

ORDINANCE 060198
0-06-92

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4 An ordinance of the City of Gainesville amending Chapter 28
5 Vehicles for Hire by regulating taxi service within the City of
6 Gainesville; amending Section 28-1 Occupational license required
7 to reference municipal boundary; amending Section 28-2
8 definitions; amending Section 28-3 to make it unlawful for a
9 company to engage in the vehicle for hire business without a
10 franchise; making it unlawful to operate a vehicle for hire under
11 the auspices of a company that does not have a valid franchise and
12 amending the application process for franchise and franchise
13 owner; creating a new Section 28-3.5 relating to service at the
14 Gainesville Regional Airport and the setting of the rates and
15 charges for airport decals; amending Section 28-4(g) to reference
16 Gainesville Alachua County Regional Airport Rules and
17 Regulations; amending Section 28-5 providing franchise duration,
18 specifying annual report requirements and penalties; amending
19 Section 28 by specifying time periods for franchise revocation;
20 amending Section 28-8 by requiring unique franchise color
21 scheme; permanently affixed signage, permanently affixed
22 medallions and a lighted roof-top sign; creating a new Section 28-
23 8.5 by providing vehicle for hire driver requirements; renaming
24 Section 28-10; amending Section 28-11 related to insurance
25 requirements; amending Section 28-12(e) relating to non-
26 discrimination by adding sexual orientation; amending Section 28-
27 14 by providing authority to the manager/designee to remove
28 vehicles from service for safety reasons and delineating specific
29 equipment requirements; creating a new Section 28-14.5 related to
30 equipment and safety requirements; amending Section 28-20
31 related to soliciting passengers by deleting the reference to railway
32 and adding airport facility; amending Appendix A fees and charges
33 related to vehicles for hire; providing directions to the codifier;
34 providing a severability clause; providing a repealing clause and
35 providing an effective dates.

36
37 **WHEREAS**, at least 10 days notice has been given once by publication in a
38 newspaper of general circulation notifying the public of this proposed ordinance and of a
39 Public Hearing in the City Commission Auditorium in City Hall, City of Gainesville; and

1 **WHEREAS**, a Public Hearing was held pursuant to the published notice
2 described at which hearing the parties in interest and all others had an opportunity to be
3 and were, in fact, heard;

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

6 **Section 1.** Section 28-1 and 28-2 of the Code of Ordinances of the City of
7 Gainesville are amended to read as follows:

8 **Sec. 28-1. Occupational license required.**

9 (a) It shall be unlawful for any person to be engaged in or carry on the
10 business of operating a vehicle for hire within the city, for the transportation of
11 passengers within the city, other than buses operating on regularly scheduled
12 routes, without first obtaining an occupational license from the city to do so as
13 required by Chapter 25 of this Code. This occupational license will be issued
14 only after a franchise is granted.

15 (b) This chapter shall not apply to any company that is temporarily in the city
16 for the sole purpose of delivering passengers from another jurisdiction. However,
17 such out-of-city cab or limousine shall not pick up passengers in the city without
18 complying with this chapter, except that a limousine may return passengers
19 delivered in the city, when such return is part of the same contract.

20 **Sec. 28-2. Definitions.**

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

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

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

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

9 *Central nervous system stimulants* shall mean amphetamine and desocyclophedrine,
10 and any derivative, compounds, mixture or preparation thereof.

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

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

16 *Driver* shall mean an individual permitted to drive a vehicle for hire.

17 *For Hire Drivers Permit* means the written authority granted by the City to drive
18 a vehicle for hire within the city limits.

19 *Fees* shall mean nonrefundable payments required herein.

20 *Limousine* shall mean any automobile, with chauffeur, contracted for with charges
21 prepaid, engaged in the transportation of persons for a consideration, that does not
22 operate regularly or at intervals over a designated route and that is not fitted with a meter
23 or device for calculating or measuring the distance traveled or the waiting time of such

1 vehicle and that is constructed so as to carry five or more passengers in the vehicle.
2 Commercial non-emergency medical transport vehicles (such as medivans) shall be
3 considered limousines for the purpose of this chapter.

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

7 *Medallion* means the tangible symbol that a permit has been granted to operate
8 the vehicle for hire to which it is physically attached.

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

11 *Occupational license* shall mean the license required of any business operating
12 within the city by Chapter 25 of this Code.

13 *Revocation* shall mean the ~~permanent~~ rescinding of a franchise. ~~A person or~~
14 ~~entity whose franchise is revoked shall not be entitled to reinstatement or an opportunity~~
15 ~~to reapply for such franchise or license.~~

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

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

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

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

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

7 a. School and church buses

8 b. Sightseeing cars and buses

9 c. Ambulances

10 d. Funeral home vehicles

11 e. Interstate buses

12 f. Horse Drawn Carriages; and

13 g. Bike drawn or person drawn carriages

14 h. Shuttles from hotels and motels which provide this as a service for guest

15 **Section 2.** Sections 28-3 of the Code of Ordinances of the City of Gainesville
16 are amended to read as follows:

17 **Sec. 28-3. Application for franchise and franchisee owner.**

18 (a) It shall be unlawful for any company as defined herein to operate or
19 engage in the business of operating vehicles for hire within the city without
20 having first obtained a franchise from the city manager or designee.

21 (b) It shall be unlawful for any driver as herein defined to operate a VFH
22 under the auspices of a company that doesn't have a valid franchise from the City
23 of Gainesville.

1 (ac) No company as defined herein shall operate or engage in the business of
2 operating vehicles for hire within the city without having first obtained a franchise
3 from the city manager or designee. An application shall be submitted on forms
4 furnished by the city containing appropriate information reasonably related to the
5 business of operating vehicles for hire.

6 (bd) In order to secure or renew a franchise, the company applicant shall file an
7 application with the city manager or designee. Effective October 1, 2007, the
8 application shall be verified under oath and shall furnish the following
9 information: include a notarized checklist acknowledging submittal of all
10 information and documentation required by this chapter:

11 (1) The name and address of the company. If the company is a
12 corporation or partnership, the name and address of all officers,
13 shareholders, partners or any principals or owners with an interest
14 greater than five (5) percent of the company must be listed.

15 (2) Effective October 1, 2007, proof of compliance with § 865.09, F.S.
16 (Fictitious Name Act)

17 (23) A current audited financial statement of the company, including the
18 amounts of all unpaid judgments against the company and the nature
19 of the transaction or acts giving rise to said judgment. The financial
20 statement must be ~~certified as current by the owners/officers but~~
21 ~~need not be audited.~~ submitted by a Certified Public Accountant.

22 (34) The number of vehicles to be operated or controlled by the company,
23 ~~and the location of proposed depots and terminals.~~

1 A minimum of two vehicles is required to be eligible for a franchise.
2 The vehicles must be currently operating, licensed, and inspected, as
3 required by this chapter. Each vehicle must conform to the United
4 States Department of Transportation (USDOT) maximum passenger
5 standards allowed for the vehicle to operate. Any franchise owner
6 operating with less than the minimum number of vehicles on
7 October 1, 2006, may continue to do so under that franchise, but
8 must come into compliance upon renewal of the franchise.

9 (5) The location of proposed depots and terminals.

10 (46) Provide a log listing the year, make, model, vehicle identification
11 number (serial number) and ownership status of all vehicles in the
12 company's fleet.

13 (57) Proof of proper amount of insurance coverage on the vehicles listed
14 as provided in section 28-11, with the insurance coverage being filed
15 with and approved by the city manager or designee.

16 (8) Certified documentation from the Department of Highway Safety
17 and Motor Vehicles that each driver for the VFH company has a
18 valid drivers license.

19 (9) Certified documentation from the Department of Highway Safety
20 and Motor Vehicles of each driver's seven-year driver's license
21 history.

22 (10) Criminal history report from the Florida Department of Law
23 Enforcement (FDLE).

1 (~~6~~11) A schedule of rates to be charged, including regular and any special
2 event rates, baggage and other miscellaneous charges.

3 (12) For all VFH companies operating as taxicabs, a description of the
4 franchise color scheme and insignia including a photograph or
5 drawing accurately reflecting the color scheme and insignia as
6 required by section 28-8 of this chapter.

7 (~~7~~13) Such other information as the city manager may require.

8 (e) ~~In addition to the information required in (b) above, applicants who will~~
9 ~~be providing service by taxicabs shall provide the following:~~

10 (~~1~~) ~~The color scheme and insignia to be used to designate the vehicles of~~
11 ~~the company.~~

12 **Section 3.** Sections 28-3.5 and 28-4 of the Code of Ordinances of the City of
13 Gainesville are amended to read as follows:

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

15 (a) All franchises providing service to the Gainesville Regional Airport, shall
16 have a decal authorizing access to the airport permanently affixed to each VFH.
17 The decal shall be affixed in a conspicuous and uniform location by the issuing
18 authority.

19 (b) Airport decals may be purchased each year from the City of Gainesville
20 when yearly franchise fees are paid. Rates and charges for airport decals are set
21 by Resolution of the Gainesville Alachua County Regional Airport Authority.

22 **Sec. 28-4. Maintaining a franchise.**

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

3 (a) Obtain and hold a current occupational license from the city as required by
4 Chapter 25 of this Code;

5 (b) Maintain an office within the city staffed by company agents or employees
6 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except
7 national holidays, where all records, logs, financial statements, manifests and
8 franchise documents required by this chapter are kept and may be examined
9 during business hours by the city manager or designee or by the police department
10 (taxicabs only);

11 (c) Maintain the name and home address of each driver affiliated with the
12 company;

13 (d) Provide and maintain a log listing the year, make, model, vehicle
14 identification number (serial number) and ownership status of all vehicles in the
15 company's fleet to city manager or designee; and notify the city manager or
16 designee of any changes within ten days.

17 (e) Maintain proper amount of insurance as provided in section 28-11; and
18 notify the city manager or designee of any changes within ten days.

19 (f) Comply with all state and local statutes, ordinances, rules and regulations
20 regarding motor vehicles, taxicabs or limousines.

21 (g) Comply with the applicable ~~provisions of Chapter 3~~ Gainesville Alachua
22 County Regional Airport rules and regulations if transporting to or from the
23 Gainesville Regional Airport.

1 **Section 4.** Sections 28-5 and 28-6 of the Code of Ordinances of the City of
2 Gainesville are amended to read as follows:

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

4 (a) All franchises granted by the city pursuant to this chapter shall have a
5 five-year term. Each franchisee owner shall, however, file an annual report with
6 the city containing the information required by section 28-3. This report shall be
7 filed at least thirty days and no more than sixty days prior to the annual expiration
8 date of the occupational license, or, if no occupation license is required, at least
9 thirty days and no more than sixty days prior to the anniversary of the initial
10 franchise.

11 (b) All franchises granted by the city for a five-year term will pay the yearly
12 fees established in Appendix A for each year of the franchise. The franchise
13 owner shall be responsible for other fees as established in Appendix A when
14 assessed. A penalty, as established in Appendix A, will be paid for every month
15 or part thereof that the annual report or payment is not timely filed, or is
16 incomplete, or is incorrect. Effective October 1, 2007, for each properly
17 documented vehicle for which the fees have been paid, the VFH company shall
18 receive a VFH medallion. The medallions shall be vehicle specific and may not
19 be transferred from one vehicle to another.

20 (c) A penalty, as established in Appendix A will be paid for every month or
21 part thereof that the annual report or payment is not timely filed, or is incomplete,
22 or is incorrect.

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

2 (a) *Revocation or suspension of franchise.* Upon a finding of due cause, as
3 defined below, the city manager or designee shall have the authority to revoke or
4 suspend any vehicle-for-hire franchise granted by the city. Prior to suspension or
5 revocation, the franchisee owner shall be served notice by certified mail or hand
6 delivery of the proposed action to be taken; and upon request shall have an
7 opportunity to present to the city manager or designee evidence as to why the
8 franchise should not be revoked or suspended. The franchisee owner must
9 request a hearing within ten days after mailing or hand delivery of the notice of
10 proposed action.

11 (b) *Due cause for revocation or suspension.* Due cause for revocation or
12 suspension of a franchise shall include, but not be limited to, the following:

- 13 (1) The failure of the company to maintain any of the general
14 qualifications applicable to the initial granting of the franchise as set
15 forth in section 28-3 above;
- 16 (2) Obtaining a franchise by providing false information;
- 17 (3) Repeat violation of a provision of this ordinance within sixty days.
- 18 (4) Conviction by a court of competent jurisdiction of any shareholder,
19 officer, partner, member, principal or owner of any corporation,
20 partnership, firm or association holding a five percent interest or
21 more in the entity, of any of the following: criminal homicide, rape,
22 aggravated battery, mayhem, burglary, aggravated assault,
23 kidnapping, robbery, child molestation, lewd and lascivious acts,

1 criminal solicitation to commit any of the above, criminal attempt to
2 commit any of the above, or possession, sale or distribution of
3 narcotic drugs, barbituric acid derivatives and/or central nervous
4 system stimulants if such violation or violations are related to
5 operation of the company, or violation of any ordinance of the city
6 governing the conduct of a franchisee owner.

7 (c) *Right of appeal.* Any franchisee owner whose franchise is revoked or
8 suspended by the city manager or designee may appeal such decision to the city
9 commission. Such appeal shall be taken by filing written notice with the clerk of
10 the commission's office within five days after the decision of the city manager or
11 designee. The notice of the appeal shall contain the grounds for the appeal and
12 shall contain information showing that either the finding is contrary to the law or
13 is not supported by competent substantial evidence. The clerk of the commission
14 shall transmit copies of the appeal to the city commission along with papers
15 constituting the record upon which the action appealed from is based. The filing
16 of a notice of appeal will not delay the effectiveness of any suspension or
17 revocation. If the city commission decides the appeal in favor of the franchisee
18 owner, the franchise will be immediately reinstated.

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

1 **Sec. 28-7. Transfer of franchise.**

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

9 **Section 5.** Sections 28-8 through 28-21 of the Code of Ordinances of the City
10 of Gainesville are amended to read as follows:

11 **Sec. 28-8. Identifying signs.**

12 (a) Each franchise with VFH which operate as taxicabs, shall be readily
13 identifiable as a taxicab and shall bear on the doors of both sides, in letters not
14 less than three inches nor more than six inches in height, the name of the company
15 to whom the franchise is issued. Each such taxicab shall also be numbered
16 uniquely, with such numbers being placed both immediately below the name of
17 the franchise and on the lower left corner of the vehicle's trunk, with said
18 numerals being not less than four and one half inches nor more than six inches in
19 height.

20 (b) Effective October 1, 2007, all required markings set forth in subsection (a)
21 above shall be permanently affixed to each VFH by the franchise owner.

22 Magnetized or other temporary markings are prohibited.

1 (~~bc~~) Each franchise shall have all of its taxicabs painted in a consistent, distinct
2 unique color scheme, to be chosen by the franchisee owner and approved by the
3 city manager or designee. The color scheme shall have sufficient disparity so as
4 to avoid franchise confusion. The taxicabs shall be kept in such condition so that
5 the appearance of such taxicabs conforms to the approved color.

6 (d) Effective October 1, 2007, all VFH medallions shall be permanently
7 affixed to each VFH by the issuing authority in a conspicuous and uniform
8 location.

9 (e) All franchise VFH operating as taxicabs shall have a roof-mounted,
10 lighted sign with the word "TAXI" printed in letters at least four inches in height.

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

12 (a) Effective October 1, 2007, no person shall operate a VFH within the city
13 limits without a current city VFH driver permit.

14 (b) Effective October 1, 2007, no franchise owner shall allow a franchise
15 vehicle to be operated by a person not in possession of a current city issued VFH
16 driver permit. Violations of this provision shall result in progressive penalties as
17 follows:

18 1. First violation -- A written warning.

19 2. Second violation -- three month suspension of the franchise.

20 3. Third violation -- one year suspension of franchise.

21 4. Subsequent violations shall result in revocation of the franchise as
22 provided in Section 28-6(c).

1 (c) Effective October 1, 2007, the VFH driver permit shall be issued in
2 duplicate. One shall be prominently displayed in the vehicle so as to be readily
3 visible to a person of average visual acuity sitting in the rear passenger seat.
4 The duplicate VFH driver permit shall be worn on the exterior garment of the
5 VFH driver for identification purposes when the driver is outside of the VFH
6 while on duty. The medallion granted by the city manager/designee shall at all
7 times be held and registered with the city in the name of the owner and the
8 privilege of operating the VFH in the city is vested in the owner. The rights ,
9 requirements and responsibilities which attach to the medallion remain with the
10 owner so long as the vehicle for hire is operated under the authority of the
11 permit and are unaffected by an agreement, understanding or contractual
12 arrangement between the owner and a for-hire driver, not the owner of the
13 vehicle for hire, who drives the vehicle. The medallion supplied by the City
14 designee shall remain with and be affixed to the issued VFH so long as the
15 vehicle is used as a VFH in the city or until the medallion is surrendered to the
16 city as required. The VFH medallion is to be uniformly placed on the driver's
17 side lower back window. The annual renewal sticker shall be place directly
18 next to the medallion.

19 (d) Effective October 1, 2007, a VFH driver permit shall not be issued and shall
20 be automatically revoked upon conviction for any violent criminal offense,
21 or any criminal offense indicated on the taxi driver conviction reference
22 guide.

1 (e) Effective October 1, 2007, the following are disqualifying convictions and a
2 permit shall not be issued to a driver who has such conviction(s) and shall be
3 revoked for a driver who obtains such conviction(s):

4 Any violent criminal offense including but not limited to Chapter 784, F.S.,
5 Assault, Battery, Aggravated Battery; Chapter 782 F.S., Vehicular Homicide,
6 Murder; Chapter 787, F.S., Kidnapping, False Imprisonment; Chapter 794, F.S.,
7 Sexual Battery; Chapter 806 F.S., Arson; Chapter 812, F.S., Robbery; Chapter
8 893, F.S., Conspiracy or principal to sell, or traffic in a controlled substance or
9 any type of elderly abuse or child molestation. Any other similar violent
10 criminal offense from another state that may not be listed exactly as Florida's
11 state statute is written.

12 The following list is considered disqualifying convictions and a permit shall not
13 be issued to a driver if the conviction is within three years of the time the permit
14 is sought.

15 Section 316.193, F.S., DUI, DWI; Section 316.1935 F.S., Fleeing and Eluding a
16 police officer; Section 316.027, F.S., Hit and Run; Chapter 796 F.S.,
17 Prostitution; Chapter 810, F.S., Burglary; Chapter 800 F.S., Lewdness and
18 Indecent Exposure; Section 893.147, F.S., use, possession, manufacture,
19 delivery or advertisement of drug paraphernalia.

20 **Sec. 28-9. Taximeter required.**

21 (a) All taxicabs operated under the authority of this chapter shall be equipped
22 with taximeters fastened in a manner so that the face shall be visible and readable
23 to passengers at all times both day and night. The face of the taximeter shall be

1 set so that it will register and compute on a mileage basis while the taxicab is
2 moving and on a time basis while the taxicab is standing and while the service is
3 being rendered the base fare to be charged. They shall be sealed at all points and
4 connections which, if manipulated, would affect their correct reading and
5 recording shall be sealed.

6 (b) Each taximeter shall have a current inspection sticker issued by the state
7 and shall remain sealed. No taximeter that has been unsealed shall be used until it
8 is again inspected by the state.

9 (c) The taximeter shall be used for all trips, and the fare charged shall be that
10 shown on the taximeter, plus any posted extra passenger or other charges, except
11 that on special event days, such as University of Florida football home games,
12 trips from/to the Gainesville Regional Airport related to the event, may be
13 charged a flat rate as posted in the taxicab pursuant to section 28-15.

14 **Sec. 28-10. ~~Radio equipment.~~ Two Way Communication Required.**

15 (a) All taxicabs or limousines covered by this chapter shall be equipped with
16 an operable two-way radio or telephone allowing the vehicle to receive and
17 transmit calls. Such ~~radio or telephone~~ communication system shall be functional
18 whenever the vehicle is in operation.

19 (b) No taxicab, limousine or franchise operating under this chapter shall use
20 or operate installed scanners to intercept calls to or from another franchise for the
21 purpose of soliciting business directed to another franchise.

1 **Sec. 28-11. Liability insurance required.**

2 No franchise shall be granted or continue in operation unless there is in full force
3 and effect a liability insurance policy issued by an insurance company authorized to do
4 business in the State of Florida for each vehicle authorized in the minimum amount of
5 ~~25,000/50,000/25,000~~ 50,000/100,000/50,000. Each franchise will maintain a one
6 hundred thousand dollars (~~\$100,000.00~~) (\$200,000) general liability policy for the
7 company. The city, its elected and appointed officers, employees and agents shall be
8 named as additional insureds.

9 **Sec. 28-12. Miscellaneous regulations.**

10 (a) It shall be unlawful for any driver or operator of a taxicab or limousine to
11 drive or operate or be on duty or on call for the operation of a taxicab or
12 limousine for more than twelve-hours within any twenty-four-hour period.

13 (b) No driver shall solicit patronage by means of unwanted touching,
14 detaining, impeding or intimidation, nor shall any driver obstruct the movement
15 of any person or follow any person for the purpose of soliciting patronage.

16 (c) Upon discovery of any personal property left by a passenger, a driver shall
17 deposit such property with the police department within twenty-four (~~24~~) hours.

18 (d) A driver shall take either the most direct or the fastest route to a
19 passenger's destination unless otherwise authorized or directed by the passenger.

20 (e) No driver shall refuse to accept a passenger on the basis of race, color,
21 national origin, religious belief, age, ~~or sex~~, or sexual orientation.

22 (f) It shall be unlawful for the driver of a taxicab or limousine operated in the
23 city to permit any person to accompany or use such vehicle for the purpose of

1 prostitution or lewdness, or to direct, take or transport any other person with
2 knowledge or reasonable cause to believe that the purpose of such directing,
3 taking or transporting is for the purpose of prostitution or lewdness.

4 (g) No taxicab shall be permitted to carry non-paying passengers while
5 transporting a paying passenger or passengers except for the purpose of driver
6 training.

7 (h) No driver shall solicit or carry a paying passenger while in the process of
8 carrying another paying passenger except when requested to do so by the paying
9 passenger.

10 (i) Every taxicab and limousine driver shall maintain a daily manifest upon
11 which are recorded all trips made each day, showing time and place of origin and
12 destination, of each trip and amount of fare, and all such completed manifests
13 shall be returned to the owner by the driver at the conclusion of his/her tour of
14 duty. The forms for each manifest shall be furnished to the driver by the owner.
15 These manifests must be kept for one (1) year and be available during regular
16 business hours at the office of the franchisee owner for inspection by the city.

17 (j) A vehicle driver shall not smoke cigarettes, cigar, pipe or other tobacco
18 substance in the vehicle while such vehicle is occupied by a passenger, unless the
19 passenger(s) consents otherwise.

20 (k) A vehicle driver on a public street or right-of-way shall receive and
21 discharge passengers on the side of the vehicle opposite traffic.

22 (l) No driver shall permit more persons to be carried in a taxicab or limousine
23 as passengers than the rated seating capacity of the taxicab or limousine.

1 (m) No driver shall solicit business for any hotel or motel, or attempt to divert
2 patronage from one hotel or motel to another.

3 **Sec. 28-13. Seat belts required.**

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

10 **Sec. 28-14. Vehicle inspection.**

11 (a) In addition to all other vehicle inspections required by law, each VFH
12 shall be inspected prior to initially being put into service and every year thereafter
13 by an approved certified automobile mechanic. The inspection shall include items
14 listed on a standardized inspection form approved by the city.

15 (b) Copies of completed inspection forms must be filed with the city manager
16 or designee thirty ~~(30)~~ days prior to expiration of the occupational license.

17 (c) The city manager/designee and/or law enforcement has the authority to
18 place a VFH out of service/commission if it is deemed unsafe or hazardous until
19 the vehicle is brought up to safe standards and a certified mechanic has completed
20 a safety inspection and corrected any unsafe or hazardous conditions.

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

1 **Sec. 28-14.5. Equipment and Safety Requirements of VFH.**

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

4 Adequate heater and air conditioner;

5 Adequate brakes on all wheels;

6 Tires of good quality;

7 Speedometer;

8 Seat belts for the driver and all passengers.

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

11 **Sec. 28-15. Rates.**

12 (a) Each franchisee owner shall provide the city manager or designee a copy
13 of its proposed rates thirty ~~(30)~~ days prior to any change in rates.

14 (b) Every taxicab operating under a franchise shall have rate cards setting
15 forth the rates of fare, displayed both on the inside of the front windshield at the
16 roof line of the passenger side, on the inside of the right rear window at the eye
17 level of a seated passenger measuring at least five ~~(5)~~ inches wide by five ~~(5)~~
18 inches in height. All rate cards shall state the rates of fare and any additional
19 charges, such as for bags and luggage. Additionally, the same information shall
20 be displayed on a sign outside the taxicab consisting of lettering not less than one
21 ~~(4)~~ inch in size for all information.

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

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

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

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

21 (a) It shall be unlawful for any person to fail or refuse to pay the legal fare of
22 any taxicab or limousine used by such person.

1 (b) When a passenger objects to the fare charged, the passenger shall pay the
2 fare, and a written receipt shall be issued to the passenger by the driver providing
3 the following information: the place where the passenger boarded the vehicle, the
4 place to which passenger was driven, the amount of the fare paid (exclusive of
5 baggage charges), baggage charges, and the address and telephone number of the
6 city manager's office clearly indicating that a formal complaint may be lodged
7 with that office not later than twenty (20) days following the payment of said fare.

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

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

13 **Sec. 28-19. Reserved.**

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

15 (a) Vehicles for hire drivers, or persons acting for them, shall remain at their
16 respective vehicles while soliciting passengers or baggage in any ~~railway~~, bus
17 station, airport facility or open stands, and shall conduct themselves in a quiet and
18 orderly manner while soliciting passengers or baggage. VFHs operating at the
19 airport shall serve on a first-come first-serve basis with an orderly and
20 professional approach. This shall not be construed to prevent passengers from
21 boarding taxicabs of their choice.

22 (b) No maintenance shall be performed on vehicles at an open stand.

1 **Sec. 28-21. Inspection.**

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

5 **Section 6.** The “VEHICLES FOR HIRE” Section of Appendix A, Schedule
6 of Fees, Rates and Charges of the Gainesville Code of Ordinances is amended to read as
7 follows:

8 **VEHICLES FOR HIRE:**

9 Franchise fee/per year (section 28-5) 262.50
10 Airport Rates and Charges (annual – per vehicle) – as established by Resolution of the
11 Gainesville Alachua County Regional Airport Authority.

12 **Section 7.** Effective October 1, 2007, the “VEHICLES FOR HIRE” Section
13 of Appendix A, Schedule of Fees, Rates and Charges of the Gainesville Code of
14 Ordinances are amended to read as follows:

15 **VEHICLES FOR HIRE:**

16 Franchise fee/per year (section 28-5) 262.50
17 Application and Investigation Fee 52.50
18 Medallion/Permit (annual - per vehicle)..... 78.75
19 Annual inspection for compliance (per vehicle) 26.25
20 Individual Driver Permit Fee (new, transfers and renewals) 26.25
21 Individual Driver Permit Fee (duplicates for lost, stolen or destroyed10.50
22 Airport Rates and Charges (annual – per vehicle) – as established by Resolution of the
23 Gainesville Alachua County Regional Airport Authority.

1 Late penalty, annual report, payment not timely filed, incomplete
2 or inaccurate (section 28-5), per month 52.50

3 **Section 8.** It is the intention of the City Commission that Sections 1 through 7
4 of this ordinance shall become and be made a part of the Gainesville Code of Ordinance of
5 the City of Gainesville, Florida, and that the Sections and Paragraphs of this ordinance may
6 be renumbered or re-lettered in order to accomplish such intentions.

7 **Section 9.** If any section, sentence, clause or phrase of this ordinance is held to
8 be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
9 in no way affect the validity of the remaining portions of this ordinance.

10 **Section 10.** All ordinances, or parts of ordinances, in conflict herewith are to the
11 extent of such conflict hereby repealed.

12 **Section 11.** Sections 1 through 6 and 8 through 10 of this ordinance shall
13 become effective on October 1, 2006. Section 7 shall become effective on October 1, 2007.

14 **PASSED AND ADOPTED** this 25th day of September, 2006.

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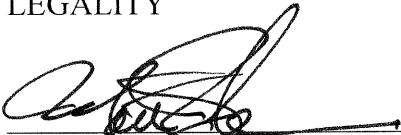

PEGEEN HANRAHAN
MAYOR

19 ATTEST
20

APPROVED AS TO FORM AND
LEGALITY

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22
23
24
25
26


KURT M. CANNON
CLERK OF THE COMMISSION


MARION J. RADSON
CITY ATTORNEY

SEP 26 2006

27 This Ordinance passed on first reading this 11th day of September, 2006.

28 This Ordinance passed on second reading this 25th day of September, 2006.