

ORDINANCE NO. 6055

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
CHAPTER 86 VEHICLES FOR HIRE**

WHEREAS, the City Clerk's Office continually strives to provide consistent and up-to-date services to Fairbanks residents through streamlined licensing regulations and procedures; and

WHEREAS, members of the tour and shuttle industry have expressed concern that the City's definition of "Vehicle for Hire" might be construed so as to regulate certain tour industry vehicles not operating as traditional taxi services or operating primarily outside of the City; and

WHEREAS, the City's Vehicles for Hire ordinances were designed to regulate taxi-type operations within the City; and

WHEREAS, FGC 86-31 currently includes transportation network companies such as Uber and Lyft in its definition of a Vehicle for Hire; and

WHEREAS, the State of Alaska has prohibited municipal government regulation of transportation network companies with the passage of House Bill 132; and

WHEREAS, ensuring that a chauffeur applicant is able to legally work in the United States promotes public safety and complies with federal law; and

WHEREAS, the transportation of marijuana by vehicles for hire should be regulated similarly to the transportation of alcohol.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code Chapter 86 Vehicles for Hire, Article II is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

DIVISION 1. – GENERALLY

Sec. 86-31. Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle for hire means any motor vehicle used to transport passengers to any specified destination, upon request and for a fee, **to or from a location within the City limits** ~~over the streets of the city~~, and includes, but is not limited to: taxis, **cabs, shuttles, and** limousines, ~~tours~~

~~and shuttles, and vehicles operated in conjunction with transportation network companies such as Uber and Lyft.~~ Specifically excluded from regulation under this Chapter are: school buses, church buses, vehicles used for the primary purpose of sightseeing and tours outside of the City, vehicles operated by a business where transportation is incidental to the primary line of business, vehicles of a business that operate on a charter or reservation-only basis, vehicles owned or operated by the state or a political subdivision of the state, and commercial vehicles as defined regulated by state or federal law [~~AS 28.90.990(a)(2)~~].

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DIVISION 3. – DRIVERS

Sec. 86-77. – Application for a chauffeur’s license.

- (a) All applications for issuance or renewal of a chauffeur's license must be made upon forms provided by the city clerk and submitted to the city clerk for review. All applicants must meet the following requirements:
- (1) Must be 21 years of age or older and furnish proof if requested.
 - (2) Must be able to read, write and speak the English language.
 - (3) Must have a current Alaska State Driver's License.
 - (4) Must not have any delinquent city criminal or traffic fines or fees.
 - (5) Must not have had their driver's license suspended or revoked within two years of the date of application.
 - (6) Must not have had a conviction within 24 months of:
 - a. Reckless or negligent driving;
 - b. Driving while license is canceled, suspended, revoked, or in violation of a limitation.
 - (7) Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
 - a. Prostitution or promotion of prostitution;
 - b. Any offense involving a controlled substance under AS Title 11, Chapter 71 or the laws of another jurisdiction having substantially similar elements;
 - c. Any felony or misdemeanor assault;
 - d. Burglary, felony theft, fraud or embezzlement;
 - e. Any sexual offense;
 - f. Any homicide or assault involving operation of a motor vehicle;
 - g. Two separate felony convictions of any type;
 - h. Driving a vehicle while intoxicated within five years or within eight years for a felony conviction;
 - i. Refusal to submit to a chemical test as defined in AS 28.35.032 within five years or within eight years for a felony conviction.
 - (8) The applicant must not be addicted to the use of intoxicants or narcotics.

(9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.

(10) The applicant must be a citizen of the United States or prove they can be lawfully employed in the United States.

(b) The city clerk's office will procure an online criminal history report for each applicant, the cost of which will be included in the chauffeur license application fee in the city schedule of fees and charges for services.

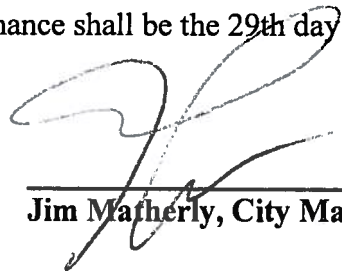
Sec. 86-88. – Alcoholic beverages, marijuana, and controlled substances.

No driver of a vehicle for hire may ~~consume~~~~drink~~ alcoholic beverages or any form of marijuana or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any ~~controlled substance~~ listed as being controlled under AS 11.71, as defined by AS 28.33.190, while on duty or within eight hours prior to operating a vehicle for hire.

Sec. 86-94. – Transporting alcohol or marijuana products without passengers.

It is unlawful for any driver of a vehicle for hire to purchase, transport or deliver alcohol or marijuana products at the request of any individual. Any transportation of alcohol or marijuana products in a vehicle for hire must be by a passenger riding in the vehicle.

SECTION 2. That the effective date of this Ordinance shall be the 29th day of July 2017.



Jim Matherly, City Mayor

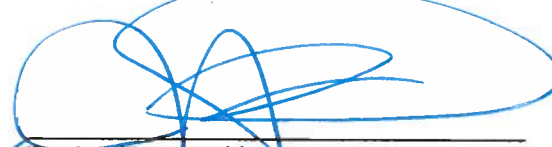
AYES: Huntington, Therrien, Pruhs, Cleworth, Rogers
NAYS: None
ABSENT: Seat D vacant
ADOPTED: July 24, 2017

ATTEST:

APPROVED AS TO FORM:



D. Danyielle Snider, CMC, City Clerk



Paul J. Ewers, City Attorney