

Lawless, Chair
Martin, Vice Chair
Ellinger
Ford
Beard
Farmer
Stinnett
Crosbie
McChord
Henson

A G E N D A

Public Safety Committee

September 20, 2011

1:00 P.M.

1. **Fireworks Ordinance - Stinnett** (1-6)
2. **Taxicab Ordinance - Stinnett** (7-24)
3. **Corrections Best System of Management – Myers/Kay** (25-31)
4. **Items Referred to Committee** (32)

“Public Safety Committee, to which shall be referred matters relating to the Department of Public Safety and its related divisions.” Council Rules & Procedures, Section 2.102 (1)

Committee Meeting Schedule
October 18
November 15

ORDINANCE NO. ____-2011

AN ORDINANCE CREATING AND ENACTING CHAPTER 9A OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PERTAINING TO FIREWORKS . . . ; ALL EFFECTIVE ON JANUARY 1, 2012.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 9A-1 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-1. Title.

The provisions of this chapter shall be known and may be cited as the "fireworks enforcement code".

Section 2 - That Section 9A-2 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-2. Definitions.

The following words, terms and/or phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Ancillary fireworks retailer" shall mean any person, business entity, association, or corporation of any kind as those terms are defined in section 13-1 of the code which is open to the public year round and at least twenty (20) calendar days per month, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell only those types of fireworks described in KRS 227.702(1) and which such sales are ancillary to its primary course of business.
- (2) "Consumer fireworks" shall have the same meaning as in KRS 227.702.
- (3) "Fireworks" shall have the same meaning as in KRS 227.700 except it shall not include those types of fireworks described in KRS 227.702(1).
- (4) "Permanent fireworks retailer" shall mean any person, business entity, association, or corporation of any kind as those terms are

defined in section 13-1 of the code which is open to the public year round and at least twenty (20) calendar days per month, and, which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks as its primary course of business.

- (5) "Seasonal fireworks retailer" shall mean any person, business entity, association, or corporation of any kind as those terms are defined in section 13-1 of the code which is not considered a permanent fireworks retailer, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any consumer fireworks described in KRS 227.702(2) and/or (3).

Section 3 - That Section 9A-3 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-3. Use and sale of fireworks.

The use or sale of fireworks, including consumer fireworks, is prohibited except as set forth herein. The use or sale of any fireworks other than consumer fireworks, including display fireworks as defined in KRS 227.706, are subject to the applicable restrictions of state and federal law and are further prohibited at all times within Fayette County without written approval of the Mayor or his designee and all necessary permits.

Section 4 - That Section 9A-4 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-4. Restrictions.

Fireworks and consumer fireworks shall not be used, ignited, fired, or exploded in Fayette County, except as follows:

- (a) Fireworks and consumer fireworks must be handled, stored, used, possessed, and sold in accordance with all applicable federal, state, and local law.
- (b) Fireworks and consumer fireworks may only be used, ignited, fired, or exploded ***between the hours of 10:00 a.m. and 10:00 p.m., except on the following dates when the applicable ending hour shall be 12 a.m. (midnight):***
- (1) December 31st (New Year's Eve);
 - (2) July 3rd;
 - (3) July 4th;

- (4) Memorial Day Holiday; and
 - (5) The date specifically named or designated by the urban county government as the date to celebrate Independence Day, if other than the actual date of July 4th.
- (c) No person under the age of eighteen (18) years of age may use, ignite, fire, or explode any fireworks, or consumer fireworks as defined in KRS 227.702 (2) and (3).
- (d) No person may use, ignite, fire, or explode any fireworks, or consumer fireworks as defined in KRS 227.702(2) and (3), within ***two hundred (200) feet of any structure, motor vehicle (whether operational or non-operational), or any other person***, or where the use of such places that person in violation of any other law, regulation or ordinance.

Section 5 - That Section 9A-5 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-5. Permits.

In order to lawfully operate in Fayette County all seasonal fireworks retailers and permanent fireworks retailers within Fayette County shall:

- (a) Submit an application for a "retail fireworks permit" from the Lexington-Fayette Urban County Government's Division of Fire and Emergency Services, at least fifteen (15) days prior to the applicant's desired effective date for the retail fireworks permit, on a form approved by the urban county government's fire marshal which shall, in addition to any requirements established by the fire marshal, at a minimum require the submission of the name, phone number, and permanent address of the applicant. In the event that the applicant desires to operate multiple locations, a separate application does not have to be submitted for each location, however, each location must have a separate firework sales permit. Additionally, all applications must include a detailed site plan for the proposed location, the address of the proposed location, and contact information for the owner of the proposed location if other than the applicant; and
- (b) Provide proof of registration with the state fire marshal in accordance with the applicable provisions of KRS Chapter 227, and
- (c) If deemed necessary by the urban county government's fire marshal the applicant must obtain verification from the

government's Division of Planning that the proposed location on the application is zoned appropriately for the conduct of said business; and

- (d) Obtain the appropriate occupational business license(s) in accordance with chapter 13 of the code; and
- (e) Provide a copy of a certificate of insurance or other valid proof of general liability insurance in an amount of not less than one million dollars (\$1,000,000.00) per occurrence which shall remain in effect at all times while engaged in the permitted activity; and
- (f) Pay a permit fee according to the following table. In the event that an applicant wishes to operate more than one (1) geographical location within Fayette County, ***each location must have a separate permit and the permit fee shall apply.***

Type of Applicant	Permit Fee	Permit Period
Seasonal fireworks retailer	<i>\$500.00 per location</i>	<i>Automatically expires 30 calendar days after the effective date</i>
Permanent fireworks retailer	<i>\$2,500.00 per location</i>	Automatically expires 365 calendar days after the effective date or upon a date in which the location no longer qualifies as a permanent fireworks retailer as defined herein
Permanent fireworks retailer (renewal)	<i>\$500.00 per location</i>	Automatically expires 365 calendar days after the effective date or upon a date in which the location no longer qualifies as a permanent fireworks retailer as defined herein

- (g) Prominently display a valid retail fireworks permit at each location and at all times during the hours of operation; and
- (h) Comply with the applicable provisions of KRS Chapter 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the Code of Ordinances, Lexington-Fayette Urban County Government; and
- (i) Not allow any person under eighteen (18) years of age to sell consumer fireworks; and
- (j) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and
- (k) Not offer for sale, expose for sale, or sell consumer fireworks except between the hours of 8:00 a.m. and 10:00 p.m.

Section 6 - That Section 9A-6 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-6. Revocation; suspension.

The urban county government's fire marshal or his designee may revoke or suspend the retail fireworks permit for any site which is in violation of the fireworks enforcement code, KRS Chapter 227, or chapter 13 of the code.

Section 7 - That Section 9A-7 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-7. Ancillary fireworks retailers

In order to lawfully operate in Fayette County all ancillary fireworks retailers shall:

- (a) Comply with all aspects of the applicable provisions of KRS Chapter 227, the International Building Code with Kentucky Amendments (adopted edition), NFPA 1124 (National Fire Protection Association) and the Code of Ordinances, Lexington-Fayette Urban County Government; and
- (b) Not give, offer for sale, or sell any consumer fireworks to any person under eighteen (18) years of age; and
- (c) Not offer for sale, expose for sale, sell at retail or wholesale, or keep with intent to sell any consumer fireworks other than those described in KRS 227.702(1); and
- (d) Possess the appropriate occupational business license(s) from pursuant to chapter 13 of the code; and
- (e) Maintain general liability insurance (or the equivalent) and be able to provide proof thereof, in an amount of not less than one million dollars (\$1,000,000.00) per occurrence.

Section 8 - That Section 9A-8 of the Code of Ordinances be and hereby is created and enacted to read as follows:

Sec. 9A-8. Penalties.

- (a) Any person convicted of violating section 9A-4 of the code shall be deemed ***guilty of a misdemeanor and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Any person convicted of second offense of this section within any twelve (12) month period shall be subject to a fine of not less than one hundred dollars (\$100.00), and any person convicted of third or greater offense within a twelve (12) month period shall be subject to fine of not less than two hundred fifty (\$250.00).***
- (b) Any person convicted of violating any provision of this chapter other than section 9A-4, shall be deemed guilty of ***a misdemeanor and shall be subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00), or imprisonment for a period to not exceed thirty (30) days, or both for the first day's violation. Each day a violation occurs shall constitute a separate offense.***

Section 10 - If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 11 - That this Ordinance shall become ***effective on January 1, 2012.***

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

00309172

ORDINANCE _____

AN ORDINANCE AMENDING SECTIONS 18A-1, 18A-2, 18A-3, 18A-4, 18A-5, 18A-7, 18A-8, 18A-9, 18A-10, 18A-11, 18A-13, 18A-14, 18A-15, 18A-16, 18A-17, 18A-18, 18A-20, 18A-21, AND 18A-24, RENUMBERING 18A-25 AS 18A-26 AND AMENDING SAME, AND CREATING 18A-25 OF THE CODE OF ORDINANCES, RELATING TO VEHICLES FOR HIRE TO: CORRECT CAPITALIZATION; BROADEN WHAT IS INCLUDED AS COMPENSATION IN THE DEFINITION OF "TAXICAB"; DEFINE "FARE"; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO HEAR APPEALS OF DENIALS OF TAXICAB PERMITS; REDUCE THE NUMBER OF VEHICLES IN A FLEET REQUIRED FOR A PERMIT TO TEN (10); REQUIRE THAT CHANGES IN THE NUMBER OF VEHICLES BE REPORTED; INCREASE THE FEE FOR A DRIVER TO TRANSFER TO ANOTHER COMPANY TO FIFTEEN DOLLARS (\$15), REQUIRE THAT THE DRIVER REPORT THE TRANSFER WITHIN TEN (10) CALENDAR DAYS, AND PROVIDE FOR SUSPENSION OF THE DRIVER'S PERMIT IF THE DRIVER FAILS TO REPORT THE TRANSFER; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO ACCEPT APPLICATIONS FOR DRIVERS' PERMITS; INCREASE THE APPLICATION FEE FOR A DRIVER'S PERMIT TO TWENTY-FIVE DOLLARS (\$25); PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO HEAR AN APPEAL IF AN APPLICATION FOR A DRIVER'S PERMIT IS REJECTED AND REQUIRE THAT SUCH A HEARING BE REQUESTED WITHIN FOURTEEN (14) DAYS OF THE REJECTION; INCREASE THE NUMBER OF DAYS A DRIVER'S PERMIT MAY BE SUSPENDED BY THE CHIEF OF POLICE TO THREE HUNDRED SIXTY-FIVE (365) AND REQUIRE THAT A HEARING BEFORE THE COMMISSIONER OF PUBLIC SAFETY OR HIS DESIGNEE CONCERNING SUSPENSION OR REVOCATION OF A DRIVER'S PERMIT BE REQUESTED WITHIN FOURTEEN (14) DAYS; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO SUSPEND OR REVOKE A DRIVER'S PERMIT FOR FAILURE TO COMPLY WITH URBAN COUNTY, STATE OR FEDERAL LAWS; PERMIT A DESIGNEE OF THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH RANDOM INTERVALS FOR INSPECTION OF VEHICLES; PROVIDE THAT MAGNETIC PLACARDS ARE NOT CONSIDERED TO BE PERMANENTLY AFFIXED TO A VEHICLE FOR IDENTIFICATION PURPOSES; REQUIRE THAT A VEHICLE NOT MEETING THE REQUIREMENTS FOR VEHICLE IDENTIFICATION TO BE TAKEN OUT OF SERVICE UNTIL IT IS IN COMPLIANCE; INCREASE TO SEVEN (7) DAYS THE TIME BY WHICH A VEHICLE WITH A MODIFIED DESIGN FOR A SPECIAL EVENT MUST BE RETURNED TO ITS ORIGINAL COLOR SCHEME AND INSIGNIA; PROVIDE THAT DURING A TRAFFIC STOP BY LAW ENFORCEMENT, A FARE SHALL NOT BE ASSESSED FEES DURING THE DURATION OF THE TRAFFIC STOP; REQUIRE THAT THE NAME OF THE DRIVER APPEAR ON A RECEIPT; REQUIRE THE DIVISION OF POLICE TO ISSUE A CITATION UPON DISCOVERING A VIOLATION OF CHAPTER 18A; PERMIT LAW ENFORCEMENT TO CONDUCT RANDOM COMPLIANCE INSPECTIONS ON TAXICABS WHEN A TAXICAB IS OCCUPIED ONLY BY THE OPERATOR, REQUIRE THE OFFICER TO ISSUE A CITATION IF VIOLATIONS ARE FOUND, REQUIRE THAT THE TAXICAB BE PLACED OUT OF SERVICE IF THE VIOLATIONS CANNOT BE IMMEDIATELY REMEDIED, PROVIDE THAT ONLY THE COMMISSIONER OF PUBLIC SAFETY OR A DESIGNEE MAY PLACE A TAXICAB BACK INTO SERVICE, REQUIRE THE DRIVER TO SECURE ALTERNATE TRANSPORTATION FOR A FARE IF A FARE IS PRESENT WHEN A TAXICAB IS TAKEN OUT OF SERVICE, AND PROVIDE THAT A FARE SHALL NOT BE RESPONSIBLE FOR ANY FEES INCURRED UP TO THE POINT OF THE TAXICAB BEING PLACED OUT OF SERVICE; AND INCREASE THE MINIMUM FINE TO ONE HUNDRED DOLLARS (\$100) AND PERMIT IMPRISONMENT FOR UP TO THIRTY (30) DAYS FOR VIOLATION OF THE PROVISIONS OF CHAPTER 18A.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 18A-1 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

The following words and phrases, when used in this chapter, have the meanings as set out herein:

(1) *Certificate* means a certificate of public convenience and necessity issued by the Transportation Cabinet, Commonwealth of Kentucky, authorizing the holder thereof to conduct a taxicab business.

(2) *Driver's permit* means the permission granted by the Commissioner of Public Safety ~~[commissioner of public safety]~~ to a person to drive a taxicab upon the streets of [the] Lexington-Fayette County ~~[urban county]~~.

(3) *Holder* means a person to whom a certificate of public convenience and necessity or a local taxicab permit has been issued.

(4) *Manifest* means a daily record prepared by a taxicab driver of all trips made by said driver, showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

(5) *Rate card* means a card approved by the Commissioner of Finance ~~[commissioner of finance]~~ and issued by the owner of the taxicab for display in each taxicab which contains the rates of fare then in force.

(6) *Taxicab* means any form of a motor vehicle under an unrestricted taxicab certificate issued by the bureau of vehicle regulation or any form of a motor vehicle providing transportation within Fayette County that is not affiliated with a licensed taxi company that accepts any form of compensation including but not limited to: per time or per distance rates, tips, donations, money for fuel or an exchange of goods for service ~~[accepting tips, donations, gas money or any other form of compensation]~~. This section shall not apply to carpooling situations by private citizens or any local, state or federal ridesharing program.

(7) *Local taxicab permit* means a permit issued by the Department of Public Safety ~~[department of public safety]~~ authorizing the holder thereof to conduct a taxicab business in Lexington-Fayette ~~[the urban]~~ county.

(8) *Special event permit* means a permit issued by the Department of Public Safety ~~[department of public safety]~~ authorizing the holder of a local taxicab permit to modify its vehicle identification scheme for all or part of its taxicab fleet for a specified period of time and for the purpose of advertising a special event located within the boundaries of Fayette County.

(9) *Fare* means any person or group of people being transported in a taxicab.

Section 2 – That Section 18A-2 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee shall exercise all administrative functions of the urban county in relation to the operation of vehicles for hire regulated under this chapter. The commissioner or his designee shall have the authority to promulgate such rules and regulations as are necessary for the orderly and completed administration of this chapter. The Department of Public Safety ~~[department of public safety]~~ shall notify all local taxicab permit holders of any change to the rules and regulations sixty (60) calendar days before their effective date.

Section 3 – That Section 18A-3 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire on the streets of the urban county without having first obtained a local taxicab permit from the Department of Public Safety ~~[department of public safety]~~. The Chief of Police ~~[chief of police]~~ or his designee shall, upon consideration of an application for a local taxicab permit, approve or reject the application. If the application is rejected, the Chief ~~[chief]~~ or his designee shall state his reasons in writing. The applicant may request a hearing before the Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee to offer evidence why his application should be reconsidered.

All persons previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky to operate a taxicab business in the urban county shall automatically be issued a local taxicab permit for the number of vehicles in effect on the date the urban county government is granted regulatory authority from the Transportation Cabinet, Commonwealth of Kentucky. No local taxicab permit shall be issued if the vehicles do not meet the safety requirements set forth in this chapter. All persons applying for or renewing a local taxicab permit shall have a minimum of ten (10) ~~[twenty-five (25)]~~ taxicabs in their fleet before a local taxicab permit shall be issued unless the applicant was previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky, for a fleet of less than the minimum requirement for this chapter. Upon addition or removal of vehicles, the manager/owner of each company shall also report the changes to the Public Safety Commissioner or his designee.

Local taxicab permits shall be renewed annually each fiscal year, effective July 1, 2012.

Local taxicab permits shall not be sold, transferred or leased without the written authorization of the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~. All persons desiring to obtain a local taxicab permit by sale, transfer or lease shall comply with the provisions of this chapter.

Out of county taxicabs shall be permitted to deliver passengers to a destination in Fayette County and transport the passengers back to their original starting point without a local taxicab permit. Out of county taxicabs shall be prohibited from accepting fares which originate within the boundaries of Fayette County.

Privately owned businesses may establish a trolley or shuttle service within their parking lots to transport their customers without a local taxicab permit. The trolley or shuttle service shall be limited to the privately owned businesses parking lots and shall not be allowed on the public right-of-way except to cross the public right-of-way in order to access additional established parking lots within a one-mile radius of each other.

Prior to operating a trolley or shuttle service, written notification shall be submitted to the Department of Public Safety ~~[department of public safety]~~ requesting permission to operate the service, listing the location and route of the service, hours of operation and the fee to be charged, if any. The written request to operate the service shall be made annually.

Section 4 -- That Section 18A-4 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Prior to receiving or renewing a local taxicab permit, a holder or applicant shall file with the Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee, upon forms provided by the urban county government, the following information:

- (1) The name and address of the holder.
- (2) The experience of the holder in the transportation of passengers.
- (3) The number of vehicles operated or controlled by the holder and the location of terminals.
- (4) The color scheme and insignia used to designate the vehicle or vehicles of the holder.
- (5) Procedures for handling claims for loss, damage or injury.
- (6) Proof of liability insurance or indemnity bond.
- (7) A current list containing the name, address, age, and operator's license number of each taxicab driver who is employed by or a lessee of the holder. Any change in the list of drivers shall be updated monthly and provided to the Commissioner of Public Safety ~~[commissioner of public safety]~~ or his designee.
- (8) Such further information as the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ may require.

Section 5 -- That Section 18A-5 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate or cause to be operated a taxicab in the urban county unless there is in full force and effect an indemnity bond for each vehicle authorized. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Said bond or bonds shall be filed in the office of the Commissioner of Finance and shall have as surety thereon a company authorized to do business in the State of Kentucky and the urban county. Compliance with KRS 281.655 shall be deemed compliance with this section by the Commissioner of Finance.

The Commissioner of Finance ~~[commissioner of finance]~~ may, in his discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by a liability insurance company authorized to do business in the Commonwealth of Kentucky and the urban county. Said policy shall conform to the provisions of this section relating to bonds.

In the event that the holder's liability insurance is cancelled, notice of cancellation of the insurance by the insurer shall be submitted to the Department of Public Safety ~~[department of public safety]~~ by either the insured or the insurer. Once the liability insurance is reinstated, a new certificate of insurance shall be filed with the Commissioner of Finance ~~[commissioner of finance]~~.

Section 6 -- That Section 18A-7 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

No person shall operate a taxicab for hire upon the streets of the urban county, and no person who owns or controls a taxicab

shall permit it to be so driven, and no taxicab licensed by the urban county government shall be so driven at any time for hire, unless the driver of said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this chapter.

A taxicab driver's permit shall only be valid while the holder thereof is driving for the taxicab company indicated on the front of the permit. Any driver who wishes to transfer from one (1) company to another shall be required to notify the Department of Public Safety [~~department of public safety~~] and pay a fifteen dollar (\$15) [~~ten dollar (\$10.00)~~] transfer fee. The driver shall also report the transfer to the Commissioner of Public Safety or his designee within ten (10) calendar days of occurrence. Failure of a driver to report a permit transfer within the specified time period shall result in the suspension of his driver's permit for not less than seven (7) days nor more than thirty (30) calendar days.

Section 6 – That Section 18A-8 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

(a) An application for a taxicab driver's permit shall be filed with the Commissioner of Public Safety or his designee [~~commissioner of public safety~~] on forms provided by the urban county government, and such application shall be verified under oath and shall contain the following information:

(1) The names and addresses of four (4) persons who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.

(2) The educational background of the applicant.

(3) A concise history of his employment.

(b) The holder of the permit under which the applicant will operate shall verify the applicant's employment history and contact all personal references. The holder shall also verify that it has no information that the applicant abuses alcohol or drugs or has violent tendencies or otherwise poses a safety risk to the public.

(c) The applicant shall provide with his application copies of accident reports for any accident in which he has been involved and a certificate from a reputable physician of the urban county certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.

(d) At the time the application is filed, the applicant shall pay the sum of twenty-five dollars (\$25.00) [~~twenty dollars (\$20.00)~~]. The applicant must be eighteen (18) years of age or older, have a current motor vehicle operator's license and must have had a valid operator's license for at least one (1) year.

Section 7 – That Section 18A-9 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The Division of Police [~~division of police~~] shall conduct a criminal records investigation of each applicant for a taxicab driver's permit; and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police or his designee for this issuance of a permit [~~commissioner of public safety~~].

Section 8 - That Section 18A-10 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The Chief of Police ~~[chief of police]~~ or his designee shall, upon consideration of the application for a taxicab driver's permit and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the chief or his designee must state his reasons in writing. The applicant may request a hearing before the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ to offer evidence why his application should be reconsidered. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of rejection. If the hearing is not requested within this time period, the rejection shall remain in place until the applicant is able to reapply as shown on the written rejection.

Section 9 - That Section 18A-11 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

Upon approval of an application for a taxicab driver's permit, the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ shall issue a permit to the applicant, which shall bear the name, address, age, signature and photograph of the applicant and the taxicab company.

Such permit shall be in effect for the remainder of the calendar year ~~calendar year~~. The permit for every calendar year ~~calendar year~~ thereafter shall be issued upon payment of twenty dollars (\$20.00) unless the permit for the preceding year has been revoked or suspended. The driver shall also renew his annual business license with the LFUCG Division of Revenue.

Section 10 - That Section 18A-13 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The Chief of Police ~~[chief of police]~~ or his designee is hereby given the authority to suspend any driver's permit under this chapter for a driver's failing or refusing to comply with the provisions of this chapter, such suspension to last for a period of up to three hundred and sixty-five (365) calendar days ~~[no more than thirty (30) days]~~. The Chief of Police ~~[chief of police]~~ or his designee is also given authority to permanently revoke any driver's permit for failure to comply with the provisions of this chapter. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to request a hearing before the Commissioner of Public Safety or his designee to present evidence on ~~[in]~~ his behalf.

If taxicab permit is suspended or revoked, the Chief of Police ~~[chief of police]~~ or his designee must state his reasons in writing. The driver may request a hearing before the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ to offer evidence why his driver's permit should not be suspended or revoked. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of suspension or revocation. If the hearing is not requested within this time period, the suspension or revocation shall remain in place until the applicant is able to reapply as shown on the written suspension or revocation.

Section 11 - That Section 18A-14 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

Every driver issued a permit under this chapter shall comply with all urban county, state and federal laws. Failure to do so will justify the Commissioner of Public Safety or his designee in ~~[commissioner of public safety]~~ suspending or revoking a permit in accordance with section 18A-13.

Section 12 - That Section 18A-15 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

(a) *Periodic Safety Inspections.* Every vehicle operating under this chapter may be periodically inspected by an ~~[the]~~ urban county government official at such random intervals as shall be established by the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ to ensure the continued maintenance of safe operating conditions.

(b) *Vehicles must be kept in a clean and sanitary condition.* Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the health department.

(c) *Bi-Annual Inspection.* Every vehicle operating under this chapter shall be inspected ~~bi~~-annually by an automotive technician who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky and is not employed by holder of the local taxicab permit. Bi-annual inspections shall be conducted with a minimum of five (5) months and a maximum of seven (7) months between inspections. Fees associated with the bi-annual inspections shall be the responsibility of the registered owner of the vehicle. Proof of bi-annual inspections shall be filed with the [department of public safety] Department of Public Safety within ten (10) days of the inspections [at the time of application or renewal of a local taxicab permit. A local taxicab permit shall be issued or renewed following a satisfactory inspection].

(d) *Vehicle Identification.* Every vehicle operating under this chapter shall be painted in accordance with the color scheme and insignia on file with the Commissioner of Public Safety ~~[commissioner of public safety]~~. All identifying markings on the vehicles shall be plainly distinguishable ~~[in]~~ with letters and numbers at least three (3) inches high permanently painted or otherwise permanently affixed to each of the two (2) sides of the taxicab and to the rear of the taxicab. (magnetic placards are not considered to be permanently affixed). The lettering shall show the vehicle number assigned to it by its owner ~~[or operator]~~ and the name of the company, individual or association by whom the vehicle is owned. ~~[or operated.]~~ Failure to comply with this section upon any type of inspection of a vehicle shall result in a citation for violation of this ordinance to be issued to the driver and the vehicle shall be taken out of service until it is in compliance with this ordinance. Once taken out of service, only the Commissioner of Public Safety or his designee can place the vehicle back into service.

(1) Upon written request to the ~~[e]~~Department of ~~[p]~~Public ~~[s]~~Safety, the holder of local taxicab permit may be granted a special event permit. The written request shall include the requested timeframe for the permit and the proposed design. The

name of the taxicab company shall be prominently displayed on the sides and the rear of the vehicles. Upon the expiration of said permit, all vehicles with a modified identification scheme shall, within seven (7) calendar ~~five (5) business~~ days, be returned to the original color scheme and insignia approved pursuant to the local taxicab permit.

(e) *Out of service.* If a vehicle operating under this chapter fails to pass a random safety inspection, the vehicle shall be deemed out of service. An official of the urban county government ~~[the division of fleet services]~~ shall place a [green] sticker in the front window indicating that the vehicle is out of service. The vehicle shall remain out of service until it passes an inspection conducted by an automotive technician, who is an official of the urban county government ~~[in the division of fleet services]~~, who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky. Upon successful inspection, the division of fleet services shall remove the out of service sticker. Unauthorized removal of the sticker is prohibited and shall ~~[may]~~ result in suspension or revocation of the driver's taxi permit or the holder's permit. Out of service vehicles shall not remain on the premises of the holder of the local taxicab permit for longer than thirty (30) calendar days.

Section 13 – That Section 18A-16 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

All taxicabs operated under the authority of this chapter shall be equipped with taximeters. The taximeters shall be fastened in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Taximeters shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one (1) of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to activate the taximeter at the time the taxicab is employed and to deactivate the taximeter at the termination of each trip. The meter shall be operated on a mileage basis except when the driver is instructed to wait or stopped in traffic, at which time the meter shall be operated on a time basis. Taximeters shall be subject to inspection from time to time by the division of police. Any inspector or other officer of the division of police is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Any taxicab ordered to cease operation shall be kept off the highways until the taximeter is repaired and operates in accordance with this chapter.

In the event that a law enforcement officer conducts a probable cause traffic stop on a taxicab while transporting a fare, the fare shall not be assessed fees during the duration of the traffic stop.

Section 14 – That Section 18A-17 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the rates on file with the commissioner of finance. The owner must file his rate with the Commissioner of Finance [~~commissioner of finance~~] and also post the rates on or in each taxicab so that they are clearly visible to passengers. Three (3) days prior to raising his rates, he must post notice in his taxicabs and file notice with the Commissioner of Finance [~~commissioner of finance~~]. All rate cards posted in accordance with this section shall contain the following language: "No rates other than those set forth on this card shall be charged."

Section 15 – That Section 18A-18 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by mechanically printed receipt or by a specially prepared receipt on which shall be the name of the taxi company, name of the driver, license plate number or motor number, and date of transaction.

Section 16 – That Section 18A-20 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

It shall be a violation of this chapter for any driver of a taxicab to engage in selling intoxicating liquors, or to promote prostitution or permit the vehicle to be used for any [~~an~~] unlawful purpose.

Section 17 – That Section 18A-21 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

All persons engaged in the taxicab business in the urban county operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs and shall offer service to all geographic locations of the urban county. Holders of local taxicab permits shall maintain a central place of business in the urban county for two-way communication and dispatch of taxicabs and shall offer twenty-four (24) hour service. The central place of business shall be in compliance with the zoning ordinance for the urban county. They shall answer all calls received by them for services inside the boundaries of the urban county as soon as they can do so; and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere within the boundaries of the urban county when such holder has available cabs, or who shall fail or refuse to give overall service, or any driver or independent contractor operating pursuant to a holder's local taxicab permit who refuses to accept a call anywhere within the boundaries of the urban county area, shall be deemed a violator of this chapter.

No driver shall refuse or neglect to transport any orderly person, upon request, unless previously engaged. A driver may refuse to transport any person who has failed to pay the legal fare of any previous trip or service provided to such by such driver or the operator for whom such driver works. No driver shall deceive or attempt to deceive any passenger who may ride in his taxicab or

who may desire to ride in such taxicab, as to his destination or the rate or fare to be charged, or transport or cause him to be transported to a place other than directed by the passenger. No driver shall take a longer route than necessary, unless so requested by the passenger. Every taxicab driver shall comply with all reasonable and lawful requests of his passengers as to the speed of travel and the route to be taken.

Section 18 – That Section 18A-24 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is amended to read as follows:

The Division of Police ~~[division of police]~~ of the urban county government is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the division of police shall issue a citation and report the same to the Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~, who will order or take appropriate action.

Section 19 – That Section 18A-25 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is renumbered as 18A-26 and is amended to read as follows:

Failure to comply with the provisions of this chapter shall constitute a violation. Any person who so violates this article, fails to comply with any of its requirements, or files or maintains fraudulent annual inspection records relating to this chapter shall upon conviction thereof be fined no less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250.00) or be imprisoned for not less than one (1) day nor more than thirty (30) days or both for each offense. Each day shall constitute a separate violation.

The Commissioner of Public Safety or his designee ~~[commissioner of public safety]~~ shall revoke or permanently deny a local taxicab permit to any holder or applicant who willfully and intentionally files a fraudulent annual inspection record.

Section 20 – That Section 18A-25 of the Lexington-Fayette Urban County

Government Code of Ordinances be and hereby is created to read as follows:

Any Law Enforcement Officer able to enforce LFUCG ordinances shall be permitted to conduct random compliance inspections on taxicabs for violations of Chapter 18A, when the taxicab is occupied by only the operator. When a taxicab is occupied by a fare, law enforcement officers shall refrain from stopping a taxicab for the sole purpose of conducting a compliance inspection. Nothing in the section shall limit an officer from conducting a compliance inspection during a lawful, probable cause, traffic stop. Probable cause for a traffic stop for the sole purpose of a compliance inspection is not necessary. Upon inspection of a taxicab, the law enforcement officer shall issue a citation if there are violations of ordinances. If the violations can not immediately be remedied, the taxicab shall be placed out of service by the citing officer. Once taken out of service, only the Commissioner of Public Safety or his designee can place the vehicle back into service.

If a taxicab is taken out of service by a law enforcement officer when a fare is present, the driver of the taxicab shall be responsible for securing alternate transportation for the fare. As the taxicab and its driver were not in compliance with the Code of Ordinances, the fare shall not be responsible for any fees incurred up to the point of the taxicab being placed out of service.

Section 21 – That this Ordinance shall become effective upon its date of passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

| X:\Cases\SAFETY\11-MS0002\LEG\00304650-2.DOC

281.910 Local government authority over regulation of taxicabs -- Adoption -- Ordinance -- Review by cabinet -- Revocation of authority.

- (1) As used in this section, "local government" means the governing body of:
 - (a) A consolidated local government organized under KRS Chapter 67C; or
 - (b) An urban-county government organized under KRS Chapter 67A.
- (2) Notwithstanding any other provision of this chapter, a local government that complies with the requirements of this section may be granted authority over the regulation of taxicabs in that local government's jurisdiction.
- (3) A local government that desires to regulate taxicab service within its jurisdiction shall:
 - (a) Adopt a resolution by October 1 of any given year expressing its intent to exercise regulatory authority over taxicabs and requesting that the Transportation Cabinet grant the local government regulatory authority over taxicabs; and
 - (b) Enact an ordinance by January 1 of the following year pursuant to subsection (4) of this section and submit it to the cabinet for approval pursuant to subsection (5) of this section.
- (4) A local government that desires to regulate taxicab service within its jurisdiction shall adopt an ordinance regarding the regulation of taxicabs which addresses the following areas of public comfort, safety, and convenience:
 - (a) A local taxicab permit system to ensure the safety and road worthiness of each taxicab as outlined in KRS 281.912, including inspection requirements, out-of-service criteria, and penalties for submitting fraudulent service records. All taxicabs operated under this section shall be required to be registered and display registration plates under the provisions of KRS Chapters 186 and 186A;
 - (b) A local taxicab driver permit system to ensure the fitness of drivers, including criminal background checks, display of permits, and revocation or suspension of local driver permits. All drivers of taxicabs operated under this section shall be required to possess a motor vehicle operator's license under the provisions of KRS Chapter 186;
 - (c) Rates and fares, and receipts therefor;
 - (d) Procedures for considering applications from a permit holder to change the number of taxicabs that a taxi permit holder has in operation;
 - (e) Procedures for the sale, transfer, and leasing of taxicab permits;
 - (f) Routes and areas of service, including changes of route or abandonment of service areas;
 - (g) Dispatching of taxicabs;
 - (h) Bonding and liability insurance requirements which shall not be less than those requirements in KRS 281.655(4);
 - (i) Handling of claims for loss, damage, or injury;

- (j) Fees to be paid by taxicab permit holders;
 - (k) Record keeping required by permit holders and drivers, including trip records;
 - (l) Hearing and appeals processes;
 - (m) Taxicab permit renewal procedures;
 - (n) Competition in the market; and
 - (o) Penalties for the operation of unlicensed taxicabs, and for any other violations.
- (5) Before granting a local government's request to regulate taxicab service, the cabinet shall review the ordinance passed by the local government and determine that the required elements of subsection (4) of this section are properly addressed. If the cabinet determines that the ordinance meets the requirements of subsection (4) of this section, the cabinet shall grant regulatory authority over taxicab service in that jurisdiction to the local government.
- (6) If, at any time, the cabinet determines that a local government granted regulatory control over taxicab service under this section is not providing adequate control over that service, the cabinet may revoke the regulatory authority it granted to the local government under this section.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 274, sec. 9, effective July 15, 2002.

Taxi Cab Proposed Ordinance Revisions

**Public Safety Department
Rick Curtis**

- **In 2002 Kentucky passed KRS 281.910 which allowed Fayette and Jefferson Counties to pass local ordinances controlling taxi cab services**
- **Other counties in Kentucky are regulated by the Ky Department of Transportation**

- **Taxi cab ordinances and processes from surrounding cities have been reviewed including: Knoxville, Louisville, Asheville, Washington D.C., and others**
- **These proposed changes address concerns and complaints since the inception of the LFUCG ordinance from citizens, companies, drivers, council, and law enforcement**

- **The proposed changes allow the LFUCG and Department of Public Safety to more effectively monitor and control taxi transportation within Fayette County**
- **The proposed changes will allow for the establishment of rules and regulations that will result in better and safer service to passengers**

– Discussions have been held with residents of Fayette County, cab passengers, companies, drivers, potential new company owners, law enforcement officers, the law department and council members over the last two (2) years in an effort to establish new parameters

– The proposed ordinance changes you have been given today are a result of those discussions

FCSO/DCC Collaboration

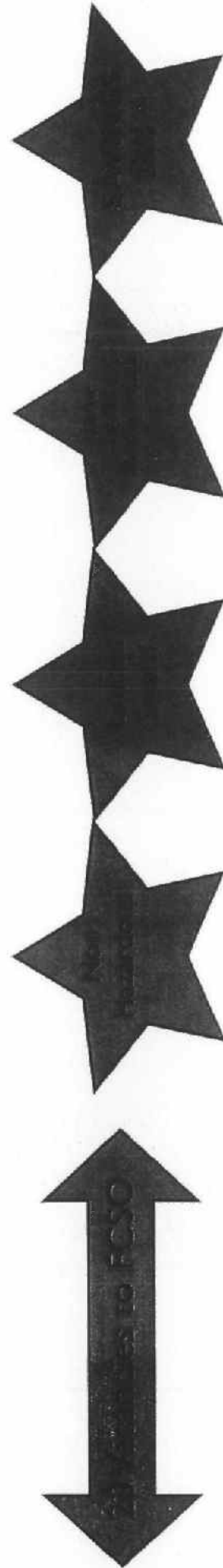
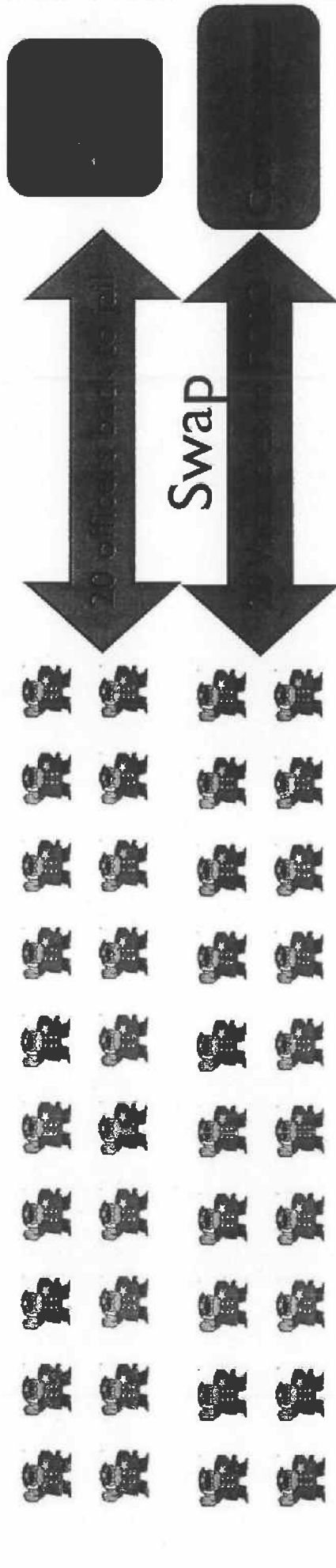
September 2011

Realignment

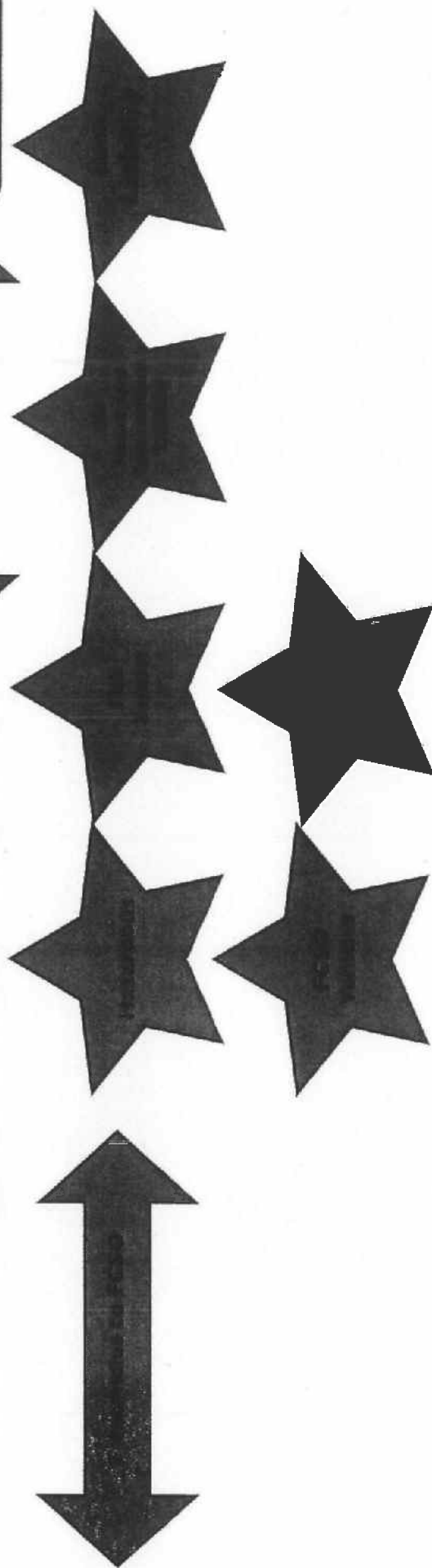
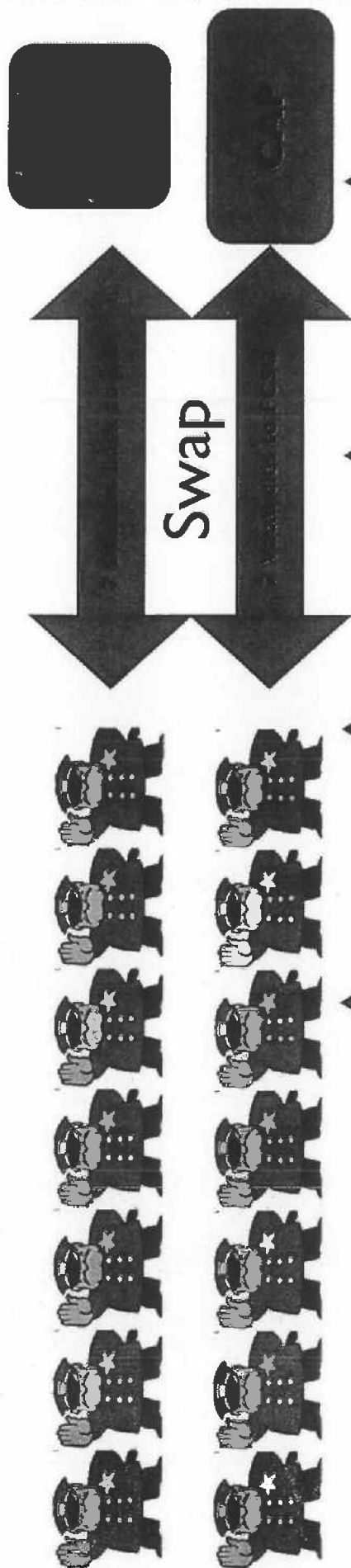
- Court Transport and Holding
- CAP Probationary Functions

DCC Court Transport & Holding Realignment

20 Funded Officers



DCC Court Transport & Holding Realignment



DCC Impact

- **Return 27 funded vacancies to jail functions**
- **Recruit 80 Federal Inmates @ \$70/day x 365 or \$2 Million with a 60% net or \$1,200,000**
- **Increase home incarceration by 80 to negate impact of 80 Feds**

FCSO Impact

- **Transfer 27 funded JAIL vacancies to FCSO budget**
- **Full calculation required by budgeting to establish fund transfer amount**

Calculation Estimates

- One 80 bed housing unit requires 7 officers
- Salary and benefits per officer $\$50,000 \times 7 = \$350,000$
- Operational costs per diem = $\$16/\text{diem} \times 80 \text{ feds} \times 365 = \$467,200$
- Staff costs $\$350,000 + \text{Operational costs } \$467,200 = \$817,200$
- Federal Income $\$2,044,000$
- Inmate Expense $\$817,200$
- DCC Net $\$1,226,800$

Committee Referrals

Public Safety Committee Items Referred

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Sidewalk Specifications	Feigel	6-14-10	Law/CE
Public Safety Disability Claims	Martin	2-3-11	Ready
Paramedic Training: Emergency Medical Advisory Board (EMAB)	Gorton/Lawless	3-11-11	
Itinerant Merchant	Henson	4-17-11	
Collective Bargaining Agreements	Lane	5-18-11	
Community Corrections Best System of Management	Myers/Kay*	6-7-11/6-21-11	
Examine Quarrying Ordinance (UCG 8-4) to Ensure Revenue Neutral	PS Link	6-17-11	BI
ROW Signage – Establish Program Similar to Operation Brightside	PS Link	6-17-11	CE
Examine Nuisance Abatement Process	PS Link	6-17-11	CE
Examine Nuisance Ordinance (UCG 12-1) to Ensure Appropriate Revenue	PS Link	6-17-11	CE
Emergency Management Long Range Strategic Plan	PS Link	6-17-11	DEM
E 911 Routing Non Emergency Calls to 311	PS Link	6-17-11	E 911
Community Corrections: Explore Receiving Federal/State Inmates	PS Link	6-17-11	CC
Electronic Monitoring Utilization: Work With Judicial	PS Link	6-17-11	CC/
Best Practice for Firefighter and Paramedic Staffing	PS Link	6-17-11	FES
Fireworks Ordinance	Stinnett	7-6-11	
Spay Neuter Fund	Lawless	7-12-11	Humane Society
Off Premises Signage	Lawless	7-12-11	
Taxicab Ordinance	Stinnett	8-13-11	
Chronic Nuisance Ordinance	Henson	8-13-11	Oct Meeting