

**ORDINANCE NO. \_\_\_\_\_**

**PROPOSED ORDINANCE NO. 21-037**

**AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA RELATED TO NON-MOTORIZED VEHICLES FOR HIRE; AMENDING THE CODE OF THE CITY OF LAKELAND, FLORIDA BY CREATING ARTICLE V OF CHAPTER 106 TITLED “NON-MOTORIZED VEHICLES FOR HIRE”; SETTING FORTH PURPOSE AND INTENT; PROVIDING DEFINITIONS; PERMITTING THE OPERATION OF NON-MOTORIZED VEHICLES FOR HIRE ON DESIGNATED STREETS WITHIN THE CITY OF LAKELAND; ESTABLISHING REGULATIONS, STANDARDS AND PERMIT REQUIREMENTS FOR NON-MOTORIZED VEHICLES FOR HIRE AND THE DRIVERS THEREOF; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Lakeland, Florida finds that non-motorized vehicles for hire such as pedal buses and other forms of non-motorized vehicles have become an increasingly popular form of transportation and entertainment; and

**WHEREAS**, the City Commission further finds that it is necessary to regulate non-motorized vehicles for hire and their drivers within the City of Lakeland in order to protect the safety and welfare of passengers using such transportation and the general public;

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

**SECTION 1.** The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

**SECTION 2.** The Code of the City of Lakeland, Florida is hereby amended by enacting **CHAPTER 106, ARTICLE V., “NON-MOTORIZED VEHICLES FOR HIRE,”** to read as follows:

**DIVISION 1. - GENERALLY**

**Sec. 106-146. Purpose and Intent.**

It is the purpose and intent of this Article to regulate non-motorized vehicles for hire within the City of Lakeland in order to promote safety on the streets of the City of Lakeland and to ensure the protection of its citizens and visitors. In order to prevent fraudulent transactions, this Article prohibits unlicensed non-motorized vehicles for hire from transporting passengers except as otherwise set forth herein. The City of Lakeland is hereby authorized to regulate non-motorized vehicles for hire in the interest of public safety and to require certain conditions for the operation of such vehicles.

**Sec. 106-147. 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.

**Administrator** means the non-motorized vehicle for hire administrator created pursuant to this Division, or his or her designee, designated to administer, administratively enforce, regulate and interpret the provisions of this Article.

**Certificate** means a certificate issued by the City pursuant to an inspection of a non-motorized vehicle for hire that meets the requirements set forth in sec. 106-154 of this Article.

**Decal** means the numbered permit issued by the City pursuant to this Article which allows the operation of a non-motorized vehicle for hire within the city limits of the City of Lakeland.

**Driver** means a person who operates or drives a non-motorized vehicle for hire within the city limits of the City of Lakeland.

**Driver Permit** means a permit issued pursuant to this Article which entitles a person to operate a non-motorized vehicle for hire within the city limits of the City of Lakeland.

**Non-Motorized Vehicle for Hire** means any passenger vehicle propelled by human power which is used for transporting passengers if the driver and/or owner

receives direct or indirect compensation for providing such transportation, and includes any vehicle for which a decal has been issued pursuant to this Article.

**Owner** means a person or legal entity that owns a non-motorized vehicle for hire, who may also be an operator or driver of such vehicle requiring a decal under this Article.

**Street** means any public street, avenue, road, alley, lane, highway, public park, sidewalk or other public right-of-way, easement or place located within the city limits of the City of Lakeland.

#### **Sec. 106-148. Establishment of Permitted Streets.**

The Administrator shall establish a list of streets, or portions thereof, upon which travel by non-motorized vehicles for hire is permitted. Such list shall be provided to each owner and driver, along with the decal and driver's permit. Should changes be made to the list at any time, an updated copy of the list will be furnished to each owner and driver by registered mail. Enforcement of any newly-adopted list of permitted streets will not be effective until fifteen (15) days after the new list has been mailed. However, the Administrator may on a temporary basis and upon such reasonable notice as is practical under the circumstances prohibit the operation of non-motorized vehicles for hire within any part of the City during special events or when necessary for public safety.

### **DIVISION 2. - VEHICLE REGULATIONS**

#### **Sec. 106-149. Non-Motorized Vehicle for Hire Decal.**

(a) It shall be a violation for any person to operate any non-motorized vehicle for hire upon any public street within the City of Lakeland unless the owner or driver of that non-motorized vehicle has first obtained a non-motorized vehicle for hire decal issued by the Administrator. This decal is issued upon a showing of compliance with the requirements of this Article.

(b) Such decal shall, at all times during the period for which it is valid, be securely attached to a conspicuous place on the left rear portion of the non-motorized vehicle for which it is issued.

(c) Each decal shall be valid for a period of one (1) year from the beginning of the month issued, unless sooner revoked or suspended as set forth in this Article. A fee of \$128.00 per year shall be paid in advance for each decal. The fee may be amended by resolution of the City Commission as necessary and shall reasonably represent the costs, work, time and process necessary to administer these provisions.

(d) Prior to obtaining a decal, each owner shall submit a completed application which shall, at a minimum, include the required decal fee, vehicular information, insurance information, a copy of a current and valid Florida Driver's License for the applicant owner, a list of all drivers and a copy of a current and valid Florida Driver's License for all such drivers, and other related technical information required pursuant to the application.

(e) Upon receipt of an application for a decal, the Administrator shall determine if the application meets the requirements set forth in this Article and, if not, shall return the application to the applicant with any deficiencies noted.

(f) The Administrator may limit the number of decals issued under this Article if necessary to protect public safety and welfare or to ensure the efficient operation of the City's transportation network.

### **Sec. 106-150. General Regulations.**

(a) No alcoholic beverages other than beer, wine, hard cider or malt based beverages below 19 percent alcohol may be consumed by passengers on a non-motorized vehicle for hire. No persons under the age of 21 shall be allowed on a non-motorized vehicle for hire during a ride where alcohol is or will be consumed. The prohibition of the consumption of alcoholic or intoxicating beverages on public property pursuant to Chapter 6 of the Code of the City of Lakeland shall not apply to passengers on a non-motorized vehicle for hire while physically on such non-motorized vehicle. However, any alcoholic or intoxicating beverages brought onto a non-motorized vehicle for hire shall be kept in a sealed container prior to boarding the non-motorized vehicle and any opened container shall either be disposed of prior to exiting the vehicle or may be left on the non-motorized vehicle provided the driver of the vehicle remains with the vehicle at all times.

(b) All non-motorized vehicle for hire businesses shall require passengers to execute a waiver in favor of the City, approved by the City, prior to boarding the non-motorized vehicle. The owner of the non-motorized vehicle shall make available for inspection such executed waivers upon the City's request.

(c) Non-motorized vehicle for hire businesses shall require all passengers under the age of 16 to wear helmets and shall offer helmets for all other passengers, regardless of age, at no cost.

(d) All passengers of a non-motorized vehicle for hire shall be issued an arm band identifying them as tour participants.

(e) No glassware of any kind shall be allowed on the serving area of a non-motorized vehicle for hire including, but not limited to, bottles, receptacles or drinking glasses. Glassware may be stored on a non-motorized vehicle for hire as long as the

glassware is empty, securely stored so as to be inaccessible while the vehicle is in motion, and wrapped in paper, padding, or some other covering to prevent breakage.

(f) Non-motorized vehicles for hire may operate between the hours of 10:00 a.m. and 12:00 midnight each day of the week.

#### **Sec. 106-151. Liability Insurance.**

The owner of a decal shall maintain the following minimum insurance coverage at all times while operating a non-motorized vehicle for hire in the City of Lakeland: (a) a commercial general liability insurance policy in the amount of \$1,000,000.00 per occurrence, \$2,000,000.00 aggregate, providing coverage for: (i) bodily injury, death and property damage, (ii) participant and passenger liability, (iii) contractual liability for the indemnification required by this Article, and (iv) customers who bring alcohol onto the non-motorized vehicle; and (b) workers' compensation insurance as required by Florida law, and employers' liability insurance in the amount of \$100,000.00 each accident, \$100,000.00 per employee, and \$500,000.00 for all diseases. All insurance policies shall be written by a company authorized to transact business in the State of Florida rated A or higher by A.M. Best. Required policies indicating policy limits and policy periods must be provided to the Administrator prior to issuance or renewal of any decal. Certificates of insurance shall list the City of Lakeland as an additional insured with respect to commercial general liability coverage. Each separate part of the non-motorized vehicle shall have a serial number affixed thereto and shall be listed on the insurance certificate. All policies shall be kept in full force and effect at all times while any non-motorized vehicle is operated within the City, must cover a minimum period of twelve (12) months, and shall be written as an occurrence-based policy. Proof of insurance must be maintained within the vehicle at all times when operated within the City of Lakeland. Upon cancellation or lapse of any insurance policy required by this Article, the decal issued pursuant to this Article shall be immediately revoked.

#### **Sec. 106-152. Indemnification.**

The owner shall indemnify, defend and hold harmless the City of Lakeland, its officers, employees and agents, from and against all losses, claims, liabilities, judgments, penalties, fines and expenses (including attorney's fees and costs at all trial and appellate levels), by reason of any bodily injury to or death of any person, or damage to or destruction or loss of any property, arising out of or resulting from or in connection with, the negligence or misconduct of the owner or the owner's officers, employees, agents, subcontractors or customers, in connection with the rights granted to such owner pursuant to this Article. The City of Lakeland shall not be liable for any damages, losses or costs due to any negligent act, omission or willful misconduct of the owner or the owner's officers, employees, agents, subcontractors or customers relating to the operation or use of a non-motorized vehicle for hire pursuant to this Article.

### **Sec. 106-153. Rates to be Displayed.**

Each non-motorized vehicle for hire operated within the City of Lakeland shall prominently display, in a frame covered with clear plastic, a card or sign, printed in plain, legible letters or numbers, which shall contain: (i) the schedule of rates for the transportation services provided by the vehicle, (ii) the City decal number of such non-motorized vehicle, and (iii) the name and work address of both the owner and the driver of such vehicle. No driver of any non-motorized vehicle may charge a fee which is not so posted.

### **Sec. 106-154. Vehicle Safety and Equipment Standards.**

(a) Non-motorized vehicles for hire shall be operated within the City of Lakeland in compliance with all laws of the State of Florida, including Chapter 316 of the Florida Statutes (the "Florida Uniform Traffic Control Law") pertaining to bicycles. All non-motorized vehicles for hire shall be in good and safe mechanical operating condition and comply with the provisions set forth in this section.

(b) The Administrator and any law enforcement officer shall have the right to inspect or cause to be inspected any non-motorized vehicle for hire as often as may be necessary for the purpose of ascertaining and causing to be corrected any unsafe or unsanitary conditions or violations of this Article.

(c) No owner or driver shall operate a non-motorized vehicle for hire on any street unless the vehicle meets the following safety and equipment standards:

(1) *Tires.* Tires shall be of a size appropriate for the non-motorized vehicle and with no mismatched tires. There shall be no cuts into the tire or localized worn spots that expose the ply. A tire that has tread wear indicators that are visible shall not be permitted.

(2) *Operational horn.* Non-motorized vehicles for hire shall be equipped with an operational horn or bell.

(3) *Brakes.* Each non-motorized vehicle for hire shall be equipped with operational brakes which will enable its driver to stop the vehicle within fifteen (15) feet at a speed of ten (10) miles per hour on dry, level, clean pavement. The brake system shall demonstrate a reasonable total braking force when tested.

(4) *Headlights, tail lights, mirrors, turn signals and other requirements.* Every non-motorized vehicle for hire shall be equipped with the following operational equipment:

- i. A headlight capable of projecting a beam of white light a minimum distance of 500 feet, which shall be clearly visible between the hours of

sunset and sunrise and which must be illuminated at all times during operation;

- ii. A red tail light affixed to the rear of the passenger compartment, which shall be clearly visible between the hours of sunset and sunrise from a distance of 600 feet from the rear of the non-motorized vehicle and which must be illuminated at all times during operation;
- iii. A side-mounted mirror affixed to the non-motorized vehicle providing the driver a view of the highway a distance of at least 200 feet to the rear of the non-motorized vehicle;
- iv. A slow-moving vehicle triangle on the rear of the vehicle or reflective tape which outlines the rear of the non-motorized vehicle from edge to edge; and
- v. Turn signal lamps which must be visible for a distance of at least 500 feet from the rear of the vehicle indicating right and left turns and which must be utilized when turning.

(5) *Company name.* The company or trade name and vehicle decal number shall be conspicuously displayed on the exterior of each non-motorized passenger vehicle.

(d) Each non-motorized vehicle for hire operated within the City of Lakeland shall be subject to an annual inspection by the Lakeland Police Department or such other person or entity designated by the city to inspect the mechanical condition of the vehicle. An inspection certificate shall be issued and affixed to each non-motorized vehicle for hire found by such inspection to be in good and safe condition in accordance with the requirements set forth in this section. If the mechanical condition of a non-motorized vehicle for hire is determined to be unsafe, the Administrator shall notify the owner and the non-motorized vehicle shall be immediately withdrawn from operation until repaired and a reinspection determines it to meet the requirements of this section.

### **DIVISION 3. – DRIVER REGULATIONS**

#### **Sec. 106-155. Driver Permit.**

(a) It shall be a violation for any person to operate a non-motorized vehicle for hire in or upon any street within the City of Lakeland unless such person: (i) has a valid Florida Driver's License; (ii) is, at a minimum, 21 years of age; and (iii) first obtains from the Administrator a driver permit to operate a non-motorized vehicle for hire pursuant to this Article.

(b) An application for a driver permit pursuant to this Article shall include, at a minimum, the following items:

- (1) Applicant's name, date of birth, home address, mailing address and phone number;
- (2) Proof that the applicant holds a valid Florida Driver's License;
- (3) The name, address and phone number of the non-motorized vehicle for hire decal holder for which the applicant is working or intends to work;
- (4) The results of a local and national criminal background check, as well as a driving history report, including driving history for the last three (3) years immediately preceding the application;
- (5) Payment of the applicable driver permit fee; and
- (6) Such other information as the Administrator may require of all driver applicants.

(c) Upon receipt of the driver permit application and payment of the driver permit fee, the Administrator shall review the application and verify that the application is complete and accurate.

(d) A driver permit will not be issued if any of the following conditions exist, as determined by the required background check:

- i. The applicant has had more than three (3) moving violations in the immediately preceding three (3) year period;
- ii. The applicant has been convicted, within the last 5 years immediately preceding the application, of any of the following: a felony; a misdemeanor for driving under the influence of drugs or alcohol, reckless driving, hit and run or for fleeing or attempting to elude a law enforcement officer; a misdemeanor for a violent offense or sexual battery; or a crime of lewdness or indecent exposure under Florida Statute Chapter 800.
- iii. The applicant has been convicted within the past three (3) years of driving with a suspended or revoked license;
- iv. The applicant is a registrant in the National Sex Offender Registry database; or
- v. The applicant does not possess a valid Florida driver's license.

(e) The driver's permit shall be in the possession of the driver of a non-motorized vehicle for hire at all times such vehicle is in operation.



(f) Each driver shall maintain a current mailing address on file at all times with the Applicant. If any of the driver information supplied in the application is no longer accurate, the driver shall provide current and accurate information to the Applicant within ten (10) business days of the date the change occurs. The information filed with the City shall be assumed correct and exclusively relied upon as the correct address for all notices and enforcement proceedings. Failure to maintain the accuracy of the application information on file with the City shall result in automatic suspension or revocation of the driver's permit.

(g) Each permit shall be valid for a period of one (1) year from the beginning of the month issued, unless sooner revoked or suspended as provided in this Article. A fee of \$25.00 per year shall be paid in advance for each driver permit. The fee may be amended by resolution of the City Commission as necessary and shall reasonably represent the costs, work, time and process necessary to perform such administrative task.

### **Sec. 106-156. Prohibited Conduct.**

The following acts by any driver of a non-motorized vehicle for hire are prohibited:

(a) Operating a non-motorized vehicle for hire: (i) while carrying a number of passengers that exceeds the number of passenger seats such vehicle was designed to accommodate, or (ii) while any passenger is standing or while any passenger is sitting anywhere other than in a passenger seat thereof.

(b) Collecting fares, making change or embarking or debarking passengers while a non-motorized vehicle for hire is in motion.

(c) Operating, parking, standing or stopping a non-motorized vehicle for hire in a manner which violates any City ordinance or state law, including stopping or standing in on-street spaces reserved as bus stops.

(d) Operating, maneuvering, inclining, spinning, tilting, tipping, sloping or positioning a non-motorized vehicle for hire in any manner that would unnecessarily place a passenger in other than an upright seated position.

(e) Operating a non-motorized vehicle for hire upon a sidewalk, except at the direction of a law enforcement officer.

(f) Operating a non-motorized vehicle for hire on any street other than a street listed on the permitted streets list established by the Administrator.

(g) Operating a non-motorized vehicle for hire with sound produced by a radio, tape player, CD player, DVD player or other mechanical or electrical device or instrument in a manner that is in violation of the Lakeland Noise Control Ordinance.

(h) Operating non-motorized vehicles for hire side by side, except when passing another non-motorized vehicle for hire proceeding in the same direction.

### **DIVISION 3. – ENFORCEMENT.**

#### **Sec. 106-157. Suspension and Revocation; Appeal.**

(a) The City of Lakeland may suspend or revoke a non-motorized vehicle for hire decal and/or driver permit for the operation of a non-motorized vehicle for hire upon finding that a violation of this Article has been committed. Any such suspension or revocation shall be by written notice of the Administrator setting forth the grounds for the suspension or revocation.

(b) *Suspension.* If the Administrator determines that a violation of this Article has occurred, the Administrator may issue a suspension of the owner's decal ranging from one (1) day to one (1) year. The length of the suspension shall be based upon the severity of the violation, including any hazard to public safety, as well as the existence of previous violations. During the period of any suspension of a vehicle decal, the non-motorized vehicle for hire shall not operate within the city. If the Administrator determines that a violation was committed by a driver, the Administrator may issue a suspension ranging from one (1) day to one (1) year of the driver's permit, which shall be based upon the severity of the violation, including any hazard to public safety, as well as the existence of previous violations. During the period of any suspension of a driver's permit, the driver shall not operate a non-motorized vehicle for hire within the city. If the Administrator suspends a vehicle decal or driver permit for more than thirty (30) days, the vehicle decal or driver permit owner shall return the driver's permit and/or vehicle decal, as applicable, to the Administrator within five (5) business days of the date of suspension. The reinstatement fee for a suspended vehicle decal or driver's permit shall be fifty percent (50%) of the amount of a new decal or permit.

(c) *Revocation.* The suspension of a vehicle decal more than two (2) times within a one (1) year period shall result in the revocation of the decal. The suspension of a driver's permit more than two (2) times within a one (1) year period shall result in the revocation of the driver's permit. Any such revocation shall be for a period of one (1) year, effective from the date written notice of the revocation is provided by the City. Any non-motorized vehicle for hire owner or driver whose respective decal or driver permit has been revoked shall not operate a non-motorized vehicle for hire in the city during such revocation period. An owner or driver whose decal or permit has been revoked must submit a new application for a decal or permit, as applicable, pursuant to the provisions of this Article.

(d) *Right of Appeal.* Any non-motorized vehicle for hire owner or driver whose respective decal or driver permit has been suspended or revoked by the Administrator may appeal such decision to the City Manager. Such appeal shall be taken by filing

written notice to the City Manager, with a copy to the Administrator, within fifteen (15) days of the effective date of the suspension or revocation. The notice of appeal shall contain the grounds for the appeal and shall contain information showing that either the decision of the Administrator is contrary to the law or is not supported by competent substantial evidence. The Administrator shall transmit copies of all documentation relevant to the appeal to the City Manager. The timely filing of a notice of appeal as provided herein shall stay the suspension or revocation until the final decision of the City Manager. The City Manager will issue a final decision to uphold, reverse or modify the decision of the Administrator within fifteen (15) days of the filing of the appeal. The decision of the City Manager shall be the final administrative action of the City. The City Manager may delegate the authority to consider and decide appeals pursuant to this Section to a deputy city manager or assistant city manager.

**Sec. 106-158. Violation of Ordinance; Civil Citation.**

It is unlawful to engage in a non-motorized vehicle for hire service within the City of Lakeland without compliance with the requirements set forth in this Article. Law enforcement officers and code enforcement officers may issue civil citations to non-motorized vehicle for hire owners and drivers for violations of any provision of this Article.

**Sec. 106-159. Criminal Enforcement.**

Any person who willfully violates any provision of this Article shall be subject to the penalties provided in sec. 1-14 of the Code of the City of Lakeland. Nothing herein shall prohibit the enforcement of any provision of state law which may apply to non-motorized vehicles or their drivers, including any provision of the state traffic laws.

**SECTION 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance conflict with any section, paragraph, sentence, clause or phrase of any prior City of Lakeland ordinance, resolution or Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 4.** If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

**SECTION 5.** Specific authority is hereby granted to codify this Ordinance.

**SECTION 6.** This Ordinance shall take effect upon its passage.

**PASSED AND CERTIFIED AS TO PASSAGE** this 20th day of September, A.D.  
2021.

\_\_\_\_\_  
H. WILLIAM MUTZ, MAYOR

ATTEST: \_\_\_\_\_  
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: \_\_\_\_\_  
PALMER C. DAVIS  
CITY ATTORNEY