

PERSONNEL COMMITTEE

15-023-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 47-16, 47-17.1, 47-18, 47-20, 47-22, 47-27, AND 47-33 AND DELETING SECTION 47-37 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATED TO TAXICABS.

BY COUNCILOR GARDNER:

The city of Duluth does ordain:

Section 1. That Section 47-16 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-16. Definitions.

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them by this Section:

Ambulance. A motor vehicle which is designed and intended to be used for providing transportation of a wounded, injured, sick, invalid or incapacitated human being, or an expectant mother.

Ambulance service. The transportation by ambulance for a wounded, injured, sick, invalid, or incapacitated human being, or an expectant mother, which is regularly offered or provided to the public by any person.

For hire. For hire means for remuneration, compensation or consideration of any kind promised, paid, or given to or received by a person for the transportation of persons.

Limousine service. The transportation of passengers for hire in a luxury passenger automobile that is not a van or station wagon and has a seating capacity of not more than 15 persons, excluding the driver, that is not provided on a regular route, that provides only prearranged pickup, and that charges more than a taxicab fare for a comparable trip. An unmarked, luxury class automobile which carries passengers for hire, driven by a uniformed chauffeur, subject to call only from its own garage or central place of business, and the use of which results in customers being billed at

~~an hourly, daily or trip rate that is greater than the current taxi-meter rate for a comparable trip.~~

Motor vehicle and street or highway. As defined in Section 33-1 of this Code.

Taxicab. Any motor vehicle, having a seating capacity of no more than seven persons, including the driver, used for the purpose of transporting any passengers for hire over and upon any street or highway in the city, except any of the following:

(a) Any motor carrier of passengers which is operated under a permit from the department of transportation of the state or special transportation service provider certified by the department of transportation of the state pursuant to Minnesota Statute 174.29 et. seq., and using a driver who is qualified pursuant to Minnesota Rules Chapter 8840, when transporting a person requiring an accessible vehicle for any purpose;

(b) Any ambulance, used for providing ambulance service and which is operated under authority of a license issued by the state board of health;

(c) Any motor vehicle operated by the Duluth transit authority under authority of Laws of Minnesota 1969, Chapter 720;

(d) Any limousine service as defined herein;

(e) A transportation vehicle operated by a federal, state, county, municipal or school district governmental unit in conjunction with a program sponsored or run by such governmental unit;

(f) Any motor vehicle providing transportation services to a federal, state, county, municipal or school district governmental unit pursuant to a written, extended term, contract between said transportation provider and the governmental unit;

(g) Any motor vehicle used for recreational or sightseeing rides under a license issued pursuant to Article II of this Chapter.

Section 2. That Section 47-17.1 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-17.1. Same--Application.

An application for a taxicab license or licenses shall be filed with the city clerk upon forms provided by the city. Such application shall be verified by the applicant under oath and shall include the following information:

- (a) The name and business address of the applicant;
- (b) The experience of the applicant in the transportation of passengers for hire;
- (c) The description, including but not limited to year, make, model, license plate number, vehicle registration, and vehicle identification (VIN) number, of the vehicle or vehicles to be operated or controlled by the applicant;
- (d) An accurate and detailed description of tThe trade name, company color scheme and, design of the taxicab, including inscriptions, logos or monograms thereon, which must be distinctly different from that of the taxicabs of any other taxicab licensee so that taxi ownership and identity may be readily ascertained. The logo, or monogram shall be prominently displayed on the trunk or rear of the vehicle. All taxicabs included within a licensee's application shall be of the same color scheme and design, including inscriptions, logos and monograms. However, any vehicle which was licensed as a taxicab on the effective date of this Section may continue to be licensed and operated until June 1, 2020, despite its noncompliance with the company color scheme requirement provided the vehicle is in compliance with all other requirements, trade name or insignia to be used to designate the vehicle or vehicles of applicant;
- (e) Such further information as the police department may

reasonably require;

(f) The name, address and date of birth of each taxicab driver employed or expected to be employed by applicant, and the name, address and date of birth of any other person who will be driving such taxicab including independent contractors and their employees.

Section 3. That Section 47-18 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-18. Insurance required.

No taxicab vehicle license shall be issued until the applicant has filed with the city clerk an insurance policy, a certificate of insurance or an insurance binder, approved as to form by the city attorney, which evidences that the owner of such taxicab is insured against claims, demands or losses resulting from the negligent operation or use or defective condition of such taxicab in the minimum amounts of \$250,000 for injury to or death of any person in any one accident, \$500,000 for injury to or death of any number of persons in any one accident, and \$100,000 for property damage in any one accident. Such insurance policy shall cover at least a six month period.

Any such policy, certificate or binder shall contain a clause obligating the insurer to give ten days' written notice of cancellation or termination to the city clerk and the insured, before any cancellation or termination of such policy which is earlier than its expiration date.

No such policy shall include or contain any limitation, condition or clause excluding coverage of any vehicle otherwise covered by such policy or releasing the insurer from liability under such policy when such vehicle is driven, used, operated or maintained while the driver of any occupant thereof is intoxicated

or engaged in the illicit transportation of liquor.

It shall be unlawful for any person to operate or permit the operation of any taxicab unless at the time of such operation there is on file with the city clerk an insurance policy, a certificate of insurance or an insurance binder, in full force and effect, which manifests insurance coverage of the owner of such taxicab as provided in this Section; provided, however, that for the purpose of satisfying the filing requirements of this paragraph an insurance binder shall not be effective for more than 60 days after such binder is filed with the city clerk.

Section 4. That Section 47-20 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-20. Vehicle standards and inspection.

(a) Original inspection. No persons shall operate or permit the operation of a vehicle as a taxicab and the city clerk shall not issue a taxicab vehicle license for any vehicle until such vehicle has been inspected by an ASE (National Institute for Automotive Service Excellence) certified mechanic of an authorized service station or garage. The chief of police shall designate and authorize two service stations or garages within the city of Duluth to conduct the inspections. The authorized service stations or garages shall meet minimum standards for equipment and personnel. Only qualified and ASE certified mechanics employed by an authorized service station may conduct the inspections. A taxicab vehicle license shall not be issued unless the vehicle has been properly inspected ~~an inspector designated by the chief of police and has been found by such inspector~~ to be in compliance with all laws respecting motor vehicles which are in force in the city of Duluth and with all rules and regulations prescribed by the chief of police (hereinafter "be found in compliance"). All vehicles shall comply

with the following:

(1) Be in a thoroughly safe condition for the transportation of passengers. Every vehicle shall comply with all local, state and federal regulations relating to vehicle equipment, maintenance and safety. Further, all vehicles shall have a model year of 15 years or less;

(2) Be well painted in uniform company colors utilizing the color scheme described by the applicant in the license application;

(3) Be equipped with an identifying top light on the roof of the vehicle. Such top light shall be illuminated with a steady beam of light when the vehicle is in service and available to receive passengers. Such light shall be visible from all directions;

(4) Be equipped with at least five doors including the trunk;

(5) Be maintained in a clean and sanitary condition with regard to both the interior and exterior of the vehicle;

(6) Be substantially free from damage, dents, defects or unpainted or rusted metal. Any vehicle that is damaged, whether due to negligence, intentional conduct or other event, shall within thirty (30) days of such damaging event, be repaired and restored to the standards set forth herein;

(7) Be equipped with windows in the rear and side of the vehicle sufficient in number and of such size, dimensions and clarity that all occupants may be readily seen and identified through the windows;

(8) Be equipped with seat belts for all seating positions, which seat belts shall be openly displayed and readily available for use by occupants; and

(9) Be equipped with a taximeter as required by section 47-31 of this Article.

~~A vehicle that is more than ten model years old or having more than 300,000 miles on the chassis must also be inspected annually by an automobile mechanic who has been certified by the American Society of Engineers and be found in compliance. A vehicle that is more than 20 years old must be completely restored to "as new" condition with all new dual master cylinder hydraulic brake system and all new steering components and has all safety systems required to be on a new vehicle and must be inspected annually by an automobile mechanic who has been certified by the American Society of Engineers and be found in compliance. The cost of inspections required by an automobile mechanic certified by the American Society of Engineers shall be borne by the person seeking the taxicab vehicle license. A vehicle having a window which cannot be seen through from outside, any neon or strobe lighting, brakes not in good operating condition, passenger restraint belts that are not in place and fully operational, or any sign or graphic advertising that can reasonably be expected to be a distraction to other drivers so that they will be inattentive to their driving duties shall not be found in compliance. The age and mileage standards above become effective on January 1, 2008.~~

(b) Rules. The chief of police is hereby authorized to adopt such reasonable rules and regulations regarding safety equipment, regulatory devices and sanitary conditions as he shall deem necessary in order to ensure that only safe and sanitary taxicabs are in operation in the city of Duluth. Further, the chief of police may adopt a taxicab inspection report to be used in the inspection of the taxicabs and may designate a category of equipment and body defects as "out of service" defects. Taxicabs with "out of

service" defects shall be ordered out of service and shall remain out of service until the defects have been corrected. In addition, the inspection report shall include a rating for the seating capacity of each taxicab and such rating shall be included in the report. No such regulation shall be effective until 30 days after filing with the city clerk and publication in the legal newspaper of the city.

~~When the inspector designated by the chief of police finds that a taxicab is in compliance with such laws and rules and regulations he shall issue a certificate to that effect. Such inspector shall also rate the seating capacity of each taxicab inspected and shall state such capacity in the certificate he issues. No person shall operate or permit the operation of a taxicab unless such a certificate is posted in such taxicab;~~

~~(b) (c) Annual and periodic inspections. Every taxicab shall be annually periodically inspected by an ASE certified mechanic the inspector designated by the chief of police in order to determine continued compliance of such taxicab with all laws and rules and regulations respecting taxicabs. Such annual inspections shall may be completed ~~carried out~~ prior to the issuance of a renewal taxicab license. In addition, the chief of police may require, as often as may be necessary, the inspection of any vehicle upon the complaint of any citizen at any time by such inspector, but shall be carried out at least once every six months. All persons holding taxicab licenses shall comply with all requests of the chief of police ~~such inspector~~ regarding the time and place of such inspections. If at any time ~~the inspector finds that~~ a taxicab does not comply with the required laws and rules and regulations including but not limited to regulations regarding the posting of rates, ~~he shall remove the inspection certificate from~~ such taxicab~~

~~and shall return it only after such taxicab has been made to comply with such laws and rules and regulations shall be ordered out of service, and shall remain out of service until such time as the vehicle has been inspected by an ASE certified mechanic and found to be in compliance.~~ The purpose of the inspections is to enforce a public policy and the city shall not be liable to any individual as a result of conducting or failing to conduct the inspection;

(d) Cost of inspections. The taxicab licensee shall be responsible for the cost of all inspection required hereunder.

~~(c) Qualifications of inspectors. The chief of police shall issue written specifications establishing the minimum qualifications for any inspector that is authorized to certify that any vehicle meets the requirements of this Section; only certifications issued by inspectors so qualified shall meet the certification requirements of this Article. In addition to meeting the requirements of said specifications, any mechanic certifying to the compliance of any vehicle more than ten model years old shall also be certified as an automobile mechanic by the American Society of Engineers.~~

Section 5. That Section 47-22 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-22. Maximum passenger load.

No person operating a taxicab shall carry a greater number of passengers than the rated seating capacity of such vehicle as stated in the inspection report certificate issued for such vehicle pursuant to Section 47-20 of this Article. ~~Children five years of age or under shall not be counted as passengers if carried in the arms of another passenger.~~ Two passengers shall be permitted to ride on the front seat with the driver of such taxicab only if the license inspector determines such seating does not affect the operation of the taxicab or passenger safety.

Section 6. That Section 47-27 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-27. Smoking, sale of liquor and use of taxicab for prostitution prohibited.

No person operating a taxicab vehicle driver shall:

(a) Smoke, or permit the smoking of, a pipe, cigar or cigarette in a taxicab vehicle at any time, whether or not passengers are present. "Smoking" means inhaling or exhaling smoke from any lighted cigar, electronic cigarette, cigarette, pipe or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation. For purposes of this section, taxicab vehicles shall be considered places of employment and taxicab drivers shall not smoke within ten feet of the taxicab vehicle while carrying passengers;

(b) Sell or offer to sell any alcoholic beverages to any person;

(c) Solicit business for any house of ill repute or permit any person to occupy or use his vehicle for the purpose of prostitution, or direct or transport or offer to direct or transport any person with knowledge or having reasonable cause to know that such directing or transporting is for purpose of prostitution.

Section 7. That Section 47-33 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 47-33. Rates--notice of rates change.

(a) Display of rates. There shall be prominently displayed in all taxicabs a rate statement card no smaller than 8.5"x11" setting out in large size print the maximum rates charged to passengers for all the various services offered. Unless otherwise specifically stated on the rate statement card, the rates charged

shall not apply individually to each person riding in the taxicab, but instead shall apply to the ride, whether one or more individuals are in the taxicab at a time. This card shall also contain a sentence informing passengers that the driver has printed copies of the entire text of the rate statement card which will be supplied to them upon request. All the information on the rate statement card shall be prominently displayed on each side of the outside of the vehicle in text all of which shall be at least 1.5 inches high. It is a violation of this Code to charge a rate higher than that stated on the rate statement card;

(b) Rates. Rates of fare shall be based upon mileage and designated according to each one-tenth mile increment or fraction thereof. If the licensee charges a minimum fare for any service other than waiting time, such minimum fare shall be designated as a flat rate. Waiting time shall be designated as a charge per minute;

(c) Change of rates. In order to change the maximum rates, the licensee shall do the following:

~~(a)~~ (1) Register the new maximum rates with the city clerk at least seven days before they are implemented. The clerk shall post the changed rates on the city website for an appropriate period of time;

~~(b)~~ (2) Pay to the clerk a rate change registration fee in an amount determined as set out in Section 2-16;

~~(c)~~ (3) Change the rate statement card required by this Article;

(d) Receipt. The driver of any taxicab shall upon demand give any passenger a receipt for the fare charged, which receipt shall include the name of the driver, the identification of the vehicle, the amount charged and the date of the transaction.

Section 8. That Section 47-37 of the Duluth City Code, 1959, as amended, is hereby repealed in its entirety.

Section 9. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:


Attorney

CCREQ/ATTY TLL:de 04/13/2015

STATEMENT OF PURPOSE: This ordinance establishes objective standards for taxicab vehicles, which promotes consistent and uniform taxi services. The ordinance definitions have been modified to parallel the statutes. Finally, the ordinance promotes public safety.