

ARTICLE 7. - TAXICABS¹⁶¹

Footnotes:

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State Law reference— Authority to license, tax and regulate taxicabs, N.D.C.C. § 40-05-01(27).

Sec. 12-7-1. - Definitions.

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

Passenger means any person engaging a taxicab under the terms of this article.

Taxicab means a motor vehicle regularly engaged in the business of carrying passengers for hire, with a seating capacity of 13 persons or less, and not operating on a fixed route.

(Code 1994, § 13-19-01; Ord. No. 1053, 6-2-2009)

Sec. 12-7-2. - Scope of service.

All persons engaged in the taxicab business in the city, operating under the provisions of this article, must render an overall service to the public desiring to use taxicabs. Licensees shall maintain a central place of business open 24 hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received for services inside the corporate limits of the city as soon as they can do so, and if services cannot be rendered within a reasonable time they must then notify the prospective passengers 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, or who fails or refuses to give overall service, is in violation of this article.

(Code 1994, § 13-19-02; Ord. No. 1053, 6-2-2009)

Sec. 12-7-3. - Fees.

Fees for taxicab company licenses and taxicab driver licenses shall be established by resolution.

(Code 1994, § 13-19-23; Ord. No. 1053, 6-2-2009)

Sec. 12-7-4. - Reciprocity with Bismarck.

A taxicab business licensed to do business by the City of Bismarck and a taxicab driver licensed to drive taxicabs by the City of Bismarck may provide taxicab services in the City of Mandan so long as the business license and the driver's licenses are issued in conformance with the provisions of this article. A taxicab business must be licensed in the city where it is located.

(Code 1994, § 13-19-24; Ord. No. 1053, 6-2-2009)

Sec. 12-7-5. - Suspension and revocation.

- (a) Any license issued pursuant to this article may be revoked or suspended by the board of city commissioners for any violation of any provision of this article, city ordinance or state law.
- (b) Prior to a license being revoked or suspended, a hearing must be held by the board. The licensee must be given at least five days' notice of the time and place for the hearing. The notice must specify the action proposed to be taken, the reason for it, and the licensee's right to appear. The notice must be mailed to the licensee by mail or personally served not less than eight days before the hearing. If, after the hearing, the board concludes that the violation charged has been proved, it may either revoke the license or suspend the license for a period not exceeding 60 days.

(Code 1994, § 13-19-13; Ord. No. 1053, 6-2-2009)

Sec. 12-7-6. - Passenger capacity limitation.

It is unlawful for any licensee to carry passengers in excess of the number specified for that motor vehicle in the license.

(Code 1994, § 13-19-07; Ord. No. 1053, 6-2-2009)

Sec. 12-7-7. - Taxicab meters.

- (a) Every taxicab must be equipped with a taximeter of a make, construction and operation satisfactory to the chief of police and have a lighted dial in plain view to passengers which registers the fare for each trip. Taximeters must be factory sealed and certified by the manufacturer to be accurate. Before being used for the charging of fares, taximeters must be certified as to accuracy and sealed before use. The police department may inspect and test a taximeter at any time.
- (b) Any taximeter which is the subject of a complaint must be placed out of service until it is re-certified by the manufacturer or a qualified service provider. No person may tamper with or break the seal of a taximeter for any purpose. No taxicab may be operated in the city if the seal of the taximeter has been broken until the taximeter is re-inspected by the manufacturer or a qualified service provider and resealed. No person may operate any taxicab without a sealed operating taximeter in compliance with this article.

(Code 1994, § 13-19-08; Ord. No. 1053, 6-2-2009)

Sec. 12-7-8. - Taxicab fares and uniformity.

- (a) Rates of fare.
 - (1) All applicants or licensees must annually file a statement or scheduled listing all fares, multiple loading charges, flat rate charges for certain specified routes, and any other information necessary to clarify rates to be charged with the city administrator prior to the operation of taxicabs.
 - (2) Any passenger has the option of electing payment by the taximeter rate or by the hourly rate. If a passenger engages a taxicab at the hourly rate, the taximeter may not be used.
 - (3) When a taxicab is in service, which includes waiting time, other than when hired at the hourly rate, a flag or indicator on the taximeter must be lowered setting the taximeter in operation at the time the passenger enters the taxicab and must be raised, which stops the taximeter when the taxicab is halted to discharge such passenger. Waiting time includes the following:

- a. Time beginning three minutes after arrival at a place in which the taxicab has been called and while it is not in motion.
- b. The time consumed by delays in traffic or elsewhere.
- c. The time consumed while standing at the direction of the passenger. The passenger may not be charged for any inefficiency of the driver of the taxicab or for arrival of the taxicab at the place of call prior to the appointed time.

(4) Any licensee may operate a taxicab car pool service.

(b) A licensee's rates must be uniform throughout the city.

(Code 1994, § 13-19-09; Ord. No. 1053, 6-2-2009)

Sec. 12-7-9. - Taxicab stands.

The board of city commissioners may designate the places where taxicabs licensed under this article are permitted to stand while awaiting employment.

(Code 1994, § 13-19-10; Ord. No. 1053, 6-2-2009)

Sec. 12-7-10. - Motor vehicle safety inspections and maintenance.

Prior to the use and operation of any motor vehicles as a taxicab under the provisions of this article, the motor vehicle must be thoroughly examined and inspected by a certified mechanic and 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 ensure the continued maintenance of safe operating conditions. Every motor vehicle operating under this article 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 police department may inspect any taxicab for compliance with this section.

(Code 1994, § 13-19-11; Ord. No. 1053, 6-2-2009)

Sec. 12-7-11. - Restrictions on alcoholic beverages in taxicabs.

A person other than a passenger may not possess an alcoholic beverage in a taxicab within the city limits.

(Code 1994, § 13-19-12; Ord. No. 1053, 6-2-2009)

Sec. 12-7-12. - Substitution and retirement of motor vehicles.

If a licensee sells or disposes of a motor vehicle licensed as a taxicab, the license issued for such taxicab may be transferred to another motor vehicle without charge upon application and upon the furnishing of satisfactory evidence of required insurance coverage. If the licensee desires to retire a motor vehicle licensed as a taxicab from active service, the licensee may reinstate such motor vehicle at some future time during the year for which originally licensed without the payment of an additional fee, and provided satisfactory evidence that the motor vehicle is covered by insurance.

(Code 1994, § 13-19-14; Ord. No. 1053, 6-2-2009)

Sec. 12-7-13. - Vehicle identification.

Every licensee shall fix the number of the license, in figures at least four inches high and three inches wide and in distinctive contrasting colors to the color of the vehicle, on the two sides and rear of the vehicle prior to its use as a taxicab. The number must be plain and distinct at all times when the taxicab is in use. Upon the expiration or cancellation of the taxicab license, the licensee shall immediately remove the number from the motor vehicle. The motor vehicle may not be used with that number on the vehicle.

(Code 1994, § 13-19-15; Ord. No. 1053, 6-2-2009)

Sec. 12-7-14. - Required.

- (a) A person may not operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without obtaining a license pursuant to this article.
- (b) Licenses granted under this article expire at the expiration of one year from the date of issuance unless renewed in accordance with the provisions of this article or unless sooner revoked.
- (c) Restrictions as to passenger capacity for each motor vehicle used as a taxicab shall be stated on the license.

(Code 1994, § 13-19-03; Ord. No. 1053, 6-2-2009)

Sec. 12-7-15. - Application; fee.

An applicant for a taxicab shall file a sworn written application signed by the applicant, if an individual, all partners if a partnership, or the president and secretary if a corporation or limited liability company, with an application fee established by resolution. The application must contain the following information:

- (1) The name and address of the applicant;
- (2) The experience of the applicant in the transportation of passengers;
- (3) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- (4) The color scheme or insignia to be used to designate the motor vehicles of the applicant;
- (5) The make, model and serial number of each motor vehicle for which license is sought and the number of passengers that can be carried; and
- (6) A rate schedule showing all proposed rates, fees and charges.

(Code 1994, § 13-19-04; Ord. No. 1053, 6-2-2009)

Sec. 12-7-16. - Public hearing and issuance.

- (a) Upon the filing of an application for a taxicab license the board of city commissioners shall fix a time and place for a public hearing thereon. Notice of the hearing must be given to the applicant.
- (b) If the board of city commissioners finds that the applicant is fit, willing, and able to perform taxicab services and to conform to the provisions of this article, the board shall direct the city administrator to issue a license stating the name and address of the applicant, the number and capacity of motor vehicles authorized under the license and the date of issuance; otherwise the application shall be denied.
- (c) In making the findings in subsection (b) of this section, the board of city commissioners shall take into consideration the character, experience and responsibility of the applicant as well as the suitability of the applicant's equipment.

(Code 1994, § 13-19-05; Ord. No. 1053, 6-2-2009)

Sec. 12-7-17. - Indemnity bond or liability insurance.

A license may not be issued under the provisions of this article or continued in operation unless there is in full force and effect liability insurance for each vehicle authorized in the amount of \$500,000.00 for bodily injury or property damage to any one person and in the amount of \$1,000,000.00 for injuries or property damage to more than one person which are sustained in the same accident. The liability insurance policy must be issued by an insurance company authorized to do business in this state. The insurance policy must contain a provision that the company knows of this provision of this Code, and issues it pursuant to the terms of this article, and that no cancellation shall be valid unless 30 days' written notice in advance is given by first class mail to the city administrator.

(Code 1994, § 13-19-06; Ord. No. 1053, 6-2-2009)

Sec. 12-7-18. - Required.

A person may not operate a taxicab for hire 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 this article.

(Code 1994, § 13-19-16; Ord. No. 1053, 6-2-2009)

Sec. 12-7-19. - Application.

- (a) Any person desiring to obtain a taxicab driver's license required by the provisions of this article must make application on forms to be provided by the city. The application must state the name, date of birth, driver's license number, and place of residence of the applicant, and any other information that may be required by the city and shall be signed and verified by the applicant.
- (b) At the time of the submission of the application, the city may require the applicant to furnish a fingerprint card prepared by the police department showing the fingerprints of the applicant, and the applicant shall provide a photograph taken by or under the supervision of the police department. The fingerprint card, if required, and photograph must be retained by the police department in its regular fingerprint and photograph file.
- (c) Each applicant must be accompanied by a certificate from a physician that the applicant has no disease or infirmity which may make the applicant an unsafe or unsatisfactory driver or otherwise threaten the health and safety of the passengers.

(Code 1994, § 13-19-17; Ord. No. 1053, 6-2-2009)

Sec. 12-7-20. - Restrictions.

A license may not be issued to any person under the age of 18 years or to any person convicted of any felony within the previous five years whether or not sentencing is deferred, or of driving while under the influence, being in actual physical control of a motor vehicle while under the influence, reckless driving or leaving the scene of an accident or any other criminal traffic offense within the previous three years, to any person whose driving record shows that he is not a safe and prudent driver if the board of city commissioners determines that the person has not been rehabilitated within the meaning of N.D.C.C. § 12.1-33-02.1, to a person required to register as a sex offender, or to a person who has demonstrated conduct that indicates against the safety of other persons. If the city commission makes a finding that the

person has been rehabilitated, the conditions in this section may be waived, but any license so issued shall be temporary until the conditions in this section are met.

(Code 1994, § 13-19-18; Ord. No. 1053, 6-2-2009)

Sec. 12-7-21. - Examination.

Before any application for a license required by this article is finally passed upon by the chief of police, the applicant must show that he has a current motor vehicle operator's permit issued by the state.

(Code 1994, § 13-19-19; Ord. No. 1053, 6-2-2009)

Sec. 12-7-22. - Investigation; approval of application.

- (a) The police department shall conduct an investigation of each applicant for a taxicab driver's license and a report of the investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.
- (b) The chief of police shall issue or deny the license within a reasonable time of receipt of the application. Written notice of issuance or denial must be mailed to the applicant at the address listed as current on the application. In the case of a denial, the notice shall contain a statement of the facts upon which the denial is based and notification of the right to appeal to the board of city commissioners.

(Code 1994, § 13-19-20; Ord. No. 1053, 6-2-2009)

Sec. 12-7-23. - Appeal.

- (a) Denial of a license is subject to an appeal to the board of city commissioners upon written notice of appeal filed with the city administrator within ten days of receipt of the letter of denial from the chief of police. If no appeal is filed within the time specified, the chief of police's action is final.
- (b) Upon receipt of a notice of appeal, the city administrator shall set a date for a hearing before the board within 20 days of receipt of the notice of the appeal. Notice of the time and place for the hearing must be served upon the applicant personally or by first class mail at least five business days before the hearing.

(Code 1994, § 13-19-21; Ord. No. 1053, 6-2-2009)

Sec. 12-7-24. - Display.

Every taxicab driver licensed under this article shall post the taxicab driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Code 1994, § 13-19-22; Ord. No. 1053, 6-2-2009)