

Adopted

HAINES BOROUGH, ALASKA
ORDINANCE No. 14-03-371

AN ORDINANCE OF THE HAINES BOROUGH AMENDING BOROUGH CODE TITLE 5 SUBSECTION 5.04.130(A), SECTION 5.18.030, CHAPTER 5.20, AND SECTION 5.22.010 TO REPEAL COMMERCIAL PASSENGER VEHICLE PERMITTING.

NOW, THEREFORE, BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and if adopted with or without amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Subsection 5.04.130(A). Subsection 5.04.130(A) of the Haines Borough Code is hereby amended to read as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE ADDITIONS TO THE CURRENT LANGUAGE
STRIKETHROUGH ITEMS ARE DELETIONS

5.04.130 Fees designated.

A. Application Fee. An applicant for a permit required by this title shall pay a nonrefundable application fee at the time of application in accordance with the following schedule:

Transient and itinerant merchant permit	\$25.00
Fair vendor permit	\$25.00
Commercial passenger vehicle permit (per vehicle)	\$50.00
Commercial tour permit – Requiring a public hearing (permit has not been previously denied)	\$125.00
Commercial tour permit – Not requiring a public hearing	\$25.00
Commercial passenger or tour vehicle parking permit (per business)	\$25.00
Commercial tour permit – Requiring a public hearing (permit has been previously denied)	\$1,000

No additional fee is due for a permit in the year it is first issued.

Section 5. Amendment of Section 5.18.030. Section 5.18.030 of the Haines Borough Code is hereby amended to read as follows:

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5.18.030 Application process.

A. Application for a commercial tour permit and permit renewal shall be made using the procedures set out in Chapter 5.04 HBC and this chapter.

~~B. If the applicant intends to use a commercial passenger vehicle for conducting the tour or as a tour shuttle, the applicant must also obtain a commercial passenger vehicle permit under Chapter 5.20 HBC.~~

~~B.~~ An applicant must provide the following information:

1. Name, address, and telephone number of applicant and all principals.
2. Customer capacity; number of vehicles to be used; location of all phases of the tour(s), including where the tour(s) will be offered for sale and scheduled stops; a summary of the tour(s); a map showing the routes to be taken; and hours of operation. One copy of each published pamphlet or brochure describing each tour must accompany the application.
3. Brokers certificate of \$500,000 of current commercial general liability insurance naming the borough as additional insured. The policy shall not contain any self-insured retention or deductible in excess of \$1,000 and shall include a provision requiring written notification to be given to the borough by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason.
4. Proof of worker's compensation insurance where applicable by law.
5. A copy of current Haines Borough business license.
6. Current copy of a signed tour operator's code of conduct agreement which shall be approved by the borough assembly.
7. An explanation of any felony conviction within the past five years.
8. A safety and operating plan for heli-skiing and helicopter tours

Section 6. Amendment of Chapter 5.20. Chapter 5.20 of the Haines Borough Code is hereby amended to read as follows:

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Chapter 5.20 Commercial Passenger Vehicle ~~Permits~~ Requirements

~~5.20.010 Permit required.~~

~~A. No person shall operate a commercial passenger vehicle or a commercial tour vehicle within the borough except as authorized by a current commercial passenger vehicle permit issued for such vehicle pursuant to this chapter and the procedures specified in Chapter 5.04 HBC.~~

~~B. Permit Display Required. A commercial passenger vehicle permit must be displayed in the lower right corner of the front windshield of the vehicle, or as otherwise specified by the manager.~~

~~5.20.020.010~~ Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

"Commercial passenger vehicle" means a motorized or nonmotorized vehicle or means of conveyance that is used to transport passengers for compensation, regardless of the form or manner of charging the passenger or the form or manner of collecting the compensation. "Commercial passenger vehicle" does not include courtesy shuttles, vehicles with a maximum capacity of six customers operated by fishing or hunting charter operators for excursions,

vehicles operated for guided overnight excursions occurring outside of the Haines Borough, school buses operating exclusively under a contract with a school district, vehicles operated by profit or nonprofit transportation providers for the sole purpose of providing transport for elderly or disabled persons and their attendants, and vehicles operated exclusively by, or on behalf of, the borough, state, or federal governments.

"Commercial tour vehicle" means a commercial passenger vehicle that is used to conduct, or in furtherance of, a "commercial tour" as defined in HBC 5.18.010(B). Unless otherwise defined or provided for in this section, any vehicle or means of conveyance used to transport nonemployee passengers to or from a commercial tour shall be considered a commercial tour vehicle.

"Courtesy shuttle" means:

1. A vehicle that is owned or operated by a hotel, motel, or other similar business providing overnight accommodations to the public and used to provide complimentary transportation to the overnight guests of the business; or
2. A vehicle owned or operated by an air carrier and used to provide complimentary transportation to or from the airport for the passengers of the air carrier.

"Taxi" means a commercial passenger vehicle that is used for the purpose of carrying passengers for pay or hire upon the streets of the city, operating from a fixed or mobile location but not limited in its operation to any particular route. A taxi operates on a call or hail basis to provide point-to-point transportation to a destination determined by the passenger.

"Historic, Unique, or Classic Vehicle" must meet the criteria as defined by the State of Alaska Division of Motor Vehicles.

~~5.20.030 Limitation on vehicle size.~~

~~A commercial passenger vehicle shall not exceed 40 feet in overall length.~~

~~5.20.040-020 Permit application-Insurance requirements.~~

~~No permit shall be issued for a commercial passenger vehicle until the applicant has provided all of the following:~~

~~A. The name of the operations manager, emergency contact phone, and local home address.~~

~~B. Proof of current motor vehicle inspection on each motor vehicle to be permitted. Such inspection shall be performed by an inspector authorized to complete Federal Inspection Form #_400 FS C2 in accordance with 49 CFR Part 396. For the purposes of this chapter, "current" means within the prior 12 months.~~

~~C. Proof of Alaska motor vehicle registration and display as required.~~

~~D. A list of all vehicles to be operated or controlled by the applicant and the applicant's agents or employees and the location of proposed depots and terminals if any.~~

~~E. A description of the color scheme or insignia to be used to designate the vehicle or vehicles of the applicant and the license number and length of each vehicle.~~

~~F. Name, address, and telephone number of the applicant and all principals.~~

~~G. A copy of brokers certificate of \$500,000 of auto and commercial general liability insurance naming the borough as additional insured on all motorized commercial passenger vehicles, except that nonmotorized commercial passenger vehicles require only the commercial general liability certificate. In order to add additional vehicles to the original application, the permit holder must submit proof of insurance and proof of motor vehicle inspection for each additional motor vehicle.~~

~~H. The permit application fee required by HBC 5.04.130(A) applies to each vehicle to be covered by the permit.~~

~~5.20.050.030 Vehicle identification.~~

~~A. A commercial tour vehicle **and a commercial passenger vehicle** must display the following:~~

- ~~1. Commercial passenger vehicle permit sticker.~~

~~2~~ **1.** Tour operator's identification on two sides and rear of vehicle readable from a distance of 50 feet.

B. Multiple vehicles of a commercial tour must be visibly distinguishable from each other **by clearly visible name, number, or letter, and not by license plate alone.**

C. The owner or operator of a **historic**, unique, or classic vehicle may request from the manager an exception from these display requirements to preserve the cosmetic integrity of the vehicle. The manager shall not unreasonably deny such a request.

5.20-060,040 Taxis.

A. Taxis must display the following for passenger review:

~~1. Commercial passenger vehicle permit sticker;~~

~~2-1.~~ **1.** The appropriate license required under state law for the driver of the vehicle;

~~3-2.~~ **2.** Rates, including information specifying whether the rate is per person, per trip, and whether there are additional charges for any other services, such as baggage handling and extra stops;

~~4-3.~~ **3.** Address and phone number for the clerk, in order to lodge complaints or comments.

B. Taxis shall operate on a call or hail basis, and may not solicit passengers except in accordance with an approved commercial tour permit issued under Chapter 5.18 HBC. Taxis must adhere to all traffic and parking laws and may not block or delay traffic.

5.20-070,050 Nonmotorized commercial passenger vehicles.

The owner or operator of a nonmotorized commercial passenger vehicle proposing tours or shuttle services shall designate routes and stops as required in HBC 5.18.030. In addition to designated stops, a nonmotorized commercial passenger vehicle may stop to pick up passengers hailing the vehicle along designated routes, so long as the vehicle can pull clear of the road traffic lane. Active solicitation from the vehicle to persons along the route is prohibited.

5.20-080 Renewal.

~~A commercial passenger vehicle permit issued under this chapter may be renewed annually upon application to the clerk in accordance with the procedure specified in Chapter 5.04 HBC and this chapter, including providing the information required by HBC 5.20.040 for each vehicle to be covered by the permit.~~

5.20-090 Revocation or suspension.

~~A commercial passenger vehicle permit may be revoked or suspended in accordance with HBC 5.04.120.~~

Section 7. Amendment of Section 5.22.010. Section 5.22.010 of the Haines Borough Code is hereby amended to read as follows:

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Chapter 5.22 Commercial Passenger or Tour Vehicle Parking Permits

5.22.010 Permit required.

No person shall operate, park, stand, or stop a commercial vehicle within the designated parking area at the Port Chilkoot Dock or other public areas as designated by the borough assembly, except as authorized by a parking permit issued under this chapter and the procedures specified in Chapter 5.04 HBC.

A. An applicant for a commercial passenger or tour vehicle parking permit must possess a valid current commercial tour permit for the tour or tours the applicant offers ~~and a valid current commercial tour vehicle permit for each vehicle that will use the Port Chilkoot Dock parking area or other commercial passenger or tour vehicle parking area designated by the assembly.~~

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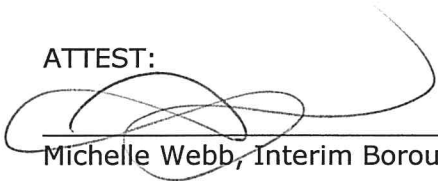
B. A permit applicant must show evidence that use of the permit will be limited to transportation of goods or passengers to or from cruise ships or to provide other commercial passenger transportation services. Such evidence shall be a contract for the presale of tours on board a cruise ship or a description of the transportation service to be provided.

C. A permitted vehicle may use designated commercial vehicle parking areas at times when cruise ships are not in port; provided, that such use involves the provision of passenger tour services. A permitted vehicle is not allowed to use commercial vehicle parking areas when not engaged in a commercial tour activity.

D. Enforcement of the parking provisions in this chapter shall be in effect between May 1st and October 1st of each year.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS
8th DAY OF APRIL, 2014.

ATTEST:



Michelle Webb, Interim Borough Clerk



Stephanie Scott, Mayor

Date Introduced: 03/12/14
Date of First Public Hearing: 03/25/14
Date of Second Public Hearing: 04/08/14 - Adopted

