

KODIAK CITY COUNCIL

WORK SESSION AGENDA

Tuesday, August 6, 2013
Kodiak Island Borough Conference Room
7:30 p.m.

Work sessions are informal meetings of the City Council where Councilmembers review the upcoming regular meeting agenda packet and seek or receive information from staff. Although additional items not listed on the work session agenda are sometimes discussed when introduced by the Mayor, Council, or staff, no formal action is taken at work sessions and items that require formal Council action are placed on a regular Council meeting agenda. Public comments at work sessions are NOT considered part of the official record. Public comments intended for the "official record" should be made at a regular City Council meeting.

Discussion Items

1. Public Comments (limited to 3 minutes)
2. Presentation on Potential Snow Storage Area PowerPoint
3. Review/Discussion of Taxicab Ordinance 1
4. Discussion of State DOT Request for Ferry Dock MOA No Backup
5. Quarterly Project Update PowerPoint
6. August 8, 2013, Agenda Packet Review

History of Regulation of Taxi Cabs/Vehicles for Hire

- 11/25/1940 Ordinance No. 14 Authorizes and establishes taxicab stands on public streets in places and in number as the Chief of Police determines to be the greatest benefit and convenience to the public. Also states that before any taxi or bus driver can operate on public streets, the City Clerk must issue an operator's license and that no license shall be issued to any person under the age of 16. Each license is valid for two (2) years, and shall expire January 1, 1942 and every alternating January 1 after that.
- 05/05/1941 Ordinance No. 32 Amends Section 4 of Ordinance No. 14 to now say that no taxi or bus driver's license shall be issued to any person unless they are twenty-one (21) years of age or older.
- 06/01/1941 Ordinance No. 33 Defines the meaning of a "bus" and "taxicab". Also states that owners and operators of taxicabs shall obtain a license and pay \$15 per year they are operated. Licenses are issued for a calendar year, and any licensee applying after July 1st shall pay \$7.50 for the remainder of that year. Additionally, no bus or taxicab license shall be issued by the City Clerk until the application has been approved by the City Council.
- 09/14/1942 Ordinance No. 52 Amends Section 4 of Ordinance No. 14 and Section 1 of Ordinance No. 32 and adds that no taxi driver's license shall be issued by the City Clerk until the application has been approved by the Kodiak Chief of Police.
- 05/19/1943 Ordinance No. 56 States that no taxi driver's licenses shall be issued until the applicant has deposited a cash bond of \$100 (one hundred dollars) as well as been issued a secured pass allowing them to drive onto the Naval Air Base. Also states that the cash bond shall be forfeited when convicted of any violation or failure to comply with provisions in this Ordinance and/or Ordinance No. 11 providing for the sale of intoxicating liquors, and/or Ordinance No. 14 governing Regulations of Vehicular Travel within the City of Kodiak.
- 07/16/1943 Ordinance No. 61 Amends Section 1 of Ordinance No. 56 and adds that the cash bond of \$100 (one hundred dollars) shall be forfeited when convicted of any violation for failure to comply with the previously listed ordinances as well as Ordinance No. 60 which is amending Ordinance No. 11, to include the sale of beer or wine.
- 08/14/1944 Ordinance No. 75 Amends Section 2 of Ordinance No. 33 and states that all vehicles in use as a taxicab shall have public liability policies of insurance where such taxicabs operate in the city limits.
- 10/22/1945 Ordinance No. 90 Re-defines what a "bus", "taxicab", "chauffeur's license" and "for higher truck" means. Also details other regulations for the use and operation of

taxicabs, motor buses, and for hire trucks within the city limits as well as the prescribed qualifications for persons operating said vehicles and to license such persons.

- 07/08/1946 Ordinance No. 104 & Ordinance No. 105 Repeals Ordinance Nos. 14, 32, 33, 52, 56 & 61 and regulates vehicular traffic on public streets, highways and alleys as well as details penalties for a violation thereof.
- 04/28/1952 Ordinance No. 158 Defines the meaning of “taxicab terminal” and “taxicab zone” and designates these areas. Also establishes licensing and fees for these areas.
- 11/25/1954 Ordinance No. 181 Establishes regulations and licensing for drivers of for-hire vehicles and amends parts of Ordinance No. 150
- 03/28/1955 Ordinance No. 198 Repeals Ordinance No. 105, re-classifies motor vehicles, and establishes regulations and licenses to operate them as taxicabs and motor buses within City limits. Also details qualifications for operating such vehicles as well as penalties for violation of the Ordinance.
- 08/27/1956 Ordinance No. 205 Requires the collection of sales tax for taxi and bus services where part of the trip is within City limits.
- 10/28/1957 Ordinance No. 219 Amends Ordinance No. 181, prescribing a licensing fee for driverless for-hire vehicles.
- 02/10/1958 Ordinance No. 221 Amends paragraph 7 of section 5 of Ordinance No. 198 and establishing residence requirements for applicants of chauffer’s licenses
- 03/11/1965 Ordinance No. 269 Repeals Ordinance Nos. 158, 198, and 221 and establishes the regulation, use and operation of taxicabs and motor buses within City limits and providing penalties for violations thereof.
- 07/13/1967 Ordinance No. 303 Amends C.C.K.6.10, and establishes limitations on the number of vehicles permits, and establishes regulations for taxicab stand fee and renewal off for hire vehicle and chauffer’s licenses. The ordinance states the number of vehicle permits shall not exceed twenty seven (27) and no one license holding a for hire license shall at any time be the holder or own an interest of more than one-third (1/3) of all vehicle permits.
- 11/06/1968 Ordinance No. 329 Amends and makes certain deletions with regards to chauffeurs’ licenses by repealing and re-enacting C.C.K. 6.10.5(c) (3) and C.C.K. 6.10.5 (c) (8).
- 3/11/1978 Ordinance No. 512 Repeals and re-enacts Chapter 5.40 of the Kodiak City Code relating to taxicab and other for-hire vehicles

History of Ordinances Regulating For Hire Vehicles

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- Tabled Ordinance No. 605 Adds certain provisions to Chapter 5.40 of the Kodiak City Code in regard to prohibiting activity by a licensed chauffeur.
- 04/21/1990 Ordinance No. 876 Amends Kodiak City Code section 5.40 relating to taxicab permits and chauffeur's licenses at taxicab permittees request.
- 03/28/1998 Ordinance No. 1060 Amends Kodiak City Code section 5.40 regarding application for taxicab permits, change of vehicles, responsibilities of a taxicab permittee and procedures for denial, suspension or revocation of a chauffeur's license,
- 06/13/1998 Ordinance No. 1066 Amends the Kodiak City Code by adding provisions relating to limousines stating no person shall operate a limousine service without first obtaining a permit from the City, which shall be renewed annually. Also details qualifications and requirements for a limousine permit.
- 01/04/2002 Ordinance No. 1137 Amends City Code Title 5 pertaining to taxi dispatch service and declaring an emergency. Requires taxicab permit applicants provide proof of affiliation with licensed dispatch service, requires dispatch service license in order to dispatch taxicabs, further requires taxicab dispatch service address within the city of Kodiak and only established dispatch service company can relocate is business outside the city of Kodiak.
- 08/10/2002 Ordinance No. 1150 Amends provisions of Title 10 of the Kodiak City Code concerning the regulation of vehicles and traffic, repealing certain sections of Title 10 of the Kodiak City Code the incorporated state traffic laws, amending the schedule of fines for traffic offenses under the city code.
- 12/01/2004 Ordinance No. 1178 Amends Kodiak City Code Title 10, Chapter 44 pertaining to the fine schedule for vehicle and traffic offenses.
- 09/22/2010** Administrative meeting with stakeholders The Manager, Clerk, and Chief of Police held an administrative meeting with taxi permit holders, licensed chauffeurs, tour operators and other interested individuals to discuss revision of KCC 5.40, vehicles for hire. The stakeholders overwhelmingly were in favor of deregulating dispatch and allowing taxi permit holders to self-dispatch. Other elements included in Ordinance No. 1286(SUB) were also identified at this meeting.
- 06/04/2011 Ordinance No. 1286(SUB) Re-enacts Kodiak City Code 1.12.040, disposition of scheduled offenses- fine schedule; enacts Kodiak City Code 5.04.015, parking for vehicles for hire; repeals Kodiak City Code 5.40, taxicab and for hire vehicles and enacts Kodiak City Code 5.40, vehicles for hire. (Deregulates dispatch and allows for self-dispatch.)

TAXI SALES TAX 485310

Date	Total Gross		Total Deductions	New Taxable	Tax	Less		Total Tax
	Revenues					Discount		
3/31/2013	\$ 158,122.32	\$	\$ 8,949.89	\$ 149,172.43	\$ 8,950.35	\$ 179.60	\$	\$ 8,770.75
12/31/2012	\$ 167,767.42	\$	\$ 9,685.43	\$ 158,081.99	\$ 9,484.92	\$ 189.25	\$	\$ 9,295.67
9/30/2012	\$ 221,564.62	\$	\$ 12,082.69	\$ 209,481.93	\$ 12,568.92	\$ 241.63	\$	\$ 12,327.29
6/30/2012	\$ 222,575.64	\$	\$ 12,501.39	\$ 210,074.25	\$ 12,604.46	\$ 230.93	\$	\$ 12,373.53
3/31/2012	\$ 257,773.46	\$	\$ 12,761.28	\$ 245,012.18	\$ 14,700.73	\$ 245.52	\$	\$ 14,455.21
	\$ 869,681.14	\$	\$ 47,030.79	\$ 822,650.35	\$ 49,359.02	\$ 907.33	\$	\$ 48,451.69
12/31/2011	\$ 244,897.07	\$	\$ 12,737.67	\$ 232,159.40	\$ 13,929.56	\$ 242.27	\$	\$ 13,687.29
9/30/2011	\$ 299,582.29	\$	\$ 14,486.14	\$ 285,096.15	\$ 17,105.77	\$ 285.36	\$	\$ 16,820.41
6/30/2011	\$ 246,337.52	\$	\$ 11,294.24	\$ 235,043.28	\$ 14,102.60	\$ 228.45	\$	\$ 13,874.15
3/31/2011	\$ 275,330.72	\$	\$ 12,646.64	\$ 262,684.08	\$ 15,761.04	\$ 251.85	\$	\$ 15,509.19
	\$ 1,066,147.60	\$	\$ 51,164.69	\$ 1,014,982.91	\$ 60,898.97	\$ 1,007.93	\$	\$ 59,891.04
12/31/2010	\$ 276,539.29	\$	\$ 13,552.61	\$ 262,986.68	\$ 15,779.20	\$ 217.14	\$	\$ 15,562.06
9/30/2010	\$ 342,694.65	\$	\$ 16,822.70	\$ 325,871.95	\$ 19,552.32	\$ 320.17	\$	\$ 19,232.15
6/30/2010	\$ 323,118.98	\$	\$ 18,216.54	\$ 304,902.44	\$ 18,294.15	\$ 293.67	\$	\$ 18,000.48
3/31/2010	\$ 289,438.41	\$	\$ 14,697.69	\$ 274,740.72	\$ 16,484.44	\$ 248.17	\$	\$ 16,236.27
	\$ 1,231,791.33	\$	\$ 63,289.54	\$ 1,168,501.79	\$ 70,110.11	\$ 1,079.15	\$	\$ 69,030.96
12/31/2009	\$ 284,327.06	\$	\$ 13,702.87	\$ 270,624.19	\$ 16,237.45	\$ 248.16	\$	\$ 15,989.29
9/30/2009	\$ 310,846.09	\$	\$ 15,492.01	\$ 295,354.08	\$ 17,721.24	\$ 274.70	\$	\$ 17,446.54
6/30/2009	\$ 195,018.07	\$	\$ 9,303.94	\$ 185,714.13	\$ 11,142.85	\$ 183.58	\$	\$ 10,959.27
3/31/2009	\$ 185,158.78	\$	\$ 8,405.63	\$ 176,753.15	\$ 10,605.19	\$ 165.96	\$	\$ 10,439.23
	\$ 975,350.00	\$	\$ 46,904.45	\$ 928,445.55	\$ 55,706.73	\$ 872.40	\$	\$ 54,834.33

TAXICAB TRIP SHEET

Licensee Name (Driver) _____

Taxi Permit No. _____

Chauffeurs Lisc. No. _____

Date _____

	PICK UP TIME (Note AM or PM)	PICK UP LOCATION	NO. OF PAS-SENGERS	DROP OFF TIME (Note AM or PM)	DROP OFF LOCATION	FARE
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
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21						
22						
23						
24						
25						
26						
27						
28						
29						
30						

This sheet must be turned in to the permit holder at the end of each shift daily.

**CITY OF KODIAK
ORDINANCE NUMBER 1286(SUB)**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK ENACTING KODIAK CITY CODE 1.12.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE; ENACTING KODIAK CITY CODE 5.04.015, PARKING FOR VEHICLES FOR HIRE; REPEALING KODIAK CITY CODE CHAPTER 5.40, TAXICABS AND FOR-HIRE VEHICLES; AND ENACTING KODIAK CITY CODE CHAPTER 5.40, VEHICLES FOR HIRE

BE IT ORDAINED by the Council of the City of Kodiak, Alaska, that:

Section 1: Kodiak City Code 1.12.040, Disposition of scheduled offenses—Fine schedule, is enacted to read as follows:

1.12.040 Disposition of scheduled offenses—Fine schedule. (a) A person cited for an offense for which a fine is established in subsection (c) of this section may mail or personally deliver to the clerk of court the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person’s waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled offense may be mailed or personally delivered within fifteen (15) days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.

(b) If a person cited for an offense for which a fine amount is established in subsection (c) of this section appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

(c) The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
KCC 5.04.015	Parking for vehicles for hire	\$300
KCC 5.40.005	Permit required for vehicle for hire	\$300
KCC 5.40.025	Required equipment and markings*	\$300
KCC 5.40.030	Required insurance coverage	\$300
KCC 5.40.035	Vehicle standards and inspection	\$300
KCC 5.40.040	Responsibilities of permittee	\$300
KCC 5.40.055	Shuttle vehicles prohibited	\$300

KCC 5.40.100	Permit to operate taxicab or limousine required	\$300
KCC 5.40.120	Required equipment and markings*	\$300
KCC 5.40.140	Limousine service requirements	\$300
KCC 5.40.125	Responsibilities of taxicab or limousine permittee	\$300
KCC 5.40.150	Approval of tariffs	\$300
KCC 5.40.155	Taxi stands	\$300
KCC 5.40.200	Permit to operate as tour vehicle required	\$300
KCC 5.40.215	Route plan required	\$300
KCC 5.40.300	Chauffeur's license	\$300
KCC 5.40.325	Requirements for all licensees	\$300
KCC 5.40.330	Requirements for licensees operating a taxicab	\$300

* Citation must be dismissed if proof of correction is presented to the Kodiak Police Department within fourteen (14) days after the date of the citation. If the required correction is not made, the offense may be disposed of without court appearance upon payment of the fine amount listed.

Section 2: Kodiak City Code 5.04.015, Parking for vehicles for hire, is enacted to read as follows:

5.04.015 Parking for vehicles for hire. The chief of police, after consulting with the harbormaster, may designate spaces on city docks where vehicles for hire regulated under KCC Chapter 5.40 may park for the purpose of picking up or discharging passengers. No person may park a vehicle for hire on a city dock except in a space designated for that purpose under this section.

Section 3: No taxicab permit may be suspended or revoked for a violation of Kodiak City Code 5.40.110(g) in effect before the effective date of this ordinance after November 30, 2009. Any taxicab permit that was suspended or revoked for a violation of Kodiak City Code 5.40.110(g) in effect before the effective date of this ordinance on or after December 1, 2009, shall be reinstated or returned to the former permit holder, as the case may be. Any taxicab permit that expired on or after November 1, 2010 due to nonrenewal after suspension under Kodiak City Code 5.40.105 in effect before the effective date of this ordinance shall be reinstated and returned to the former permit holder.

Section 4: Kodiak City Code Chapter 5.40, Taxicabs and For-Hire Vehicles, is repealed.

Section 5: Kodiak City Code Chapter 5.40, Vehicles for Hire, is enacted to read as follows:

CHAPTER 5.40—VEHICLES FOR HIRE

Article 1 – Vehicles for Hire, in General

Section	
5.40.005	Permit required for vehicle for hire
5.40.010	Permit application
5.40.015	Processing permit application
5.40.020	Permit expiration and renewal
5.40.025	Required equipment and markings
5.40.030	Required insurance coverage
5.40.035	Vehicle standards and inspection
5.40.040	Responsibilities of permittee
5.40.045	Grounds for permit suspension or revocation
5.40.050	Permit denial, suspension or revocation procedure; appeal
5.40.055	Shuttle vehicles prohibited
5.40.090	Definitions

5.40.005 Permit required for vehicle for hire. No person may cause or permit a motor vehicle to be operated as a vehicle for hire, except in accordance with the terms of a permit issued for that vehicle under this chapter.

5.40.010 Permit application. (a) The registered owner (or all registered owners if there are more than one) of a motor vehicle must apply for a vehicle for hire permit for the motor vehicle. The application shall be submitted to the city clerk on a form provided by the city clerk, and shall include:

- (1) The name and address of the applicant or applicants.
- (2) If an applicant is not a natural person, the business entity form and jurisdiction of incorporation or organization of the applicant, and the name and address of each officer of the applicant and each natural person who owns, directly or indirectly, more than five percent of the equity of the applicant.
- (3) The name under which the vehicle for hire business will be conducted.
- (4) The make, model, year of manufacture, vehicle identification number, and Alaska license number of the motor vehicle registered to the applicant that will be operated under the permit.
- (5) A description of any distinctive color scheme, design and lettering or numbering that will be applied to the exterior of the motor vehicle while it is operated under the permit.
- (6) The type of vehicle for hire (taxicab, limousine or tour vehicle) that the applicant will operate under the permit.
- (7) Proof that a vehicle that is to be used as a taxicab is registered as a taxicab with the State of Alaska, and proof that a vehicle that is to be used as any other type of vehicle for hire is registered for the transportation of passengers for hire with the State of Alaska.

(b) The application shall be accompanied by:

(1) The application fee established by resolution or motion of the city council.

(2) A copy of the applicant's current Alaska business license.

(3) For each applicant who is a natural person, proof that the applicant is at least 19 years old.

(4) A written report on a form provided by the city of a safety inspection of the vehicle performed by a motor vehicle repair shop, confirming that the vehicle is equipped as required by this chapter and meets all other applicable legal requirements for operation as a vehicle for hire. The applicant shall select the motor vehicle repair shop to perform the safety inspection from a list supplied by the city, but may not select a motor vehicle repair shop that has an ownership interest in common with the applicant or the motor vehicle.

(5) Proof of insurance for the motor vehicle required by section 5.40.030.

(6) For a vehicle for hire permit for a taxicab, a copy of the tariff approved by the council under which the applicant will operate the taxicab.

5.40.015 Processing permit application. (a) Except as provided for taxicab permits in section 5.40.110, if the city clerk finds that a vehicle for hire permit application is complete, and meets all of the requirements in this chapter for the issuance of the permit, the city clerk shall notify the applicant that the permit is approved, and issue the permit after the applicant has obtained a certificate of registration as a sales tax collector under section 3.08.080.

(b) If the city clerk finds that a vehicle for hire permit application does not meet all of the requirements in this chapter for the issuance of a permit, the city clerk shall notify the applicant as provided in section 5.40.050(a) that the city clerk intends to deny the permit. If the applicant fails to cure the deficiency in the application within 10 days after the date of the notice, the city clerk shall deny the permit. The applicant may appeal the denial of a permit under this subsection to a hearing officer as provided in section 5.40.050(c).

5.40.020 Permit expiration and renewal. (a) A vehicle for hire permit is effective from the date of its issuance until it expires, as provided in this section.

(b) A vehicle for hire permit shall be issued for a period not to exceed three years and shall expire on December 31 of the second calendar year after the year in which it was issued.

(c) Beginning one month before the permit expires, a permittee may apply to renew the permit for the following three-year period. The renewal application shall contain the information required in section 5.40.010 and any additional information required for the type of vehicle for hire, and shall be processed as provided in section 5.40.015; provided that the city clerk shall not renew the permit upon finding that any of the grounds for permit revocation in section 5.40.045 apply to the permittee. The applicant may appeal the denial of a permit under this subsection to a hearing officer as provided in section 5.40.050(c).

5.40.025. Required equipment and markings. (a) Every vehicle for hire shall be equipped with lighting that shall illuminate the entire passenger compartment of the motor vehicle while passengers are entering or exiting.

(b) Every vehicle for hire that is a limousine or a tour vehicle shall display on its windshield a decal issued by the city identifying the vehicle as a vehicle for hire and bearing the permit number for the vehicle for hire.

5.40.030 Required insurance coverage. The permittee shall maintain continuously for the motor vehicle that is described in the permit a policy of insurance issued by an insurance company authorized to do business in Alaska for liability arising from the operation of the motor vehicle, including uninsured motorist coverage, with a combined single limit of \$300,000 for bodily injury or death in any one accident, and including a provision requiring written notice to the city not less than thirty days before cancellation of the policy or the reduction of coverage under the policy below the minimum limits required by this section.

5.40.035 Vehicle standards and inspection. (a) A vehicle for hire must meet the provisions of the State of Alaska motor vehicle code and the applicable provisions of this chapter.

(b) The city may require an inspection of a vehicle for hire to be performed at the expense of the permittee when the city has reasonable cause to believe that the vehicle does not conform to the applicable requirements of this chapter. The permittee shall select the motor vehicle repair shop to perform the inspection from a list supplied by the city, but may not select a motor vehicle repair shop that has an ownership interest in common with the applicant or the motor vehicle.

(c) If the city determines that a vehicle for hire requires repair or modification to conform to the applicable standards of this chapter, the city may order the owner of the vehicle not to operate the vehicle until the owner has demonstrated to the satisfaction of the city that the required repair or modification has been completed.

5.40.040 Responsibilities of permittee. A permittee shall be responsible for:

(a) Collecting and timely remitting to the city all city sales tax for transportation services provided under the permit.

(b) Maintaining a current certificate of registration as a sales tax collector under section 3.08.080.

(c) Maintaining a current mailing address on file with the city clerk. Any notice to a permittee required under this chapter shall be deemed sufficient if mailed to the permittee's mailing address that current is on file with the city clerk.

(d) Maintaining and preserving for a period of not less than two years a legible written record of all trips of the motor vehicle operated under the permit, on a form provided by the city, and making all such records available for inspection by an employee authorized by the city manager during reasonable business hours.

(e) Maintaining the motor vehicle operated under the permit in good condition and repair at all times. No inspection of the motor vehicle required

under this chapter shall affect the permittee's responsibility under this subsection, or cause the city to assume any of that responsibility.

5.40.045 Grounds for permit suspension or revocation. The city clerk may suspend or revoke a permit on any of the following grounds:

- (a) The making of a false statement in the permit application.
- (b) Failure of the permittee to collect or timely remit sales taxes due on fares for transportation services rendered under the permit.
- (c) Failure of the permittee to maintain a current certificate of registration as a sales tax collector under section 3.08.080.
- (d) The cancellation of the insurance required by this chapter, or the reduction of insurance coverage below the minimum limits required by this chapter, and the permittee's failure to provide the city clerk with evidence of replacement insurance before the effective date of the cancellation or reduction.
- (e) Conviction of the permittee, any officer or employee of the permittee, or any owner of a controlling interest in the permittee, of any of the following:
 - (1) A felony.
 - (2) A misdemeanor involving the use of, possession of, or traffic in a controlled substance.
- (f) Conviction of any chauffeur employed by the permittee of a violation of a provision of this chapter or any other provision of city or state law governing operations under the permit, if it is shown to be more likely than not that the permittee knew or should have known of the violation.
- (g) A permittee under a permit for a taxicab charging any fare that does not conform to the tariff approved by the council under which the permittee is authorized to operate.
- (h) Failure to comply with section 5.40.040.

5.40.050 Permit denial, suspension or revocation procedure; appeal. (a) Except where subsection (b) of this section authorizes an immediate suspension, at least 10 days before denying, suspending or revoking a permit, the city clerk shall mail to the applicant or permittee written notice of intent to deny, suspend or revoke the permit, stating the grounds therefor. The notice shall state the time and place at which the city will hold a hearing on the permit denial, suspension or revocation upon the permittee's written request, which time shall not be less than 10 days after the date the city clerk mails the notice.

(b) Notwithstanding subsection (a) of this section, the city clerk may suspend a permit immediately if the city clerk has probable cause to believe that continued operation under the permit presents a substantial hazard to public safety, and shall suspend a permit immediately upon the permittee's failure to maintain insurance required by section 5.40.030. The suspension shall remain in effect until the permittee demonstrates to the city clerk that the cause for the suspension has been corrected. Promptly after suspending a permit under this subsection, the city clerk shall give the permittee written notice of the suspension, and of the permittee's right to request a hearing on the suspension, in accordance with subsection (a) of this section.

(c) Upon the submission by the applicant or permittee within five days after the date of the notice provided under subsection (a) of this section of a written request for a hearing on the denial, suspension or revocation of a permit, a hearing officer designated by the city manager shall conduct the hearing at the time and place stated in the notice of the denial, suspension or revocation. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The applicant or permittee may appear in person or by counsel, present evidence, and cross examine witnesses. The hearing shall be recorded. Within five days after the conclusion of the hearing, the hearing officer shall prepare and mail to the applicant or permittee and the city clerk a written decision whether to deny, suspend or revoke the permit, stating the reasons for the decision.

(d) Any person aggrieved by the hearing officer's decision under subsection (c) of this section may appeal the decision to the superior court within 30 days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, an appeal does not stay the effect of a decision by the hearing officer to deny, suspend or revoke a permit.

5.40.055 Shuttle vehicles prohibited. No person may cause or permit a motor vehicle to be operated as a shuttle vehicle.

5.40.090 Definitions. As used in this chapter:

(a) "Alcoholic beverage" has the meaning given in AS 04.21.080(b).

(b) "Chief of police" means the chief of police, or a person that the chief of police or the city manager designates to perform the functions of the chief of police under this chapter.

(c) "City clerk" means the city clerk, or a person that the city clerk or the city council designates to perform the functions of the city clerk under this chapter.

(d) "Controlled substance" means any substance listed as being controlled under AS 11.71 or 21 U.S.C. §§812 - 813, or determined under federal regulations to be controlled for purposes of 21 U.S.C. §§812 - 813 (Controlled Substances Act).

(e) "Courtesy vehicle" means a motor vehicle operated by a business to transport only:

(1) Clients of the business without any separate charge for the transportation and

(2) Employees of the business.

(f) "License" means a chauffeur's license issued under this chapter.

(g) "Licensee" means a holder of a license.

(h) "Limousine" means a motor vehicle that is used to transport passengers for an hourly or contract rate, and which is not operated over any fixed or defined route.

(i) "Motor vehicle" means a motor vehicle as defined in AS 28.40.100 that is required to be registered under AS 28.10, and that is not designed to transport more than 15 passengers, including the driver.

(j) "Motor vehicle repair shop" means a person subject to regulation under AS 45.45.130 - 240.

(k) "Permit" means a vehicle for hire permit issued under this chapter.

(l) "Permittee" means a holder of a permit.

(m) "Shuttle vehicle" means a motor vehicle that transports passengers for a fee from a starting point or to a destination that is selected by the operator. A courtesy vehicle is not a shuttle vehicle.

(n) "Substantial damage" means damage that can reasonably be expected to adversely affect passenger safety or comfort;

(o) "Taxicab" means a motor vehicle that is used to transport passengers for a fee based upon the distance traveled or waiting time, or both, and which is not operated over any fixed or defined route

(p) "Test positive" for a controlled substance means the identification of one or more controlled substances in the urine based on levels defined by the U.S. National Institute of Drug Administration as confirmed by a laboratory certified by the U.S. Department of Health and Human Services.

(q) "Tour vehicle" means a motor vehicle that transports passengers for a fee on a route and to destinations selected by the operator, for the purpose of the operator showing the passengers locations of scenic, historic or cultural interest.

(r) "Unconditional discharge" means release from all disability arising under a sentence for an offense, including any period during which a person is subject to a suspended imposition of sentence, or to probation or parole.

(s) "Vehicle for hire" means a motor vehicle offered for hire with a driver as a taxicab, limousine or tour vehicle.

Article 2 – Taxicabs and Limousines

Section

5.40.100	Permit to operate taxicab or limousine required
5.40.105	Permit application for taxicab or limousine
5.40.110	Processing permit application for taxicab
5.40.115	Limits on number of permits for taxicabs and on permit ownership
5.40.120	Required equipment and markings
5.40.125	Responsibilities of taxicab or limousine permittee
5.40.130	Permit transfer
5.40.135	Voluntary suspension of permit for taxicab
5.40.140	Loss, damage and disposal of motor vehicle
5.40.145	Limousine service requirements
5.40.150	Approval of tariffs
5.40.155	Taxi stands

5.40.100 Permit to operate taxicab or limousine required. No person may cause or permit a motor vehicle to be operated as a taxicab except under a vehicle for hire permit for a taxicab. No person may cause or permit a motor vehicle to be operated as a limousine except under a vehicle for hire permit for a limousine.

5.40.105 Permit application for taxicab or limousine. In addition to the information required in an application for a vehicle for hire permit under section 5.40.010, an application for a vehicle for hire permit:

(a) For a taxicab shall include proof that the vehicle that is to be used as a taxicab is registered with the State of Alaska as a taxicab, and a copy of the tariff approved by the council under which the applicant will operate the taxicab.

(b) For a limousine shall include proof that the vehicle that is to be used as a limousine is registered with the State of Alaska for the transportation of passengers for hire.

5.40.110 Processing permit application for taxicab. (a) If the city clerk finds that an application for a vehicle for hire permit for a taxicab is complete, and meets all of the requirements in this chapter for the issuance of a permit except that the permit would be in excess of the number of permits for taxicabs authorized at that time, the city clerk shall refer the application to the city council for review under section 5.40.115(b).

5.40.115 Limits on number of permits for taxicabs and on permit ownership.

(a) No more than 26 vehicle for hire permits for taxicabs, including permits that are suspended under sections 5.40.090 or 5.40.130, may be in effect at any time. The city council may increase or decrease the maximum number of vehicle for hire permits for taxicabs if it finds that the public convenience and necessity so require; provided that no decrease in the maximum number of permits for taxicabs shall have the effect of revoking or preventing the renewal of any existing permit.

(b) In addition to changing the maximum number of vehicle for hire permits for taxicabs under subsection (a) of this section, the council may increase the maximum number of such permits in response to an application for an additional taxicab permit. If the council finds probable cause to believe that the public convenience and necessity require the increase, the council shall hold a public hearing on the application. At the hearing, the applicant has the burden of proving by clear and convincing evidence that the public convenience and necessity require an increase in the maximum number of vehicle for hire permits for taxicabs. If the council determines that the public convenience and necessity require the increase, it shall direct the issuance of an additional vehicle for hire permit for a taxicab.

(c) If a vehicle for hire permit for a taxicab expires under Section 5.40.050(b) and is not renewed, or is revoked under section 5.40.100, the council shall determine whether to reduce the number of authorized vehicle for hire permits for taxicabs. If the council does not reduce the number of authorized vehicle for hire permits for taxicabs, the city clerk shall publish and post notice to the public soliciting applications for a taxicab permit to replace the expired or revoked permit. Applications shall be submitted to the city clerk in the form, and with the information, required in sections 5.40.010 and 5.40.105. If qualified applicants submit more applications meeting the requirements of sections 5.40.010 and 5.40.105 than the number of available permits, the city clerk shall determine by lot which applicants will receive the available permits. The permittee under a vehicle for hire permit for a taxicab that expires under section

5.40.020(b) and is not renewed, or that is revoked under section 5.40.050, may not apply for another permit for a period of one year after the date of the expiration or revocation.

(d) No person may hold at any one time a direct or indirect interest in more than one-third, increased to the nearest whole number, of all vehicle for hire permits for taxicabs that then are authorized. A person holds an indirect interest in a permit if the permit is held by the person's spouse, parent, brother, sister, or child, or an entity of which the person is a partner, member or shareholder.

5.40.120. Required equipment and markings. In addition to the requirements of section 5.40.025, a motor vehicle used as a taxicab shall:

(a) Have an illuminated toplight structure permanently affixed to the roof of the motor vehicle, which shall display the permit number assigned to the motor vehicle in readable letters which are not less than two nor more than twelve inches high.

(b) Display at a location in its interior that is visible to the passenger a legible notice or placard setting forth the fares charged to passengers.

(c) Display at a location in its interior that is visible to the passenger the identification and photograph for the chauffeur who is operating the vehicle.

5.40.125 Responsibilities of taxicab or limousine permittee. In addition to the responsibilities of a permittee under Section 5.40.040:

(a) A taxicab or limousine permittee shall be responsible for determining that each person who operates the vehicle for hire has a valid current chauffeur's license issued under this chapter.

(b) A taxicab permittee shall be responsible for retaining for a period of not less than two years after the end of each shift of a chauffeur operating the taxicab the trip sheet that the chauffeur is required to complete under Section 5.40.330(b), and making all such records available for inspection by an employee authorized by the city manager during reasonable business hours.

5.40.130 Permit transfer. (a) Transfer of vehicle for hire permit for a taxicab.

(1) A permittee may not transfer the vehicle for hire permit for a taxicab, or any right to operate a motor vehicle as a taxicab under the permit, without the prior written approval of the city clerk. A transfer of any interest in a corporation or other business entity that results in a change in the control of the entity constitutes a transfer of any vehicle for hire permit for a taxicab held by the entity.

(2) A transferee of a vehicle for hire permit for a taxicab shall apply for approval of the transfer of the permit by submitting to the city clerk all of the information required in an original application for a taxicab permit under sections 5.40.010 and 5.04.105. The city clerk shall approve the transfer of a taxicab permit only after finding that the transfer application is complete and meets all of the requirements in this chapter for the issuance of a vehicle for hire permit for a taxicab to the transferee. The city clerk shall notify the applicant of the denial of an application, and

the applicant may appeal the denial, in the manner provided for the denial of a permit in section 5.40.015(b).

(b) A vehicle for hire permit for a limousine is not transferable. If the permittee transfers its interest in the motor vehicle that is the subject of a vehicle for hire permit for a limousine, the permit expires.

5.40.135 Voluntary suspension of permit for taxicab. (a) The permittee may elect to suspend operation of a motor vehicle as a taxicab by giving the city clerk written notice of the election and surrendering to the city clerk the vehicle for hire permit for the taxicab.

(b) While a suspension of a vehicle for hire permit under this section is in effect,

(1) The permittee may not operate the motor vehicle for which the vehicle for hire permit was issued as either a taxicab or any other type of vehicle for hire.

(2) The vehicle for hire permit remains subject to the provisions for permit expiration and renewal in section 5.40.020.

(3) Except as provided in this section, the motor vehicle for which the vehicle for hire permit was issued is not subject to the requirements of this chapter.

(c) The permittee may elect to terminate a permit suspension under this section and recover the suspended permit, by giving the city clerk written notice of the election, and demonstrating to the satisfaction of the city clerk that the motor vehicle for which the permit was issued meets all of the requirements for a taxicab in this chapter. The city clerk may require an inspection of the motor vehicle under section 5.40.035 for this purpose.

5.40.140 Loss, damage and disposal of motor vehicle. A permittee shall notify the city clerk immediately upon the loss, destruction, substantial damage, or sale or other disposal of the motor vehicle described in a permit for a taxicab or limousine. Upon the loss, destruction, substantial damage, or sale or other disposal of a motor vehicle described in a permit for a taxicab, the permit is suspended, and the permit shall be reinstated when the vehicle is repaired and/or replaced. Upon the loss, destruction, substantial damage, or sale or other disposal of a motor vehicle described in a permit for a limousine, the permit expires.

5.40.145 Limousine service requirements. (a) A permittee under a permit for a limousine shall provide limousine service only in accordance with a written service agreement signed by the customer and the permittee or the permittee's authorized agent at least one hour before the service commences. The service agreement shall state the business name of the limousine service, the date and time the customer first requested the service, the date and time service is requested to commence, the customer's name, mailing address and telephone number, the anticipated duration of the service, and the hourly or contract fee for the service. An original executed copy of the service agreement shall be carried in the limousine and be available to the passengers at all times during the limousine service that it covers.

(b) A permittee under a permit for a limousine shall cause a trip report to be kept for each limousine service agreement. The name of the chauffeur operating the limousine, the customer's name and the date and the time the service begins shall be entered on the report when the service begins, and the date and time the service ends shall be entered on the report when the service ends. The trip report shall be either attached to and filed with the service agreement or printed on the service agreement beneath the signatures.

(c) A permittee under a permit for a limousine shall maintain and preserve all service contracts and trip reports for a period of not less than two years, and make them available for inspection by an authorized employee of the city during reasonable business hours.

(d) Only the permittee under the permit for a limousine may accept requests and make arrangements for limousine service.

5.40.150 Approval of tariffs. A permittee under a permit for a taxicab shall charge for all trips that in whole or in part are within the city only in accordance with a tariff of taxicab fares approved by the council. The tariff shall state the fare per trip or per increment of distance traveled, and the rates for standing and for additional passengers if such charges are levied. A permittee under a permit for a taxicab may apply to the council to change any rate in the approved tariff under which the permittee operates. The council will approve the change after a public hearing only if the council determines it to be in the best public interest.

5.40.155 Taxi stands. The council by resolution shall establish taxi stands in such locations and in such numbers as the council from time to time determines to be in the best public interest. No person may stop, stand or park a motor vehicle at a taxi stand, except for the type of motor vehicle for whose use the stand has been designated. There shall be no charge for the use of a taxi or bus stand by the type of motor vehicle for whose use the stand has been designated.

Article 3 –Tour Vehicles

Section

5.40.200	Permit to operate tour vehicle required
5.40.205	Permit application for tour vehicle
5.40.210	Permit transfer
5.40.215	Route plan required

5.40.200 Permit to operate as tour vehicle required. No person may cause or permit a motor vehicle to be operated as a tour vehicle except under a vehicle for hire permit for a tour vehicle.

5.40.205 Permit application for tour vehicle. In addition to the information required in an application for a vehicle for hire permit under section 5.40.020, an application for a vehicle for hire permit for a tour vehicle shall include proof that the vehicle that is to be used as a tour vehicle is registered for the transportation of passengers for hire with the State of Alaska.

5.40.210 Permit transfer. A vehicle for hire permit for a tour vehicle is not transferable. If the permittee transfers its interest in the motor vehicle that is the subject of a vehicle for hire permit for a tour vehicle, the permit expires.

5.40.215 Route plan required. A permittee may operate a tour vehicle only on a route that is shown on an approved route plan for the permittee that is on file with the chief of police. The permittee shall file route plan with the chief of police showing the route or routes on which the permittee will operate a tour vehicle, and all scheduled stops on each route, not later than May 1 of each year. The chief of police shall approve a route plan unless the chief of police finds that operation of a tour vehicle on the route plan will cause a traffic hazard or unreasonable traffic delay or congestion. The chief of police shall notify the permittee in writing of the rejection of a route plan within 24 hours after its filing, with a statement of the reasons for the rejection. The rejection of a route plan is subject to appeal under the procedure in section 5.40.050.

Article 4 -- Chauffeurs

Section

5.40.300	Chauffeur's license
5.40.305	License application
5.40.310	Qualifications of applicant
5.40.315	Processing license applications
5.40.320	License expiration and renewal
5.40.325	Requirements for all licensees
5.40.330	Requirements for licensees operating a taxicab
5.40.335	Testing of licensees for controlled substances
5.40.340	Consequences of a positive test
5.40.345	Grounds for license suspension or revocation
5.40.350	Procedure for license suspension or revocation

5.40.300 Chauffeur's license. No person may operate a taxicab or limousine except in accordance with a chauffeur's license issued under this chapter.

5.40.305 License application. An application for a chauffeur's license is submitted to the chief of police on a form provided by the chief of police. The application shall include the name and address of the applicant, and shall be accompanied by:

(1) The application fee established by resolution or motion of the city council, which shall be prorated for a license that is issued for a term greater or less than two years.

(2) Proof that the applicant is at least 19 years old.

(3) A photograph of the applicant taken by the police department.

(4) A full set of fingerprints of the applicant taken by the police department.

5.40.310 Qualifications of applicant. (a) An applicant for a chauffeur's license shall:

- (1) Be at least 19 years of age.
 - (2) Possess a valid state of Alaska driver's license that permits the applicant to operate the vehicle that the person will operate under the license, and demonstrate familiarity with the traffic laws of the city of Kodiak and the state of Alaska.
 - (3) Possess a medical certificate establishing the applicant's health meets the minimum standards of 13 AAC 08.025(a)(1) through 13 AAC 08.025(a)(8), or a valid state school bus operator's permit.
 - (4) Submit to a city-approved drug testing facility or contractor a urine sample to be tested for the presence of controlled substances.
- (b) An application for a chauffeur's license shall be denied if the applicant:
- (1) As of the date of application, has been convicted of any of the following under the laws of Alaska or any other jurisdiction, if less than one year has elapsed since the applicant's unconditional discharge on the most recent conviction:
 - (i) Traffic violations in a 12 month period totaling 12 or more points under Alaska statute.
 - (ii) Traffic violations in a 24 month period totaling 18 or more points under Alaska statute.
 - (iii) Driving while license is suspended or revoked.
 - (2) As of the date of application, has been convicted of any of the following under the laws of Alaska or any other jurisdiction, and less than five years has elapsed since the applicant's unconditional discharge on the conviction:
 - (i) Any offense against the person as set out in AS 11.41.
 - (ii) Any offense against property classified as a Class A felony as set out in AS 11.46.
 - (iii) Any offense against the family classified as a felony as set out in AS 11.51, or contributing to the delinquency of a minor as set out in AS 11.51.130.
 - (iv) Any offense against public administration classified as a Class A or B felony as set out in AS 11.56.
 - (v) Any offense against public order classified as a felony as set out in AS 11.61.
 - (vi) Any offense against public health and decency pertaining to gambling, which is classified as a felony or Class A misdemeanor, or pertaining to prostitution.
 - (vii) Any offense involving a controlled substance or imitation controlled substance as set out in AS 11.71 or AS 11.76.
 - (viii) Any attempt or solicitation classified as a Class A or B felony.
 - (3) At any time has been convicted under the laws of Alaska or any other jurisdiction of sexual assault in any degree, sexual abuse or offenses related to sexual abuse as stated in AS 11.41, homicide or robbery.
 - (4) Tests positive for the presence of one or more controlled substances in his or her urine, unless the applicant provides evidence that any controlled substance for which the urine sample tested positive was

present in the applicant's urine as the result of having been prescribed by a state licensed medical doctor.

(c) An applicant denied a license the first time for testing positive for a controlled substance may not reapply for at least six months after the positive test. An applicant denied a license more than once for testing positive for a controlled substance may not reapply for at least two years after the most recent positive test.

5.40.315 Processing license applications. (a) If the chief of police finds that a license application is complete, and meets all of the requirements in this chapter for the issuance of a license, the chief of police shall issue the license for the term provided in section 5.40.320.

(b) If the chief of police finds that a license application does not meet all of the requirements in this chapter for the issuance of a license, the chief of police shall notify the applicant as provided in section 5.40.350(a) that the chief of police intends to deny the license. If the applicant fails to cure the deficiency in the application within 10 days after the date of the notice, the chief of police shall deny the license. The applicant may appeal the denial of a license under this subsection to a hearing officer as provided in section 5.40.350(c).

5.40.320 License expiration and renewal. (a) A license is effective from the date of its issuance until it expires as provided in this section.

(b) The term of a license that is not issued to renew an existing license shall expire on the first day of the month of the licensee's first birthday that occurs more than 15 months after the date of issuance.

(c) The term of a license that is issued to renew an existing license shall expire two years after the date of the expiration of the existing license.

(d) Not later than 30 days before a license expires, the licensee may apply to renew the license. The renewal application shall contain the information required in section 5.40.305, and shall be processed as provided in section 5.40.315.

5.40.325 Requirements for all licensees. No licensee may:

(a) Operate a vehicle for hire without displaying the licensee's identification photograph or placard at a location in the interior of the vehicle that is visible to the passenger.

(b) Operate a vehicle for hire without the permit required by this chapter for such operation in full force and effect.

(c) Operate or remain in physical control for purposes of operating a vehicle for hire for a period of more than 12 consecutive hours, or for more than 16 hours in any 24 hour period. As used in this subsection "physical control" means having access to the vehicle and being available for dispatch.

(d) Consume any alcoholic beverage, or consume any controlled substance that impairs the ability to operate a motor vehicle, during working hours as a licensee or within four hours preceding the operation of a vehicle for hire.

5.40.330 Requirements for licensees operating a taxicab. (a) No licensee operating a taxicab may:

(1) Charge a fare different from that authorized by the applicable tariff approved by the council.

(2) Fail to display the applicable tariff in the taxicab in a manner so that it will be visible to passengers.

(3) Refuse to convey an orderly person or persons upon request and tender of the proper fare, unless currently engaged or unable or forbidden to do so by the provisions of this chapter or the laws of the state of Alaska.

(4) Transport or offer to transport additional passengers without the permission of any passengers then occupying the taxicab.

(b) A licensee operating a taxicab shall carry in the taxicab a legible trip sheet, on a form authorized by the city, for the licensee's current shift, and shall produce the trip sheet for inspection upon request of the chief of police or the chief's designee. The licensee shall enter the following information on the trip sheet:

(1) Immediately after going on duty, at the top of the trip sheet, the licensee's name and license number, the taxicab number, and the date.

(2) Immediately after picking up a passenger or group of passengers, the time and place of passenger pickup and the number of passengers transported.

(3) Immediately after discharging a passenger from the taxicab, the time of passenger delivery, the destination and the amount of the fare received.

(c) A licensee operating a taxicab shall submit all trip sheets prepared under subsection (b) of this section to the permittee under the permit for the taxicab at the end of the licensee's shift.

5.40.335 Testing of licensees for controlled substances. A licensee is subject to testing for controlled substances as provided in this section.

(a) Random testing. Up to one time during a calendar year, a licensee may be selected at random for testing. Within 12 hours after notice to do so, a licensee who is selected at random for testing shall report to a drug testing facility, collection point or contractor designated by the city and shall provide a sample of his or her urine to be tested for the presence of controlled substances. The chief of police will remove a licensee from the random testing pool upon the request of the licensee during any period that the licensee is not employed as an operator of a vehicle for hire in the city and surrenders his or her license to the chief of police.

(b) Post accident testing. A licensee who is involved in a traffic accident while operating a vehicle for hire in the city that results in (i) a fatality, or an injury to a person requiring medical attention other than at the accident scene, or (ii) damage to a vehicle requiring that the vehicle be towed from the accident scene, shall provide a sample of his or her urine to be tested for the presence of controlled substances as soon after the accident as practicable, and in any event within 24 hours after the accident, unless prevented from doing so by injury. The city may require a licensee who is involved in a traffic accident while operating a vehicle for hire in the city that results in the citation of the licensee for a traffic law violation that is required to be reported under AS 28.15.191 or AS 28.37.130

to provide a sample of his or her urine to be tested for the presence of controlled substances as soon after the accident as practicable, and in any event within 24 hours after the accident, unless prevented from doing so by injury.

(c) Reasonable suspicion testing. A licensee shall provide a sample of his or her urine to be tested for the presence of controlled substances when requested to do so by a police officer who as a result of observing the licensee's speech, driving or other conduct has a reasonable suspicion that the licensee has been operating a vehicle for hire under the influence of a controlled substance or the combined influence of a controlled substance and alcohol.

5.40.340 Consequences of a positive test. (a) A licensee whose test under section 5.40.335 is positive for a controlled substance shall be notified of the result, and within 72 hours after receiving such notification may:

- (1) Request a re-test of the urine sample which tested positive, and
- (2) Provide evidence that any controlled substance for which the urine sample tested positive was present in the licensee's urine as the result of having been prescribed by a state licensed medical doctor.

(b) If a licensee's test under section 5.40.335 is positive for a controlled substance, any retest under (a)(1) of this section confirms the positive result, and the licensee fails to provide evidence under (a)(2) of this section that each controlled substance for which the licensee tested positive was present in the licensee's urine as the result of having been prescribed by a state licensed medical doctor, the licensee's license will be suspended for six months after the first such positive test, and for two years after the second or subsequent such positive test. A license that is suspended under this subsection shall not be reinstated unless the licensee has passed a test for controlled substances equivalent to the test required of a license applicant after the suspension has expired.

(c) A refusal to submit to a test for controlled substances required under 5.40.335, or an attempt to adulterate a sample or sabotage or invalidate the results of such a test, shall have the same consequences as a confirmed, unexcused positive test result.

5.40.345 Grounds for license suspension or revocation. (a) The chief of police may suspend a license not more than thirty days for the first offense; not more than six months for a second offense committed within five years of the most recent previous offense; and not more than one year for any subsequent offense committed within five years of the most recent previous offense, if the licensee:

- (1) Makes a false statement in the license application; or
- (2) Violates a provision of this chapter or any other provision of city or state law; or
- (3) Operates a vehicle for hire other than as authorized herein.

(b) The chief of police may suspend a license not more than thirty days for the first offense; not more than one year for a second offense committed within five years of the most recent previous offense; and not more than three years for any subsequent offense committed within five years after the most recent previous offense; if the licensee is convicted of an offense that would disqualify the licensee from obtaining a license under section 5.40.310(b).

(c) The chief of police shall suspend or revoke a license upon suspension or revocation of the licensee's Alaska driver's license, for a period not less than the period of suspension or revocation of the licensee's Alaska driver's license.

5.40.350 Procedure for license suspension or revocation. (a) Except in the circumstances described in subsection (b) of this section, at least 10 days before denying, suspending or revoking a license, the chief of police shall mail to the applicant or licensee written notice of intent to deny, suspend or revoke the license, stating the grounds therefor. The notice shall state the time and place at which the city will hold a hearing on the license denial, suspension or revocation upon the licensee's written request, which time shall not be less than 10 days after the date the chief of police mails the notice.

(b) Notwithstanding subsection (a) of this section, the chief of police may suspend a license immediately if the chief of police has probable cause to believe that continued operation under the license presents a substantial hazard to public safety. The suspension shall remain in effect until the licensee demonstrates to the chief of police that the cause for the suspension has been corrected. Promptly after suspending a license under this subsection, the chief of police shall give the licensee written notice of the suspension, and of the licensee's right to request a hearing on the suspension, in accordance with subsection (a) of this section.

(c) Upon the submission by the applicant or licensee within five days after the date of the notice provided under subsection (a) of this section of a written request for a hearing on the denial, suspension or revocation of a license, a hearing officer designated by the city manager shall conduct the hearing at the time and place stated in the notice provided under subsection (a) of this section. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by the technical rules of evidence. The applicant or licensee may appear in person or by counsel, present evidence, and cross examine witnesses. The hearing shall be recorded. Within five days after the conclusion of the hearing, the hearing officer shall prepare and mail to the applicant or licensee and the chief of police a written decision whether to deny, suspend or revoke the license, stating the reasons for the decision.

(d) Any person aggrieved by the hearing officer's decision under subsection (c) of this section may appeal the decision to the superior court within 30 days after the date the decision was mailed or delivered to the parties. Unless the court orders otherwise, an appeal does not stay the effect of a decision by the hearing officer to deny, suspend or revoke a license.

Section 6: This ordinance shall become effective one month after its final passage and publication in accordance with Kodiak Charter Section 2-13.

CITY OF KODIAK

MAYOR *Carolyn Floyd*

ATTEST:

Debra Moulton

CITY CLERK

First Reading: April 14, 2011
Substitution and Second Reading:
April 28, 2011
Amended: April 28, 2011
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