

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:

Jenifer Benningfield

AGENDA

Public Safety Committee

December 4th, 2012

1:00pm

- | | | |
|---|-------------------|---------------|
| 1. Approval of Summary | | (1-3) |
| 2. Infill and Redevelopment Steering Committee Recommendations | Steve Kay | (4-5) |
| 3. Proposed Towing Ordinance Changes | Clay Mason | (6-11) |
| 4. Items Referred to Committee | | (12) |

Future Committee Meetings

TBD

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



Public Safety Committee

November 13th, 2013

Summary and Motions

CM Diane Lawless called the meeting to order at 1:15pm.

1. Approval of Summary

CM Ellinger made a motion to approve the summary. Henson seconded the motion. The motion passed without dissent.

2. Examination of Nuisance Abatement Process

David Jarvis came to the podium to present on the nuisance abatement process. Jarvis said that once the complaint is received, code enforcement sends an inspector to inspect the property. If there is a nuisance, there is either a 24 hour notice issued or a 14 day notice issued. With the 24 hour notice, the owner can either abate or Code will hire a contractor and bill the owner. With a 14 day notice, the property is re-inspected and abated or a civil penalty issued ranging from \$100 to \$1000 depending on the number of inspections in a calendar year. A property owner can appeal a 14 day notice within 10 days of an issuance. The notice is either upheld or waived by a hearing officer. If the property owner does not appeal nor do they abate the nuisance, the owner is billed for abatement or a civil penalty with 30 days to pay or a lien is filed.

Jarvis said that Code Enforcement utilizes 8 contractors through a bid process. Liens are recorded using Code Enforcement staff. The civil penalties and liens are paid through the Division of Revenue. Code Enforcement does not collect fines or lien payments. Jarvis went on to say that his division inspected 8,503 nuisance complaints in addition to 4,834 housing inspections.

At the request of CM Martin, Jarvis outlined the Emergency Abatement timeline:

- Complaint received
- Inspection conducted
- Photographs taken
- Property posted with a 24 hr. notice
- Contractor notified and put on alert
- Property re-inspected after 24 hours and contractor notified to abate
- Contractor photographs, abates and bills Code Enforcement
- Case closed

Jarvis placed a 24 hour emergency notice, a 14 day notice, an abated invoice, a monthly activity summary report and photographs of a property on the overhead projector.

There was a long discussion about the timeline and the forms that are distributed to home owners when they have a nuisance. CM Kay commented on the recommendations of the infill and redevelopment committee and told committee members that they would be hearing a report from the committee at the Work Session and also at the next Public Safety Committee meeting.

CM Martin asked Jarvis who determines if a nuisance is an emergency. Jarvis said that he makes that decision. CM Martin asked Jarvis questions about a specific notice given to a constituent in September. CM Kay requested that Jarvis send the file on the property referenced by CM Martin to all committee members. Jarvis agreed to do so.

CM Martin expressed concerns about notification procedures and time given to abate nuisances, particularly for rental properties.

CM Lawless told Jarvis that nuisances are a big problem around the University of Kentucky, but when the residents call, Lawless said that the bins are immediately delivered. She applauded Jarvis.

All Council Members agreed that there needs to be consistency and transparency in the notification process. CM Stinnett suggested two different forms. He said that there should be a separate 24 hour form. He asked Jarvis to also look into the notification timelines.

3. Amendment of subsection 14-72 (6)(a) of the Code of Ordinances

CM Blues told committee members that the issue of a dwelling unit boundary needs to be further analyzed. CM Blues presented the proposed change to 14-72 (6)(a). He said that it was suggested to the LFUCG by the County Attorney's office that they make the change. Pursuant to a recent Court of Appeals decision, the County Attorney believes it will be difficult to legally enforce the existing section of the code without a change. CM Blues referenced the letter from David Barberie that was included in the packet and told Committee members that the existing section includes no referenced standard for noise; it just prohibits all noises of that vehicle stereo noise.

CM Blues asked CM Martin for language suggestions.

CM Blues made a motion to substitute the current ordinance with the draft ordinance included in the packet. Henson seconded the motion.

CM Martin made an amendment to the motion to delete 'loud, harsh or excessive noise which annoys or disturbs a reasonable person of normal sensitivities by creating or allowing a louder volume than is necessary for the convenient hearing of person(s) and' with 'noise disturbance.' Henson seconded the motion. The amendment passed without dissent.

CM Martin made an amendment to the motion to delete 'who are in the vehicle.' Henson seconded the motion. The amendment passed without dissent.

Original motion by CM Blues passed without dissent.

The ordinance reads as follows:

Sec. 14-72(8)(b). [VEHICLE STEREO NOISE]

Consistent with the other provisions of the Noise Ordinance, and in addition thereto, no person shall use or operate any radio, stereo, tape player, record player, compact disc player or any similar device for the producing, reproducing or amplification of sound in or on any vehicle which when located on the public streets or rights-of-way or within or on any other public property, including, but not limited to parks, or public parking lots operated by the urban county government or the Lexington and Fayette County Parking Authority/LexPark, in such a manner as to create a noise disturbance that is audible to a person of normal hearing sensitivity more than ten (10) feet from such vehicle. Words and phrases need not be discernible for said sound to be "audible", and said sound shall include bass reverberation.

4. Items Referred to Committee

CM Lawless said that the report from Infill and Redevelopment would be on the December Public Safety Committee agenda. She also removed community corrections from the items referred list.

CM Crosbie made a motion to adjourn. Ellinger seconded the motion. The motion passed without dissent.

Submitted by Jenifer Benningfield, Council Administrative Specialist

**Report and Recommendations of the
Infill and Redevelopment Steering Committee
September 12, 2012**

The mission of the Infill and Redevelopment Steering Committee is “to recognize and improve an effective, efficient, and rational process that allows the Infill and Redevelopment Program to address the outstanding infill and redevelopment challenges facing our community by:

- a) Educating ourselves and others about the infill and redevelopment processes in our community, carefully defining the problems involved, and finding solutions,
- b) Managing the most efficient use of participants’ time, efforts, and resources,
- c) Producing recommended actions for consideration by the governing bodies involved, and
- d) Advocating for those recommendations resulting in their successful implementation.”

The Infill and Redevelopment Steering Committee believes that effective and efficient Code Enforcement plays a pivotal role in the appearance, safety, economic development, and redevelopment of property in the infill area. Because of this vital role, the Committee met and approved the following recommendations regarding on September 12, 2012.

I. Code Enforcement

- 1. Analyze current fine structure to determine if changes should be made regarding increased fines for subsequent offenses on the same property.
- 2. Review Code to determine if certain provisions are too restrictive.
- 3. Update the standard operating procedures and have them approved by Council.
- 4. Post a link to the International Property Maintenance Code on the website.
- 5. Post a copy of the Standard Operating Procedures on the website.
- 6. Post a copy of the field inspection form on the website.
- 7. Make the appropriate portions of the Code Enforcement database available to the public.
- 8. Redraft the notice and letters sent to violators to make them more informative and user friendly while including all legal requirements.
- 9. Request funds in the next budget cycle to hire an administrative position to file the Code Enforcement liens, draft and monitor abatement plans, and staff the Vacant Property Review Board.
- 10. Monitor the officer’s files to determine if time frame and paperwork standards are being met and are consistent.
- 11. Follow the procedure outlined in the standard operating procedures for Comprehensive Inspections.

Legal Department

1. Rewrite Sec. 12-1(b) to make it easier to read.
2. Change “reasonable time” to “30 days or in compliance with approved plan,” require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from plan and reasons for extensions in report, require civil penalties to be imposed after 6 months, and provide that transfer of property does not automatically restart time frame.
3. Request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions.
4. Request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases.

Council

1. Request a report to the Public Safety Committee in six (6) months from Code Enforcement and the Legal Department regarding the implementation of these recommendations.
2. Adopt recommended changes to the ordinance when they are developed by the Law Department.
3. Adopt recommended changes to the Standard Operating Procedures when they are developed by Code Enforcement.
4. Recommend to the Administration to increase the budget for the Legal Department during the next budget cycle by \$80,000 including:
 - a. \$10,000 in filing fees;
 - b. \$55,000 for a paralegal; and
 - c. \$15,000 for a hearing officer.
5. Recommend to the Administration to increase the budget of Code Enforcement by \$46,000 during the next budget cycle to hire an administrative position to file the Code Enforcement liens and staff the Vacant Property Review Commission.

Total Budgetary Impact: \$126,000

SEC. 14-85. TOWING - DEFINITIONS.

Unless a different meaning is required by the context, the following terms, as used in sections 14-85 through 14-95, shall have the meaning hereinafter respectively ascribed to them:

- (a) *Operator* means any person operating a tow truck for a private impound tow truck service or any employee of a private impound tow truck service.
- (b) *Private impound tow truck service* means a person engaged in any business which provides the services of one (1) or more tow trucks to tow and privately impound motor vehicles.
- (c) *Privately impounded* means that the vehicle has been towed and impounded from a private parking lot without the consent of the owner of the vehicle at the direction of a person having control or possession of the private property upon which the vehicle was located.
- (d) *Identifying tow number* means a control number assigned by the division of police which will identify both the document file on the impoundment and the vehicle privately impounded.
- (e) *Department* shall mean the department of public safety.
- (f) *Tow truck service storage yard* means any property, including the premises of any service station, upon which vehicles that have been privately impounded are stored
- (g) *Drop Fee* shall mean the fee paid by the owner or custodian of an improperly parked vehicle, for release of the vehicle prior to impoundment.
- (h) *Private impound cost schedule (PICS)* means a pre-printed sheet with the name address and phone number of the private impound tow truck service at the top. The sheet shall include an itemized payment schedule to include the maximum towing charge, storage charge and drop fees. The sheet may include other fees for services offered by the private impound tow truck service. At the bottom of the sheet will be a line for the operator providing the sheet to write their name.
- (i) *Standard tow* shall mean the impoundment of a vehicle with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less.
- (j) *Heavy Duty tow* shall mean the impoundment of a vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more.
- (k) *Vehicle* means any motorized vehicle, any trailer or any container or moveable apparatus subject to impoundment under this section.

SEC. 14-86. TOWING - APPLICABILITY.

The provisions of sections 14-85 through 14-94.2 shall apply only to tow services which privately impound vehicles.

SEC. 14-87. TOWING BUSINESS LICENSE REQUIREMENTS

- (1) No tow truck service or operator shall privately impound any vehicle unless the private impound tow truck service possesses a valid private impound tow truck service license issued in accordance with chapter 13 and sections 14-85 through 14-94.2 of this Code.
- (2) All private impound tow trucks operated by a private impound tow truck service shall display the name, address and telephone number of the owner thereof on both sides of the private impound tow truck on permanently mounted signs or painted directly on the body of the truck in letters large enough to be readily legible, but in no case less than two (2) inches in height. It shall be unlawful to operate a private impound tow truck displaying an incorrect name or address, or a telephone number which is incorrect or not in service.
- (3) The private impound tow truck service license holder shall ultimately be responsible for all actions of the private impound tow truck service and the employees thereof.

SEC. 14-87.1 SIGNAGE

- (1) No private impound tow truck service or operator shall privately impound any vehicle from private property which has not been posted with signs meeting the specifications set forth in this section.
- (2) Every person having control or possession of a parking lot shall, prior to authorizing any private impoundment of any unauthorized vehicle on that lot, post and continuously maintain a sign of not less than twelve (12) inches by eighteen (18) inches having bold lettering stating that the parking lot is privately owned and unauthorized vehicles will be towed away at the owner's expense. The sign shall be placed in a conspicuous location at or near each entrance of the parking lot and easily visible to a motorist seated in an automobile. By January 1, 2000, all signs shall have a reflective border measuring at least ¼ inch in width around the entire circumference of the sign.
- (3) The sign required by this section shall clearly indicate the following:

- (a) The times a vehicle may be impounded as an unauthorized vehicle; and
- (b) The name, telephone number, and address of the private impound tow truck service storage yard where the vehicle may be redeemed, or a telephone number of the private impound tow truck service or the owner or operator of the parking lot where such information could be obtained twenty-four (24) hours a day.

SEC. 14-88. TOWING - RELEASE OF VEHICLE TO OWNER

(1) If the owner or custodian of any vehicle not authorized to be parked in a private lot returns after a tow truck service has arrived but before the vehicle has been fully hooked up to the tow truck, it shall be unlawful for the tow truck service or operator to refuse to release the vehicle; however, if the vehicle has been physically raised to normal transport height by a tow truck that is capable of towing the vehicle to be impounded and properly registered to accommodate the weight of the impounded vehicle; and/ or the vehicle is partially loaded onto a flat bed rollback truck, the tow truck operator may charge a fee not to exceed one-half of the maximum towing fee posted at the storage yard before releasing the vehicle or discontinuing the towing process. For tow vehicles utilizing a wheel lift apparatus, merely having tow pans affixed to the tow truck and violator vehicle shall constitute a hook up and be considered legal for a drop fee.

(2) No tow truck operator shall request payment of the charge authorized by this section, or tow any vehicle thereafter if the charge is not paid, unless he shall first provide to the owner or custodian a copy of this section and a copy of the private impound cost schedule. The operator, upon receiving such payment shall provide to the owner or custodian a legible receipt containing the name of the towing service, the date and time and place of vehicle release, and the name of the tow truck operator. A copy of the receipt shall be retained by the towing service for a period of one (1) year and shall be made available for inspection by the division of police or the commissioner of public safety during normal business hours of the tow truck service.

(3) All drivers must carry current copies of the private impound cost schedule. A copy of the PICS shall be provided to the owner or custodian of a released vehicle. The name of the operator providing the private impound cost schedule shall be legibly written at the bottom of the PICS sheet.

(4) No additional fees, other than storage fees, may be assessed by the private impound tow truck service on a private impound, to include but not limited to: separating vehicles (truck and trailer) to be towed, the use of wheel dollies, caging of brakes, etc.

SEC. 14-89. TOWING – POLICE TO BE NOTIFIED OF REMOVAL OF VEHICLE

Within one (1) hour of removal of any vehicle by a private impound tow truck service operator, the division of police reports desk shall be notified of such removal. That notification shall include the following information:

- (1) The make, model, year and color of the vehicle towed;
- (2) The license number and state of issuance of the license and, if known, the vehicle identification number;
- (3) The time and location that the tow occurred;
- (4) The location of the private impound tow truck service storage yard; and
- (5) The telephone number which the owner should call to reclaim the vehicle.

SEC. 14-89.1. TOWING- NOTIFICATION OF VEHICLE OWNER

It is the responsibility of the private impound tow truck license holder to ensure that the private impound tow truck service is in compliance with KRS 376.275 Lien on motor vehicles for storage or towing charges -- Attempt to notify registered owner.

(1) A copy of the letter sent in accordance with KRS 376.275 shall be retained in a file by the private impound tow truck service for a period of not less than one (1) year.

(2) The file required by subsection one (1) of this section must be made available for inspection by the division of police or the commissioner of public safety during normal business hours.

SEC. 14-90. TOWING - REDEMPTION OF VEHICLES; RECEIPT REQUIRED; MAXIMUM TOWING CHARGE AND IMPOUNDMENT FEES.

(1) Only the registered owner, the lessee, the vehicle's insurer, or a person authorized in writing by one of the above persons, or a person who has purchased the vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefore, may redeem a privately impounded vehicle.

(a) A private impound tow truck service may request and retain a photocopy of the drivers license of the redeeming party and a photocopy of the registration receipt of the impounded vehicle.

(b) A private impound tow truck service may retain any written notice from an impounded vehicle's registered owner, lessee, or insurer providing permission for a third party to redeem the impounded vehicle. A photocopy of the written notice shall be provided to the person redeeming the vehicle.

(c) A private impound tow truck service shall not require photocopies of the impounded vehicle's title, registration, proof of sale or insurance card, to be retained by the private impound tow truck service, prior to release of the impounded vehicle.

(d) A private impound tow truck service shall not photocopy or retain a photocopy of any credit or debit card used to redeem an impounded vehicle; nor shall the tow operator require a social security number for the release of a vehicle.

(2) For each and every tow, a receipt bearing the identifying tow number must be given to each person who redeems a vehicle which has been towed by the private impound tow truck service upon release of the vehicle. The information on the receipt must be clearly legible and include the date and place of the tow, the license plate number and state of issuance, the make, model and color of the vehicle, the private impound tow truck service operator's employee number or name, and the name of the private impound tow truck service said operator works for. The receipt must also list the amount of money paid for the release of the vehicle. Any receipt provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernible. All receipts shall include a statement of the right to make a written complaint to the Division of Police, Bureau of Traffic, at 150 E. Main Street, Lexington, KY 40507. A copy of the receipt must be retained by the private impound tow truck service for a period of one (1) year and shall be made available for inspection by the division of police or the commissioner of public safety during normal business hours of the private impound tow truck service.

(3) A private impound tow truck service shall file a private impoundment fee schedule with the department. Fees charged for private impoundment may not exceed those filed with the department. At least ten days before the effective date of any change in a tow truck service's fee schedule, the registered service shall file the revised fee schedule with the department.

(4) The maximum charge which may be collected by a private impound tow truck service for towing a vehicle with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less (a standard tow) shall be one hundred eighteen dollars (\$118.00). The maximum charge which may be collected by a private impound tow truck service for towing a vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more (a heavy duty tow) shall be three hundred eight dollars (\$308.00). The maximum daily storage charge for single unit vehicles with a GVWR of ten thousand (10,000) pounds or less shall not exceed 1/3 the cost of a standard tow per day (Level 1 Storage). The maximum daily storage charge for single unit vehicles with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more or any combination unit other than a semi-tractor trailer combination, shall not exceed half the cost of a standard tow per day (Level 2 Storage). The maximum daily storage charge for semi-tractor trailer combinations shall not exceed 2/3 the cost of a standard tow per day (Level 3 Storage). Such maximum charge will be adjusted annually by the commissioner of public safety for inflation commencing on January 1, 2004, according to the increase in the Consumer Price Index for all Urban Consumers for the most recent twelve-month period as published by the U.S. Department of Labor, such charge to be adjusted to the nearest dollar. There shall be no additional charges for accessory equipment.

(5) No fee shall be charged by a private impound tow truck service for the storage of a vehicle for the first twenty-four (24) hours from the time the vehicle arrived at the secure storage area. If the vehicle has not been redeemed by the end of that initial twenty-four hour period, any fee charged by a private impound tow truck service for storage will then begin to accrue but must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(6) The vehicle shall be released upon the presentation by a person authorized to redeem the vehicle pursuant to subsection (1) to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of drop fees, towing, storage, or other services requested by the vehicle owner or custodian during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash or major bank credit cards.

(7) In instances where major bank credit cards are used as tender for payment upon redemption of a vehicle, it shall be lawful for the tow operator to collect an additional \$5.00 fee in order to cover service charges for processing by the major credit card issuing bank. This cost shall be specifically itemized on the customer receipt.

SEC. 14-91. TOWING - REQUIREMENTS FOR STORAGE YARD.

(1) Any storage yard receiving and privately impounding vehicles from private property located in Fayette County must also be located within the county.

(2) At the storage yard of each private impound tow truck service, there shall be a sign prominently displayed specifying tow and storage rates.

(3) Either an attendant must be on site at the storage yard twenty-four (24) hours a day, seven (7) days a week, to return vehicles upon the payment of towing and storage charges, or the sign provided for in subsection (2) hereof shall also contain a telephone number where the owner, manager or attendant of the private impound tow truck service storage yard may be reached at any time twenty-four (24) hours a day, seven (7) days a week so that a towed vehicle may be reclaimed by its owner in a minimum amount of time, not to exceed one (1) hour. If a private impound tow truck service which does not retain a twenty-four hour attendant is the subject of three (3) or more complaints in a six-month period for failing to return a vehicle within one (1) hour of the time the vehicle owner has attempted to contact the service, such private impound tow truck service shall be required to provide a twenty four hour on site attendant. Upon receipt of notice that a twenty-four hour on site attendant is required pursuant to this section, the private impound tow truck service shall have the right pursuant to section 14-94.2 to provide a written response within ten (10) days and request a hearing.

(4) Each private impound tow truck service storage yard shall provide reasonable security and protection for all vehicles towed, whether such tow originates in this county or any other jurisdiction, including illumination of the storage area during hours of darkness, an eight-foot chain link fence with a three-strand barbed wire cap enclosing the storage yard if an attendant or security guard is not on duty twenty-four (24) hours a day, seven (7) days a week.

(5) During the hours of darkness, the operator shall provide an area sufficiently illuminated to enable an owner to inspect a vehicle prior to removing it from the storage yard.

(6) It shall be unlawful to operate any private impound tow truck service storage yard or to deposit, impound or store any towed vehicle therein, unless said yard is in full compliance with the sign, security and lighting requirements of this section and with all applicable zoning regulations, licensing requirements and use permits, established by law.

(7) It shall also be unlawful for Tow Truck Services to store privately impounded vehicles from counties other than Fayette County on their premises.

SEC. 14-92. TOW TRUCK SERVICE OPERATOR'S LOG.

(1) Private impound tow truck service operators shall keep a current and accurate log and/or file (written or electronic) containing the following information on all vehicles towed: the identifying tow number; the make, model, year and vehicle identification number of the vehicle; its license number and state of issuance; the time, date and place of removal; the reason for removal; the name of the private impound tow truck service operator who made the tow; the date and time the vehicle arrived on the lot; the name and address of the person released to; the date and time of release; the name of employee releasing the vehicle; the total charges paid to include any additional charges made at the request of the vehicle owner or custodian; the method of payment; and the date and time police was notified of the tow. For each entry of tow, the signature of the owner of the private parking lot, or his representative, requesting and authorizing the tow shall be required. A letter of authorization in advance from the owner of the private parking lot or his representative shall be sufficient to meet the latter requirement. Such log and/or file (written or electronic), along with all receipts pertaining to private impounds shall be retained for not less than one (1) year, and shall be immediately available for inspection by the division of police during normal business hours. Failure to keep and retain such a log and/or file, or omitting to make a true and complete entry for each vehicle towed, or failure to surrender such log and/or file to any police officer upon request shall be unlawful and may be cause for revoking a private impound tow truck service license.

(2) Private impound tow truck service operators must provide an opportunity for persons to file written complaints which must be answered in writing within one (1) week of receipt of the complaint. Such written response shall include a statement of the person's right to file a written complaint with the department. A file of such complaints, together with the written responses, must be made available for inspection by the division of police during normal business hours.

(3) If utilizing electronic logs, the private impound tow truck service shall provide these logs to the Division of Police, upon request, along with any necessary software to view these logs.

(4) All logs and files kept in compliance with this section must remain current and accurate.

(5) If another tow service is subcontracted to complete an impound of a vehicle over 10,001 pounds, the name and current phone number of the subcontracted tow service and the name of the operator from the subcontracted tow service, shall be listed in the private impound tow truck service operator's log of the contracting private impound tow truck service. The name of the subcontracted tow service, the name of the operator from the contracted tow service and a current phone number for the subcontracted tow service shall be listed on the customer receipt.

SEC. 14-93. TOWING - MISC. PROHIBITED ACTS BY TOW TRUCK SERVICE OR OPERATOR.

Except when acting as an agent in the legal repossession of a vehicle, it shall be unlawful for any private impound tow truck service or operator to:

- (1) Rebate or pay money or any other valuable consideration to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles.
- (2) Tow or otherwise move a vehicle from any area or portion of a public street, without either the consent of the owner or custodian of the vehicle or authorization from a police officer or other designated official of the county.
- (3) Tow or otherwise move a vehicle from any private road, driveway or any other privately owned land or property, except when requested to do so by the owner or custodian of the vehicle or as authorized by the property owner or representative.
- (4) Block the movement of any vehicle, other than when on the property of the tow truck service, to prevent the movement thereof by its owner or custodian who is occupying the vehicle or has appeared and desires to move the vehicle. However, if the private impound tow truck operator has fully hooked up and physically raised the vehicle to normal transport height in accordance with section 14-88, then this subsection shall not apply.
- (5) Provide false information to any division of police reports desk concerning any vehicle towed.
- (6) Require the owner of any towed vehicle to wait for a period exceeding one (1) hour from the time of contact or attempted contact by the owner with the private impound tow truck service or operator for release of a vehicle. Any delay over one (1) hour caused by failure to monitor or respond to calls placed to the operator's designated telephone number shall constitute a violation of this section any may be cause for revoking a private impound tow truck service license.
- (7) Move any vehicle to any intermediate place of storage, or to any location other than to the registered secure storage yard of a private impound tow truck service, unless specifically requested by the owner or custodian of said vehicle.
- (8) Upon request by any owner or custodian of a currently licensed vehicle, deny or prevent access to said vehicle for the purpose of removing personal items, whether or not the owner or custodian is then able to reclaim the vehicle.
- (9) Prohibit any person authorized to retrieve a vehicle pursuant to section 14-90(1) from redeeming such vehicle.
- (10) Refuse to release a privately impounded vehicle to an authorized person upon demand and offer of reasonable tender, as set forth in section 14-90(7), sufficient to cover the costs of towing, and storage.
- (11) Operate any vehicle that is being, or has been, impounded on a public roadway within Fayette County.
- (12) No operator shall attempt to hook up to an occupied vehicle without first contacting the division of police or the property owner.

SEC. 14-94. REGISTRATION & LICENSE REQUIREMENTS (TOWING).

- (1) A person shall not engage in or offer to engage in the activities of a private impound tow truck service without a current license from the department of public safety authorizing him to engage in such activities.
- (2) Application for licensing as a registered private impound tow truck service shall be made on forms furnished by the department, shall be signed by the applicant or an agent, and shall include the following information:
 - (a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;
 - (b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;
 - (c) The address of each storage location where vehicles may be stored;
 - (d) The address of the business location where the files of the private impound tow truck service operation are kept;
 - (e) A fee schedule which states the fee that is charged for towing services, the fee that is charged for the storage of a vehicle, and any other charges which may be incidental to a private impoundment.
 - (f) Name of current liability insurance carrier and policy number, of which any lapse in coverage shall be grounds for revocation of the license; and
 - (g) A list of all private property from which applicant is authorized to tow vehicles, such list to be kept current and up to date within ten (10) days of any change during the entire term of the license.
- (3) A license issued under this section is not transferable.

- (4) Concurrent with the submission of the license application, the applicant shall pay to the division of revenue a nonrefundable fee of one hundred dollars (\$100.00). When the license is issued, the private impound tow truck operator shall pay the division of revenue an annual license fee of two hundred dollars (\$200.00), which fee is due and payable upon the issuance of a license and on or before January 1 of each year thereafter.
- (5) Each license shall expire on December 31 of each year, unless earlier suspended or revoked. A license may be renewed by making a renewal application and payment of the annual license fee. Application for renewal should be made at least thirty (30) days prior to the expiration date.

SEC. 14-94.1. SUSPENSION AND REVOCATION.

- (1) Upon notice from the division of police of a violation of the private impound towing ordinance, the commissioner of public safety may suspend a private impound tow truck service license for a period not to exceed thirty (30) days if the commissioner determines that the applicant, owner, operator or an employee thereof has violated any provisions of sections 14-85 through 14-94.2 of the Code.
- (2) The commissioner shall revoke or deny a private impound tow truck service license if the commissioner determines that:
- (a) Cause for suspension under subsection (1) above occurs and the license has been suspended within the preceding twelve (12) months;
 - (b) An applicant gave false or misleading information in the license or renewal application; or
 - (c) An applicant, owner, operator or employee has knowingly operated a private impound tow truck service during a period of time when the business's license was suspended; or
 - (d) An applicant's previous license was revoked within twelve (12) months of the application.

SEC. 14-94.2. HEARING FOR DENIAL, SUSPENSION OR REVOCATION; APPEAL.

- (1) Upon notice from the division of police of a violation of the private impound towing ordinance, the commissioner of public safety may suspend a private impound tow truck service license for a period not to exceed thirty (30) days if the commissioner determines that the applicant, owner, operator or an employee thereof has violated any provisions of sections 14-85 through 14-94.2 of the Code.
- (2) The commissioner shall revoke or deny a private impound tow truck service license if the commissioner determines that:
- (a) Cause for suspension under subsection (1) above occurs and the license has been suspended within the preceding twelve (12) months;
 - (b) An applicant gave false or misleading information in the license or renewal application;
 - (c) An applicant, owner, operator or employee has knowingly operated a private impound tow truck service during a period of time when the business's license was suspended; or
 - (d) An applicant's previous license was revoked within twelve (12) months of the application.

SEC. 14-95. VIOLATIONS.

- (1) It shall be unlawful for any person to violate or refuse, fail or neglect to comply with any of the provisions of sections 14-85 through 14-95 concerning tow truck service operation.
- (2) Any person or corporation or other entity violating any provision of sections 14-85 through 14-95 shall be fined not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00), and each day's continuance of any such violation shall be a separate offense for which a fine not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00), shall be imposed.

Public Safety Committee Referrals

ITEM	REFERRED BY	DATE	STATUS
Examine Nuisance Abatement Process	PS Link	17-Jun-11	13-Nov-12
Fleet Management Services	Myers	4-Aug-11	
Compiling a List of Safe Places People can go in Times of Weather or Emergency Needs	Farmer	17-Mar-12	
Abandoned Housing	Myers	10-Apr-12	
Creation of a policy for systematically replacing and maintaining vehicles apartures and other recurring costs that are critical to public safety divisions	PS Link	17-May-12	
Amendment of subsection 14-72(6)(a) of the Code to add a requirement of a noise disturbance across a dwelling unit boundary	Blues	11-Oct-12	13-Nov-12
Proposed Towing Ordinance Changes		23-Oct-12	04-Dec-12
Infill and Redevelopment Steering Committee Recommendations	Kay	08-Nov-12	04-Dec-12