

**ORDINANCE NO. 2020-33**

**AN ORDINANCE OF THE CITY OF VENICE FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 78, VEHICLES FOR HIRE; ARTICLE II, VEHICLES FOR HIRE; SECTION 78-21, DEFINITIONS AND 78-22, VEHICLE FOR HIRE PERMIT REQUIRED; AND SECTION 78-26, INSURANCE REQUIRED; PROVIDING FOR THE DEREGULATION OF TAXI CABS AND NON-REGULATION OF TRANSPORTATION NETWORK COMPANIES, I.E. UBER, LYFT; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Section 627.748(15), Florida Statutes, preempts the regulation of Transportation Network Companies such as Uber/Lyft to the state; and

**WHEREAS**, on September 11, 2018, Venice City Council moved to discontinue regulation of vehicles for hire as defined in Chapter 78 of the City's Code of Ordinances; and

**WHEREAS**, after further review, Venice City Council has determined it is in the best interests of public health, safety, and welfare to discontinue the regulation of taxis but continue the regulation of vehicles for hire that are low-speed or non-motorized vehicles.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:**

**SECTION 1.** The Whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Chapter 78, Vehicles for Hire, Article II, Vehicles for Hire, Section 78-21, Definitions, is amended to read as follows:

**Sec. 78-21. Definitions.**

When used in this article, the following words shall have the meaning ascribed to it in this section:

*Driver* means any person who drives or is in actual physical control of a ~~vehicle, electric vehicle, low-speed vehicle,~~ vehicle for hire ~~or nonmotorized vehicle.~~

~~*Electric vehicle* means a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current.~~

*Low-speed vehicle* means any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. § 571.500 and F.S. § 316.2122.

*Nonmotorized vehicle* means a vehicle used in a business for transporting passengers and which is propelled by animal or human power.

*Vehicle for hire* means a low-speed or nonmotorized ~~metered or nonmetered, motorized or nonmotorized passenger~~ vehicle, ~~by whatever name called~~, which is held out to the general public for and is used, operated or engaged for the purpose of transporting passengers for any fee, hire, or compensation, including gratuities. ~~This definition shall not include vehicles operating solely as wheelchair coaches, stretcher transport vehicles, ambulances or transporting the deceased or transporting passengers to airports other than the Venice Municipal Airport. This article shall apply only to vehicles which pick up passengers within the incorporated area of the city.~~

**SECTION 3.** Chapter 78, Vehicles for Hire, Article II, Vehicles for Hire, Section 78-22, Vehicle for hire permit required, is amended to read as follows:

**Sec. 78-22. Vehicle for hire permit required.**

- (a) It shall be unlawful to operate a vehicle for hire within the city limits without first obtaining a permit from the city clerk.
- (b) The applicant for a permit to operate a vehicle for hire shall make a notarized application to the city clerk, upon an application form furnished by the city clerk, which application shall contain, but not be limited to the following information:
  - (1) The name and business address of the applicant.
  - (2) The name and business address of all other vehicle for hire businesses which the applicant is or was associated with in any capacity within the past ten years.
  - (3) The make, model, year of manufacture, vehicle identification number if applicable, and seating capacity of each vehicle or a full description of each animal to be used or both for which the applicant seeks a permit.
  - (4) The name and business address of the insurance company providing liability insurance in accordance with section 78-26 upon each of the vehicles described in subsection (b)(3) together with the limits of coverage.
  - (5) A schedule of the rates, fares and charges to be collected.
  - (6) A safety certificate in accordance with section 78-25 for each vehicle for hire for which the applicant seeks a permit.
  - (7) A map depicting the proposed route if the business will be operating a fixed route and if applicable, the location at which the nonmotorized vehicles will be loaded and unloaded from a truck or trailer.
  - (8) The days and hours of operation.

(9) If applicable, a description of any advertising to be displayed on each vehicle for hire.

(10) If applicable, a map of the staging area location. Use of public property for the staging area will require compliance with chapter 62, article V, public right-of-way and public property permits.

(c) Upon receipt of a completed application, application fee of \$100.00, and all other documentation reasonably required by the city clerk, the city clerk shall process the information and if it is found to be in compliance with the Code of Ordinances, with the exception of subsection (d) and section 78-30, the city clerk shall issue a permit for each vehicle for hire and a corresponding permit number to the applicant.

(d) If a staff determination is made that the application needs to be considered by city council for any reason, the application will be submitted to city council with a staff recommendation for rejection, approval or approval with conditions.

(e) Each permit issued shall expire on September 30 and may be renewed upon payment of a renewal fee of \$50.00 and submission of proof of required insurance and if required, renewal of the local business tax fee.

(f) Operators shall ensure that the information provided on the application for permits is kept current. In the event there is a change or addition to information provided by an applicant on any application, the applicant shall provide such change or addition to the city clerk within ten days of such change or addition.

(g) All permits issued hereunder are nontransferable.

(h) This article shall apply only to vehicles which pick up passengers within the incorporated area of the city.

**SECTION 4.** Chapter 78, Vehicles for Hire, Article II, Vehicles for Hire, Section 78-26, Insurance required, is amended to read as follows:

**Sec. 78-26. Insurance required.**

It shall be unlawful for the applicant, owner, operator, or driver of any vehicle for hire to drive or operate the same or to permit the same to be driven or operated within the city limits without said vehicle being covered by a liability insurance policy upon which the city is listed as an additional insured party, issued by a good and responsible insurance company authorized to do business in the state, and providing the following minimum limits of coverage:

- (1) An amount of not less than \$125,000 ~~100,000.00~~ bodily injury liability insurance for any one person injured by reason of the negligent operation of the vehicle for hire;
- (2) An amount not less than \$250,000 ~~300,000.00~~ bodily injury liability insurance for any one accident; and
- (3) An amount not less than \$50,000 ~~100,000.00~~ for all property damage in any one accident.

**SECTION 5.** Severability. If for any reason a provision of this Ordinance or the application thereof to any person, group of persons, or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are severable.

**SECTION 6.** Effective Date. This Ordinance shall take effect immediately upon its adoption, as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 27th DAY OF OCTOBER, 2020.**

First Reading:     October 13, 2020  
Final Reading:    October 27, 2020

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Ron Feinsod, Mayor

ATTEST:

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Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 27th day of October 2020, a quorum being present.

WITNESS my hand and the official seal of said City this 27th day of October 2020.

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Lori Stelzer, MMC, City Clerk

APPROVED AS TO FORM:

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City Attorney