

**TITLE 37
CITY TRANSIT**

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37.01.01 PURPOSE

The purpose of this ordinance is to allow the City to provide a limited framework of regulations to ensure that transit operators accepting fares for services originating and/or terminating within the City or when a paying passenger enters or exits a vehicle are providing an acceptable level of safe and affordable service that will meet transit needs of the community.

(37.01.01 revised with Ordinance 2013-08, effective 7-18-2013)

(37.01.01 revised with Ordinance 2014-04, effective 3-19-2014)

37.01.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. **DRIVER:** One who actually engages in the driving of a vehicle for hire.
- B. **OPERATOR:** A person engaged in operating a taxicab or transit business.
- C. **OPERATING:** A person is operating a transit business within the meaning of this Ordinance if any fare for transportation service, whether on a public right of way or in airspace over the City, of any

kind or nature which originates and/or terminates within the City of Sturgis or when a paying passenger enters or exits a vehicle within the City of Sturgis.

37.01.02 (C) revised with Ordinance 2014-04, effective 3-19-2014)

D. **SEATING CAPACITY:** The number of persons, not including the driver, who can be conveniently seated in a taxicab without crowding.

E. **TAXICAB:** A motor vehicle for carrying passengers, with a seating capacity for 7 persons or less, not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire. The term taxicab shall not include funeral cars or ambulances.

F. **PEDICAB:** A vehicle not otherwise defined in this section, regardless of the source of power, operated for the purpose of carrying passenger(s), not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire. The term taxicab shall not include funeral cars or ambulances. If this vehicle is powered completely or in part by the physical effort of the driver, it shall also be required to meet the slow moving vehicle equipment requirements set forth at Chapter 34-15 of the South Dakota Code.

G. **VEHICLE FOR HIRE:** means any vehicle licensed under this chapter, including, but not limited to, bus or motorbus, pedicab, taxicab or limousine.

H. **ENGAGING IN BUSINESS:** Any person shall be deemed to have engaged in the business of operating a vehicle for hire if he keeps or maintains any such vehicle for the purpose of engaging in a vehicle for hire business or if he accepts or permits any employee to accept any money or other thing of value from any such passenger for transportation in such vehicle. Accepting such a passenger under the guise that such transportation is purely gratuitous and that no payment of compensation or consideration is required shall not be deemed to remove such transaction from the effect of this article. In any case where the driver or any person in charge of any such vehicle does in fact accept any money or other thing of value, even though the money or thing of value is accepted or purported to be accepted as a gift or present or purported gift or present, such gift or present, or such purported gift or present, shall constitute prima facie evidence of an intent to accept compensation or hire for such transportation.

I. **AIR TRANSPORT SERVICE:** An air transport service is any transit service providing observation, sightseeing or passenger transportation or delivery services originating or terminating with the city limits of and within the immediate airspace over the City of Sturgis, in a manner not specifically authorized or approved by the Federal Aviation Administration.

J. **TRANSIT BUSINESS LICENSE:** The license issued to an applicant when the application which they have submitted is approved as provided for in this ordinance.

37.01.03 PENALTY

As provided for at SDCL 9-19-3 and SDCL 22-6-2(2), any person found to be guilty of violating any of the provisions of this Ordinance shall be subject to a maximum punishment of a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment.

SECTIONS 37.02**37.02.01 LICENSE-APPLICATION-FALSE STATEMENTS**

Any Transit Operation License issued under the provisions of this chapter shall be revoked by the Finance Office by giving fifteen (15) days notice to the License holder upon discovery of any false, material statement or document submitted as part of or in support of the application for the license.

37.02.02 EXPIRATION OF LICENSES

Any Transit Business license issued under the provisions of this ordinance shall expire on January 31 of the calendar year following the licensing year for which the license was issued. A licensing year, for the purposes of this section, begins February 1 and ends January 31 of the next calendar year, unless sooner revoked, canceled or otherwise terminated. After a completed application is submitted to the City Finance Office, the applicant will be notified within ten (10) business days if the license is issued.

37.02.03 ANNUAL INSPECTION AND VERIFICATION REQUIRED

When submitting an application or renewal for a Transit Operation License, or applying to add another vehicle to operate during the license period, the applicant/operator shall document that each vehicle has been inspected and that at the time the application is submitted the operator shall provide a separate verification that each vehicle sought to be licensed meets all state laws for all safety standards for equipment specifications, lighting and brakes.

37.02.04 BUSINESS LICENSE REQUIRED

No person shall engage in the business of operating a transit business without a Business License as provided by Chapter 18.10 of the Sturgis City Ordinances in addition to the Transit Business License requirements set forth in this ordinance.

(37.02.03 & 37.02.04 revised by Ordinance 2014-04, effective 3-19-2014)

37.02.05 APPLICATION

Every person desiring to obtain a Transit Business license to operate a taxicab or transit business in the city shall make application in writing to the Finance Office in the general form required to obtain all information necessary for consideration for the issuance of a Transit Operation license, which shall include the following additional information:

- A. Previous experience in the business, if the applicant has not been licensed before; and
- B. Number and description of the type of vehicles to be operated.
- C. The names, dates of birth and other relevant identifying information of all employees, drivers, and contractors associated in any manner with providing the service for fares originating within the City of Sturgis.
- D. Documentation for each vehicle proposed to be licensed verifying that it has been inspected and that on the date of application that vehicle meets all applicable laws of the state concerning equipment, lights, tires and all other safety-related equipment.
- E. Documentation that each vehicle sought to be licensed is covered by financially responsible carrier for commercial auto liability coverage of at least \$100,000 per person and \$300,000 per occurrence, together with property damage coverage of at least \$50,000.

F. Make a sworn statement giving full name, residence, length of time applicant has resided in applicant's current residence, previous employment history, whether applicant has ever been convicted of a felony or a misdemeanor, and whether applicant has been previously licensed as a driver, and if so, where and when, and whether applicant's license has ever been revoked, and for what cause.

G. Provide the name and Driver's license number of each driver/operator of the vehicles to be operated under the authority of the license requested, and verify that such driver/operator will meet the following requirements:

- (1) Be of the age of 18 years or over.
- (2) Have good eyesight, and not subject to any physical or mental condition which would impair the driver's ability to operate safely a vehicle for hire.
- (3) Be able to read and write the English language.
- (4) Provide a sworn statement from each driver and actual operator giving his full name, residence, length of time employed by the applicant, current residence, place of previous employment, whether the operator has ever been convicted of a felony, and whether the operator has been previously licensed as a driver, and if so, when and in what states, and whether his license has ever been suspended or revoked, and if so for what reason.
- (5) For each driver or operator to be employed, the applicant for a Transit Operation license under this article shall provide a fingerprint record of the driver in a format approved by the Sturgis Police Department.

(37.02.05 revised with Ordinance 2013-08, effective 7-18-2013)

37.02.06 APPLICATION–INVESTIGATION–ISSUANCE

The application for a taxicab driver's license shall be investigated by the Chief of Police who shall approve or deny the application based on the results of the investigation and applicant's submitted information. Any denial is subject to appeal to the City Council as set forth in Title 36, Code Enforcement

37.02.07 ISSUANCE–REQUIRED FINDINGS

The Finance Officer shall approve the issuance of a license applied for under this ordinance if satisfied that the applicant has met the following requirements:

A. That applicant has submitted all the information requested by the Finance Office as part of the application process and applicant appears qualified to engage in the business; and

B. Has provided verified information submitted with the application that each vehicle which applicant seeks to license is in a condition that meets all applicable safety requirements of South Dakota law and as are consistent with the safety and convenience of the public.

37.02.08 FEE

For each business applying to have one or more vehicles authorized to operate within the City of Sturgis under this ordinance, the fee shall be \$800. This said fee shall be \$1,000 for any business applying for a license after June 1.

37.02.09 BUSINESS IDENTIFICATION

Each vehicle operated by a business with an approved application as outlined in 37.02.05 shall maintain a copy of the approved license within the vehicle at all times. In addition, each vehicle shall be clearly identified with signage of not less than two square feet that includes the name of the approved business.

(37.02.08 & 37.02.09 revised by Ordinance 2014-04, effective 3-19-2014)

37.02.10 MINIMUM LIMITS OF INSURANCE COVERAGE

A. The liability insurance required by this ordinance shall require the applicant to provide a policy declaration sheet from a financially responsible carrier, showing that at least the following coverage is in place for one year:

1. Commercial Auto liability coverage on each vehicle licensed by the City of at least \$100,000 per person and \$300,000 per occurrence, together with property damage coverage of at least \$50,000.
2. The policy declaration sheet or certificate shall provide that it cannot be modified or cancelled without 30 days actual notice to the licensing staff in the City Finance Office. The limits established in this subsection can be provided on one policy or on a base policy in combination with excess limits policy in a manner and combination acceptable to the city.

B. Such coverage shall be continuing, notwithstanding any recovery or settlement under that policy.

(37.02.09 and 37.02.10 revised with Ordinance 2013-08, effective 7-18-2013)

37.02.11 RATE SCHEDULE

Each vehicle of any type licensed and operated under this ordinance shall post the standard transit rates in a legible and readable manner, with letters at least 2 inches tall, in a location clearly visible to all passengers within the vehicle, the standard rates which will be charged to transport passengers for a stated distance or to a stated destination.

37.02.12 PAYMENT OF FARE

Each passenger must pay the fare to the operator based upon the registered rate displayed on the transit vehicle.

(37.02.12 revised by Ordinance 2014-04, effective 3-19-2014)

37.02.13 DRIVER'S LICENSES REQUIRED

No person shall drive, or be engaged or employed in the business of driving or operating, upon the streets of the city, any transit vehicle without having in their possession a valid South Dakota driver's license, or a driver's license recognized as valid under South Dakota law.

(37.02.13 revised with Ordinance 2013-08, effective 7-18-2013)

37.03.14 TO BE CARRIED ON PERSON AND EXHIBITED UPON REQUEST

Each operator of a vehicle licensed under this ordinance shall have their valid South Dakota driver's license in his/her or her possession whenever he or she is operating, occupying or in control of a licensed transit vehicle, and shall exhibit the same for inspection whenever the operator is directed to do so by a law enforcement officer.

37.02.15 SMOKING PROHIBITED

All vehicles operated under a Transit Business license within the City of Sturgis shall not permit passengers or operators to smoke, chew or otherwise utilize tobacco or similar unsafe products while operating or occupying the licensed vehicle, as required by South Dakota laws 34-46-13 and 34-46-14.

37.02.16 TRANSPORTING INTOXICATING LIQUOR PROHIBITED

All licenses issued under this chapter shall be subject to revocation at any time by the Common Council, if any taxicab operated or used by the licensee shall be used for the delivery or transportation of intoxicating liquor in a manner that is in violation of state law or state regulations. Upon the revocation, the license fee paid shall be retained by the.

37.02.17 AIR TRANSIT PROHIBITED

No person or business shall be permitted to operate an air transit or air sightseeing business within the airspace over or within the municipal limits of the City of Sturgis, except as specifically approved by a regulation, rule or decision of the Federal Aviation Administration.

(37.02.17 revised by Ordinance 2014-04, effective 3-19-2014)

37.03.18 SUSPENSION-REVOCATION

Any license issued under this chapter may be revoked, for cause, by the Council, after notice to the holder of the license and an opportunity for hearing before the Council. The Chief of Police shall have the authority to suspend any license issued under this chapter for good cause pending a hearing before the Council. The power to suspend the license shall be exercised only if it shall appear to the Chief of Police that there is probable cause to believe that the holder of the license has committed a crime involving moral turpitude. The holder of any license suspended by the Chief of Police shall have a right to a hearing before the Chief of Police within 48 hours of a written request therefore. As used herein the term Chief of Police shall include the Chief of Police and any subordinate officer temporarily acting as the officer in charge of the Police Department.

(Title 37 added in entirety by Ordinance 2012-13, effective 8-1-12)