

Taxicab/Limousine Requirements For New Companies:

Not all documents are required when submitting new applications, some are required after approval by the City Commission. Final approval is contingent upon all additional documentation being submitted.

Required for City Commission Meeting:

- 1) Application form and required fees (**fees will not be receipted until approved**)
- 2) Fees and rates schedule
- 3) Written document stating reasonable need as to why they feel there should be an additional taxicab/limousine service in the City

Forms That Can Be Submitted After Approval By The City Commission: (cannot start driving until all documents are submitted)

- 1) Pictures showing that all vehicles are clearly marked with the taxicab/limousine name and taxicab/limousine number
- 2) 25 point inspection on all vehicles that will be used as taxicabs/limousines
- 3) Proof of the required indemnity insurance



CITY OF DEVILS LAKE LIMOUSINE LICENSE APPLICATION

Name of Applicant: _____ Telephone Number: _____
Doing Business As: _____ Social Security Number: _____
Business Address: _____
Driver's License Number: _____ Date of Birth: _____

Pursuant to the authority contained in Chapter 5.36 of the Devils Lake Municipal Code, I hereby make application to engage in a limousine business within the City of Devils Lake.

I am licensing _____ vehicle(s) and have enclosed \$25.00 for the first vehicle, and \$10.00 for each additional vehicle, giving me an annual fee due of _____.

The licensed vehicles include: 1) _____, 2) _____,
3) _____, 4) _____,

Attached are the required 25 point safety inspections for each licensed vehicle. Each vehicle is properly painted, stamped, or otherwise marked upon the body and displays the vehicle number issued by the City Auditor (attach photo of each vehicle). A record of all calls, showing the date, the name of the driver, the time of the call and address of the party calling shall at all times be open to the inspection of the Police Department.

All licensed drivers shall be required to take a drug screening test prior to applying to drive (only valid for a period of 30 days). Drivers must also display at all times a form of ID which will contain a photograph, signature, and license number issued by the City. **The City must be notified of drivers who are no longer employed and ID badges must be returned.**

Attached is my schedule of fees. Changes must be approved by the City Commission.

Attached is proof of indemnity insurance. The policy must include indemnity against property damage for which the proprietor is legally liable in the sum of not less than \$15,000, indemnity against death or personal injury in the sum of not less than \$100,000 to any one person and/or \$300,000 to more than one person involved in any accident or \$300,000 combined single limit. **The insurance company shall give the City Auditor 15 days' notice of cancellation by registered mail.**

I am aware I must be a person of good moral character and that there must be a reasonable need for this service.

I further understand this is an annual license which expires on the 30th of June of each year, and must be submitted to the Board of City Commissioners for approval.

Signature of Applicant: _____ Date: _____

Date: _____ Approved: _____ Denied: _____

If denied, these are the reasons for such action: _____

Police Chief

Date: _____ Approved: _____ Denied: _____

City Administrator

ORDINANCE NO. 938

AN ORDINANCE, WHICH UPON ADOPTION, SHALL AMEND ORDINANCE NOS. 436, 828, 929, 644, 677, 842, 728, AND 534, WHICH HAS BEEN CODIFIED AS CHAPTER 5.36 OF THE DEVILS LAKE MUNICIPAL CODE.

BE IT ORDAINED, by the City Commission of the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter of the City of Devils Lake, that Ordinance Nos. 436, 828, 929, 644, 677, 842, 728, AND 534 codified as Chapter 5.36 of the Municipal Code, be amended and shall now provide as follows:

Chapter 5.36 - TAXICABS

Sections:

5.36.010 - License—Required.

No person shall operate a taxicab business, nor shall any entity offer or make available its technologies or services to dispatch or in any way directly connect potential passengers with limousines or taxicabs, including electronic demand response or mobile application within the city without first having obtained a taxicab license as provided in this chapter.

(Ord. 436 § 1, 1962)

5.36.020 - License—Application.

Any person desiring to engage in the taxicab or limousine business, and any person desiring to drive a taxicab or limousine within the city shall make written application therefor to the city auditor and shall deposit with the city auditor the license fee required in Section 5.36.040.

(Ord. 436 § 2, 1962)

5.36.30 - Definitions.

- A. Taxicab: as used in this chapter, the term "taxicab" means and includes any vehicle used to carry passengers for hire, which does not operate on a fixed route.
1. This definition shall include any of the following:
 - a. Taxi services.
 - b. Shuttle services.
 - c. Limousine services.
 2. This definition does not apply to the following:
 - a. Any nonprofit corporation.
 - b. Any transportation provided to employees by their employer.
- B. Rideshare: shall mean the traveling of two or more persons by any mode of private passenger vehicle, including but not limited to; carpooling, van pooling, bus pooling, to any location incidental to another purpose of the driver, without charge, fee, or payment, for which a gratuity is neither accepted, collected, encouraged, promoted and/or requested, and for which the primary purpose of the driver cannot be profit or revenue based. Gratuity herein shall not include reimbursement for fuel usage.

- C. Electronic Demand response: the use of any electronic device in any manner, including internet pages, email, text message, push notification or application for the connection of or communication between a passenger and driver, or agents thereof, irrespective of whether such communication is from a portable or handheld device, monitor, smart phone or other electronic device or unit, for the demand response booking of transportation services.
- D Mobile Application: any third party application installed onto a mobile device including smart phoned, tablets, iPods or iPads used to arrange or coordinate limousine or taxicab transportation.
- E Limousine: a motor vehicle used for transporting passengers for a prearranged fare based on time, flat, or zone rates, but shall be prohibited from setting or collecting any charges passed upon time and distance combined or distance or through the use of any device or instrument.
- F: Passenger(s): any person or group of persons engaging a taxicab or limousine under the terms of this chapter.

(Ord. 828, 1999)

(Ord. No. 929, 8-17-15)

5.36.30 - License—Conditions for granting.

The application for license shall be presented to the board of city commissioners and if the applicant has:

- A. Procured and filed with the city auditor an indemnity insurance policy, written by a company licensed to do business in the state, or, in lieu thereof, a satisfactory surety bond, indemnifying those using the taxicab line and the public in general against loss to person, or property, as follows:
 1. Indemnity against property damage for which the taxicab proprietor is legally liable in the sum of not less than fifteen thousand dollars,
 2. Indemnity against death or personal injury for which the taxicab proprietor is legally liable, in the sum of not less than one hundred thousand dollars to any one person and/or three hundred thousand dollars to more than one person involved in any accident or three hundred thousand dollars combined single limit,
 3. The policy or bond shall contain a provision that the insurance company shall give the city auditor fifteen days' notice of cancellation by registered mail,
 4. The form of, the sufficiency of, the policy or bond, and the surety thereon, shall be subject to the approval of the city attorney and the board of city commissioners;
- B. Shown that the applicant is a person of good moral character;
- C. Shown a reasonable need of the taxicab service; the license may be granted.

(Ord. 644 § 2, 1981: Ord. 436 § 4, 1962)

5.36.040 - License—Fee.

The annual license fee for the operation of a taxicab business in the city shall be established by resolution of the city commission and revised as it may see fit.

(Ord. 677 (part), 1984: Ord. 436 § 3, 1962)

5.36.050 - License—Requirements.

- A. No person shall drive a taxi cab, and no owner of a taxi cab shall permit any person to drive a taxi cab, unless the driver has a taxi cab license issued by the city auditor.

- B. Any person desiring to obtain a license to drive a taxi cab shall file an application for a taxi cab license with the city auditor who shall collect an initial fee for the processing of the background check. The auditor shall forward the application to the chief of police. The application shall contain the information requested by the chief of police needed by the chief of police to determine whether the applicant meets the criteria to hold a taxi cab driver's license.
- C. The criteria to determine whether the applicant may hold a taxi cab driver's license are all of the following:
1. The applicant is over eighteen years of age.
 2. The chief of police determines the applicant is a careful and competent driver.
 3. The chief of police has determined the applicant has no criminal violation which would cause the applicant to be an improper taxi cab driver.
 4. The applicant is not a registered offender.
 5. The applicant has submitted to a drug screening test. The results of such screening shall be submitted with the application to the chief of police.
 - a. Screening tests shall be administered by a person certified to conduct screening tests of urine or saliva for the purpose of determining the presence of illicit substances prohibited by law, or the presence of legal substances requiring a subscription that has not been prescribed to the applicant.
 - b. Any positive result for illicit substances or other substances requiring a prescription for which the applicant is unable to prove that has been properly prescribed shall be grounds for denial.
 - c. Any applicant receiving a positive result on a screening test who believes the results to be incorrect (false positive) may submit to an enhanced laboratory test with a SAMHSA certified testing laboratory.
 - d. Fees for any such testing(s) are the responsibility of the applicant or the company for which the applicant is applying.
 6. Shown that the applicant is a person of good moral character;
 7. False or misrepresented information on the application shall be grounds for denial.
- D. If the chief of police finds the criteria in subsection C to have been met, the application shall be approved by the chief of police and forwarded to the city auditor.
- E. The license shall be issued by the city auditor for the term or remainder of the term set forth herein. The fee for the license shall be collected prior to a license being issued. The license shall be renewable thereafter from year to year upon payment of the license renewal fee and by applying for renewal of the license by the same methods set out in subsections B, C and D above. The license shall be renewed by approval of the chief of police. The city auditor shall provide a list of all licensed taxi cab drivers to the chief of police.
- F. The license fee, application/background check fee, and license renewal fee shall be set by resolution of the board of city commissioners, and the fees may be changed from time to time. All fees shall be collected by the city auditor or designee.
- G. The term of the license shall commence on the first day of July of each year, and shall expire on the thirtieth day of June of the following year.
- H. Should the holder of any taxi cab driver's license fail to meet any of the criteria set forth in subsection C, the license may be revoked by the board of city commissioners. The procedure for revocation of a taxi cab driver's license is set forth as follows:
1. The board of city commissioners shall direct the city auditor to send written notification by certified mail, return receipt requested, to the holder of the taxi cab driver's license and the holder of the taxi cab license for whom the driver is employed, if known, which notice shall set forth the following:

- a. The grounds for the revocation;
 - b. Whether the revocation is effective immediately. The temporary revocation of a taxi cab driver's license may be taken if the board of city commissioners determines such action is in the best interest of the public;
 - c. The date, time and location of the hearing on whether to revoke the taxi cab driver's license or to make the revocation permanent if there has been an immediate temporary revocation.
2. The hearing on the license revocation will be before the board of city commissioners no earlier than ten days and not more than thirty days from when the city auditor is directed to send the notice as provided in subsection (H)(1) above.
- I. Any applicant for a taxi cab driver's license whose application is denied by the chief of police may appeal the decision of the chief of police to the board of city commissioners by proceeding as follows:
 1. The applicant shall file a written request for a hearing with the city auditor within ten days from when a notice of denial is sent to the applicant. Notice of denial may be sent by regular mail, email, telephonic, or personal contact. If notification is made by telephone, the time and date of notification shall be noted on the application form.
 2. The city auditor shall set the hearing before the board of city commissioners no earlier than ten days, but no later than thirty days from when the request for a hearing is filed with the city auditor.
 3. The board of city commissioners shall either affirm the decision of the chief of police or reverse the decision of the chief of police with any conditions placed on the license which the board of city commissioners deems appropriate.
 - J. Upon satisfactory fulfillment of the requirements for issuance of a license and payment of the fees established by resolution of the city commission, there shall be issued to the applicant a license which shall be in such form as to contain the photograph and signature of the licensee and the license number issued thereto. Any licensee who defaces, removes, or obliterates any official entry made upon their license shall be punished by the revocation of their license.
 1. Any taxicab driver shall constantly and conspicuously display their taxicab driver's license when he/she is engaged in employment. The identification shall not be displayed after expiration of the license.

(Ord. 842, 2001: Ord. 728, 1989: Ord. 534 § 1, 1973: Ord. 436 § 5, 1962)

5.36.060 - License—Revocation.

Any license issued pursuant to the provisions of this chapter shall be revocable by the board of city commissioners for due cause shown

(Ord. 436 § 6, 1962)

5.36.070 - Street stands.

The police may designate places upon the public streets where licensed vehicles may stand while waiting for employment and no such vehicle shall stand upon any of the public streets of the city at any other place than so designated.

(Ord. 436 § 7, 1962)

5.36.080 - Assault and profanity prohibited.

No owner or driver of any licensed vehicle shall assault, threaten, abuse or use profane, violent or improper language toward any passenger or other person employing such vehicle.

(Ord. 436 § 8, 1962)

5.36.090 - Schedule of fees.

The owner or operator of every taxicab or other vehicle for conveyance of passengers for hire shall file with the city auditor a schedule of the fees to be charged for transportation, which schedule may be changed from time to time by filing amended schedules, but no driver or operator shall charge a greater fare than that shown upon the schedule. Such charges shall at all times be subject to approval by the board of city commissioners and if the board considers any charge excessive it may require the licensee to revise the same. Refusal to revise the rate schedule in accordance with such directions within twenty-four hours after notice so to do shall be deemed a violation of this chapter.

(Ord. 436 § 9, 1962)

5.36.100 – Front seat occupants limited.

Under no circumstances and at no time shall more than one (1) person, other than the driver of a taxicab be permitted to be carried or to ride in the driver's compartment of the taxicab or on the same seat with the driver.

5.36.110 – Guest passengers prohibited.

1. No driver of any taxicab shall at any time while offering service to the public carry or have riding with him/her in the taxicab any guest or visitor while transporting any passenger(s).
2. Exemption:
 - a. An employee of the taxicab company may accompany a driver for the purpose of training, supervision, or security. Any such employee must meet the same criteria and be a licensed taxicab driver in accordance with section 5.36.050.
 - b. This section shall not apply to additional persons who are a part of a group of passengers for whom a fare is charged in whole or in portion to another party or passenger.

5.36.120 – Overloading prohibited

No driver of any taxicab in the city shall at any time overload the taxicab or carry more people than the vehicle is designed to carry.

5.36-130 – Accommodations and attention.

All drivers of taxicabs in the city must give passengers accommodations as are usual and reasonable, and must treat them with civility and give them a reasonable degree of attention and must assist all weak, sick, or a person with a known disability in and out of the taxicabs.

5.36-140 – Record of calls.

All taxicab operators and proprietors shall at all times keep a record of all calls, showing the date, the name of the driver, the time of the call and the address of the party calling, which records shall at all times be open to the inspection of the police department. Call logs shall be maintained for a period of one year.

5.36.150 – Safety inspection required.

As a prerequisite for the issuance or renewal of a license, any vehicle to be licensed as a taxicab must undergo a vehicle safety inspection within thirty (30) days prior to the issuance of the license. This vehicle safety inspection shall be conducted by a certified mechanic and found to provide safe transportation and to comply with state and city laws. 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.

- A. The police department may require additional safety inspections in response to a complaint or observation of defective equipment.
- B. A police officer observing a safety defect that cannot be immediately rectified may place a taxicab out of service subject to a safety inspection.
- C. Any safety inspection deficiencies must be corrected before the taxicab can be placed back in service. A report of the correction of deficiencies shall be furnished to the chief of police.

5.36.160 – Identification of vehicle

It shall be the duty of the licensee, before operating any taxicab within the city, to paint, stamp, or otherwise mark upon the body of the taxicab in reasonably large print, the name of the taxicab business name, and the license number issued by the city. Each vehicle shall have and display a unique number issued by the city auditor.

5.36.170 – Interference with other taxi drivers

It shall be unlawful for any driver of any taxicab or other vehicle for hire to scuffle or crowd about or interfere with any other driver with whom any person is negotiating or inquiring about the transportation of persons or baggage. No driver shall interfere with or engage in conduct that harasses another taxicab or vehicle for hire or their passengers.

5.36.180 – Advertising on taxicabs.

Any licensed taxicab may carry an advertisement on the cab if it is carried in a neat frame so located on the cab as not to interfere or cover the name of the cab company, the license number, or telephone number thereon. No advertisement for intoxicating liquors or tobacco products of any kind shall be allowed.

Passed First Reading: April 18, 2016

Passed Second Reading: May 2, 2016

Final Passage and Adoption: May 2, 2016

CITY OF DEVILS LAKE

By: _____ Richard Johnsor
Devils Lake City Commission ATTEST:

Linda Lybeck
City Auditor