

ORDINANCE 24.

AN ORDINANCE REGULATING AND LICENSING TAXICABS AND TAXICAB DRIVERS.

Section 1.

Certificate of public convenience and necessity required. No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the City of Park River without having first obtained a certificate of public convenience and necessity from the City Council.

Section 2.

Application for certificate. An application for a certificate shall be filed with the City Auditor upon forms provided by the City of Park River; and said application shall be verified under oath and shall furnish the following information:

- 1.) The name and address of the applicant;
- 2.) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments.
- 3.) The experience of the applicant in the transportation of passengers.
- 4.) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- 5.) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- 6.) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant.
- 7.) Such further information as the City Council of the City of Park River may require.

Section 3.

Public hearing. Upon the filing of an application, the City Auditor shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given to the general public by posting a notice of such hearing by the City Auditor in the official newspaper of the City of Park River for two (2) successive weeks prior to such hearing, and the hearing shall not be held less than ten (10) days after first publication of such notice. The cost of publishing

said notice and any other costs incurred by the City of Park River in conjunction with any of the proceedings provided for in this ordinance shall be paid by the person filing such application. Any interested person may file with the City Auditor a memorandum in support of or opposition to the issuance of a certificate.

Section 4.

Issuance of certificate. If the City Council finds that further taxicab service in the City of Park River is required by the public convenience and necessity and that the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of this ordinance and the rules promulgated by the City Council, then the City Council shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate, and the date of issuance; otherwise the application shall be denied.

In making the above findings, the City Council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant.

Section 5.

Indemnity bond or liability insurance required. No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of One Hundred Thousand Dollars (\$100,000 .00) for bodily injury to any one person; in the amount of Three Hundred Thousand Dollars (\$300,000.00) for injuries to more than one (1) person which are sustained in the same accident; and Ten Thousand Dollars (\$10,000.00) for property damage resulting from anyone accident. Said bond or bonds shall inure to the benefit of any person who shall be injured, or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, or agents. Said bond or bonds shall be filed in the office of the City Auditor and shall have as surety thereon a surety company authorized to do business in the state of North Dakota.

The City Council may, in its discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the state of North Dakota. Said policy shall conform to the provisions of this section relating to bonds.

Section 6.

License fees. No certificate shall be issued to continue in operation unless the holder thereof has paid an annual license fee which shall be included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference. Said

license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to said holder or the vehicle or vehicles under his operation and control.

Section 7.

Transfer of certificates. No certificate of public convenience and necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the City Council.

Section 8.

Suspension and revocation of certificates. A certificate issued under the provisions of this ordinance may be revoked or suspended by the City council if the holder thereof has:

- 1.) violated any of the provisions of this ordinance;
- 2.) discontinued operations for more than five (5) days;
- 3.) has violated any ordinance of the City of Park River, the laws of the state of North Dakota, or the United States.

Violations will reflect unfavorably on the fitness of the holder to offer public transportation.

Prior to the suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

Section 9.

Receipts. The driver of any taxi cab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt on which shall be the name of the owner, license number or motor number, amount of meter reading or charges, and the date of transportation.

Section 10.

Refusal of passenger to pay legal fees. It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this ordinance after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

Section 11.

Prohibited solicitation. No driver shall solicit patronage in a loud or annoying tone of voice, by sign, or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting patronage.

Section 12.

Receipt and discharge of passengers on sidewalk only. Drivers of taxicabs shall not receive or discharge passengers in the roadway. They shall pull up to the right-hand sidewalk as nearly as possible, or in the absence of a sidewalk to the extreme right hand side of the road, and there receive or discharge passengers.

Section 13.

Additional passengers. No driver shall permit any other person to occupy or ride in said taxicab, unless the person or persons first employing the taxicab shall consent to the acceptance of an additional passenger or passengers.

Section 14.

Restriction on number of passengers. No driver shall permit more persons to be carried in a taxicab, as passengers, than the rated seating capacity of his taxicab. A child in arms shall not be counted as a passenger.

Section 15.

Refusal to carry orderly passengers prohibited. No driver shall refuse or neglect to convey any orderly person or persons, upon request, unless previously engaged or unable or forbidden by the provisions of this ordinance to do so.

Section 16.

Prohibitions of drivers. It shall be a violation of this ordinance for any driver of a taxicab to engage in selling intoxicating liquors, solicit business for any house of ill repute, or use his vehicle for any purpose other than the transporting of passengers or miscellaneous merchandise.

Section 17.

Manifests. Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origination and destination of each trip and amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the City Council.

Section 18.

Taxicab service. All persons engaged in a taxicab business in the City of Park River operating under the provisions of this ordinance shall render an over - all service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open eighteen (18) hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of Park River as soon as they can do so, and if said service cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere in the corporate limits of Park River at any time when such holder has available cabs or who shall fail or refuse to give over-all service shall be deemed in violation of this ordinance and the certificate granted to such holder shall be revoked at the discretion of the City Council.

Section 19.

Police department - duty to enforce ordinance. The police department of the City of Park- River is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this ordinance. The police department shall report the same to the City Council, which will order or take appropriate action.