



## Interoffice Memorandum

**TO:** Mayor Teresa Jacobs  
and  
County Commissioners

*Kathie Canning*

**FROM:** Kathie Canning, Executive Director, Orange County Convention Center  
Carla Bell Johnson, Director of Strategic Planning & Development, Orange County Convention Center  
**Contact: (407) 685-9874**

*Carla Bell Johnson*

**DATE:** October 6, 2017

**RE:** **Public Hearing for Board Meeting on October 17, 2017**  
Approval of an Ordinance Amending Chapter 33, Article VIII of the Orange County Code of Ordinances to Create a New Division Regulating the Operation of Non-Motorized Vehicles-for-Hire in the International Drive Master Transit and Improvement District.

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### I. EXPLANATION & SUMMARY:

In 2009, the Orange County Convention Center approved a permit process pertaining to pedicabs operating on convention center property. This process implemented both insurance and safety requirements, as well as background checks for the pedicab operators. Since that time, the number of pedicabs operating around the center in public areas has increased, and new styles of cabs that were not considered in the original permit process were introduced.

At the request of many stakeholders, staff has researched other cities and urban/tourist/resort areas that have implemented their own pedicab ordinance to structure an appropriate layout for the I-Drive business district. The proposed ordinance includes vehicle and driver regulations, safety requirements, and enforcement. The ordinance is structured to be consistent with the 2040 vision.

The proposed ordinance creates a new division in the County Code regulating the operation of non-motorized vehicles-for-hire in the International Drive Master Transit and Improvement District. It establishes the civil penalties that may be imposed, and authorizes the County's code enforcement special magistrate to hear appeals of citations, decisions, or interpretations issued pursuant to the ordinance consistent with the existing process set forth in Chapter 11, Article II of the County Code.

Upon adoption of the ordinance, the pedicab permit process will be administered by the International Drive Master Transit and Improvement District and enforced by the Orange County Sheriff's Office. The Ordinance's proposed effective date is January 1, 2018.

Mayor Teresa Jacobs  
and  
County Commissioners  
October 6, 2017  
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**II. BOARD ACTION REQUESTED:**

**APPROVAL OF AN ORDINANCE AMENDING CHAPTER 33,  
ARTICLE VIII OF THE ORANGE COUNTY CODE OF  
ORDINANCES TO CREATE A NEW DIVISION REGULATING  
THE OPERATION OF NON-MOTORIZED VEHICLES-FOR-HIRE  
IN THE INTERNATIONAL DRIVE MASTER TRANSIT AND  
IMPROVEMENT DISTRICT.**

CBJ/kb  
Attachment

c: Ajit Lalchandani, County Administrator

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ORDINANCE NO. 2017-\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 33, ARTICLE VIII OF THE ORANGE COUNTY CODE OF ORDINANCES TO CREATE A NEW DIVISION REGULATING THE OPERATION OF NON-MOTORIZED VEHICLES-FOR-HIRE IN THE INTERNATIONAL DRIVE MASTER TRANSIT AND IMPROVEMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Article VIII, Section 1(g) of the Florida Constitution provides that the County may enact ordinances not inconsistent with general law; and

**WHEREAS**, Orange County's International Drive Master Transit and Improvement District ("District") was created to, among other things, plan, design, construct, operate and maintain public transit systems, facilities, services and public safety within the District; and

**WHEREAS**, the Orange County Board of County Commissioners finds that pedicabs, rickshaws and other forms of non-motorized vehicles have become an increasingly popular form of transportation for hire within the District; and

**WHEREAS**, the Board finds it necessary to regulate non-motorized vehicles-for-hire and their drivers within the District boundaries in order to protect the general safety and welfare of passengers using non-motorized vehicles-for-hire and the general public, including pedestrians, as well as motor vehicle drivers and passengers.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

**Section 1. Enactment of Non-Motorized Vehicle-For-Hire Ordinance.** A Non-Motorized Vehicle-For-Hire Ordinance, to be codified as a new Division 3 in Article VIII of Chapter 33, Orange County Code of Ordinances, is enacted as follows:

**DIVISION 3. NON-MOTORIZED VEHICLES-FOR-HIRE**

**PART I. ADMINISTRATION**

**Sec. 33-280. - Definitions.**

The definitions in Article VIII, Division 1 of this Chapter, and any subsequent amendments thereto are hereby made applicable to this Division, in whole or in part, where applicable.

When used in this Division, the following terms shall have the following meanings, unless the context clearly requires otherwise:

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

*Compensation* means any fare, reward, tip, gratuity, donation, or other item of value which a driver or owner of a vehicle accepts or receives, or offers to accept or receive, in return for furnishing service.

*Decal* means the numbered permit issued pursuant to this Division which allows the operation of one (1) non-motorized vehicle-for-hire within the District boundaries.

*Driver* means a person who has been issued a driver's permit pursuant to this Division to operate a non-motorized vehicle-for-hire within the District boundaries.

*Driver's permit* means a permit issued by the administrator pursuant to this Division which entitles a person to drive or operate a non-motorized vehicle-for-hire within the District boundaries.

*Non-motorized vehicle-for-hire* means any passenger vehicle propelled solely by human power engaged in the transportation of persons from or entirely within the District boundaries in exchange for the driver's direct or indirect compensation for providing such transportation. As used in this Division, the term "non-motorized vehicle-for-hire" shall not include any passenger vehicle equipped with electric-assist or similar devices meant to aid in propelling the passenger vehicle.

*Non-motorized vehicle-for-hire decal-holder* means any person who holds a decal for the operation of any non-motorized vehicle-for-hire within the District boundaries. For purposes of interpretation of this Division, the term "non-motorized vehicle-for-hire decal-holder" includes any agent, employee or any person acting within the non-motorized vehicle-for-hire decal-holder's knowledge, consent or permission, whether express or implied.

*Operate or Operation* means providing or offering to provide non-motorized vehicle-for-hire services by the driver or non-motorized vehicle-for-hire decal-holder.

*Sheriff* shall mean the Orange County Sheriff or duly authorized designee(s).

86        *Special magistrate* shall mean the office of the special magistrate created by  
Chapter 11, Article II of this Code.

88        *Street* means any public street, avenue, road, alley, lane, highway, public park,  
90 sidewalk or other public right-of-way, easement, or place located within the District  
boundaries.

92        **Sec. 33-281. – Non-Motorized Vehicles-For-Hire Authorized; Jurisdiction.**

94        (1)    Non-motorized vehicles-for-hire may be operated or driven with the intent to pick  
96 up passengers, originate one-way transportation, or provide return service for round-trip  
transportation within the District boundaries, as the boundaries may be amended,  
98 subject to the regulations, restrictions and conditions set forth in this Division.

100       (2)    The operation of non-motorized vehicles-for-hire equipped with electric-assist or  
similar devices meant to aid in propelling the passenger vehicle is prohibited within the  
102 District boundaries.

104       (3)    The District boundaries shall be as defined in Article VIII, Division 1 of this  
Chapter, as may be amended. The District boundaries as of the date of adoption of this  
106 Ordinance are depicted in **Exhibit "A,"** attached hereto and incorporated herein by this  
reference.

108        **Sec. 33-282. – Administration.**

110       (1)    *Non-Motorized Vehicle-For-Hire Administrator.* The District shall serve as the  
112 initial administrator. The advisory board shall recommend to the county commission the  
appointment of any successor administrator, which appointment shall be subject to final  
114 approval by the county commission.

116       (a)    *Powers Granted Herein.* The administrator shall have the powers and  
duties set forth in this Division.

118       (b)    *Administration & Interpretation of this Division.* The administrator is hereby  
120 authorized to interpret and administer the provisions of this Division, which  
interpretation and administration shall be final and binding to all circumstances,  
122 except as set forth herein. Any interpretation of the provisions of this Division shall  
not conflict with this Article or any other applicable law. All interpretations or  
124 decisions of the administrator made pursuant to this Division shall be in writing.  
The administrator may contract with a third party to assist in administering this  
126 Division.

(i) Any applicant may appeal any interpretation or decision of the administrator relating to provisions of this Division pursuant to the procedures set forth herein.

(ii) In connection with the appeal of any interpretation or decision by the administrator made pursuant to this Division, the administrator shall present its written interpretation or decision to the special magistrate for consideration. The special magistrate may approve, modify, or reject the interpretation of the administrator.

(c) *Suspension of Decal or Driver's Permit.* The administrator may impose a six-month suspension of a decal or driver's permit when the non-motorized vehicle-for-hire decal holder or driver has committed three (3) violations of this Division within a 12-month period, or when a non-motorized vehicle-for-hire decal holder or driver fails to correct a violation no later than fifteen (15) business days after receipt of the violation and/or fails to pay a civil penalty pursuant to the requirements of section 33-294.

(d) *Rules & Procedures.* The administrator may adopt rules and procedures to implement and enforce this Division.

(2) *Investigation and Enforcement.* The sheriff is hereby authorized, in conjunction with the administrator, to investigate and enforce the provisions of this Division.

#### **Sec. 33-283. – Special Magistrate.**

(1) *Authority.* The special magistrate shall be the only entity authorized to hear appeals of citations, decisions, or interpretations rendered by the administrator or sheriff pursuant to this Division and consistent with the powers and authority granted to the special magistrate in Chapter 11, Article II of this Code.

(2) *Appeals.* All citations, decisions and interpretations of the administrator or sheriff made pursuant to this Division are final and binding until changed or altered by the special magistrate. An applicant for a decal or driver's permit, or any other aggrieved party, may appeal a citation, decision or interpretation rendered by the administrator pursuant to this Division with the office of the special magistrate. Such an appeal must be filed in writing with the office of the special magistrate within ten (10) business days of the date of the citation, decision or interpretation. The office of the special magistrate shall set a hearing to be heard by the special magistrate within sixty (60) business days from the date of such citation, decision or interpretation. The applicant or aggrieved party shall be advised in writing of the date, time, and place of such hearing, mailed to the address on file with the administrator, no less than fifteen (15) business days prior to the date of the hearing. At the hearing, the burden of proof shall be upon the applicant or aggrieved party. Failure to file the notice of appeal within the ten (10) day period shall operate as a bar for review.

(3) *Decision of Special Magistrate.* The special magistrate shall issue a written order either affirming or reversing, in whole or in part, the citation, decision or interpretation of the administrator or sheriff. All decisions of the special magistrate are final and binding.

## PART II. - VEHICLE REGULATIONS

### Sec. 33-285. - Non-Motorized Vehicle-for-Hire Decal.

(1) It shall be a violation for any person to operate any non-motorized vehicle-for-hire upon the public streets within the District boundaries unless the owner of that non-motorized vehicle-for-hire has first obtained a decal issued by the administrator.

(2) 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-hire for which it was issued and shall not be covered or otherwise obscured from plain view.

(3) Each decal shall be valid for one (1) year, beginning on January 1 and expiring on December 31 of each year. A fee shall be paid in advance for each decal. The fee shall be established by resolution of the county commission and shall reasonably represent the costs, work, time, and process necessary to perform such administrative task. There shall be no discount or proration of fees for decals issued after January 1.

### Sec. 33-286. - Liability Insurance.

The owner of each decal shall maintain a commercial general liability and property damage insurance policy insuring the driver(s) and the non-motorized vehicle(s)-for-hire, in the amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate. The policies obtained pursuant to this section shall include (as long as commercially reasonable and obtainable) a waiver by the insurer of all right of subrogation against the county. Such policies shall be issued by a company authorized to transact business in the State of Florida and be rated A-VIII or higher by A.M. Best. Orange County Board of County Commissioners shall be listed as an additional insured on all liability policies via a CG 20 12 Additional Insured Endorsement or its equivalent. A certificate of insurance and the additional insured endorsement indicating the liability amounts and the policy period must be provided to the administrator prior to issuance or renewal of any decal. Each non-motorized vehicle-for-hire shall have a serial number affixed thereto and shall be listed on the insurance certificate. All such policies shall be primary, non-contributory policies, shall be kept in full force and effect at all times while any non-motorized vehicle-for-hire is operated within the District boundaries, and must cover a minimum period of twelve (12) months. Proof of such insurance must be maintained within the non-motorized vehicle-for-hire at all times when operated within the District boundaries.

218 **Sec. 33-287. - Rates to be Displayed.**

220 Each non-motorized vehicle-for-hire operated within the District boundaries shall  
222 prominently display, in a frame covered with clear plastic, a card or sign, printed in plain,  
legible letters or numbers which shall display the schedule of rates for the transportation  
224 services furnished by the driver; the county decal number of such non-motorized  
vehicle-for-hire, and the name and work address of both the decal holder and the driver  
226 of such vehicle. No driver of any non-motorized vehicle-for-hire may charge a fee which  
is not so posted.

228 **Sec. 33-288. - Vehicle Safety and Equipment Standards.**

230 (1) Non-motorized vehicles-for-hire shall not be operated within the District  
boundaries except in compliance with all laws of the State of Florida in Chapter 316,  
232 Florida Statutes, applicable to bicycles.

234 (2) The administrator and sheriff shall have the right, consistent with applicable law,  
to inspect or cause to be inspected any non-motorized vehicle-for-hire as often as may  
236 be necessary for the purpose of ascertaining and causing to be corrected any unsafe or  
unsanitary conditions or any violations of this Division. The administrator and sheriff  
238 may revoke or temporarily suspend a decal should a non-motorized vehicle-for-hire fail  
to meet the safety and equipment standards set forth in this section.

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

244 (a) *Specifications.* Non-motorized vehicles-for-hire shall be manufactured,  
non-modified, one-unit tricycles.

246 (b) *Size.* Non-motorized vehicles-for-hire shall be no greater than 52 inches  
248 wide at the widest point and no greater than 120 inches long at the longest point.

250 (c) *Passenger limit.* The passenger limit for each non-motorized vehicle-for-  
hire shall be established by the administrator at the time of permitting based on  
252 the design, size, and manufacture of the non-motorized vehicle-for-hire, but in no  
case shall a non-motorized vehicle-for-hire operate with more than four (4) adult  
254 passengers at any given time.

256 (d) *Tires.* Tires shall be of the size appropriate for the non-motorized vehicle-  
for-hire. There shall be no cuts into the tire or localized worn spots that expose  
258 the ply. Tires with visible tread wear indicators are prohibited.

260 (e) *Operational horn.* The non-motorized vehicle-for-hire shall be equipped  
with an operational horn or bell.  
262



(f) *Brakes.* Each non-motorized vehicle-for-hire shall be equipped with an operational brake or brakes which will enable its driver to stop the vehicle within 25 feet from a speed of ten miles per hour on dry, level, clean pavement. The brake systems shall demonstrate a reasonable total braking force when tested, using the "quick stop method."

(g) *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 for a distance at a minimum 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 taillight 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 to the rear of the non-motorized vehicle-for-hire and which must be illuminated at all times during operation;

(iii) a side mounted mirror affixed to the non-motorized vehicle-for-hire to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the non-motorized vehicle-for-hire; and

(iv) a slow moving vehicle triangle on the rear of the vehicle or reflective tape which outlines the rear of the non-motorized vehicle-for-hire from edge to edge;

(h) *Company Name.* The company or trade name and unit number shall be conspicuously displayed on the exterior of each non-motorized vehicle-for-hire.

### PART III. - DRIVER REGULATION

#### Sec. 33-289. – Driver's Permit Requirement.

Any person who operates or drives a non-motorized vehicle-for-hire within the District boundaries shall first obtain a driver's permit, as set forth in this Part.

#### Sec. 33-290. - Application and Review for Driver's Permit.

(1) *Application.* Any person being eighteen (18) years of age or older may make application to the administrator for a driver's permit. The written application shall include the following items:

(a) Applicant's name, date of birth, sex, race or national origin, and any aliases or former legal names used during the preceding five-year period;

(b) Applicant's home address and mailing address;

(c) Applicant's home phone number and work phone number;

(d) Proof that the applicant holds a valid Florida Driver's License;

(e) The names, addresses, and phone numbers of the applicant's existing employer;

(f) A sworn affidavit by the applicant which states that the applicant has not been convicted, within the past five (5) years, nor has any charges pending against him or her, for any of the following crimes:

(i) driving under the influence of drugs or alcohol,

(ii) reckless driving,

(iii) any crime designated as a felony in Florida, or any crime outside Florida which would be considered a felony in Florida,

(iv) any crime involving the sale or possession of controlled substances as defined by section 893.03, Florida Statutes, or any crime involving drug paraphernalia as defined by section 893.145, Florida Statutes,

(v) the Florida RICO Act,

(vi) exposure of the sexual organs and any crime defined under Chapter 800, Florida Statutes, or

(vii) any crime defined as Prostitution under Chapter 796, Florida Statutes;

(g) 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;

(h) Consent to FDLE and NCIC inquiry;

(i) Such other information as the administrator may require of all applicants; and

(j) Payment of an application fee, established by resolution of the county commission.

(2) *Completeness Review.* Upon receipt of an application and evidence of the payment of the application fee, the administrator shall review the application to ensure that the application is complete and all information requested has been provided.

(3) *Final Review.* If the application is deemed complete by the administrator, then the application and the affidavits shall be verified for accuracy by the administrator.

(4) *Issuance of a Driver's Permit.* A driver's permit shall not be issued if:

(a) within the last five (5) years immediately preceding application, the applicant has been convicted of, or has pending charges for, any of the following:

(i) driving under the influence of drugs or alcohol,

(ii) reckless driving,

(iii) any crime which is designated as a felony in Florida, or any crime outside Florida which would be considered a felony in Florida,

(iv) any crime involving the sale or possession of controlled substances as defined by section 893.03, Florida Statutes, or any crime involving drug paraphernalia as defined by section 893.145, Florida Statutes,

(v) the Florida RICO Act,

(vi) exposure of the sexual organs and any crime defined under Chapter 800, Florida Statutes,

(vii) "Prostitution" as defined in Chapter 796, Florida Statutes,

(b) the applicant has an outstanding debt owed to the county, or

(c) the applicant is a registrant in the National Sex Offender Registry database.

(5) *Appeal of Denial of Driver's Permit.*

(a) *Burden, Evidentiary Requirement and Standard.* An applicant may appeal the denial of a driver's permit pursuant to section 33-283. On appeal, the applicant shall have the burden of proof to show by substantial competent evidence that the applicant has been reformed, rehabilitated, and without any reasonable doubt, does not pose a safety risk to members of the public. Substantial competent evidence shall not include testimony of the applicant without verification by independent sources such as employment records, parole records, evidence of completion of drug and/or alcohol rehabilitation, and testimony of third parties. Ten (10) business days prior to the hearing, the applicant shall provide a list of the evidence and

witnesses to the administrator. Failure to list the evidence or witnesses shall bar the submission of the unlisted evidence or witnesses during the appellate proceedings.

(b) *Special Magistrate Decision.* On appeal, the special magistrate shall conduct a de novo review using the standard in paragraph (a) above and shall provide specific findings for his or her decision. After review, the special magistrate shall affirm the decision or overturn the decision of the administrator. Applicants shall be prohibited from reapplying for a driver's permit for ninety (90) business days following the date of any denial by the administrator and/or the special magistrate.

**Sec. 33-291. - Driver's Permit.**

(1) *Contents of Driver's Permit.* The driver's permit issued pursuant to this Division shall bear the driver's name, photograph, driver's permit number, and expiration date. The administrator shall keep a photograph of the driver on file.

(2) *Display of Driver's Permit.* The driver's permit shall be affixed to the permitted driver in a location clearly visible and unobscured from plain view.

(3) *Term of Driver's Permit.* Driver's permits shall be valid for one (1) year, beginning on January 1 and expiring on December 31 of each year. A fee shall be paid in advance for each driver's permit. The fee shall be established by resolution of the county commission and shall reasonably represent the costs, work, time, and process necessary to perform such administrative task. There shall be no discount or proration of fees for driver's permits issued after January 1.

**Sec. 33-292. - Driver Obligations.**

(1) *Update Application Information.* If any of the driver information supplied in his/her application is no longer accurate, the driver shall then provide current and accurate information to the administrator within ten (10) business days of the date the change occurs. The information filed with the administrator shall be assumed correct and exclusively relied upon as the correct address for all notices and enforcement proceedings herein. Failure to maintain the accuracy of the application information on file shall result in automatic suspension of said driver's permit.

(2) *Service Requirement.* Unless otherwise prohibited by this Division, this Code or any other applicable law or regulation, no driver shall refuse any request for transportation from any orderly passenger where the destination of the trip is within the District boundaries. No non-motorized vehicle-for-hire decal-holder or driver shall refuse any request for transportation service from any person based on that person's race, color, religion, national origin, marital status, age, sex, sexual orientation, gender identity or handicap. No non-motorized vehicle-for-hire decal-holder or driver shall charge any additional fees to provide services to persons with disabilities. Non-motorized vehicle-for-hire decal-holders and drivers shall comply with all laws relating to accommodation of service animals.

(3) *Refusal or Termination of Trip.* Notwithstanding subsection (2) above, any driver may refuse to initiate a trip and may terminate a trip if (i) the driver has reason to believe the passenger(s) may cause bodily injury to him/her, (ii) the passengers become unruly, rowdy or cause physical damage to the non-motorized vehicle-for-hire or the driver, or (iii) the driver is unable to safely transport the passenger(s).

(4) *Most Direct Route.* Drivers shall use the most direct available route on all trips unless the passenger specifically requests to change the route.

(5) *Providing Change.* For payments made in cash, a driver shall be able to provide a reasonable and prudent amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change.

(6) *Receipt to be Given Upon Demand.* If requested by the passenger, the driver of a non-motorized vehicle-for-hire shall deliver to the person paying for the hiring of the same, at the time of such payment, a receipt therefore in legible writing containing the name of the driver, the decal number, the total amount paid, and the date of payment.

(7) *Unauthorized Solicitation of Non-Motorized Vehicle-For-Hire Services.* Unauthorized solicitation occurs whenever any person, without being authorized pursuant to this Division, offers to engage in any business, trade, or commercial transaction involving the rendering to another person of any non-motorized vehicle-for-hire services. Unlawful solicitation occurs when a driver solicits passengers:

(a) from a location other than the non-motorized vehicle-for-hire or the immediate vicinity of the driver's non-motorized vehicle-for-hire;

(b) in a way that obstructs the movement of a person, or by following any person for the purpose of unlawful soliciting; or

(c) in a loud or boisterous voice.

(8) *Business Tax Receipt.* Drivers shall, at all times, maintain a valid county business tax receipt while operating within the District boundaries.

### **Sec. 33-293. - Prohibited Conduct.**

The following acts by any driver are prohibited:

(1) To operate a non-motorized vehicle-for-hire: (a) while carrying more than the maximum number of permitted passengers or (b) while any passenger is standing or sitting anywhere other than in the passenger seat thereof; provided, however, that children aged five (5) years old or younger, may be seated in the lap of another passenger and will not count as an additional passenger.

(2) To collect fares, make change, or embark or debark passengers while the non-motorized vehicle-for-hire is in motion.

(3) To operate, park, stand, or stop the non-motorized vehicle-for-hire in a manner which violates any county ordinance or state law or disrupts the flow of vehicular traffic on public streets, including, but not limited to, failing to yield the right-of-way to any pedestrian or to give audible signals before overtaking and passing such pedestrian.

(4) To operate, maneuver, incline, spin, tilt, tip, slope, or position a non-motorized vehicle-for-hire in any manner that would unnecessarily place a passenger in other than an upright, seated position.

(5) To operate a non-motorized vehicle-for-hire on a street or route upon which operation has been prohibited by the county, if any.

(6) To operate or ride more than two (2) abreast, except when overtaking and passing a bicycle or vehicle proceeding in the same direction.

(7) To allow any passenger or occupant of the non-motorized vehicle-for-hire to drink or consume alcoholic beverages or to possess an open container of alcoholic beverages.

(8) To stop or park a non-motorized vehicle-for-hire in locations blocking or impeding the use of doorways, entranceways, driveways, emergency exits, or any other ingress/egress.

(9) To sell or offer for sale any goods or services unrelated to non-motorized vehicle-for-hire transportation.

#### **PART IV. - ENFORCEMENT**

##### **Sec. 33-294. - Administrative Citations; Appeals.**

(1) Whenever the sheriff has reasonable suspicion to believe that a non-motorized vehicle-for-hire decal holder or driver has committed a violation of this Division, the sheriff may initiate enforcement proceedings by issuing to the non-motorized vehicle-for-hire decal holder or driver a citation imposing a civil penalty pursuant to this Division. The citation shall include the violator's name, address, driver's permit and/or decal number(s), location where violation occurred, and a description of the violation.

(2) A non-motorized vehicle-for-hire decal holder or driver who has been issued a citation shall elect either to:

(a) Correct the violation and pay the civil penalty set forth in this Division within ten (10) business days after issuance of the citation in a manner indicated on the citation; or

(b) File an appeal pursuant to section 33-283 of this Division within ten (10) business days of receipt of the citation. Such an appeal must be made in writing to the office of the special magistrate, who shall schedule a hearing on the citation within sixty (60) business days from the date of issuance. The violator shall be advised in writing of the date, time, and place of such hearing, mailed to the address on file with the administrator, no less than fifteen (15) business days prior to the date of the hearing. At the hearing, the burden of proof shall be upon the violator. Failure to appear, unless a continuance has been granted in writing by the special magistrate, shall result in an automatic suspension of the non-motorized vehicle-for-hire owner's decal(s) and/or the driver's permit, as applicable. Failure to file a notice of appeal within the ten (10) day period shall operate as a bar for review.

(3) After an appeal hearing, the special magistrate shall make a determination as to whether a violation of this Division has been committed. Should the special magistrate find that a violation was committed by a driver, in addition to imposing the civil penalty set forth in this Division, the special magistrate may levy a suspension from one (1) day to one (1) year of the driver's permit. Should the special magistrate find that a violation was committed by a non-motorized vehicle-for-hire owner, the special magistrate may levy a suspension from one (1) day to one (1) year of that owner's decal(s). The findings of the special magistrate shall be set forth in a written order and copies shall be provided to the violator and to the administrator. All decisions of the special magistrate are final and binding.

(4) During the period of any suspension of a driver's permit, the driver shall not operate any non-motorized vehicle-for-hire within the District boundaries. During the period of any suspension of a decal, the non-motorized vehicle-for-hire shall not operate within the District boundaries.

(5) If a driver's permit or decal is suspended for ten (10) business days or more, the driver's permit or decal owner shall return the driver's permit or vehicle decal to the administrator within five (5) business days of the date of the suspension. The reinstatement fee for a suspended driver's permit or decal shall be the full fee for a new driver's permit or decal.

**Sec. 33-295. - Schedule of Civil Penalties.**

The following table sets forth the applicable civil penalties which may be imposed under this Division:

Code Provision	Description of Violation	Civil Penalty
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33-285(1)	Operation of non-motorized vehicle-for-hire without decal	\$125.00
33-285(2)	Improper display of decal on non-motorized vehicle-for-hire	\$125.00
33-286	Failure to maintain proper insurance	\$125.00
33-287	Failure to properly display rates	\$62.50
33-288	Failure to maintain proper vehicle safety and equipment standards	\$250.00
33-289	Operation of non-motorized vehicle-for-hire without a driver's permit	\$125.00
33-291(2)	Improper display of driver's permit	\$62.50
33-293	Engaging in prohibited conduct	\$125.00

**Sec. 33-296. - Enforcement.**

No provision of this Division shall be construed to prohibit enforcement of this Division by alternate means, including, but not limited to code enforcement or code citations pursuant to Chapter 162, Florida Statutes, part I or II; by criminal action; by civil action, including petitions to enjoin persons violating this Division; or by any other means available by law.

**Sec. 33-297. - Impoundment.**

Any non-motorized vehicle operated in violation of section 33-285(1) or section 33-288(3) may be seized and impounded. The vehicle will be released to the lawful owner after all towing and storage fees have been satisfied. Any decal on the vehicle shall be removed and will be reissued only upon payment of the full fee for issuance pursuant to this Division and upon confirmation by the administrator that the vehicle is in compliance with the requirements of section 33-288(3).

**Section 2. Effective Date.** This ordinance shall take effect on January 1, 2018.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller



As Clerk of the Board of County Commissioners

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By: \_\_\_\_\_

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Deputy Clerk

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