

Chapter 78 - VEHICLES FOR HIRE^[1]

ARTICLE I. - IN GENERAL

Secs. 78-1—78-20. - Reserved.

ARTICLE II. - VEHICLES FOR HIRE^[2]

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 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.

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.

Sec. 78-23. - Display of company name and permit.

Once a permit has been issued pursuant to this article, an operator of a vehicle for hire shall display the operator's company name, phone number and the permit on the vehicle for hire for which the permit was issued. Such name, phone number and permit shall be prominently displayed and painted or permanently affixed on the vehicle for hire in numbers and letters not less than two inches in height. Limousines shall be exempt from this section.

Sec. 78-24. - Driver requirements.

- (a) Each driver shall possess a valid class E license issued by the State of Florida.
- (b) The permit holder shall obtain a criminal history check through the Florida Department of Law Enforcement and a driver's license check through the Florida Department of Highway Safety and Motor Vehicles for each driver at the time of hire and on September 1 of each year thereafter throughout the driver's term of employment or service.
- (c) It shall be unlawful for anyone to drive or operate a vehicle for hire within the city limits if said driver or operator meets any one of the following criteria:
 - (1) Driver's license suspended or revoked within the past two years.
 - (2) Convicted of, or had a finding of guilt entered with adjudication withheld on, a felony within the past five years.
 - (3) Convicted of, or had a finding of guilt entered with adjudication withheld on, a misdemeanor within the past three years.
- (d) It shall be unlawful to solicit fares in any manner.

It is the responsibility of the permit holder to ensure that each driver complies with these requirements.

Sec. 78-25. - Safety certificate.

In addition to all other vehicle inspections required by law, the permit holder shall have each vehicle for hire annually inspected by a certified automobile mechanic not employed by the permit holder. At the conclusion of a successful inspection, or upon the completion of needed repairs, the mechanic shall execute a safety certificate (form furnished by the city clerk) for the vehicle for hire. If animals are proposed to be used, a written statement is required annually from a state-registered veterinarian certifying that each animal is in good health and fit for nonmotorized vehicle service.

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 \$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 \$300,000.00 bodily injury liability insurance for any one accident; and
- (3) An amount not less than \$100,000.00 for all property damage in any one accident.

Sec. 78-27. - Schedule of rates, fares and charges.

A schedule of the rates, fares and charges to be collected as specified in the application shall be prominently posted in every vehicle for hire in full view of the passengers thereof and such rates, fares and charges shall be binding upon the operator and driver.

Sec. 78-28. - Seat belts required.

Each vehicle for hire, excluding nonmotorized vehicles, shall be equipped with an operational seat belt for the driver and each passenger. Notices shall be posted inside each vehicle, visible to the passengers, that the driver and passengers must wear seat belts at all times.

Sec. 78-29. - Number of passengers.

No operator or driver shall permit more persons to be carried in a vehicle for hire than the rated seating capacity of the vehicle for hire.

Sec. 78-30. - Horse-drawn carriages.

- (a) All horse-drawn carriages, other than those engaged as a one-time charter to a private party, will require city council approval before a permit will be issued by the city clerk.
- (b) Drivers of vehicles drawn by horses, mules and/or the like and operated on the streets of the city shall:
 - (1) Immediately dilute urine with a deodorizing, nontoxic liquid. The liquid used shall be eco-friendly, safe, recyclable, nontoxic, and nonharmful to people and property. The driver shall be responsible for carrying and using the diluting liquid.
 - (2) Insure that such animals are equipped with devices to catch excrement from falling on the city streets; and

- (3) Be responsible for removal from the streets of all manure and droppings by sundown of the day of the occurrence.

Sec. 78-31. - Compliance with other laws.

Every applicant, owner, operator, or driver shall comply with all laws, ordinances, rules and regulations applicable within the city limits.

Sec. 78-32. - Permit suspension and revocation.

Any permit issued hereunder may be revoked or suspended by the city clerk if the holder thereof has violated any of the provisions of this chapter, any ordinance of the city, any law of the state, created a public nuisance or endangers the public health, safety or welfare or the health, safety or welfare of any animal used in the business. Prior to any such suspension or revocation, the holder shall be given notice of the proposed action and shall be given an opportunity to be heard. The holder of the permit may appeal the decision of the city clerk to city council by filing a notice of appeal with the city clerk within 30 days from the date of the city clerk's decision.

Sec. 78-33. - Penalty for violation.

Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with or who procures, aids, or abets in the violation of any provision of this article shall be guilty of a municipal ordinance violation and may have a penalty enforced upon said person. A person convicted of a violation of this chapter shall be punished by a fine not exceeding \$500.00, imprisonment, not exceeding 90 days or by any combination thereof. With respect to violations that are continuous, each day the violation continues is a separate offense.

Secs. 78-34—78-60. - Reserved.