

Proposed by:	Public Safety Committee
Attorney Review:	04/26/2017
First Reading:	05/04/2017
Second Reading:	_____
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 17-08

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC CHAPTER 5.08 GROUND TRANSPORTATION AND VEHICLE RENTAL OF TITLE 5 BUSINESS LICENSES AND REGULATIONS TO AMEND DEFINITIONS AND THE REGULATION OF GUIDED TOURS BY TOUR VEHICLES.

BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Chapter 5.08 Ground Transportation and Vehicle Rental of Title 5 Business Licensees and Regulations, Section 5.08.010 Definitions, Section 5.08.020 Motor Vehicle Rental Agencies, and Section 5.08.030(A) to amend definitions and the regulation of guided tours by tour vehicles. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

Section 3. Amendment. SMC 5.08.010 is hereby amended as follows:

5.08.010 Definitions.

A. Definitions:

1. "Bus" means any public vehicle designed, constructed, and or used for the transportation of passengers, with a designed seating capacity of more than fifteen (15) passengers including the driver.
2. "Certificate" means a written certificate of public transportation issued by the municipality authorizing the holder to conduct a public transportation business in the municipality.
3. "Chilkoot Trailhead Service" means transportation to or from the Chilkoot Trail trailhead or the NPS Campground in Dyea of individuals or groups intending an overnight hike on the Chilkoot Trail. Individuals or groups traveling to Dyea for any other purpose are not included in this definition for purposes of the taxicab regulations.
4. "Commercial passenger service" means transportation of passengers for compensation, whether the compensation is in the form of a contract, published fare, gratuity, or any financial return or benefit.
5. "Commercial passenger vehicles" means any bus, van, automobile or other vehicle including but not limited to motorcycles, motor scooters, **and** motorized bicycles ~~and non-motorized vehicles such as bicycles used to~~

transport passengers where the cost of transportation is included in the price of the product sold, and either the driver of such vehicles is provided by the operator, or the consumer is the driver of the vehicle being provided by the tour operator.

6. "Courtesy vehicle" means a public vehicle owned or operated by hotels, motels, or any place of business that provides overnight accommodation to the public similar to a hotel or motel, for the transportation of their overnight guests and for which no charge is made for the service or, air carrier providing airport transportation to scheduled point-to-point passengers for which no charge is made for the service.
7. "Commercial chauffeur's permit" means the written permission granted by the chief of police or his designee to a person to drive commercial passenger vehicles within the municipality unless the driver is under the exemption listed in SMC 5.08.040(A)(1)(a).
8. "Holder" means the person(s) to whom a certificate of public transportation has been issued.
9. "Limousine" means a chauffeur-driven, passenger vehicle, built or modified-for-the-purpose as a limousine on an automobile chassis of a Luxury Sedan (e.g. formal or extended limousine) or as defined and recognized by the industry, with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle. Such vehicle is used to provide prearranged passenger transportation on a dedicated basis at a "premium fare" as defined by Resolution.
10. "Limousine Company Permit" means a written permit issued by the municipality authorizing the holder to conduct a limousine service in the municipality.
11. "Limousine service" shall not be provided on a demand response basis but must be pre-arranged or arranged through a third party for point to point transportation or charter which requires that the vehicle be leased, rented or charged upon for a minimum time period of one hour (60 minutes) and with the fare determined on an hourly basis and not by a meter or mileage for the use of the vehicle.
12. "Public vehicle" means a vehicle or means of conveyance, operated as a courtesy, or commercial passenger vehicle including but not limited to animal-drawn conveyances or human-powered conveyances, in addition to motor vehicles, offered for commercial passenger service on public streets in which the driver is furnished by the owner or holder. Busses and other vehicles used to transport school children on a contract basis are excluded from the requirements of this chapter.
13. "Rate card" means a card for display in public vehicle that lists the rate of fare then in force.
14. "Shuttle" means a public vehicle offered for commercial passenger service usually but not limited to, transportation from dockside to urban area of town or return from urban area of town to dockside subject to conditions of SMC 5.08.040(I).

15. "Shuttle Business" means a business authorized to offer shuttle services as provided by SMC 5.08.040(I).
16. "Taxicab or taxi" means a vehicle used for the purpose of transporting passengers for hire, with a driver provided within the corporate limits of the municipality, not operated exclusively over a fixed and defined route, where the destination and route are controlled by the passengers, for which a charge is made.
17. "Taxi Company Permit" means a written permit issued by the municipality authorizing the holder to conduct a taxicab service in the municipality.
18. "Tour products" are any means of sightseeing that includes a component of transportation and interpretation. This includes but shall not be limited to bus, van, automobile, motorcycle, motor scooters, motorized bicycles, kayak tours, bicycle tours, flight seeing tours, horseback tours and hiking tours, river rafting or fishing.
19. "Tour vehicle" means a public vehicle having a total designed seating capacity of not more than fifteen (15) passengers, which offers transportation that is primarily in conjunction with a tour involving narration and providing return to point of departure. This includes but shall not be limited to bus, van, ~~or~~ automobile, kayak, or bicycle, ~~flight seeing~~, ~~horseback and hiking~~, ~~river rafting or fishing~~.

Section 4. Amendment. SMC 5.08.020 is hereby amended as follows:

5.08.020 Motor vehicle rental agencies.

- A. In addition to any applicable requirements of state law, any person engaging in the business of renting motor vehicles to the public shall obtain and maintain a municipal business license pursuant to Chapter 5.04 of this title.
- B. Guided tours in rental vehicles, **with the exception of bicycle tour vehicles**, must also comply with SMC 5.08.030(A)-(L).
- C. A guided tour by **motorized** tour vehicles shall not exceed a group of eight (8) vehicles, excluding the guide vehicle. **A guided tour by non-motorized tour vehicles shall not exceed a group of twelve (12), excluding the guide vehicle(s).**
- D. **Tour vehicles that are not commercial passenger vehicles shall acquire an annual tour vehicle certificate, which fee will be set by resolution by the borough assembly.**

Section 5. Amendment. SMC 5.08.030(A) is hereby amended as follows:

5.08.030 Operation of commercial passenger vehicles.

- A. Certificate of Public Transportation Required.
 1. No person shall operate or permit any vehicle owned or controlled by him or her to be operated as a commercial passenger vehicle ~~or tour vehicle~~ within the municipality without having first obtained a certificate of public transportation from the municipality.

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 17-08
PAGE 4 OF 4

2. Holders of a currently valid certificate of public transportation must purchase a separate business license under Chapter 5.04 of this title to perform functions authorized by the certificate of public transportation.

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Section 6. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this ___ day of _____, 2017.

Mark Schaefer, Mayor

ATTEST:

Emily A. Deach, Borough Clerk

(SEAL)