

LEGISLATIVE #

150580A

ORDINANCE NO. 150580

An ordinance of the City of Gainesville, Florida, amending Section 28-37 of the Code of Ordinances to eliminate the four-passenger limit for non-motorized vehicles for hire; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Chapter 28, Article II of the Code of Ordinances regulates non-motorized vehicles for hire, which 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; and

WHEREAS, Section 28-37 of the Code of Ordinances prohibits the drivers of non-motorized vehicles for hire from carrying more than four passengers; and

WHEREAS, this ordinance eliminates that passenger limit in Section 28-37 of the Code of Ordinances for non-motorized vehicles for hire; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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

Section 1. Section 28-37 – Prohibited conduct of the Code of Ordinances is amended as follows.

1 **Sec. 28-37. - Prohibited conduct.**

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3 The following acts by any driver are prohibited:

4 (a) To operate a non-motorized vehicle: ~~(a) while carrying more than four passengers, (b)(a)~~

5 while carrying a number of passengers that exceeds the number of passenger seats which such

6 vehicle was designed to accommodate, or ~~(e)(b)~~ while any passenger is standing or while any

7 passenger is sitting anywhere other than in the passenger seat thereof; provided, however, that

8 children aged five years old or younger, may be seated in the lap of another passenger and will

9 not count as an additional passenger.

10 (b) To collect fares, make change, or embark or debark passengers while the non-motorized

11 vehicle is in motion.

12 (c) To operate, park, stand, or stop the non-motorized vehicle in a manner which violates any

13 city ordinance or state law or disrupts the flow of vehicular traffic on any street.

14 (d) To operate, maneuver, incline, spin, tilt, tip, slope, or position a human-powered non-

15 motorized vehicle in any manner that would unnecessarily place a passenger in other than an

16 upright, seated position.

17 (e) To operate a non-motorized vehicle upon the sidewalk portion of a public right-of-way,

18 except at the direction of a law enforcement officer.

19 (f) To operate a non-motorized vehicle on any street listed on the prohibited streets list

20 established by the vehicles for hire administrator or on any street posted at a speed greater than

21 30 miles per hour.

22 (g) To operate a non-motorized vehicle with sound produced by a radio, tape player, CD

23 player, DVD player, or other mechanical sound making device or instrument from the non-

1 motorized vehicle so that the sound is plainly audible at a distance of 25 feet or more from such
2 vehicle, Non-motorized vehicles shall not be eligible for a loudspeaker permit.

3 (h) To operate or ride more than two abreast, except when overtaking and passing a bicycle
4 or vehicle proceeding in the same direction.

5 (i) To allow any passenger or occupant of the non-motorized vehicle to drink or consume
6 alcoholic beverages or to possess an open container of alcoholic beverages.

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8 **Section 2.** It is the intent of the City Commission that the provisions of Section 1 of this
9 ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville,
10 Florida, and that the sections and paragraphs of the Code of Ordinances may be renumbered or
11 relettered in order to accomplish such intent.

12 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
13 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
14 finding shall not affect the other provisions or applications of this ordinance that can be given
15 effect without the invalid or unconstitutional provision or application, and to this end the
16 provisions of this ordinance are declared severable.

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

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

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21 **PASSED AND ADOPTED** this _____ day of _____, 2016.

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EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2016.

This ordinance passed on second reading this _____ day of _____, 2016.