

LEGISTAR #

150994

ORDINANCE NO. 150994

An ordinance of the City of Gainesville, Florida, amending the Code of Ordinances relating to vehicles for hire; by amending Section 28-8 to remove the prohibition on passengers in a motorized vehicle for hire possessing open containers of alcoholic beverages; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, at least 10 days' notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a public hearing in the City Commission meeting room, first floor, City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 28-8(b) of the Code of Ordinances is amended as follows; except as amended herein, the remainder of Section 28-8 remains in full force and effect.

CHAPTER 28 - VEHICLES FOR HIRE

Sec. 28-8. Operating regulations.

(a) In addition to all other applicable legal requirements, it shall be unlawful for any person:

- (1) To operate a VFH without a company issued driver authorization;
- (2) To operate a VFH while under the influence of alcoholic beverages or controlled substances, other than medication prescribed by a physician, provided that such prescribed medication does not warn that the user not operate machinery while

1 taking the medication or that the prescribed medication does not impair the normal
2 faculties of the driver;

3 (3) To operate, or cause to be operated, a VFH in any area where the operation of such
4 vehicle is prohibited by an applicable law; or

5 (4) To operate, or cause to be operated, a VFH that does not meet the requirements of
6 this chapter.

7 (b) No person may possess an open alcohol beverage container while such person is operating
8 ~~or being transported by a VFH, nor may any person transport, carry, possess or have any~~
9 ~~alcoholic beverage while being transported by a VFH, except in the original package with~~
10 ~~the seal unbroken. A driver may not knowingly transport a passenger in possession of an~~
11 ~~open alcoholic beverage container.~~

12 (c) Each company and driver shall comply with all applicable laws and company policies
13 regarding non-discrimination against passengers or potential passengers on the basis of
14 destination, race, color, national origin, religion, disability, gender, gender identity, or
15 sexual orientation.

16 (d) Each company and driver shall comply with all applicable laws relating to the Americans
17 with Disabilities Act, including the accommodation of service animals.

18 (e) A driver shall at all times carry in the VFH proof of the insurance policies required by this
19 article.

20 (f) Drivers shall not:

21 (1) Provide false information to or refuse to obey or to comply with any lawful order or
22 direction of the VFH administrator, law enforcement officer, or traffic-control
23 officer;

- 1 (2) Take a circuitous route to a destination, or any route other than the most direct route,
2 without the express consent of the passenger;
 - 3 (3) Drop a passenger at any location other than the location requested, unless prohibited
4 by law;
 - 5 (4) Refuse to convey an orderly passenger once the passenger is in the VFH;
 - 6 (5) Operate, be on duty, or be on call for more than 12 hours within any 24-hour period;
7 or
 - 8 (6) Transport passengers that exceed the designed capacity of the VFH, as determined
9 by the number of factory installed seatbelts.
- 10 (g) No VFH shall be parked on any public way for a time longer than is reasonably necessary to
11 board passengers.
- 12 (h) No company or driver shall disable, eliminate or otherwise prevent access to the digital
13 network or software application used by the company or driver to provide VFH services by
14 the VFH administrator, or in any way interfere with or obstruct enforcement of this chapter
15 by the VFH administrator.

16 **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of
17 this Ordinance shall become and be made a part of the Code of Ordinances of the City of
18 Gainesville, Florida, and that the sections and paragraphs of this Ordinance may be re-numbered
19 or re-lettered in order to accomplish such intentions.

20 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
22 finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 5.** This ordinance shall become effective immediately upon final adoption.

6 PASSED AND ADOPTED this ___ day of _____, 2016.

7 _____
8 LAUREN B. POE
9 MAYOR

10
11 ATTEST: Approved as to form and legality

12
13 _____
14 KURT M. LANNON
15 CLERK OF THE COMMISSION
16 _____
17 NICOLLE M. SHALLEY
18 CITY ATTORNEY

17 This Ordinance passed on first reading this ___ day of _____, 2016.
18 This Ordinance passed on second reading this ___ day of _____, 2016.

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