

ARTICLE I. IN GENERAL

Secs. 82-1—82-25. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 82-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver's identification card means written authority given by the chief of police pursuant to this article to any person to drive or operate a taxicab upon the public streets.

Nonresident owner means and includes all residents or nonresidents of the city who own and operate taxicabs for hire over the streets of the city, but who have their principal place of business outside the city and who are licensed to do a taxicab business under the ordinances of another municipality.

Operate or operation means and includes operation by the owner or any agent of the owner or by any person with the owner's knowledge, consent or permission, express or implied.

Permit means the written authority granted by the city commission under this article to engage in the taxicab business.

Streets or public streets includes any of the public streets, boulevards, avenues, drives or alleys or any public way.

Taxicab means any motor-driven vehicle for the transportation for hire of passengers and which is operated wholly or principally within the corporate limits of the city, except such motor-driven vehicles as shall be used or are constructed to carry more than seven passengers, including driver, and also except sightseeing cars and buses,

cars rented without driver, and motorbuses operated under or pursuant to a franchise or special ordinance authorizing such.

(Code 1988, § 23-16)

Cross reference—Definitions generally, § 1-2.

Sec. 82-27. Compliance required.

The operation of taxicabs within and upon the public streets shall be subject to the conditions, regulations and restrictions set forth in this article.

(Code 1988, § 23-17)

Sec. 82-28. Occupational license required.

(a) It shall be unlawful for any person to carry on, engage in or conduct the business of operating a taxicab for the transportation of persons, without first having obtained an occupational license for such business from the building official, as provided in this section or section 66-104.

(b) The annual license fee to be collected from and paid by every person carrying on, engaging in or conducting the business of operating a taxicab for the transportation of persons within the city shall be \$30.00 per vehicle.

(c) It shall be unlawful for any nonresident owner, as defined in section 82-26, to engage in or conduct the business of operating a taxicab for the transportation of persons within the city limits without first having obtained an occupational license for such business from the building official. The annual license fee for each taxicab or car for hire is imposed upon and shall be collected from each and every nonresident owner carrying on, engaging in or conducting the business of operating a taxicab for the transportation of persons within the city limits.

(d) It shall be unlawful for the nonresident owner of any taxicab or any agent or employee of such owner to solicit patronage over or upon the streets or to cruise upon such streets for the purpose of soliciting patronage. The extent of the occupational license granted upon the payment of the fee shall include merely the right to enter the city to deliver a passenger engaged outside of the city or to respond to a specific request for passage within the city to transport a passenger outside of the city limits. It shall be unlawful for any such

nonresident taxicab owner or any agent or employee thereof to pick up a passenger within the city limits for delivery to another point within the city limits.

(e) The operating of all taxicabs by nonresident owners, their agents or employees under this article shall be subject to and in accordance with all other applicable ordinances governing the operation of taxicabs within the city limits.

(Code 1988, § 23-31; Ord. No. 05-64, § 2, 12-22-05)

State law references—Regulatory authority to require license, F.S. § 166.221; authority to levy occupational license tax, F.S. § 205.042.

Sec. 82-29. Liability insurance or surety bond.

(a) It shall be unlawful for the owner, operator, driver or chauffeur of any taxicab to drive or operate the taxicab or to permit the taxicab to be driven or operated upon the public streets, unless such owner, operator, driver or chauffeur shall have first procured and filed with the city clerk a liability insurance policy issued by a good and responsible insurance company or a surety bond issued by a good and responsible surety company. The insurance company or surety company must have authority to do business as such in the state and must be acceptable to and approved by the city commission. The amount of liability insurance or surety bond for each taxicab shall be as follows:

- (1) An amount of not less than \$100,000.00 for any one person injured because of the negligent operation of such taxicab;
- (2) An amount of not less than \$300,000.00 for more than one person so injured in any one accident; and
- (3) An amount of not less than \$50,000.00 for all property damage in any one accident.

(b) Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each taxicab or may be in the form of a fleet policy covering all taxicabs operated by such owner, operator, driver or chauffeur. In the latter event such policy of insurance or surety bond shall provide the same liability for each taxicab operated in service as specified in subsection (a) of this section. Every taxicab hired

in service shall have conspicuously displayed therein or thereon some sign evidencing the fact of compliance with this section and the form thereof shall be prescribed by the chief of police.

(c) No policy of insurance or surety bond shall be cancelled until the expiration of five days after notice of intended cancellation thereof has been given in writing, to the city clerk by registered mail or personal delivery of such notice, and a provision thereof shall be embodied in the policy or surety bond.

(Code 1988, § 23-23)

Secs. 82-30—82-55. Reserved.

DIVISION 2. PERMIT

Sec. 82-56. Required.

It shall be unlawful to operate or cause to be operated any taxicab business unless a permit for the operation thereof shall have been first issued by the city commission as provided in this division.

(Code 1988, § 23-18)

Sec. 82-57. Application.

Application for the permit required by section 82-56 shall be made in writing to the city commission. Such application shall set forth the name, residence address and place of business of the applicant and the kind, make and model of the vehicle to be used in the business. If the applicant is a partnership, the application shall give the names and residence addresses of the partners. If the applicant is a corporation, the application shall set forth the name of the corporation and the residence addresses of its officers and board of directors. The application shall set forth the trade name, if any, under which the applicant does or proposes to do business.

(Code 1988, § 23-19)

Sec. 82-58. Investigation of application.

Upon the filing of an application for a permit made under section 82-57, the city commission

shall make an investigation, including any hearing deemed necessary, as to each application for a permit for the operation of taxicabs. In determining whether a permit shall be issued, the city commission shall investigate the fitness of the applicant to engage in the business of operating taxicabs and the fitness of the equipment to be used and shall also consider and determine whether the demands of public convenience, necessity and safety justify the issuance of such permit.

(Code 1988, § 23-20)

Sec. 82-59. Issuance or denial; transferability.

(a) If the city commission finds favorably to the applicant and grants a permit for the operation of taxicabs, a permit shall be issued to the applicant. Such permit shall not be transferable, except upon application to and consent of the city commission.

(b) If the city commission finds against the applicant and decides that the public convenience, necessity and safety do not justify the issuance of such permit or that the applicant is not fit to conduct the taxicab business or the equipment is not fit for such business, no permit shall be issued, and notice of the action of the city commission shall be given to the applicant setting forth the reason for the refusal of such permit.

(Code 1988, § 23-21)

Sec. 82-60. Suspension or revocation.

Whenever any person engaged in the taxicab business is found to be violating this article or chapter 74 or any of the laws of the state, the city commission may upon complaint or upon its own motion issue an order to such person to appear at a fixed time and place for investigation. If the city commission is satisfied after such hearing that such person is guilty of the violations charged, it may suspend for a fixed period or revoke entirely the permit issued to such person.

(Code 1988, § 23-22)

Secs. 82-61—82-85. Reserved.

DIVISION 3. REGULATIONS

Sec. 82-86. Driver's license required.

It shall be unlawful for any person to operate or drive a taxicab in or upon any street unless and until such person shall have first presented to the chief of police a valid state driver's license.

(Code 1988, § 23-24)

Sec. 82-87. Hours of driving.

It shall be unlawful for any driver or operator of a taxicab to drive or operate a taxicab for more than 12 hours within any 24-hour period.

(Code 1988, § 23-25)

Sec. 82-88. Display of trade name required.

It shall be unlawful for any taxicab to be driven upon the streets unless the name of the person either owning or operating such taxicab or the trade name under which such taxicab is operated shall be conspicuously painted on such taxicab in letters not less than two inches in height.

(Code 1988, § 23-26)

Sec. 82-89. Schedule of rates to be posted; excessive charges.

Each taxicab shall have posted in a conspicuous place therein a schedule of rates for the transportation of persons within the corporate limits of the city, and no charges shall be made in excess of the rates so posted.

(Code 1988, § 23-27)

Sec. 82-90. Report of violations.

It shall be the duty of the chief of police to notify the city manager of any and all violations of any section of this Code by any taxicab operator or chauffeur.

(Code 1988, § 23-28)

Sec. 82-91. Inspection of taxicabs required.

Monthly safety inspections of taxicabs shall be conducted by the city at a place from time to time to be designated.

(Code 1988, § 23-29)

Sec. 82-92. Rates.

(a) All rates for the use of taxicabs using meters shall be determined by a meter rate, hourly rate or special trip rate, and by no other method. All charges are for the exclusive use of the taxicab and shall apply regardless of the number of passengers transported.

(b) If demanded by the passenger, the driver in charge of a taxicab shall deliver to the person paying for the hiring of the taxicab, at the time of such payment, a receipt therefor in legible writing, containing the name of the owner, the city license number, showing upon such receipt all items for which a charge is made, the total amount paid and the date of payment. Every driver of any such taxicab shall have the right to demand payment of the legal fare in advance, and may refuse employment unless so prepaid. (Code 1988, § 23-30)

Sec. 82-93. Unauthorized use of streets.

Except as provided in this article, no taxicab shall occupy space on the streets for the transaction of business other than the picking up of passengers. All places of business of taxicabs shall be maintained off the streets. (Code 1988, § 23-32)

Sec. 82-94. Soliciting passengers on streets—Generally.

It shall be unlawful for any person owning or operating one or more vehicles for hire in the city to operate such motor vehicles over and upon the streets of the city for the purpose of soliciting patronage, picking up passengers or delivering passengers at any point within 100 feet of any intersecting street corner along such street. It is the purpose and intent of this section to prohibit such practice within 100 feet in all directions from such intersections. The distance in all cases shall be measured from the center of the intersection. Nothing in this section shall be construed as prohibiting the driver of any taxi or vehicle operated for hire from responding to any specific request for passage from any person seeking the services offered by such taxi or motor vehicle or from stopping at any point within the city for the

purpose of delivering a passenger who has been picked up at any part of the city in a manner not prohibited by law. (Code 1988, § 23-33)

Sec. 82-95. Same—Cruising prohibited.

It shall be unlawful for any person operating any taxicab or motor vehicle for hire in the city to operate such taxicab or motor vehicle over and upon the streets of the city for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city. Nothing contained in this section shall be construed as prohibiting the driver of any duly licensed taxi from responding to any specific request for passage from any patron seeking the services offered by such duly licensed taxi. (Code 1988, § 23-34)

ARTICLE III. COMMERCIAL HORSE-DRAWN CARRIAGES**Sec. 82-96. Definitions.**

Except where the context clearly indicates otherwise, the following terms and phrases used in this article III shall have the following meanings:

Commercial horse-drawn carriage shall mean any animal driven vehicle drawn or pulled by an animal used for touring, transportation, or sight-seeing purposes that is utilized for such purposes for hire, for monetary or other valuable consideration, or for tips or other gratuities.

Operate or operation means and includes operation by the owner or any agent of the owner or by any person with the owner's knowledge, consent or permission, express or implied.

Streets shall mean any of the public streets, boulevards, avenues, drives, alleys, or any public ways within the city and under the jurisdiction of the city pursuant to Florida law. (Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-97. Use of streets.

Except as provided in this article III, no commercial horse-drawn carriage shall operate on the streets of the city for the transaction of business other than the picking up of passengers. All places of business of commercial horse-drawn carriage shall be maintained off the city streets. Additionally, it shall be unlawful for any person operating any commercial horse-drawn carriage in the city to operate such commercial horse-drawn carriage for the purpose of soliciting the patronage of passengers by immediately preceding or following any duly scheduled bus or motor vehicle operated for such purpose by any bus or transit company under an exclusive franchise from the city along the streets of the city.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-98. Restrictions; routes by resolution; commercial operational hours.

(a) Prohibited streets. Unless approved by the city manager or his/her designee or by resolution as proscribed herein, commercial horse-drawn carriages shall be at all times prohibited from operating on the following city streets:

- (1) Plant Street;
- (2) Dillard Street from Plant Street to Highway Fifty; and
- (3) Such other streets as may be designated by resolution of the city commission.

No passenger pick-ups or drop-offs shall occur along or upon any prohibited streets as provided in this section.

(b) The city commission may, by resolution adopted after a public hearing, establish routes of operation for commercial horse-drawn carriages and if such occurs, commercial horse-drawn carriages shall operate only within such established routes. Additionally, permitted and/or prohibited routes of operation may be temporarily changed or altered by the city manager or his/her designee if determined to be necessary for public safety reasons with such changes or alterations being subject to immediate review of the city commission at the city commission's

next regularly scheduled meeting upon five days written request of any owner or operator of any commercial horse-drawn carriage business within the city.

(c) Commercial horse-drawn carriages may lawfully operate only between the hours of 8:00 a.m. and 9:00 p.m.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-99. Stopping, standing, and parking.

(a) No operator of any commercial horse-drawn carriage shall stand or park such carriage in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic with the curbside wheels of the carriage within 12 inches of the edge of the roadway, except upon a street that has been marked or a sign erected for angle parking, where the carriage shall be parked at the angle to the curb indicated by such a mark or sign. During daylight hours, all commercial horse-drawn carriages shall limit stopping, standing, and parking to adequately shaded areas except for situations where such stopping, standing, and/or parking is unsafe, may be required in obedience to traffic regulations, or upon signal or directive from a police officer.

(b) No operator of any commercial horse-drawn carriage shall permit such carriage to stand unattended.

(c) No operator of any commercial horse-drawn carriage shall stop, stand, or park such carriage in a street in such a manner or under such conditions as to leave available less than ten feet of the width of any lane of the street or roadway for free movement of vehicular traffic, except that such operator may stop momentarily as when necessary to do so in obedience to a traffic regulation or traffic sign or signal or directive from a police officer.

(d) No operator of any commercial horse-drawn carriage shall load or unload passengers from within or upon the streets of the city except in delineated or dedicated parking areas or lots in a manner consistent with the requirements of this section and other applicable state or local

law or regulation. During daylight hours, all commercial horse-drawn carriages shall limit loading or unloading of passengers to adequately shaded areas except for situations where such loading or unloading is unsafe, may be required in obedience to traffic regulations, or upon signal or directive from a police officer.
(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-100. Compliance with City Code, traffic regulations, and applicable law.

All commercial horse-drawn carriage businesses and their operators shall be subject to all applicable provisions of this Code and other ordinances and regulations in effect in the city and all traffic ordinances and regulations which may pertain to the operation or regulation of horse-drawn vehicles hereinafter enacted or adopted by the city. Additionally, such businesses and entities shall abide by all provisions of the Florida Uniform Traffic Control Law as set forth in F.S. ch. 316, and any other applicable state or federal rules, laws, or regulations.
(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-101. Equipment and safety requirements; sanitation.

(a) Every commercial horse-drawn carriage shall have the following equipment on the vehicle, which equipment shall be maintained in good repair and working order:

- (1) Reflectors;
- (2) Grab handles;
- (3) Traces;
- (4) Harness;
- (5) Rubber surfaced wheels;
- (6) Shafts;
- (7) Steps;
- (8) Proper lights for vehicles operating at night;
- (9) Signage or emblems located on the rear of the vehicle indicating that the vehicle is "slow moving" or a "SMV."

(b) All animals utilized for commercial horse-drawn carriages shall be equipped with diapers or similar devices to prevent manure or droppings from falling on city streets. All operators shall remove from the streets of the city all manure and droppings within a reasonable time from the occurrence of same but in no event longer than 15 minutes from the occurrence of such event. Urine must be immediately diluted with deodorizing, non-toxic liquid. The liquid used shall be eco-friendly, safe, recyclable, non-toxic, and non-harmful to people and property. The operator of the commercial horse-drawn carriage shall be responsible for carrying and using the diluting liquid.
(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-102. Animal safety and care.

(a) Animals shall not engage in commercial horse-drawn carriage work with harnesses or bits which harm or are unsafe to the animal. Harnesses, bridles, bits, and padding shall be properly fitted and kept in clean and good repair. Harnesses shall be kept free of makeshifts like wire, rope, and rusty chain. Trace chains shall not put pressure on the collar and shoulders of the animal when it starts pulling the carriage resulting in a jolting start versus a smooth start with a snug collar already in place.

(b) No animal shall be utilized to draw a commercial horse-drawn carriage unless the animal is in good health and the following standards are met:

- (1) The animal does not have any open sores or wounds or is lame or has any other ailments unless the operator has in his/her possession a current written statement by a veterinarian that the animal is fit for such work notwithstanding such condition;
- (2) The animal shall be properly and appropriately groomed;
- (3) The animal is in good working condition;
- (4) Animals must have free choice and access to clean water at least once per hour or as needed after completing a tour;

- (5) No animal may work for more than 50 minutes and any 60-minute period or shall have a ten minute rest per hour when touring;
- (6) No animal may work more than five hours in any 24-hour period;
- (7) Animals shall not engage in work more than five days in any seven day period;
- (8) Animals shall not engage in work with equipment causing an impairment of vision other than normal blinders;
- (9) Animals shall not be driven at a speed faster than a slow trot;
- (10) Animals shall not be subject to any cruel or harassing treatment or equipment;
- (11) Animals shall not be sold or disposed of except in a humane manner in accordance with the American Association of Equine Practitioners' guidelines;
- (12) Animal hoofs are properly shod and trimmed, utilizing rubber-coated, rubber heel pads or open steel barium tip shoes to aid in the prevention of slipping. All pads or shoes shall be non-slip;
- (13) No horse may work if it is a stallion, a mare with an un-weaned foal or a pregnant mare; and
- (14) Owners, operators and drivers of a horse-drawn carriage shall monitor the condition of each horse, and will not allow a horse to work when the horse shows signs of exhaustion, dehydration, sickness, disease, injury or severe stress.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-103. Adverse weather.

Operators shall use caution when working animals for commercial horse-drawn carriages in adverse weather conditions such as high heat and humidity, snow, ice, heavy rain, and other slippery or reduced visibility situations. When either the ambient temperature reaches 92 degrees Fahrenheit or the heat index reaches 102 degrees Fahrenheit, as determined by the weather station at the Orlando International Airport (MCO), all operators shall cease opera-

tions and discontinue working their animals and pull them off the streets until the temperature decreases below the above-stated temperatures or as directed by the city manager or his/her designee.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-104. Liability insurance or surety bond.

It shall be unlawful for the owner, operator, driver, or chauffeur of any commercial horse-drawn carriage to operate such carriage or to permit such carriage to be driven or operated upon the any city streets unless such owner, operator, driver, or chauffeur shall have first procured a liability insurance policy issued by a good and responsible insurance company or a surety bond issued by a good and responsible surety company. Such insurance company or surety company must have authority to do business in the State of Florida. The amount of liability insurance or surety bond for each commercial horse-drawn carriage shall be as follows:

- (1) An amount of not less than \$100,000.00 for any one person injured because of the negligent operation of such commercial horse-drawn carriage;
- (2) An amount of not less than \$300,000.00 for more than one person so injured in any one accident; and
- (3) An amount of not less than \$50,000.00 for all property damage in any one accident.

Such policy of insurance or surety bond may be in the form of a separate policy or separate surety bond for each commercial horse-drawn carriage or may be in the form of a fleet policy or similar covering all such commercial horse-drawn carriages operated by such owner, operator, driver, or chauffeur. In the latter event, such policy of insurance or surety bond shall provide the same coverage for each commercial horse-drawn carriage as specified herein. Every commercial horse-drawn carriage hired in service shall have conspicuously displayed therein or thereon some sign evidencing the fact of compli-

ance with this section. Additionally, proof of such policies must be presented to the city upon demand.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-105. Periodic carriage inspections.

The owner or operator of any commercial horse-drawn carriage shall subject the vehicle to a reasonably complete and thorough inspection to ensure compliance with this article III and other city, state, and federal laws and regulations for each commercial horse-drawn carriage in operation in the city no less than once per any 12-month period.

(Ord. No. 18-03, § 2, 12-14-17)

Sec. 82-106. Enforcement.

(a) *Determination of violations.* The City's law enforcement officers, the city manager, code enforcement officers, code inspectors, and their agents are empowered to investigate any situation where a person is alleged to be violating this article III.

(b) *Enforcement.* In the event that a violation of this article has occurred or is occurring, the city shall have the right to one or more of the following remedies or actions:

- (1) *Code enforcement proceedings.* The city may initiate a code enforcement proceeding against the person(s) or entities in violation and/or the property owner of the real property where the violation occurs. A violation of this article may be prosecuted as a violation of an itinerant or transient nature and one that is irreparable and irreversible.
- (2) *Civil citation.* A civil citation may be issued against the person(s) or entities in violation as set forth in chapter 2 of this Code. The city's law enforcement officers or code enforcement officers are authorized to issue notices to appear to the violator(s).
- (3) *Criminal penalty.* The city may prosecute the violator for a criminal misdemeanor punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceed-

ing 60 days, or by both such fine and imprisonment in the discretion of the court.

- (4) *Other remedies.* The city may institute any appropriate action at law or in equity to bring about compliance or remedy, including but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person(s) or entity shall be liable to the city for reimbursement of the city's attorneys' fees and costs concerning such action.

(Ord. No. 18-03, § 2, 12-14-17)