

CITY COUNCIL

ORDINANCE NO. 2023-10

AN ORDINANCE AMENDING CHAPTERS 13 AND 14 OF THE CITY CODE RELATING  
TO BUSINESS LICENSING

The City Council of the City of Bloomington, Minnesota does hereby ordain:

Section 1. That Chapters 13 of the City Code of Ordinances is amended by adding those words that are underlined and deleting those words struck through and contained in brackets [ ], to read as follows:

**CHAPTER 13: ALCOHOLIC BEVERAGE CONTROL**

**§ 13.11 APPLICATION CONSIDERATION.**

(a) The City Council shall conduct a [public] hearing on the license application within a reasonable period following receipt of the issuing authority's report and recommendation regarding the application. The issuing authority is not required to publish notice of the hearing in the official newspaper of the city.

~~[(b) The issuing authority shall publish notice of the hearing in the official newspaper of the city at least ten days before the public hearing. The notice must include the day, time, and place of the hearing; the name of the applicant; the business address; the premises where the alcohol beverages will be sold; and the type of license which is sought. At the hearing, any person shall have the opportunity to speak for or against the granting of the license. The City Council may hold additional hearings on the application if it deems it necessary. After a hearing, the City Council may, in its discretion, grant or deny the application. No license applicant has a right to have the license granted.]~~

(b) *On-sale special event licenses.* The issuing authority is not required to publish notice of the hearing in the official newspaper of the city for on-sale special event licenses. After a hearing, the City Council shall, in its discretion, grant, deny, revoke, or suspend an on-sale special event license. No license applicant has a right to have the license granted.

~~[(d)]~~ (c) *Licensed premises construction.* If a license is granted for a location where a building is under construction or not ready for occupancy, the license shall not be delivered to the license holder until the city has approved the building for occupancy.

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**§ 13.13 APPLICATION FEES.**

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D. An on-sale club license, an on-sale special event license, and a Sunday liquor license applicant is exempt from the deposit requirement.

(b) For a wine license issued under § 13.03(b):

(1) The wine license fee will be pro-rated to June 30.

(2) Investigation fee.

A. The applicant for a wine license shall deposit with the issuing authority the amount as set forth in City Code Appendix A.

B. If the investigation is conducted solely within the state, the City shall retain the investigation fee as set forth in City Code Appendix A, and the remainder of the deposit shall be returned to the applicant prior to the license hearing. If the investigation is conducted outside of the state, the city may recover from the applicant the actual investigation costs, not to exceed the amount as set forth in City Code Appendix A. In such cases, however, the city shall notify the applicant in advance if the investigation fee is anticipated to exceed the deposit. Any fees due in excess of the deposit as set forth in City Code Appendix A must be paid prior to the [public] hearing.

Section 2. That Chapters 14 of the City Code of Ordinances is amended by adding those words that are underlined and deleting those words struck through and contained in brackets [ ], to read as follows:

**[ARTICLE II: PUBLIC ENTERTAINMENT LICENSES AND REGULATIONS**

**DIVISION A: AMUSEMENT DEVICES]**

**[§ 14.16 PURPOSE.]**

[The City Council herein prescribes licensing procedures and restrictions on antique amusement machines, juke boxes, amusement devices and billiard/pool tables in order to prevent illegal gambling, to control crowds and disorderly conduct, and to prevent criminal activity.]

**[§ 14.17 DEFINITIONS.]**

[The following words and terms, when used in this Division A, shall have the following meanings unless the context clearly indicates otherwise.]

[~~**AMUSEMENT DEVICE.**~~ Any machine which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, skill ball, mechanical grab machines, mechanical billiard/pool tables, mechanical bowling lanes and all games, operations or transactions similar thereto under whatever name they may be indicated.]

[~~**ANTIQUE AMUSEMENT MACHINES.**~~ Machines including, but not limited to, player pianos, antique picture viewing machines and coin-operated card vending machines which have an antique design and style and which are used on the premises primarily to create atmosphere.]

[~~**BET.**~~ A bargain whereby the parties mutually agree to a gain or loss by one to the other of specified money, property or benefit dependent upon chance although the chance is accompanied by some element of skill. The following, however, are not bets:]

[~~(a)~~ A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance;]

[~~(b)~~ A contract for the purchase or sale at a future date of securities or other commodities;]

~~[(c) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance or quality or to the bona fide owners of animals or other property entered in such a contest;]~~

~~[(d) The game of bingo when conducted in compliance with M.S. Chapter 349, as it may be amended from time to time;]~~

~~[ (e) A private social bet not part of or incidental to organized, commercialized or systematic gambling;]~~

~~[(f) The operation of equipment or the conduct of a raffle under M.S. Chapter 349, as it may be amended from time to time; and]~~

~~[(g) Pari mutuel betting on horse racing when the betting is conducted under M.S. Chapter 240, as it may be amended from time to time.]~~

~~[**GAMBLING DEVICE.** A contrivance which for a consideration affords the player an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance. It includes any video game of chance, as defined by M.S. Chapter 349, as it may be amended from time to time.]~~

~~[**GAMBLING EQUIPMENT.** Bingo cards or sheets, devices for selecting bingo numbers, pull tabs, jar tickets, paddlewheels and tipboards.]~~

~~[**GAMBLING PLACE.** A location or structure, stationary or movable, or any part thereof, wherein, as one of its uses betting is permitted or promoted or a gambling device is operated.]~~

~~[**ISSUING AUTHORITY.** The City of Bloomington License Section.]~~

~~[**JUKE BOX.** Any music vending machine, contrivance or device which upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement.]~~

#### ~~[§ 14.18 LICENSE REQUIRED.]~~

~~[No person shall charge money or other consideration for the use of a nonmechanical billiard/pool table or keep for public operation any juke box , antique amusement machine or amusement device unless such person has duly licensed each such device or machine in accordance with this Division A. One license shall be issued for each location having such tables, devices or machines and shall detail the number of such tables, devices or machines at the location.]~~

#### ~~[§ 14.19 EXCEPTIONS.]~~

~~[No license is required for any juke box , antique amusement device or amusement device that is contained within the confines of a temporary carnival or fair which has been granted a permit pursuant to Chapter 19 or 21 of this code.]~~

#### ~~[§ 14.20 LICENSE APPLICATION.]~~

~~[The application for a license under this Division A shall be made on a form supplied by the issuing authority and shall request the following information:]~~

~~[(a) The full name, current address, home and business phone of the applicant;]~~

~~[(b) The location of each machine or device to be licensed and the primary type of business to be operated on the premises;]~~

~~[(c) The number of machines or devices to be licensed at the location; and]~~

~~[(d) Any additional information the issuing authority may require.]~~

#### **~~[§ 14.21 LICENSE FEES.]~~**

~~[(a) *Annual license.* The annual license shall be effective for one year from the date of approval, and such license shall be renewed on the anniversary date of such approval. The annual license fee for each amusement device, juke box, billiard/pool table and antique amusement machine shall be as set forth in City Code Appendix A.]~~

~~[(b) *Temporary license.* A temporary license fee may be issued pursuant to § 14.09 of this code. The fee shall be as set forth in City Code Appendix A. The maximum fee charged for one premises shall be as set forth in City Code Appendix A.]~~

#### **~~[§ 14.22 PERSONS INELIGIBLE FOR LICENSE.]~~**

~~[No annual or temporary license under this Division A shall be granted if the applicant:]~~

~~[(a) Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;]~~

~~[(b) Is not of good moral character and repute;]~~

~~[(c) Has had a conviction of any crime that is directly related to the occupation licensed herein, as prescribed by M.S. § 364.03, subd. 2, as it may be amended from time to time, and the applicant has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties as prescribed by M.S. § 364.03, subd. 3, as it may be amended from time to time;]~~

~~[(d) Is not the real party in interest in the business or occupation being licensed; and]~~

~~[(e) Knowingly misrepresented or falsified information on the license application.]~~

#### **~~[§ 14.23 LICENSE RESTRICTIONS.]~~**

~~[(a) *Display of license.* The license shall be conspicuously posted on the premises on which the machines or devices are operated or displayed.]~~

~~[(b) *Inspections.* The issuing authority shall have the right to investigate the location of each amusement device, billiard/pool table, antique amusement machine or juke box covered by this Division A and the right to enter the premises during regular business hours to inspect the devices, tables or machines for possible illegal conversion to gambling.]~~

~~[(c) *Illegal gambling.* Nothing in this Division A shall in any way be construed to authorize, license or permit the presence of any gambling device as defined herein on the premises where any juke box, amusement device, billiard/pool table or antique amusement machine is licensed.]~~

~~[(d) *Conversion of devices.* No duly licensed device, table or machine shall be converted or altered to allow for illegal gambling.]~~

~~[(e) *Conversion of premises.* No licensee shall convert the premises where any juke box, amusement device, billiard/pool table or antique amusement machine is licensed to a gambling place as defined herein.]~~

~~[(f) *Legal gambling equipment.* Gambling equipment as defined herein may be present on the premises licensed hereunder, provided such equipment is duly licensed and authorized pursuant to state and local law.]~~

#### **~~[§ 14.24 SANCTIONS FOR LICENSE VIOLATIONS.]~~**

~~[(a) *Suspension or revocation.* The City Council may suspend or revoke a license issued pursuant to this Division A for a violation of:]~~

~~[(1) *Fraud, misrepresentation or false statement contained in a license application or a renewal application;*]~~

~~[(2) *Fraud, misrepresentation or false statement made in the course of carrying on the licensed occupation or business;*]~~

~~[(3) *Any violation of this Division A or state law;*]~~

~~[(4) *A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time; or*]~~

~~[(5) *Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the community.*]~~

~~[(b) *Notice and hearing.* A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.]~~

#### **~~[§ 14.25 PENALTY.]~~**

~~[A violation of any provision of this Division A shall be a misdemeanor under state law.]~~

#### **~~[§ 14.26 SEVERABILITY.]~~**

~~[If any section, subsection, sentence, clause or phrase of this Division A is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division A. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.]~~

## **DIVISION K: MASSAGE**

#### § 14.266 LICENSE APPLICATION VERIFICATION AND CONSIDERATION.

~~[(a) *Therapeutic massage enterprise license.* The initial application for an enterprise license under this Division K shall be presented to the City Council for consideration, after the issuing authority has verified the information on the initial license. The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. The hearing before the City Council shall be advertised at least ten days prior to the scheduled date of the hearing. The City Council may accept or deny the license application at such public hearing.]~~

(a) *Verification.* Applications for licenses and registrations under this Division K shall be submitted to the issuing authority . The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.

(b) *Consideration.* Within a reasonable period of time after the completion of the license or registration verification process by the issuing authority , the issuing authority shall accept or deny the license or registration application in accordance with this Division K. If the application is denied, the issuing authority shall notify the applicant of the determination in writing. The notice shall be mailed by regular mail to the applicant at the address provided in the application and it shall inform the applicant of the applicant's right, within 20 days after receipt of the notice by the applicant to request an appeal of the issuing authority's determination to the City Council. If an appeal to the City Council is timely received by the issuing authority , the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the issuing authority .

#### **DIVISION U: TAXICABS AND DRIVERS**

##### **~~[§ 14.391 DEFINITIONS.]~~**

~~[The following words and terms, when used in this Division U, shall have the following meanings, unless the context clearly indicates otherwise.]~~

~~[**ISSUING AUTHORITY.** The City of Bloomington License Section.]~~

~~[**PERSON.** Includes an individual, a corporation or other legal entity, a partnership and any unincorporated association.]~~

~~[**TAXICAB.** A motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of no more than seven passengers and not operated on a fixed route. Also, it may include the carrying of small parcels and packages.]~~

~~[**TAXIMETER.** A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.]~~

##### **~~[§ 14.392 TAXICAB LICENSE REQUIRED.]~~**

~~[(a) No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire in the city without having first obtained a license from the city, except as otherwise permitted under this Division U.]~~

~~[(b) Any taxicab licensed to operate in another political subdivision of this state may carry passengers to any place or point within the city; but neither the owner nor operator of such vehicle shall be permitted to solicit or pick up business in the city.]~~

~~[(c) There shall be a presumption that the owner or operator of any taxicab not licensed in the city who carries or picks up passengers within the city is operating in violation of this Division U, and the burden shall be upon the owner or operator of such taxicab to prove that his or her activities are permitted under subsection (b) above.]~~

#### **~~[§ 14.393 APPLICATION FOR TAXICAB COMPANY LICENSE.]~~**

~~[Application shall be filed with the issuing authority upon forms provided, and said application shall furnish the following:~~

~~—(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 judgment;]~~

~~[(3) The experience of the applicant in the transportation of passengers;]~~

~~[(4) The number of vehicles to be operated or controlled by the applicant, the location of proposed depots and terminals, the owner of said vehicles, and the license number of each vehicle. A minimum of six vehicles is required to qualify as a company;]~~

~~[(5) The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;]~~

~~[(6) A true copy of the certificate of incorporation or, if a foreign corporation, a certificate of authority as described in M.S. § 303.03, as it may be amended from time to time;]~~

~~[(7) If the applicant is a partnership, the names and addresses of all general and limited partners and all information concerning each general partner as is required in subsection (2) above. The managing partners shall be designated, and the interest of each general and limited partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application, and if the partnership is required to file a certificate as to a trade name under M.S. § 333.02, as it may be amended from time to time, a certified copy of such certificate shall be submitted. The license shall be issued in the name of the partnership;]~~

~~[(8) A statement signed by the applicant indicating his or her understanding that falsification of any item on the application is sufficient reason upon which to base a denial of said license; and]~~

~~[(9) Such further information as the Council may require.]~~

#### **~~[§ 14.394 LICENSE APPLICATION VERIFICATION.]~~**

~~[The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.]~~

#### **~~[§ 14.395 LICENSE APPLICATION CONSIDERATION.]~~**

~~[Within a reasonable period following the license application verification process, the issuing authority shall accept or deny the license application after considering the following.]~~

~~[(a) If the issuing authority finds that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this Division U, the issuing authority shall grant a license stating the name and address of the applicant and the number of vehicles authorized under said license; otherwise, the application shall be denied.]~~

~~[(b) In making the above finding, the issuing authority shall take into consideration the character, experience and responsibility of the applicant.]~~

~~[(c) The issuing authority shall issue a numbered identification tag which shall be displayed upon the rear exterior of each licensed vehicle at all times during the license period.]~~

~~[(d) All taxicabs shall be equipped with radios capable of two-way voice communication with the taxicab company's base station radio from all locations within the city limits. Every driver of a taxicab shall monitor such radio on the taxicab company's assigned radio frequency at all times and the radio shall be in operation at all times that the vehicle is available for service or in service. Every taxicab company operating taxicabs licensed under the provisions of this Division U shall provide 24-hour taxicab service and 24-hour radio dispatch capabilities within the city.]~~

#### **~~[§ 14.396 BOND AND INSURANCE.]~~**

~~[(a) No license shall be issued or continued in operation unless there is in full force and effect a liability insurance policy for each vehicle authorized in the amount of \$100,000 for bodily injury to any one person, in the amount of \$300,000 for injuries to more than one person which are sustained in the same accident, and \$50,000 for property damage resulting from any one accident. Said 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 a holder, his or her servant, or agents. A certificate of insurance conveying the aforementioned insurance shall be issued in favor of the city and shall be filed in the License Section. This certificate shall contain a ten-day notice of cancellation.]~~

~~[(b) The Council may in its discretion allow the holder to file in lieu of an insurance policy a bond or bonds issued by a surety company authorized to do business in the state.]~~

~~[(c) If the applicant for a license under this Division U has qualified as a self-insurer under M.S. § 65B.48, subd. 3, as it may be amended from time to time, and has filed with the License Section a certified copy or a duplicate original of his or her self-insurance certificate issued by the State Commissioner of Highways, then no policy of insurance or surety bond shall be required to be filed with the city.]~~

#### **~~[§ 14.397 TAXICAB LICENSE FEES.]~~**

~~[No license shall be issued or continued in operation unless the holder thereof has paid the annual license fee as set forth in City Code Appendix A. All licenses shall terminate on December 31 after the issuance thereof and shall be renewed annually.]~~

#### **~~[§ 14.398 TRANSFERABILITY.]~~**

~~[(a) No license may be transferred.]~~

~~[(b) Any sale, assignment or mortgage of a taxicab shall be reported to the issuing authority.]~~

#### **~~[§ 14.399 SUSPENSION AND REVOCATION OF TAXICAB LICENSE.]~~**



~~[A license issued under the provisions of this Division U may be revoked or suspended by the City Council in accordance with the procedures outlined in Chapter 14, Article I of this code if the holder thereof has violated any of the provisions of this Division U; discontinued operations for more than 60 days; or has violated any ordinances of the city or any law of the United States or state, which violation reflects unfavorably on the fitness of the holder to offer public transportation.]~~

**~~[§ 14.400 TAXICAB DRIVER'S LICENSE.]~~**

~~[No person shall operate a taxicab for hire within the city and no person who owns or controls a taxicab shall permit it to be so driven unless the driver of said taxicab has a current and valid taxicab driver's license issued under the provisions of this Division U.]~~

**~~[§ 14.401 APPLICATION FOR DRIVER'S LICENSE.]~~**

~~[(a) Application for a taxicab driver's license shall be filed on forms provided which shall contain the following:]~~

~~[(1) The names and addresses of two residents of the state who have known the applicant for a period of not less than two years and who will vouch for the sobriety, honesty and general good character of the applicant;]~~

~~[(2) The experience of the applicant in the transportation of passengers and a listing of all previous employment in transporting persons, if any;]~~

~~[(3) The educational background of the applicant;]~~

~~[(4) A history of employment for the past ten years;]~~

~~[(5) Date and place of birth;]~~

~~[(6) Home address; and]~~

~~[(7) Citizenship or immigration status.]~~

~~[(b) At the time of the application, the applicant shall pay the city a fee as set forth in City Code Appendix A.]~~

**~~[§ 14.402 STATE DRIVER'S LICENSE REQUIRED.]~~**

~~[The applicant must have a valid Minnesota driver's license. In no event shall a license be issued to a person under 18 years of age. The state driver's license shall reflect the applicant's current home address.]~~

**~~[§ 14.403 INVESTIGATION OF APPLICANT.]~~**

~~[The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant.]~~

**~~[§ 14.404 ISSUANCE OF DRIVER'S LICENSE.]~~**

~~[The issuing authority, upon consideration of the application and the reports attached thereto, shall approve or reject the application.]~~

~~[(1) If the application is rejected, the applicant may request a personal appearance before the Council to offer evidence why his or her application should be reconsidered.]~~

~~[(2) If the application is approved, the issuing authority shall issue a license to the applicant which shall bear the name, signature and photograph of the applicant.]~~

~~[(3) Upon approval, such license shall be in effect for the remainder of the calendar year and must be renewed annually.]~~

#### **~~[§ 14.405 GROUNDS FOR DENIAL OF DRIVER'S LICENSE.]~~**

~~[(a) The issuing authority shall not issue a taxicab driver's license to anyone who has had his or her driving privileges suspended, revoked or canceled within one year of the date of application; provided, however, the License Section may issue a taxicab driver's license to a person who had his or her driving privileges suspended within one year of the date of application if the suspension was based on nonpayment of a fine and the applicant has a currently valid driver's license.]~~

~~[(b) The issuing authority, and the City Council upon appeal, may take the applicant's driving record into account in approving the license; and if it is found that the person is a habitually reckless or negligent driver or an habitual violator of the traffic laws, the issuing authority or City Council may deny issuance of the license or renewal.]~~

~~[(c) Falsification of an application for a taxicab driver's license constitutes grounds for denial of the license or renewal.]~~

~~[(d) No license shall be issued to an applicant who has been convicted of any crime or sex crimes directly relating to the occupation of taxicab driver, as defined by M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of the occupation of taxicab driver, as defined by M.S. § 364.03, subd. 3, as it may be amended from time to time.]~~

#### **~~[§ 14.406 DISPLAY OF DRIVER'S LICENSE.]~~**

~~[Every driver licensed under this Division U shall keep the city-issued license in full view of all passengers while such driver is operating a taxicab.]~~

#### **~~[§ 14.407 SUSPENSION AND REVOCATION OF DRIVER'S LICENSE.]~~**

~~[The City Council may suspend any driver's license issued under this Division U in accordance with the procedures outlined in Chapter 14, Article I of this code for the licensee's failure or refusal to comply with the provisions of this chapter or other applicable state or federal law.]~~

#### **~~[§ 14.408 VEHICLES INSPECTION.]~~**

~~[Prior to use and operation of any vehicle under the provisions of this Division U, said vehicle shall be thoroughly examined and inspected by a qualified employee of an authorized service station or garage. The issuing authority shall develop and maintain a list of such authorized service stations or garages which shall meet minimum standards for equipment and personnel as required by the issuing authority. The owner of the vehicle shall be responsible for the cost of said inspection. Subsequent inspections will be required not less than once every 365 days. The intent of such inspection is to ensure compliance with all applicable safety requirements of the state and any rules established by this code or the issuing authority. The issuing authority reserves the right to examine and inspect said vehicle in city facilities.]~~

Service stations or garages not continuing to meet the minimum standards for authorization will have the authorization rescinded by the issuing authority-.]

**[§ 14.409 TAXIMETER REQUIRED.]**

[All taxicabs shall be equipped with taximeters which are visible to passengers at all times. After sundown, the face of the taximeter shall be illuminated. It shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be sealed at all points and connections where manipulation would affect correct reading and recording. Each taximeter shall have thereon a flag or switch to denote when the vehicle is employed or not employed. It shall be the duty of the driver to throw the flag or switch into a nonrecording position at the termination of each trip. The license examiner or designated employee is hereby authorized to inspect any meter with or without complaint of any person. Upon discovery of any inaccuracy therein, the person operating said taxicab shall be notified to cease operation; and said taxicab shall be kept off the highways until the taximeter is repaired and in the required working condition.]

**[§ 14.410 RATE SCHEDULE AND CARDS.]**

[~~(a) Prior to issuance of a taxicab license, the applicant shall submit his or her rate schedule to the City Clerk. These rates shall be uniform to all passengers. Any changes in the rates shall be filed with the City Clerk.~~]

[~~(b) Every taxicab operated under this Division U shall have the authorized rates of fare prominently displayed on the exterior of the vehicle on both the driver and passenger sides of said vehicle.~~]

**[§ 14.411 RECEIPTS.]**

[The driver of any taxicab shall upon demand by the passenger render a receipt for the amount charged on which shall be the name of the owner, the license or motor number, the amount of the meter reading or charges, and the date of the transaction.]

**[§ 14.412 REFUSAL TO PAY LEGAL FARE.]**

[It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this Division U 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.]

**[§ 14.413 RECEIPT AND DISCHARGE OF PASSENGERS.]**

[Drivers of taxicabs shall not receive or discharge passengers in the roadway but 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. On one-way streets, passengers may be received or discharged at either the right or left hand sidewalk or on the side of the roadway in the absence of a sidewalk. In addition, persons may be received or discharged on private property.]

**[§ 14.414 NUMBER OF PASSENGERS.]**

[No more than two persons in addition to the driver shall be carried in the front seat of any taxicab; and no more than a total number of seven passengers, excluding the driver, shall be carried in any taxicab-.]

**[§ 14.415 REFUSAL TO CARRY 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 Division U to do so.]

**[§ 14.416 ORDER SLIPS.]**

[The taxicab company shall maintain order slips upon which are recorded all trips requested through radio dispatch, showing the time and place of origin and the destination of each trip. All completed order slips shall be available to the city. The taxicab company shall retain and preserve, in chronological order, all order slips in a safe place for at least the calendar year next preceding the current calendar year.]

**[§ 14.417 EXCEPTIONS AND RECIPROCITY.]**

[The vehicle inspections of this Division U shall not apply to taxicabs licensed by any municipality with which the city has reciprocity as to taxicab service. To establish reciprocity, the jurisdiction under which the taxicab is licensed must meet or exceed the requirements of this Division U.]

**[§ 14.418 PENALTY.]**

[Violation of any provision of this Division U shall be a misdemeanor under state law.]

**[§ 14.419 SEVERABILITY.]**

[If any section, subsection, sentence, clause or phrase of this Division U is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Division U. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.]

Section 3. That Appendix A of the City Code of Ordinances is amended by adding those words that are underlined and deleting those words struck through and contained in brackets [ ], to read as follows:

**APPENDIX A: ADMINISTRATIVE RELIEF AND FEE SCHEDULE**

***Chapter 14: Licenses and Permits***

| CODE SECTION | CROSS-REF | DESCRIPTION  | FEE    |
|--------------|-----------|--|--------|
| § 14.03      | [§ 14.18] | [ <b>Amusement Device</b> ]                            |        |
|              |           | [(A) Annual License]                                   |        |
|              |           | [(1) Amusement Device, jukebox or billiard/pool table] |        |
|              |           | [(a) Each establishment]                               | [\$46] |
|              |           | [(b) Each Additional machine over 9]                   | [\$3]  |
|              |           | [(2) Each antique amusement device]                    | [\$2]  |

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| CODE SECTION | CROSS-REF | DESCRIPTION  | FEE                   |
|--------------|-----------|--|-----------------------|
|              | § 14.239  | <b>Laundry, Self Service Commercial</b>                | <u>\$350</u>          |
|              |           | <del>[(A) Each machine]</del>                          | <del>[\$12.50]</del>  |
|              |           | <del>[(B) Minimum charge for each establishment]</del> | <del>[\$193]</del>    |
|              |           | <del>[(C) Maximum charge for each establishment]</del> | <del>[\$341.50]</del> |

Section 4. That the ordinance is effective upon publication.

Passed and adopted this 1<sup>st</sup> day of May, 2023.

/s/ Tim Busse

Mayor

ATTEST:

/s/ Matt Brillhart

Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied

City Attorney