

## ORDINANCE NO. 415

### AN ORDINANCE ADDING SECTIONS 6-901 THROUGH 6-914 TO ARTICLE 9 OF CHAPTER VI OF THE CITY OF WATFORD CITY ORDINANCES RELATING TO TAXICABS AND TAXI DRIVERS.

#### **6-901 Taxicab License - Required**

A person may not operate a taxicab or other vehicle for the purpose of picking up and carrying passengers for hire within the City of Watford City, without having first obtained therefor a taxicab license under the provisions of this article.

#### **6-902 Same - Who may obtain**

A resident of the City, over the age of twenty-one years, or a corporation duly created under the laws of the State of North Dakota that is the owner of a vehicle, may use and keep the vehicle for hire under the following conditions:

1. Paying the license fee;
2. Procuring the license therefor; and
3. Maintaining compliance with and observing the provisions of this article.

#### **6-903 Same - Application**

A person desiring to engage in the taxicab business within the City shall make an application to the City Auditor, file the receipt for the license fee with the application, and file the liability insurance policy hereinafter provided for. Applications must be renewed annually to continue operation of a taxicab business.

#### **6-904 Same - Fee**

The applicant for a taxicab license shall, before being issued a license, pay to the City a license fee in an amount established by resolution of the City Council. A license fee must also be established by resolution of the City Council for each additional vehicle used by the applicant during the license year.

#### **6-905 Same - Liability; insurance required**

A person may not operate a taxicab or other vehicle for hire, nor may a license be issued therefor, until the applicant for a taxicab license deposits with the City Auditor a policy of liability insurance for each vehicle for which a license is sought. The policy of liability insurance must be approved by the City Council and issued by an insurance company authorized to do business in the State of North Dakota. The policy of insurance liability must indemnify the applicant in the sum of at least one hundred thousand dollars for injury or death to one person, three hundred thousand dollars for injury or death to more than one person, and five thousand dollars property damage in any one accident through the operation of the taxicab or other vehicle for hire of the applicant. The policy of insurance liability must contain a clause obligating the issuing insurance company to

give at least ten days' written notice to the City Auditor before cancellation thereof and the lapse or termination of the policy.

#### **6-906 Same - Numbering; revocation**

For a license issued under the provisions of this article, the City Auditor shall give the issued license a number, keep a record thereof showing the date of issuance and to whom it was issued, and keep a record of the particular description of the taxicab or vehicle licensed. A license may be revoked by the City Council at any time on cause shown.

#### **6-907 Same - Safe condition of cars; inspection**

1. A taxicab or other vehicle may not be licensed unless it is thoroughly safe for the transportation of passengers and the taxicab or vehicle must be clean and of good appearance. A taxicab or other vehicle licensed hereunder must have a handle on the inside of each door by which said door may be easily opened from the inside. The Chief of Police of the City has the right to inspect a taxicab or other vehicle for hire and a license must be refused to the owner of any vehicle found to be unfit or unsuited for public patronage.
2. The brakes, horn, speedometer, lights, tires, steering gear, and windshield wiper of each taxicab licensed under this Article must be examined and tested as to sufficiency prior to the granting of the original license and at least once annually thereafter. The inspection must be made by a garage that is approved by the Chief of Police, and must be evidenced by a certificate of examination and sufficiency which must be filed with the Chief of Police.

#### **6-908 Taxicabs - Fares and meters**

If the licensee is charging at a rate per a certain distance, the taxicab may not be operated unless it is equipped with a meter in good condition to record the amount to be charged on each trip, and the amount must be shown in figures visible to the passenger. If the licensee is charging at a base rate regardless of the distance of the trip, a meter is not required. It is unlawful for a passenger to fail to refuse to pay the lawful fare at the termination of a trip.

#### **6-909 Same - Printed rates posted**

It is the duty of the owner or driver of a taxicab or other vehicle for the conveyance of passengers for hire within the City, to post and maintain in a conspicuous place within the taxicab or vehicle, a printed schedule of rates, in readable type. The printed schedule must also contain any other information that may be required by the Chief of Police and must be filed with the Chief of Police.

### **6-910 Same - Identification of vehicle**

Before operating a taxicab in the City, a licensee must have in reasonably large print, the words "Taxicab" or "Taxi" on the body of the taxicab. The City Auditor shall issue licenses indicating the license number of each vehicle that must be visible from the interior and exterior of the taxicab.

### **6-911 Same - Restrictions**

1. A licensee may not carry a larger number of passengers than the number for which the taxicab was rated by the manufacturer and for which there is a functional seatbelt per passenger;
2. A licensee may not pick up or deliver alcoholic beverages;
3. A licensee may not permit a person other than a patron, licensee, or his employee to ride in a taxicab;
4. Regardless of if passengers are present, a licensee may not smoke or permit smoking in a taxicab;
5. A licensee may not refuse service based on age, disability, national origin, pregnancy, race, religion, or sex; and
6. A licensee must take the most direct route possible over which the passenger can be carried to his destination safely and expeditiously.

### **6-912 Same - Record of calls**

A licensee shall keep for all taxicabs a written daily record of all calls made and passengers transported, showing the time and place the passenger was secured and delivered, and the number of passengers per trip. The licensee must keep the record at the place of business state in the license for two years and must be open to inspection at all times by the Chief of Police or his designee.

### **6-913 Taxi drivers' license - required; qualifications**

1. A person may not operate a taxicab in the City unless the person possesses a valid and current taxi driver's license; nor may a person, firm, association or persons, or corporation licensed under the provisions of this Article engage a person to operate a taxicab who does not possess a valid and current taxi driver's license.
2. A license may not be granted to a person:
  - a. Who is under eighteen years of age;
  - b. Who does not possess a valid and current Class D driver's license;

- c. Who is not of sound physique or is without good eyesight and good hearing, or who is subject to epilepsy, vertigo, heart trouble, or other infirmity of body or mind which might render the person unfit for the safe operation of a taxicab;
- d. Who has not demonstrated good driving habits as set forth by the person's driving record on file;
- e. Who has been convicted of a felony within the seven years immediately preceding the filing by the person of an application for taxi driver's license, unless granted by the City Council or its committee following a hearing concerning all facts and circumstances relative to such conviction and a report and recommendation by the Chief of Police as to the character and conduct of the applicant subsequent to such conviction;
- f. Who has been convicted of driving under the influence of intoxicating liquor or any other drugs or substances pursuant to N.D.C.C. 39-08 within the past seven years; or
- g. Who is required to register as a sex offender.

#### **6-914 Same - Application**

Each applicant for a taxi driver's license shall submit, in writing, to the Chief of Police on forms furnished by the police department the following information about the applicant:

1. Full name;
2. Present address;
3. Residence for the past seven years;
4. Social Security Number
5. Date of birth;
6. Sex;
7. Height;
8. Weight
9. Color of eyes and hair;
10. Citizenship;
11. Place of most recent previous employment;

12. Marital status;
13. Driver's license number;
14. Whether the applicant has ever been convicted of a felony or misdemeanor;
15. Whether the applicant has ever been previously licensed as a taxi driver or chauffeur, and if so, when, and by what authority;
16. Whether the applicant's license has even been revoked or suspended, and if so, for what cause and the name of the applicant's prospective employer; and
17. A release authorizing the Chief of Police or his designee to conduct a background check.

**6-915 Same - Fee**

1. Each applicant for a taxi driver's license shall pay an application fee as established by resolution of the City Council, due on or before July 1 of each year, with the submission of an application for a license hereunder,
2. The Chief of Police shall keep a complete record of each license issued to a driver and all renewals, suspensions, and revocations thereof, which record must be kept on file with the original application for license.

**6-916 Same - Revocation, suspension, and reinstatement**

1. The Chief of Police shall revoke a taxi driver's license if the licensee has, since the granting of the license:
  - a. Been convicted of a felony;
  - b. Been convicted of driving while under the influence of alcoholic beverages or of any other drugs or substances;
  - c. Had the licensee's state's driver's license revoked or suspended;
  - d. Made any false statement on the licensee's application for a license; or
  - e. Been convicted of three or more violations of the traffic ordinances of the City or of any of the offenses set forth in Chapters 39-09 and 39-10 of the North Dakota Century Code during any continuous six-month period.
2. The Chief of Police may revoke or suspend a taxi driver's license for sixty days if the licensee has, since the granting of the license, been convicted of two violations of the traffic ordinances of the City or of any of the offenses

set forth in Chapters 39-09 and 39-10 of the North Dakota Century Code during any continuous six-month period.

3. Written notice of revocation, suspension, or refusal to renew must be given to the licensee. A person whose license has been revoked, suspended, or renewal thereof refused by the Chief of Police may, within ten days thereafter, appeal to the City Council for a hearing thereon; and the City Council may, after the hearing, affirm or reverse the action of the Chief of Police. If no appeal is taken within ten days, the action of the Chief of Police is final.
4. If possible, each revoked or suspended license must be repossessed by the Chief of Police.
5. A former licensee whose license has been revoked or suspended may submit a new application after six months of revocation or suspension. A refund is not permitted for a revoked or suspended license.

#### **6-917 Penalty for violation of article**

A violation of a provision of this Article is punishable by a fine not to exceed five hundred dollars and a revocation of the taxi driver's license.

Bolken moved the adoption of the foregoing Ordinance. The motion was seconded by Gravos. On roll call vote of the Council members, the following Council members voted "AYE": Bolken, Riely, Mulder, Sanford, and Gravos, and the following Council members voted "NAY": None Absent and not voting: Voll.

WHEREUPON, the motion was passed and the Ordinance declared adopted this 3<sup>rd</sup> day of August, 2015.



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Mayor Brent Sanford  
City of Watford City

ATTEST:

  
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Peni Peterson, City Auditor

First Reading: 07/15/2015  
Second Reading: 08/03/2015  
Published: 09/02/2015