

ORDINANCE NO. 14-179

AN ORDINANCE AMENDING § 102-208 TO ADD OPERATIONAL REQUIREMENTS FOR PEDICABS; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article V of Chapter 106, City Code, regulates commercial pedicabs;

and

WHEREAS, various amendments have been proposed to protect public health, safety, and welfare; and

WHEREAS, the Police Chief recommends approval of the proposed amendments.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. Section 102-208, City Code, is hereby amended to read as follows (additions underlined; deletions struck through):

Sec. 102-208. Pedicab operational~~or~~ requirements.

The holder of a pedicab certificate and the pedicab operator operating on behalf of the certificate holder will be jointly responsible for the operator's compliance with the requirements of this section.

- (a) Each pedicab operator will be clothed consistent with the pedicab certificate holder's approved dress code and will, in addition, comply with the following requirements:
 - (1) At all times while operating or offering to operate the pedicab, the operator must carry and prominently display on his or her person a photo ID to be provided by the city containing the operator's name, the trade number of the company for which the operator works, the pedicab certificate number, phone number, and business address of the company, and such other information as the city may require.
 - (2) At all times while operating or offering to operate the pedicab, the operator must be dressed in accordance with the certificate holder's dress code as approved in the certificate. The dress code shall, at a minimum, provide for a uniform or shirt in the certificate holder's color scheme, prominently bearing the trade name and business phone number of the certificate holder. Any headgear worn must be

consistent with the approved color scheme. Clothing bearing the name, logo, or other form of identification of any company other than the company whose color scheme is on the vehicle he or she is driving, is prohibited.

- (3) The operator will be clean, well groomed, and neat in appearance. All clothing will be maintained in a good, clean condition. Cut-offs are not permitted.
 - (4) Neither a male or female operator is permitted to wear a T-shirt, tank top, body suit, swimwear, or jogging suit as an outer garment, or sandals or other type of open footwear, or ball caps.
- (b) No pedicab operator will accept or receive any money or other gratuity including money from any hotel, motel, restaurant, or other business in consideration for diverting or attempting to divert a passenger or passengers from one business establishment to another business establishment.
- (c) No A-pedicab operator is ~~not~~ permitted to:
- (1) Operate a pedicab without displaying the decal required by this article.
 - (2) Solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage.
 - (3) Operate a pedicab carrying a number of passengers that exceeds the number of passengers the seats were designed to accommodate.
 - (4) Permit a passenger to stand in the pedicab while the pedicab is in motion.
 - (5) Sit, sleep, loiter, or permit others to sit, sleep, or loiter within the passenger compartment of any pedicab while on the city boardwalk or a public street.
 - (6) Use indecent or profane language, be guilty of loud or boisterous talking, shouting, or disorderly conduct, or vex or annoy any passenger or any other person.
 - (7) Use controlled substances illegally or intoxicants either immediately before or while on duty.
 - (8) Operate a pedicab on public streets where the posted speed limit exceeds 35 miles per hour. Pedicabs will not, however, be prohibited from crossing public streets with posted speed limits in excess of 35 miles per hour incidental to travel along permitted public streets.
 - (9) Demand from a passenger a fare greater than the fare contained in the posted fare schedule, if applicable.
 - (10) Stand or stop a pedicab other than in an area designated as an authorized pedicab staging area. The staging areas to be used by the applicant are those approved in advance as part of the application

process through the city.

- (11) Operate a pedicab so as to impede the flow of pedestrians.
 - (12) Operate a pedicab in a manner that results in damage to public property.
 - (13) Permit a passenger to sit anywhere other than the passenger seat within the pedicab.
 - (14) Create, or materially contribute to, a parking problem or traffic congestion as a result of operation of the pedicab.
 - (15) Operate a pedicab in violation of any applicable state traffic laws. Pedicab operators will comply with all applicable state traffic laws, including but not limited to F.S. §§ 316.2065 and 316.2122 respectively, as the same may be amended from time to time.
 - (16) Obstruct other vehicular traffic by unnecessarily weaving or changing lanes of travel.
 - (17) Operate, maneuver, incline, spin, tilt, tip, slope, or position a pedicab in any manner that would unnecessarily place a passenger in any position other than seated upright.
 - (18) Drink or consume alcoholic beverages, or possess an open container of alcoholic beverage.
 - (19) Allow a passenger to drink or consume alcoholic beverages, or possess an open container of alcoholic beverages.
 - (20) Refuse or neglect to transport any orderly person who is willing and able to pay the prescribed fare because of race, sex, religion, color, national origin, age, or physical disability. A pedicab operator may refuse service to any person who is disorderly, or to any person who causes the operator to have a reasonable apprehension or fear for his or her safety.
- (d) No pedicab operator is permitted to amplify or permit the amplification of sound produced by a radio, tape player, CD player, DVD player, or any other mechanical sound making device or instrument from within the pedicab so that the sound is audible at a distance of 25 feet or more from the pedicab.
- (e) The certificate holder shall obtain an FDLE criminal background check for each pedicab operator, and a copy shall be provided to the City prior to the City's issuance of the operator's photo ID. The certificate holder shall renew the background check annually, shall maintain a copy of the current document for each operator on file, and shall provide a copy or make it available for review by the City upon request. No person shall operate a pedicab, and no certificate holder shall permit any person to operate a pedicab, if within the five years immediately preceding he or she has been convicted of, or had adjudication withheld on, or has pending charges for,

any of the following:

- (1) Driving under the influence of drugs or alcohol;
- (2) Vehicular manslaughter;
- (3) Reckless driving;
- (4) Murder, manslaughter, armed robbery, assault with a deadly weapon, aggravated assault;
- (5) Any crime which is designated a felony;
- (6) Any crime involving the sale of controlled substances as defined by § 893.03, Florida Statutes;
- (7) The Florida RICO Act;
- (8) Exposure of the sexual organs and any crime under chapter 796, Florida Statutes;
- (9) "Prostitution" as defined in chapter 796, Florida Statutes, pertaining to prostitution or assignation or loitering for prostitution; or
- (10) Any crime, conviction of which would require registration as a sexual offender pursuant to § 943.0435, Florida Statutes.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall take effect immediately upon its adoption.



DERRICK L. HENRY
Mayor

Attest:



JENNIFER L. THOMAS
City Clerk

Passed: June 4, 2014

Adopted: June 18, 2014