



GROWTH MANAGEMENT DEPARTMENT
201 SE 3rd Street (Second Floor)
Ocala, FL 34471

Email: building@ocalafl.org; Phone: (352)629-8421

APPLICATION FOR TRANSPORTATION FRANCHISE \$300

Please check one: **Taxicab** _____ **Non-Medical wheelchair/stretcher** _____
 Limousine _____ **Limited Sedan service** _____
 Pedicab _____ **Horse-drawn carriage** _____

Applicant Information

Applicant name: _____ Phone #: _____
Residence address: _____ Email: _____
Mailing address: _____
Drivers License No.: _____ Date of Birth: _____
Do you currently have a Franchise Agreement with the City of Ocala? ___ Yes ___ No If yes, please provide the name of the franchise: _____

Corporate/Partnership Information

FEIN: _____

Please check one: Corporation ___ Partnership ___ Limited liability company ___ N/A ___
Business name: _____ State in which formed: _____
Business address: _____ Phone No.: _____
Registered Agent: _____ Mailing address: _____
List Officers/Partners/Directors/Managers/Members/Stockholders owning 10% or more: _____

Provide a copy of the articles of incorporation or partnership document, as appropriate.

Franchise Information

Franchise Name: _____ Office address: _____
Mailing address: _____
Phone No.: _____ Fax No.: _____ Email: _____
Stand locations (required for taxis, horse-drawn carriages & pedicabs): _____

of Vehicles: _____ Color Scheme (required for taxis): _____
Provide the year, make, VIN# and color photos (8"x10" or electronic) of each vehicle (attach sheet as necessary):

<u>Year</u>	<u>Make</u>	<u>VIN#</u>	<u>Photos provided</u> (front, rear, driver's side)	
_____	_____	_____	Yes ___	No ___
_____	_____	_____	Yes ___	No ___
_____	_____	_____	Yes ___	No ___
_____	_____	_____	Yes ___	No ___

Please note that the City will only issue vehicle decals upon receipt of a vehicle inspection performed by an ASE certified mechanic. Annual inspections are required.

Insurance Information

Insurance Company: _____

A liability insurance policy in the amount of \$125,000 for injury or death to any one person, \$250,000 for injury or death to all persons by any one accident is required and \$50,000 property damage. The insurance policy must state amount of and effective dates of coverage, the year, make, and serial numbers of the vehicles covered.

Criminal Records Check

Provide a Florida Department of Law Enforcement Criminal History Information Report obtained from the Florida Department of Law Enforcement (FDLE) website at the applicant’s request and expense.

Included Yes ___ No ___ See www.fdle.state.fl.us

We recommend that you review the City of Ocala regulations regarding Vehicles for Hire, Chapter 74, Article II, to ensure compliance. Failure to comply could result in suspension or revocation action.

Notarized Signature

I swear/affirm that all written statements made by me on this application are true and complete. I understand that any omitted, false, or incorrect statements made in connection with my application may stop the processing of this application or result in the revocation of an existing franchise.

Applicant’s Signature: _____ Date _____

Applicant’s Name: _____ Title: _____

State of _____

County of _____

Sworn to/affirmed before me this ____ day of _____, 20____, by _____, *(Name)*

as _____ of _____, who is personally known to me or who has *(Title)* *(Business Name)*

produced the following identification _____.

Notary public signature: _____ (seal)

Notary name: _____

Date: _____

VEHICLE FOR HIRE INDEMNIFICATION AGREEMENT

THIS AGREEMENT, is entered into the ____ day of _____, 20__, by and between the City of Ocala, a Florida municipal corporation (“City”) and _____, a _____ (“Applicant”).

WHEREAS:

- A. Pursuant to Section 74-36, City of Ocala Code of Ordinances, any business operating vehicles for hire (“Company”), as that term is defined in Section 74-31, shall indemnify and hold harmless against any and all liability, loss, costs, damages or expenses which may accrue to the City by reason of the negligence, default or misconduct of the Company in connection with the rights granted to such Company under Chapter 74, Article II. Vehicles for Hire, City of Ocala Code of Ordinances.
- B. Pursuant to Section 74-36, City of Ocala Code of Ordinances, a written indemnity and hold harmless agreement in a form satisfactory to the City, in its sole discretion, shall be required as a pre-condition to granting of a franchise to any company.
- C. Pursuant to Chapter 74, Article II. Vehicles for Hire, City of Ocala Code of Ordinances, Applicant has applied for a franchise to operate a vehicle for hire in the City of Ocala.

NOW THEREFORE, in consideration of the matters set forth above (which are incorporated herein by reference), the grant of a franchise to Applicant herein, and other good and valuable consideration, the parties hereto agree as follows:

1. **Indemnity.** Applicant shall indemnify City and its elected officials, employees and volunteers against, and hold City and its elected officials, employees and volunteers harmless from all damages, claims, losses, costs, and expenses, including attorneys’ fees, which City or its elected officials, employees or volunteers may sustain, or which may be asserted against City or its elected officials, employees or volunteers, arising out of the activities contemplated by the Agreement and a grant of the Vehicle for Hire franchise to Applicant, including, without limitation, harm or personal injury to third persons during the term of the Agreement or Applicant’s franchise.
2. **Term.** The term of this Agreement shall commence on date set forth above and continue so long as Applicant is franchised by the City of Ocala to operate Vehicle for Hire in the City of Ocala.
3. **Relationship of parties.** Neither this Agreement, nor any term, provision, payment or right hereunder shall in any way or for any purpose constitute or cause City to become or be deemed a partner of Applicant in the conduct of its business, or otherwise, or to cause City to become or be deemed a joint adventurer or a member of a joint enterprise with Applicant by reason of the Agreement or the City’s Ordinance regulating Vehicle for Hire.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

ATTEST:

CITY OF OCALA, a Florida municipal corporation

Angel B. Jacobs, City Clerk

Jay A. Musleh, City Council President

APPROVED AS TO FORM AND LEGALITY:

Patrick G. Gilligan, City Attorney

APPLICANT:

Applicant Signature

Address (Street)

Print Name

City, State, Zip Code

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____, day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification and who did / did not take an oath.

NOTARY PUBLIC

Commission No.: _____

Commission Expires: _____

FDLE Background Check Required

Provide a Florida Department of Law Enforcement Criminal History Information Report. Applicant can obtain online at your own cost.

Available at www.fdle.state.fl.us (Criminal History Records-My Florida Private Eye), or call 850-410-8109



CITY OF OCALA FLORIDA TRANSPORTATION FRANCHISE SERVICE VEHICLE CHECKLIST

For use by City staff:

License #: _____

Decal # : _____

Each vehicle shall be inspected prior to entering service, but is not required to be inspected prior to consideration of a franchise agreement. Inspections shall conform to Florida law, as well as standards established by Ocala. In completing this inspection checklist, refer to Ocala code section 74-66 standards provided on pages 2 & 3 of this application.

NOTES:

NOTES:

- | | |
|--|---|
| <input type="checkbox"/> Brakes | <input type="checkbox"/> Upholstery |
| <input type="checkbox"/> Tires | <input type="checkbox"/> Interior lights |
| <input type="checkbox"/> Floorboards/Floor mats | <input type="checkbox"/> Doors |
| <input type="checkbox"/> Door handles, inside and out | <input type="checkbox"/> Mirrors (inside and out) |
| <input type="checkbox"/> Seat Belts | <input type="checkbox"/> Engine fluid leaks |
| <input type="checkbox"/> Jack (rated for said vehicle) | <input type="checkbox"/> Horn |
| <input type="checkbox"/> Heating & A/C | <input type="checkbox"/> Seat belts |

- Exterior light lenses (no cracks / proper color)
- Emissions (no burning oil and smoke, visible and otherwise)
- Body damage and rust (including bumpers)
- Exterior lights (including high beams, reverse, license plate, parking lights, turn signals and roof light)
- Suspension (including shock absorbers and springs)
- Steering/front end

- | | |
|---|---|
| <input type="checkbox"/> Windshield/all glass | <input type="checkbox"/> Windshield wipers, washers |
| <input type="checkbox"/> Front and rear window defrosters (if applicable) | <input type="checkbox"/> Paint |
| <input type="checkbox"/> Directional signals | <input type="checkbox"/> Speedometer |
| <input type="checkbox"/> Fuel system | <input type="checkbox"/> Muffler and Exhaust system |
| <input type="checkbox"/> Wheel covers or hubcaps (or paint to match) | <input type="checkbox"/> Conventional spare tire |

ASE Certified mechanic's certification:

I certify, under penalty of law, that I have checked all of the above criteria as outlined more particularly in Section 74-66, Ocala Code of Ordinances, and found the vehicle to be in good operating condition, fit and providing for the health, safety, and welfare, of the citizen's, and consistent for the purpose of being operated as a taxi cab in the City of Ocala.

YEAR	MAKE	MODEL	VIN#	TAG#	CAR #
SIGNATURE OF MECHANIC			PRINTED NAME	DATE	ASE CERTIFICATION #
ADDRESS			CITY	STATE	ZIP CODE
			PHONE #	FAX #	

Sec. 74-66. - Vehicle safety and appearance requirements.

- (1) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.
- (2) All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.
- (3) All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.
- (4) Seat belts shall be available for all passengers (according to manufacturer's specifications and state law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.
- (5) All vehicles shall be equipped with a fully functioning heating and air conditioning system. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.
- (6) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.
- (7) The transportation of children shall be in accordance with F.S. § 316.613, as may be amended.
- (8) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said act.
- (9) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.
- (10) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty-seconds (2/32 inch when measured at three (3) random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.
- (11) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.
- (12) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.
- (13) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.
- (14) Steering mechanisms shall not be worn or jammed, nor shall there be more than two (2) inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.
- (15) The vehicle suspension shall function as designed by the manufacturer.
- (16) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.

- (17) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four (4) vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth (1/16) of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.
- (18) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.
- (19) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.
- (20) All fluid levels shall be maintained according to manufacturer's specifications.
- (21) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run flat tire" system.
- (22) Vehicles must be equipped with functioning speedometer and odometer.
- (23) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the division.
- (24) Businesses must ensure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.
- (25) A sign measuring a minimum of two inches by three inches shall be posted on the lower left corner of the right rear door window which states "Any comments or complaints, call the Company at _____ or City of Ocala at _____. The City License Number of this Vehicle is #_____."

In addition to any requirements otherwise imposed by the Vehicle and Traffic Law of the State of Florida, or by this Chapter, each licensed vehicle for hire operating within the City of Ocala shall at all times remain in compliance with each of the following VEHICLE requirements:

- No fewer than four (4) doors, not including a hatchback or other rear-entry, two (2) of which lead into the driver's compartment, and all doors shall be so constructed that they may be opened from the inside and the outside. Under no circumstances shall any two (2) door vehicle be licensed as a vehicle for hire. Vans may be licensed and approved for use as vehicles for hire only if each such van provides a seat and a seat belt for each passenger and carries no more than seven (7) passengers at any given time.
- Equipped with at least three (3) adjustable rear-view mirrors, one (1) in the driver's compartment and two (2) exterior mirrors installed on the exterior of the vehicle, one (1) on the driver's side door and one (1) on the passenger-side door.
- Equipped with hubcaps on all four (4) wheels or shall have uniformly painted wheels in lieu thereof.
- No shades or curtains on the inside of vehicle for hire.
- State of Florida license plates, City vehicle decal and any other required licensing, inspection, identification, and insurances are clearly visible, available, and unobstructed at all times.
- No licensed vehicle shall be equipped with any equipment which is not reasonably useful or necessary to furnish safe, adequate and convenient vehicle for hire service to the public.
- Complies with federal, state and other laws, rules and regulations pertaining to its use by and accessibility to persons with disabilities.

Additional requirements for taxicabs:

- No vehicle shall be licensed as a taxi for the first time if it was manufactured prior to January 1, 1997. Shall be painted in a distinctive color scheme, unique to the individual franchise.
- Each taxicab vehicle shall display upon both the right and left passenger doors a sticker clearly stating the rates a fare will cost the potential rider, in English no smaller than 18-point type in capital letters:
- Equipped with a top light illuminated by an electrically-powered light and controlled by the driver.

ARTICLE II. - VEHICLES FOR HIRE²¹

Footnotes:

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Editor's note— Ord. No. 2860, § 1, adopted July 21, 1998, amended the title of Art. II to read as herein set out. See the Code Comparative Table.

DIVISION 1. - GENERALLY

Sec. 74-31. - Definitions.

For the purpose of this article, except where the context requires a different meaning, the following words shall have the following meanings:

Advanced Life Support (ALS) transport service means any emergency medical transport service which uses advanced life support techniques during transport as defined in Section 401.23, Florida Statutes. ALS transport services shall be licensed by the Florida Department of Health in accordance with Section 401.25, Florida Statutes. ALS transport services shall be inclusive of the provision of BLS transport services.

Applicant means the company applying for a franchise and, if the company is a corporation, partnership, firm or association: any shareholder, officer, partner, member, officer, director, principal or owner of the company; and any corporation, partnership, firm or association holding five percent interest in the company.

Basic Life Support (BLS) transport service means any emergency medical transport service which uses basic life support techniques during transport as defined in Section 401.23, Florida Statutes. BLS transport services shall be licensed by the Florida Department of Health in accordance with Section 401.25, Florida Statutes.

Building official means the director of the building, zoning and licensing department.

Company means any person which operates or intends to operate any business of operating vehicles for hire.

Driver means any person who drives or operates a vehicle for hire on the streets of the city.

Driver's permit means the written authority granted by the city for the right on the part of an individual to drive or operate a vehicle for hire in the city.

Franchise means the right and privilege granted by this article for the operation of a taxicab stand, or a vehicle for hire business or service, within the city.

Horse-drawn carriage or *carriage* means any hack or carriage which is operated by being drawn by a horse for the transportation for hire of-passengers.

Limited sedan service means the transportation of passengers who are in route to or from a hospital, doctor's office, medical facility, medical clinic and whose transportation has been prearranged and preapproved through an insurance provider. The condition of these passengers is such that they do not need, nor are likely to need, immediate medical attention during transport. The driver and the vehicle shall remain at the passenger's location until returning the passenger to the point of origin.

Limousine means a vehicle for hire providing seating accommodations for at least five or more passengers, which does not operate regularly or at intervals over a designated route and is not fitted

with a meter or device for calculating or measuring the distance traveled or the waiting time of such vehicle.

Non-medical wheelchair and stretcher transport service means the transportation of persons while on stretchers or wheelchairs, or persons whose handicap, illness, injury, or other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxicab, or other vehicle for hire, and whose condition is such that the person does not need and is not likely to need medical attention during transport.

Pedicab means either:

- (1) A bicycle that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual and that is used for transporting passengers for consideration; or
- (2) A bicycle with that has a single unarticulated frame, that pulls a sidecar or similar device that transports, or is capable of transporting, passengers on seats attached to the sidecar or similar device, that is operated by an individual, and that is used for transporting passengers for consideration.

Street or *highway* means every way or place of whatever nature opened to the use of the public, as a matter of right for the purpose of vehicular travel.

Taxicab means any vehicle for hire, other than a limited sedan service vehicle, limousine, horse-drawn carriage, non-medical wheelchair and stretcher transport service vehicle, pedicab or motorbus, used for the transportation of passengers for hire, or offered for hire to the public for transportation, and which operates wholly or principally within the city.

Top light shall mean a permanently installed roof mounted lighted device which shall be illuminated whenever the taximeter is on. The top light must be a minimum size of ten inches by four inches, permanently mounted on the vehicle roof and display or include the word "taxi," "taxicab" or "cab."

U-drive-it car means a motor vehicle rented without a driver for operating by the person renting same.

Vehicle decal means the official decal issued by the building official as the physical evidence of a vehicle for hire license which is affixed to the outside of such vehicle for hire as provided herein.

Vehicle for hire means a motor vehicle or non-motorized vehicle used for the transportation for hire or compensation of passengers upon the streets of the city, whether operated continually or occasionally, and includes, without limitation, taxicabs, limousines, limited sedan service vehicles, horse-drawn carriages, non-medical wheelchair and stretcher transport service vehicles, and pedicabs but does not include u-drive-it cars or motorbuses operated on regular routes under and pursuant to franchises granted by the city.

(Code 1985, § 25-16; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 2, 7-21-98; Ord. No. 5701, § 1, 8-7-07; Ord. No. 2013-27, § 2, 5-21-13)

Cross reference— Definitions generally, § 1-2.

Sec. 74-32. - Penalty and enforcement.

Violation of any provision of this article shall be punishable pursuant to section 1-9. Additionally, violations of this chapter shall be subject to code enforcement pursuant to chapter 2, article V of the Code.

(Code 1985, § 25-24; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2013-27, § 3, 5-21-13)

Editor's note— Ord. No. 2013-27, § 3, adopted May 21, 2013, retitled § 74-32 from "Penalty" to "Penalty and enforcement."

Sec. 74-33. - Applicability of article.

All operations of vehicles for hire or a vehicle for hire businesses or services rendered pursuant hereto shall be subject to the provisions of this article.

(Code 1985, § 25-18; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 3, 7-21-98)

Sec. 74-34. - Enforcement officer.

The building official shall enforce the provisions of this article.

(Code 1985, § 25-19; Ord. No. 2342, § 1, 12-22-92)

Sec. 74-35. - Authority to establish additional regulations.

The building official shall establish additional regulations for the operation of and monitoring of vehicles for hire services/stands upon approval of city council. The regulations shall be in the interest of public safety for the welfare of the traveling public.

(Code 1985, § 25-20; Ord. No. 2342, § 1, 12-22-92; Ord. No. 5701, § 2, 8-7-07; Ord. No. 2013-27, § 4, 5-21-13)

Sec. 74-36. - Indemnification of city.

The company shall hold harmless against any and all liability, loss, costs, damages or expenses which may accrue to the city by reason of the negligence, default or misconduct of the company in connection with the rights granted to such company under this article. Nothing in this article or the granting of a license permit or franchise pursuant to this article shall be considered to make the city liable for damages on account of any negligent act or omission or commission by any company, its servants, agents or employees, during the operation by the company of a vehicle for hire business or service, either in respect to injuries to persons or with respect to any damage to property which may be sustained. A written indemnity and hold harmless agreement in a form satisfactory to the city, in its sole discretion, shall be required as a pre-condition to granting of a franchise to any company.

(Code 1985, § 25-21; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 4, 7-21-98)

Sec. 74-37. - Persons authorized to conduct vehicle for hire service.

- (a) *Grant of authority.* It is determined that public convenience would be served by the operation of a vehicle for hire service for the transportation of passengers in the city. After proof of compliance with the requirements set forth in this article, and upon recommendation of the building official, the city council may grant the authority to conduct a vehicle for hire service to any company.
- (b) *Franchise list; existing operators.* Those companies having been granted the authority to conduct a vehicle for hire service shall appear on the "vehicle for hire franchise list" maintained and kept by the building official. Companies holding franchises on the date of enactment of the ordinance from which this article is derived (January 14, 1993) shall appear on the initial vehicle for hire franchise list and

retain the authority to operate a vehicle for hire service. The list may be viewed in the building official's office during normal business hours.

(Code 1985, § 25-22; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 5, 7-21-98; Ord. No. 5701, § 3, 8-7-07)

Sec. 74-38. - Exemptions.

The following transportation services shall be exempt from the provisions of this chapter:

- (1) Vehicles operated by a governmental agency;
- (2) Vehicles operated by a Transportation Operator, as defined in F.S. § 427.011(6), pursuant to a contract authorized in F.S. § 427.0155 with the Community Transportation Coordinator (CTC), as defined in F.S. § 427.011(5);
- (3) Vehicles owned and operated by motels, hotels, and funeral homes which provide transportation for their customers only, for which the customer does not incur a separate charge;
- (4) Vehicles tendering transportation services not for compensation;
- (5) Advanced Life Support transport services;
- (6) Basic Life Support transport services.

(Code 1985, § 25-23; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2013-27, § 5, 5-21-13)

Secs. 74-39—74-60. - Reserved.

DIVISION 2. - FRANCHISE

Sec. 74-61. - Permit requirement.

- (a) No company shall establish, maintain or operate, or cause or permit to be established, maintained or operated, any taxicab, horse-drawn carriage or pedicab stand, or vehicle for hire business or service, within the city unless there shall have previously been granted to the owner of such company a franchise under the provisions of this article.
- (b) No person shall use, drive or operate or permit any person to use, drive or operate any vehicle for hire within the city unless the vehicle for hire shall be operated from a company for which a franchise for the operation of the company, business or service has been issued or granted by the city.
- (c) Each franchise granter hereunder shall expire five years from the effective date of the franchise. The holder of an expired franchise must submit a new application and pay the fee pursuant to the provisions of this article.

(Code 1985, § 25-34; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 6, 7-21-98; Ord. No. 5701, § 4, 8-7-07)

Sec. 74-62. - Application.

- (a) A company seeking a franchise for the operation of a vehicle for hire service shall file a written application with the office of the building official and provide a Florida Department of Law Enforcement Criminal History Information Report obtained from the Ocala Police Department at the applicant's

request and expense of the company and principal shareholders in the event of a corporation, or its partners in the event of a partnership.

- (b) City council shall approve a non-refundable fee for the processing of all new applications by separate resolution.
- (c) The application shall contain the following information:
 - (1) Applicant's name, address, driver's license number, date of birth, social security number, and any other vital statistics deemed necessary by the building official.
 - (2) If a partnership, the full name of the partnership and the names of all the partners, whether general or limited, accompanied by the partnership instrument or a certified copy thereof, and the business address of the partnership. In addition, the driver's license numbers and dates of birth of all partners.
 - (3) If a corporation, the exact corporate name and state of incorporation and the names of all the officers, directors and stockholders owning ten percent or more of the outstanding voting stock, accompanied by the articles of incorporation and all amendments thereto and the certificate of incorporation, or certified copies thereof, and the business address of the corporation and its registered agent.
 - (4) If a limited liability company, the exact name of the company and state of formation, and the names of all managers, and of members owning ten percent or more of the outstanding membership interest, accompanied by the articles of organization, operating agreement, and amendments thereto, and the business address of the company and its registered agent.
 - (5) Business name and telephone number.
 - (6) Number of vehicles, year and make of vehicles and three color photographs of each vehicle not less than eight inches by ten inches size, showing the entire vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle.
 - (7) Location or locations from which vehicle for hire franchise business will be operated.

(Code 1985, § 25-35; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 1, 10-19-93; Ord. No. 2860, § 7, 7-21-98; Ord. No. 5701, § 5, 8-7-07; Ord. No. 5922, § 10, 12-16-08; Ord. No. 2013-27, § 6, 5-21-13)

Sec. 74-63. - Eligibility.

- (a) No franchise application for the operation of a vehicle for hire shall be processed for any person under the age of 18 years.
- (b) No application shall be processed for any applicant who has, within five years prior to the date of the application for such a franchise, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime defined by the following Florida Statutes, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law:

F.S. § 782.04	Murder
F.S. § 782.07	Manslaughter; Aggravated Manslaughter of an Elderly Person or Disabled Adult; Aggravated Manslaughter of a Child

F.S. § 782.071	Vehicular Homicide
F.S. § 782.072	Vessel Homicide
F.S. § 782.08	Assisting Self-Murder
F.S. § 782.09	Killing of Unborn Child by Injury to Mother
F.S. § 782.11	Unnecessary Killing to Prevent Unlawful Act
F.S. § 784.011	Assault
F.S. § 784.021	Aggravated Assault
F.S. § 784.03	Battery
F.S. § 784.045	Aggravated Battery
F.S. § 784.048	Stalking
F.S. § 784.05	Culpable Negligence
F.S. § 784.07	Assault or Battery of Law Enforcement Officers, Firefighters, Emergency Medical Care Providers, Public Transit Employees or Agents, or Other Specified Officers
F.S. § 784.08	Assault or Battery on Person 65 Years of Age or Older

F.S. § 787.01	Kidnapping
F.S. § 787.02	False Imprisonment
F.S. § 787.03	Interference With Custody
F.S. § 787.04	Removing Minors From State or Concealing Minors Contrary to State Agency Order or Court Order
F.S. § 794.011	Sexual Battery
F.S. § 794.05	Unlawful Sexual Activity With Certain Minors
F.S. § 800.02	Unnatural And Lascivious Act
F.S. § 800.03	Exposure of Sexual Organs
F.S. § 800.04	Lewd, Lascivious, or Indecent Assault or Act Upon or in Presence of Child
F.S. § 806.01	Arson
F.S. § 806.031	Arson Resulting in Injury to Another
F.S. § 806.10	Preventing or Obstructing Extinguishment of Fire
F.S. § 806.111	Fire Bombs

F.S. § 806.13	Criminal Mischief
F.S. § 810.02	Burglary
F.S. § 810.06	Possession of Burglary Tools
F.S. § 812.014	Theft
F.S. § 812.015	Retail and Farm Theft; Transit Fare Evasion
F.S. § 812.016	Possession of Altered Property
F.S. § 812.019	Dealing in Stolen Property
F.S. § 812.13	Robbery
F.S. § 817.233	Burning to Defraud the Insurer
F.S. ch. 826	Bigamy; Incest
F.S. ch. 827	Abuse of Children
F.S. ch. 831	Forgery and Counterfeiting
F.S. ch. 837	Perjury

F.S. ch. 838	Bribery; Misuse of Public Office
F.S. ch. 870	Affrays; Riots; Routs; Unlawful Assemblies
F.S. ch. 872	Offenses Concerning Dead Bodies and Graves
F.S. ch. 873	Sale of Anatomical Matter
F.S. ch. 876	Criminal Anarchy, Treason, and Other Crimes Against Public Order
F.S. § 877.111	Inhalation, Ingestion, Possession, Sale, Purchase or Transfer of Harmful Chemical Substances
F.S. § 893.13	Sale, Purchase, Manufacturing, Delivery or Possession of a Controlled Substance
F.S. § 893.135	Trafficking
F.S. § 893.147	Use, Possession, Manufacturing, Delivery or Advertisement of Drug Paraphernalia
F.S. ch. 895	Offenses Concerning Racketeering and Illegal Debts

- (c) No application shall be processed for any applicant who has, within three years prior to the date of the application for such a franchise, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime defined by the following Florida Statutes, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law:

F.S. § 316.192	Reckless Driving
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F.S. § 316.193	Driving Under the Influence
F.S. § 316.1935	Fleeing or Attempting to Elude a Law Enforcement Officer; Aggravated Fleeing and Eluding
F.S. § 790.01	Carrying Concealed Weapons
F.S. ch. 796	Prostitution
F.S. § 817.234	False and Fraudulent Insurance Claims
F.S. § 817.235	Removing or Altering Identification Marks From Personal Property
F.S. § 817.52	Obtaining Vehicles With Intent to Defraud, Failing to Return Hired Vehicle, or Tampering With Mileage Device of Hired Vehicle
F.S. § 877.111	Inhalation, Ingestion, Possession, Sale, Purchase or Transfer of Harmful Chemical Substances

- (d) No application shall be processed for any applicant who has, within two years prior to the date of the application for such a franchise, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime not listed herein, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law.
- (e) A person convicted of any of the crimes mentioned in this section within the timeframes prescribed in this section may appeal to the city council. The city council may waive the prohibition of processing the application if it feels that the applicant is rehabilitated and no longer a threat to the community.
- (f) Any prohibition required by this article as the result of the conviction of a crime set forth in this section shall be waived upon proof that the person's civil rights have been restored, pursuant to F.S. §§ 940.03—940.05 and F.S. §§ 944.292 and 944.293, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law.

(Code 1985, § 25-36; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 2, 10-19-93; Ord. No. 2860, § 8, 7-21-98)

Sec. 74-64. - Revocation.

- (a) The city council shall have the right to revoke a franchise upon conviction of those crimes contained in section 74-63, for the period of time set forth in that section.

- (b) In addition, the city council shall have the right to revoke a franchise upon conviction of violation of subsection (1) or (2) of this subsection. The city council shall determine the period of time for which the franchise is to be revoked.
- (1) Transporting persons for any prostitution crime or misdemeanor purposes.
 - (2) Deviation from the information supplied on the franchise application.

(Code 1985, § 25-37; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 3, 10-19-93)

Sec. 74-65. - Reports of vehicles in service.

Each holder of a franchise issued pursuant to this article shall notify the building official of the number of vehicles for hire in service under the certificate and shall report any reductions in that number prior to June 1st of each year. Vehicle decals shall be returned as provided for in section 74-72(g)(1) of this chapter. Any additional vehicles shall be reported to the building official with a copy of the inspection report pursuant to section 74-67 and the photographs of the vehicle and the vehicle decal affixed as required by section 74-72(d) prior to the vehicle being used in service.

(Code 1985, § 25-38; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 9, 7-21-98; Ord. No. 2013-27, § 7, 5-21-13)

Sec. 74-66. - Vehicle safety and appearance requirements.

- (a) Each vehicle operating under this article shall be at all times in good order and repair in a clean condition and well ventilated when in operation, so as to render safe, adequate and proper service, and so as not to be a menace to the safety of the patron of the vehicle or the general public. All vehicles for hire, except for horse-drawn carriages and pedicabs, shall comply with the standards of this subsection:
- (1) The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with a material which would cause the vehicle to be in violation of F.S. §§ 316.2951—316.2956, as may be amended.
 - (2) All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.
 - (3) All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.
 - (4) Seat belts shall be available for all passengers (according to manufacturer's specifications and state law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.
 - (5) All vehicles shall be equipped with a fully functioning heating and air conditioning system. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.

- (6) All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.
- (7) The transportation of children shall be in accordance with F.S. § 316.613, as may be amended.
- (8) Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.
- (9) The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.
- (10) The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or two-thirty-seconds-inch when measured at three random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.
- (11) Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.
- (12) Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.
- (13) Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.
- (14) Steering mechanisms shall not be worn or jammed, nor shall there be more than two inches play to the left or right of center, measured at the steering wheel rim with the front wheels in a straight-ahead position. Power steering units shall not have visible signs of fluid leakage.
- (15) The vehicle suspension shall function as designed by the manufacturer.
- (16) The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.
- (17) Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.
- (18) There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.
- (19) Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.
- (20) All fluid levels shall be maintained according to manufacturer's specifications.
- (21) Vehicles are required to have manufacturer specified spare tires and tire changing equipment, unless all wheels are equipped with a "run flat tire" system.
- (22) Vehicles must be equipped with functioning speedometer and odometer.
- (23) Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals. A record of such routine maintenance must be maintained and is subject to inspection by the division.

- (24) Businesses must ensure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone.
 - (25) A sign measuring a minimum of two inches by three inches shall be posted on the lower left corner of the right rear door window which states "Any comments or complaints, call the Company at _____ or City of Ocala at _____. The City License Number of this Vehicle is # _____."
 - (26) Failure to comply with the provisions of this section and applicable sections of F.S. ch. 316, as may be amended, may result in denial of a permit(s), revocation or suspension of the permit(s), a denial of renewal of such permits, issuance of a civil citation, a misdemeanor conviction or other such remedies available to the division by law.
- (b) In addition to the requirements above, all non-medical wheelchair and stretcher transport service shall be in vehicles designed and manufactured for such transport in compliance with current industry standards.

(Code 1985, § 25-39; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2013-27, § 8, 5-21-13)

Editor's note— Ord. No. 2013-27, § 8, adopted May 21, 2013, retitled § 74-66 from "Mechanical condition of vehicles; cleanliness; lighting" to "Vehicle safety and appearance requirements."

Sec. 74-67. - Inspection and registration of vehicles.

- (a) Prior to receiving a license after the franchise is approved by city council, each vehicle operating under this article, except for horse-drawn carriages and pedicabs, shall be inspected by an ASE certified mechanic that the vehicle is in compliance with a safety checklist provided by the building official. The applicant must provide to the building official the signed checklist from an ASE certified mechanic that the vehicle is safe prior to receiving their initial license.
- (b) Each year prior to city renewing the license, each vehicle operating under this article, except for horse-drawn carriages and pedicabs, shall be inspected by an ASE certified mechanic that the vehicle is in compliance with a safety checklist provided by the building official. The applicant must provide to the building official the signed checklist from an ASE certified mechanic that the vehicle is safe prior to receiving their renewed license.
- (c) Prior to a taxicab receiving a license after the franchise is approved by city council, the taximeter required to be located in each taxicab pursuant to section 74-113(c) shall be calibrated, tested and sealed pursuant to the most current addition of the National Institute of Standards and Technology (NIST) Handbook 44, at a registered taxi service agency, as authorized by the state department of agriculture and consumer services, bureau of weights and measures. Evidence of such calibration and testing shall be submitted to the building official.
- (d) The taximeter required pursuant to section 74-113(c) shall be calibrated, tested and sealed annually and evidence of such calibration and testing shall be submitted to the building official prior to city renewing the license.

(Code 1985, § 25-40; Ord. No. 2342, § 1, 12-22-92; Ord. No. 5701, § 6, 8-7-07; Ord. No. 2013-27, § 9, 5-21-13)

Editor's note— Ord. No. 2013-27, § 9, adopted May 21, 2013, retitled § 74-67 from "Inspection of vehicles" to "Inspection and registration of vehicles."

Sec. 74-68. - Distinctive company name and color scheme required for taxicab franchise.

Every company authorized to operate one or more taxicabs shall adopt and use a distinctive, uniform company name, as well as a distinctive, uniform and decorative color scheme, and the building official shall refuse to process a franchise application if, in its opinion, the name or color scheme proposed will infringe upon a color scheme already in use by another taxicab company. Additionally, the color scheme shall not replicate or appear to be substantially the same as the color scheme of any law enforcement agency. Each company shall submit to the building official for approval, upon application, three color photographs, not less than eight inches by ten inches size, showing the entire vehicle, driver's side (assuming passenger side is identical), front and rear of the vehicle which depicts the chosen color scheme, including signage required per section 74-72 of this chapter. Such photographs may be submitted electronically. Each taxicab is required to maintain a top light as defined in section 74-31.

(Code 1985, § 25-41; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 10, 7-21-98; Ord. No. 2013-27, § 10, 5-21-13)

Editor's note— Ord. No. 2013-27, § 10, adopted May 21, 2013, retitled § 74-68 from "Distinctive company name and color scheme required" to "Distinctive company name and color scheme required for taxicab franchise."

Sec. 74-69. - Revocation or suspension.

- (a) In addition to the penalty prescribed in section 74-32 for any violation of this article, the franchise granted pursuant to this division to a company shall be subject to revocation or suspension action as outlined in this section upon the failure or refusal of the company to comply with any of the terms of this article; provided that the city shall give to the company not less than 15 days' notice of its intention to exercise such option, which notice shall specify the default complained of. During such time the company shall be allowed to correct such default, in which event no revocation or suspension actions shall be initiated.
- (b) Revocation or suspension proceedings may be initiated by the city manager, building official or by the chief of police with the consent of the mayor. The person initiating the proceedings shall state the grounds therefore in writing and have such written statement served on the franchise holder by certified mail at the last known address of such person or by personal service in any manner provided by law or ordinance.
- (c) The written statement served on the franchise holder shall advise the franchise holder that revocation or suspension of the franchise will be recommended to the city council, and shall further advise the franchise holder that he/she is required to show cause before the city council at a time specified in the written statement why the franchise shall not be revoked or suspended. The time specified in the written statement shall not be less than 20 days after the date the written notice was served on the franchise holder.
- (d) In the case of vehicle defaults with section 74-66, the building official shall have the right to immediately suspend the use of the vehicle in question and shall initiate revocation or suspension proceedings as outlined in this section. The revocation or suspension proceedings shall be terminated if the franchise holder has the vehicle repaired and submits an inspection report by an ASE certified mechanic as evidence. After three such defaults, the building official shall initiate revocation or suspension proceedings to suspend the use of the vehicle permanently or to revoke the franchise.

(Code 1985, § 25-42; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 4, 10-19-93; Ord. No. 5701, § 7, 8-7-07; Ord. No. 2013-27, § 11, 5-21-13)

Editor's note— Ord. No. 2013-27, § 11, adopted May 21, 2013, retitled § 74-69 from "Forfeiture or suspension" to "Revocation or suspension."

Sec. 74-70. - Liability insurance.

- (a) No company shall permit a vehicle for hire to be driven or operated on the streets of the city unless the owner shall have first procured and have on file with the city proof of financial responsibility as required by F.S. §§ 324.031 and/or 324.032 in not less than the minimum amounts as specified in therein or a comparable combined single limit.
- (b) Every such insurance policy shall contain a provision whereby every company executing the same shall obligate itself to notify the building official in writing at least 30 days before any alteration, modification or cancellation of such policy is to become effective.
- (c) No permit shall be issued to operate any vehicle for hire unless and until such liability insurance policy is filed with the building official, and failure of the owner or operator of such vehicle for hire to procure and keep on file with the building official at all times a liability insurance policy in the penal sums aforesaid shall be grounds for the revocation or suspension of the operator's permit for such vehicle for hire.

(Code 1985, § 25-43; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 11, 7-21-98; Ord. No. 5701, § 8, 8-7-07; Ord. No. 2013-27, § 12, 5-21-13; Ord. No. 2013-81, § 1, 9-17-13)

Sec. 74-71. - Occupational license required.

Every franchise holder must obtain an occupational license from the building official prior to commencing operation of a vehicle for hire service. The occupational license must be obtained within 60 days of issuance of a franchise. Failure to comply with this provision shall result in the franchise company's name being removed from the vehicle for hire franchise list, which is maintained by the building official. Upon removal from such list, a company shall lose its authority to operate a vehicle for hire service unless a new franchise is applied for and approval is granted by the city council.

(Code 1985, § 25-44; Ord. No. 2378, § 1, 5-25-93; Ord. No. 2860, § 12, 7-21-98)

Sec. 74-72. - Company signage and vehicle decals.

- (a) All vehicles for hire shall clearly display on the exterior of the driver and passenger side of the vehicle in lettering at least three inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name, and telephone number.
- (b) An individual or vehicle for hire company not exempt pursuant to section 74-38 of this chapter shall make application to the building official for a vehicle decal for each vehicle for hire. Each vehicle for hire shall be issued a vehicle decal upon fulfilling all the following requirements:
 - (1) Verification of the application submitted pursuant to this article;
 - (2) Certification evidencing compliance with the insurance requirements of section 74-70 of this article;
 - (3) Receipt of signed safety checklist from an ASE certified mechanic as required by section 74-67 of this chapter; and
 - (4) Payment to the city of the vehicle decal fee in an amount set forth by resolution of the city council.
- (c) Each vehicle decal issued pursuant to this section shall be valid and effective for one year.
- (d) Upon issuance of a vehicle decal, such decal shall be properly affixed to the vehicle utilizing the adhesive provided on the decal. One decal shall be placed on the outside of the windshield above the rear view mirror in such location that is not in conflict with wiper blades and shall be clearly visible. A second decal shall be placed on the rear bumper on the driver's side and shall be clearly visible. Once affixed, the decals may not be removed except for reasons described in paragraph (g) below. The

vehicle decals remain the property of the city and shall be used only under the authority of this chapter. It shall be a violation of this chapter to fail to properly affix the decals to the vehicle immediately upon receipt. The building official shall have the authority to confiscate decals not properly affixed to the vehicle.

- (e) Vehicle decals may be renewed upon application to the building official evidencing continued compliance with the provisions of this article, and payment of the renewal fee in an amount set forth by resolution of the city council.
- (f) No vehicle decal may be duplicated in any manner.
- (g) No vehicle decal may be sold, assigned or otherwise transferred.
 - (1) If a vehicle is permanently removed from service, the vehicle for hire company must remove said vehicle decals (if in existence) and surrender the remains to the division within ten business days of the occurrence.
 - (2) If a vehicle's windshield or rear window is damaged beyond repair or a vehicle is destroyed or sold, the vehicle for hire company must remove said vehicle decals (if in existence) and surrender the remains to the division within ten business days of the occurrence.
- (h) The fee for replacing decals for vehicles currently registered with the building official shall be established by resolution of the city council. Such fees are applicable to vehicles which have sustained damage or decal theft (as evidenced by dated repair receipt or police report).
- (i) It shall be unlawful to operate any vehicle for hire within and upon the streets and roads of the county without first obtaining the required vehicle decal(s) and affixing it to each vehicle. Failure to secure the required decal or affixing it to each vehicle as required by this article may result in the permit being denied, suspended or revoked pursuant to section 74-69 of this chapter.

(Ord. No. 2013-27, § 13, 5-21-13)

Secs. 74-73—74-90. - Reserved.

DIVISION 3. - DRIVER'S PERMIT

Sec. 74-91. - Required.

No person shall drive a vehicle for hire or permit the same to be driven or operated on the streets of the city without the driver of such vehicle for hire having first obtained a written driver's permit from the office of the building official.

(Code 1985, § 25-55; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 13, 7-21-98)

Sec. 74-92. - Application and investigation and new permit required when driver transfers to different company.

- (a) *Criminal records check.* Within seven days after the filing of the application, the applicant shall provide a Florida Department of Law Enforcement Criminal History Information Report obtained from the Florida Department of Law Enforcement (F.D.L.E.) website at the applicant's request and expense and included with the application.
- (b) *Medical examination.* Every applicant for a driver's permit shall be required to have a medical examination by a licensed physician to determine whether or not such applicant has any defect or impairment of vision or hearing or other physical impairment which would render him incapable of

driving a motor vehicle safely. The medical examination required by this subsection shall be no older than 90 days from the date of the application. A copy of the examination report must be filed with the building official prior to the applicant receiving a driver's permit. A valid health certificate issued by the Florida Department of Transportation may be submitted in place of the medical examination required by this section.

- (c) *Fee.* City council shall approve an application fee by separate resolution.
- (d) *New permit required when driver transfers to different company.* A driver shall be required to apply to the building official to obtain a new permit whenever transferring from one company to another. Driver's permits are not transferable to any other person.

(Code 1985, § 25-56; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 5, 10-19-93; Ord. No. 2860, § 14, 7-21-98; Ord. No. 5922, § 11, 12-16-08; Ord. No. 2013-27, § 14, 5-21-13)

Editor's note— Ord. No. 2013-27, § 14, adopted May 21, 2013, retitled § 74-92 from "Application and investigation; fee; new permit required when driver transfers to different company" to "Application and investigation and new permit required when driver transfers to different company."

Sec. 74-93. - Temporary permit.

- (a) A temporary vehicle for hire driver's permit may be issued upon request from the applicant, if the written application for a full-time permit has been filed as required by section 74-92 of this Code.
- (b) A local background and traffic investigation shall be conducted by the police department prior to issuance of a temporary permit. Should this investigation reveal no violations as provided for in this chapter, a temporary permit may be issued. Such permit shall be valid until such time the building official receives the criminal records check or until revoked by the building official.
- (c) The temporary driver's permit, if issued, is not to be construed as a guarantee that a regular permit will be issued. A regular driver's permit shall be issued only upon receipt of a FCIC report that reveals no criminal activity which constitutes a violation of this Code.

(Code 1985, § 25-57; Ord. No. 2438, § 1, 2-8-94; Ord. No. 2860, § 15, 7-21-98)

Sec. 74-94. - Eligibility.

- (a) No driver's permit shall be issued to any person under the age of 18 years.
- (b) No driver's permit shall be issued to any person who has, within five years prior to the date of the application for such a permit, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime defined by the following Florida Statutes, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law:

F.S. § 782.04	Murder
F.S. § 782.07	Manslaughter; Aggravated Manslaughter of an Elderly Person or Disabled Adult; Aggravated Manslaughter of a Child

F.S. § 782.071	Vehicular Homicide
F.S. § 782.072	Vessel Homicide
F.S. § 782.08	Assisting Self-Murder
F.S. § 782.09	Killing of Unborn Child by Injury to Mother
F.S. § 782.11	Unnecessary Killing to Prevent Unlawful Act
F.S. § 784.011	Assault
F.S. § 784.021	Aggravated Assault
F.S. § 784.03	Battery
F.S. § 784.045	Aggravated Battery
F.S. § 784.048	Stalking
F.S. § 784.05	Culpable Negligence
F.S. § 784.07	Assault or Battery of Law Enforcement Officers, Firefighters, Emergency Medical Care Providers, Public Transit Employees or Agents, or Other Specified Officers
F.S. § 784.08	Assault or Battery on Person 65 Years of Age or Older

F.S. § 787.01	Kidnapping
F.S. § 787.02	False Imprisonment
F.S. § 787.03	Interference With Custody
F.S. § 787.04	Removing Minors From State or Concealing Minors Contrary to State Agency Order or Court Order
F.S. § 794.011	Sexual Battery
F.S. § 794.05	Unlawful Sexual Activity With Certain Minors
F.S. § 800.02	Unnatural And Lascivious Act
F.S. § 800.03	Exposure of Sexual Organs
F.S. § 800.04	Lewd, Lascivious, or Indecent Assault or Act Upon or in Presence of Child
F.S. § 806.01	Arson
F.S. § 806.031	Arson Resulting in Injury to Another
F.S. § 806.10	Preventing or Obstructing Extinguishment of Fire
F.S. § 806.111	Fire Bombs

F.S. § 806.13	Criminal Mischief
F.S. § 810.02	Burglary
F.S. § 810.06	Possession of Burglary Tools
F.S. § 812.014	Theft
F.S. § 812.015	Retail and Farm Theft; Transit Fare Evasion
F.S. § 812.016	Possession of Altered Property
F.S. § 812.019	Dealing in Stolen Property
F.S. § 812.13	Robbery
F.S. § 817.233	Burning to Defraud the Insurer
F.S. ch. 826	Bigamy; Incest
F.S. ch. 827	Abuse of Children
F.S. ch. 831	Forgery and Counterfeiting
F.S. ch. 837	Perjury

F.S. ch. 838	Bribery; Misuse of Public Office
F.S. ch. 870	Affrays; Riots; Routs; Unlawful Assemblies
F.S. ch. 872	Offenses Concerning Dead Bodies and Graves
F.S. ch. 873	Sale of Anatomical Matter
F.S. ch. 876	Criminal Anarchy, Treason, and Other Crimes Against Public Order
F.S. § 877.111	Inhalation, Ingestion, Possession, Sale, Purchase or Transfer of Harmful Chemical Substances
F.S. § 893.13	Sale, Purchase, Manufacturing, Delivery or Possession of a Controlled Substance
F.S. § 893.135	Trafficking
F.S. § 893.147	Use, Possession, Manufacturing, Delivery or Advertisement of Drug Paraphernalia
F.S. ch. 895	Offenses Concerning Racketeering and Illegal Debts

- (c) No permit shall be issued to any person who has, within three years prior to the date of the application for such a permit, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime defined by the following Florida Statutes, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law:

F.S. § 316.192	Reckless Driving
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F.S. § 316.193	Driving Under the Influence
F.S. § 316.1935	Fleeing or Attempting to Elude a Law Enforcement Officer; Aggravated Fleeing and Eluding
F.S. § 790.01	Carrying Concealed Weapons
F.S. ch. 796	Prostitution
F.S. § 817.234	False and Fraudulent Insurance Claims
F.S. § 817.235	Removing or Altering Identification Marks From Personal Property
F.S. § 817.52	Obtaining Vehicles With Intent to Defraud, Failing to Return Hired Vehicle, or Tampering With Mileage Device of Hired Vehicle
F.S. § 877.111	Inhalation, Ingestion, Possession, Sale, Purchase or Transfer of Harmful Chemical Substances

- (d) No application shall be processed for any person who has, within two years prior to the date of the application for such a permit, been convicted, been incarcerated, or been on probation or parole as a result of a conviction, of any crime not listed herein, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law.
- (e) A person convicted of any of the crimes mentioned in this section within the timeframes prescribed in this section may appeal to the city council. The city council may waive the prohibition of processing the application if it feels that the applicant is rehabilitated and no longer a threat to the community.
- (f) Any prohibition required by this article as the result of the conviction of a crime set forth in this section shall be waived upon proof that the person's civil rights have been restored, pursuant to F.S. §§ 940.03—940.05 and F.S. §§ 944.292 and 944.293, or their subsequent amendments, or as similarly defined in any other state, or pursuant to federal law.
- (g) *Current state driver's license required.* Any person applying for a vehicle for hire driver's permit under this article must show that he has a current motor vehicle operator's license issued or approved by the State of Florida and that the license is not under suspension or revocation.

(Code 1985, § 25-58; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 7, 10-19-93; Ord. No. 2860, § 16, 7-21-98; Ord. No. 5701, § 9, 8-7-07)

Sec. 74-95. - Fingerprints and photographs.

The applicant for a vehicle for hire driver's permit shall furnish fingerprints and photographs of himself at the time of filing the permit application. The building official shall keep a permanent record of such photographs and fingerprints in its office. The building official may require that new photographs be taken of any driver and that new permits be issued to such driver bearing such new photographs, as often as the building official may feel that such procedure is necessary but at least once per year, in order to reflect the changes in the appearance in such driver.

(Code 1985, § 25-59; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 17, 7-21-98)

Sec. 74-96. - Form and contents; display; altering or defacing permit.

- (a) Each driver's permit shall be signed by the building official and shall bear the name, address, sex, color, age, signature, recent photograph and fingerprints of the applicant.
- (b) It shall be unlawful for any person holding a driver's permit willfully to alter, deface, obliterate or destroy the same or to cause the same to be altered, defaced, obliterated or destroyed.
- (c) Every driver of a vehicle for hire operated in the city shall have its driver's permit displayed in such vehicle for hire in a conspicuous place so as to be observed easily by each passenger in such vehicle for hire. There shall not be displayed in any vehicle for hire any driver's permits other than the one for the driver of such vehicle for hire, nor shall there be displayed in any vehicle for hire anything which may easily be confused with such driver's permit.

(Code 1985, § 25-60; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 18, 7-21-98)

Sec. 74-97. - Expiration and renewal; transfer.

- (a) A driver's permit shall be issued by the building official for a period of one year and shall be subject to cancellation or suspension by the building official as provided for by this article.
- (b) The holder of a driver's permit shall, as a prerequisite to annual renewal, submit to the examination prescribed by section 74-92(b), and the examination shall be conducted and reported to the building official in the same manner as is prescribed in section 74-92(a).
- (c) No person shall transfer such a permit to any other person, nor shall any person possess the driver's permit of another.

(Code 1985, § 25-61; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 19, 7-21-98)

Sec. 74-98. - Revocation.

The driver's permit of any person convicted of any such offense shall be revoked by the building official for a period of time as outlined in section 74-94.

(Code 1985, § 25-62; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2411, § 8, 10-19-93)

Secs. 74-99—74-110. - Reserved.

DIVISION 4. - REGULATIONS

Sec. 74-111. - Business headquarters; taxistands and horse-drawn carriages.

- (a) Each holder of a franchise issued for a taxicab shall establish and maintain a headquarters or central taxicab stand for the operation of the holder's taxicab stand, business or service, which headquarters or taxicab stand shall conform to the requirements of all applicable ordinances of the city, and shall provide for adequate off-street parking space for taxicabs when the same are not answering a call to get a passenger or returning from a call after the transportation of a passenger and which shall be registered with the building official.
- (b) The building official shall have the right and authority to designate the location of and the extent of space for stands, to be known as "taxistands," upon streets adjacent to railroad, bus and airport terminals, hotels and public buildings, whenever the building official shall deem such stands necessary or advisable, and the building official is hereby authorized and directed to formulate, promulgate and enforce reasonable rules and regulations for the use of such taxistands so as to ensure equality of opportunity between operators of taxicabs, prevent discrimination between taxicabs, and prevent unfair practices between taxicab stand owners, operators and drivers.
- (c) Each horse-drawn carriage company, as a condition for holding a franchise under the provisions of this article, shall establish and maintain a fixed headquarters on private property for the operation of the company's business. If located in the city, the headquarters must conform to the ordinances of the city, and shall provide adequate off-street parking space for all horse-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's franchise to another location.
- (d) Each pedicab company, as a condition for holding a franchise under the provisions of this article, shall establish and maintain a fixed headquarters on private property for the operation of the company's business. If located in the city, the headquarters must conform to the ordinances of the city, and shall provide adequate off-street parking space for all horse-drawn carriages not in service on the streets. The company headquarters shall not be moved except by the approved transfer of the company's franchise to another location.

(Code 1985, § 25-74; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 20, 7-21-98; Ord. No. 5701, § 10, 8-7-07)

Sec. 74-112. - Service requirements.

- (a) Each holder of a franchise issued for a taxicab shall, during the term of the franchise, operate a safe and efficient taxicab stand, business or service in the city under the terms and conditions of all ordinances of the city. The city council shall have the right to require each franchise holder to operate a specific minimum number of taxicabs between the hours of 9:00 p.m. and 6:00 a.m.
- (b) No driver shall refuse to accept any passenger for transportation within the city limits or its suburban territory, unless such passenger is drunk, unruly, noisy, boisterous or disorderly or such proposed trip is evidently for illegal or immoral purposes or otherwise contrary to the terms of this article, but any driver may require that his fare be paid in advance.

(Code 1985, § 25-75; Ord. No. 2342, § 1, 12-22-92)

Sec. 74-113. - Rates and charges; taxicab meters.

- (a) It shall be unlawful for the operator or driver of any vehicle for hire used in the transportation business to charge or demand from any customer any sum of money in excess of those rates, fares or charges currently on file with the building official.
- (b) All rates applying to any vehicle for hire shall be posted in such vehicle in a conspicuous place so as to be plainly observable by each passenger thereof, and shall be posted and in type sufficiently large so that the rates may be read by passengers while sitting in the seats provided for passengers.

(c) Every taxicab shall have a meter that is:

- (1) Installed and entirely illuminated so as to be easily seen by a passenger sitting in any part of the taxicab; and
- (2) Approved by the Florida Department of Agricultural, Bureau of Weights and Measures, or a facility designated by such Bureau, to certify meter operations.

(Code 1985, § 25-76; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 21, 7-21-98; Ord. No. 5701, § 11, 8-7-07)

Sec. 74-114. - Fare receipts.

It shall be the duty of each driver to give a receipt for fares when requested by the passenger, showing the fare collected, the point of departure and arrival, and the number of passengers carried and included in such fare.

(Code 1985, § 25-77; Ord. No. 2342, § 1, 12-22-92)

Sec. 74-115. - Maximum working time for drivers.

No person shall drive or operate a vehicle for hire in the city for more than 12 hours in any 24-hour period.

(Code 1985, § 25-78; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 22, 7-21-98)

Sec. 74-116. - Allowable occupants.

No operator or driver of any vehicle for hire shall permit any person to ride in its vehicle except a fare-paying passenger, guests of such passenger, an officer or employee of the person by whom the vehicle is owned or operated, or a member of the owner's family.

(Code 1985, § 25-79; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 23, 7-21-98; Ord. No. 5701, § 12, 8-7-07)

Sec. 74-117. - Use of vehicle for illegal or immoral purposes.

It shall be unlawful for the driver of a vehicle for hire operated in the city to permit any person to occupy or use such vehicle for hire for the purpose of prostitution, lewdness, or assignation, or to direct, take, or transport, or to offer or agree to direct, take, or transport any other person with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is for the purpose of prostitution, lewdness or assignation. The use of any vehicle for hire for such immoral purpose, whether such use be within or without the city shall be grounds for the suspension or revocation of the driver's permit of the driver of such vehicle for hire.

(Code 1985, § 25-80; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 24, 7-21-98)

Sec. 74-118. - Collecting fares or discharging passengers while vehicle is in motion.

No driver shall collect fares, make change, or take on or discharge passengers while its vehicle for hire is in motion.

(Code 1985, § 25-81; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 25, 7-21-98)

Sec. 74-119. - Giving or receiving bribe for purpose of directing customers to certain business.

It shall be unlawful for any vehicle for hire operator or driver either to give or receive any money or other thing of value, whether tangible or intangible, in exchange for or as a reward for or for the purpose of influencing, the directing of any business to or by such person, by any means, direct or indirect. Nothing in this section, however, shall be construed so as to prevent passengers from tipping drivers or operators in the usual course of business and on account of good service rendered to such passengers as such passengers.

(Code 1985, § 25-82; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 26, 7-21-98)

Sec. 74-120. - Accident reports.

Each vehicle for hire driver shall report promptly to the police department and the building official, any accident involving the vehicle for hire being driven by such driver.

(Code 1985, § 25-83; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 27, 7-21-98)

Sec. 74-121. - Reports of suspicious acts or persons.

Every person holding an operator or driver's permit shall report promptly to the police department any suspicious person, thing or act whom or which he may observe, regardless of whether or not such person, thing or act was observed inside or outside of any vehicle for hire which such operator or driver was operating or driving.

(Code 1985, § 25-84; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 28, 7-21-98)

Sec. 74-122. - Lost property.

Any driver or operator discovering in any vehicle for hire under its control, personal property which was obviously lost by a passenger of such vehicle for hire, shall report such loss, and deliver property to the police department within two hours after the discovery of such property.

(Code 1985, § 25-85; Ord. No. 2342, § 1, 12-22-92; Ord. No. 2860, § 29, 7-21-98)

Sec. 74-123. - Restrictions on soliciting business.

No driver of a vehicle for hire shall solicit business at any railroad depot or bus station except in the area or zone established therefor by the building official, nor shall the driver solicit business in a loud and boisterous manner or leave the vehicle to solicit business, except that he may stand in front or at the side of the vehicle to solicit business.

(Code 1985, § 25-86; Ord. No. 2342, § 1, 12-22-92; Ord. No. 5701, § 13, 8-7-07)

Sec. 74-124. - Restriction on number of passengers.

No driver of a vehicle for hire shall permit more persons to be carried in a vehicle as passengers than the rated seating capacity of the vehicle. A child in arms shall not be counted as a passenger.

(Ord. No. 5701, § 14, 8-7-07)

Sec. 74-125. - Horse-drawn carriage requirements.

- (a) *Generally.* The requirements of this section shall apply to all horse-drawn carriages. Failure to comply with these requirements shall constitute grounds for forfeiture or suspension of franchises or permits issued under this article.
- (b) *Safety requirements.* Each horse-drawn carriage shall be equipped with electrically powered lights or lanterns and reflectors, which lights shall be in use when operating during the hours of darkness and when raining. The lights and reflectors shall be mounted so that they are visible from a distance of 500 feet in any direction. Each horse-drawn carriage shall have on board at all times a four-pound all-purpose extinguisher and a first aid kit.
- (c) *Hours of operation.* No horse-drawn carriage shall be operated on city streets between the hours of 2:00 a.m. and 9:00 a.m. on any day. No carriage shall be operated between the hours of 4:30 p.m. and 6:00 p.m., Monday through Friday, except that such restriction shall not apply on legal holidays.
- (d) *Sanitation requirements.* Horse manure and urine must be immediately treated with a chemical deodorizing solution, and manure must be removed immediately from the street by the carriage driver. If used, horse diapers, which prevent excrement from being deposited on the street surface, must be approved for efficiency by the enforcement officer. All such diapers must be maintained and free of defects. Each company must submit to the transportation office a copy of all routes used by their carriages, to help ensure effective cleanup.
- (e) *Traffic violations.*
 - (1) Horse-drawn carriages shall be prohibited from stopping in traffic or delaying any on-street traffic for the purposes of loading or unloading passengers or for any other purposes.
 - (2) Every person riding any horse upon a roadway and every person driving any horse-drawn carriage within the city limits of the City of Ocala shall be subject to the provisions of this article and shall operate the horse or vehicle in accordance with the traffic laws of the City of Ocala.
 - (3) Due to the nature of operating horse-drawn carriages in areas of congestion and heavy traffic within the city, it shall be unlawful to operate the horse-drawn carriages except when the horses are under complete control at all times and shall be operated with extra caution and due care for the safety of others.
- (f) *Carriage stands.*
 - (1) No horse-drawn carriage parking shall be permitted in the corporate limits of the city except at such stands as may be established by city council upon the recommendation of the city manager, which parking stands shall be designated by signs. Whenever any stand is established, the stand may be used by horse-drawn carriages upon a rotation basis of a first come, first served, except as provided hereinafter.
 - (2) Drivers of horse-drawn carriages operated under the article shall maintain stands in a sanitary condition at all times. Any failure on the part of a driver to conform to the requirements of this section shall be unlawful.
 - (3) A horse-drawn carriage stand is hereby established on the west side of Osceola Avenue between East Silver Springs Boulevard and Broadway Street as indicated and limited by specific signage.
 - (4) It shall be unlawful for any driver of any horse-drawn carriage to park or stand at any bus stop designated for use by Sun Tran or at any taxicab stand.
- (g) *Health of horses.*

- (1) A licensed veterinarian shall certify, after due and proper inspection, the good health of each horse before it is placed into service. A minimum of two such health inspections shall be required for each horse each calendar year.
- (2) No single horse shall pull a carriage holding more than ten people, including the driver.
- (3) Unless written approval is given by a licensed veterinarian, no horse having open sores or wounds or any disease or ailment shall be permitted to be in service on the streets of the city.
- (4) Each horse shall have its hooves properly trimmed and shod for street surfaces.
- (5) Each horse shall be groomed daily and not have fungus, dandruff, or a dirty coat.
- (6) Harnesses shall be properly fitted, maintained, and oiled so that no irritating material will come in direct contact with the horse.
- (7) No driver may use more than a light touch of the whip upon any horse, and no driver or other person may forcefully strike a horse or make movements or noise intended to frighten or harm a horse.
- (8) No driver shall permit a horse to pull a carriage at a speed faster than a slow trot, except in emergency situations.
- (9) No horse shall be subject to any condition or treatment, whether in service or out of service, which will impair the good health and physical condition of that horse.

(Ord. No. 5701, § 15, 8-7-07)

Sec. 74-126. - Pedicab requirements.

- (a) Each pedicab must be equipped with the following, all of which shall be operational:
 - (1) A battery operated headlight capable of projecting a beam of light for a distance of 300 feet.
 - (2) A battery operated taillight red in color and plainly visible from a distance of 500 feet to the rear of the pedicab.
 - (3) A schedule of fare rates.
 - (4) A signal bell or other warning device (except a siren, which is prohibited).
- (b) It shall be unlawful for any pedicab driver to park or stand at any bus stop designated for use by Sun Tran or at any taxicab stand.

(Ord. No. 5701, § 15, 8-7-07)

Secs. 74-127—74-150. - Reserved.