

Diane Lawless, Chair
Doug Martin, Vice Chair
Chuck Ellinger
Chris Ford
Julian Beard
Bill Farmer
Kevin Stinnett
K.C. Crosbie
Jay McChord
Peggy Henson

Staff:
Andrea James 258-3464

AGENDA

Public Safety Committee

March 6, 2012

1:00 p.m.

1. Approval of Summary
2. Brake Ordinance
3. TaxiCab Ordinance
4. Update on Items Referred to Committee

(2-3)

(4)

(5-20)

(21)

Future Committee Meetings

May 1
June 26
July 10
August 21
September 11
October 9
November 13
December 4

**“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)**

Public Safety Committee
Meeting Summary of Motions

February 7, 2012

All committee members were present. Non-voting Councilmembers Kay and Blues, as well as Vice-Mayor Gorton were in attendance at the meeting.

Minutes from January meeting passed without dissent.

Councilmember Blues reviewed the draft noise ordinance with committee members and explained the process of the Noise Ordinance Task Force.

Motion #1

Councilmember Ford made a motion that the Committee accept the recommendation of the Noise Ordinance Task Force and approve the ordinance presented. The motion failed due to lack of a second.

Motion #2

Councilmember Henson made the motion to accept the ordinance as presented. The motion was seconded by Councilmember Ford. Motion fails 1-9

Motion #3

Councilmember Henson made a motion to amend the original motion to include in the ordinance the nature and land use of the area on which the noise emanates is considered the standard. Due regard should be given to distinctions between those noises that are associated with the normal and reasonable and those noises that are unnecessary or excessive. The motion was seconded by Councilmember Martin. The amendment passed. 9-1

Motion #4

Councilmember Martin moved to amend Section 14-72 of the draft ordinance to include, noise caused by activities in industrial business, economic development and professional zones which are 1) authorized by the applicable zoning regulations for those zones ,2) consistent with the standard practices for the business, office or industry involved, and 3)necessary or appropriate for the business, office or industry involved. The motion was seconded by Councilmember Farmer. Motion fails due to a tie vote.

Motion #5

Councilmember Ford made a motion to table this amendment. It was seconded by Councilmember Henson. The motion failed. 4-6

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Committee – Feb.7, 2012

Motion #6

Councilmember Martin called the question. Councilmember Crosbie seconded the motion. The motion passed.

Motion #7

Councilmember Martin offered a motion to amend the proposed ordinance which eliminates the hearing board. The motion was seconded by Councilmember Farmer. The motion passed 7-3.

Motion #8

Councilmember Beard moved to table the amendment offered by Councilmember Martin regarding the elimination of the hearing board from the draft ordinance. The motion was seconded by Councilmember Ford. The motion failed 3-7.

Motion #9

Councilmember Crosbie called the question. The motion was seconded by Councilmember Ellinger. Motion passed.

Motion #10

Call to question on the amended draft ordinance. Motion passed.

Motion #11

Motion to adjourn at 2:53pm.

Summary of Motions prepared by Andrea James.

AN ORDINANCE CREATING SECTION 18-40 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PROHIBITING THE USE OF OR OPERATION OF ANY ENGINE BRAKE, COMPRESSION BRAKE OR MECHANICAL EXHAUST DEVICE DESIGNED TO AID IN THE BRAKING OR DECELERATION OF ANY VEHICLE WHICH RESULTS IN A NOISE DISTURBANCE, EXCEPT ON LIMITED-ACCESS HIGHWAYS, AND ESTABLISHING A FINE FOR AN OFFENSE OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; ALL EFFECTIVE ON JULY 1, 2012.

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

Section 1 - That Section 18-40 of the Code of Ordinances be and hereby is created to read as follows:

(A) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in a noise disturbance, except on limited-access highways.

(B) A *noise disturbance* means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

(C) Any person who violates any provision of this section shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each offense.

Section 2 - 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 3 – That this Ordinance shall become effective on July 1, 2012.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: 00317216

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 motor vehicle providing transportation within Fayette County 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, nor to any motor vehicle that is otherwise regulated by the Transportation Cabinet through a non-taxicab related certificate of convenience and necessity. .

(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 as required by section 18A-5.
- (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 fiscal ~~[calendar]~~ year. The permit for every fiscal ~~[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. A decision to suspend or revoke, and the duration of such a suspension or revocation shall be based upon the number and type of provision(s) for which compliance was not met, their relative severity, and whether the driver has repeatedly failed to meet any compliance requirements.

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 suspension or revocation of 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 six (6) 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 and a sticker indicating when the inspection occurred shall be visible in the taxicab. [~~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.~~] In addition, a light shall be placed on top of the vehicle identifying it as a taxi. 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 D[~~e~~]partment of P[~~u~~]blic S[~~a~~]fety, 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.

All drivers shall be required to post picture identification, visible to all fares, in their taxicabs.

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:

Public Safety Committee
January 10, 2012
1:00pm

All members were present.

Chair Lawless called the meeting to order.

Taxi Cab Ordinance

Rick Curtis addressed the committee. He began by reviewing the draft ordinance and explaining rationale for changes to the current ordinance.

CM Lawless explained to the committee that she had been in communication with all of the taxi cab companies regarding the changes. Chair Lawless led committee members through the packet, paying particular attention to the letters from the Lexington Convention & Visitors Bureau and Bluegrass Airport.

CM Martin asked about inspection fees and frequency.

CM Stinnett wanted to know what changes occurred from the last draft. He also asked about drug testing of drivers.

CM Henson commented about drug testing, background checks and asked Rick Curtis about the reference of family members starting taxi companies.

CM Martin asked about Section 17 of the proposed ordinance referring to the zoning ordinance issue.

CM Farmer gave an opportunity for the business owners present to present.

The committee heard from Greg Kujawski and Ray Sjogren, both with Mr. Taxi.

Mr. Taxi representatives passed around a report titled "Benefits of a Full Service Taxicab Company" and referred to it as they spoke to the committee members.

CM Ford asked Rick Curtis to clarify how lower numbers improve public safety.

CM Henson asked questions of Mr. Taxi. She commented on her perspective of the size of the fleet and driver safety.

Bob Babbage spoke to the committee about the draft ordinance. He mentioned drug testing and sex offender registry relating to the drivers.

CM Lawless asked Detective Beavers about cars being taken out of service because of failed inspections.

CM Crosbie asked about tips and the 231-SAFE rides program. United representative answered her questions.

CM Crosbie asked Glenda George with our Law Department about liability for courtesy rides.

The committee heard from Will McGinnis, who runs a taxi service.

CM Farmer asked about timing of this draft.

A motion was made by CM Beard to continue this issue to a future Public Safety Committee meeting. Second by CM Crosbie. The motion passed without dissent.

Emergency Management Long Range Strategic Plan

Pat Dugger presented the Division of Emergency Management's long range plan. Powerpoint available for review.

Motion to adjourn passed without dissent.

Prepared by: Andrea James, Legislative Aide to CM Lawless

Items Referred to Public Safety Committee

<u>Item</u>	<u>Referred By</u>	<u>Date</u>	<u>Status</u>
Noise Ordinance	Blues	4/12/2009	
Public Safety Disability Claims	Martin	2/3/2011	
Paramedic Training: Emergency Medical Advisory Board (EMAB)*	Gorton/Lawless	3/11/2011	
<i>Community Corrections Best System of Management</i>	<i>Myers/Kay</i>	<i>6-7-11/6-21-11</i>	
Examine Quarrying Ordinance (UCG 8-4) to Ensure Revenue Neutral	PS Link	6/17/2011	
ROW Signage – Establish Program Similar to Operation Brightside	PS Link	6/17/2011	
Examine Nuisance Abatement Process	PS Link	6/17/2011	
Examine Nuisance Ordinance (UCG 12-1) to Ensure Appropriate Revenue	PS Link	6/17/2011	
Emergency Management Long Range Strategic Plan	PS Link	6/17/2011	
E 911 Routing Non Emergency Calls to 311	PS Link	6/17/2011	
<i>Community Corrections: Explore Receiving Federal/State Inmates</i>	<i>PS Link</i>	<i>6/17/2011</i>	
<i>Electronic Monitoring Utilization: Work With Judicial</i>	<i>PS Link</i>	<i>6/17/2011</i>	
Best Practice for Firefighter and Paramedic Staffing	PS Link	6/17/2011	
Off Premises Signage	Lawless	7/12/2011	
Taxicab Ordinance	Lawless/Stinne	4-17-0/8-13-11	
Chronic Nuisance Ordinance	Henson	8/13/2011	To be presented at May 2012
Fleet Management Services			
Brake Ordinance	Blues	4/12/2009	To be presented at March 2012

