

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 85-7

AN ORDINANCE REPEALING CHAPTER 8.12, HOMER CITY CODE, GOVERNING VEHICLES FOR HIRE AND RE-ENACTING CHAPTER 8.12, GOVERNING PUBLIC TRANSPORTATION AND NAMING AN EFFECTIVE DATE

WHEREAS, the Homer City Council has carefully reviewed Homer City Code, Chapter 8.12, governing public transportation;

WHEREAS, Ordinance 85-5 was considered, defeated and a rewrite directed;

WHEREAS, it is the Council's desire to discontinue regulation of operating authority, making provisions only for safe vehicles;

NOW THEREFORE, the City of Homer ordains;

Section 1, Chapter 8.12, Vehicles for Hire is hereby repealed and re-enacted with the following chapter:

Chapter 8.12
Public Transportation

8.12.110	Definitions
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8.12.800	Effective Date

8.12.110 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.

- a. Vehicle Permit is the documented authority to operate a specific vehicle for public transportation within the City of Homer upon completion of vehicle inspection by the Department of Public Safety.
- b. Chauffeur's License means a written authorization granted to an individual driver permitting such person to drive or operate a public transportation vehicle within the City of Homer.
- c. City, unless otherwise specifically designated, means the City of Homer.
- d. Operator means and includes any person owning or having control of the use and/or driving one or more Public Transportation vehicles upon the City streets or engaged in such business.
- e. Public Transportation classification "taxi-cab" means any motor vehicle having a manufacturer rated seating capacity of nine passengers or less engaged in the carrying of persons in exchange for receiving fares, not operated over a fixed route, whether the same be operated from a street stand or subject to calls from a central location or otherwise operated for hire to perform public transportation.
- f. Public Transportation classification "limousine" means any motorized multi-passenger vehicle engaged in the carrying of persons in exchange for receiving fixed route fares/fees.
- g. Public Transportation classification "sightseeing" means any multi-passenger vehicle engaged in the carrying of persons in exchange for fixed route fares/fees, operating over a route designated for visiting specific places and things of interest, for pleasure and education.
- h. Public Transportation classification "other" means and includes any vehicle transporting individuals or groups and charging a fee or fare not fitting within the definition of taxi-cab, limousine, sightseeing classification for Public Transportation.

8.12.115 Public Transportation Vehicles Governed by City Authority

Pursuant to authority granted by Alaska Statutes governing public transportation; municipalities, the City of Homer governs the operation of public transportation vehicles classified as follows:

- A) Taxi-cabs
- B) Limousines
- C) Sightseeing
- D) Other (as defined)

Modes of public transportation other than motorized will be given the same consideration as motorized vehicles; however the operator/driver of said transportation mode will maintain clean and sanitary environmental conditions at all times.

8.12.120 Vehicle Permit - Required

Public Transportation Vehicles operating within the City of Homer shall first have been inspected and assigned a vehicle inspection permit from the Department of Public Safety. Vehicles shall be inspected annually as provided by this chapter.

8.12.130 Vehicle Permit - Application

Application for vehicle permits shall be made to the Department of Public Safety.

8.12.140 Vehicle Permit - Vehicle Inspection

Prior to issuance, each vehicle shall be physically examined to determine whether the same is mechanically safe for public transportation operation, properly equipped and appropriately lettered and marked and suitable for public patronage and occupancy. Infant carrying devices shall be available for use as required by Alaska state motor vehicle laws.

8.12.150 Vehicle Permit - Term, Issuance and Fee

When satisfied the vehicle meets the requirement of safe operation for public transportation, the Director of Public Safety or his designee shall issue a vehicle inspection permit. The permit shall be valid for a one year period or portion thereof, expiring on June 30th. The fee shall be \$25 per vehicle unless the permit is applied for after January 1st, then the fee shall be \$12.50 per vehicle. The permit, which will be a sticker or decal, shall be displayed at all times from the front windshield of the vehicle. Vehicle permits are non-transferable from vehicle to vehicle. Replacement of lost vehicle permits may be obtained from the Department of Public Safety for a fee of \$5.

8.12.160 Vehicle Safety Inspection - Intermittent

The Director of Public Safety or his designee, may from time to time, conduct an inspection of any vehicle for which a vehicle permit has been issued for the purpose of ascertaining whether the vehicle conforms to those standards and criteria on which the permit was originally granted.

8.12.170 Vehicle Permit - Suspension/Revocation

- a. Subsequent to the issuance of a vehicle permit, the Director of Public Safety may cause and effectuate a temporary suspension of the same by written notice for failure to comply with any provision or prerequisites to issuance.
- b. 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.
- c. Revocation of vehicle permits may occur if the provisions of suspension are not satisfied within the time specified by the Director of Public Safety in the notification of suspension. Revocation caused by mechanical/safety equipment faults shall require a new mechanical inspection and issuance of another vehicle permit. All notifications of suspension shall be posted prominently in the place of business for which the vehicle permit has been issued.

8.12.200 Chauffeur's License - Required

Anyone operating a Public Transportation vehicle upon the streets of the City of Homer shall first apply for, be issued and thereafter hold in effect a City of Homer chauffeur's license granted by the Department of Public Safety.

- a. To apply for chauffeur's license, the applicant shall possess the following qualifications:
 1. The applicant shall be nineteen years of age or older;
 2. The applicant shall possess a current state driver's license;
 3. The applicant shall not have been:
 - a. convicted of sexual offense;
 - b. convicted of a felony or misdemeanor involving a crime of violence;
 - c. convicted of a felony and imprisoned under such convictions under sentences which were not concurrent;

- d. convicted of felony wherein any portion of the sentence imposed thereon existed within five years immediately preceding the application;
 - e. currently charged or awaiting trial or other disposition under any of the foregoing offenses listed in this subsection.
- b. The applicant shall provide documentation that he has, within the last thirty days, undergone physical examination conducted by a physician. Such physical examination shall meet the requirements set by the Kenai Peninsula Borough for school bus operators.
 - c. The applicant shall consent to fingerprinting by the Department of Public Safety.
 - d. The applicant shall pay a non-refundable application fee of \$10.

8.12.220 Chauffeur's License - Issuance, Term, Fee

Upon satisfactory compliance with the requirements of this chapter, the Director of Public Safety or his designee shall issue a chauffeur's license to the applicant. Chauffeur's licenses shall display a current photograph of the applicant and be prominently displayed with the Public Transportation vehicle. Upon receipt of said chauffeur's license, the fee of \$5 shall be tendered. All chauffeur's licenses shall expire on June 30th following the date issued and shall be renewed annually thereafter.

8.12.230 Chauffeur's License - Suspension/Revocation

The Director of Public Safety or his designee may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes subject to administrative hearing and appeals provisions of this chapter:

1. False or erroneous material statements contained in the licensee's application and which were conducive to the issuance of the license;
2. Failure of the licensee to properly display, in any Public Transportation vehicle permitted under this chapter, the chauffeur's license containing identifying photograph;
3. Operation within the City of Public Transportation vehicles for which a vehicle permit, as provided for in this chapter, has not been issued or has been suspended or revoked.

8.12.240 Purging of Criminal Record

A person who applies for any license under this chapter two years or more after conviction of a misdemeanor and ten years or more

after conviction of a felony shall be considered purged of his criminal record and the prior conviction alone shall not bar the issuance of a license to the applicant.

8.12.300 State School Bus Operations - Exemptions

Any person, firm or corporation owning or leasing and operating school bus equipment under valid existing school bus contract with the State shall be exempt from the provisions of this chapter for the duration of such contract. This exemption shall include transportation to and from sports events and other extra-curricular, school-related activities. Any person, firm or corporation operating under the provisions of this chapter shall not provide a Public Transportation service unless authorized and permitted by the Homer City Council.

8.12.400 Rates/Fares - Public Notice and Display

All vehicles operating under this chapter shall give public notice of all rates/fares and charges by prominently displaying the schedule of same on the vehicle dashboard.

8.12.450 Insurance

A copy of current liability and indemnity insurance policies 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 Public Transportation vehicle permit shall be on file in the office of the City Clerk prior to issuance of such vehicle permits. Minimum insurance requirements are:

- \$ 50,000 - property damage
- \$250,000 - public liability per person
- \$500,000 - public liability per accident

Each policy shall contain an 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.

8.12.500 Public Transportation - Complaints

All complaints regarding operations by Public Transportation vehicles, when not settled satisfactorily by the licensee, shall be directed to the Director of Public Safety or his designee. The Director may notify the licensee upon receipt of any such complaint.

8.12.600 Public Transportation - Revocation or Suspension,
Administrative Hearing

Before suspending or revoking any Public Transportation permit or license, the Director of Public Safety and the City Manager, shall conduct an administrative hearing into the cause for suspension and/or revocation. Notice shall be given by certified, receipted mailing to the registered agent holders and any party to a complaint of the intent to revoke or suspend the Public Transportation, naming specific cause for such action.

- a. The notice shall precede the hearing by no less than fifteen days and shall include, but is not limited to the following:
 1. The nature of violation or complaint causing revocation or suspension action.
 2. The date, time and place of the hearing.
 3. The procedure by which the licensee may appeal the decision of the administration hearing.

8.12.700 Public Transportation - Appeals

The purpose of this chapter governs all appellate actions and determinations under the Homer City Code pertaining to Public Transportation. The Homer City Council shall sit as a Board of Appeals provided first there has been an administrative hearing resulting in conclusions and findings.

An appeal to suspension or revocation of a vehicle permit or chauffeur's license must be filed within fifteen days of the action or determination of the administrative hearing. Appeals to the court from the action of the Board of Appeals shall be filed no later than fifteen days following the decision of the Appeals Board. Any decision not appealed within the provided period shall become final.

All applications for appeal shall be filed in writing with the City Clerk. The petitions will contain, but not be limited to the following:

- a. Name and address of the petitioner;
- b. A description of the action or determination from which the appeal is sought;
- c. The grounds for appeal which must include a description of detailed and specific allegations of error.

8.12.710 Appeals Procedure

- a. All appeals must be decided by the Board of Appeals within sixty days from the day the appeal was filed.
- b. The appellant, complaintant and all parties who have participated or been a party to the administrative hearing and decision shall be provided with fifteen days notice of the appeal hearing by certified, receipted mailing.
- c. An electronic recording shall be kept of the entire proceeding and shall be reduced to written minutes. The electronic recording shall be preserved for one year unless required for further appeals.
- d. The appeal record and Board procedure shall be as follows:
 1. Complaints, notices and correspondence regarding the administrative hearing;
 2. Minutes of the administrative hearing;
 3. Written findings and conclusions setting out the decision of the administrative hearing;
 4. The City Attorney must be present at convened Board of Appeal proceedings convened under this chapter;
 5. The Board of Appeal shall adopt as part of its decision an official statement of findings stating the reasons(s) supporting its decision;
 6. Copies of the Board of Appeals decision shall be promptly mailed to all parties participating in the appeal.

8.12.720 Board of Appeals - Notification

Notification of Board of Appeals - Public Transportation shall be published in a newspaper of general circulation within the City not less than two consecutive weeks prior to the hearing. The appellant, complaintant and all other parties to the appeal shall be notified by sending a certified, receipted copy of the notice of appeal hearing not less than two weeks before the appeals hearing. The Notice of Appeals Hearing shall include:

- a. Date, time and place of the hearing;
- b. The name and address of the party making the appeal;
- c. A summary statement of the grounds for appeal.

8.12.800 Effective Date

All provisions of this chapter will become effective thirty days from adoption. Existing permits and certificates will remain in full force and effect until expiration date or June 30, 1985 whichever comes first.

CITY OF HOMER

Wayne L. Kessler
Wayne L. Kessler, Mayor

ATTEST:

Kathleen Herold
Kathleen Herold, City Clerk

Reviewed and approved as to form and content:

Phil C. Shealy
Phil C. Shealy, City Manager

Date: 4/16/85

A. Robert Hahn, City Attorney

Date: _____

First Reading: 4/22/85

Public Hearing: 5/13/85

Second Reading: 5/28/85

Date of Adoption:

Effective Date: See Section 8.12.800