

**ST. PETERSBURG CITY COUNCIL**

**Meeting of January 8, 2009**

**TO:** The Honorable Chair, and Members of City Council

**SUBJECT:** Amendment to City Code Chapter 28 regarding vehicles for hire

**REQUEST:** Conduct second reading and public hearing for the attached ordinance.

**ANALYSIS:**

The attached ordinance proposes a series of amendments to City Code Chapter 28 to allow a motorized non-gasoline powered vehicle, creating regulations similar to those in this chapter for the bicycle, rickshaw and taxi services. City Administration has received interest from a business currently operating in downtown Tampa who provides free short distance taxi service; this business wishes to operate in downtown St. Petersburg as well. They use electric vehicles and are funded by selling advertisements on the vehicles and by tips to drivers. A course limitation of 9<sup>th</sup> Avenue North to 9<sup>th</sup> Avenue South and 20<sup>th</sup> Street to Tampa Bay is included in the ordinance, based on discussions with the Police Department and review of similar services. The ordinance also provides standards unique to this type of vehicle, providing for standard safety equipment. Like taxicab regulations, each driver of one of the electric vehicles must complete a background review and receive a permit from the Police Department.

**COUNCIL REVIEW:**

On November 18<sup>th</sup>, the Council Public Services & Infrastructure Committee reviewed this draft ordinance and those present unanimously support bringing the ordinance forward for Council review.

**RECOMMENDATION**

Administration recommends Council CONDUCT the second reading and public hearing for this ordinance and APPROVE the ordinance.

Attachments: Ordinance amending City Code Chapter 28

AN ORDINANCE OF THE CITY OF ST. PETERSBURG  
AMENDING CHAPTER 28 OF THE CITY CODE;  
AUTHORIZING THE USE OF MOTORIZED NON-GASOLINE  
POWERED VEHICLES FOR HIRE; PROVIDING FOR THE  
REGULATION OF MOTORIZED NON-GASOLINE POWERED  
VEHICLES FOR HIRE; AND PROVIDING AN EFFECTIVE  
DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

Section one. Section 28-1(11) of the St. Petersburg City Code is hereby amended to read as follows:

(11) Public vehicle means taxicabs, vans, limousines and non-motorized vehicles for the transportation for hire of passengers where new fares begin within the City limits of St. Petersburg and shall include motorized non-gasoline powered vehicles which operate in the same manner as a taxicab but may or may not charge a fee to new fares.

Section two. The St. Petersburg City Code is amended by creating a new section 28-1(16) to read as follows:

(16) *Motorized non-gasoline powered vehicles* means vehicles which have an engine or motor which is directly powered by a source other than gasoline, such as a battery.

Section three. Sections 28-3(a) and (f)(6) and (7) of the St. Petersburg City Code are hereby amended to read as follows:

(a) All public vehicles which are regulated by this ordinance, except for motorized non-gasoline powered vehicles, shall be equipped with the following:

- (1) A rear view mirror and a side view mirror on the driver's side;
- (2) A speedometer properly installed, in good working order;
- (3) Clean, sanitary interior, free from torn upholstery or floor covering and from damaged or broken seats;
- (4) Door hinges and latches in good mechanical working order and doors which operate easily and close securely;
- (5) Body, fenders, doors, trim and grill reasonably free from cracks, breaks, and dents that would impair the safety or appearance of the public vehicle;
- (6) Glass in the windshield and windows that shall be approved safety non-shatterable glass;
- (7) Tires of the size appropriate for the public vehicle and with no mismatched "sized" tires. (There shall be no cuts into the tire cord or sidewall area or localized worn spots that expose the ply);

(8) An operational horn with the activating button mounted in the location designated by the vehicle designed and assembled by the vehicle manufacturer;

(9) Seat belts that are available for passengers in all seats except jump seats, spaces designed to accommodate wheelchairs or where the seat belts are not required by law. Seat belts in operating condition and easily accessible by all passengers. For the purpose of this section, seat belts which are placed under the seat or between the lower and upper portions of the seat are deemed not easily accessible;

(10) Standard, operational windshield wipers for the entire front windshield which shall be controlled electronically or by vacuum and operated from the interior of the public vehicle. The wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or badly worn;

(11) An operational parking brake and an operational primary brake system which acts on all of the vehicle's axles; and

(12) An adequately operating air conditioning/heating system and windshield defrost or defogging system, which controls the temperature of the interior of the vehicle between 68° F to 78° F.

\* \* \* \* \*

(f)(6) Non-motorized vehicles with passengers may only operate between 9th Avenue South and 9th Avenue North and between 20th Street and Tampa Bay.

Section four. The St. Petersburg City Code is amended by creating new sections 28-3(g) and (h) to read as follows:

(g) Motorized non-gasoline powered vehicles are required to comply with the following:

(1) Motorized non-gasoline powered vehicles shall be equipped with:

- a. Mirrors, horn, headlights, taillights, turn signal lights, windshield wipers, hand brake and primary brake system which acts on all axles, all of which shall be in good working condition;
- b. Seatbelts for all occupants;
- c. A clean, sanitary interior, free from torn upholstery or floor covering and from damaged or broken seats;
- d. All exterior parts of the vehicle shall be free from cracks, breaks and dents; and
- e. Tires of the size appropriate for the vehicle, with no mismatched "sized" tires. There shall be no cuts into the tire cord or sidewall area or localized worn spots that expose the ply.

(2) Motorized non-gasoline powered vehicles shall be structurally sound and operate

**Deleted:** on two-way streets

**Deleted:** within the Course (defined as Central Avenue, Beach Drive, Bayshore Boulevard, 2nd Avenue North, 3rd Avenue North, 3rd Avenue South, the portion of the 1st Street South which is south of 5th Avenue South, the portion of 3rd Street South which is south of 5th Avenue South and the portion of 5th Avenue North which is east of Beach Drive) except non-motorized vehicles with passengers may traverse a one city block distance on a one way street for the express purpose of dropping off or picking up passengers, and

**Deleted:** (f)(7) Non-motorized vehicles without passengers may operate on one-way or two-way streets within the Course.

with a minimum of noise and vibration;

- (3) Motorized non-gasoline powered vehicles shall comply with posted regulations for stopping and standing and shall not stop or stand in on-street spaces reserved for, or marked as, bus stops and trolley stops but may use on-street spaces reserved for taxicabs;
- (4) Motorized non-gasoline powered vehicles may use available public parking spaces for stopping or standing but shall comply with posted time requirements and are subject to ticketing for failure to comply with such requirements;
- (5) There shall be a place provided in the vehicle for the public vehicle driver's permit to be displayed which shall be readily visible to occupants;
- (6) The color scheme and insignia shall be unique and readily distinguishable from all taxicab color schemes and insignias approved for operation in the City.
- (7) Motorized non-gasoline powered vehicles shall comply with all traffic regulations and shall not be allowed on any sidewalk.
- (8) Motorized non-gasoline powered vehicles which charge a fee shall be regulated as a taxicab but shall not be required to have 24 hour dispatch service or a minimum number of public vehicle certificates.

(h) In addition to any vehicle signs allowed by the Sign Section of the Land Development Regulations, taxicabs shall be allowed one triangular or one two-sided sign on the roof of the taxicab which shall not exceed two feet in height (as measured from the roof) or one one-sided sign which shall be attached to the trunk or bumper and directed toward vehicles following the taxicab. No sign face shall extend beyond any side of the vehicle and no sign face shall exceed four feet in length. In addition to any vehicle signs allowed by the Sign Section of the Land Development Regulations, motorized non-gasoline powered vehicles are allowed to have both of the signs allowed for taxicabs and any sign on the roof of the vehicle may have sign faces up to five feet in length.

Section five. Section 28-4(j) of the St. Petersburg City Code is hereby amended to read as follows:

(j) In addition to the above required application information, the applicant shall:

(1) State, declare and agree that the applicant will comply with all of the laws of the City and that for a violation of any of the provisions of this chapter, the POD shall be at liberty to cancel and withdraw the certificate and terminate the right of the person to use the streets of the City to operate a public vehicle, upon notice and a reasonable opportunity to be heard regarding such proposed action;

(2) Agree to maintain and keep in workable condition one vehicle for each certificate;

Deleted: taxicab

(3) Include an attached notarized statement from the applicant's mechanic or from a licensed automotive garage or a mechanic accepted by the City, certifying that the vehicle meets the minimum standards contained within this chapter;

(4) State, declare and agree that the applicant and all employees will service all areas of the City of St. Petersburg. Non-motorized vehicles and motorized non-gasoline powered vehicles are not required to comply with this provision; and

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(5) Include an attached notarized statement from the owner of the taxicab that the owner he will provide twenty-four hour radio dispatch service.

Section six. Section 28-4(l) of the St. Petersburg City Code is hereby amended to read as follows:

(l) Non-motorized vehicles and motorized non-gasoline powered vehicles are required to comply with this section unless otherwise specifically exempted from a particular provision. All exempt vehicles are not required to comply with this section.

Deleted: other

Deleted: public

Section seven. Section 28-5(c) of the St. Petersburg City Code is hereby amended to read as follows:

(c) It shall be unlawful for any person to drive a handicab or non-motorized vehicle for hire or a motorized non-gasoline powered vehicle within the City of St. Petersburg unless that individual has obtained from the City of St. Petersburg a public vehicle driver's permit.

Deleted: handicap

Deleted: All other exempt vehicles are not required to comply with this section.

Section eight. Section 28-1(2)g. of the St. Petersburg City Code is hereby repealed and removed in its entirety and Section 28-1(2)h. is renumbered as Section 28-1(2)g.

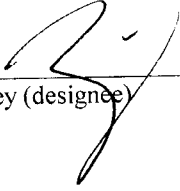
Section nine. The provisions of this ordinance shall be deemed to be severable. If any provision of this ordinance is determined unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provisions of this ordinance.

Section ten. Except for sections of this ordinance which create new City Code sections, words which are underlined shall be added and words which are in margin balloons shall be deleted from the existing City Code.

Section eleven. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a

successful vote to override the veto.

Approved as to form and content:

  
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City Attorney (designee)