

City of Minot

ORDINANCE NO. 5965

AN ORDINANCE AMENDING SECTION 30-15 (CONTROL BY THE CITY COUNCIL), 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 ALLOW TAXI OPERATORS TO SET THEIR OWN FARES 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 allow taxicab operators to establish their own fees 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 – Licensing; inspection; exam; enforcement

The chief of police, or their delegate, shall develop and conduct the City's process for licensing and inspecting taxicabs, examining applicants for taxicab driver licenses, and enforcing the provisions of this article.

§2. That 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) All persons operating taxicabs shall keep posted in some conspicuous place, whether inside or outside of the vehicle, the charges of the vehicle for carrying passengers.
- (b) Failure to post fares as required by this section shall preclude the operator of any taxicab from collecting any fare.
- (c) All applicants or licensees must annually file a statement or schedule listing all fares, multiple loading charges, flat rate charges for certain routes, and other information necessary to clarify rates to be charged with the city clerk prior to the operation of taxicabs.
- (d) An additional fee or fare cannot be charged for the use of an accessible taxi or for serving persons with disabilities. A licensee may not charge a fee for an attendant acting on behalf of and traveling with a passenger with disabilities. Under the Americans with Disabilities Act, the taxicab business cannot discriminate against individuals with disability by actions, including but not limited to, refusing to assist with the stowing of mobility devices, charging higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons.

§3. That Section 30-31 (Appeals to city council) of Division 1 (Generally), Article 11 (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 decision of the 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 11 (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 their delegate to submit the licensed vehicle to the inspection. Moreover, the chief of police or their delegate shall require that approximately one-half (½) 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 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: May 6, 2024

PASSED SECOND READING: May 20, 2024

ATTEST:

Mikayla McWilliams, City Clerk

APPROVED:

Thomas Ross, Mayor