

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES ENTITLED "VEHICLES FOR HIRE" BY ADDING SECTIONS 78-65, 78-66 AND 78-67 TO PROVIDE FOR WHEELCHAIR ACCESSIBLE VEHICLES, OPERATIONAL REQUIREMENTS FOR SUCH VEHICLES AND A REVOCATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Code of Federal Regulations specifies "[p]roviders of taxi service are not required to purchase or lease accessible automobiles..."; and

WHEREAS, Key West Code of ordinances section 78-62 provides for 64 passenger vehicle for hire licenses in the City of Key West; and

WHEREAS, the passenger vehicle for hire licenses are distributed between nine operators; and

WHEREAS, the Key West City Commission finds that there are an insufficient number of vehicles that are wheelchair accessible operating within the City; and

WHEREAS, the Key West City Commission finds that the visitors and residents of the City would be best served by the inclusion of wheelchair accessible vehicles within the taxi fleet currently serving the island; and

WHEREAS, the Key West City Commission finds that providing for a limited number of additional vehicles that are wheelchair accessible would serve to promote the health, safety and welfare of the visitors and citizens of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 78-65 is hereby added to the Code of Ordinances as follows\*:

**Sec. 78-65. Wheelchair Accessible Vehicles.**

(a) Irrespective of the limitation on passenger vehicle for hire licenses set out in Key West City Code of Ordinances sections 78-62 and 78-64, each operator currently operating pursuant to a validly issued passenger vehicle for hire license(s) shall be entitled to add one wheelchair accessible vehicle to its fleet in accordance with this section. A "wheelchair accessible vehicle" is defined as a vehicle that a person in a wheelchair, scooter or similar device may enter and exit independently or with assistance while seated, and which prioritizes requests for service from wheelchair, scooter or similar device users.

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\*(Coding: Added language is underlined; deleted language is struck through.)

(b) In order to add one wheelchair accessible vehicle, an operator must:

1. Apply to the licensing division, on a form to be provided by the division, within sixty (60) days from enactment of this ordinance.

2. Within one hundred eighty (180) days from date of application, the operator must place an approved wheelchair accessible vehicle into service.

3. Any entity failing to meet the timelines set forth herein shall be ineligible to add a wheelchair accessible vehicle into service.

Section 2: That section 78-66 is hereby added to the Code of Ordinances as follows:

**Sec. 78-66. Operational Requirements for Wheelchair Accessible Vehicles**

In addition to meeting the other requirements of this Article, except as otherwise expressly provided in this division, an operator must:

(a) Upon a request for wheelchair accessible service, the operator shall immediately dispatch the first available wheelchair accessible taxicab prior to responding to a request for standard service.

- (b) All requests for wheelchair accessible taxicab service shall be provided with no additional charge or deposit required.
- (c) The wheelchair accessible vehicle must be compliant with Americans with Disabilities Act standards and such certification of compliance must be submitted to the licensing division prior to placing the vehicle in service and thereafter upon request.
- (d) If a wheelchair accessible vehicle becomes inoperable for any reason for more than forty-eight (48) hours, the operator must notify the licensing division in writing. If such vehicle is inoperable for more than seven (7) days, the operator must submit a plan and schedule to the license division to put the vehicle back in operation. Failure of the operator to meet these requirements, or failure to place the vehicle or substitute wheelchair accessible vehicle back into service within one hundred twenty (120) days of the notification shall result in revocation of the operator's ability to operate a wheelchair accessible vehicle under this division in accordance with the procedures in subsection 78-67 below.

(e) Under no circumstances may a non-wheelchair accessible vehicle be substituted for a wheelchair accessible vehicle.

Section 3: That section 78-67 is hereby added to the Code of Ordinances as follows:

**Sec. 78-67. Revocation of authorization to operate a wheelchair accessible vehicle.**

(a) Any operator failing to meet the requirements of Section 78-66(a)-(e) may have its authorization to operate a wheelchair accessible vehicle revoked in accordance with the following provisions:

1. Prior to any revocation, notice and an opportunity to be heard shall be provided to the operator. All hearings required by this section shall be preceded by a minimum of ten (10) days notice. Said notice shall specify the grounds upon which the action is based. The hearing shall be scheduled before the city manager. Failure to appear at a duly noticed hearing shall be deemed a waiver of the right to hearing and an admission of the acts specified in the notice.

2. In order to revoke the authorization, the city manager must find:

A. The holder thereof has failed to comply with any provisions of this division or any lawful order of the

licensing division; and

B. The public interest will best be served by revocation or suspension; provided, however, that good cause be shown.

3. Within a reasonable time after the conclusion of the hearing, the city manager shall issue a statement of findings, conclusions and recommendations. The city manager shall promptly notify all parties of his or her decision.

4. The city manager's decision may be appealed to the City Commission within ten (10) days of the date of said decision. Such appeal shall not stay the city manager's decision. Upon such an appeal, the City Commission shall consider the transcript of the hearing and all evidence produced at the hearing. No further testimony or exhibits shall be permitted. The City Commission, by majority vote, may affirm, reverse or modify the city manager's decision.

Section 4: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 6: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Filed with the Clerk \_\_\_\_\_, 2014.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

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CRAIG CATES, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK