



# CITY OF UTQIAGVIK

*“Farthest North Incorporated City”*

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Introduced by:	Asisaun Toovak, Mayor
Date of Introduction:	January 26, 2023
Date of Public Hearing:	
Action:	
Vote:	

## ORDINANCE #1-2023

**AN ORDINANCE AMENDING CHAPTER 6.08 OF THE CITY CODE TO EXPAND THE LIST OF PERMITTED ACTIVITIES AND TO ALLOW TAXICABS TO PROVIDE LIMITED SERVICES DURING CITY CLOSING HOURS, AND TO ADD “CLOSING HOURS” AND “LIMITED SERVICE” DEFINITIONS IN CHAPTER 7.04 OF THE CITY CODE**

**WHEREAS** the City Council of Utqiagvik, Alaska (the “City”) desires to amend the City of Utqiagvik Code of Ordinances (“Code”) Section 6.08.010.A and Section 6.08.010.B (Closing Hours Designated), to clarify which businesses, essential services, and events are exempt from the Closing Hour (as defined below) restrictions under the Code;

**WHEREAS** the City desires to amend the Code Section 6.08.010.C (Closing Hours Designated) to allow taxicabs to provide only limited services during the Closing Hours; and

**WHEREAS** the City desires to add new “Limited Service” and “Closing Hours” definitions to the Code Section 7.04.010 (Definitions – Taxicab Commission) to clarify which limited services taxicabs may provide during the City’s Closing Hours.

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

**SECTION 1. Classification.** This ordinance is permanent and general in nature and shall be placed in the Code.

**SECTION 2. Amending of Section 6.08.010.** Section 6.08.010 (**Closing Hours Designated**) is amended as follows (new language is bolded and underlined; removed language is struck through):

**Section 6.08.010 Closing Hours Designated.**



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- A. All establishments within the city shall remain closed **to the public** from the hour of two a.m. until the hour of six a.m., **except that the hospital may be open during such hours.**
- B. Subsection A of this section notwithstanding, public dances, **special events such as Christmas and other holiday games, July 4 games, and Kivgvik** may be held at the city of Utqiagvik ~~Teen~~**Youth** Center until four a.m. on Saturday and Sunday mornings, and on holiday mornings. Curfew provisions under Chapter 9.12, Curfew for Minors, apply to all dances **and special events held at the city Youth Center.**
- C. **Subsection A of this section notwithstanding, Taxicabs may provide Limited Service between the Closing Hours defined in Section 7.04.010 (Definitions).**

**SECTION 3. Amending Section 7.04.010.** Section 7.04.010 (**Definitions**) is amended as follows (new language is bolded and underlined):

## **Section 7.04.010 Definitions.**

When used in Chapters 7.04 through 7.36:

"Charter" means a service offered by a chauffeur to transport passengers in a taxicab over unfixed and undefined routes in exchange for a fee that is based upon hourly rates.

"Chauffeur" means a person authorized by the executive director to operate a taxicab or shuttle service vehicle pursuant to Chapter 7.12 (**Chauffeurs' Licenses**).

**"Closing Hours" means the hours of 2:00 a.m. to 6:00 a.m., as designated in Code Section 6.08.010.A (Closing Hours Designated).**

"Commission" means the Utqiagvik taxicab commission.



# CITY OF UTQIAGVIK

*"Farthest North Incorporated City"*

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"Executive director" means the chief administrative officer of the Utqiagvik taxicab commission or his or her designee.

"License" means a chauffeur's license issued by the Utqiagvik taxicab commission to persons authorized to operate vehicles for hire pursuant to Chapter 7.12 **(Chauffeurs' Licenses)**.

**"Limited Service" means a permitted service provided to passengers traveling to and from their location of employment or traveling for a medical emergency by Taxicab between the Closing Hours, which shall not include any Charter or Shuttle services.**

"Operate" means to drive, pick up, transport or dispatch passengers.

"Permit" means a permit issued in accordance with Chapter 7.08 **(Permits)**, unless expressly limited.

"Permittee" means a person authorized to provide taxicab and/or shuttle service pursuant to Chapter 7.08 **(Permits)**, unless expressly limited.

"Rate" means every rate, toll, fare, rental charge or other form of compensation demanded, observed, charged or collected by a taxicab in return for its services.

"Shared ride" means a service for nonexclusive passenger taxicab for hire offered by a taxicab in and between the geographic zones established by the taxicab commission.

"Shuttle service" means a service provided to passengers by shuttle service vehicles between designated stopping points in the city, Monday through Friday except holidays, in accordance with this title and applicable regulations promulgated by the Utqiagvik taxicab commission.

"Shuttle service vehicle" or "SSV" means a chauffeur-driven motor vehicle, other than a taxicab, offered for hire having a manufacturer's stated seating capacity of nine to fifteen persons including the driver, which is used to



# CITY OF UTQIAGVIK

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provide shuttle service between designated stopping points in the city, Monday through Friday except holidays, to passengers in accordance with this title and applicable regulations promulgated by the Utqiagvik taxicab commission.

“Taxicab” means a chauffeured motor vehicle used to transport passengers for hire having a manufacturer’s rated seating capacity of nine passengers or less, including driver, and not operated over fixed or defined routes.

**SECTION 4. Application.** Should any provision of this ordinance, or application thereof to any person or circumstances be declared invalid, void, or illegal, the application to other persons or circumstances shall not be affected thereby. Further, such declaration shall in no way affect, impair, or invalidate any other provision hereof, and such other provisions shall remain in full force and effect.

**SECTION 5. Severability.** Nothing in this ordinance shall be construed to authorize or condone actions which would violate any requirement of applicable state or federal law. This ordinance is intended to be interpreted consistently with, where possible, the Constitution of the United States, the Constitution of the State of Alaska, federal statutes and regulations, and Alaska statutes and regulations. Where it is not possible to construe a provision of this ordinance consistently with these state and federal provisions, the conflicting provision of this ordinance shall be void.

**SECTION 6. Effective Date.** This ordinance shall become effective upon passage by the City Council.

**ENACTED THIS 26TH DAY OF JANUARY, 2023, by a vote of \_\_ in favor and \_\_ opposed.**

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**Asisaun Toovak, Mayor**



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**ATTEST:**

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**Mary V. Patkotak, City Clerk**