

Chapter 36 TAXICABS AND OTHER VEHICLES FOR HIRE

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Section 36.ED.010 Editor's note to Chapter 36

As to stopping, standing and parking of buses, see § 23.76.110. As to stopping, standing and parking of taxicabs, see § 23.76.160. As to bus stops and taxicab stands, see § 23.80.010.

Article 36.04 In General

Amended by Ord. No. 1583.

Article 36.04 Taxicab Licensing

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Section 36.04.010 Statement of Purpose

- A. The board of City Commissioners hereby finds that it is necessary and appropriate, and in the best interests of the public health, safety, and welfare, to provide for the regulation of taxicabs, buses, and others pursuing like occupations. Authority to license, tax, regulate, and prescribe rates for taxi drivers, bus drivers, and others pursuing like occupations is expressly granted to municipalities pursuant to NDCC §40-05-01(27).
- B. This Chapter 36 is adopted under the general police powers of the City of Dickinson as a regulatory measure, and does not and is not intended to grant a franchise to any person or entity, but is intended solely to regulate the operation of taxicabs and other vehicles for hire.
- C. This Chapter 36 governs the operation of vehicles for hire and ground transportation services in the City of Dickinson; provided, however, that this Chapter does not apply to the following:
 - 1) A vehicle operated for a funeral home in the performance of funeral services;
 - 2) A vehicle provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between work stations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

- 3) A vehicle owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;
- 4) A vehicle used in a carpool to transport the person and others on prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;
- 5) A vehicle used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;
- 6) A vehicle owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;
- 7) A courtesy vehicle, if the name of the business or sponsor of such vehicle is permanently affixed to the outside of the vehicle.

Section 36.04.020 Definitions

- A. Taxicab: A motor vehicle offering carriage of passengers for hire upon the public streets, whether by means of dispatch from a centralized location, accepting on demand response hails from passengers on a public street, or other public or private are accessible to the public. Each Taxicab shall be equipped with one taximeter, which shall be used every time the taxicab is engaged. Each Taxicab shall be limited to carrying no more than six passengers, provided further that the maximum passengers allowable, up to six, shall be determined by the number of available seatbelts for passengers in the Taxicab.
- B. Taximeter: an instrument or device that operates in conjunction with an affixed device in a Taxicab which automatically calculates at predetermined rates and plainly displays the charges to the passenger of a Taxicab. The taximeter shall be the only instrument authorized to calculate fares in a Taxicab. Any device which calculates fares charged to passengers for taxicab service, including devices which operate remotely based upon vehicle location technology, and which bases said fares upon time and distance, is considered a Taximeter, and must be approved by the City Administrator or his designee, irrespective of whether such device is a portable or handheld device, monitor, smart phone, or other electronic device or unit.
- C. Taxicab Fleet: Two or more Taxicabs owned and operated by the same business entity.

Section 36.04.030 Taxicab License Required – Penalty

- A. No person, firm, corporation, or other entity shall operate or permit to be operated any Taxicab or other vehicle for the purpose of carrying passengers for hire within the City of Dickinson without having first obtained a Taxicab license under the provisions of this Chapter.
- B. The Taxicab license issued under this Chapter shall be prominently displayed within the Taxicab and available upon demand for inspection by any Taxicab rider or customer, or by any law enforcement officer acting on behalf of the City of Dickinson. The Taxicab Identification Number issued in association with the Taxicab license shall be prominently displayed on the outside of the Taxicab on

- the right and left front and rear fenders of the Taxicab and on the trunk of the Taxicab in a font and size approved by the City Administrator or his designee.
- C. It shall be a Class B Misdemeanor for any person to operate or permit to be operated a Taxicab or other vehicle for hire without first obtaining from the City a Taxicab license under the provisions of this Chapter, to fail to prominently display such license within the Taxicab, or fail to prominently display the trademark or logo of the Taxicab business on the Taxicab in a font and size approved by the City Administrator or his designee. Violation of this Section shall be punishable by a fine of not less than \$1,000 per occurrence. An occurrence shall be deemed to be each fare collected, and each occurrence shall be deemed a separate and distinct violation.

Section 36.04.040 Taxicab Licensing Procedures – Business

Applicants

- A. Any person over the age of twenty-one (21) years who owns and operates a Taxicab business may apply for a Taxicab license from the City of Dickinson by submitting a fully-completed application therefore on the application form prescribed by the City Administrator or his designee, and by paying the license fee in an amount established by the Board of City Commissioners and incorporated in the City Fee Schedule.
- B. Along with the taxicab license application and fee, the applicant shall submit to the City the following:
- (1) Full legal name of the business owner applying for the license, and other appropriate contact information including physical address, mailing address, phone number and email address for the business owner
 - (2) Full legal name of the business applying for the license, and other appropriate contact information including physical address, mailing address, phone number and email address for the business.
 - (3) Business location(s) where the Taxicab will be stored when not in use, and where any required maintenance will be performed. Such business location(s) shall be permitted in commercial, industrial and residential zones. Parking of Taxicab Fleets in residential zones is strictly prohibited Heavy maintenance of any kind including but not limited to engine and transmission repair on a Taxicab or Taxicab fleet in a residential zone is strictly prohibited.
 - (4) If the owner of the business will be operating a Taxicab, a copy of a valid North Dakota driver's license for the business owner
 - (5) Documentation that the business is registered with the North Dakota Secretary of State and is in active and good standing with the North Dakota Secretary of State.
 - (6) Identification of each vehicle the applicant seeks to license as a Taxicab within the City of Dickinson. Such identification shall be made by year, make, model, and VIN# of the vehicle.
 - (7) Evidence of insurance for each vehicle for which the applicant seeks a Taxicab license, including those owned by individual drivers but

which are used in the operation of the Taxicab business. Such insurance shall be in the form of a commercial automobile insurance policy. Individual, private, or personal automobile insurance policies shall not be acceptable. Such insurance policy shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and shall provide for policy limits of not less than \$500,000 for injury or damage to one person and not less than \$1,000,000 for injury or damage in one accident. The City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. The policy of insurance filed with the City shall contain a clause obligating the company issuing the same to give at least ten (10) days' notice to the City Administrator before cancellation of the policy. Any taxicab license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy. Upon cancellation of the policy, the licensee shall provide documentation of the cancellation to the City Administrator or his designee.

(8) If the owner of the business applicant will be operating the Taxicab, a list of all alcohol offenses committed by the business owner, , in any jurisdiction, in the seven (7) years immediately preceding the date of the application.

(9) If the owner of the business will be operating the Taxicab, a list of all felony convictions against the business owner in any jurisdiction, in the seven (7) years immediately preceding the date of the application.

(10) If the owner of the business will be operating the Taxicab, a statement as to whether the business owner has ever been required to register as a sex offender in any jurisdiction, and whether the business owner would be required to register as a sex offender under the state and federal laws currently in effect.

(11) A drawing of similar size and font of the business' trademark or logo that will be prominently displayed and permanently affixed on each Taxicab to be licensed under this Chapter,

(12) A proposed schedule of fares to be uniformly charged by the business in the operation of the Taxicab business

(13) Signed statement by the applicant as follows:

The applicant hereby does expressly agree that he or she shall follow and agree to abide by and obey all applicable laws of the State and all applicable ordinances of the City, in particular as such laws and ordinances may pertain to motor vehicles and the carrying of persons for reward. The applicant further hereby does expressly consent that any person(s) duly authorized by the City of Dickinson may enter upon the taxicab subject to this license at any reasonable hour of the day or night including all hours in which the taxicab is occupied, and at such times they shall have free access to all portions of the taxicab for the purpose of inspecting the same for any possible violations of laws of the State of North Dakota or ordinances of the City of Dickinson.

- C. Applications for a Taxicab license shall be reviewed by and subject to the approval of the Board of City Commissioners. No license shall be issued to any applicant or entity who:
- (1) is found to have falsified any part or portion of the license application or any materials submitted therewith.
 - (2) does not identify a valid business location for the Taxicab business.
 - (3) does not possess a valid North Dakota driver's license if the owner of the business will be operating the Taxicab.
 - (4) is unable or unwilling to provide valid evidence of insurance as required in the license application.
 - (5) has a business owner who has committed an alcohol violation as identified in the application
 - (6) has a business owner who has been convicted of a felony as identified in the application
 - (7) has a business owner who has been or would be required to register as a sex offender as identified in the application.
 - (8) refuses or fails to submit a complete and whole application as required under this Chapter.
 - (9) is not licensed with the North Dakota Secretary of State to do business in North Dakota.
 - (10) who is otherwise deemed by the Board of City Commissioners to be unsuitable or unfit for the occupation of being a common carrier of persons or operating a Taxicab.
- D. Licenses issued by the Board of City Commissioners shall run from January 1st to December 31st of each calendar year. The license fee shall not be prorated for applications received mid-year.
- E. All licenses issued under the provisions of this Chapter shall be given a number by the City Administrator or his designee. All Taxicabs licensed under the provisions of this Chapter shall also be given a Taxicab Identification Number specific to the Taxicab business. A record of the issuance of such licenses, trademarks and logos of all Taxicabs licensed under this Chapter shall be kept by the City and available for public inspection. If the business owner applicant will be operating a Taxicab, then the business owner applicant shall also be issued a personal identification card by the City Administrator or his designee identifying the business owner licensee as a licensed Taxicab operator. The personal identification card must be carried on the business owner licensee during licensee's operation of a Taxicab and made available for public inspection. A record of the issuance of such business licenses and personal identification cards shall be kept by the City and available for public inspection.
- F. No license issued under this Chapter shall be transferable to any other person, business, partnership, corporation, or other entity.

Section 36.04.050 Chauffeur Licensing Procedures – Driver

Applicants

- A. Any person over the age of twenty-one (21) years may apply for a chauffeurs license from the City of Dickinson, which shall be required for the applicant to operate a Taxicab for a Taxicab business with a valid Taxicab license issued by the City of Dickinson, by submitting a fully-completed application therefore on the application form prescribed by the City Administrator or his designee, and by paying the license fee in an amount established by the Board of City Commissioners and incorporated in the City Fee Schedule for Chauffeurs Licenses.
- B. Along with the chauffeurs license application and fee, the driver applicant shall submit to the City the following:
1. Full legal name of the person applying for the chauffeurs license, and other appropriate contact information including physical address, mailing address, phone number and email address
 2. Full legal name of the Taxicab business under which the driver applicant is employed or has an offer of employment conditional upon receipt of a chauffeurs license.
 3. location(s) where the Taxicab will be stored when in use by the driver applicant, and where any required maintenance will be performed when in possession of driver applicant.
 4. Statement from applicant acknowledging that the Parking of Taxicab fleets in residential zones is strictly prohibited. Heavy maintenance of any kind including but not limited to engine and transmission repair on a Taxicab or Taxicab Fleet in a residential zone is strictly prohibited.
 5. Copy of a valid North Dakota driver's license for the driver applicant.
 6. Identification of each vehicle the driver applicant seeks to license as a Taxicab within the City of Dickinson. Such identification shall be made by year, make, model, and VIN# of the vehicle.
 7. Evidence of insurance for each vehicle for which the driver applicant seeks a chauffeurs license. Such insurance shall be in the form of a commercial automobile insurance policy. Individual, private, or personal automobile insurance policies shall not be acceptable. Such insurance policy shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and shall provide for policy limits of not less than \$500,000 for injury or damage to one person and not less than \$1,000,000 for injury or damage in one accident. The City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. The policy of insurance filed with the City shall contain a clause obligating the company issuing the same to give at least ten (10) days' notice to the City Administrator before cancellation of the policy. Any Taxicab license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy. Upon

cancellation of the policy, the licensee shall provide documentation of the cancellation to the City Administrator or his designee.

8. List of all alcohol offenses committed by the driver applicant, in any jurisdiction, in the seven (7) years immediately preceding the date of the application.

9. List of all felony convictions against the driver applicant, in any jurisdiction, in the seven (7) years immediately preceding the date of the application.

10. Statement as to whether the driver applicant has ever been required to register as a sex offender in any jurisdiction and whether the driver applicant would be required to register as a sex offender under the state and federal laws currently in effect.

11. Signed statement by the driver applicant as follows:

The driver applicant hereby does expressly agree that he or she shall follow and agree to abide by and obey all applicable laws of the State and all applicable ordinances of the City, in particular as such laws and ordinances may pertain to motor vehicles and the carrying of persons for reward. The driver applicant further hereby does expressly consent that any person(s) duly authorized by the City of Dickinson may enter upon the taxicab subject to this license at any reasonable hour of the day or night including all hours in which the taxicab is occupied, and at such times they shall have free access to all portions of the taxicab for the purpose of inspecting the same for any possible violations of laws of the State of North Dakota or ordinances of the City of Dickinson.

C. Applications for a chauffeurs license shall be reviewed by and subject to the approval of the City Administrator or his designee. No license shall be issued to any person who:

1. is found to have falsified any part or portion of the license application or any materials submitted therewith.

2. does not identify a valid location for the Taxicab when in driver applicant's possession if applicable.

3. does not possess a valid North Dakota driver's license.

4. is unable or unwilling to provide valid evidence of insurance as required in the license application.

5. has committed an alcohol violation as identified in the application

6. has been convicted of a felony as identified in the application

7. has been or would be required to register as a sex offender as identified in the application.

8. refuses or fails to submit a complete and whole application as required under this Chapter.

9. who is otherwise deemed by the City Administrator or his designee to be unsuitable or unfit for the occupation of being a common carrier of persons or operating a taxicab.

- D. Chauffeurs licenses issued by the City Administrator or his designee shall run from January 1st to December 31st of each calendar year. The license fee shall not be prorated for applications received mid-year.
- E. All chauffeurs licenses issued under the provisions of this Chapter shall be given a number by the City Administrator or his designee. All licensees under this Chapter shall also be given a personal identification card issued by the City Administrator or his designee identifying the licensee as a licensed Taxicab operator. The personal identification card must be carried on the licensee during licensee's operation of a Taxicab and made available for public inspection. A record of the issuance of such chauffeurs licenses and personal identification cards shall be kept by the City and available for public inspection.
- F. No chauffeurs license issued under this Chapter shall be transferable to any other person, business, partnership, corporation, or other entity.

Section 36.04.060 Revocation of License

- A. No licensee under this Chapter shall obtain or accede to any property right in such license.
- B. Any Taxicab license issued by the City under the provisions of this Chapter shall be revocable for any cause which, in the reasonable judgment of the Board of City Commissioners, demonstrates that the business licensee is unfit or improper to operate a Taxicab business within the City of Dickinson. Such finding of cause by the Board of City Commissioners shall be sufficient to justify revocation of the license. Such cause shall include:
 - (1) The licensee fails to maintain a policy of commercial automobile insurance in force upon the Taxicab vehicle as required under this Chapter.
 - (2) The licensee allows a driver who is convicted of any two or more moving violations during any continuous one year period to operate a Taxicab licensed under this Chapter.
 - (3) The licensee allows a driver who is convicted of a violation, in any jurisdiction, of an alcohol offense, including but not limited to, driving under the influence of alcohol or intoxicating drugs to operate a Taxicab licensed under this Chapter.
 - (4) The licensee allows a driver who is convicted of a felony offense in any jurisdiction including any sexual offense that requires the registration as a sexual offender to operate a Taxicab licensed under this Chapter.
 - (5) The licensee is not active and in good standing with the North Dakota Secretary of State.
- C. Any chauffeurs license issued by the City under the provisions of this Chapter shall be revocable for any cause which, in the reasonable judgment of the City Administrator or his designee demonstrates that the chauffeur licensee is unfit or improper to operate a Taxicab within the City of Dickinson. Such finding of cause by the City Administrator or his designee shall be sufficient to justify revocation of the license. Such cause shall include:

- (1) The licensee is no longer a licensed driver in the State of North Dakota, or has such North Dakota driver's license suspended, revoked, or cancelled.
 - (2) The licensee fails to maintain a policy of commercial automobile insurance in force upon the Taxicab vehicle as required under this Chapter.
 - (3) The licensee is convicted of any two or more moving violations during any continuous one year period.
 - (4) The licensee is convicted of a violation, in any jurisdiction, of an alcohol offense, including but not limited to, driving under the influence of alcohol or intoxicating drugs.
 - (5) The licensee is convicted of a felony offense in any jurisdiction including any sexual offense that requires the registration as a sexual offender.
- E. Sanctions or penalties under this section may not be invoked without a public hearing if requested by the licensee. Upon written notification to the licensee by the City Administrator that a penalty is being sought under this section, the licensee may notify the City Administrator's office within ten (10) days of the date of such written notification and request a hearing on the proposed penalty. Failure to notify the City Administrator within ten (10) days of the date of such written notification will be deemed acceptance of the penalty without hearing.
- F. For sanctions or penalties regarding a Taxicab license, a hearing shall be set before the Board of City Commissioners specifying the time and place of the hearing, and shall be served on the licensee in the same manner as provided by law for the service of a Summons in a civil action. No suspension hearing shall be held before the expiration of fifteen (15) days after the date of service of the notice. A record of any hearing shall be made by electronic recording device. If, upon such hearing, it appears to a majority of the Board of City Commissioners that sufficient cause exists for the penalty sanctions, the Board of City Commissioners shall make its order in accordance with the provisions of this Chapter. Instead of revoking such Taxicab license, for a violation of any of the provisions of subsection B(1)-(5) above or for such other cause as to him may make such course necessary or advisable, the Board of City Commissioners may suspend such license for a period not to exceed 60 days with conditions to be determined by the Board of City Commissioners. Upon successful completion of the conditions, the licensee may apply to renew its Taxicab license. The Board of City Commissioners shall further issue its findings, conclusions and order which shall be served upon the licensee. The order is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.
- G. For sanctions or penalties regarding a chauffeurs license, a hearing shall be set before the City Administrator specifying the time and place of the hearing, and shall be served on the licensee in the same manner as provided by law for the service of a Summons in a civil action. No suspension hearing shall be held before the expiration of fifteen (15) days after the date of service of the notice. A record of any hearing shall be made by electronic recording device. If, upon such hearing, it appears to the City Administrator that sufficient cause exists for the

penalty sanctions, the City Administrator shall make its order in accordance with the provisions of this Chapter. Instead of revoking such chauffeurs license, for a violation of subsection C(1)-(4) above or for such other cause to him may make such course necessary or advisable, the City Administrator or his designee may suspend such license for a period not to exceed 60 days with conditions to be determined by the City Administrator. Upon successful completion of the conditions, the licensee may apply to renew his or her chauffeurs license. The City Administrator shall further issue its findings, conclusions and order which shall be served upon the licensee. The order is appealable pursuant to Chapter 28-34 of the North Dakota Century Code.

Section 36.04.070 Taximeters

Each taxicab shall have only one taximeter, which must be approved by the City Administrator or his designee. Taximeters must be activated with each taxicab trip or any time a taxicab driver accepts a fare.

Section 36.04.080 Schedule of fares

- A. Each licensee under this Chapter, before charging or collecting any fares for or with respect to the transportation of passengers, shall first file with the City Administrator or his designee a schedule of fares to be uniformly charged in the operation of all taxicabs used in the taxicab business of such licensee. The schedule of fares shall show separately the charge for the transportation of passengers, whether a flat rate or by mileage, and shall include a rate for the carriage of more than one passenger with different destinations. The schedule of fares shall be prominently displayed in all of the Taxicabs used in the operation of the Taxicab business of such licensee.
- B. A Uniform Schedule of Taxicab Fares may be adopted by the Board of City Commissioners by resolution, incorporated in the Annual City Fee Schedule, upon notice and public hearing thereon.
- C. It shall be a Violation of this Chapter to charge any schedule of fares to any person or entity that exceeds the fares designated in the Uniform Schedule of Fares on file with City, or as may be otherwise determined in a uniform schedule of fares by the Board of City Commissioners.

Section 36.04.090 Taxicab - Requirements

- A. Each Taxicab must have at least three or more doors, and have seating capacity and carry no more than six passengers.
- B. Each taxicab must be equipped with adequate and operable brakes, horn, speedometer, lights, turn signals, tires, steering gear, windshield wipers, door locks, and restraint devices, and shall be examined and tested prior to issuance of the original license and at least annually thereafter. The inspection shall be made by any vehicle mechanic operating within the City of Dickinson and licensed with the North Dakota Secretary of State and shall be evidenced by a certificate of examination and sufficiency, which shall be filed with the City Administrator or his designee before the Taxicab can be operated. The business applicant will be responsible for the cost of the inspection. A copy of such inspection shall be

posted within the Taxicab, showing the date of such inspection. The City of Dickinson reserves the right to conduct a secondary inspection of the Taxicab.

- C. Each Taxicab must have a business trademark or logo approved by the City Administrator or his designee prominently displayed on the driver's door and the front passenger door of the Taxicab.
- D. Each Taxicab must have the Taxicab Identification Number issued in association with the Taxicab business license prominently displayed on the outside of the Taxicab on the right and left front and rear fenders of the Taxicab and on the trunk of the Taxicab in a font and size approved by the City Administrator or his designee.

Section 36.04.100 Hours of Operation

It shall be unlawful for any Taxicab driver to operate a Taxicab for more than twelve (12) consecutive hours or sixteen (16) total hours in any twenty-four (24) hour period, or for more than sixty (60) hours in any seven (7) day period. A driver shall be deemed to be operating a Taxicab within the terms of this Section whenever the driver is in charge of the Taxicab and holding the vehicle in readiness to convey passengers.

Section 36.04.110 Individual Service

Any Taxicab customer who first engages service in a Taxicab shall receive individual service, unless the customer shall give consent to additional passengers being carried.

Section 36.04.120 No Delivery of Alcoholic Beverages and tobacco Products

It shall be unlawful for any Taxicab driver to pick up or deliver any alcoholic beverage or tobacco products solely for the purpose of delivery. It is not unlawful for a Taxicab driver to pick up a passenger(s) who has purchased and is transporting alcoholic beverages or tobacco products for his or her own personal use. Passengers may not consume any alcoholic beverages while being transported in a Taxicab.

Section 36.04.130 Riders Prohibited

It shall be unlawful for any Taxicab driver to permit any person, other than a Taxicab customer or licensee to ride in the Taxicab unless person is in the Taxicab to train for purposes of employment or for purposes of dispatching..

Section 36.04.140 Direct Route

Any Taxicab driver employed to transport passengers to a definite location shall take the most direct route possible over which the passenger can be carried to the destination safely and expeditiously unless passenger chooses otherwise

Section 36.04.150 No Smoking

It shall be unlawful for any Taxicab driver and passengers to smoke or use tobacco products in a Taxicab, whether or not transporting passengers.

Section 36.04.160 Non-Interference

It shall be unlawful for any driver of any Taxicab 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.

Section 36.04.170 Lost articles Delivered to Police

Whenever any package or article of baggage or items of value including but not limited to purses, handbags, backpacks, cellphones, wallets, or credit cards are left in or on any Taxicab, the driver shall, upon the discovery of such package or item, forthwith deliver the same to the Dickinson Police Department within twenty-four (24) hours, unless such package or item shall be sooner delivered to the owner thereof, on the order of such owner.

Article 36.08 Taxicab License

This Article is hereby repealed by Ordinance Number 1583.

Article 36.12 Driver's License

This Article is hereby repealed by Ordinance Number 1583.

Article 36.16 Buses and Omnibuses

Sections:

- 36.16.010 "Bus" or "omnibus" defined**
- 36.16.020 License--Required**
- 36.16.030 Schedule of Fares**
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- 36.16.040 Alcoholic Beverages**
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- 36.16.060 Repealed by Ordinance Number 1583**
- 36.16.070 Repealed by Ordinance Number 1583**
- 36.16.080 Repealed by Ordinance Number 1583**
- 36.16.090 Repealed by Ordinance Number 1583**

Section 36.16.010 "Bus" or "omnibus" defined

For purposes of this article, the term "bus" or "omnibus" shall mean any automobile or vehicle propelled by the use of gasoline or other power and with a seating capacity for the carrying of four or more passengers for compensation or hire within the corporate limits of the city. (Ord. No. 526, Ord. No. 1600, § 2.)

Section 36.16.020 License--Required

- A. No person shall engaged in the business of operating buses or omnibuses nor use or cause to be used in or upon the streets of the city any such bus or omnibus in the carrying of passengers for pay, wages or hire without such vehicle being licensed under the provisions of this article. (Ord. No. 526.)
- B. Along with the application and fee, the applicant shall submit to the City the following:
 - (1) Full legal name of the business applying for the license, and other appropriate contact information including physical address, mailing address, phone number and email address for the business
 - (2) Business location(s) where the buses and omnibuses will be stored when not in use, and where any required maintenance will be performed. Such business location(s) shall be permitted in commercial, industrial and residential zones. Parking of more than two buses and omnibuses in residential zones is strictly prohibited Heavy maintenance of any kind including but not limited to engine and transmission repair on a bus or omnibus in a residential zone is strictly prohibited.
 - (3) Documentation that the business is registered with the North Dakota Secretary of State and is in active and good standing with the North Dakota Secretary of State.
 - (4) Identification of each vehicle the applicant seeks to license as a bus or omnibus within the City of Dickinson. Such identification shall be made by year, make, model, and VIN# of the vehicle.
 - (5) Evidence of insurance for each bus or omnibus for which the applicant seeks a bus or omnibus license, including those owned by individual drivers but which are used in the operation of the business.

Such insurance shall be in the form of a commercial automobile insurance policy. Individual, private, or personal automobile insurance policies shall not be acceptable. Such insurance policy shall be issued by an insurance company authorized to conduct business in the State of North Dakota, and shall provide for policy limits of not less than \$500,000 for injury or damage to one person and not less than \$1,000,000 for injury or damage in one accident. The City of Dickinson shall be listed as a Certificate Holder on each such policy of insurance. The policy of insurance filed with the City shall contain a clause obligating the company issuing the same to give at least ten (10) days' notice to the City Administrator before cancellation of the policy. Any Taxicab license issued under this Chapter shall immediately and automatically expire upon lapse or termination of said policy. Upon cancellation of the policy, the licensee shall provide documentation of the cancellation to the City Administrator or his designee.

(6) A statement as to whether the applicant has any drivers who would be operating any bus or omnibus that have ever been required to register as a sex offender in any jurisdiction, and whether the drivers would be required to register as a sex offender under the state and federal laws currently in effect.

(7) A statement as to whether all applicant's drivers possess valid North Dakota driver's licenses

(8) A drawing of similar size and font of the business' trademark or logo that will be prominently displayed and permanently affixed on each bus or omnibus to be licensed under this Chapter,

(9) A proposed schedule of fares to be uniformly charged in the operation of the business

(10) Signed statement by the applicant as follows:

The applicant hereby does expressly agree that he or she shall follow and agree to abide by and obey all applicable laws of the State and all applicable ordinances of the City, in particular as such laws and ordinances may pertain to motor vehicles and the carrying of persons for reward. The applicant further hereby does expressly consent that any person(s) duly authorized by the City of Dickinson may enter upon the bus or omnibus subject to this license at any reasonable hour of the day or night including all hours in which the taxicab is occupied, and at such times they shall have free access to all portions of the bus or omnibus for the purpose of inspecting the same for any possible violations of laws of the State of North Dakota or ordinances of the City of Dickinson.

C. Applications for a bus or omnibus license shall be reviewed by and subject to the approval of the Board of City Commissioners. No license shall be issued to any applicant or entity who:

(1) is found to have falsified any part or portion of the license application or any materials submitted therewith.

- (2) does not identify a valid business location for the business.
 - (3) is unable or unwilling to provide valid evidence of insurance as required in the license application.
 - (4) refuses or fails to submit a complete and whole application as required under this Chapter.
 - (5) is not licensed with the North Dakota Secretary of State to do business in the State of North Dakota.
 - (6) who is otherwise deemed by the Board of City Commissioners to be unsuitable or unfit for the occupation of being a common carrier of persons or operating a bus or omnibus.
- D. Bus or omnibus licenses issued by the Board of City Commissioners shall run from January 1st to December 31st of each calendar year. The license fee shall not be prorated for applications received mid-year.
 - E. All bus or omnibus licenses issued under the provisions of this Chapter shall be given a number by the City Administrator or his designee. A record of the issuance of such licenses, trademarks and logos of all Taxicabs licensed under this Chapter shall be kept by the City and available for public inspection.
 - G. No bus or omnibus license issued under this Chapter shall be transferable to any other person, business, partnership, corporation, or other entity.

Section 36.16.030 Schedule of Fares

- A. Each licensee under this Chapter, before charging or collecting any fares for or with respect to the transportation of passengers, shall first file with the City Administrator or his designee a schedule of fares to be uniformly charged in the operation of all buses used in the business of such licensee. The schedule of fares shall show separately the charge for the transportation of passengers, whether a flat rate or by mileage, and shall include a rate for the carriage of more than one passenger with different destinations.
- B. A Uniform Schedule of Fares may be adopted by the Board of City Commissioners by resolution, incorporated in the Annual City Fee Schedule, upon notice and public hearing thereon.
- C. It shall be a Violation of this Chapter to charge any fares to any person or entity that exceeds the maximum allowable fare as designated in the Uniform Schedule of Fares on file with City, or as may be otherwise determined in a uniform schedule of fares by the Board of City Commissioners. (Ord. No. 526; Ord. No. 1086, § 25, Ord. No. 1583, § 4.)

Section 36.16.040 Revocation of License

- A. No licensee under this Chapter shall obtain or accede to any property right in such license.
- B. Any license issued by the City under the provisions of this Chapter shall be revocable for any cause which, in the reasonable judgment of the Board of City Commissioners, demonstrates that the business licensee is unfit or improper to operate a bus or omnibus business within the City of Dickinson. Such finding of

cause by the Board of City Commissioners shall be sufficient to justify revocation of the license. Such cause shall include:

- (1) The licensee fails to maintain a policy of commercial automobile insurance in force upon the bus(es) or omnibus(es) as required under this Chapter.
- (2) The licensee allows a driver who is convicted of any two or more moving violations during any continuous one year period to operate a bus or omnibus licensed under this Chapter.
- (3) The licensee allows a driver who is convicted of a violation, in any jurisdiction, of an alcohol offense, including but not limited to, driving under the influence of alcohol or intoxicating drugs to operate a bus or omnibus licensed under this Chapter.
- (4) The licensee allows a driver who is convicted of a felony offense in any jurisdiction including any sexual offense that requires the registration as a sexual offender to operate a bus or omnibus licensed under this Chapter.
- (5) The licensee is not active and in good standing with the North Dakota Secretary of State.

- C. Sanctions or penalties under this section may not be invoked without a public hearing if requested by the licensee. Upon written notification to the licensee by the City Administrator that a penalty is being sought under this section, the licensee may notify the City Administrator's office within ten (10) days of the date of such written notification and request a hearing on the proposed penalty. Failure to notify the City Administrator within ten (10) days of the date of such written notification will be deemed acceptance of the penalty without hearing.
- D. For sanctions or penalties regarding a bus or omnibus license, a hearing shall be set before the Board of City Commissioners specifying the time and place of the hearing, and shall be served on the licensee in the same manner as provided by law for the service of a Summons in a civil action. No suspension hearing shall be held before the expiration of fifteen (15) days after the date of service of the notice. A record of any hearing shall be made by electronic recording device. If, upon such hearing, it appears to a majority of the Board of City Commissioners that sufficient cause exists for the penalty sanctions, the Board of City Commissioners shall make its order in accordance with the provisions of this Chapter. Instead of revoking such bus or omnibus license, for a violation of any of the provisions of subsection B(1)-(5) above or for such other cause as to him may make such course necessary or advisable, may suspend such license for a period not to exceed 60 days with conditions to be determined by the Board of City Commissioners. Upon successful completion of the conditions, the licensee may apply to renew its bus or omnibus license. The Board of City Commissioners shall further issue its findings, conclusions and order which shall be served upon the licensee. The order is appealable pursuant to Chapter 28-34 of the North Dakota Century Code. (Ord. No. 526, Ord. No. 1583, § 4.)

Section 36.16.040 Alcoholic Beverages

The sale, dispensing, distribution, use, or possession of alcoholic beverages by minors

within such bus or omnibus is strictly prohibited.

Section 36.16.050 Exemptions for private school buses

Notwithstanding any other provisions of this Code, any person operating a private school bus or buses for the sole purpose of transporting students to and from public or private schools in the city for pay, wages or hire shall be exempt from the application of sections 36.16.010 to 36.16.040 and 36.16.060 to 36.16.080 hereinabove. Any such person or persons shall, however, comply with section 36.16.050 hereinabove providing for certain insurance requirements therein stated and shall further at all times be in full compliance with any laws, rules or regulations of the state or its departments, including but not limited to rules and regulations of the state department of public instructions. The county superintendent of schools is herewith authorized and directed to inspect such private school buses periodically to determine whether such buses and the operators thereof are in full compliance with all of such laws, rules and regulations, including this City Code, and shall report any violations thereof to the chief of police of the city. (Ord. No. 526, Ord. No. 1583, § 4.)

Section 36.16.060 Designation of territory of operation

Repealed by Ordinance Number 1583. (Ord. No. 1583, § 4)

Section 36.16.070 Regulation of time and number of trips and stopping places

Repealed by Ordinance Number 1583. (Ord. No. 1583, § 4)

Section 36.16.080 Issue of additional licenses for same route or territory

Repealed by Ordinance Number 1583. (Ord. No. 1583, § 4)

Section 36.16.090 Exemptions for private school buses

Repealed by Ordinance Number 1583. (Ord. No. 1583, § 4)