

## ORDINANCE NO. 1428

An ordinance repealing and reenacting Chapter 26 of the Code of the City of Jamestown, North Dakota, which sets forth regulations and requirements for taxicab licenses and taxicab driver's licenses in the City of Jamestown.

WHEREAS, the City issues licenses and regulates taxicab service in the City of Jamestown and the regulations and requirements for taxicab service in the City of Jamestown require updating to ensure the safety of taxicab passengers.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota, that Chapter 26 be repealed in its entirety and be reenacted as follows:

### **ARTICLE I: Taxicabs Generally**

#### **Section 26-1. Definitions.**

For the purpose of this chapter, the following words shall have the following meanings:

- (1) "Taxicab", "Taxi", and "Cab" are defined to mean and include any vehicle furnished with a driver and engaged in carrying passengers for hire over and upon the streets of the city and which vehicle does not operate on a fixed route. "Taxicab", "Taxi", and "Cab" do not apply to any automobiles used exclusively for hotel business, ambulances, buses operating over a fixed route, nonprofit corporations or any transportation provided to employees by their employer.
- (2) "Street" is defined to mean and include any street, avenue, alley, court, lane, bridge or public place within the corporate limits of the city.
- (3) "Passenger" is defined to mean and include any person engaging a taxicab under the terms of this chapter.

#### **Section 26-2. Scope of Service, refusal to convey passengers.**

All persons engaged in the taxicab business in the city, operating under the provisions of this chapter, must render an overall service to the public desiring to use taxicabs. Licensees shall maintain a central place of business which shall receive calls during all hours that the taxicab services shall be offered during day or night for the purpose of dispatching taxicabs. All calls received for services inside the corporate limits of the city shall be answered as soon as the business can do so and if services cannot be rendered within a reasonable time then the prospective passengers must be notified how long it will be before the call can be answered and give the reason for delay. Any licensee who refuses to accept a call in the corporate limits of this city at any time when the licensee has available cabs, the prospective passenger is acting in an

orderly manner and has agreed to pay the fare, or who fails or refuses to give overall service, is in violation of this chapter and may be punishable by a fine not to exceed five hundred dollars (\$500.00).

### **Section 26-3. Identification of vehicle.**

The licensee, before operating any taxicab in this city, shall paint or stamp on the body of the taxicab in reasonably large print, the words "Taxicab", "Taxi" or "Cab", the licensee's name and the license number on the two (2) sides and the rear of the motor vehicle prior to its use as a taxicab. Upon the expiration of any such license, unless the same is renewed, the licensee shall erase or obliterate such words and figures painted or stamped on the taxicab before selling, disposing of, retiring, transferring, or using the taxicab for any purpose on the streets or public highways of the city.

### **Section 26-4. Number of passengers.**

No licensee, his agents or employees, shall allow or permit to be carried on or in the taxicab more persons than the regular seating capacity will reasonably accommodate and seat therein.

### **Section 26-5. Schedule of fees.**

The licensee shall display in every taxicab, in a conspicuous place, a schedule of fees and any other information which may be required by the city council. The licensee shall also file the schedule of fees annually with the city administrator. The schedule of the fees should include information regarding the amounts to be charged for transportation, multiple loading charges, flat rate charges for certain specified routes and any other information necessary to clarify the rates to be charged. The licensee's schedule may be changed from time to time by filing an amended schedule with the city administrator. No driver shall charge a greater fare than that shown upon the schedule. Such charges shall at all times be subject to approval by the city council and if the council considers any charge excessive it may require the licensee to revise the same. Refusal to revise the schedule of fees in accordance with the directions from the city council within twenty-four (24) hours of receiving notice to do so shall be deemed a violation of this chapter and may be punishable by a fine not to exceed five hundred dollars (\$500.00).

### **Section 26-6. Taking on or discharging passengers upon the streets.**

Only duly licensed taxicabs operating from a central depot shall take on or discharge passengers upon the streets, alleys or other public ways within the city.

**Section 26-7. Establishment of central depot.**

Any taxicab licensee desiring to establish a central depot for the taking on or discharging of passengers shall, before the establishing of such depot, apply to the city council for a permit. The city council may deny such application and refuse the issuance of such permit if, in its judgment, the proposed location of such central depot constitutes a hazard to public traffic and safety. The location of the central depot must be approved by the city council.

**Section 26-8. Stop required before crossing certain railroad tracks.**

The driver of any taxicab carrying passengers, at any railroad track not protected by automatic barriers or signals at the point where the taxicab is crossing such track, shall bring the taxicab to a complete stop before crossing such track.

**Section 26-9. Alcoholic beverages in taxicabs.**

No person may possess an alcoholic beverage that is in an open container in a taxicab within the city limits.

**ARTICLE II: TAXICAB LICENSES**

**Section 26-10. License required.**

- (1) No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire or for the purpose of carrying passengers within the city without first obtaining a license and complying with the terms and provisions of this chapter. Taxicab licenses may be suspended, cancelled or revoked pursuant to this chapter.
- (2) Licenses shall commence on the date of issuance for the balance of the calendar year. All renewals shall be based upon a calendar year, January 1<sup>st</sup> through December 31<sup>st</sup>.

**Section 26-11. Taxicab Application.**

Any person desiring the license required by this chapter shall apply in writing to the city council on the application provided by the city.

- (1) The application must contain:

- (a) The applicant's name, date of birth and address;
- (b) The taxicab license application fee;
- (c) The experience of the applicant in the transportation of passengers;
- (d) The number of vehicles to be operated or controlled by the applicant and the location of the proposed depots and terminals;
- (e) The color scheme or insignia to be used to designate the motor vehicle(s) of the applicant;
- (f) The make, model, year, horsepower, seating capacity and vehicle identification number for each motor vehicle for which a license is sought;
- (g) A completed inspection from a certified mechanic for each motor vehicle for which a license is sought stating the vehicle is found to provide safe transportation and to comply with state and city laws;
- (h) A rate schedule showing all proposed rates, fees and charges.

(2) Each applicant for a license required by this chapter shall:

- (a) Possess a valid and current North Dakota driver's license,
- (b) Be at least eighteen (18) years of age,
- (c) Complete an application provided by the city which will be filed with the city administrator as a permanent record;
- (d) Undergo a background examination and pay any fee related to such background examination; and
- (e) Submit proof of a valid liability insurance policy for each taxicab in the amounts set forth in this chapter.

#### **Section 26-12. Fees for taxicab license.**

Every taxicab license application shall be accompanied by a license fee, which fee shall be as established by resolution of the city council. The license fee shall be returned to the applicant if such application is denied or rejected by the city council.

#### **Section 26-13. Investigation of taxicab applicant.**

In addition to the background examination, before granting any license under this chapter the city council may request and/or investigate the applicant's habits, character and financial responsibility. The city council may appoint a representative to conduct such investigation.

#### **Section 26-14. Taxicab insurance.**

Before any license is issued under this chapter, the applicant shall procure and file with the city administrator a liability insurance policy for each taxicab for which a license is sought. The liability insurance policy must be issued by a company authorized to do business in the State of North Dakota and must be accepted and approved by the city council.

The insurance policy for each taxicab shall, at a minimum, be in the sum of at least one-hundred thousand dollars (\$100,000.00) for bodily injury or death of any one (1) person and three hundred thousand dollars (\$300,000.00) for bodily injury or death of all persons injured or killed in any one (1) accident, and five thousand dollars (\$5,000) property damage in any one (1) accident through the operation of the taxicab.

No cancellation of the insurance policy shall be valid unless thirty (30) days advance written notice is given by registered mail to the city administrator state the reasons for the cancellation. The license for the operation of such taxicab shall immediately expire upon the lapse or termination of the insurance policy.

#### **Section 26-15. Safe condition of cars; inspection.**

Prior to the issuance of a taxicab license and the use and operation of any motor vehicle as a taxicab under the provisions of this chapter, the vehicle must be thoroughly examined and inspected by a certified mechanic and be found to provide safe transportation and to comply with state and city laws. Every motor vehicle used as a taxicab must be inspected at least semi-annually by a certified mechanic to insure the continued maintenance of safe operating conditions. Every taxicab operating under this chapter must be kept in a clean and sanitary condition. A report of every required inspection must be kept on file and furnished to the chief of police upon request. The chief of police, or his designee, shall have the right to inspect any taxicabs for compliance with this section. A taxicab license shall be refused if any vehicle is found to be unfit or unsuited for public patronage. Every licensed taxicab shall have a knob on the inside of each door which may be used to easily open the door from the inside.

#### **Section 26-16. City council to approve application; issuance of license.**

At the next regular meeting of the city council after application for license has been made, the city administrator shall bring the application for license before the city council. If the application, background examination and liability insurance policy are approved by the city council, the council shall direct the city administrator to issue a license to the applicant. The license shall state the name and address of the applicant, the number of motor vehicle(s) authorized under the license, the capacity of each authorized motor vehicle and the date of issuance. A license may be denied for any reason, including but not limited a determination by the city council that public convenience and necessity does not require the granting of a license.

### **Section 26-17. Public convenience and necessity.**

The city council shall take into consideration, when granting or refusing to grant a license, the public convenience and necessity and shall not grant additional taxicab licenses when, in the opinion of the city council, the public convenience and necessity do not require additional taxicabs to be licensed.

### **Section 26-18. Suspension or revocation of taxicab license.**

A license issued pursuant to this chapter may be revoked or suspended by the city council for any violation of any provision of this chapter, city ordinance, state law, or for any reason the council may deem necessary.

Prior to a license being revoked or suspended, the following procedure will be followed:

- (1) The city council shall direct the city administrator to send written notification by certified mail, return receipt request, to the licensee which notice shall state:
  - a. The grounds for revocation or suspension;
  - b. The date the revocation or suspension is effective; an immediate temporary revocation of the taxicab license may be taken if the city council determines such action is in the best interest of the public;
  - c. The reason for the revocation or suspension;
  - d. The date, time and location of the hearing on whether to revoke or suspend the license, and in cases of an immediate temporary revocation or suspension whether the revocation or suspension shall be permanent; and
  - e. That the licensee has the right to appear at any such hearing.
- (2) The hearing will be before the city council no earlier than ten (10) days and no later than thirty (30) days from the date the city administrator is directed to send the written notification. The licensee shall have at least five (5) days advance notice of the time and place for the hearing.
- (3) If after the hearing the council concludes the violation charged has been proved or it determines revocation or suspension is in the best interest of the public, the council may either permanently revoke the license or temporarily suspend the license for a period not exceeding sixty (60) days.
- (4) The employment by the licensee of any person as a driver or operator of any taxicab, who in the judgment of the city council is an unfit or improper person, shall be sufficient cause for the immediate revocation of such license.

### **Section 26-19. Temporary and replacement vehicles.**

- (1) When any licensee sells, disposes of, retires, or temporarily substitutes any motor vehicle licensed as a taxicab from service, the license issued for such taxicab may be transferred to another motor vehicle, without charge. The city administrator, upon receipt of an application for an amendment to the licensee's license, proof of insurance coverage in accordance with this chapter, and proof of a vehicle inspection in compliance with this chapter, shall amend the license accordingly.
- (2) The taxicab identification shall be immediately removed from the sold, disposed of, retired, or temporarily substituted vehicle and the newly licensed vehicle shall be properly identified pursuant to the provisions of this chapter before use as a taxicab.
- (3) The retention of the license number upon any vehicle which was sold, disposed of, retired or temporarily substituted shall be a violation of this section and may be punishable by a penalty not to exceed five hundred dollars (\$500.00); in addition, the taxicab license may be revoked by the city council.

## **ARTICLE III: TAXICAB DRIVER'S LICENSES**

### **Section 26-20. Taxicab Driver's License.**

A person may not operate a taxicab upon the streets of the city, and no person who owns or controls a taxicab may permit it to be so driven, unless the driver has a taxicab driver's license issued annually under the provisions of Section 26-22 of this chapter.

### **Section 26-21. Taxicab Driver's License Application.**

Any person desiring to obtain a taxicab driver's license required by the provisions of this chapter must make a written application to the city administrator on the application provided by the city.

- (1) The application must contain:
  - (a) The applicant's name, date of birth, driver's license number and state which issued the license, address, and any other information that may be required by the city;
  - (b) The taxicab driver's license application fee; and
  - (c) The experience of the applicant in the transportation of passengers.
- (2) Each applicant for a license required under this chapter shall:

- (a) Possess a valid and current North Dakota driver's license,
  - (b) Be at least eighteen (18) years of age,
  - (c) Complete an application provided by the city which will be filed with the city administrator as a permanent record;
  - (d) Undergo a background examination and pay any fee related to such background examination;
  - (e) Submit a certified driving abstract from any state in which the individual has held a driver's license in the last ten (10) years; and
- (3) An applicant shall be denied a license if the background examination reveals:
- (a) That the applicant would present a threat to the health, morals, or welfare of the community;
  - (b) Evidence of sex offenses within the last ten (10) years, or the requirement under North Dakota law to register as a sex offender;
  - (c) Evidence of violent criminal activity within the last ten (10) years;
  - (d) Evidence of criminal activity involving the use of a motor vehicle within the last ten (10) years;
  - (e) Prior revocation of a license issued under this article; or
  - (f) Any other just cause for denying the application.

**Section 26-22. Application fee.**

Every license application shall be accompanied by a license fee, which fee shall be as established by resolution of the city council. The license fee shall be returned to the applicant if such application is denied or rejected.

**Section 26-23. Approval of application; issuance of license.**

- (1) The term of a taxicab driver's license shall commence on the date of issuance for the balance of the calendar year. All renewals shall be based upon a calendar year, January 1<sup>st</sup> through December 31<sup>st</sup>. Taxicab driver's licenses may be suspended, cancelled or revoked pursuant to this chapter.
- (2) Upon receipt of the application and materials, the city administrator shall forward the information to the chief of police. If the chief of police has determined the applicant is a careful and competent driver and has no criminal violations which would cause the applicant to be an improper taxicab driver, the chief of police may approve the application and return his recommendation to the city administrator. The city

administrator, upon a satisfactory recommendation from the chief of police, may issue a taxicab driver's license to the applicant.

- (3) The issued license shall contain the photograph and signature of the licensee and blank spaces upon which a record may be made of any arrest of or serious complaint against him. Defacing, removing or obliterating any official entry made upon a license by a licensee may be punishable by either revocation or suspension of the licensee's taxicab driver's license.

#### **Section 26-24. Renewal of license.**

Taxicab driver's licenses are renewable yearly upon submission of an application fee, an updated application, background examination and driving abstract(s).

#### **Section 26-25. Denial of license.**

An applicant for a taxicab driver's license, who is denied a license because of an unsatisfactory recommendation from the chief of police, will receive written notification within ten (10) days by certified mail of the denial from the city administrator. The notification must inform the applicant of his right to appeal the decision of the chief of police to the city council.

- (1) To appeal:

- (a) The applicant shall file a written request for a hearing with the city administrator within ten (10) days of the date on the written notification or denial;
- (b) The city administrator shall set a hearing before the city council no earlier than ten (10) days and no later than thirty (30) days from the date the request for the hearing is filed with the city administrator. The applicant shall have at least five (5) days advance notice of the time and place for the hearing;
- (c) The city council shall either affirm or reverse the decision of the chief of police. Should the city council reverse the decision of the chief of police, the council may place any restrictions on the taxicab driver's license it deems appropriate.

- (2) If no appeal is filed within the time specified under this chapter the chief of police's action is final.

#### **Section 26-26. Revocation or suspension of license.**

Any license issued pursuant to this chapter may be revoked or suspended by the city council for any violation of any provision of this chapter, city ordinance, state law, or for any reason the council may deem necessary.

Prior to a license being revoked or suspended, the following procedure will be followed:

- (1) The city council shall direct the city administrator to send written notification by certified mail, return receipt request, to the holder of the taxicab driver's license and the holder of the taxicab license for whom the driver is employed, if known. The notice shall state:
  - a. The grounds for revocation or suspension;
  - b. The date the revocation or suspension is effective; an immediate temporary revocation of the taxicab driver's license may be taken if the city council determines such action is in the best interest of the public;
  - c. The reason for the revocation or suspension;
  - d. The date, time and location of the hearing on whether to revoke or suspend the license, and in cases of an immediate temporary revocation or suspension whether the revocation or suspension shall be permanent; and
  - e. That the licensee has the right to appear at any hearing.
- (2) The hearing will be before the city council no earlier than ten (10) days and no later than thirty (30) days from the date the city administrator is directed to send the written notification. The licensee shall have at least five (5) days advance notice of the time and place for the hearing.
- (3) If after the hearing the council concludes the violation charged has been proved or it determines revocation or suspension is in the best interest of the public, the council may either permanently revoke the license or temporarily suspend the license for a period not exceeding sixty (60) days.

#### **Section 26-27. Display of license.**

Every taxicab driver licensed under this chapter shall post the taxicab driver's license issued pursuant to this chapter in such a place as to be in full view of all passengers while such driver is operating a taxicab. Upon demand of a policeman or a passenger, the taxicab driver shall present his driver's license and taxicab driver's license issued under this chapter for inspection.

### **ARTICLE IV: TEMPORARY TAXICAB LICENSES**

#### **Section 26-28. License required.**

- (1) No person, other than a taxicab licensed under this chapter or a nonprofit corporation whose vehicles and drivers are otherwise regulated, shall operate or allow a vehicle owned by him to operate as a taxicab for the purpose of carrying passengers within the city for a charitable organization or event, unless the person has obtained a temporary taxicab license and is in compliance with the terms and provisions of this article.
- (2) Licenses granted under this article are valid only for the date stated on the temporary license.
- (3) Restrictions as to passenger capacity for each motor vehicle used during the charity event shall be stated on the license.

### **Section 26-29. Temporary taxicab application.**

Any person desiring to provide taxicab services as a charitable organization or event shall be required to obtain a temporary taxicab license by applying in writing to the city council on the application provided by the city.

- (1) The application must contain:
  - (a) The applicant's name, date of birth, address and phone number;
  - (b) The charitable organization holding the charity event;
  - (c) The purpose of the charity event;
  - (d) The date of the charity event;
  - (e) The temporary taxicab license application fee;
  - (f) The names of the individuals who will be transporting passengers;
  - (g) The number of vehicles to be operated during the charity event and the location of the proposed pick-up locations to be used during the charity event;
  - (h) The sign or insignia to be used to designate the motor vehicle(s);
  - (i) The make, model, year, seating capacity and vehicle identification number for each motor vehicle to be used during the charity event; and
  - (j) Submit proof of a valid liability insurance policy for each vehicle to be used as a taxicab during the charity event.
- (2) Each person who will be designated as a driver for the charity event shall:
  - (a) Possess a valid and current North Dakota driver's license,
  - (b) Be at least eighteen years of age.

### **Section 26-30. Compensation.**

The charitable organization or event, or a designated driver for the charitable organization or event, shall only be compensated for services by freewill donations and shall not provide services for hire under this chapter.

### **Section 26-31. Application deadline.**

An application for a temporary taxicab license must be submitted at least ten (10) days prior to the next regular meeting of the city council which precedes the charity event.

**Section 26-32. City Council to approve application, issuance of temporary license.**

At the next regular meeting of the city council after application for a temporary taxicab license has been made, the city administrator shall bring the application for license before the city council. If the application is approved by the city council, the council shall direct the city administrator to issue a temporary license to the applicant. A license may be denied for any reason.

**Section 26-33. Refusal of license - reasons in writing.**

In the event the city council denies the application for a temporary taxicab license, the city administrator shall provide the applicant with written notice of the denial and state the reasons for the denial.

**Section 26-34. Inquiry by city administrator.**

The city administrator shall make any inquiry and investigation as to any person who has been designated as a driver for the charitable organization or event and as to the propriety of granting or refusing a temporary license, as shall be deemed necessary.

**Section 26-35. Application of chapter.**

Unless otherwise specified, the provisions of this chapter shall apply to temporary taxicab licenses .

ATTEST:

Jeff Fuchs, City Administrator

APPROVED:

Katie Andersen, Mayor

Introduced by Council Member Brubakken

Seconded by Council Member Gumke

First Reading: December 2, 2013

Second Reading: January 6, 2014

Final Passage: January 6, 2014

Roll Call No. 5 showed: 5 ayes, 0 nays, 0 absent.