

Tabled
9/27/10

**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 10-47

1
2 AN ORDINANCE AMENDING HOMER CITY CODE 8.12.110
3 "DEFINITIONS" TO SUBJECT PUBLIC TRANSPORTATION
4 VEHICLES OFFERING FREE TRANSPORTATION SERVICES
5 IN SUPPORT OF AN OPERATOR'S PRIMARY BUSINESS TO
6 THE LICENSING AND PERMITTING REQUIREMENTS IN
7 THE HOMER CITY CODE.
8

9 WHEREAS, It is in the City of Homer's best interest to protect the safety and welfare of
10 its residents and visitors; and

11 WHEREAS, Chapter 8.12 of the Homer City Code imposes licensing and permitting
12 requirements to protect the safety and welfare of passengers traveling in public transportation
13 vehicles that charge a fee; and

14
15 WHEREAS, Public transportation vehicles that do not charge fees are equally in need of
16 regulation to protect the safety and welfare of passengers traveling in such vehicles.
17

18 THE CITY OF HOMER HEREBY ORDAINS:
19

20 Section 1. Homer City Code Section 8.12.110 is hereby amended to read as follows:
21

22 8.12.110 Definitions. Unless otherwise expressly stated, wherever used in this
23 chapter, the following words and phrases shall have the meanings given to them
24 by this section.

25 a. "Chauffeur's license" means a written authorization granted to an individual
26 driver permitting such person to drive or operate a public transportation vehicle
27 within the City.

28 b. "City" unless otherwise specifically designated, means the City of Homer.

29 c. "On-duty" means the period of time in which a person is: 1. required by the
30 person's employer to be ready, or standing ready if self-employed, to immediately
31 operate a public transportation vehicle, including time spent waiting to be
32 assigned to operate a public transportation vehicle; 2. inspecting, servicing, or
33 conditioning a public transportation vehicle; 3. in or upon a public transportation
34 vehicle; 4. loading or unloading, or supervising the loading or unloading of, a
35 public transportation vehicle, or charging or collecting fares, or giving or
36 receiving receipts for use of a public transportation vehicle; 5. taking action, as
37 required by state or federal law, following an accident involving a public
38 transportation vehicle; or 6. repairing or obtaining assistance for a disabled public
39 transportation vehicle.

40 d. "Operating a public transportation vehicle" means: 1. to drive a public
41 transportation vehicle; or 2. whether or not the vehicle is in motion, or is capable

[Added language underlined. Deleted language stricken through.]

42 of being moved, to be in actual physical control, or to attempt to affect the
43 movement, of a public transportation vehicle.

44 e. "Operator" means and includes any person owning or having control of the
45 use and/or driving one or more public transportation vehicles upon the City streets
46 or engaged in such business.

47 f. "Public transportation" classification "other" means and includes any vehicle
48 transporting individuals or groups and charging a fee, or offering services free of
49 charge as a complement to or in support of the operator's primary business, ~~or~~
50 fare not fitting within the definition of taxi-cab, limousine, or sightseeing
51 classification for public transportation.

52 g. Public transportation classification "limousine" means any motorized multi-
53 passenger vehicle engaged in the carrying of person in exchange for receiving
54 fixed-route fares/fees.

55 h. Public transportation classification "sightseeing" means any multi-passenger
56 vehicle engaged in the carrying of persons in exchange for fixed-route fares/fees,
57 operating over a route designated for visiting specific places and things of
58 interest, for pleasure and education.

59 i. Public transportation classification "taxi-cab" means any motor vehicle having
60 a manufactured-rated seating capacity of nine passengers or less engaged in the
61 carrying of persons in exchange for receiving fares, not operated over a fixed
62 route, whether the same be operated from a street stand or subject to calls from a
63 central location or otherwise operated for hire to perform public transportation.

64 j. "Vehicle permit" is the documented authority to operate a specific vehicle for
65 public transportation within the City upon completion of vehicle inspection by the
66 Homer Police Department.

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68 Section 2. This ordinance shall take effect ninety days after its adoption by the Homer
69 City Council.

70
71 Section 3. This ordinance is of a permanent and general character and shall be included
72 in the city code.

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74
75 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this
76 _____ day of _____, 2010.

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78
79 CITY OF HOMER

80
81
82 _____
83 JAMES C. HORNADAY, MAYOR

84 ATTEST:

85
86 _____
87 JO JOHNSON, CMC, CITY CLERK

88 AYES:
89 NOES:
90 ABSTAIN:
91 ABSENT:
92
93 First Reading:
94 Public Reading:
95 Second Reading:
96 Effective Date:

97
98
99 Reviewed and approved as to form:

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101
102 _____
103 Walt Wrede, City Manager

104
105 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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