

**Chapter 5.40
PUBLIC VEHICLES**

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The following words and phrases when used in this chapter have the meaning as set out in this section:

“Accessible taxicab” means a taxicab that is specially adapted for users of wheelchairs and similar mobility devices for which a current accessible taxicab endorsement has been issued under this chapter.

“Airporter” means a public vehicle which transports persons to or from the Ketchikan International Airport or the airport ferry terminal on a schedule designed to meet every major airline flight arriving or departing from said airport. The transportation of each passenger on an airporter must either begin or end at the airport or airport ferry terminal; an airporter may also provide prearranged group transportation services in strict compliance with the definition of “prearranged group transportation service” in this section;

“Certificate” means a written certificate of public convenience and necessity issued for taxicab service or, in the case of other public vehicles, a public vehicle certificate, authorizing the holder thereof to conduct a public vehicle business in the city;

“Child transport vehicle” means a public vehicle used to transport children to or from their schools, babysitters, day-care centers, churches, recreational centers, latchkey centers, homes, parents or other child care;

“Cruising” means the driving of a public vehicle on the streets, alleys, or public places of the city in search of, or soliciting, prospective passengers;

“Driver’s permit” means the written permission granted by the chief of police or the chief’s designee to a person to drive a taxicab, handicapped transportation vehicle, or child transport vehicle upon the streets of the city; “driver’s permit” also means a valid driver’s license issued under prior city ordinances;

“Handicapped transportation vehicle” means a public vehicle which is specifically equipped with a wheelchair lift, is in compliance with all requirements to be fully wheelchair accessible, and is used to transport physically handicapped and elderly persons and their companions to any destination determined by the handicapped or elderly person;

“Holder” means a person to whom a certificate has been issued;

“Limousine” means a public vehicle designated by its manufacturer as a limousine which is operated to carry no more than six passengers at a time and which is available for passenger use only through reservations made no less than 90 minutes in advance of service;

“Manifest” means a daily record, prepared by a taxicab driver or dispatcher, of all trips made by the driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip;

“Open stand” means a public place alongside of the curb of a street or elsewhere in the city which has been reserved exclusively for the use of taxicabs;

“Permittee” means a person who has been issued a driver’s permit or a valid driver’s license issued under prior city ordinances;

“Prearranged group transportation service” means transporting an organized group of eight passengers or more where such services are arranged in advance of the public vehicle’s arrival at the point of departure and where the holder, public vehicle owner, or driver has not directly or

indirectly formed or organized the group. The transportation of all passengers in a prearranged group transportation service must either begin or end at the same location;

“Public vehicle” means a vehicle offered for commercial passenger service on public streets in which the driver is furnished by the owner or holder. The term “public vehicle” includes, but is not limited to, taxicabs, sightseeing vehicles, limousines, airporters, child transport vehicles, handicapped transport vehicles, and includes nonmotorized vehicles. Vehicles operated by or providing services under contract to the city, borough, or the school district are not included in this definition and are not subject to the provisions of this chapter. Vehicles operated by another municipality in the borough and vehicles which are being operated under contract to another municipality in the borough are not subject to the provisions of this chapter unless they are operated as sightseeing vehicles or are operated away from routes approved by the police department. Courtesy vehicles, which are operated by or under contract with a business which is not otherwise engaged in commercial passenger service on public streets and which are used solely to provide incidental transportation for the business’s customers or employees to or from the place where the primary business or employment occurs, are not public vehicles unless the customer or employee is separately charged for such transportation. Vehicles operated by or under contract with nonprofit organizations are not public vehicles when such vehicles are directly used in the course of providing religious, educational or charitable services which are exempt from the city’s sales tax. A vehicle is offered for commercial passenger service if the owner or operator advertises for, solicits or otherwise seeks out passengers or receives compensation;

“Rate card” means a card for display in each taxicab which contains the rates of fare then in force;

“Sightseeing vehicle” means a public vehicle which provides prearranged group transportation service or which transports passengers on guided tours of cultural, natural, or historic sites. Tour passengers must be transported in groups with no passengers added after the tour begins and no passengers departing until the tour is completed. A shuttle service or other transportation which primarily transports passengers to or from commercial areas or transportation facilities is not a sightseeing vehicle. A vehicle which is advertised as available for tours shall be considered a sightseeing vehicle and shall operate as required under this definition;

“Taxicab” means a public vehicle which provides any commercial passenger service beyond that described in the definition of an airporter, child transport vehicle, handicapped transport vehicle, limousine, or sightseeing vehicle. A vehicle for which a taxicab certificate has been issued may operate as an airporter, limousine, child transport vehicle, handicapped transport vehicle, or sightseeing vehicle. A public vehicle which is not a limousine, airporter, handicapped transportation vehicle, or child transportation vehicle, but which operates on call or hail to provide point to point transportation to any destination determined by the passenger is a taxicab;

“Taximeter” means a mechanical or electrical instrument or device which measures distance driven or time, or both, upon which the rates of fare of a taxicab are based;

“Vehicle” means every device in, upon or by which any person may be transported or drawn upon a highway excepting vehicles used exclusively upon stationary rails or tracts;

“Waiting time” means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers. (Ord. 1841 § 1, 2017; Ord. 1256 § 2, 1993)

5.40.020 Certificate required.

No person shall operate or permit a taxicab or other public vehicle owned or controlled by that person to be operated as a public vehicle upon the streets of the city without having first obtained a taxi service certificate of public convenience and necessity or for other public vehicles, a public vehicle certificate from the city. No person shall operate a public vehicle or permit a public vehicle owned or controlled by that person to be operated upon the streets of the city in any way other than as endorsed on the certificate. It is a violation of this chapter for any holder, permittee or other person to operate a public vehicle in any manner other than as defined and provided for in this chapter for that type of public vehicle. All existing taxicab companies licensed by the city shall be issued such certificate, based upon their previously approved application on the passage of this chapter subject to provisions of KMC 5.40.060. (Ord. 1256 § 2, 1993)

5.40.021 Use of Third Avenue and Schoenbar Road restricted.

No sightseeing vehicle may be driven on any part of Third Avenue (including the bypass between Washington Street and Schoenbar Road), or Schoenbar Road between Park Avenue and Forest Avenue except during such times that the Stedman Street – Mill Street – Front Street – Water Street – Kennedy Street – Tongass Avenue roadway or a portion thereof is closed or passage is restricted by work within the roadway as determined by the chief of police or other authorized official. This section shall also be applicable to sightseeing vehicles exempted from the certification requirements of this chapter. This section shall not apply while a vehicle is being driven directly to or from a garage or storage yard. (Ord. 1881 § 1, 2018; Ord. 1515 § 1, 2005)

5.40.023 Human-powered public vehicles prohibited.

No person shall operate a human-powered public vehicle on any public street or right-of-way. (Ord. 1278 § 2, 1993)

5.40.024 Animal-drawn public vehicles.

No vehicle drawn by animals may be used as a public vehicle and no person shall receive a public vehicle certificate for a vehicle drawn by animals. Holders of a valid public vehicle certificate for animal-powered public vehicles in effect on July 1, 2011, may continue to operate an animal-powered public vehicle on the streets and rights-of-way of the city subject to compliance with the requirements of this chapter. (Ord. 1677 § 1, 2011; Ord. 1459 § 3, 2002)

5.40.025 Interstate operations.

(a) Except as provided in this section, owners and operators of vehicles regulated by the Federal Highway Administration or the Interstate Commerce Commission shall be exempted by the clerk from complying with the certification requirements of this chapter so long as the owner or operator of the vehicle demonstrates that the federal regulations applicable to the vehicle in

interstate commerce are equivalent to the regulations in this chapter regarding vehicle safety requirements and insurance.

(b) To obtain an exemption, the owner or operator of the vehicle must, prior to operation on the city streets, file with the clerk satisfactory written proof of compliance with federal regulations governing the requirements set forth in subsection (a) of this section. No such vehicle may be operated as a taxicab. (Ord. 1256 § 2, 1993)

5.40.030 Certificate – Application.

(a) An application for a public vehicle certificate or taxicab certificate of public convenience and necessity shall be filed with the clerk and the application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant and all principals;
- (2) For taxicab operations, 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 judgment;
- (3) The experience of the applicant in the transportation of passengers;
- (4) For public vehicles other than taxicabs, a narrative statement describing in detail the precise nature of the applicant's operation and the service to be provided, clearly demonstrating that the service applied for shall be conducted as that type of service only and not as a taxicab;
- (5) The quantity of vehicles to be operated or controlled by the applicant and the location of the proposed depots and terminals, if any;
- (6) For taxicab operations, the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;
- (7) A statement that the motorized vehicles to be used in the proposed operation are in a safe and legal operating condition together with a signed report to that effect issued within 60 days by a qualified mechanic approved by the chief of police;
- (8) For taxicab operations, any facts which the applicant believes tend to prove that public convenience and necessity require the granting of the certificate;
- (9) A statement that the applicant has not been convicted of any of the following felony or misdemeanor offenses within the preceding five years:
 - (A) Prostitution or the promotion of prostitution;
 - (B) Sale, transportation, possession, or use of any controlled substance as defined in AS 11.71.140 through 11.71.190;
 - (C) Any offense which includes as an element the use or threat of force upon a person;

- (D) Burglary, felony larceny, fraud, or embezzlement;
 - (E) Any sexual offenses; or
 - (F) Two separate felonies of any type;
- (10) Proof of compliance with the insurance requirements of this chapter;
 - (11) Such proof as the clerk may require to establish that the applicant will be independently engaged in the business for which the certificate is granted;
 - (12) Such further information as the clerk may require.

(b) In addition to any other reason for denial, an application for a certificate may be denied to any applicant who has previously been revoked or suspended under this chapter or where an agent, principal, owner, employee, or other significant source of financing, equipment, vehicles or services has been revoked or suspended under this chapter. A certificate may also be denied to any applicant who has been convicted of any of the crimes described in subsection (a)(9) of this section or who has committed any act which could be grounds for revocation or suspension under KMC 5.40.080. (Ord. 1256 § 2, 1993)

5.40.050 Issuance of certificate for taxicab operations.

If the council finds that further taxicab 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 manager and the council, then the city clerk 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. In making the above findings, the council shall take into consideration the number of taxicabs 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. (Ord. 1256 § 2, 1993)

5.40.052 Public vehicle certificate – Issuance.

Upon determination by the city clerk that the applicant for a public vehicle certificate has met the requirements of KMC 5.40.030, the clerk shall issue a certificate for the type of service applied for and seal the same with the official seal of the city. (Ord. 1256 § 2, 1993)

5.40.055 Certificate – Type.

(a) A certificate shall be endorsed for taxicab service only or for any one or combination of the following types of operation as defined in KMC 5.40.010:

- (1) Certificate for airporter service;
- (2) Certificate for sightseeing vehicle service;
- (3) Certificate for limousine service;
- (4) Certificate for handicapped service;

(5) Certificate for child transport;

(6) Certificate for taxicab service with accessible taxicab endorsement. (Ord. 1841 § 3, 2017; Ord. 1256 § 2, 1993)

5.40.060 Certificate – Term – Renewal.

Every certificate issued under this chapter shall expire on the last day of December next following its issuance; certificates once issued may be renewed and reissued by the clerk upon application to the clerk. Holders may apply for renewal no later than 30 days before the certificate expiration date. Certificates will not be renewed unless:

(a) All sales, real and personal property taxes, interest and penalties have been paid to the city and borough;

(b) All fines, penalties, and collection costs due to the city under KMC Title 10 where the holder's public vehicle was involved have been paid, unless the vehicle was truthfully reported stolen at the time of the violation or offense; and

(c) The holder submits a signed report issued within 60 days from a qualified mechanic, approved by the chief of police, that each of the motorized vehicles operated under the certificate are in safe and legal operating condition, and proof of compliance with the insurance requirements of this chapter. (Ord. 1705 § 1, 2012; Ord. 1256 § 2, 1993)

5.40.070 Taxicab certificate – Transfer.

No taxicab certificate may be sold, assigned, leased, or otherwise transferred without the consent of the council. Any sale, assignment, lease or transfer of such a certificate without the consent of the council is void, and the certificate is forfeited. Prior to forfeiture of any certificate under this section, the parties to any such sale, assignment, lease or transfer shall be sent notification and shall have an opportunity to be heard by the council. (Ord. 1256 § 2, 1993)

5.40.080 Certificate – Suspension and revocation.

(a) General Rule. A certificate issued under the provisions of this chapter may be revoked or suspended by the city manager if the holder or any partner or principal of the holder has:

(1) Violated any of the provisions of this chapter;

(2) Discontinued operations for more than 15 days without written authorization by the manager for good cause shown, except this subsection shall not apply to sightseeing vehicles, handicapped service, child transport, or limousines;

(3) Violated any ordinances of the city or the laws of the United States or the state, violations of which reflect unfavorably on the fitness of the holder to offer public transportation;

(4) Failed to maintain its vehicles in safe and legal condition;

(5) Failed to exercise reasonable supervision or control over its drivers and vehicles or failed to establish reasonable safeguards when such failure contributed either directly or

indirectly to the occurrence of any of the acts described in KMC 5.40.170(b), (c), (d), or (e), regardless of whether the driver was required to have a driver's permit, or otherwise contributed to a threat to the public health, safety or welfare; or

(6) When there are any fines, penalties, and collection costs due the city under KMC Title 10 where the holder's public vehicle was involved, unless the vehicle was truthfully reported stolen at the time of the violation or offense. A certificate suspended or revoked under this subsection may be reinstated upon payment of the amounts due the city.

(b) Notice. 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 city council.

(c) Taxicab Certificate Subject to Financing Agreement.

(1) When a taxicab certificate issued under the provisions of this chapter has been transferred subject to a financing agreement in which the current certificate holder promised to transfer the certificate back to a former holder in the event of a default in payment for property or business assets conveyed as part of the earlier transfer of the certificate, any former holder which previously has filed with the city clerk a notice of its financing agreement and of its address shall be sent notice, addressed to the address filed with the city clerk, of any proceeding to revoke or suspend the certificate. Said notice shall be sent at the same time notice is given to the current holder, unless the current holder has previously presented competent evidence, acknowledged by the former holder, to the city manager showing that the debt that is the subject of the financing agreement has been paid in full.

(2) Upon revocation of a certificate as to which notice of the revocation proceeding was required to be given to the former holder pursuant to subsection (c)(1) of this section, the council shall issue the certificate to the former holder, or to the former holder's assignee, provided:

(A) The former holder requests that the certificate be issued to the former holder or to the former holder's assignee;

(B) The former holder shows that the debt that is the subject of the financing agreement has not been paid in full;

(C) The former holder or its assignee is qualified to hold a certificate; and

(D) The earlier transfer of the certificate was approved by the city council. (Ord. 1705 §§ 2, 3, 2012; Ord. 1256 § 2, 1993)

5.40.085 Penalties and injunctive relief.

(a) The violation of any provision of this chapter shall be an infraction, and any person convicted of such a violation shall be subject to a fine of not more than \$300.00.

(b) In addition to any other remedy or penalty provided by this section, a person who violates a provision of this chapter or a municipal regulation promulgated under this chapter shall be subject to a civil penalty of not more than \$500.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application by the city for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

(c) Each day during which a violation described in this section occurs shall constitute a separate offense. (Ord. 1256 § 2, 1993)

5.40.090 Certificate – Indemnity bond or liability insurance required.

(a) No certificate shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of \$300,000 combined single limit. The policy 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, his servants or agents, and issued by an insurance company authorized to do business in the state.

(b) The liability insurance policy shall contain a clause that the same may not be canceled or terminated or allowed to expire by insurer without 30 days' notice to the city. A certificate showing issuance of the policy, containing statements as to coverage and cancellation clause and payment of premium, shall be filed with the clerk.

(c) The council may, in its discretion, allow the holder to file individual liability insurance policies for each and every vehicle authorized by the certificate. When the owner of a vehicle operated pursuant to a certificate is not the holder, the owner may purchase the policy. It is the responsibility of the certificate holder to at all times have on file with the clerk the individual certificates of insurance. If, at any time, there is not in full force and effect a liability insurance policy for each and every vehicle authorized by the certificate, the certificate shall not be issued nor shall it be continued in operation.

(d) The city manager is given the authority to suspend or revoke any certificate issued under this chapter for any violation of this section. Any holder whose certificate is thus suspended or revoked may appeal the decision of the manager to the council, and such holder shall be entitled to a hearing before the council and a final determination on the suspension or revocation by the council. (Ord. 1256 § 2, 1993)

5.40.100 License fees.

(a) No certificate shall be issued or renewed unless the holder thereof has paid the applicable annual fee or fees as follows:

(1) Taxicabs: \$10.00 to engage in the public vehicle business and \$20.00 for each vehicle operated under a certificate;

(2) All other public vehicles: \$25.00 for each service for which an endorsement is requested.

(b) The license fees shall not be prorated. Fees shall be for one year beginning on the first day of January and shall be in addition to any other license fees or charges established by any proper authority and applicable to the owner or holder of a vehicle or vehicles under the holder's operation and control. (Ord. 1256 § 2, 1993)

5.40.110 Equipment and maintenance.

(a) Vehicle Inspection. Prior to the use and operation of any taxicab and annually thereafter, each vehicle operated as a taxicab under this chapter shall be inspected by the chief of police or the chief's designee to determine that the vehicle is clean, properly painted and lettered and equipped with an operating taximeter. The holder shall also provide the police department a copy of the mechanic's inspection report required by KMC 5.40.030(a)(7) or 5.40.060. Any taxicab that does not pass these inspections shall be immediately suspended from service until all defects have been corrected.

(b) A copy of the mechanic's report required by this chapter shall be kept in each vehicle operated as a public vehicle and shall be made immediately available to any police officer who requests to see it. Any public vehicle which is involved in a reportable accident as provided by state law shall be re-inspected by a qualified mechanic and a new mechanic's report as required by this chapter shall be filed with the clerk and kept in each public vehicle before continuing or returning the public vehicle to operation. Every public vehicle under this chapter is subject at all times to inspection by any police officer for the purposes of ensuring that the vehicle complies with all applicable federal, state and local vehicle equipment laws and regulations.

(c) The fee for each police department reinspection is \$25.00 for any taxicab which fails an inspection.

(d) A public vehicle shall not be operated upon the city streets unless the requirements of this section have been met. (Ord. 1256 § 2, 1993)

5.40.120 Designation of taxicabs.

(a) No taxicab shall be authorized under this chapter whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the chief of police, be different from that authorized by the council, or be in conflict with or imitating the color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to confuse, deceive or defraud the public.

(b) Each taxicab shall bear on the outside of the vehicle, in painted letters or decals not less than three inches in height, the business name of the owner and, in addition, may bear an identifying design approved by the chief of police.

(c) If, after an authorization has been issued for a taxicab, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the chief of police, different from that authorized by the council, or to be in conflict with or an imitation of any color scheme, identifying design, monogram or insignia used by any other public vehicle in such a manner as to be misleading or tending to deceive the public, the certificate covering such vehicle or vehicles may be suspended or revoked. (Ord. 1256 § 2, 1993)

5.40.130 Driver's permit required.

It is unlawful for any person to drive any taxicab, child transport vehicle, or handicapped transport vehicle upon the streets of the city without having first obtained a driver's permit from the city. Valid driver's licenses issued under prior city ordinances remain valid for their stated term. (Ord. 1256 § 2, 1993)

5.40.140 Driver's permit – Application.

(a) An application for a driver's permit or a renewal thereof shall be made in writing under oath and filed with the chief of police upon a form provided by the city, and each applicant shall furnish the following information:

- (1) Name and address;
- (2) Place or places of residence for the past two years;
- (3) Age, height, color of eyes and hair;
- (4) Place of birth;
- (5) A concise history of his employment for the previous five years;
- (6) A letter from the taxicab company or certificate holder which proposes to hire or lease to the applicant requesting and recommending that the license be granted;
- (7) The experience of the applicant in the transportation of passengers;
- (8) The names and addresses of two reliable people who have known the applicant for a period of one year and who will vouch for the sobriety, honesty and general good character of the applicant;
- (9) Whether the applicant has been convicted of a felony or a misdemeanor within the last five years;
- (10) Whether the applicant has ever held a driver's or a chauffeur's permit, and if so, when and where and if such permit has been revoked within the last five years and for what cause;
- (11) Whether the applicant's state operator's license has ever been revoked;
- (12) Any other facts or information as the chief of police may require;
- (13) Any other facts deemed important by the applicant that he may wish to submit;
- (14) Three prints of a recent photograph of the applicant of a size to be designated by the chief of police;
- (15) Whether the applicant has been convicted of reckless driving, leaving the scene of an accident, or operating a motor vehicle while under the influence of intoxicants, drugs or narcotics within the last five years;

- (16) Whether the applicant has any physical disability which impairs the applicant's driving ability.

At the time the application is filed, the applicant shall pay to the police department the sum of \$10.00. (Ord. 1256 § 2, 1993)

5.40.150 Current state motor vehicle operator's license required.

Before any driver's permit application is finally passed upon by the chief of police, the applicant shall be required to show that he has a current motor vehicle operator's license issued by the state. (Ord. 1256 § 2, 1993)

5.40.160 Driver's permit – Police investigation of applicant.

The police department shall conduct an investigation of each applicant for a driver's permit, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police. (Ord. 1256 § 2, 1993)

5.40.170 Driver's permit – Consideration of application.

The chief of police shall review the application, the reports and other pertinent materials concerning the applicant and shall approve the application if, based upon the information in his possession:

- (a) The application and any previous applications are true, accurate and complete.
- (b) The applicant has not had a conviction entered by a court of competent jurisdiction within 12 months of:
 - (1) A moving traffic violation or the last of a series of moving traffic violations which resulted in any suspension or revocation of the applicant's driver's license;
 - (2) Reckless or negligent driving;
 - (3) Driving while license suspended or revoked; or
 - (4) Driving while under the influence of intoxicating liquor, depressant, hallucinogenic, stimulant or narcotic drugs or any controlled substances.
- (c) The applicant has not had a felony, misdemeanor or similar conviction entered by a court of competent jurisdiction within five years of:
 - (1) Assignment, prostitution, solicitation for the purposes 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;
 - (2) Sale, transportation, possession or use of any controlled substance;
 - (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.

The chief of police may approve a permit application to an applicant who has been convicted of a violation of subsection (c)(2), (3) or (4) of this section if in his opinion the violation is remote in time and/or substantially minor and unrelated to the operation of a public vehicle.

(d) The applicant has not had a felony, misdemeanor or similar conviction entered by a court of competent jurisdiction for any offense which pertains to sexual abuse or sexual exploitation of a minor; provided, however, that the chief of police may approve a permit application to an applicant if the conviction is more than five years old.

(e) The applicant has not committed any act which in the determination of the chief of police substantially relates to a lack of fitness to operate a public vehicle.

(f) The applicant does not have a record of repeated incidents of alcohol or substance abuse. A permit may be granted despite such a record if the applicant proves to the satisfaction of the chief of police that any alcohol or substance abuse has been effectively treated. The chief of police may issue to any such applicant a probationary permit conditioned upon continued treatment and/or abstinence from the consumption of alcohol or controlled substance. Such license shall provide for suspension and/or revocation of the probationary permit if any condition is violated.

(g) The applicant has no physical disability which impairs the applicant's driving ability. If charges are pending against an applicant for any of the traffic or criminal violations described in this section, the chief of police may, after offering the applicant an opportunity to present evidence and be heard, withhold approval of a permit pending the outcome of the prosecution of such charges. If any application is not approved by the chief of police, the applicant may, within 20 days of the date the decision of the chief of police is mailed to the applicant's address as shown on the application, request a personal appearance before the council to offer evidence why his/her application should be reconsidered. Failure to timely request said appearance shall be a waiver of any right to contest or appeal the procedure, findings or actions concerning the application. (Ord. 1256 § 2, 1993)

5.40.180 Driver's permit – Issuance – Duration – Display – Annual fee.

(a) Upon approval of an application for a driver's permit, the chief of police shall issue to the applicant a permit which shall bear the name, address, age, signature and photograph of the applicant.

(b) Driver's permits, unless revoked or suspended prior thereto, upon issuance shall be valid for one year from the date of issuance, and may be renewed annually for a one-year term; provided, however, a driver's permit valid for a five-year period may be issued to drivers who have held a city of Ketchikan taxicab license or driver's permit for a period of not less than five consecutive years upon payment of the license fee for five years in advance. The requirements of this section regarding submission of a driver's permit application and any other information required by this section need only be provided once every five years by the holder of a five-year license or permit; provided, however, the chief of police may require a driver holding a driver's

permit or driver's license to submit such further and additional information, or to take a physical examination whenever he believes such is necessary for the protection of the public.

(c) Every driver issued a permit under this chapter shall post that driver's permit in such place that shall be in the full view of passengers while the driver is operating the vehicle. (Ord. 1256 § 2, 1993)

5.40.190 Renewal of driver's permit – Issuance of temporary permit.

In respect to renewals only, the police department may issue a temporary driver's permit, pending the completion of the steps indicated in KMC 5.40.140 through 5.40.170, if doing so does not appear contrary to the protection of the public. (Ord. 1256 § 2, 1993)

5.40.200 Driver's permit – Suspension and revocation.

(a) The chief of police is given the authority to suspend or revoke any driver's permit issued under this chapter or prior ordinance, for any of the following reasons:

- (1) Proof that the permittee has failed to satisfy any of the requirements of KMC 5.40.170;
- (2) Proof that a material statement on the driver's application is false or misleading;
- (3) Willful failure to conspicuously display such permit in the vehicle while the vehicle is in operation;
- (4) The permittee has committed any of the violations listed under KMC 5.40.170(b), (c), (d) or (e), regardless of whether the permittee has been convicted by a court of competent jurisdiction;
- (5) Proof that the permittee has violated any section of this chapter.

(b) Except when necessary for the immediate protection of the public and then only for such time as is reasonably necessary for such protection, no permit shall be suspended or revoked under this section without notice to the licensee and an opportunity for the permittee to present evidence in his/her behalf at a hearing before the chief of police. Any permittee suspended or revoked under this section may, within 20 days of the date the decision of the chief of police is mailed to the permittee's address as shown in the records of the police department, request a public appearance before the council to offer evidence why his/her application should not be suspended or revoked. Failure to timely request said appearance shall be a waiver of any right to appeal or contest the procedure, findings or suspension or revocation. (Ord. 1256 § 2, 1993)

5.40.210 Driver – Compliance with laws – Limitation on driving hours.

(a) Every driver granted a permit under this chapter shall comply with all local, state and federal laws. Failure to do so will justify the suspension or revocation of a permit.

(b) No taxicab driver shall operate a taxicab for more than 12 hours in any 24-hour period. (Ord. 1256 § 2, 1993)

5.40.220 Driver's permit – Defacing unlawful.

It is unlawful for any person to willfully deface, obliterate or destroy a driver's permit, or cause it to be defaced, obliterated, or destroyed. (Ord. 1256 § 2, 1993)

5.40.230 Taximeters and fares.

(a) Taximeters. All taxicabs are required to be equipped with a taximeter approved by the chief of police. Taximeters shall be subject to inspection from time to time by the police department. The chief of police or his designee is authorized to inspect any taximeter and, upon discovery of any inaccuracy therein, to notify the person operating the taxicab to cease operation. The taxicab shall be kept off the streets and highways until it is equipped with a taximeter in the required working condition. It is unlawful for any taxicab to operate or have within the taxicab a taximeter which has more than one rate programmed into the meter or which may be manipulated or programmed to have more than one rate on the taximeter. Taxicabs shall operate only with single-rate taximeters.

(b) Fares. Taxicab fares and charges shall be determined by measurement of distance and/or time as registered by a taximeter. It is unlawful for an owner or driver of any taxicab to operate such vehicle without an operating taximeter of such type and design as may be approved by the chief of police. The owner of such taxicab shall keep such meter accurate at all times and the meter shall be subject to inspection from time to time. The chief of police may, annually or upon complaint by any person or law enforcement officers, order the owner of any taxicab to have such meter checked for accuracy by the Alaska Division of Weights and Measures or such other inspection service as the chief of police approves. Such inspection shall be at the owner's expense. Upon discovery of any inaccuracy of such taximeter, the vehicle to which it is attached shall be removed from service and shall not be returned to service until the meter has been repaired, adjusted for accuracy and retested or an accurate replacement meter has been installed. The tolerance for distance on a one-mile course shall be four percent error for overcharge and four percent error for undercharge. The tolerance for time for five minutes shall be 15 seconds for overcharge and 25 seconds for undercharge.

(c) Location of Meter. The meter required by subsection (a) of this section shall be placed in each vehicle in such manner that the reading dial showing the amount to be charged shall be well lighted and readily discernible by passengers.

(d) Display of Flag. It is unlawful for any driver of a taxicab, while carrying passengers, to display the "flag" attached to the taximeter in such position as to indicate that such vehicle is not employed, or to fail to place the "flag" of the meter to the "for hire" position at the termination of each and every service. The meter flag arm shall operate the top light as follows:

Flag arm up:	Top light on, meter not recording
Flag arm down:	Top light off, meter recording

There shall be no "cut-out" switch between the meter and the top light.

(e) Rates. The rates of fare to be charged by taxicabs operating over the streets of the city are fixed as follows:

- (1) \$3.50 on flag drop, which amount shall include the first one-tenth of a mile.

- (2) \$0.30 for each additional one-tenth of a mile.
- (3) \$1.20 for each minute of waiting time or fraction thereof.
- (4) Delivery of personal property within the city limits without passenger: \$12.00.
- (5) Charter hire: \$70.00 per hour prorated for fractions of an hour after the first hour of charter service.

(f) Charter Services. Taxicabs shall operate with the time and mileage meter in the “off” position at all times while under charter hire. The minimum charge for charter service shall be one hour at the charter hire hourly rate.

(g) 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 taxicab other than the rate, charge or compensation specified in this section. (Ord. 1535 § 1, 2005; Ord. 1392 § 1, 1998; Ord. 1256 § 2, 1993)

5.40.235 Limousine and sightseeing fares.

(a) Fares and charges for limousine services shall be determined on an hourly basis with a one-hour minimum charge.

(b) Fares and charges for sightseeing vehicle service shall consist of a set amount for the entire tour. (Ord. 1256 § 2, 1993)

5.40.240 Receipts.

The driver of any taxicab shall upon demand by the passenger render to such 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 motor number, amount of charges and date of transaction. (Ord. 1256 § 2, 1993)

5.40.260 Solicitation, acceptance and discharge of passenger.

(a) Solicitation of Passengers by Driver. No driver shall solicit passengers for a public vehicle while on the city streets, parking lots, or other city property except as allowed by the terms of a dock facilities permit issued pursuant to KMC 13.09.025.

(b) Additional Passengers – Taxicabs. No driver shall permit any other person to occupy or ride in a taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of the additional passenger or passengers.

(c) Restriction on Number of Passengers. No driver shall permit more persons to be carried in a public vehicle as passengers than authorized under this chapter.

(d) Refusal to Carry Orderly Passengers Prohibited. No taxicab 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.

(e) No driver of a public vehicle shall cruise for passengers. (Ord. 1256 § 2, 1993)

5.40.265 Open stands.

(a) The city manager is authorized and empowered by the council of the city to establish open taxicab stand locations within the city.

(b) Except for emergency use by law enforcement, fire or emergency medical vehicles, no vehicle other than a taxicab operated pursuant to a valid certificate shall park or stand in an open stand.

(c) Open stands shall be used by the different companies; provided, that no two cabs 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 cabs ahead pull off. Drivers shall stay within five feet of their cabs; 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 cab of his or her choice that is parked at an open stand. (Ord. 1256 § 2, 1993)

5.40.270 Drivers – Reporting accidents required.

Every driver of a public vehicle shall immediately report fully in writing to the chief of police the time, place, cause and circumstance of any accident or injury to a passenger or person or any property in which the public vehicle operated by such driver is involved. (Ord. 1256 § 2, 1993)

5.40.280 Taxicab service.

(a) All persons engaged in the taxicab business in the city operating under the provisions of this chapter shall provide for an overall safe service to the public desiring to use such vehicles, and such service shall be provided 24 hours per day, each day of the year.

(b) Holders of taxicab certificates shall maintain a central place of business and the same may be mobile and shall be kept open 24 hours per day, each day of the year, for the purpose of receiving calls and dispatching cabs.

(c) Holders of taxicab certificates shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so, and if the services cannot be rendered within a reasonable time they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any taxicab certificate holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available a cab and when accepting such call or rendering such service is safe, or who shall fail or refuse to give overall service, shall be deemed a violator of this chapter. (Ord. 1256 § 2, 1993)

5.40.290 Taxicab manifests.

(a) Every taxicab driver or the dispatcher shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip, amount of fare and the date. All such completed manifests shall be returned to the holder by the driver at the conclusion of the driver's tour of duty. The forms for each manifest shall be furnished to the driver by the holder and shall be of a character approved by the chief of police.

(b) Every holder of a taxicab certificate shall retain and preserve all driver's or dispatcher manifests in a safe place for at least two calendar years next preceding the current calendar year, and the manifest shall be available to the chief of police or his designee. (Ord. 1256 § 2, 1993)

5.40.300 Advertising.

Subject to the rules and regulations of the council prescribed by resolution, it is lawful for any person owning or operating a taxicab or public vehicle to permit advertising matter to be affixed to or installed in or on such taxicabs or public vehicle. (Ord. 1256 § 2, 1993)

5.40.310 Accessible taxicab endorsement.

Subject to the provisions of this chapter a holder of a taxicab certificate of public convenience and necessity is eligible for an accessible taxicab endorsement authorizing and requiring that the holder maintain no less than two accessible taxicabs available for service in accordance with the provisions of this chapter. (Ord. 1841 § 4, 2017)

5.40.320 Additional taxicabs.

For each accessible taxicab operated by a holder of an accessible taxicab endorsement such a holder will be allowed to operate one nonaccessible taxicab in addition to the number of taxicabs authorized by the holder's certificate of public convenience and necessity. (Ord. 1841 § 5, 2017)

5.40.330 Accessible taxicab application.

A holder of a taxicab certificate of public convenience and necessity may file an application for an accessible taxicab endorsement with the city clerk which shall be verified under oath and state the following information:

- (a) A description of the accessible vehicles to be operated as accessible taxicabs including documentation that the accessible vehicles conform to the specifications required by the Americans with Disabilities Act and its implementing regulations.
- (b) A description of the additional taxicabs authorized by KMC 5.40.320.
- (c) A description of the driver training required by KMC 5.40.360.
- (d) The information required by KMC 5.40.030 to the extent not previously provided or which has changed in any way since it was last provided to the city.
- (e) Such further information as the clerk may require. (Ord. 1841 § 6, 2017)

5.40.340 Issuance of accessible taxicab endorsement.

If the council finds that the applicant for an accessible taxicab endorsement is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter the city clerk shall issue such endorsement stating the name and address of the holder, the number of accessible taxicabs and additional vehicles authorized by the endorsement and the date of issuance. In making its determination the council shall consider any previous revocation of the holder's accessible taxicab endorsement and any unexcused abandonment of accessible taxicab service by the holder. (Ord. 1841 § 7, 2017)

5.40.350 Accessible taxicab service requirements.

The holder of an accessible taxicab endorsement shall provide accessible service on the Ketchikan Gateway Borough road system 24 hours per day, seven days per week within a reasonable time. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable. The presumption may be overcome by the holder proving that additional time was required due to circumstances beyond the holder's control. Use of an accessible vehicle as a sightseeing vehicle shall not rebut the presumption. (Ord. 1841 § 8, 2017)

5.40.360 Driver training.

The holder of an accessible taxicab endorsement shall require that drivers of accessible taxicabs are adequately trained in accessible vehicle operations, passenger assistance techniques and disability sensitivity. (Ord. 1841 § 9, 2017)

5.40.370 Accessible taxicab endorsement – Suspension or revocation.

An accessible taxicab endorsement may be revoked or suspended upon the grounds and procedures set forth in KMC 5.40.080 for suspension or revocation of a public vehicle certificate. (Ord. 1841 § 10, 2017)

5.40.380 Chapter enforcement.

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. (Ord. 1841 § 2, 2017; Ord. 1256 § 2, 1993. Formerly 5.40.310)