all vehicles to be operated by virtue of the business license; such insurance to afford coverage in an amount of not less than fifty thousand dollars property damage, one hundred thousand dollars public liability limit to any one person, and three hundred thousand dollars public liability limit on any one accident. Each policy shall further contain a clause, addendum, or endorsement providing that the insurer or his local agent will give written notice of cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

Applicants for a for-hire license for motor bus operations regulated by the state or the Interstate Commerce Commission and not involving local transportation within the city may be relieved by the City Council from complying with such requirements of this section as cannot reasonably be complied with, upon such conditions as the City Council may find appropriate.

Sec. 13-200.3 PREREQUISITES TO ISSUANCE.

All applicants for a for-hire license, including all officers, agents, servants and employees of any corporation, association or company, shall possess the following:

- (a) The ability to read and write the English language.
- (b) Nonaddiction to the use of intoxicants or narcotics.
- (c) Good moral character and repute.
- (d) No conviction of a felony for five years previous to the date of application; no conviction at any time of a felony or misdemeanor involving moral turpitude or assault with a deadly weapon.

Sec. 13-200.4 RECOMMENDATIONS OF CITY MANAGER.

After completing his review of the application for a license under this article and any reports submitted to him, the City Manager shall make his recommendations thereon to the City Council.

Sec. 13-200.5 ACTION OF CITY COUNCIL.

The city council shall take final action on all original applications submitted for a taxicab or vehicles for-hire business license, and may approve, modify, limit or deny the application. The council may consider any factors it may deem appropriate or pertinent to the public convenience and welfare of the community in taking such action.

Sec. 13-200.6 NUMBER OF TAXICABS IN OPERATION.

The City Council after public hearing and after notice to all taxicab business licensees, shall have the power to determine from time to time the maximum number of taxicabs required. The City Council shall consider the public necessity and convenience and shall arrive at their decision by consideration of the following:

- (a) The demands for such service as shown by records of all taxicab licensees.
- (b) The effect of traffic congestion.
- (c) Whether the safe use of streets for vehicular and pedestrian traffic will be impaired.
- (d) Any other fact which the Council may deem relevant.

Sec. 13-200.7 ISSUANCE.

Upon approval of an application under this article by the City Council, the city clerk shall cause to be executed, under the seal of the city and the signature of the city clerk, a proper license certificate signifying the approval and issuance of a for-hire license to the applicant. Where the city council has imposed modifications, limitations or conditions in approving the application, such will be set forth on the licensing certificate. Immediately thereafter the license shall be presented to the chief of police to be held by him for a period not exceeding fifteen days, during which time the applicant shall be entitled to delivery of the same upon payment of a licensing fee of one hundred dollars minimum, or twenty-five dollars per vehicle in operation. If, after fifteen days have elapsed, the applicant has failed to accept the license therewith tendered, the same shall be returned to the city clerk for cancellation with the City Council to be advised of this happening.

Sec. 13-200.8 TRANSFERABILITY: MODIFICATIONS.

No financial or proprietary interest in a for-hire license shall be transferred or assigned by the holder thereof nor shall the number of vehicles authorized thereunder be changed, without approval of the City Council. The term

"Holder" as used herein shall include any individual, corporation, joint venture, association, partnership or other group or entity which owns an interest in a license. All approved transfers or assignments shall require payment of a further licensing fee equal to the fee set forth in the immediately preceding section; except that the City Council may waive such fee where the real party in interest remains substantially unchanged.

Sale or other conveyance of 50% or more of the shares of a corporation which is a holder of a for-hire license or sale or other conveyance of a 50% or greater interest in such a corporation where no stock has been issued shall be deemed a "transfer" requiring approval of the City Council, under this section.

Sec. 13-200.9 SUSPENSION OR REVOCATION.

A for-hire license may be temporarily suspended, or permanently revoked, for any of the following occurrences as provided in this section:

(a) Breach of any condition, limitation or modification imposed by the City Council in approving the application for such license.

(b) Delinquency on the part of the holder of a for-hire license, in payment to the city of consumer sales taxes due on fares collected for the transportation of passengers in vehicles operated under the license.

(c) Violation by the holder of a for-hire license of any standard zone fare charge set and regulated by this chapter.

(d) Violation of any of the provisions of this chapter pertaining to vehicle permits or chauffeur's license, by allowing a vehicle to operate without a vehicle permit or to be operated by any other than a duly and properly licensed

chauffeur.

(f) Any false statement in the application.

(g) If the applicant, or in case of a corporation or association any officer or manager thereof, lacks good character or has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the use of or traffic in narcotics or similar drugs.

Before suspending or revoking any business license, the chief of police shall, after not less than three days' written notice stating the cause of complaint, conduct a hearing into the matters complained of at a date, time and place of hearing set forth in such notice and recommend remedial action to the city manager in writing, giving or delivering a copy of such recommendation of action. The licensee shall have five days to appeal to the city manager, and if no such appeal is made, in writing, the recommendation of the chief of police shall be put into effect. In the event of an adverse decision by the city manager, further appeal may be taken to the city council by letter submitted thereto within seven days following action by the city manager. The city council may thereafter require the personal appearance of the appellant for the purposes of hearing and examining into the cause, and taking appropriate action thereon.

Article III. Vehicle Permits

Sec. 13-300.1 REQUIRED.

No vehicle to be operated under or by virtue of a for-hire license under this chapter shall actually be placed in operation upon the streets of the city until a vehicle permit thereon shall be obtained from the chief of police and thereafter held effective.

Sec. 13-300.2 APPLICATION.

All applications for vehicle permits shall be made to the chief of police upon forms provided for that purpose, and shall set forth the following information:

(a) The name of the holder of the for-hire license under which the vehicle is to be utilized.

(b) The name and address of the record title owner of the vehicle.

(c) The make, model (year), engine or serial number, state license number, vehicle permit number (to be supplied by the police department), distinctive exterior color scheme, if any, proposed to be used by the holder of the for-hire license and the name of the insurer and amount of liability or indemnity insurance coverage on the operation of such vehicle as well as the insurance policy number.

(d) The application shall be signed by the holder of the for-hire license under which the vehicle is to operate and also by the record title owner of the vehicle.

Sec. 13-300.3 ACTION BY CHIEF OF POLICE: TERMS AND CONDITIONS: REQUIREMENTS FOR VEHICLES.

The chief of police or his designee shall review each application under this article for accuracy and completeness; shall conduct a physical examination of the vehicle to determine whether the same is mechanically and physically safe for operation, properly equipped and appropriately lettered and numbered, and suitable for public patronage and occupancy. Dispatcher identification, and permit numbers assigned to the vehicle, shall be affixed to each side of such vehicle or an illuminated top light structure affixed thereto in readable letters which are not less than two nor more than twelve inches high (no detachable signs shall be used). The vehicle shall further bear a vehicle identification

number corresponding to the vehicle permit number. A light not less than two candle power shall be so arranged as to illuminate the entire passenger compartment of the vehicle while passengers are entering or exiting therefrom. No shades or blinds shall be installed for purpose of covering the windows of the vehicle while transporting passengers.

Sec. 13-300.4 ISSUANCE: FEE: EXPIRATION: DISPLAY.

When satisfied the vehicle meets the requirements of this article, the chief of police or his designee shall issue a vehicle permit therefor, upon payment of a permit fee of ten dollars. Such permit shall be valid for a period not exceeding one year, and shall be displayed at a position designated by the chief of police at all times that such permit is in effect and not suspended. No vehicle permit shall be issued a vehicle if the issuance thereof would cause to be exceeded the number of vehicles authorized to be operated in the city, as determined by the City Council.

Sec. 13-300.5 INSPECTION OF VEHICLES.

The chief of police and his designees, may, at reasonable times, conduct an inspection of any vehicle for which a vehicle permit has been issued for the purposes of ascertaining whether it is conforming to those standards and criteria on the basis of which the permit was originally granted. The chief of police, or his designee, shall inspect all vehicles on which vehicle permits are in effect once during each calendar year and submit his findings and recommendations thereon to the City Council.

Sec. 13-300.6 TRANSFERABILITY.

A vehicle permit shall be transferred from one vehicle to another only when approved by the City Council after

application for, and issuance of, a new vehicle permit certificate, cancellation of the old permit and payment of a ten dollar transfer fee.

Sec. 13-300.7 ISSUANCE OF DUPLICATES.

The chief of police or his designee is authorized to replace lost vehicle permits upon request. A fee of five dollars shall be charged for this service.

Sec. 13-300.8 SUSPENSION.

Subsequent to the issuance of a vehicle permit, the chief of police or his designee may cause and effectuate a temporary suspension of the same by notice, in writing, for any of the following reasons:

- (a) Materially false statement on the application for such permit.
- (b) Lapse of public liability and property damage insurance.
- (c) Damaged, defective or missing parts on the vehicle, which render the operation thereof dangerous or unsafe.
- (d) Use of improper or misleading lettering or numbering.
- (e) Failure to display the vehicle permit or driver's identification at the designated position within the vehicle.
- (f) Suspension of the for-hire license under which the vehicle operates.
- (g) Request by the holder of such for-hire license or registered owner that the vehicle be withdrawn from service pending licensing changes.

A suspended vehicle permit shall be restored immediately upon removal or correction of the cause which brought about the suspension and no fee shall be imposed for such restoration.

Sec. 13-300.9 REVOCATION.

Subsequent to the granting of a vehicle permit the chief of police, or his designee, may cause and effectuate a permanent revocation of the same for any of the following reasons:

(a) Materially false statement on the application for such permit where the true answer would render the vehicle or owner thereof ineligible for such permit.

(b) Failure of the permit holders to make the vehicle available for actual service through a dispatcher for at least twenty-four (24) days and twenty-four (24) hours per day in each calendar month unless such failure is caused by bona fide inability beyond the power of the holder to remedy.

(c) Failure of the permit holder to remove or correct the cause of suspension under provisions of Section 13-300.8 within four months of the date of such suspension.

(d) Revocation of the for-hire license under which the vehicle operates.

(e) Failure to display the vehicle permit or driver's identification at the designated position within the vehicle.

A revoked vehicle permit shall not be restored or renewed; and where a vehicle permit is again sought for such a vehicle, application therefor shall again be made, pursuant to this article and a licensing fee of five dollars shall be imposed if a vehicle permit is thereon made and issued.

Sec. 13-300.10 APPEALS.

Any action by the chief of police or his designee which results in the denial of a vehicle permit, or for the suspension or revocation thereof, may be appealed by the aggrieved party to the city manager within five days after

such action; and in the event of an adverse decision by the city manager further appeal may be taken to the City Council by letter submitted thereto within seven days following action by the city manager. The City Council may thereafter require the personal appearance of the appellant for the purposes of hearing, and examining into, the cause and taking appropriate action thereon.

Article IV. Chauffeurs' Licenses

Sec. 13-400.1 REQUIRED.

No person shall operate or drive any taxicab, motor bus or other for-hire vehicle upon the streets of the city until he or she has been issued and thereafter holds in effect a chauffeur's license granted by the city.

Sec. 13-400.2 APPLICATION: PREREQUISITES TO ISSUANCE.

All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the chief of police. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:

(a) The applicant shall be nineteen (19) years of age or older, and furnish proof, if requested.

(b) The applicant shall be possessed of a current state driver's license and demonstrate familiarity with the traffic laws of the city and the state.

(c) The applicant shall produce affidavits of his good moral character from three reputable citizens which have known him personally for a period of at least six months prior to the date of application.

(d) The applicant shall not have been:

(1) Convicted of a sexual offense.

(2) Convicted of a felony, involving a crime of violence.

(3) Convicted of more than one felony and imprisoned under such convictions under sentences which were not concurrent.

(4) Convicted of a felony wherein any portion of the sentence imposed thereon existed within five years immediately preceding the application.

(e) The applicant shall not be addicted to the use of intoxicants or narcotics.

(f) The applicant shall present a physician's certificate establishing his health to be such that he is medically fit to operate a motor vehicle.

(g) The applicant shall present with his application photographs of himself in such size and quantity and profile as may be requested by the chief of police and shall consent to fingerprinting by the police department.

(h) The applicant shall have resided within the area of the city for a minimum of thirty (30) days.

(i) The applicant shall pay an application fee of five dollars which shall not be refundable, and shall submit an additional fee of ten dollars for the chauffeur's license.

Possession of a valid state school bus operator's permit shall be deemed satisfactory compliance with subsections (b) and (f) of this section.

Sec. 13-400.3 ISSUANCE; FEES; EXCEPTIONS.

Upon an applicant's compliance with the requirements of this article, the chief of police or his designee shall issue a chauffeur's license to such applicant, as well as an identification photograph or placard of the applicant, the latter to be displayed at a position set by the chief of

police in each taxicab, motor bus or other for-hire vehicle operated within the city by the applicant. A chauffeur's license valid for thirty days only may be issued to the applicant, pending final action on the application. If the application for a chauffeur's license is denied, the fees submitted by the applicant for an initial license or renewal shall be refunded, but the application fee shall not be refunded. All chauffeur's licenses shall expire on the thirtieth day of June following the date issued and shall be renewed annually thereafter. The fee for issuance of an initial chauffeur's license shall be submitted with the application therefor. An applicant submitting an application after the thirty-first day of December of a year shall be required to pay one-half of the annual license fee. The fee for renewal of a chauffeur's license presently in effect shall be tendered in the same manner as for an initial license. All applications for renewal of a chauffeur's license shall be submitted not later than thirty days prior to the expiration of the current license.

Sec. 13-400.4 PROBATIONARY LICENSES.

An applicant who is otherwise qualified and who fails to meet the qualifications prescribed in subsections (3), (c) and (h) of section 13-400.2 may, at the discretion of the chief of police be issued a probationary license valid for not more than one year and revocable at the will of the chief of police. At the end of the probation period the chief may grant such applicant who is otherwise qualified a regular annual license.

Sec. 13-400.5 SUSPENSION AND REVOCATION.

The chief of police or his designee may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes:

(a) False or erroneous material statements contained in the licensee's application and which were conducive to the issuance of the license.

(b) Failure of the licensee to properly display, in any taxicab, motor bus or other for-hire vehicle operated by him within the city, the identification photograph or placard of the licensee provided for such purpose.

(c) Operation within the city of a taxicab, motor bus or other for-hire vehicle for which a vehicle permit as provided in this chapter has not been issued, or has been suspended or revoked.

(d) Subsequent conviction of a traffic offense which has resulted in the suspension or revocation of the licensee's state driver's license.

(e) Conviction of a felony, or conviction of a misdemeanor involving moral turpitude.

(f) Charging of the fare which is in violation of the provisions of this chapter, pertaining to taxicab fares and fare zones within the city as set out in this chapter.

(g) Soliciting passengers for hire; or cruising the streets of the city for the purpose of obtaining or inviting business; or attracting the attention of members of the public by word of mouth, signal, nod or other demonstration while in motion or parked.

(h) Parking a taxicab, motor bus or other for-hire vehicle not clearly marked "Not in service" upon the streets of the city, except for purposes of immediately loading or

unloading passengers at any place other than an authorized bus or taxi stand.

(i) Refusing to convey an orderly person upon request and tender of the proper fee, unless previously engaged or unable or prohibited from doing so by the provisions of this chapter or the laws of the state.

(j) Operating or remaining in physical control for purposes of operating a taxicab, motor bus, or other for-hire vehicle for a period of in excess of twelve consecutive hours; or so operating or physically controlling such vehicle for more than sixteen nonconsecutive hours in any twenty-four hour period.

(k) Transporting or offering to transport in a taxicab additional passengers for a separate fare, while the vehicle is occupied by a passenger or passengers, and without permission of the latter.

Sec. 13-400.6 APPEALS

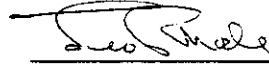
Any action by the chief of police which results in the denial, suspension or revocation of a chauffeur's license may be appealed to the city manager within five days from the date of such action and in the event of adverse action by the city manager. The City Council may require the personal appearance of the appellant for the purposes of hearing and examining into the justification of the appeal.

FIRST READING 1/8/79

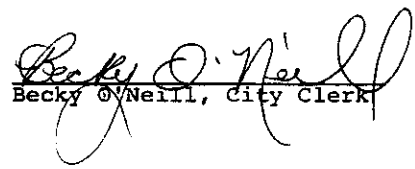
PUBLIC HEARING 1/22/79

SECOND READING 1/22/79

EFFECTIVE DATE 1/23/79


Leo Rhode, Mayor

ATTEST:


Becky O'Neill, City Clerk