



CITY OF BETHEL

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Introduced by: Transportation Commission
Date: January 23, 1996
Public Hearing: February 13, 1996
Action: Passed
Vote: 6-Yes, 0-No

ORDINANCE # 96-6

AN ORDINANCE OF THE CITY OF BETHEL AMENDING SECTIONS 5.20.060 AND 5.20.070 OF THE BETHEL MUNICIPAL CODE TO PROVIDE FOR REVOCATION OF A TRANSPORTATION PERMIT OR CHAUFFEURS LICENSE, FOR FIVE YEARS UPON THE ISSUANCE OF A FOURTH VIOLATION WITHIN FOUR YEARS OF THE DATE OF THE FIRST VIOLATION, AND TO CHANGE THE SCHEDULE OF CIVIL FINES ASSESSED FOR VIOLATIONS OF CHAPTER 5.20

BE IT ENACTED BY THE COUNCIL OF THE CITY OF BETHEL, ALASKA:

Section 1. Classification: This is a code ordinance.

Section 2. Content: Section 5.20.060 of the Bethel Municipal Code is hereby amended by adding a new subsection G to read as follows:

G. After a hearing, the Transportation Inspector shall revoke a bus permit, dispatch service permit, river taxi permit, taxicab permit, or chauffeur's license, for five years upon a fourth violation of Chapter 5.20, 5.30, 5.40, or 5.50, or municipal regulation promulgated under such Chapters if said fourth violation occurred within four years of the date of the first violation.

Section 3. Content: Section 5.20.070(A) of the Bethel Municipal Code is hereby amended to read as follows (New language is underlined):

A. In addition to any permit revocation made pursuant to Section 5.20.060, a person who violates a provision of Chapter 5.20, 5.30, 5.40, or 5.50, or municipal regulation promulgated under such Chapters, shall be subject to a civil penalty of:

1. \$150 for the first offense;
2. \$200 for the second offense;
3. \$225 for the third offense;
4. \$250 for the fourth offense;
5. \$250 for each subsequent offense;

or injunctive relief to restrain the person from continuing the violation, or threat of violation, or both such civil penalty and injunctive relief. Upon application by the municipality for

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injunctive relief and a finding that a person is violating, or threatening to violate, a provision of Chapter 5.20, 5.30, 5.40, or 5.50, or a municipal regulation promulgated under such Chapters, the Superior Court shall grant injunctive relief to restrain the violation.

Section 4. Content Section 5.20 070 of the Bethel Municipal Code is hereby amended by adding a new subsection C to read as follows:

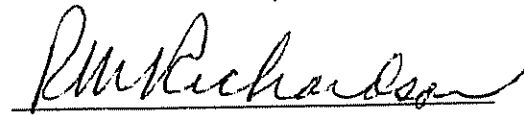
C. If the licensee or permittee fails to pay the civil penalty within ten (10) days after judicial adjudication, the Transportation Inspector shall take temporary custody of, and suspend the license, or permit, until the fine is paid.

Section 5. Savings Clause: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm, or corporations, by lawful action of the City except as shall be expressly provided for in this title.

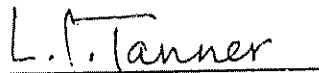
Section 6. Severability: If any part or provision of the ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confirmed in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 7. Effective Date. This ordinance shall be effective upon passage.

PASSED AND ADOPTED THIS 15th DAY OF FEBRUARY, 1996


Ruth M. Richardson, Mayor

ATTEST:


L.J. Tanner, City Clerk