

City of Orlando

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ARTICLE II. NON-MOTORIZED VEHICLES**Sec. 55.100. Definitions.**

The definitions in Article I, Section 55.02, 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:

Decal means the numbered permit issued pursuant to this Article which allows the operation of a non-motorized vehicle within the city limits of the City of Orlando.

Driver means a person who operates a non-motorized vehicle within the city limits of the City of Orlando.

Driver's permit means a permit issued pursuant to this Article which entitles a person to operate a non-motorized vehicle within the jurisdictional limits of the City of Orlando.

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 decal 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 Orlando.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.101. Establishment of Prohibited Streets.

The Vehicle 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. of 8-20-2007, § 2, Doc. #0708201201)

PART I. VEHICLE REGULATIONS**Sec. 55.102. Non-motorized Vehicle Decal.**

(1) It shall be a violation for any person to operate any non-motorized vehicle upon the public streets of the City of Orlando unless the owner of that non-motorized vehicle has first obtained a non-motorized vehicle decal issued by the Chief of Police.

(2) Such decal 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 was issued.

(3) Each decal shall be valid for one year from the beginning of the month issued. A fee shall be paid in advance for each decal. The fee shall be set by the Chief of Police and shall reasonably represent the costs, work, time, and process necessary to perform such

administrative task.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.103. Liability Insurance.

The owner of each decal shall maintain a liability and property damage insurance policy insuring the non-motorized vehicle, in the amount of five hundred thousand dollars (\$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 B+ VI or higher by A.M. Best. Such policy indicating the liability amounts and the policy period must be provided to the Vehicle-for-Hire Section 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 Orlando.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.104. Rates to be Displayed.

Each non-motorized vehicle operated within the City of Orlando 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 decal number of such non-motorized vehicle, and the name and work address of both the decal owner and the driver of such vehicle. No Driver of any non-motorized vehicle may charge a fee which is not so posted.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.105. Vehicle Safety and Equipment Standards.

- (1) Non-motorized vehicles shall be not operated within the City of Orlando except in compliance with all laws of the State of Florida in Chapter 316 of the Florida Statutes applicable to bicycles.
- (2) 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.
- (3) No driver shall operate a non-motorized vehicle on any street unless the vehicle meets the following safety and equipment standards:
 - (a) *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.
 - (b) *Operational horn.* The Vehicle-for-Hire shall be equipped with an operational horn or bell.
 - (c) *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."

(d) *Headlights, Tail Lights, Mirrors, Turn Signals and Other Requirements.* Every Vehicle-for-Hire shall be equipped with the following operational equipment:

- (i) 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;
- (ii) 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;
- (iii) 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;
- (iv) 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;
- (v) 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;

(e) Reserved.

(f) Reserved.

(g) *Company Name.* The company or trade name and unit number shall be conspicuously displayed on the exterior of each non-motorized passenger vehicle;

(h) *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. of 8-20-2007, § 2, Doc. #0708201201)

PART II. DRIVER REGULATION

Sec. 55.106. Driver Permit.

- (1) It shall be a violation for any person to operate a non-motorized vehicle in or upon any street in the City of Orlando unless such person has first obtained from the Chief of Police 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.
- (2) The driver's permit shall be affixed to the non-motorized vehicle in a location clearly visible from the passenger compartment of the vehicle.
- (3) Each driver shall maintain a current mailing address on file at all times with the Vehicle-for-Hire Section.
- (4) Each permit shall be valid for one year from the beginning of the month issued. A fee shall be paid in advance for each permit. The fee shall be set by the Chief of Police and shall reasonably represent the costs, work, time, and process necessary to perform such administrative task.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.107. Prohibited Conduct.

The following acts by any driver are prohibited:

- (1) *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 5 years old or younger, may be seated in the lap of another passenger and will not count as an additional passenger.
- (2) To collect fares, make change, or embark or debark passengers while the non-motorized vehicle is in motion.
- (3) 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 public streets.
- (4) 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.
- (5) To operate a non-motorized vehicle upon the sidewalk portion of a public right-of-way, except at the direction of a police officer.
- (6) To operate a non-motorized vehicle on any street listed on the prohibited streets list established by the Vehicle-for-Hire Administer or on any street posted at a speed greater than 30 miles per hour.
- (7) 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.
- (8) To operate or ride more than two abreast, except when overtaking and passing a bicycle or vehicle proceeding in the same direction.
- (9) To use indecent or profane language while operating a non-motorized vehicle.
- (10) 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. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.108. 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 therefore in legible writing containing the name of the driver, the vehicle decal number, the total amount paid, and the date of payment.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

PART III. ENFORCEMENT

Sec. 55.109. Appeals.

All decisions of the Vehicle-for-Hire Administrator or the Chief of Police herein are final and binding decisions until changed or altered by the appropriate appellate authority. An applicant for a decal or driver's permit, or any other aggrieved person, may appeal a decision rendered by the Vehicle-for-Hire Administrator or Chief of Police. Such an appeal must be filed in writing with the Secretary of the Vehicle-for-Hire Appeal Board within ten days of the date the decision to be appealed was rendered. The Secretary shall set a hearing to be heard by the Vehicle-for-Hire Appeal Board in accordance with the procedures set forth in Chapter 55.03(4). At the hearing, the burden of proof shall be upon the applicant or aggrieved party. Failure to file the Notice of Appeal within the ten day period shall operate as a bar for review. The Vehicle-for-Hire Appeal Board shall issue a written order either affirming or reversing the decision of the Vehicle-for-Hire Administrator. All decisions by the Board are final and binding unless appealed to City Council pursuant to subsection 55.04(6); provided, however, Board action on an appeal of a decision rendered pursuant to Section 55.111 or Section 55.113 (Administrative Penalties or Impoundment) shall constitute final agency action of the City of Orlando and shall not be reviewed by City Council.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.110. Civil Penalty.

Any person who violates subsection 55.102(1) or subsection 55.106(1), shall be issued an Orange County Uniform Code Citation and shall, upon conviction, be punished as provided in Chapter 5 of the Orlando City Code.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.111. Administrative Penalty.

(1) Whenever a vehicle for hire officer or law enforcement officer has reasonable cause to believe that a driver has committed a violation of this Article, other than subsections 55.102(1) or 55.106(1), that officer shall issue to the driver a notice of violation. The notice of violation will include the date, time, and place where a hearing will be held by the Vehicle-For-Hire Administrator. Failure to appear, unless a continuance has been granted in writing by the Vehicle-For-Hire Administrator, shall result in an automatic suspension of the Driver's Permit.

(2) Whenever a Vehicle-For-Hire officer or law enforcement officer has reasonable cause to believe that a non-motorized vehicle owner has committed a violation of section 55.103, he shall initiate enforcement proceedings by scheduling a hearing before the Vehicle-for-Hire Administrator. The non-motorized vehicle owner shall be advised in writing of the date, time, and place of such hearing, mailed to the address on file with the Vehicle-for-Hire Administrator, no later than 15 days prior to the date of the hearing. Failure to appear, unless a continuance has been granted in writing by the Vehicle-For-Hire Administrator, shall result in an automatic suspension of the non-motorized vehicle owner's decal(s).

(3) The Vehicle-For-Hire Administrator, after a hearing, shall make a determination as to whether a violation of this Article has been committed. Should the Vehicle-For-Hire Administrator find that a violation was committed by a driver, the administrator shall levy a suspension from one day to one year of the Driver's Permit. Should the Vehicle-For-Hire Administrator find that a violation was committed by a non-motorized vehicle owner, the administrator shall levy a suspension from one day to one year of that owners decal(s).

(4) During the period of any suspension of a Driver permit, the Driver shall not operate any

non-motorized vehicle. During the period of any suspension of a Vehicle Decal, the non-motorized vehicle shall not operate within the City.

(5) If the Vehicle-for-Hire Administrator suspends a Driver's Permit or Vehicle Decal for ten days or more, the Driver Permit or Vehicle Decal owner shall return the Driver's Permit or Vehicle Decal to the Vehicle-for-Hire Administrator within five working days of the date of the suspension. The reinstatement fee for a suspended Driver's Permit or Vehicle Decal shall be fifty (50) percent of the amount of a new permit; provided, however, the reinstatement fee for a suspended Driver's Permit or Vehicle Decal will be the full fee for a Driver's Permit or Vehicle Decal which has been suspended for more than six (6) months.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.112. 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 1.08 of the Code of the City of Orlando. Nothing herein shall prohibit the enforcement of any provision of state law which may apply to non-motorized vehicles or their operators, including any provision of the state traffic laws.

(Ord. of 8-20-2007, § 2, Doc. #0708201201)

Sec. 55.113. Impoundment fees.

Any non-motorized vehicle operated in violation of subsection 55.102(1) or subsection 55.105(3) may be seized and impounded. The vehicle will be released to the lawful owner after all towing and storage fees have been satisfied. Any decal on the vehicle shall be removed and will be reissued only upon payment of one-half (1/2) the fee for issuance set pursuant to subsection 55.102(3) and upon confirmation by the Vehicle For Hire Administrator that the vehicle is in compliance with the requirements of subsection 55.105(3).

(Ord. of 8-20-2007, § 2, Doc. #0708201201)