

Proposed by:	Civic Affairs Committee
First Reading:	06/23/2011
Second Reading:	07/07/2011
Vote:	6 Aye      0 Nay    0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
**ORDINANCE NO. 11-13**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS BY AMENDING CHAPTERS 5.01 THROUGH 5.20.**

**WHEREAS,** Amendments are required to address change in status from city to borough government; and

**WHEREAS,** the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

**NOW THEREFORE 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 Title 5, Business Licenses and Regulations by amending Chapters 5.01 through 5.20.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 5.01 General Provisions, Chapter 5.04 Business Licenses, Chapter 5.08 Ground Transportation and Vehicle Rental, Chapter 5.12 Sale of Alcoholic Beverages, and Chapter 5.20 Restricted Businesses are hereby amended as follows.

Chapter 5.01  
**GENERAL PROVISIONS**

Sections:

- 5.01.010 License--Issuance conditioned upon applicant's financial good standing with ~~city~~ **municipality.**
- 5.01.020 License--Renewal.
- 5.01.030 License--Exhibition.
- 5.01.040 License--Transferability.
- 5.01.050 Correction order--Grounds for issuance.
- 5.01.060 License--Suspension or revocation.
- 5.01.070 Appeal to ~~city council~~ **borough assembly.**
- 5.01.080 Judicial review.
- 5.01.090 Operation without a license unlawful.
- 5.01.100 Penalties.

5.01.010 License--Issuance conditioned upon applicant's financial good standing with ~~city~~ **municipality.**

No license or permit required by this title shall be issued to any person owing delinquent property taxes, utility bills or rent to the ~~city~~ **municipality,** nor to any person more than one (1) month delinquent in the reporting or remittance of sales taxes to the ~~city~~ **municipality.**

5.01.020 License--Renewal.

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Unless otherwise specifically provided in this title, an application for renewal of license shall be considered in the same manner as an original application.

5.01.030 License--Exhibition.

Every person required to obtain a license hereunder shall exhibit the same at all times, while in force, in some conspicuous part of the place of business for which it is issued, or shall carry such license upon his person at all times when engaged in an activity having no fixed place of business; and he shall produce the same for examination when applying for a renewal thereof, or when requested to do so by an officer of the city municipality charged with the enforcement of this chapter.

5.01.040 License--Transferability.

No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.

5.01.050 Correction order--Grounds for issuance.

A. Whenever it appears to the city borough manager by report filed by any city municipal official or other sources that any licensee:

1. Has relinquished legal control of said activity to any other person;
2. Has failed, refused or neglected to comply with any general or special term or condition of the license issued him or any law of the state or the city municipality;
3. Has become delinquent in payment of property taxes, utility bills or rent owed the city municipality; or has failed or refused to report and remit sales taxes due the city municipality and has become more than one (1) month delinquent in such reporting or remittance; then the city borough manager shall immediately issue an order directed to such licensee by registered certified mail, return receipt, which shall specify:
  - a. The term or condition of the license that has been violated,
  - b. The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limited for such corrective action (which shall be no earlier than seven (7) days following date of issuance of the corrective order),
  - c. Notification of the penalties provided by this title, and
  - d. Description of the method open to the licensee to obtain a hearing before the city borough manager prior to suspension or revocation of the license.

B. Based on new information timely received from the licensee, the city borough manager may, in his discretion, amend the terms or conditions of the corrective order.

5.01.060 License--Suspension or revocation.

Upon the expiration of the time allowed in a corrective order issued under Section 5.01.050 of this chapter, if the licensee has not complied with the corrective order, the city borough manager may suspend or revoke the license. Upon suspension or revocation of any license issued the city borough manager shall notify the person whose license has been suspended or revoked by registered certified mail, return receipt. Following such suspension or revocation and after notification of the licensee, it is unlawful for the licensee to continue to conduct that previously licensed business within the city municipality.

5.01.070 Appeal to city council borough assembly.

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- A. Any licensee who feels aggrieved by a correction order issued pursuant to Section 5.01.050 or a suspension or revocation issued pursuant to Section 5.01.060 may, within ten (10) days after the date of such order, file a request for hearing before the ~~city council~~ **borough assembly** at the office of the ~~city~~ **borough** clerk, together with a brief statement setting forth any matters, of law or of fact, which he deems should relieve him of the effect of such order.
- B. The ~~city~~ **borough** clerk, upon receipt of such request, shall cause such matter to be placed on the agenda of the first regular meeting of the ~~city council~~ **borough assembly** and shall immediately notify the licensee in writing of the time and place of hearing. The operation and effect of the order appealed from shall be suspended immediately upon the filing of such request until final determination by the ~~city council~~ **borough assembly**. If no such request is filed, such correction order, suspension or revocation shall remain operative according to its terms.
- C. The ~~council~~ **borough assembly** shall hear and receive such evidence as bears upon the issues presented by such order and request for hearing and, at the conclusion of the hearing, shall issue in writing its findings and determination, which shall:
  - 1. Confirm the order of the ~~city~~ **borough** manager as issued, whereupon the suspension for review shall cease and the order shall become operative in accordance with its terms and conditions;
  - 2. Modify the terms and conditions of the order of the ~~city~~ **borough** manager, whereupon the license shall immediately become subject to the terms and conditions of the modified order; or
  - 3. Revoke the order of the ~~city~~ **borough** manager, whereupon such licensee shall be re-vested with initial license authority.
- D. The ~~council's~~ **assembly's** written findings shall set forth the ~~council's~~ **assembly's** determination (with respect to each of the grounds stated in the ~~city~~ **borough** manager's correction order) as to the existence of the original violation, and whether the licensee has completed corrective action with respect to each violation found by the ~~council~~ **assembly**.

5.01.080 Judicial review.

No later than thirty (30) days following issuance of the ~~council's~~ **assembly's** written determination to the licensee, the licensee may file a petition for review with the superior court, First Judicial District, at Juneau. Petitions not timely filed are forever barred.

5.01.090 Operation without a license unlawful.

- A. New Business. After the effective date of this title, it is unlawful for any new business to begin operation within the ~~city~~ **municipality** without any applicable license required by this title.
- B. Existing Businesses. After ninety (90) days following the effective date of this title, it is unlawful for any person, firm or corporation which was doing business in the ~~city~~ **municipality** on or before the effective date of the ordinance codified in this title to continue or resume any activity requiring a license under this title without first obtaining such license from the ~~city~~ **municipality**.

5.01.100 Penalties.

- A. Any person who failed to timely procure a license may be assessed a civil penalty of one hundred dollars (\$100.00) for each week of operation without the required license.

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- B. Any person who fails to conform to the terms and conditions the ~~city~~ **municipality** places upon a license issued hereunder shall be subject to a civil penalty of one hundred dollars (\$100.00) for each week of violation of such terms or conditions.
- C. The ~~city~~ **municipality** may seek a court order enjoining the continued operation, within the ~~city~~ **municipality**, of any business whose owner or operator fails to comply with correction orders issued under Section 5.01.050 or terms of the ~~city council~~ **borough assembly** decision under Section 5.01.070, or who fails to cease operation following suspension or revocation of a license.
- D. Any person who willfully continues to operate without a license, or who continues to operate following the suspension or revocation of a license, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or thirty (30) days in jail, or both.

Chapter 5.04  
BUSINESS LICENSES

Sections:

- 5.04.010 Business defined.
- 5.04.020 License required--Fee established.
- 5.04.030 License--Renewal.
- 5.04.040 General provisions applicable.

5.04.010 Business defined.

"Business," as used in this chapter, means and includes all activities or acts, personal, professional or corporate, engaged in as a trade, profession or business for profit. Business activities that are exempt under the sales tax code are not exempt from the provisions of this chapter. The giving or supplying of services as an employee and the furnishing of property, services, substances or things, by a person who does not hold himself out as regularly engaging in such transactions, does not constitute business within the meaning of this chapter.

5.04.020 License required--Fee established.

- A. It is unlawful for any person, firm or corporation to engage in a business within the ~~city~~ **municipality** without first applying for and obtaining a ~~city~~ **Municipality** of Skagway business license. License to be displayed in accordance with Section 5.01.030.
- B. Separate Licenses Required. A separate license will be required for each entity that files a sales tax return, whether such separate reports are due to ~~city~~ **municipal** requirements, i.e., hotel room tax and miscellaneous sales by the same entity, or by a business owner's choice.
- C. Annual fees are established as follows:
  - 1. General business license will be ten dollars (\$10.00) per business license. All businesses will require a general business license except for those noted in Section 5.04.020(C)(2).
  - 2. Single site rental/lease business license will be ten dollars (\$10.00) per business license. The single site rental/lease business license will be issued only to entities who collect sales tax on one rental unit (business or residential) or are required to submit sales tax on a National Park Service Leaseback.
- D. Duration of Business License. Business licenses are effective for a calendar year with all licenses expiring on December 31<sup>st</sup>.

5.04.030 License--Renewal.

The ~~council~~ assembly shall, during the month of December, make a routine annual review of existing business licenses. If the ~~council~~ assembly determines that a licensee is in compliance with Section 5.01.010, then his license shall be renewed upon payment of an annual license fee.

5.04.040 General provisions applicable.

The provisions of Chapter 5.01 of this title shall apply to administration of this Chapter 5.04 concerning business licenses.

Chapter 5.08

GROUND TRANSPORTATION AND VEHICLE RENTAL

Sections:

- 5.08.010 Definitions.
- 5.08.020 Motor vehicle rental agencies.
- 5.08.030 Operation of commercial passenger vehicles.
- 5.08.032 Operation of taxicab service.
- 5.08.033 Operation of Limousine Service.
- 5.08.035 Operation of courtesy vehicles.
- 5.08.040 Drivers of commercial passenger vehicles.
- 5.08.045 Non-motorized conveyances/walking tours.
- 5.08.050 General provisions applicable.

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 city municipality authorizing the holder to conduct a public transportation business in the city 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 said compensation is in the form of a contract, published fare, gratuity, or other financial return.
5. "Commercial passenger vehicles" means any bus, van, automobile or other motorized conveyance, used to transport passengers used where the cost of automotive vehicle transportation is included in the price of the product sold, and the driver of such vehicles is provided by the 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 vehicles within the city municipality unless the driver is under the exemption listed in SMC 5.08.040(A)(1)(a).

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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 city municipality authorizing the holder to conduct a limousine service in the city 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 city municipality authorizing the holder to conduct a taxicab service in the city 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 or automobile tours, 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 tour oriented, involving narration and providing return to point of departure.

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- 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 city **municipal** business license pursuant to Chapter 5.04 of this title.
- B. Any person engaging in the business of renting golf carts or golf cart type vehicles shall also comply with city **municipal** requirements outlined in Section 5.08.030 A -- M.
- C. Any person engaging in the business of renting golf carts or golf cart type vehicles shall ensure that:
  - 1. Each renter shall have a driver's license valid in the State of Alaska.
  - 2. Each renter understands that the cart is to be operated under the rules of the road applicable to motorized vehicles and that traffic violations are punishable by law. A list of rules and regulations will be placed inside each cart.
  - 3. Carts will not be operated on State Street, 23rd Avenue or on or beyond the bridge over the Skagway River on the Klondike Highway. A map indicating where the carts are allowed will be in each cart. Carts are allowed to cross State Street and 23rd Avenue. Drivers will be cautioned about the dangers of crossing State Street and 23rd Avenue.
  - 4. Occupancy is limited to the number of seat belts available and limited to the front seat only. Seat belts must be worn by all occupants.
  - 5. Carts have the phone number of the rental agency and numbers at least six inches (6") tall to identify each cart.
- D. General Provisions:
  - 1. Any person engaging in the business of renting golf carts or golf cart type vehicles shall execute an instrument under the terms that the operator of the golf cart or golf cart type vehicle rental business will agree to indemnify, defend and hold harmless the City **Municipality** of Skagway **Borough** from any and all claims for injury or damage to persons or property as a result of the rental and/or operation of golf carts or golf cart type vehicles.
  - 2. Prior to the operation of any rental of golf carts or golf cart type vehicles business owners must provide the City **Municipality** of Skagway **Borough** with a certificate of insurance showing that the person engaging in the rental of golf carts or golf cart type vehicles have obtained at least five hundred thousand dollars (\$500,000.00) of liability insurance. This certificate must establish that the city **municipality** is named as an additional insured on such policy, and that the insurer thereof shall notify the city **municipality** if the policy is canceled, or terminated.

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 to be operated as a commercial passenger vehicle within the city **municipality** without having first obtained a certificate of public transportation from the city **municipality**.
  - 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.
- B. Certificate Application. An application for a certificate of public transportation shall be filed with the Skagway Police Department. The applicant will sign and certify that all of the information contained on the form is true and correct, and will include the following:

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1. The name and address of the applicant and all principals;
  2. Such further information as the ~~city~~ **borough** manager may require.
- C. Certificate -- Issuance. If the police chief finds that the applicant meets the requirements for a certificate of public transportation as stated in this chapter, the police chief, or his designee shall issue a certificate; otherwise the application shall be denied. Certificates issued shall:
1. State the name and address of the applicant,
  2. The date of issuance,
  3. The class of motor vehicles to be operated,
  4. The number of vehicles authorized under the certificate,
  5. The color scheme or insignia to be used, and
  6. Such additional terms, conditions, provisions and limitations, as the manager deems necessary to protect the public health, safety, welfare and convenience.
- No certificate shall be considered to have been issued until it has been signed by the police chief, or his designee and delivered to the prospective holder.
- D. Certificate -- Term -- Renewal. Every certificate of public transportation issued under this chapter shall expire on the first day of May next following its issuance; certificates of public transportation once issued shall be renewed and reissued by the police chief upon application within a period of sixty (60) days before their expiration date. Reissuance is not automatic but may be denied on grounds set forth in the general licensing provisions in Chapter 5.01 of this title.
- E. Appeal of Denials of Certificates. Denials of certificates are subject to the appeal and judicial review provisions set forth in Chapter 5.01 of this title.
- F. Certificate -- Transfer. No certificate of public transportation may be sold, assigned, mortgaged or otherwise transferred without the consent of the ~~council~~ **assembly**.
- G. Certificate -- Suspension and Revocation. A certificate issued under the provisions of this section may be amended, suspended or revoked by the police chief if the police chief finds that the holder thereof has violated any provisions of this chapter.
1. The appeal and judicial review provisions of Chapter 5.01 of this title shall be applicable to amendments, suspensions and revocations of certificates of public transportation.
- H. Certificate and License Fee.
1. No certificate of transportation shall be issued or continued in operation unless the holder has paid an annual certificate fee as established by resolution for the right to engage in the public transportation business and the required fee for each vehicle operated under a certificate as set by resolution.
  2. The vehicle license fee shall not be prorated; it shall expire on the first day of May next following its issuance and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or vehicles under his operation or control.
- I. Vehicle Equipment and Maintenance.
1. License Required. It is unlawful for any person to operate any vehicle required to be examined under this chapter, as a commercial passenger vehicle or courtesy vehicle without first securing and having attached a current license issued by the police department as herein required.
  2. License fee: failure to pay the license fee within 30 days of invoice shall result in the suspension of the vehicle license.



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3. Initial Safety Inspection. Prior to the use or operation of any vehicle under the provisions of this chapter, the vehicle shall be examined by the police department for compliance with the basic equipment safety standards of state motor vehicle regulations, city municipal motor vehicle code, and such further regulations governing the safety and cleanliness of commercial passenger and courtesy vehicles as the ~~city council~~ borough assembly may from time to time prescribe by resolution. This safety inspection may be waived by the Police Department if, the certificate of transportation holder provides an authorized document signed by a city municipal authorized certified mechanic that the vehicle's condition meets or exceeds basic safety standards. This inspection must be dated within the preceding six months. When the police department determines that a vehicle has met the applicable standards, the department shall issue a license, which states the authorized seating capacity of the vehicle, the class of the vehicle, the date of examination for that particular vehicle and such other particulars as are material to identification thereof.
    - a. Owners and operators of vehicles regulated by the Federal Motor Carrier Safety Regulations shall be exempt 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 are, at a minimum, equivalent to the regulations in this chapter regarding vehicle safety requirements, and provides the City municipality with current certificates of inspection by a DOT Certified Mechanic.
  4. Periodic Examinations. Every vehicle operated under this chapter may be periodically examined by the police department at such reasonable intervals as determined by the chief of police to insure that public vehicles are being properly maintained.
  5. Re-examination -- Fee. If a vehicle fails an examination it shall not be operated upon city municipal streets as a public vehicle until it passes re-examination. The re-examination fee shall be set by resolution.
- J. Identification of Vehicles.
1. Except as provided in Section 5.08.040(J), each vehicle regulated by this chapter shall be so identified as to allow immediate determination as to the identity of the business name of the holder operating it. Each public vehicle shall bear, in such a manner as to be visible from both exterior sides, in professional quality painted letters, decals or magnetic signs not less than three (3) inches in height, the business name of the owner. Any signs held in place by any other temporary means on the exterior of the vehicle, or on any window surface shall be in violation of this code.
  2. When a vehicle regulated by this chapter is disposed of by the owner by sale or otherwise and is no longer in use by the owner, the owner shall remove all identification required by this chapter prior to disposition.
- K. Certificate -- Liability Insurance Required.
1. No certificate of public transportation shall be issued or continued in operation unless there is presented to the City Municipality of Skagway a certificate of insurance showing that the business owner/operator has obtained at least five hundred thousand dollars (\$500,000.00) of combined single limit liability insurance. This certificate of insurance must establish that the city municipality is named as an additional insured on such policy, and that the insurer thereof shall notify the city municipality twenty (20) days before the policy is canceled, or terminated. Additionally,

the certificate of insurance holder shall execute an instrument under the terms of which the holder will agree to indemnify, defend and hold harmless the City **Municipality** of Skagway **Borough** from any and all claims for injury or damage to persons or property as a result of the holder's activities. If a carrier to which this code section applies also meets the definition of a commercial motor carrier under 49 CFR 390.5 and/or AS 28.33.190 then the carrier must comply with all federal and state regulations for liability insurance, as listed in 49 CFR 387 and/or AS 19.10.300.

2. The business must have current certificates of insurance on file with the police department before the owner/operator can transport any passengers within the boundaries of the city **municipality**. The liability insurance policy must be issued by an insurance company authorized to do business in the State of Alaska.

- L. Driver Roster –All operators of commercial passenger and courtesy vehicles must provide to the Skagway Police Department a roster of all drivers currently employed. Any changes in this roster shall be reported to the Skagway Police Department within five (5) working days of the change.

5.08.032 Operation of taxicab service.

A. Taxi Company Permit Required.

1. No person shall operate or permit any vehicle owned or controlled by him to be operated as a taxicab within the city **municipality** without having first obtained a taxi company permit from the city **municipality**.
2. Holders of a currently valid taxi company permit must purchase a separate business license under Chapter 5.04 of this title to perform functions authorized by the taxi company permit.
3. Exemptions. Chilkoot Trailhead Service shall be exempt from the taxi requirements of this chapter provided:
  - a. Providers of this service conform to all solicitation regulations of SMC 5.08.032(V)(1);
  - b. Rates for this service shall be based solely upon a per-passenger fee;
  - c. The minimum per-passenger fee shall be \$10.00; and
  - d. Providers of this service must also offer Log Cabin/Fraser B.C. pick-up.
    - i. Log Cabin/Fraser Service – Pick-up service at Log Cabin or Fraser must be provided at a rate that is reasonable and competitive in the current market. If a provider of this service is unable to provide the service to any individual or group, the provider shall assist that individual or group in making other arrangements. If unsuccessful in securing other arrangements, the provider shall transport the individual or group at a rate that is reasonable and competitive.

- B. Permit Application. An application for a taxi company permit shall be filed with the Skagway Police Department. The applicant will sign and certify that all of the information contained on the form is true and correct, and will include the following:

1. The name and address of the applicant and all principals;

- C. Permit – Issuance. If the police chief finds that the applicant meets the requirements for a taxi company permit as stated in this chapter, the police chief,

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or his designee shall issue a permit; otherwise the application shall be denied. No permit shall be considered to have been issued until it has been signed by the police chief, or his designee and delivered to the prospective holder. Permits issued shall:

1. State the name and address of the applicant;
2. The date of issuance;
3. The year, make, model, VIN number and license plate number of each vehicle authorized for operation;
4. The number of vehicles authorized under the permit; and
5. The color scheme or insignia, no larger than 1 square foot, to be used.

D. Permits.

1. FEES FOR PERMIT. The Permit Fee shall be \$500 per permit, plus \$50 per vehicle.
2. Term -- Renewal. Every permit issued under this chapter shall expire on February 14 next following its issuance; permits once issued shall be renewed and reissued by the police chief upon application. An application to renew a current permit for continuous operation shall be submitted between November 1 and December 31 and shall become effective on February 15 of the following year.

E. Number of Vehicles. Each permittee shall have 2 vehicles but no more than 5.

F. Size of Vehicles. Vehicles shall not carry more than 9 passengers or exceed 19 feet in length.

G. Permits Limited.

1. The number of taxi company permits issued under this chapter shall not exceed two. The maximum number of permits may be increased by the ~~council~~ assembly as determined necessary to meet the needs of the citizens.

a. The ~~council~~ assembly may consider a request for an increase in the maximum number of permits based upon an application for a permit. If the ~~council~~ assembly determines that the application establishes reasonable grounds to believe that an additional permit should be issued the ~~council~~ assembly shall schedule 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 requires the issuance of an additional permit. Any interested person may testify at the hearing.

b. If the ~~council~~ assembly determines that the public convenience and necessity would be served, it shall direct the issuance of a permit for a probationary period of ninety days. At the end of the probationary period, the ~~council~~ assembly shall be provided with full and complete records of all passengers carried and other requested materials. If the ~~council~~ assembly determines that the operation is satisfactory and that the need for additional service has been established, a permit shall be issued in accordance with Section 5.08.032(C).

2. No person may hold or own, directly or indirectly, any interest in more than one taxi company permit issued. A person is an indirect owner of an interest in a taxi company permit if the permit is owned by a spouse, or if that person is a partner or shareholder of an issued permit.

H. Proof of insurance. There shall be submitted with an application for a permit, policies of liability or indemnity insurance providing coverage and protection

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against loss through personal injury or property damage arising from negligence on the part of the owner of all vehicles to be operated by virtue of permit, such insurance to afford coverage in an amount not less than \$1,000,000 for all personal injuries sustained in any one accident, \$100,000 for property damage arising out of one accident, and \$100,000 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the Police Department not later than 30 days prior to such eventuality.

1. The City Municipality of Skagway Borough will be an additional insured.
- I. Qualifications of applicant. An applicant for a permit, including all partners and all officers, directors, and persons holding a controlling interest in a corporation, partnership, or association shall possess the following qualifications:
  1. Not be addicted or habituated to the use of intoxicants, narcotics, or hallucinogenic drugs;
  2. Have a list of not less than 5 personal or professional references to character and reputation;
  3. Have had no felony conviction for five years prior to the date of application and no conviction at any time of a felony or misdemeanor involving sexual misconduct, assault with a deadly or dangerous weapon, use of a or traffic in narcotics or dangerous drugs, or traffic in persons for immoral purposes;
  4. Be at least 21 years of age.
  5. Applicants shall provide state police record printouts.
- J. Vehicle equipment and inspection. All permit holders shall conform to the requirements of SMC 5.08.030. Annual inspections are required within 3 months of permit issuance or renewal.
  1. A light of not less than two (2) candle power shall be arranged so as to illuminate the entire passenger compartment of the vehicle while passengers are entering or exiting the vehicle.
  2. No sight-obscuring shades or blinds or glazing materials may obstruct vision into the interior of the vehicle from the exterior of the vehicle.
  3. No person may operate a taxicab unless such vehicle is in a safe, clean condition.
  4. Taxicab must be free of body damage.
- K. Vehicle marking.
  1. A taxi shall be equipped with a top light in the form of a box showing the single word "taxi" facing forward.
  2. Each taxicab shall bear the word "Taxi", and a local telephone number on each side of the taxicab with permanent letters no less than 3 inches high and the company name shall be displayed in permanent letters no greater than 2 inches high. No other words, or numerals can be displayed except those required by local, state or federal officials.
  3. No attached signs will be allowed on vehicle.
  4. No commercial advertising allowed that can be viewed from the outside of the vehicle.
  5. No detachable signs may be used.
- L. Transfer, lease, or change of taxi company permit. A permittee may not sell, transfer, lease, assign or otherwise grant any right or interest in or to a taxi company permit.
- M. Dispatch and records.

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1. The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone,
  2. The applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, keeping a daily log;
  3. Written record of all dispatches of vehicles operated under permit;
  4. For each request for service, the time and place of passenger pickup and delivery, the number of passengers and the amount of fare received;
  5. All records must be preserved for two years and will be made available to the City municipality upon request.
- N. Maximum number of hours per day. No driver may operate a taxicab in excess of 12 hours nor perform any gainful occupation for more than 12 consecutive hours in any 24- hour period.
- O. Duty to serve public. No driver of a taxicab may refuse or neglect to convey any orderly person upon request if the proper fee is tendered by such person unless the driver is engaged or would violate this chapter conveying such person.
- P. Alcoholic beverages and controlled substances.
1. No driver of a taxicab may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030 while on duty or for eight hours prior to operating a taxicab.
  2. No passenger may use a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030 while riding in a taxicab.
  3. Smoking prohibited in taxicabs for hire, prominently display no-smoking signs inside all taxicabs for hire.
- Q. Exclusive use of taxicab. A driver of a taxicab shall allow no more than one passenger or one group of passengers, except driver trainees, at any one time without the express consent of that passenger or group.
- R. **FARES.** Minimum fares shall be set by the Council assembly. Fares shall be set by the permit holder, but must be posted with the police department. The police department shall be informed of change of fares prior to their implementation.
1. Fare posted. A rate card shall be posted prominently in each taxicab beside the driver identification.
  2. Fare receipts. On request of any passenger paying a fare, a receipt indicating the fare received, date, company and driver's name shall be provided.
  3. **SIGHTSEEING / TOURS.** Sightseeing or tours requested by passengers shall be accommodated at the charter rate, and under the limitations of subsection W(4). Such rates shall not qualify for the sales tax exemption 4.08.060(A)(16), and sales tax shall be collected for such.
- S. Driver qualifications for taxicab.
1. Chauffeur's or CDL required plus the following additional stipulations:
    - a. Be at least 21 years of age,
    - b. Possess a valid state of Alaska driver's license
    - c. Place or places of residence for the past two years
    - d. Concise history of employment for the previous five years
    - e. Possess a medical certificate establishing the applicant's health meets the minimum standards of 13 AAC 08.025.

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- f. Submit to a city municipal-approved drug testing facility or contractor a urine sample to be tested for the presence of prohibited drugs.
  2. A person is not qualified to operate a taxi if:
    - a. The person has been convicted of an offense involving traffic in persons for immoral purposes, prostitution, pimping, or other sexual offenses; or
    - b. The person has been convicted of a felony involving a crime of violence; or
    - c. The person has been convicted of a felony, any portion of the sentence of which was served within five years immediately preceding the application; or
    - d. The person is habituated or addicted to alcohol, narcotics, or dangerous drugs; or
    - e. The person tests positive for the presence of one or more prohibited drugs in his or her urine.
- T. Drug testing.
  1. Pre-licensing drug tests. The applicant's employer must certify the applicant has passed the drug test.
  2. Post accident drug tests.
- U. Display of identification. All taxi drivers are required to display identification and licenses in a conspicuous location within the vehicle visible to all passengers
- V. Prohibited.
  1. Solicit passengers for hire or attract or attempt to attract the attention of members of the public by word of mouth, signal, nod, or other demonstration while in motion or parked.
  2. Driver cannot purchase alcohol beverages while in service in a permitted vehicle, except that a passenger paying a fare may purchase and transport unopened alcoholic beverages; or
  3. Knowingly allow passengers to consume alcoholic beverages in the taxicab.
  4. Knowingly violate or knowingly allow a passenger to engage in conduct that would violate AS 28.35.029 (Open container).
  5. Operate or move taxicab at a time when the vehicle has more occupants than seat belts installed by the vehicle's manufacturer.
- W. Taxicab service.
  1. All persons engaged in the taxicab business in the city municipality 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 twenty four hours per day, each day of the year.
  2. Holders of taxicab permits shall maintain a central place of business and the same may be mobile and shall be kept open twenty four hours per day, each day of the year, for purpose of receiving calls and dispatching cabs.
  3. Holders of taxicab permits shall answer all calls received by them for services inside the corporate limits of the city municipality as soon as they can do so, and if the services cannot be rendered within reasonable time they shall notify the prospective passengers how long it will be before the call can be answered and give reason therefore. (weather depending)
  4. Between May 1<sup>st</sup> and September 30<sup>th</sup> of each year the operator is licensed, at least two vehicles must be available for dispatch at all times.

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During the remainder of the year, only one vehicle need be available for dispatch at any time.

- X. Seatbelts and child safety restraints. - Required
- Y. Taxi Zones. Taxi Zones are limited to taxicabs only.
- Z. Parking Regulations. Taxicab companies must abide by all applicable parking regulations.
- AA. Appeals. Section 5.01.050 Shall apply under this chapter.
- BB. Council Assembly Review. Council Assembly shall hold at least one public hearing annually on or prior to August 15 to investigate the quality of services and minimum fares offered by taxicab companies in the city municipality.

5.08.033 Operation of limousine service.

- A. Limousine Company Permit Required.
  - 1. No person shall operate or permit any vehicle owned or controlled by him to be operated as a limousine within the city municipality without having first obtained a limousine company permit from the city municipality.
  - 2. Holders of a currently valid limousine company permit must purchase a separate business license under Chapter 5.04 of this title to perform functions authorized by the limousine company permit.
- B. Permit Application. An application for a limousine company permit shall be filed with the Skagway Police Department. The applicant will sign and certify that all of the information contained on the form is true and correct, and will include the following:
  - 1. The name and address of the applicant and all principals;
- C. Permit – Issuance. If the police chief finds that the applicant meets the requirements for a limousine company permit as stated in this chapter, the police chief, or his designee shall issue a permit; otherwise the application shall be denied. No permit shall be considered to have been issued until it has been signed by the police chief, or his designee and delivered to the prospective holder. Permits issued shall:
  - 1. State the name and address of the applicant;
  - 2. The date of issuance;
  - 3. The year, make, model, VIN number and license plate number of each vehicle authorized for operation;
  - 4. The number of vehicles authorized under the permit.
- D. Permits.
  - 1. FEES FOR PERMIT. The Permit Fee shall be \$500 per permit, plus \$50 per vehicle.
  - 2. Term -- Renewal. Every permit issued under this chapter shall expire on May 1 next following its issuance; permits once issued shall be renewed and reissued by the police chief upon application.
- E. Number of Vehicles. Each permittee shall have no more than 5 vehicles.
- F. Permits Limited.
  - 1. The number of limousine company permits issued under this chapter shall not exceed two. The maximum number of permits may be increased by the council assembly as determined necessary to meet the needs of the citizens.
    - a. The council assembly may consider a request for an increase in the maximum number of permits based upon an application for a permit. If the council assembly determines that the application establishes reasonable grounds to believe that an additional permit should be issued the council assembly shall schedule 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 requires the issuance of an additional permit. Any interested person may testify at the hearing.

- b. If the ~~council~~ **assembly** determines that the public convenience and necessity would be served, it shall direct the issuance of a permit for a probationary period of ninety days. At the end of the probationary period, the ~~council~~ **assembly** shall be provided with full and complete records of all passengers carried and other requested materials. If the ~~council~~ **assembly** determines that the operation is satisfactory and that the need for additional service has been established, a permit shall be issued in accordance with Section 5.08.033(C).
2. No person may hold or own, directly or indirectly, any interest in more than one limousine company permit issued. A person is an indirect owner of an interest in a limousine company permit if the permit is owned by a spouse, or if that person is a partner or shareholder of an issued permit.
- G. Proof of insurance. There shall be submitted with an application for a permit, policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner of all vehicles to be operated by virtue of permit, such insurance to afford coverage in an amount not less than \$1,000,000 for all personal injuries sustained in any one accident, \$100,000 for property damage arising out of one accident, and \$100,000 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the Police Department not later than 30 days prior to such eventuality.
  1. The City Municipality of Skagway Borough will be an additional insured.
- H. Qualifications of applicant. An applicant for a permit, including all partners and all officers, directors, and persons holding a controlling interest in a corporation, partnership, or association shall possess the following qualifications:
  1. Not be addicted or habituated to the use of intoxicants, narcotics, or hallucinogenic drugs;
  2. Have a list of not less than 5 personal or professional references to character and reputation;
  3. Have had no felony conviction for five years prior to the date of application and no conviction at any time of a felony or misdemeanor involving sexual misconduct, assault with a deadly or dangerous weapon, use of a or traffic in narcotics or dangerous drugs, or traffic in persons for immoral purposes;
  4. Be at least 21 years of age.
  5. Applicants shall provide state police record printouts.
- I. Vehicle equipment and inspection. All permit holders shall conform to the requirements of SMC 5.08.030. Annual inspections are required within 3 months of permit issuance or renewal.
  1. A light of not less than two (2) candle power shall be arranged so as to illuminate the entire passenger compartment of the vehicle while passengers are entering or exiting the vehicle.



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2. No person may operate a limousine unless such vehicle is in a safe, clean condition.
  3. Limousines must be free of body damage.
- J. Limousine Vehicle marking.
1. No attached signs will be allowed on a limousine.
  2. No commercial advertising allowed that can be viewed from the outside of a limousine.
  3. No detachable signs may be used on a limousine.
- K. Transfer, lease, or change of limousine company permit. A permittee may not sell, transfer, lease, assign or otherwise grant any right or interest in or to a limousine company permit.
- L. Maximum number of hours per day. No driver may operate a limousine in excess of 12 hours nor perform any gainful occupation for more than 12 consecutive hours in any 24- hour period.
- M. Alcoholic beverages and controlled substances.
1. No driver of a limousine may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030 while on duty or for eight hours prior to operating a limousine.
  2. No passenger may use a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030 while riding in a limousine.
  3. Smoking prohibited in limousine for hire, prominently display no-smoking signs inside all limousines for hire.
- N. Exclusive use of limousine. A driver of a limousine shall allow no more than one passenger or one group of passengers, except driver trainees, at any one time without the express consent of that passenger or group.
- O. **FARES.** Minimum fares shall be set by the ~~Council~~ **assembly**.
1. Fares shall be set by the permit holder, but must be posted with the police department. The police department shall be informed of change of fares prior to their implementation.
  2. **SIGHTSEEING / TOURS.** Sightseeing or tours requested by passengers shall be accommodated at the charter rate, and under the limitations of subsection W(4). Such rates shall not qualify for the sales tax exemption 4.08.060(A)(16), and sales tax shall be collected for such.
- P. Driver qualifications for limousine.
1. Chauffeur's or CDL required plus the following additional stipulations:
    - a. Be at least 21 years of age,
    - b. Possess a valid state of Alaska driver's license
    - c. Place or places of residence for the past two years
    - d. Concise history of employment for the previous five years
    - e. Possess a medical certificate establishing the applicant's health meets the minimum standards of 13 AAC 08.025.
    - f. Submit to a city **municipal**-approved drug testing facility or contractor a urine sample to be tested for the presence of prohibited drugs.
  2. A person is not qualified to operate a limousine if:
    - a. The person has been convicted of an offense involving traffic in persons for immoral purposes, prostitution, pimping, or other sexual offences; or
    - b. The person has been convicted of a felony involving a crime of violence; or

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- c. The person has been convicted of a felony, any portion of the sentence of which was served within five years immediately preceding the application; or
    - d. The person is habituated or addicted to alcohol, narcotics, or dangerous drugs; or
    - e. The person tests positive for the presence of one or more prohibited drugs in his or her urine.
  - Q. Drug testing.
    - 1. Pre-licensing drug tests. The applicant's employer must certify the applicant has passed the drug test.
    - 2. Post accident drug tests.
  - R. Display of identification. All limousine drivers are required to display identification and licenses in a conspicuous location within the vehicle visible to all passengers
  - S. Prohibited.
    - 1. Solicit passengers for hire or attract or attempt to attract the attention of members of the public by word of mouth, signal, nod, or other demonstration while in motion or parked.
    - 2. Driver cannot purchase alcohol beverages while in service in a permitted vehicle, except that a passenger paying a fare may purchase and transport unopened alcoholic beverages; or
    - 3. Knowingly violate or knowingly allow a passenger to engage in conduct that would violate AS 28.35.029 (Open container).
    - 4. Operate or move a limousine at a time when the vehicle has more occupants than seat belts installed by the vehicle's manufacturer.
  - T. Child safety restraints. - Required
  - U. Parking Regulations. Limousine companies must abide by all applicable parking regulations.
  - V. Appeals. Section 5.01.050 Shall apply under this chapter.
  - W. Council Assembly Review. Council Assembly shall hold at least one public hearing annually on or prior to August 15 to investigate the quality of services and minimum fares offered by limousine companies in the city municipality.
- 5.08.035 Operation of courtesy vehicles.
- A. Vehicle Equipment and Maintenance – All operators of courtesy vehicles shall conform to the requirements of SMC 5.08.030(I).
  - B. Licensing of Drivers of Courtesy Vehicles – Any operator of a courtesy vehicle or operator of a transportation service whose services are not used in conjunction with a tour product shall only be required to have an Alaska Driver's License.
  - C. Liability Insurance Required.
    - 1. All operators of courtesy vehicles must present to the City Municipality of Skagway a certificate of insurance showing that the business owner/operator has obtained at least five hundred thousand dollars (\$500,000.00) of combined single limit liability insurance. This certificate of insurance must establish that the city municipality is named as an additional insured on such policy, and that the insurer thereof shall notify the city municipality twenty (20) days before the policy is canceled, or terminated. Additionally, the certificate of insurance holder shall execute an instrument under the terms of which the holder will agree to indemnify, defend and hold harmless the City Municipality of Skagway Borough from any and all claims for injury or damage to persons or property as a result of the holder's activities. If a carrier to which this code section applies also meets the definition of a commercial motor carrier in 49 CFR

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390.5 and/or AS 28.33.190 then the carrier must comply with all federal and state regulations for liability insurance listed in 49 CFR 387 and/or AS 19.10.300.

2. The business must have current certificates of insurance on file with the police department before the owner/operator can transport any passengers. The liability insurance policy must be issued by an insurance company authorized to do business in the State of Alaska.

5.08.040 Drivers of commercial passenger vehicles.

A. Chauffeur's -- Permit Required.

1. No person shall operate any commercial passenger vehicle for the transportation of commercial passengers within the city municipality, without a valid chauffeur's permit issued by the city municipality. Neither may any person who owns or controls any vehicle used for the transportation of persons for commercial passenger service permit it to be operated unless the driver has in his possession a valid chauffeur's permit. The chauffeur's permit shall be shown to police officers upon request.
  - a. Exemptions -- Any driver of a commercial passenger vehicle holding a valid "State issued" Commercial Drivers License, shall not be required to obtain a chauffeur's permit.
2. Chauffeur's holding a currently valid chauffeur's permit from the city municipality who are employees of a business holding a valid certificate of transportation, need not obtain a separate business license under Chapter 5.04 of this title to perform functions authorized by the chauffeur's permit.

B. Application for Chauffeur's Permit.

1. Applications for all city municipal chauffeur's permits issued under this chapter must be made to the chief of police. The applicant will sign and certify that all of the information contained on the form is true and correct, and will include the following:
  - a. Name and address of the applicant;
  - b. Place or places of residence for the past three (3) years;
  - c. Date of birth;
  - d. Any other facts or information the city borough manager may require;
  - e. A health certificate from a physician or physician's assistant certifying that the applicant has good eyesight and hearing, has no disability or disease which would adversely affect his ability to operate a public vehicle and that the applicant is not afflicted with any communicable disease. The health certificate is adequate for two (2) years following its issuance. Any driver driving under the CDL exception listed above, 5.08.040(A)(1)(a), shall have in his possession a medical certificate issued within the previous (2) years by a physician.
2. At the time the application is filed the applicant shall pay to the police department an application fee as set by resolution.

C. Current Alaska Motor Vehicle Operator's License Required. All chauffeur's permit applicants shall have a valid Alaska Motor Vehicle Operator's License. This shall not apply to non-motorized vehicles.

D. Chauffeur's Permit -- Consideration of Application.

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1. In order to qualify for a chauffeur's permit, an applicant must demonstrate that he is a safe and satisfactory driver of a public vehicle. As a minimum standard an applicant must:
    - a. Be at least nineteen (19) years of age;
    - b. Be a careful and experienced driver with at least three (3) years driving experience;
    - c. Not have been convicted within the preceding three (3) years of reckless driving, leaving the scene of an accident or driving while under the influence of intoxicants, drugs or narcotics.
  2. If the application is denied, the chief of police shall state in writing to the applicant the reason for denial. Denials are subject to the appeal and judicial review provisions set forth in Chapter 5.01 of this title.
- E. **Chauffeur's Permit -- Issuance -- Duration -- Annual Fee.**
1. Upon approval of an application for a chauffeur's permit, the chief of police, or his designee shall issue a permit to the applicant bearing the name, signature and photograph of the applicant. Permits issued to drivers of non-motorized vehicles shall state upon the permit "NON-MOTORIZED VEHICLE ONLY." Driver's who have a "Non-motorized Vehicle Only" endorsement are prohibited from driving motorized vehicles under this chapter.
  2. Such permit shall expire on the first day of May next following its issuance. A permit for each year thereafter shall be issued upon the payment of an annual permit fee as set by resolution, unless the permit for the preceding year was revoked. There shall be no prorating of the fee.
- F. **Chauffeur's Permit -- Issuance of Temporary Permit.** The police department may issue a temporary chauffeur's permit, good for a maximum period of Thirty (30) days, pending the completion of the steps indicated in subsection (D) and (E) above, if the public convenience and necessity is thereby served, and the public interest requires it.
- G. **Chauffeur's Permit -- Suspension and Revocation.**
1. The chief of police is hereby given the authority to suspend or revoke any chauffeur's permit issued under this section, in the event that any of the requirements of this section are not fulfilled.
  2. The appeal and judicial review provisions of Chapter 5.01 of this title shall be applicable to suspensions and revocations of chauffeur's permits.
- H. **Solicitation, Acceptance and Discharge of Passengers. Policy:** This code is intended to meet the following policies:
- a. to provide a desirable commercial service to visitors to the City Municipality of Skagway;
  - b. to provide for the orderly administration of tour vendors in the downtown waterfront area;
  - c. To ensure that vending uses shall remain incidental to the other uses of the downtown waterfront area, namely pedestrian, vehicular and recreational access to the waterfront area;
  - d. to assure fair treatment of persons wishing to sell tours in the downtown waterfront area;
  - e. to establish a tour vendor system, which is beneficial to both the City Municipality of Skagway and the visitors of the City Municipality of Skagway.
1. **Prohibited Solicitation.** Drivers of public vehicles, tour company employees or their agents, are prohibited from selling or offering for sale

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anything upon the public streets or sidewalks. Solicitation by signs, other than those required by Sections 5.08.030(J)(1) and (K)(1), are prohibited. Drivers of public vehicles shall not solicit business for any place of public accommodation, or attempt to divert patronage from one place of public accommodation to another, or attempt to divert patronage from one tour operator to another.

2. Receipt and Discharge of Passengers.
  - a. Drivers of commercial passenger, or courtesy vehicles shall not receive or discharge passengers on the roadway, but shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk, to the extreme right-hand side of the roadway and there receive and discharge passengers.
  - b. Drivers of SMART vehicles shall comply with 5.08.040(H)(2)(a) above and shall only use the designated SMART stops while on Broadway for receipt and discharge of passengers.
3. Restriction on Number of Passengers. Drivers shall not permit more persons to be carried in a commercial passenger vehicle than the rated seating capacity as stated in the license for said vehicle issued by the police department.

- I. Operation of Shuttle Businesses – Authority to operate a shuttle business shall be granted by the signing of a contract with the City **Municipality** of Skagway, and the payment of fees. Contract provisions shall be determined by the City **borough Manager** and approved by the City Council **borough assembly**. Any shuttle business operating without said contract shall be found in violation of this section.
- J. Drivers -- Compliance with City **Municipal**, State and Federal Laws. Every driver granted a chauffeur's permit under this chapter shall comply with all city **municipal**, state and federal laws. Failure to do so will justify the suspension or revocation of a permit.
- K. Penalties for Violations. For any and every violation of the provisions of this chapter, the owner, agent, driver or contractor may be subject to a fine of up to three hundred dollars (\$300.00) for each violation.

5.08.045 Non-motorized conveyances/walking tours.

- A. Non-Motorized Conveyances. There shall be no non-motorized conveyances used primarily for the purpose of point-to-point transportation in the City **Municipality** of Skagway except as outlined below.
  1. Grandfathered:
    - a. Skagway Carriage Company – owned and operated by John R. Garland, Sharon A. Garland, Jauna R. Doland and Alane G. Silva.
    - b. ~~North Country Pedicab – owned and operated by Adam Record and Nicholas Campbell.~~
  2. Limitation of conveyances. Provided that the number of conveyances operated by each company shall be capped at the level operated during the visitor season of 2004.
  3. Certificate of Public Transportation Required. The provisions of SMC 5.08.030, Operation of Commercial Passenger Vehicles shall apply where appropriate, as determined by the Chief of Police.
- B. Walking Tours. There shall be no walking tours of any kind in the Skagway Historic District except as outlined below.
  1. Grandfathered:
    - a. Red Onion Saloon

~~b. Klondike Experience Theater~~

2. Limitation of tours and tour group sizes. Provided that the number of tours operated by each company shall not exceed 120 people in any day, with a limit per tour of 20 people each, or the maximum daily number offered in 2004, whichever is less.

2004 Tour Numbers:

~~Klondike Experience Theater – Maximum of 3 per day @ 15 people each.~~

Red Onion Saloon – Maximum of 8 per day @ 20 people each.

3. Exempted. The National Park Service walking tours shall be exempted under this chapter. Terms and conditions for NPS walking tours will be established and/or modified under separate agreement with the City Council **borough assembly**.
4. Public Use Rights. The adoption of this ordinance in no way infringes on the public's rights to free use of the public streets, sidewalks and rights-of-way.
- C. Transfer. No rights conveyed under this ordinance shall be sold, conveyed, assigned or transferred without the consent of the council **assembly**. The council **assembly** may, at its sole discretion, elect to approve the transfer, discontinue activity, or put the permit out to competitive bid.
- D. City Council **Borough Assembly Review**. The City Council **borough assembly** shall review current use reports of all non-motorized conveyances and tours each year prior to August 15, to analyze the impacts of these conveyances on congestion and other impacts to visitors and businesses in the business district, including evaluation of walking tour numbers for the season for the purposes of determination of capacity for the upcoming season.

5.08.050 General provisions applicable.

The provisions of Chapter 5.01 of this title shall apply to administration and enforcement of this chapter, except that the police department is given the authority to observe the conduct of holders and drivers operating under this chapter and to enforce the provisions of Sections 5.08.030, 5.08.035 and 5.08.040. Violations of other sections of this chapter discovered by the police department shall be reported by the police chief, or his designee to the city **borough** manager, who shall order or take appropriate action.

#### Chapter 5.12

#### SALE OF ALCOHOLIC BEVERAGES

Sections:

- 5.12.010 Alcoholic beverage defined.  
5.12.020 State license required.  
5.12.030 City **Municipal** business license required.  
5.12.040 Recommendation by council **assembly**--Application.  
5.12.050 Sale of alcoholic beverages on election day.  
5.12.060 General provisions applicable.

5.12.010 Alcoholic beverage defined.

"Alcoholic beverage" includes whiskey, brandy, rum, gin, wine, ale, porter, beer and all other spirituous, vinous, malt and other fermented or distilled liquors intended for human consumption and containing more than one percent (1%) alcohol by volume.

5.12.020 State license required.

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It shall be a violation of city municipal law for any person, club, corporation, organization or other entity to manufacture, sell, offer for sale, or possess for sale, or barter any alcoholic beverage without having and displaying an appropriate license ~~therefor~~ obtained as required by state law.

5.12.030 City Municipal business license required.

Notwithstanding possession of a valid alcoholic beverage license from the state, every person engaged in a "business" (as defined in Section 5.04.010) involving alcoholic beverages shall be subject to the provisions of Chapter 5.04 of this title concerning business licenses.

5.12.040 Recommendation by ~~council~~ assembly--Application.

Any person seeking the recommendation of the city municipality, prior to issuance or renewal of an alcoholic beverage license by the state, shall present to the ~~council~~ assembly a copy of his application to the state for a license or renewal fully completed and executed, together with a current statement prepared by the city borough clerk that any and all taxes, fees, assessments, utility bills and remittance of sales tax due to the city municipality by the applicant have been paid in full.

5.12.050 Sale of alcoholic beverages on election day.

The provisions of AS 04.16.070 (2) do not apply within the limits of the city Municipality of Skagway when elections are being held.

5.12.060 General provisions applicable.

The provisions of Chapter 5.01 of this title shall apply to administration and enforcement of this chapter.

Chapter 5.20  
RESTRICTED BUSINESSES

Sections:

5.20.010 Commercial Solicitation and Off-Premise Canvassing.

5.20.020 Commercial use of municipal trail prohibited.

5.20.010 Commercial Solicitation and Off-Premise Canvassing.

A. This Section is based on the following findings and purposes:

1. Because of the proliferation of the off-premises solicitation locations, particularly within the Historic District, 2<sup>nd</sup> Avenue East of Broadway, Congress Way and Broadway south of 1st Avenue, and the fact that the volume of such activities has resulted in complaints by pedestrians and tourists about the aggressive and persistent actions of such persons attempting to engage them in a conversation in order to consummate a business transaction, it is the intent of this section to preserve and protect the unique charm and small town character of the Historic District, which serves as a major attraction to thousands of tourists each year.  
The City municipality is committed to maintaining its small town historic character, scenic beauty and natural resources, which are the foundation of its economic strength and quality of life. These essential components of the City's municipality's attractiveness to residents and visitors have been severely impaired by the practice of aggressive off-premises canvassing, particularly as practiced in the central tourist destination of Skagway's Historic District, 2<sup>nd</sup> Avenue East of Broadway, Congress Way and Broadway south of 1st Avenue.

This section is therefore directed solely to the regulation of the time, place, and manner of certain limited forms of commercial speech with the general goal of requiring that person-to-person solicitation activities in the Historic District, 2<sup>nd</sup> Avenue East of Broadway, Congress Way and Broadway south of 1st Avenue be confined to enclosed structures or on the actual business premises of the soliciting entity. This section is not intended to regulate any form of speech other than speech designed to do no more than propose a commercial transaction.

Given the unique commingling of both public and privately owned sidewalks throughout the Historic District which are equally accessible without restriction by tourists and pedestrians, the purposes of this section can only be made effective if the restrictions contained herein are applied to both public and private sidewalks and open space.

2. Tourism is essential to the City's municipality's fiscal strength. Skagway's friendly, small-town, historic environment has played a substantial role in making it an attractive tourist destination. In 2002, it is estimated that approximately \$70,000,000 in retail sales was attributable to visitor spending, and taxable visitor retail, lodging, and service industry expenditures were approximately \$87,500,000, representing over 80% of all taxable expenditures in these categories. In fiscal 2001 – 2002, the City municipality collected approximately \$141,000 in bed taxes and \$3.5 million in city municipal sales tax. Tourism is also the City's municipality's leading employer, accounting for 500 jobs. Because the Historic District is a critical component of the City's municipality's entire sales tax base, this section is further designed to protect the economic viability of this area by ensuring a pleasurable outdoor shopping experience uninhibited by repeated personal sales solicitations for the thousands of tourists who visit the area each year.

3. This section is further designed to:
  - a. Protect local residents and visitors against unreasonable interference or disturbance of their peace or obstruction of their free travel on city municipal streets and sidewalks within the Historic District, 2<sup>nd</sup> Avenue East of Broadway, Congress Way and Broadway south of 1st Avenue from the conduct of off-premises canvassing solicitors.
  - b. Insure that persons engaging in off-premises canvassing do not misrepresent the nature of the products that they are promoting or the identity of the business that is promoting the products and to provide a means for regulating such activities and enforcing the provisions of this section.

B. Definitions

1. "Business" shall mean any commercial activity in which any goods, services, tours, or edibles are sold or offered for sale or for rent within the corporate limits of the city municipality.
2. "Enclosed structure" shall mean a structure having a roof and supported by column or walls. Enclosed structure does not include any sidewalks under a roofed area.
3. "Goods" shall mean any tangible item, including edibles.
4. "Off Premises Canvassing" or "OPC" shall mean person-to-person efforts solely intended to interest pedestrians in or solicit the participation of pedestrians in commercial transactions for private profit with a business, except when done entirely within an enclosed structure.



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5. "OPC employer" shall mean any business or other person who directly hires or otherwise contracts with an OPC solicitor to conduct OPC activities on its behalf.
  6. "OPC solicitor" shall mean any person engaged in off-premises canvassing.
  7. "Product" shall mean the products, tours, goods, edibles or services sold or offered for sale or rent.
  8. "Historic District" shall mean that area designated on the "City Municipality of Skagway Official Zoning Map", generally described as that area along Broadway between 1<sup>st</sup> Avenue and 7<sup>th</sup> Avenue including all or portions of Blocks 1, 2, 3, 4, 22, 23, 24, 25, 26, 27, 35, 36, 37 and portions of the Mill Lot, Pullen Tract and the Courthouse Reserve.
  9. "Sidewalk" shall mean any outside walkway, public or private, used by pedestrians.
  10. "Street" shall mean all that area dedicated to public use for public street purposes and is within the jurisdiction and control of the City Municipality of Skagway and shall include, but not be limited to, public roadways and alleys.
- C. Limitations on Off-Premises Canvassing Activity
1. No person shall engage in off-premises canvassing within the Historic District, 2<sup>nd</sup> Avenue East of Broadway, Congress Way or Broadway south of 1st Avenue except within a building constructed or maintained within the purposes regulations of the Skagway Municipal Code or in an area approved in writing by the city borough manager in accordance with the standard set forth in section C 3 below, for the purpose of selling or offering for sale any goods or services of any kind for private profit.
  2. When the mayor declares a designated fair or festival to occur on specified dates, he may select specified segments of designated streets to be closed to other than pedestrian traffic during the festival or fair and may authorize permits allowing booths, carts, stands, or other temporary shelters from which artisans, vendors, and others may show and offer for sale items appropriate to the theme of the festival or fair. Such permits shall be valid only for the duration of the festival or fair, and shall be effective only within the segment of street specified in the permit and for the type of use stated on the face of the permit.
  3. The manager shall issue authorization upon proof by the applicant in writing that the area proposed for vending is at least 200 square feet in size and not so situated as to cause sidewalk obstructions, impede traffic, or interfere with traffic lines of sight. Applicant shall retain a copy of this letter at all times while vending.
- D. Specific Prohibitions and Appropriate Conduct
1. In addition to the provisions of any other applicable term of this article, it shall be considered unlawful and a violation of this article for an OPC solicitor to:
    - a. Throw, place or deposit solid waste, litter, paper, documents or handbills on any street or sidewalk.
    - b. Intentionally inflict emotional distress by verbal or physical harassment or coercion on any person.
    - c. Misrepresent in any way the price, quality or nature of the product being promoted.
    - d. Misrepresent the source or sponsor of any information offered or provided.

- e. OPC solicitors shall conduct themselves in accordance with the following standards:
    - i. No OPC solicitor shall touch a person without consent during a solicitation.
    - ii. No OPC solicitor shall solicit using any offensively loud sound, vociferous speech, boisterous conduct or profane or vulgar language.
    - iii. No OPC solicitor shall solicit an occupant of a vehicle in a public street whether the vehicle is moving, stopped, or parked.
  - 2. It shall be considered unlawful and a violation of this article for an OPC solicitor, or anyone engaging in or attempting to engage in a commercial transaction for private profit that is related solely and exclusively to the seller's economic interest, to interfere with or obstruct the free travel or passage of any pedestrian on any street or sidewalk or obstruct any person's free movement or access to or from any public street or sidewalk for the primary purpose of selling or offering for sale any goods or services of any kind for private profit.
- E. Violations and Penalties
- 1. Any responsible OPC employer and each responsible OPC solicitor shall be jointly and severally liable for any violations of this article.
  - 2. Any violation of the terms of this article shall be punishable by a fine up to \$750.00, and revocation of any letter of authorization issues under sections C1 and C3. In addition, the City municipality may bring suit for injunctive relief where warranted.

5.20.020 Commercial use of municipal trail prohibited.

It is the intent of this code to protect the public use and enjoyment of the municipal trail system from the incursion of commercial activity. This trail system is in itself a unique and pristine environment, the enjoyment of which will be diminished by commercial activity.

- A. No person, agency or business shall conduct commercial tours on any trail maintained by the City Municipality of Skagway, nor sell, or offer for sale anything upon this trail system. For purposes of this section, commercial tours shall be defined as any group larger than one that is being guided on any City Municipality of Skagway Trail, for any form of compensation. Tours offered by any employee of any commercial venture, including, but not limited to cruise line employees, and included in the price of that venture shall be considered commercial tours.
- B. For purposes of this section, trails maintained by the City Municipality of Skagway include the Dewey Lakes Trail System, Yakutania Point Trail System, AB Mountain Skyline Trail, the Lost Lake Trail and the West Creek Trail from the slide to the back valley.
- C. Exemptions – Interpretive programs offered by local, state or federal land management agencies, non-profit youth organizations, training sponsored by or subscribed to by local emergency response agencies, or recreational events with a permit shall be exempted from this section.

**Section 4. 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 5. Effective Date.** This ordinance shall become effective immediately upon adoption.

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**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 7<sup>th</sup> day of July, 2011.

*Thomas D Cochran*

Thomas D. Cochran, Mayor

ATTEST:

*Emily A. Deach*

Emily A. Deach, Borough Clerk

(SEAL)

