

Sponsored by: Snead  
Introduction Date: May 14, 2013  
Public Hearing Dates: May 14, 2013  
Enactment Date: May 28, 2013

CITY OF MARATHON, FLORIDA  
ORDINANCE 2013-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA ESTABLISHING REGULATIONS FOR PASSENGER VEHICLES FOR-HIRE; ESTABLISHING STANDARDS OF OPERATION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Chapter 166, *Florida Statutes*, grants the City of Marathon (the “City”) broad municipal home rule powers to provide for the health, safety and welfare of its residents, business owners and visitors by enacting business regulations for the protection of the public; and

**WHEREAS**, the City Council is aware of certain issues regarding the fair and effective operation of Passenger Vehicles for Hire (a./k./a. Taxis) within the City of Marathon; and

**WHEREAS**, the City finds and declares that the public welfare and safety of its residents, business owners and visitors requires the regulation and control of Passenger Vehicles for Hire, within the City; and

**WHEREAS**, the City Council deems it necessary that operation of Passenger Vehicles for Hire be properly regulated and monitored within the limits of the City of Marathon in order to protect its residents, business owners and visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** Chapter 32, Article \_\_\_\_, Section \_\_\_\_ of the Code of Ordinances, City of Marathon, Florida is hereby created to read as follows:<sup>1</sup>

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1 / Additions to existing text are shown by underline, changes to existing text on second reading are shown by double underline, and deletions are shown as ~~strikethrough~~.

**Chapter 32, Article \_\_ “Regulation of Business Offering Passenger Vehicles For-Hire (PVFH)**

**Section 32-\_\_ - Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- A. Compensation means payment by a passenger of a vehicle for hire which may be in the form of a fare, a gratuity, or any other form of consideration.
- B. Passenger means a person who is not permitted to drive, but may only ride within any vehicle.
- C. Passenger vehicle for hire (PVFH) means any vehicle for hire engaged in the transportation of persons and their accompanying baggage, if any, for compensation over the public streets, not operated on a fixed route, and not including vehicles owned by the city. This definition shall not be construed to include sightseeing tours, public transportation, contract vehicles for hire (limousines) or shuttle transport services required per Section 104.25.A.3 of the LDRs.
- D. Passenger vehicle for hire driver authorization (PVFH driver authorization) means the authorization granted by the city to a stated person to operate any duly licensed passenger vehicle for hire for a period of one calendar year from the date of issuance, which authorization shall be reflected in a document issued by the city identifying the permittee and the expiration date thereof.
- E. Passenger vehicle for hire vehicle certification (PVFH vehicle certification) means the authorization granted by the city to a stated person to operate a specific vehicle as a passenger vehicle for hire. This authorization shall be reflected in a document issued by the city identifying the vehicle, the licensee, and the expiration date thereof.
- F. Seating capacity means the maximum number of passengers allowed in a vehicle for hire, which shall be as determined by the manufacturer of the vehicle.
- G. Vehicle means any wheeled device by which any person or property may be transported or drawn upon any public road, and which is propelled wholly or in part by a motor or engine.

**Section 32-\_\_ - License Required For All Businesses Offering Passenger Vehicles For Hire (PVFH).**

- A. Before any person shall establish or maintain a business of renting, leasing or providing any vehicle for hire within the corporate boundaries of the city as set forth in Section 10 of the Charter, entitled "Land Description," such person shall, as applicable make application with, and receive from the City

Manager a license, to operate such business. Picking up a passenger for compensation within the corporate boundaries of the city shall constitute conducting or maintaining such a business. The application shall conform to all applicable requirements of this chapter and shall state the exact location of the intended place of business by address and/or real estate number and any intermediate or way stations. No such business shall be conducted or maintained unless such license is duly issued and fees paid in conformance with this chapter, as applicable, and unless the applicant has caused to be executed and shall maintain in full force and effect a liability insurance policy for each vehicle in amounts as prescribed in this chapter, the terms of which shall provide protection for all persons or property suffering injury, damage or loss because of the negligent operation of such vehicle by any person.

1. The PVFH Business License application shall require information about the business, the business vehicles for certification, and the business drivers for certification as identified below.
2. Addition or elimination of vehicles or the addition or removal of authorized driver names from a valid PVFH license holder may occur at any time, though will be updated annually upon business license renewal.

B. The following information shall be provided as part of any new PVFH license request or renewal PVFH license request.

1. Business Information required:
  - a. For each Business being operated as a Passenger Vehicle for Hire business, the following information shall be required.
    - i. Name of business owner.
    - ii. Owner address, contact information and emergency contact information.
    - iii. Copy of all business licenses required by State and local government entities, including but not limited to DBPR, County government or the like.
    - vi. Copies of all commercial insurance policies required by the State of Florida shall be provided on Provider letterhead with coverage details and liability limits.

- b. A permanent physical business address within corporate limits of the City of Marathon at which the Passenger Vehicle for Hire business will be operated from.
  - i. No Home Occupations shall be permitted.
  - ii. Business location shall be properly zoned: industrial, mixed use or public use.
- 2. For each vehicle being operated as a Passenger Vehicle for Hire, the following information shall be required:
  - a. Year, make model, Vehicle Identification Number (VIN), color, tag number, maximum passenger occupancy.
- 3. For each authorized driver operating a Passenger Vehicle for Hire, the following information shall be required:
  - a. Copy of current, valid Driver's License, contact information and emergency contact information.

**Section 32-\_\_ - Standards of Operation For PVFH Business Licensee.** Any valid licensee to whom a passenger vehicle for hire license has been granted must:

- 1. Permit the authorized vehicle to be operated for hire only by an authorized driver.
- 2. Maintain a sign attached to, or painted upon, each licensed vehicle, with the term "taxicab," "taxi," "cab," or "for hire" thereon, of a size and design as being visible and legible.
- 3. Maintain a properly zoned business location.
- 4. Not receive, discharge passengers, or wait for fares in any manner which causes blocking of traffic.
- 5. Maintain appropriate commercial insurance as required by state law; which insurance binder shall list the City as a Certificate Holder and provide that the City shall be notified of any lapse in coverage(s).

**Section 32-\_\_ - License fees.** The following license fees shall apply to Passenger Vehicle for hire Business Licenses. Biennial renewals shall be completed every 6 months prior to license expiration date:

- 1. Initial license approval: \$300.00 (includes 1 vehicle and 1 driver)
  - a. Additional per vehicle (>1): \$50.00.
  - b. Additional per driver (>1): \$50.00
- 2. Biennial renewal: \$100.00 (includes 1 vehicle and 1 driver)
  - a. Additional per vehicle (>1): \$50.00

b. Additional per driver (>1): \$50.00

3. PVFH Business License Decal: \$5.00 (each vehicle)

**Section 32-\_\_.** – **Enforcement and penalties.** Upon determination by the City of the existence of a violation of this Article, the City shall issue to the PVFH Business Licensee and/or PVFH driver a citation regarding the existence of the violation(s). The citation shall be issued via first class mail or hand delivery. The PVFH Business Licensee and/or PVFH driver must correct the violation or request a hearing before the City’s Code Enforcement Board within 10 calendar days. Nothing contained herein, however, shall prohibit the City from enforcing this Article by any other lawful means including, but not limited to, in accordance with section 1-7 of this Code; or in accordance with chapter 10 of this Code.

**Section 3.** The Provisions of the Code of Ordinances, City of Marathon, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 4.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** It is the intention of the City Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 6.** This Ordinance shall be effective immediately upon enactment.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 28<sup>th</sup> DAY OF MAY, 2013.**

**THE CITY OF MARATHON, FLORIDA**

  
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**Mike Cinque, Mayor**

AYES: Snead, Keating, Bull, Ramsay, Cinque  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

  
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City Attorney