

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

ORDINANCE 517

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
CEDAR KEY, FLORIDA; REGULATING BUSINESSES ENGAGING IN
PASSENGER TRANSPORT FOR HIRE VEHICLES OR RENTAL
VEHICLES; PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission finds it is necessary to regulate passenger transport vehicles-for-hire and rental vehicles in order to protect the general safety and welfare of passengers using vehicles-for-hire and the general public including pedestrians, and motor vehicle drivers and passengers;

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

Section 1. Definitions.

Passenger Transport For Hire Vehicle: means any vehicle that is used for transporting passengers for hire, fee, or compensation of any kind, including compensation derived from tips or advertising, upon or along the streets within the City of Cedar Key. Examples of Passenger Transport For Hire Vehicles include, but are not limited to, taxicabs, bicycles, pedicabs, animal drawn carriages, golf carts and low speed vehicles.

Rental vehicle: means any vehicle that is rented on a short term basis for use by the person or persons renting the vehicle upon or along the streets within the City of Cedar Key. The term shall not include automobiles, campers or recreational vehicles. Examples of Rental Vehicles include, but are not limited to, bicycles, mopeds, motorcycles, motorized scooters, golf carts and low speed vehicles.

Unless specifically defined in this ordinance, definitions of terms as set forth in Title XXIII, Florida Statutes, shall apply to terms contained in this ordinance.

Section 2. Regulations.

No driver of a Passenger Transport For Hire Vehicle, (the vehicle), shall:

- (1) Operate the vehicle without first registering with the City as a vehicle driver;
- (2) Operate the vehicle while carrying a number of passengers that exceeds the number of passengers that the seats were designed to accommodate;
- (3) Allow a passenger to stand in the vehicle while the vehicle is in motion;
- (4) Collect fares while the vehicle is in motion;
- (5) Solicit patrons in an attempt to divert patronage from another business;
- (6) Operate the vehicle in a manner that results in damage to public property;
- (7) Leave the vehicle unattended on a street or other publicly owned property at any time;
- (8) Allow a passenger or anyone to sit anywhere other than the passenger seat within the vehicle;
- (9) Obstruct vehicular traffic by stopping, standing or driving carelessly;
- (10) Stop, stand, or load or unload passengers where parking and standing is prohibited;

- 47 (11) Operate the vehicle without having a communication device, such as a cell phone or
48 radio, in the driver's possession;
49 (12) Operate the vehicle on bike paths, sidewalks, roadway shoulders, on SR 24, or any
50 other location prohibited by Florida statutes.

51
52

Section 3. Safety certificate.

53 Prior to the issuance or renewal of any permit by the City pursuant to this ordinance, the
54 applicant shall certify under oath on the application required to be filed pursuant to
55 section 5 that the applicant has read the provisions contained in this article and agrees to
56 comply with the terms and that each vehicle contains all of the equipment necessary to be
57 operated on the streets legally, including the equipment required by F.S. ch. 316, and is in
58 safe operating condition. The City shall inspect all vehicles listed in the application for
59 compliance with this standard, or, alternatively, the applicant may furnish a certificate
60 from a qualified mechanic that the mechanic has inspected all of the vehicles, that the
61 vehicles comply with this standard. At any time after issuance of the permit, based upon
62 either observation by the City, or by complaint filed with the City, any vehicle shall be
63 subject to inspection by the City at any time, to determine compliance with these safety
64 standards.

65
66

Section 4. Liability insurance coverage required.

67 (1) No permit shall be issued or renewed by the City unless there is in force a
68 Commercial General Liability Insurance policy with minimum amount of \$1,000,000 per
69 occurrence, combined single limit, for bodily injury, personal injury, and property
70 damage. Such Liability Insurance policy shall specifically include the City as an
71 additional insured and require each policy to be endorsed to state that coverage shall not
72 be canceled by the applicant or carrier except after thirty (30) days written notice sent via
73 certified mail, return receipt requested, to the City. It is the applicant's responsibility to
74 ensure notice to the City in accordance with the above requirement is met.

75
76
77
78
79
80

(2) The Applicant will provide the City with a certificate or certificates of insurance showing the existence of coverage as required and will, upon written request by the City, provide certified copies of all policies of insurance. New insurance certificates and, when requested in writing, certified copies of policies shall be provided to the City whenever any policy is renewed, revised, or obtained from other insurance carriers.

81
82

Section 5. Permit Required; application.

84 Before any business shall begin operation providing Passenger Transport For Hire
85 Vehicles or Rental Vehicles, a permit shall be obtained from the City, based on an
86 application signed under oath, which shall contain:

- 87 (1) The name, residence address, and proposed place of business of the
88 applicant, the name of the applicant's business and the trade name, if applicable,
89 under which the business will operate;
90 (2) The number, type, year, model, VIN number of all Passenger Transport For Hire
91 Vehicles or Rental Vehicles proposed to be operated or controlled by the applicant, and a
92 copy of the Florida registration for each. Additionally, a color photograph of each public

93 conveyance proposed to be operated or controlled by the applicant shall be included with
94 the application clearly depicting any license tag on the vehicle;
95 (3) The names, addresses, driver's license numbers for all drivers in the applicant's
96 employ; and
97 (4) A safety certificate, as required in section 3, above, and proof of insurance, as
98 required in section 4, above.
99

100 **Section 6. Review of applications; issuance or denial.**

101 (1) The permit shall be issued or denied within five (5) business days after receipt of a
102 completed application. In making a determination as to whether a permit will be issued to
103 the applicant, the City shall consider the following criteria:

- 104 (a) Completeness of the application as required by this ordinance;
- 105 (b) Completion of the application support documentation and payment of an
106 application fee of \$ _____;
- 107 (c) Accuracy and truth of the information and documentation provided by the applicant.
108

109 (2) The certificate shall expire on September 30 following the date of issuance. However,
110 any certificate issued between July 1 and September 30 shall expire on September 30 of
111 the next calendar year. If the City finds that the applicant is not qualified to be issued a
112 certificate to engage in business, then a permit will not be issued and written notice will
113 be given to the applicant setting forth the reason for the refusal of the permit.
114

115 (3) Any applicant who has been denied the issuance of a permit shall have the right of
116 appeal. Within ten (10) calendar days from the date the city notifies the applicant of the
117 city's decision to deny the issuance of a permit, the applicant shall file with the city clerk
118 a written statement fully setting forth the grounds for such appeal. Upon the filing of such
119 written statement, the city clerk shall schedule and conduct a hearing before the City
120 Commission within thirty (30) days after the filing of the written statement. The applicant
121 shall be given at least five (5) days written notice of the hearing. The applicant and the
122 City shall have an opportunity to present evidence, to cross examine witnesses, and to be
123 represented by counsel. The applicant shall have the initial burden of proving the right to
124 the permit. The City Commission shall make a decision based on competent, substantial
125 evidence and shall issue a written order supported by findings of fact and conclusions of
126 law no later than the next regular meeting after the hearing.
127

128 The decision of the City Commission shall be final and conclusive, subject to judicial
129 review by common-law certiorari in the Circuit Court for Levy County.
130

131
132 **Section 7. Renewal of permit to engage in business.**

133 After the initial issuance of the permit, the permit may be renewed upon providing proof
134 that the public conveyance company continues to possess the requirements necessary to
135 obtain and maintain a permit as set forth in this ordinance and upon paying a renewal fee
136 of \$ _____. The permit renewal period shall be from October 1 through September
137 30.
138

139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180

Section 8. Revocation of permit to engage in business.

- (1) A permit may be revoked by the City, for any of the following reasons:
 - (a) Providing false information in connection with the permit issued;
 - (b) Permitting an unregistered driver to operate a Passenger Transport For Hire Vehicle;
 - (c) Committing or permitting a driver or a patron of the business to commit a violation of any of the provisions of this ordinance or any violation of City Code or Florida law pertaining to the operation of a vehicle on public streets.
- (2) A permit holder may appeal the permit revocation pursuant to the appeal procedure set forth in Sec. 6, above.
- (3) After revocation of a permit pursuant to this section, no application for a certificate to engage in business shall be accepted or considered for a period of six (6) months from the date of revocation.

Section 9. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the Laws of Cedar Key, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intention. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Attorney or designee without public hearing by filing a corrected or recodified copy of the same with the City Clerk.

Section 10. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 11. This Ordinance shall take effect immediately.

This ordinance passed on first reading on _____.

This ordinance passed on second reading on _____.

ATTEST:

CITY OF CEDAR KEY, FLORIDA,

Nicole Gill, City Clerk

Heath M. Davis, Mayor

LEGAL REVIEW:

Norm D. Fugate, City Attorney