

CHAPTER 95A. TAXICABS

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95A.01. Definitions. Subdivision 1. As used in this chapter the following words and phrases shall have the meanings ascribed to them.

Subd. 2. "Cab stand" means a public place alongside the curb of a street or elsewhere, in the city, which has been designated by the council as reserved exclusively for the use of Taxicabs. A cab stand may be designated by the council as "open" to all Taxicabs, or "closed" to all Taxicabs except the Taxicabs of one certain Taxicab franchise holder.

Subd. 3. "Late model" means a vehicle with a manufacture date no more than ten years in the past. The city clerk may grant exceptions to this on a case by case basis for classic and specialty vehicles.

Subd. 4. "Rate card" means a card for display in each Taxicab which contains the rates of fare then in force.

Subd. 5. "Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers and their luggage for hire having a seating capacity of less than nine passengers and not operated on a fixed route.

Subd. 6. "Taxicab Business" means an entity owning and operating a minimum of ten Taxicabs for hire, to or from any point in the city, with dispatch available.

Subd. 7. "Taximeter" means a meter, instrument or device which measures the distance driven or time elapsed upon which the fare is based and converts them to monetary charges.

Subd. 8. "Transportation Network Company Driver" has the meaning found in section 95B.01, subd. O.

Subd. 9. "Transportation Network Service" has the meaning found in section 95B.01, subd. R.

Subd. 10. "Waiting time" means the time when a Taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the Taxicab is not in motion if due to any cause other than the request, act or fault of a passenger or passengers.
(4287, 3/6/17)

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95A.02. Application. No person shall engage in a taxicab business unless the operation of the taxicab business occurs pursuant to and in compliance with the terms and conditions of a franchise issued by the city to operate taxicabs in the city.

95A.03. Service Required. Subdivision 1. Any franchisee shall render an overall service to the public desiring to use Taxicabs and shall maintain a central place of business in the city for the purpose of receiving calls and dispatching cabs. Franchisees shall operate a minimum of ten Taxicabs. Franchisees shall answer all calls received for Taxicab service within the limits of the city as soon as it can do so and if such service cannot be rendered within a reasonable time, it shall then notify the prospective passengers how long it will be before the services can be rendered and give the reason therefor. Refusal to accept a call anywhere in the limits of the city at any time when the franchisee has available Taxicabs, or failure or refusal to give overall service shall constitute a violation of this chapter and the council, for such refusal or failure, may in its discretion, suspend, revoke or place the offender's franchise on probation.

Subd. 2. Any franchisee shall accept both cash and credit card as payment for services rendered in all vehicles operating under authority of any franchise. Franchisee may also set up billing accounts and other payment arrangements. (4287, 3/6/17)

95A.04. Insurance or Bond Requirements. Subdivision 1. Before any franchisee operates any taxicab it shall secure and during the term of the franchise, maintain in force at all times, a liability insurance policy covering each vehicle operated as a taxicab, having limits of not less than \$300,000.00 for bodily injury to any one person, not less than \$500,000.00 for injuries to more than one person which are sustained in the same accident, and not less than \$50,000.00 for property damage resulting from any one accident. The policy of insurance 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 the franchisee, its servants or agents. A copy of the insurance policy or a certificate of such insurance shall be filed in the office of the city clerk. Such insurance shall be carried with an insurance company authorized to do business in the State of Minnesota.

Subd. 2. The franchisee may file, in lieu of a policy or certificate of insurance, an indemnity bond or bonds having as surety thereon, a surety company authorized to do business in the State of Minnesota. Such bond or bonds shall conform to the provisions of this section relating to insurance and shall be approved by the council.

95A.05. Licenses. Subdivision 1. Every vehicle operated as a taxicab under the authority of any franchise must be licensed. The license shall be signed by the mayor and city clerk and shall be issued to specific vehicles identified as to year, make, model, serial number and Minnesota registration or license numbers required by the application forms furnished by

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the city clerk. The license fee is \$18.00 per year or fraction thereof for each vehicle. Licenses shall be issued for the calendar year and shall expire at midnight on December 31 of the license year.

Subd. 2. At the time each taxicab license is issued, the city clerk shall also deliver to the franchisee a license plate, the number of which shall be the same as the number of the license certificate issued. The license plate shall be attached to the front state registration or license plate of the vehicle for which issued.

Subd. 3. Licenses on vehicles retired from service may be transferred to proper replacement vehicles by the city clerk upon application being made to the city clerk for such transfer.

95A.06. Misrepresentation as a Taxicab. No person shall operate or permit to be operated any vehicle, or operate or permit to be operated any business, using the words "taxi," "taxicab" or "cab" without compliance with all applicable provisions of this chapter.

95A.07. Standby Vehicle. Section Repealed by Ordinance #4287 dated 3/6/17.

95A.08. Inspection of Vehicles. Subdivision 1. Prior to the initial use and operation of any vehicle under the authority of any franchise, said vehicle shall be thoroughly examined and inspected by a certified mechanic and found to comply with all standards of safety prescribed by the laws of the state or the city. An inspection report showing that a vehicle has met the standards of safety prescribed by law must be presented to the city clerk at the time of license application.

Subd. 2. Every vehicle operating under authority of any franchise shall be inspected annually by a certified mechanic and an inspection report showing that the vehicle has met the standards of safety prescribed by law must be presented to the city clerk to insure the continued maintenance of safe operating conditions. The city may randomly inspect any vehicle in the fleet of any franchise as determined by the city. The operation of any vehicle which fails to meet the standards of safety prescribed by law shall be discontinued until such time as the deficiency is eliminated.

Subd. 3. No franchisee shall use in its fleet a taxicab not of late model.

95A.09. Sanitation. Taxicabs must be kept in a clean and sanitary condition. Every vehicle operating under authority of any franchise shall be kept in a clean and sanitary condition both as to interior and exterior.

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95A.10. Identifying Colors; Transportation Network Service Vehicle. Subdivision 1. Each Taxicab shall be painted in similar company colors, shall have an identifying top light, shall bear on the outside of at least one door on each side of the Taxicab in letters and numbers the trade or firm name of the franchisee and the number assigned to each taxicab. Each Taxicab may in addition bear an identifying symbol or design and the actual name of the franchisee as owner.

Subd. 2. A Taxicab must comply with all laws applicable to a Transportation Network Service vehicle when it is operated by a Transportation Network Company Driver. (4287, 3/6/17)

95A.11. Dress Code. Section Repealed by Ordinance #4287 dated 3/6/17.

95A.12. Driver's Permit. Subdivision 1. Each person who desires to become a taxicab driver shall first obtain a permit from the city. Each permit shall be valid for the calendar year in which it is issued. An initial permit application shall be subject to an investigation fee of \$100. The annual permit fee shall be \$50. No driver's permit shall be issued to a person:

- A. Under 18 years of age;
- B. Who doesn't possess a valid driver's license;
- C. Who has been convicted of a crime of violence under Minn. Stat. § 624.712, subd. 5, or has been convicted of a crime in another state under a statute in conformity with Minn. Stat. §624.712, subd. 5; or,
- D. Who has had his license or privilege to drive withdrawn by the Commissioner of Public Safety within the past five years.

Subd. 2. A hearing panel, consisting of the City Clerk and one member of the Common Council, must consider evidence of rehabilitation as provided in Minnesota Statutes, section 364.03, subd. 3 unless the conviction falls within any of the exceptions provided for in section 364.09. A person aggrieved by a decision of the hearing panel may appeal the panel's decision to the Council.
(4183, 2/2/15; 4189, 3/16/15; 4237, 3/14/16)

95A.13. Certified Tourism Ambassadors. Section Repealed by Ordinance #4287 dated 3/6/17.

95A.14. Cabs to be Kept Available. Section Repealed by Ordinance #4287 dated 3/6/17.

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95A.15. Cab Stands. The council may, by written resolution, establish cab stands in such place or places upon the streets of the city as it deems necessary for the use of taxicabs operated in the city. Cab stands may be established as "open" or "closed" stands and may be increased or diminished in size, relocated or eliminated at any time in the discretion of the council.

95A.16. Rates of Fare. Subdivision 1. Taxicab service within the city limits shall be based upon a metered rate. Compensation for service may be charged based on distance travelled and/or time elapsed during service. (4287, 3/6/17)

Subd. 2. Rates must be posted by the Taxicab Business in the Taxicab and in the application or website. The Taxicab Business must file all rates and subsequent changes, including effective dates, with the city clerk.

Subd. 3. Upon completion of a prearranged ride made via an app, a Taxicab business shall transmit to the rider an electronic receipt, either by electronic mail or via text message. The message shall document:

- A. The point of origin and destination of the ride;
- B. The total distance and duration of the ride, if the fare is based on distance travelled and/or time elapsed during the ride;
- C. The total fare paid including the base fare and any additional changes; and,
- D. The driver's first name and a means to submit a customer service complaint or inquiry to the Taxicab business.

(4287, 3/6/17)

95A.17. Fuel Surcharge. Subdivision 1. The council may approve a fuel surcharge to be added to the base taxi rates in the event there is a significant increase in gasoline prices. The per mile rate shall not be subject to a fuel surcharge. The amount of fuel surcharge shall be at the discretion of the council.

Subd. 2. An approved fuel surcharge shall be effective from the date of approval until the end of the calendar year in which the surcharge is approved. An approved fuel surcharge shall be subject to a second review by the council in the event there is a significant increase or decrease in gasoline prices during the same calendar year in which the initial fuel surcharge

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was imposed.

95A.18. Pre-Arranged Car Services. Subdivision 1. Each approved franchisee shall have authority to contract with pre-arranged car services via internet based software applications to arrange flat rate transportation services. Each driver and taxicab operating under authority of any franchise contract shall be subject to all provisions of this chapter.

Subd. 2. Repealed by Ordinance #4287 dated 3/6/17.

95A.19. Taximeter Required. All taxicabs shall be equipped with taximeters visible to passengers at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. (4287, 3/6/17)

95A.20. Daily Manifest. Section Repealed by Ordinance #4287 dated 3/6/17.

95A.21. Solicitation of Passengers. Subdivision 1. No person shall solicit passengers for a taxicab except the driver of the taxicab and the driver may solicit passengers only when sitting in the driver's compartment of such taxicab or while standing within three feet of the taxicab for which passengers are being solicited.

Subd. 2. No driver shall solicit passengers in a loud, noisy or boisterous tone of voice, or lay hands upon the person or baggage of any person without the express consent of such person, or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.

95A.22. Additional Passengers. No driver shall permit any other person to occupy or ride in a taxicab unless the person or persons first employing the taxicab shall request or consent to the acceptance of additional passengers.

95A.23. Overcrowding. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for such vehicle issued by the city clerk. A child in arms shall not be counted as a passenger. The rated seating capacity of each taxicab operated under this franchise shall be determined by the police department and reported to the city clerk for inclusion in the license certificate.

95A.24. Refusal of Passengers. 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 chapter to do so.

95A.25. Soliciting. No driver shall solicit business for any hotel or rooming house, or attempt to divert patronage from one hotel to another, or use such vehicle for any purpose

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other than the transporting of passengers and their luggage.

95A.26. Immoral Purposes. No driver shall permit any person to occupy or use such taxicab for the purpose of prostitution, lewdness, or assignation, and it shall be unlawful for the driver of any taxicab to direct or offer or agree to direct any person to any place or person for the purpose of prostitution, lewdness, or assignation, and it shall be unlawful to transport any person to any building, place or other person with knowledge or reasonable cause to know that the purpose of such transportation is prostitution, lewdness or assignation.

95A.27. Refusal to Pay. Subdivision 1. No taxi passenger shall refuse to pay the legal fare of any taxicab after having hired the same, and no person shall hire any taxicab with intent to defraud the franchisee or driver of the value of such service.

Subd. 2. Whenever a taxicab driver suspects or believes that the prospective passenger or passengers hiring a cab will be unable to pay the fare immediately upon completion of the trip, the driver may require the estimated fare to be paid in advance, and upon failure of the prospective passenger or passengers to pay the estimated fare in advance the driver is not obligated to accept the trip.

95A.28. Advertising. No franchisee shall permit advertising matter to be affixed to or installed in or on the taxicabs, if such advertising matter interferes with the efficient and safe operation of the taxicabs.

95A.29. Malicious Calls. No person shall call for a taxicab and intentionally give an erroneous name or address or call for a taxicab not intending at the time of the call to hire or use the same on arrival.

95A.30. Police Duties. The police department shall watch and observe the conduct of the franchisees and drivers operating under authority of any franchise, and prosecute any violation of the provisions of this chapter.

95A.31. Reservation of Rights. The council expressly reserves the authority and power to make any amendments to any taxi franchise, and to adopt any other rules and regulations which do not substantially impair the franchise or privilege granted but which are considered necessary or desirable for the public health or welfare or considered necessary or desirable in the exercise of the general police power.

95A.32. Franchisee Sanctions. Subdivision 1. Any franchise or license issued by the city pursuant to the provisions of this chapter may be suspended, revoked or placed on probation upon a finding that the franchisee or license holder, during the term of the license or in connection with the application, transfer or renewal of such license:

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- A. Failed to comply with any applicable statute, rule or ordinance relating to taxicabs;
- B. Failed to comply with any condition set forth in the franchise or license, set forth in a council action regarding the franchise or license or set forth as part of the placement of the franchise or license on probation; or
- C. Allowed the franchise to be operated or maintained in a way that unreasonably annoyed, endangered or injured the safety, health, morals, comfort or repose of any considerable number of members of the public.

Subd. 2. Whenever it appears to the council that adequate grounds may exist for the suspension, revocation or imposition of probation of a specific franchise or license holder, the council shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as provided below.

Subd. 3. No such suspension, revocation or probation shall be effective until the franchisee or license holder has been afforded an opportunity for a hearing after reasonable notice. The notice shall state the time, place and issues to be addressed. All parties will be afforded an opportunity at the hearing to present evidence and argument concerning the issues.

Subd. 4. Upon a finding that the franchisee or license holder has violated any such statute, rule or ordinance, the council may:

- A. Suspend the franchise or license for up to 60 days;
- B. Revoke the franchise or license;
- C. Impose a civil fine not to exceed \$2,000 for each violation found as a result of the hearing; or
- D. Place the franchisee or license holder on probation for a stated time period. The council may impose conditions upon the franchisee or license holder during the time of probation.

95A.33. Penalties. Subdivision 1. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

Subd. 2. In addition to all penalties and remedies provided by law, any violation of this

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chapter is hereby declared to be a nuisance. The repeated or continued violation of this chapter is hereby declared to constitute a public nuisance that affects public rights or privileges, or endangers public health. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the repeated or continued violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, preliminary injunction or permanent injunction.

4176, 12/15/14; 4180, 1/21/15, 4183, 2/2/15; 4189, 3/16/15; 4200, 7/20/15; 4237, 3/14/16; 4287, 3/6/17)