

Chapter 28 - VEHICLES FOR HIRE

FOOTNOTE(S):

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Cross reference— Code enforcement board, § 2-376 et seq.; streets, sidewalks and other public places, Ch. 23; traffic and motor vehicles, Ch. 26; city manager to designate public carrier stops and stands, § 26-99; stopping, standing and parking of buses and taxicabs regulated, § 26-100; restricted use of bus and taxicab stands, § 26-101.

ARTICLE I. - MOTORIZED VEHICLES**Sec. 28-1. - Business tax receipt required.**

- (a) It shall be unlawful for any person to be engaged in or carry on the business of operating a vehicle for hire within the city for the transportation of passengers within the city, other than buses operating on regularly scheduled routes, without first obtaining a business tax receipt from the city to do so as required by chapter 25 of this Code. This business tax receipt will be issued only after a franchise is granted.
- (b) This chapter shall not apply to any company that is temporarily in the city for the sole purpose of delivering passengers from another jurisdiction. However, such out-of-city cab or limousine shall not pick up passengers in the city without complying with this chapter, except that a limousine may return passengers delivered in the city, when such return is part of the same contract.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 1, 9-25-06; Ord. No. 070022, § 12, 6-25-07)

Sec. 28-2. - Definitions.

The following words and phrases when used in this chapter shall have the meanings indicated unless the text indicates otherwise:

Approved certified automobile mechanic shall mean an automobile mechanic certified by the National Association of Certified Mechanics or the Association of Service Excellence.

Barbiturate or barbiturates shall include all hypnotic or somnifacient drugs, whether or not derivatives of barbituric acids.

Barbituric acid derivative shall mean each of the salts and derivatives of barbituric acid, also known as malonyl urea, and derivatives, compounds, mixtures or preparations thereof.

Business tax receipt shall mean the license required of any business operating within the city by chapter 25 of this Code.

Central nervous system stimulants shall mean amphetamine and desocyphehedrine, and any derivative, compounds, mixture or preparation thereof.

Company shall mean any person, association, corporation or other organization which operates or intends to engage in the business of operating vehicles for hire.

Conviction shall mean the conviction by a court including an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Driver shall mean an individual permitted to drive or operate a vehicle for hire.

Fees shall mean nonrefundable payments required herein.

For hire drivers permit means the written authority granted by the city to drive a vehicle for hire within the city limits.

Limousine shall mean any automobile, with chauffeur, contracted for with charges prepaid, engaged in the transportation of persons for a consideration, that does not operate regularly or at intervals over a designated route and that is not fitted with a meter or device for calculating or measuring the distance traveled or the waiting time of such vehicle and that is constructed so as to carry five or more passengers in the vehicle. Commercial non-emergency medical transport vehicles (such as medivans) shall be considered limousines for the purpose of this chapter.

Manifest shall mean a daily record prepared by a taxicab or limousine driver of all trips made by the driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

Medallion shall mean the tangible symbol that a permit has been granted to operate the vehicle for hire to which it is physically attached.

Narcotic drugs shall mean coca leaves, opium, cannabis, marijuana, isonipecaine and every synthetic substance known to have narcotic action.

Revocation shall mean the rescinding of a franchise.

Shuttle vehicle shall mean a vehicle for hire with a capacity of at least eight persons, including the driver, which is not equipped with a taximeter and is not used as a taxicab or for cruising.

Suspension shall mean the temporary rescinding of a franchise. The suspension may be for a time certain or indefinite pending compliance with the terms of this chapter.

Taxicab shall mean a motor vehicle used as a public conveyance, subject to the rules and regulations of this chapter.

Taximeter shall mean an instrument or device attached to a vehicle and designed to measure mechanically or electronically the distance traveled by such vehicle, to record the times said vehicle travels or is in waiting, and to indicate the fare to be obtained.

Vehicle for hire (VFH) shall mean any taxicab, shuttle, prearranged limousine and any other motor vehicle with a driver transporting passengers for a fare, fee, or other charge within the city limits. The term vehicle for hire excludes:

- (1) School and church buses;
- (2) Sightseeing cars and buses;
- (3) Ambulances;

- (4) Funeral home vehicles;
- (5) Interstate buses;
- (6) Horse drawn carriages;
- (7) Shuttles from hotels and motels which provide this as a service for guest;
- (8) Passenger vehicles owned, operated, leased or controlled by a governmental agency; and
- (9) Vehicle-for-hire services provided:
 - a. As transportation services as outlined in F.S. § 427.015(2) to the Transportation Disadvantaged, as defined in F.S. § 427.011(1);
 - b. By a transportation operator, as defined in F.S. § 427.011(6);
 - c. Pursuant to a contract authorized in F.S. § 427.0155, with the community transportation coordinator (CTC), as defined in F.S. § 427.011(5) which contract is on file with the VFH administrator; and
 - d. The vehicles used to provide such services shall be clearly and distinctively marked as disadvantaged transportation.

Vehicle for hire administrator shall mean the person(s) appointed by the chief of police to administer this chapter regulating vehicles for hire.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 970576, § 1, 3-9-98; Ord. No. 060198, § 1, 9-25-06; Ord. No. 070022, § 12, 6-25-07; Ord. No. 070676, § 1, 12-10-07; Ord. No. 080456, § 2, 4-2-09)

Sec. 28-3. - Application for franchise and franchise owner.

- (a) It shall be unlawful for any company as defined herein to operate or engage in the business of operating vehicles for hire within the city without having first obtained a franchise from the city manager or designee.
- (b) It shall be unlawful for any driver as herein defined to operate a VFH under the auspices of a company that doesn't have a valid franchise from the city.
- (c) No company as defined herein shall operate or engage in the business of operating vehicles for hire within the city without having first obtained a franchise from the city manager or designee. An application shall be submitted on forms furnished by the city containing appropriate information reasonably related to the business of operating vehicles for hire.
- (d) In order to secure or renew a franchise, the company applicant shall file an application with the city manager or designee. Effective October 1, 2007, the application shall be verified under oath and shall include a notarized checklist acknowledging submittal of all information and documentation required by this chapter:
 - (1) The name and address of the company. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than five percent of the company must be listed.
 - (2) Effective October 1, 2007, proof of compliance with F.S. § 865.0 (Fictitious Name Act).
 - (3) The location of proposed depots and terminals.
 - (4) Provide a log listing the year, make, model, vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet. The vehicles must be currently operating, licensed, and inspected, as required by this chapter. Each vehicle must conform to the United States Department of Transportation (USDOT) maximum passenger standards allowed for the vehicle to operate.

- (5) Proof of proper amount of insurance coverage on the vehicles listed as provided in section 28-11, with the insurance coverage being filed with and approved by the city manager or designee.
- (6) Certified documentation from the department of highway safety and motor vehicles that each driver for the VFH company has a valid drivers license.
- (7) Certified documentation from the department of highway safety and motor vehicles of each driver's seven-year driver's license history.
- (8) Criminal history report from the Florida Department of Law Enforcement (FDLE) for the owner of the VFH company and each driver.
- (9) A schedule of rates to be charged, including regular and any special event rates, baggage and other miscellaneous charges.
- (10) For all VFH companies operating as taxicabs, a description of the franchise color scheme and insignia including a photograph or drawing accurately reflecting the color scheme and insignia as required by section 28-8 () of this chapter.
- (11) Such other information as the city manager may require.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 2, 9-25-06; Ord. No. 070676, § 2, 12-10-07)

Sec. 28-3.5. - Service at Gainesville Regional Airport.

- (a) All franchises providing service to the Gainesville Regional Airport, shall have a decal authorizing access to the airport permanently affixed to each VFH. The decal shall be affixed in a conspicuous and uniform location by the issuing authority.
- (b) Airport decals may be purchased each year from the City of Gainesville when yearly franchise fees are paid. Rates and charges for airport decals are set by Resolution of the Gainesville Alachua County Regional Airport Authority.

(Ord. No. 060198, § 3, 9-25-06)

Sec. 28-4. - Maintaining a franchise.

In order to maintain a franchise to operate or engage in the business of operating vehicles for hire, the company must:

- (a) Obtain and hold a current business tax receipt from the city as required by chapter 25 of this Code;
- (b) Maintain an office within the city staffed by company agents or employees between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except national holidays, where all records, logs, financial statements, manifests and franchise documents required by this chapter are kept and may be examined during business hours by the city manager or designee or by the police department (taxicabs only);
- (c) Maintain the name and home address of each driver affiliated with the company;
- (d) Provide and maintain a log listing the year, make, model, vehicle identification number (serial number) and ownership status of all vehicles in the company's fleet to city manager or designee; and notify the city manager or designee of any changes within ten days.
- (e) Maintain proper amount of insurance as provided in section 28-11; and notify the city manager or designee of any changes within ten days.
- (f) Comply with all state and local statutes, ordinances, rules and regulations regarding motor vehicles, taxicabs or limousines.
- (g) Comply with the applicable Gainesville Alachua County Regional Airport rules and regulations if transporting to or from the Gainesville Regional Airport.

Sec. 28-5. - Duration of franchise; annual reports; fees.

- (a) All franchises granted by the city pursuant to this chapter shall have a five-year term. Each franchise owner shall, however, file an annual report with the city containing the information required by section 28-3. This report shall be filed at least 30 days and no more than 60 days prior to the annual expiration date of the business tax receipt, or, if no business tax receipt is required, at least 30 days and no more than 60 days prior to the anniversary of the initial franchise.
- (b) All franchises granted by the city for a five-year term will pay the yearly fees established in appendix A for each year of the franchise. The franchise owner shall be responsible for other fees as established in appendix A when assessed. Effective October 1, 2007, for each properly documented vehicle for which the fees have been paid, the VFH company shall receive a VFH medallion. The medallions shall be vehicle specific and may not be transferred from one vehicle to another.
- (c) A penalty, as established in appendix A will be paid for every month or part thereof that the annual report or payment is not timely filed, or is incomplete, or is incorrect.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 050120, § 9, 9-26-05; Ord. No. 060198, § 4, 9-25-06; Ord. No. 070022, § 12, 6-25-07)

Sec. 28-6. - Revocation or suspension of a franchise, grounds; right of appeal.

- (a) *Revocation or suspension of franchise.* Upon a finding of due cause, as defined below, the city manager or designee shall have the authority to revoke or suspend any vehicle-for-hire franchise granted by the city. Prior to suspension or revocation, the franchise owner shall be served notice by certified mail or hand delivery of the proposed action to be taken; and upon request shall have an opportunity to present to the city manager or designee evidence as to why the franchise should not be revoked or suspended. The franchise owner must request a hearing within ten days after mailing or hand delivery of the notice of proposed action.
- (b) *Due cause for revocation or suspension.* Due cause for revocation or suspension of a franchise shall include, but not be limited to, the following:
 - (1) The failure of the company to maintain any of the general qualifications applicable to the initial granting of the franchise as set forth in section 28-3 above;
 - (2) Obtaining a franchise by providing false information;
 - (3) Repeat violation of a provision of this ordinance within 60 days.
 - (4) Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent interest or more in the entity, of any of the following: criminal homicide, rape, aggravated battery, mayhem, burglary, aggravated assault, kidnapping, robbery, child molestation, lewd and lascivious acts, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale or distribution of narcotic drugs, barbituric acid derivatives and/or central nervous system stimulants if such violation or violations are related to operation of the company, or violation of any ordinance of the city governing the conduct of a franchise owner.
- (c) *Right of appeal.* Any franchise owner whose franchise is revoked or suspended by the city manager or designee may appeal such decision to the city commission. Such appeal shall be taken by filing written notice with the clerk of the commission's office within five days after the decision of the city manager or designee. The notice of the appeal shall contain the grounds for the appeal and shall contain information showing that either the finding is contrary to the law or is not supported by

competent substantial evidence. The clerk of the commission shall transmit copies of the appeal to the city commission along with papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any suspension or revocation. If the city commission decides the appeal in favor of the franchise owner, the franchise will be immediately reinstated.

- (d) A person or entity whose franchise is revoked pursuant to subsection 28-8.5 (b)4 shall not be entitled to reinstatement or an opportunity to reapply for such franchise or license for a period of three years from the date of such revocation. Second and subsequent revocations shall be for a period of five years.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 4, 9-25-06)

Sec. 28-7. - Transfer of franchise.

No franchise may be sold, assigned, mortgaged or otherwise transferred without the consent of the city manager. Application for transfers of any franchise shall be filed jointly by the assignor and assignee and shall be subject to the same provisions as original applications for franchises. Transfer, sale or assignments of an interest of five percent or more of the corporate stock or partnership interest or transfer of effective control of the franchise from the person or persons granted the franchise, shall be deemed a transfer under the terms of this section.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 4, 9-25-06)

Sec. 28-8. - Identifying signs and medallions.

- (a) Each franchise with VFH which operate as taxicabs, shall be readily identifiable as a taxicab and shall bear on the doors of both sides, in letters not less than three inches nor more than six inches in height, the name of the company to whom the franchise is issued. Each such taxicab shall also be numbered uniquely, with such numbers being placed both immediately below the name of the franchise and on the lower left corner of the vehicle's trunk, with said numerals being not less than four and one-half inches nor more than six inches in height.
- (b) Effective October 1, 2007, all required markings set forth in subsection (a) above shall be permanently affixed to each VFH by the franchise owner. Magnetized or other temporary markings are prohibited.
- (c) Each franchise shall have all of its taxicabs painted in a unique color scheme, to be chosen by the franchise owner and approved by the city manager or designee. The color scheme shall have sufficient disparity so as to avoid franchise confusion. The taxicabs shall be kept in such condition so that the appearance of such taxicabs conforms to the approved color.
- (d) The medallion granted by the city manager/designee shall at all times be held and registered with the city in the name of the owner and the privilege of operating the VFH in the city is vested in the owner. So long as a vehicle is operated under the authority of a franchise, the rights, requirements and responsibilities which attach to the medallion remain with the franchise owner, not the owner of the vehicle who drives it and these rights and responsibilities are unaffected by any agreement, understanding or contractual arrangement between the franchise owner and a vehicle owner or driver. The medallion supplied by the city designee shall remain with and be affixed to the issued VFH so long as the vehicle is used as a VFH in the city or until the medallion is surrendered to the city as required. Effective October 1, 2007, the VFH medallion is to be uniformly placed on the driver's side lower rear window. The annual renewal sticker shall be placed directly next to the medallion.
- (e) All franchise VFH operating as taxicabs shall have a roof-mounted, lighted sign with the word "TAXI" printed in letters at least four inches in height.

Sec. 28-8.5. - Vehicle for hire driver permit requirements.

- (a) Effective October 1, 2007, no person shall operate a VFH within the city limits without a current city VFH driver permit.
- (b) Effective October 1, 2007, no franchise owner shall allow a franchise vehicle to be operated by a person not in possession of a current city issued VFH driver permit. Violations of this provision shall result in progressive penalties as follows:
 - (1) First violation—A written warning.
 - (2) Second violation—Three-month suspension of the franchise.
 - (3) Third violation—One-year suspension of franchise.
 - (4) Subsequent violations shall result in revocation of the franchise as provided in subsection 28-6(c).
- (c) Effective October 1, 2007, the VFH driver permit shall be issued in duplicate. One shall be prominently displayed in the vehicle so as to be readily visible to a person of average visual acuity sitting in the rear passenger seat. The duplicate VFH driver permit shall be worn on the exterior garment of the VFH driver for identification purposes when the driver is outside of the VFH while on duty.
- (d) Effective October 1, 2007, a VFH driver shall not have been convicted, pled nolo contendere to, or had adjudication withheld for or been incarcerated after any conviction, plea of nolo contendere or adjudication withheld for any of the following:
 - (1) Any capital felony, any first degree felony, sexual battery, any violent felony involving the use of a gun or knife or which results in great bodily harm.
 - (2) Within the previous ten years, any violent felony not referenced in subsection (1) above.
 - (3) Within the previous ten years, any felony or first degree misdemeanor directly related to the business of towing motor vehicles; repossession of motor vehicles; motor vehicle theft; car jacking or chop shops; or liens for recovering, towing, or storing vehicles and vessels (F.S. § 713.78).
 - (4) Within the previous five years, of either: (1) driving under the influence of alcohol, a controlled substance, or a chemical substance, to the extent that normal faculties are impaired; or (2) driving with an unlawful blood alcohol level.

All timeframes referenced in the above subsections (2), (3) and (4) shall be calculated and run from the date of the offense, as reflected in the charging documents.

Sec. 28-9. - Taximeter required; rates and fares; exceptions.

- (a) All taxicabs operated under the authority of this chapter shall be equipped with taximeters fastened in a manner so that the face shall be visible and readable to passengers at all times both day and night. The face of the taximeter shall be set so that it will register and compute on a mileage basis while the taxicab is moving and on a time basis while the taxicab is standing and while the service is being rendered the base fare to be charged. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording shall be sealed.
- (b) Each taximeter shall have a current inspection sticker issued by the state and shall remain sealed. No taximeter that has been unsealed shall be used until it is again inspected by the state.
- (c) The taximeter shall be used for all trips, and the fare charged shall be that shown on the taximeter, plus any posted extra passenger or other charges, except:

- (1) *Flat rates.* On special event days, such as University of Florida football home games, trips from/to the Gainesville Regional Airport related to the event, may be charged a flat rate as posted in the taxicab pursuant to section 28-15.
- (2) *Minimum fares.* A franchise owner may establish a minimum fare per call for service or per trip. If such a minimum fare is established and utilized, it shall be part of the rates for such company, and subject to the requirements of section 28-15. When a minimum fare is established and utilized, the taximeter shall still be used for the trip, but the minimum fare may be charged when the minimum fare exceeds the amount on the taximeter.
- (d) Except as authorized in subsections (c)(1) and (2), and posted in the taxicab pursuant to section 28-15, a driver may not charge or request any other flat rate or minimum fare in lieu of the rate on the meter.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 100940, § 1, 7-7-11)

Sec. 28-10. - Two-way communication required.

- (a) All taxicabs or limousines covered by this chapter shall be equipped with an operable two-way radio or telephone allowing the vehicle to receive and transmit calls. Such communication system shall be functional whenever the vehicle is in operation.
- (b) No taxicab, limousine or franchise operating under this chapter shall use or operate installed scanners to intercept calls to or from another franchise for the purpose of soliciting business directed to another franchise.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-11. - Liability insurance required.

No franchise shall be granted or continue in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Florida for each vehicle in not less than the minimum amounts as provided for under Florida's Financial Responsibility Law (F.S. § 324.032) Each franchise will maintain a \$200,000.00 general liability policy for the company. The city, its elected and appointed officers, employees and agents shall be named as additional insureds.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 070676, § 5, 12-10-07)

Sec. 28-12. - Miscellaneous regulations.

- (a) It shall be unlawful for any driver or operator of a taxicab or limousine to drive or operate or be on duty or on call for the operation of a taxicab or limousine for more than 12 hours within any 24-hour period.
- (b) No driver shall solicit patronage by means of unwanted touching, detaining, impeding or intimidation, nor shall any driver obstruct the movement of any person or follow any person for the purpose of soliciting patronage.
- (c) Upon discovery of any personal property left by a passenger, a driver shall deposit such property with the police department within 24 hours.
- (d) A driver shall take either the most direct or the fastest route to a passenger's destination unless otherwise authorized or directed by the passenger.
- (e) No company or driver shall discriminate against any person or refuse to accept a passenger on the basis of their sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity.

- (f) It shall be unlawful for the driver of a taxicab or limousine operated in the city to permit any person to accompany or use such vehicle for the purpose of prostitution or lewdness, or to direct, take or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the purpose of prostitution or lewdness.
- (g) No taxicab shall be permitted to carry non-paying passengers while transporting a paying passenger or passengers except for the purpose of driver training.
- (h) No driver shall solicit or carry a paying passenger while in the process of carrying another paying passenger except when requested to do so by the paying passenger.
- (i) Every taxicab and limousine driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination, of each trip and amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his/her tour of duty. The forms for each manifest shall be furnished to the driver by the owner. These manifests must be kept for one year and be available during regular business hours at the office of the franchise owner for inspection by the city.
- (j) A vehicle driver shall not smoke cigarettes, cigar, pipe or other tobacco substance in the vehicle while such vehicle is occupied by a passenger, unless the passenger(s) consents otherwise.
- (k) A vehicle driver on a public street or right-of-way shall receive and discharge passengers on the side of the vehicle opposite traffic.
- (l) No driver shall permit more persons to be carried in a taxicab or limousine as passengers than the rated seating capacity of the taxicab or limousine.
- (m) No driver shall solicit business for any hotel or motel, or attempt to divert patronage from one hotel or motel to another.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 100941, § 1, 7-7-11)

Sec. 28-13. - Seat belts required.

All taxicabs and limousines covered by this chapter shall be equipped with operational seat belts and child restraints as required by state law. Notices shall be posted inside of each taxicab, visible to passengers, that seat belts must be worn at all times by passengers in the front seat and should be worn at all times by passengers in the rear seat. Child restraint seats should not be used in the front passenger seat which is equipped with an airbag.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-14. - Vehicle inspection.

- (a) In addition to all other vehicle inspections required by law, each vehicle for hire shall be inspected prior to initially being put into service and every year thereafter by an approved certified automobile mechanic. The inspection shall include items listed on a standardized inspection form approved by the city.
- (b) Copies of completed inspection forms must be filed with the city manager or designee 30 days prior to expiration of the business tax receipt.
- (c) The city manager/designee and/or law enforcement has the authority to place a VFH out of service/commission if it is deemed unsafe or hazardous until the vehicle is brought up to safe standards and a certified mechanic has completed a safety inspection and corrected any unsafe or

hazardous conditions. Proof of correction of unsafe or hazardous conditions, signed by and approved certified automobile mechanic as defined in section 28-2 above, must be submitted before a vehicle may be returned to service.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 070022, § 12, 6-25-07)

Sec. 28-14.5. - Equipment and safety requirements of VFH.

A motor vehicle in service as a VFH shall have and maintain the following equipment in good working order:

Adequate heater and air conditioner;

Adequate brakes on all wheels;

Tires of good quality;

Speedometer;

Seat belts for the driver and all passengers.

Each VFH shall be maintained in a clean, well painted manner so as to provide a generally good appearance.

(Ord. No. 060198, § 5, 9-25-06)

Sec. 28-15. - Rates.

- (a) Each franchise owner shall provide the city manager or designee a copy of its proposed rates at least 30 days prior to any change in rates including any authorized flat rate charges or minimum fares.
- (b) Every taxicab operating under a franchise shall have rate cards setting forth the rates of fare, including any authorized flat rate charges or minimum fares, displayed both on the inside of the front windshield at the roof line of the passenger side, on the inside of the right rear window at the eye level of a seated passenger measuring at least five inches wide by five inches in height. All rate cards shall state the rates of fare, including any authorized flat rate charges or minimum fares, and any additional charges, such as for bags and luggage. Additionally, the same information shall be displayed on a sign outside the taxicab consisting of lettering not less than one inch in size for all information.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 100940, § 2, 7-7-11)

Sec. 28-16. - Overall service required; conditions for trip.

- (a) All persons engaged in the taxicab or limousine business in the city operating under the provisions of this chapter shall render an overall service to the public desiring to use their vehicles. All franchise owners shall answer all calls received by them for services inside the corporate limits of Gainesville as soon as they can do so; and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before the service can be rendered and provide a reason for delay. A franchise owner who shall refuse to accept a call anywhere within the corporate limits of Gainesville at any time when such holder has available cabs, or who shall fail or refuse to give overall service, shall be considered in violation of this chapter; and the permit granted to such franchise owner may be revoked by the city manager in accordance with the provisions of section 28-6 () of this chapter.

(b)

Any vehicle driver, including a taxicab vehicle driver, after responding to a call, may request or demand payment up front prior to commencement of a trip, may refuse to initiate such trip, or may terminate a trip and may request payment if the vehicle driver has a bona fide, justifiable reason to believe the passenger(s) may cause bodily injury to him/her or the passengers become unruly, rowdy or cause physical damage to the vehicle or the vehicle driver.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-17. - Unlawful to refuse to pay fare; complaint procedure.

- (a) It shall be unlawful for any person to fail or refuse to pay the legal fare of any taxicab or limousine used by such person.
- (b) When a passenger objects to the fare charged, the passenger shall pay the fare, and a written receipt shall be issued to the passenger by the driver providing the following information: the place where the passenger boarded the vehicle, the place to which passenger was driven, the amount of the fare paid (exclusive of baggage charges), baggage charges, and the address and telephone number of the city manager's office clearly indicating that a formal complaint may be lodged with that office not later than 20 days following the payment of said fare.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-18. - Exemptions for vehicles regulated by ICC.

The provisions of this chapter shall not apply to any vehicle or the operator thereof when engaged in operations under and by virtue of any certificate or permit from the Interstate Commerce Commission of the United States when a permit, license or certificate is required for such operation by that regulatory commission.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-19. - Taxi service bill of rights.

- (a) All taxicabs operated under the authority of this chapter shall have prominently posted in a location visible to a passenger seated in the passenger seats of the vehicle a "taxi service bill of rights," or a notice that a "taxi service bill of rights" will be provided immediately upon request. If the entire "taxi service bill of rights" is not posted, and the option for a notice advising that said document is available on request is utilized, the taxicab must have available cards or circulars with the full text of the "taxi service bill of rights." These cards or circulars must list in clear and legible fashion the full contents of the approved "taxi service bill of rights." The copies of the "taxi service bill of rights" to be distributed shall be made available from the city manager or his or her designee, at a cost not to exceed the cost of production, or may be reproduced by the franchise owner as long as the format and appearance of said card or circular have been filed with, and approved by, the city manager or his or her designee.
- (b) This "taxi service bill of rights" shall be prepared by the city manager, or his/her designee, and shall set forth the rights of taxicab passengers and taxicab drivers under state statutes and city ordinances, and shall provide additional information as to how to report violations. It may be changed from time to time as changes in law or ordinances require. Whenever the contents of the "taxi service bill of rights" are changed, the franchise owners shall be provided notice at least 30 days prior to the effective change in order to obtain or prepare copies for distribution and posting.

(Ord. No. 090616, § 1, 7-7-11)

Sec. 28-20. - Soliciting passengers or baggage at railway, bus station or airport.

- (a) Vehicles for hire drivers, or persons acting for them, shall remain at their respective vehicles while soliciting passengers or baggage in any bus station, airport facility or open stands, and shall conduct themselves in a quiet and orderly manner while soliciting passengers or baggage. VFHs operating at the airport shall serve on a first-come first-serve basis with an orderly and professional approach. This shall not be construed to prevent passengers from boarding taxicabs of their choice.
- (b) No maintenance shall be performed on vehicles at an open stand.
(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06)

Sec. 28-21. - Inspection.

The city manager or designee has the right to conduct an inspection for ordinance compliance during anytime the vehicle for hire franchise is in operation or appears to be in operation.

(Ord. No. 950601, § 1, 9-25-95; Ord. No. 060198, § 5, 9-25-06; Ord. No. 070676, § 6, 12-10-07)

ARTICLE II. - NON-MOTORIZED VEHICLES

DIVISION 1. - GENERALLY

Sec. 28-30. - Definitions.

The definitions in article I, section 28-2, and any subsequent amendment thereto are hereby made applicable, in whole or in part, where appropriate to this article.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Non-motorized vehicle means any vehicle propelled by human power which is used for transporting passengers if the driver receives direct or indirect compensation for providing such transportation and includes any vehicle to which a medallion has been issued pursuant to this chapter.

Street means any public street, avenue, road, alley, lane, highway, public park, sidewalk, or other public place located in the City of Gainesville, except as prohibited in this article.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-31. - Establishment of prohibited streets.

The vehicles for hire administrator shall establish a list of streets upon which travel by non-motorized vehicles is prohibited. Such list shall be provided to each driver along with the driver's permit. Should changes be made to the list at any time, a corrected copy of the list will be furnished to each driver by registered mail. Enforcement of any newly added prohibited streets will not be effective until ten business days after the new list has been mailed.

(Ord. No. 080456, § 3, 4-2-09)

DIVISION 2. - VEHICLE REGULATIONS

Sec. 28-32. - Non-motorized vehicle medallion.

- (a) It shall be a violation for any person to operate any non-motorized vehicle upon any street within the City of Gainesville unless the owner of that non-motorized vehicle has first obtained a non-motorized vehicle medallion issued by the vehicles for hire administrator.

- (b) Such medallion shall, at all times during the period for which it is valid, be securely attached to a conspicuous place on the left rear portion of the non-motorized vehicle for which it is issued.
- (c) Each medallion shall be valid for two years from the beginning of the month issued, unless sooner revoked as provided in this article. A fee shall be paid in advance for each medallion. The fee shall be as set forth in Appendix A of this Code of Ordinances and shall reasonably represent the costs, work, time, and process necessary to perform such administrative task.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-33. - Liability insurance.

The owner of each medallion shall maintain a liability and property damage insurance policy insuring the non-motorized vehicle, in the amount of \$500,000.00 combined single limit for each accident, or bodily injury, death, and/or property damage written by a company authorized to transact business in the State of Florida and be rated A VII or higher by A.M. Best. Such policy indicating the liability amounts and the policy period must be provided to the vehicles for hire administrator prior to issuance or renewal of any permit. Each separate part of the non-motorized vehicle shall have a serial number affixed thereto and shall be listed on the insurance certificate. All such policies shall be kept in full force and effect at all times while any non-motorized vehicle is operated within the city, and must cover a minimum period of 12 months. Proof of such insurance must be maintained within the vehicle at all times when operated within the City of Gainesville.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-34. - Rates to be displayed.

Each non-motorized vehicle operated within the City of Gainesville shall prominently display, in a frame covered with clear plastic, a card or sign, printed in plain, legible letters or numbers which shall state whether gratuities or donations are accepted or contain the schedule of rates for the transportation services furnished by the driver; the city medallion number of such non-motorized vehicle, and the name and work address of both the medallion owner and the driver of such vehicle. No driver of any non-motorized vehicle may charge a fee which is not so posted.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-35. - Vehicle safety and equipment standards.

- (a) Non-motorized vehicles shall be not operated within the City of Gainesville except in compliance with all laws of the State of Florida in F.S. ch. 316 applicable to bicycles.
- (b) The vehicles for hire administrator and any law enforcement officer shall have the right to inspect or cause to be inspected any non-motorized vehicle as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or any violations of this article.
- (c) No driver shall operate a non-motorized vehicle on any street unless the vehicle meets the following safety and equipment standards:
 - (1) *Tires.* Tires shall be of the size appropriate for the non-motorized vehicle-for-hire and with no mismatched tires. There shall be no cuts into the tire or localized worn spots that expose the ply. No tire is permitted when the tire has tread wear indicators that are visible.
 - (2) *Operational horn.* The vehicles for hire shall be equipped with an operational horn or bell.
 - (3)

Brakes. Each non-motorized vehicle shall be equipped with an operational brake or brakes which will enable its driver to stop the vehicle within 15 feet from a speed of ten miles per hour on dry, level, clean pavement. The brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method."

- (4) *Headlights, tail lights, mirrors, turn signals and other requirements.* Every vehicle-for-hire shall be equipped with the following operational equipment:
- a. A headlight capable of projecting a beam of white light for a distance at a minimum of 500 feet, which shall be clearly visible between the hours of sunset and sunrise and which must be illuminated at all times during operation;
 - b. A red taillight affixed to the rear of the passenger compartment, which shall be clearly visible between the hours of sunset and sunrise from a distance of 600 feet to the rear of the non-motorized vehicle and which must be illuminated at all times during operation;
 - c. A side mounted mirror affixed to the non-motorized vehicle to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the non-motorized passenger vehicle;
 - d. A slow moving vehicle triangle on the rear of the vehicle or reflective tape which outlines the rear of the non-motorized vehicle from edge to edge;
 - e. Turn signals lamps which indicators must be visible for a distance of at least 500 feet from the rear of the vehicle indicating right and left turns and which must be utilized when turning;
- (5) *Company name.* The company or trade name and unit number shall be conspicuously displayed on the exterior of each non-motorized passenger vehicle;
- (6) *Trailer or sidecar.* No more than one trailer or sidecar may be attached to any vehicle. Any such trailer or sidecar must be attached in a manner that meets the requirements of F.S. § 316.530(2).

(Ord. No. 080456, § 3, 4-2-09)

DIVISION 3. - DRIVER REGULATION

Sec. 28-36. - Driver permit.

- (a) It shall be a violation for any person to operate a non-motorized vehicle in or upon any street within the City of Gainesville unless such person has first obtained from the vehicles for hire administrator a driver's permit and has a valid Florida driver's license or complies with F.S. § 322.04 and is, at a minimum 18 years of age.
- (b) The driver permit shall be issued in duplicate. One shall be prominently displayed in the non-motorized vehicle so as to be readily visible to a person of average visual acuity sitting in the rear passenger seat. The duplicate driver permit shall be worn on the exterior garment of the driver for identification purposes when the driver is outside of the non-motorized while on duty.
- (c) Each driver shall maintain a current mailing address on file at all times with the vehicles for hire administrator.
- (d) Each permit shall be valid for one year from the beginning of the month issued, unless sooner revoked as provided in this article. A fee shall be paid in advance for each permit. The fee shall be as set forth in Appendix A of this Code of Ordinances and shall reasonably represent the costs, work, time, and process necessary to perform such administrative task.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-37. - Prohibited conduct.

The following acts by any driver are prohibited:

- (a) To operate a non-motorized vehicle: (a) while carrying more than four passengers, (b) while carrying a number of passengers that exceeds the number of passenger seats which such vehicle was designed to accommodate, or (c) while any passenger is standing or while any passenger is sitting anywhere other than in the passenger seat thereof; provided, however, that children aged five years old or younger, may be seated in the lap of another passenger and will not count as an additional passenger.
- (b) To collect fares, make change, or embark or debark passengers while the non-motorized vehicle is in motion.
- (c) To operate, park, stand, or stop the non-motorized vehicle in a manner which violates any city ordinance or state law or disrupts the flow of vehicular traffic on any street.
- (d) To operate, maneuver, incline, spin, tilt, tip, slope, or position a human-powered non-motorized vehicle in any manner that would unnecessarily place a passenger in other than an upright, seated position.
- (e) To operate a non-motorized vehicle upon the sidewalk portion of a public right-of-way, except at the direction of a law enforcement officer.
- (f) To operate a non-motorized vehicle on any street listed on the prohibited streets list established by the vehicles for hire administrator or on any street posted at a speed greater than 30 miles per hour.
- (g) To operate a non-motorized vehicle with sound produced by a radio, tape player, CD player, DVD player, or other mechanical sound making device or instrument from the non-motorized vehicle so that the sound is plainly audible at a distance of 25 feet or more from such vehicle, Non-motorized vehicles shall not be eligible for a loudspeaker permit.
- (h) To operate or ride more than two abreast, except when overtaking and passing a bicycle or vehicle proceeding in the same direction.
- (i) To allow any passenger or occupant of the non-motorized vehicle to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-38. - Receipt provided upon demand.

If requested by the passenger, the driver of a non-motorized vehicle shall deliver to the person paying for the hiring of the same, at the time of such payment, a receipt in legible writing containing the name of the driver, the vehicle medallion number, the total amount paid, and the date of payment.

(Ord. No. 080456, § 3, 4-2-09)

DIVISION 4. - ENFORCEMENT

Sec. 28-39. - Revocation; appeal.

- (a) The city may revoke the non-motorized vehicle medallion and/or the driver permit to operate a non-motorized vehicle on any of the following grounds:
 - (1) If the registration contains a false statement of material fact;
 - (2) If the service owner and/or driver charges rates in excess of those required to be posted pursuant to this article.

- (3) If the non-motorized vehicle driver fails to display the driver's permit while operating the non-motorized vehicle as required by this article.
- (b) Three violations of the provisions of this article by any owner and/or driver of a non-motorized vehicle service within a one-year period shall result in the revocation of the non-motorized vehicle medallion and/or the driver's permit. A non-motorized vehicle medallion shall not be revoked for acts of an employee/driver in violation of this section unless the owner of the medallion actively participated in or had knowledge of the violation and took no corrective action against the employee/driver or unless repeated violations by an employee did not result in progressive discipline. The owner of the medallion shall maintain written documentation of all corrective action taken against an employee/driver for a minimum period of one year. In addition to the corrective action taken, the documentation shall detail the type and date of the specific ordinance/statutory violation. A driver permit may be revoked notwithstanding that the driver's violations may not be applicable against the owner of the medallion for purposes of the medallion's revocation.

To revoke a permit:

- (1) The vehicle-for-hire administrator shall inform the owner of the motorized vehicle medallion and/or the holder of the driver permit in person or by U.S. mail at least ten days prior to the effective date of the revocation.
- (2) The owner and/or driver may file a written request for a due process hearing prior to the effective date of the revocation with the vehicle for administrator. Failure to request a hearing prior to the effective date of the revocation shall constitute a waiver by the owner and/or driver of any rights to a hearing and shall result in the revocation of the medallion or permit.
- (3) At the due process hearing, the non-motorized vehicle service owner and/or driver shall have the opportunity to present any testimony and/or documentation he/she believes negates or mitigates the revocation.
- (4) Upon a review of the evidence presented at the hearing, the vehicle for hire administrator may revoke the non-motorized vehicle medallion and/or driver's permit to engage in the business of non-motorized vehicle for hire service for the following time periods:
 - a. First revocationThree months
 - b. Second and third revocationsSix months
 - c. Fourth and subsequent revocationOne year
- (c) Any non-motorized vehicle owner and/or driver whose medallion or permit to engage in non-motorized vehicle service has been revoked shall not be eligible to again obtain a medallion or permit from the vehicle for hire administrator for non-motorized vehicle service or operation until such revocation period has expired.
- (d) Any non-motorized vehicle service owner and/or driver whose medallion or permit to engage in the business of non-motorized vehicle service or operation has been revoked by the towing administrator may file an appeal within 15 days of the date of revocation pursuant to the appeals process specified below. The revocation shall become effective 15 days from the date of the final order of the city manager. The timely filing of an appeal shall stay the revocation of a permit.
- (e) Right of appeal. Any non-motorized vehicle service owner and/or driver whose medallion or permit to engage in non-motorized vehicle service has been revoked by the towing administrator may appeal such decision to the city manager or designee. Such appeal shall be taken by filing written notice with

the chief of police or designee within 15 days after the decision by the police chief to revoke such privilege. The notice of the appeal shall contain the grounds for the appeal and shall contain information showing that either the finding is contrary to the law or is not supported by competent substantial evidence. The chief of police or designee shall transmit copies of the appeal to the city manager along with papers constituting the record upon which the action appealed from is based. The filing of a notice of appeal will not delay the effectiveness of any revocation. The city manager may decide to uphold or reverse the decision of the vehicle-for-hire administrator. The decision of the city manager shall be the final administrative action of the city.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-40. - Violation of ordinance; penalties; civil citation.

It is unlawful to engage in the non-motorized vehicle for hire service without compliance with requirements of this article. Law enforcement officers may issue a civil citation to non-motorized vehicle owners and/or drivers for violations of any section of this article.

(Ord. No. 080456, § 3, 4-2-09)

Sec. 28-41. - Criminal enforcement.

Any person who willfully refuses to sign or accept a notice of violation issued for any violation of this chapter shall be subject to the penalty provided in section 1-9 of this Code of Ordinances. Nothing herein shall prohibit the enforcement of any provision of state law which may apply to non-motorized vehicles or their drivers, including any provision of the state traffic laws.

(Ord. No. 080456, § 3, 4-2-09)