



ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 30-15 (CONTROL BY THE CITY COUNCIL), SUBSECTION (A) OF SECTION 30-19 (FARES; AMOUNT; POSTING), SECTION 30-31 (APPEALS TO CITY COUNCIL), AND SECTION 30-41 (SAFETY INSPECTION REQUIRED), ALL OF DIVISION 1 (GENERALLY), ARTICLE II (TAXICABS), CHAPTER 30 (VEHICLES FOR HIRE) OF THE CITY OF MINOT CODE OF ORDINANCES TO SET FARES TO BE CHARGED BY TAXICAB OPERATORS BY RESOLUTION AND TO MAKE GENERAL UPDATES TO REFLECT PRESENT PRACTICES.

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and has adopted a home rule charter in accordance with North Dakota Century Code (NDCC) § 40-05.1; and

WHEREAS, NDCC § 40-05.1-06 provides that the City shall have the power to implement home rule powers by ordinance, including the power to fix the fees, number terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers; and

WHEREAS, NDCC § 40-05.1-05 provides that a ratified home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purposes; and

WHEREAS, NDCC § 40-05-01(27) gives the governing body of a municipality the power to license, tax, regulate, and prescribe the rates charged by taxi drivers and the operation of taxicabs; and

WHEREAS, the City of Minot now desires to modify ordinances relating to fares to be charged by taxicab operators within the City of Minot to confirm those fares are established by resolution and to make general updates to reflect present practices; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:

§1. That Section 30-15 (Control by the City Council), Division 1 (Generally), Article II (Taxicabs), Chapter 30 (Vehicles for Hire) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:

Sec. 30-15 – ~~Control by the city council~~ Licensing; inspection; exam; enforcement.

The chief of police, or their delegate, shall develop and conduct the City's process for licensing and inspecting of taxicabs, the examining of applicants for licenses to drive taxicabs driver licenses, the licensing of taxi drivers and the enforcing of the provisions of this article shall be under the control of the city council.

- §2. That subsection (a) of Section 30-19 (Fares; amount; posting), Division 1 (Generally), Article II (Taxicabs), Chapter 30 (Vehicles for Hire) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:**

Sec. 30-19. – Fares; amount; posting

(a) The maximum fares to be charged by taxicab operators shall be as established by resolution from time to time by the city council. The resolution establishing the schedule of fares shall be kept current and shall be filed in the office of the city auditor clerk.

- §3. That Section 30-31 (Appeals to city council) of Division 1 (Generally), Article II (Taxicabs), Chapter 30 (Vehicles for Hire) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:**

Sec. 30-31. - Appeals to city council.

Any person deeming himself aggrieved by a ruling decision of the city auditor chief of police or their delegate, with respect to the application of any administrative provisions of this article may appeal therefrom to the city council.

- §4. That Section 30-41 (Safety inspection required), Division 1 (Generally), Article II (Taxicabs), Chapter 30 (Vehicles for Hire) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to read as follows:**

Sec. 30-41. – Safety inspection required.

As a prerequisite for the issuance of a license the taxicab to be licensed must undergo a safety inspection within thirty (30) days prior to the issuance of the license. If the city license is currently in effect with respect to the taxi cab then the taxicab must undergo one safety inspection during the license year within two (2) business days after the licensee receives oral or written notice from the chief of police or ~~his~~ their delegate to submit the licensed vehicle to the inspection. Moreover, the chief of police or ~~his~~ their delegate shall require that approximately one-half (1/2) of the licensed taxicabs will undergo an additional safety inspection each year. The vehicles required to undergo a second inspection shall be chosen at random and the time of inspection may be randomly chosen. The chief of police shall by way of regulation establish the nature and number of tests to be administered as part of the safety inspection. If a taxicab passes the inspection the person conducting the inspection shall so certify in writing. If a taxicab fails a safety inspection it shall not be used as a taxicab until it has been certified. No certificate shall be considered valid unless it has been issued by a person who has been approved by the city council chief of police or their delegate as being competent to perform such inspections.

§5. This Ordinance shall become effective upon final passage and approval.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

ATTEST:

APPROVED:

Mikayla McWilliams, City Clerk

Thomas Ross, Mayor