

ORDINANCE NO. 346

CITY OF CRAIG

ENACTING A NEW CHAPTER OF THE CRAIG MUNICIPAL CODE,
SAID NEW CHAPTER TO BE NUMBERED 5.20
AND ENTITLED "VEHICLES FOR HIRE"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRAIG:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Enact. A new Chapter, Chapter 5.20 of the Craig Municipal Code, entitled "Vehicles for Hire", is hereby enacted. Said new chapter shall read as follows:

"5.20.010 Definitions. The following words and phrases when used in this chapter have the meanings as set out herein:

(1) "Certificate" means a certificate of public convenience and necessity issued by the city council authorizing the holder thereof to conduct a vehicle for hire business in the city;

(2) "Cruising" means the driving of a vehicle for hire on the streets, alleys, or public places of the city in search of or soliciting prospective passengers for hire;

(3) "Driver's license" means valid Alaska Driver's license insurable by companies policy;

(4) "Holder" means a person to whom a certificate of public convenience and necessity has been issued;

(5) "Manifest" means a daily record prepared by a vehicle for hire certificate holder of all trips made by the holder showing time and place of origin, destination, number of passengers, and the amount of fare of each trip;

(6) "Open stand" means a public place alongside the curb of a street or elsewhere in the city, which has been designated by the city administrator as reserved exclusively for the use of vehicles for hire;

(7) "Person" includes an individual, a corporation, or other legal entity, a partnership, and any unincorporated association;

(8) "Vehicle for hire" means a motor vehicle regularly engaged in the business of carrying passengers for hire and not operated over a fixed route;

(9) "Place of Origin" means specific address including city or municipality where the fare originates;

(10) "Round trip" means if a person begins a trip in one city and goes into another city and the trip is not interrupted by more than a 30 minute period then it shall be considered a round trip and the city of origin will have the right to all taxes due. If however, the trip is broken by more than 30 minutes each city would be entitled to its fair share of the tax due as required and each city would be considered the place of origin.

5.20.020 Certificate of public convenience and necessity required. No person shall operate or permit a vehicle for hire owned or controlled by said person to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city council.

5.20.030 Application for certificate. An application for a certificate shall be filed with the city clerk upon forms provided by the city; and the application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant;
- (2) The financial status of the applicant, including amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments;
- (3) The experience of the applicant in the transportation of passengers;
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- (5) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- (6) The hours during which the applicant shall keep the place of business open for the purpose of receiving calls and dispatching vehicles for hire;
- (7) The distinctive color scheme, including the color scheme of any lettering or numbers the applicant intends to apply to the exterior of each vehicle;
- (8) The location and address of the off-street parking lots within the corporate limits of the city set aside and available for applicant's vehicles when such vehicles are not in service;
- (9) Such further information as the city administrator of the city may require.

5.20.040 Issuance of certificate. (a) If the council finds that further vehicle for hire service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the city administrator and the council, then the city administrator shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance; otherwise, the application shall be denied.

(b) In making the above findings, the council shall take into consideration the number of vehicles for hire already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

5.20.050 Indemnity bond or liability insurance required. (a) No certificate of public convenience and necessity shall be issued or continued in operation unless

there is in full force and effect an indemnity bond for each vehicle authorized in the amount of twenty-five thousand dollars for bodily injury to any one person; and subject to said limit for one person in the amount of one hundred twenty-five thousand dollars for injuries to more than one person which are sustained in the same accident, and twenty-five thousand dollars for property damage resulting from any one accident. The bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, holder's servants, or agents. The bond or bonds shall be filed in the office of the city clerk, and shall have as surety thereon a surety company authorized to do business in the state.

(b) The city administrator may, in the city administrator's discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the state. The policy shall conform to the provisions of this section relating to the bonds. The policy shall contain a provision for notification of cancellation thirty days prior to such cancellation. Notice of cancellation shall be immediately filed with the city clerk.

5.20.060 License fees. No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee of ten dollars for the right to engage in the vehicle for hire business and twenty dollars each year for each vehicle operated under a certificate of public convenience and necessity. Said license fees shall be for the calendar year, and shall be in addition to any other license fees or charge established by proper authority and applicable to the holder or the vehicle under the holder's operation and control.

5.20.070 Suspension and revocation of certificates. (a) A certificate issued under the provisions of this chapter may be revoked or suspended by the city administrator if the holder thereof has:

- (1) Violated any of the provisions of this chapter;
- (2) Discontinued operations for more than fifteen days;
- (3) Violated any ordinances of the city or the laws of the United States or the state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation; or
- (4) Failure to pay city sales tax quarterly as required.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken, and shall have an opportunity to be heard, with right of appeal to the council.

5.20.080 Vehicle for hire driver's license. No person shall operate a vehicle for hire upon the streets of the city, and no person who owns or controls a vehicle for hire shall permit it to be so driven, and no vehicle for hire licensed by the city shall be so driven at any time for hire, unless the driver of the vehicle for hire shall have first obtained an Alaska Driver's License and has been accepted as a driver by the taxi owner's insurance company.

5.20.090 Display of license. Every driver licensed under this chapter shall post his or her driver's license in such a place as to be in full view of all passengers while such driver is operating a vehicle for hire, or shall carry the same on his or her person and shall show the same to all persons upon demand.

5.20.100 Equipment and maintenance. (a) The owner of a vehicle for hire shall be fully and solely responsible for ensuring that said vehicle shall be routinely and regularly repaired, maintained and inspected as may be required by federal or state law or regulation governing such vehicle, and shall further ensure that evidence of such compliance is properly displayed in or on such vehicle as may be so required by law or regulation, or, if not so required, shall ensure that such evidence of compliance is available to be shown to all persons upon demand.

(b) Prior to the use and operation of any vehicle under the provisions of this section, the chief of police of the city, or the chief's designee, shall conduct a physical examination of the vehicle to determine whether the same is properly equipped, and appropriately painted, lettered, and otherwise clean, presentable and suitable for public patronage and occupancy, according to the provisions of this chapter.

(c) Every vehicle operating under this section shall be inspected, as set forth in paragraph (a) of this section, at least once each calendar year. Any vehicle which shall not pass inspection will immediately be suspended from service until such defect has been corrected.

(d) Any vehicle operating under this section which is involved in a reportable accident as provided by state law, shall be inspected as provided in paragraph (a) of this section before continuing in or returning to service.

5.20.110 Parking. (a) The city administrator is authorized and empowered by the council of the city to establish open vehicle for hire stand locations within the city.

(b) Open stands shall be used by the different companies, provided that no two vehicles for hire from the same company shall be in the same stand at any one time. The driver shall pull onto the open stand from the rear and shall advance forward as the vehicles for hire ahead pull off. Drivers shall stay within five feet of their vehicles for hire; they shall not solicit passengers, or engage in loud or boisterous talk while at an open stand. Nothing in this section shall be construed as preventing a passenger from boarding the vehicle for hire of his or her choice that is parked at open stands.

5.20.120 Fares. (a) Vehicle for hire fares and charges shall be determined by measurement of distance and all rates shall be posted within or on the outside of the vehicle for hire in a manner that is readily legible to the public.

(b) Charter services shall be by an hourly rate, which rate shall be posted within or on the outside of the vehicle for hire in a manner that is readily legible to the public, or by prior written agreement.

(c) Lawful rates. It is unlawful to charge, demand, request, collect or receive, or attempt to charge, collect or receive any rate or compensation for the use of a vehicle for hire other than the rate, charge or compensation specified in this section.

5.20.130 Receipts. The driver of any vehicle for hire shall upon demand by the passenger render to such a passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or vehicle for hire number, amount of meter reading or charges, and date of transaction.

5.20.140 Refusal of passenger to pay legal fare. It is unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this chapter after having hired the same; and it is unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

5.20.150 Solicitation, acceptance and discharge of passengers. (a) No driver shall solicit passengers for a vehicle for hire except or while standing immediately adjacent to the curb side thereof. The driver of any vehicle for hire shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his vehicle for hire for not more than thirty consecutive minutes, except in an emergency; and provided further that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) Prohibited Solicitation. No driver shall solicit patronage in a loud or annoying tone of voice or by sign, or in any manner annoy any person, or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

(c) Receipt and Discharge of Passengers on Sidewalk Only. Drivers of vehicles for hire, except in emergency, shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-hand or left-hand sidewalk, or side of the roadway in the absence of a sidewalk; provided that this section shall not prohibit a vehicle for hire from making a brief stop on the roadway side of a vehicle stopped or parked not to exceed three minutes, if such stop is necessary in the expeditious loading or unloading of passengers of such vehicle, and further provided that except in residential areas, no person shall make said stop in such a manner or under such conditions as to leave available less than ten feet of the roadway, streets or highway for the free movement of vehicular traffic in either direction provided that when the vehicle for hire is making the brief stop, the driver thereof shall remain in the driver seat of the vehicle for hire immediately behind the steering wheel except to assist a passenger in or out of the vehicle for hire, if necessary; and provided further that this section shall not be construed to permit a vehicle or vehicle for hire to stop, stand or park on the roadway side of a vehicle stopped or parked at the edge or curb of a highway, road, or street, when said vehicle or vehicle for hire is precluded from doing so under state law.

(d) Cruising. No driver of a vehicle for hire shall cruise in search of passengers.

(e) Restriction on Number of Passengers. No driver shall permit more persons to be carried in a vehicle for hire as passengers than the rated seating capacity of such vehicle. A child under three years of age shall not be counted as a passenger.

(f) Refusal to Carry Orderly Passengers Prohibited. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so, unless there is good reason therefore.

5.20.160 Prohibition of other vehicles. Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as open stands.

5.20.170 Vehicle for hire service. All persons engaged in the vehicle for hire business in the city operating under the provisions of this chapter shall render an over-all service to the public desiring to use vehicles for hire. Holders of certificates of public convenience and necessity shall maintain a place of business which may be mobile and shall keep the same open for the purpose of receiving calls and dispatching vehicles for hire during not less than those hours which are specified in the approved certificate of public convenience and necessity. They shall answer all calls received by them for services inside the corporate limits as soon as they can do so, and if the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere in the corporate limits at any time when such holder has available vehicles for hire, or who shall fail or refuse to give overall service, except as provided in subsection (f) of Section 5.20.150, shall be deemed a violator of this chapter, and the certificate granted to such holder shall be revoked at the discretion of the city administrator.

5.20.180 Manifests. (a) Every holder shall maintain a daily manifest upon which is recorded all trips made each day, showing time and place of origin, destination of each trip, and amount of fare. The forms for each manifest shall be of a character approved by the city administrator.

(b) Every holder of a certificate of public convenience and necessity shall retain and preserve all manifests in a safe place for at least the calendar year next preceding the current calendar year, and said manifests shall be available to the police department or the city clerk for inspection and copying.

5.20.190 Advertising. Subject to the rules and regulations of the city administrator, it is lawful for any person owning or operating a vehicle for hire to permit advertising matter to be affixed to or installed in or on such vehicles for hire.

5.20.200 Police to enforce chapter. (a) The police department of the city is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the

provisions of this chapter, the police department shall report the same to the chief of police, who will order or take appropriate action.

(b) Any revocation, suspension, or denial of any license or permit by the chief of police or the city administrator shall be subject to appeal to the city council.

(c) The police may stop the taxi at any time to inspect the manifest or to ensure compliance with any section of this ordinance.

5.20.210 Penalties. Any person violating any of the provisions of this chapter is guilty of a violation or infraction and upon conviction thereof shall be subject to the penalties as set forth hereinbelow in Table 1, entitled "Penalties for Violations". Each violation listed in Table 1 is amenable to disposition by the violator's payment of the fine, without court appearance.

TABLE 1

Penalties for Violations

First offense in a calendar year	\$ 50.00
Second offense in a calendar year	\$100.00
Third and subsequent offense in a calendar year	\$300.00"

APPROVED 7-16-92

Dennis Watson
MAYOR DENNIS WATSON

ATTEST Helen Gray
HELEN GRAY - CITY CLERK