

Henson Chair
Stinnett, Vice Chair
Ellinger
Akers
Lawless
Farmer
Myers
Mossotti
Clarke
Lane

A G E N D A

Special Public Safety Committee

October 7, 2014

1:00 P.M.

1. **September 16, 2014 Committee Summary** (1-2)
2. **Sky Lanterns – Clarke** (3-5)
3. **Community Corrections**
Staff Turnover; Staff Inmate Ratio; Exit Interviews (6-15)
4. **Taxicab Ordinance – Lawless** (16-28)
5. **Ridesharing Services – Henson**
6. **Items Referred** (29)

“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)

Future Committee Meetings
December 2, 2014

Public Safety Committee
September 16, 2014
Summary and Motions

This meeting started at 1:00 pm. Council Members in attendance were Peggy Henson, Kevin Stinnett, Chuck Ellinger, Shevawn Akers, Bill Farmer, Harry Clarke and Ed Lane. Jennifer Scutchfield and Steve Kay attended as non-voting members.

1. Approval of Summary

Motion by Stinnett to approve the summary as amended, second Ellinger. Motion passed without dissent.

2. Substance Abuse Coordinator Position

Stinnett introduced the subject. He stated that the position was much needed as illegal drugs will touch everyone.

Clay Mason discussed the need for the position and how the position would be integrated within both Public Safety but housed in the Social Services Commissioner's Office.

Beth Mills stated that the position would concentrate on prevention, treatment and enforcement options.

Clarke stated that he was supportive of the effort.

In response to a question from Akers, Mills explained that they will need about \$ 15,000 to support the initial part time position.

Mason stated that they anticipated using Police Confiscated Funds to support the effort.

Motion by Stinnett to approve the proposal, second Clarke. Motion passed without dissent.

3. Taxicab Ordinance

Glenda George explained the draft changes Law prepared were for Councilmember Lawless. She stated it included reducing the number of taxicabs to ten to enter the market; the ability to add one new cab at a time; and to eliminate the need for the twenty four hour seven days a week dispatch requirement.

George stated that the Council had considered these same changes in March 2012 but rejected them all.

Stinnett suggested removing the item if Council did not take action on the proposal.

Henson proposed deferred discussion until the next meeting.

4. Ridesharing Services

Henson introduced the topic.

George stated that the Law Department determined that the ridesharing companies and their drivers should be regulated under the Taxicab Ordinance. She stated that the taxicab ordinance might need to be amended to accommodate the ridesharing services. She also stated that the state will issue emergency regulations in October that might impact how Lexington will regulate the companies.

Greg Kujawski representing Bluegrass Cab addressed the subject. He stated that the ridesharing drivers should be regulated similar to the taxicab drivers. He stated that they operate a vehicle for hire service.

Jonathan Miller representing Lyft stated that they are a technology company and different from a taxi cab company.

Several taxicab drivers spoke in favor of regulating the ridesharing companies and their drivers.

James Andrea, a General Manager with Uber spoke about the company's safety and driver selection process.

In response to a question from Clarke, Andrea stated that Uber retains 20% of the passenger fare. Andrea also stated that Uber does not allow hailing down a driver.

In response to a question from Clarke, Andrea stated that they couldn't guarantee twenty-four hour, seven days a week service.

In response to a question from Henson, Andrea described the accessible services Uber provides.

In response to a question from Henson, Miller stated that Lyft would abide by any reasonable rules the city proposes.

In response to a question from Henson, George stated that the Lyft and Uber drivers would need to obtain business licenses to operate in Fayette County.

George stated that the Static regulations should be issued in October.

Stinnett stated that will be confusing if taxicab drivers need to comply with the current regulations but the Lyft and Uber drivers do not comply with the regulations.

In response to a question from Ellinger, George stated that the County Attorney had determined that the Police could cite Lyft and Uber drivers.

In response to a question from Stinnett, Mason stated that his department will not require rideshare drivers to register until the state issues regulations.

Stinnett stated all parties need to operate under the same rules.

5. Items in Committee

Motion by Stinnett to remove Division of Police Home Fleet Policy from the list of Items in Committee. Seconded by Ellinger. Motion passed without dissent.

Meeting adjourned at 2:45 pm.

PAS 9.24.14

Date: August 19, 2014

To: Mayor Jim Gray
Clay Mason, Public Safety Commissioner
LFUCG Council Members



From: Chief Keith L. Jackson

The Division of Fire & Emergency Services is requesting authorization to create a section 9-20.1 of the Code of Ordinance prohibiting the use of sky lanterns; also know as Chinese lanterns, Kongming lanterns, wish lanterns, sky candles, and fire balloons. These devices are banned in many states either by fire codes, firework codes, or a specific legislation ban; including Austria, Australia, Brazil, New Zealand, Spain, Germany and parts of Canada. The section 9-20.1 should include a penalty in an amount not to exceed \$250.00 effective thirty (30) days from passage. These lanterns can travel a significant distance from the point of release which creates a serious fire and safety hazard because of the potential to start an unintended fire on or off the property from which they are released.



Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Fire and Emergency Services
Fire Prevention

Keith Jackson, Fire Chief

Michael Farmer, Fire Marshal

Sky lanterns are airborne paper lanterns similar to a mini hot air balloon. These lanterns have been used at a variety of venues such as weddings, ceremonies and celebrations. These lanterns are often released in large numbers to generate an impressive visual effect. They are constructed from oiled rice paper on a bamboo or wire frame and fueled by an open flame. When lit, the flame heats the air inside the lantern causing the lantern to rise into the air. The sky lantern is only airborne for as long as the flame stays alight, after which the lantern floats back to the ground. These lanterns are known to achieve an altitude of 1,500 feet and travel a significant distance from the point of release which creates a serious fire and safety hazard because of the potential to start an unintended fire on or off the property from which they are released.

The literature posted on sites promoting or selling these products contains these warnings:

- Do not release lanterns within a five mile radius of an operational airport or landing strip as the lanterns could interfere with low flying aircraft.
- Do not release lanterns within two miles of a major road or motorway as the lanterns could come to rest in the path of a vehicle.
- Do not release the lanterns anywhere near dry crops or woodland or any other flammable areas. Do not release the lantern anywhere where it may cause damage or be a nuisance.

It is my opinion as Fire Marshal for Lexington that the use of Sky Lanterns (a.k.a. Chinese Lanterns, Kongming Lanterns, wish lanterns, sky candles, or fire balloons) should be prohibited. These aerial devices are banned in many states either by fire codes, fireworks codes, or a specific legislative ban. Entire countries have banned the use of sky lanterns, including Austria, Australia, Brazil, New Zealand, Spain, Germany and parts of Canada.

This office has always denied the use, if asked. Although permission has **never** been granted, the use of these devices continues. This letter is an attempt to put in writing what was originally just verbalized to the consumer, thus legitimizing and solidifying the opinion of this office and this Fire Department.

The Fire Code, NFPA 1 (2012 edition) is the adopted version by the state and the KY Standards of Safety; therefore adopted by ordinance in the LFUCG Fire Prevention Code, Chapter 9. This document states:

10.11.2 The AHJ shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous.

Major Michael Farmer

HORSE CAPITAL OF THE WORLD

9-20.1

a.

Except as provided below, the use of sky lanterns (also known as Chinese lanterns, kongming lanterns, wish lanterns, sky candles and fire balloons are prohibited.

- (1) Use of sky lanterns for ethnic cultural celebrations can be authorized by permit issued by the fire chief or his designee under circumstances that pose no immediate danger of fire.
- (2) The fire chief can impose conditions under the permit that can require further safety measures, including a fire truck and crew on site at a cost to be established by the chief.
- (3) A penalty for unauthorized use of sky lanterns is an amount not to exceed \$250.

Lexington-Fayette Urban County Government
Division of Community Corrections



2014 Correctional Officer's Salary Analysis

Director Rodney Ballard



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

TO: Clay Mason, Commissioner
FROM: Rodney Ballard, Director
DATE: October 7th, 2014
SUBJECT: Entry Level Correctional Officers Salary Comparison

Enclosed you will find two comparisons, (1) is a nationwide & (1) is an in state salary comparison.

In the nationwide comparison eleven (11) states were randomly chosen and Kentucky was added to make the twelfth (12) state. Major Kammer was given the task of locating a jail facility in these states that best mirrored our facility. Excluding Kentucky the mean was \$17.06. (see enclosed attachments).

In the Kentucky statewide comparisons, seven (7) of the largest jails were chosen and one (1) Federal facility located here in Fayette County, Kentucky. Excluding our facility the mean was \$17.57 (see attached documents).

We did not compare each facilities benefit package along with their salaries. In a true comparison I believe the entire benefit package must be considered.

I would like to thank everybody for their support and willingness to examine correctional officer's entry level of pay.



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Gray
Mayor

Clay Mason
Commissioner

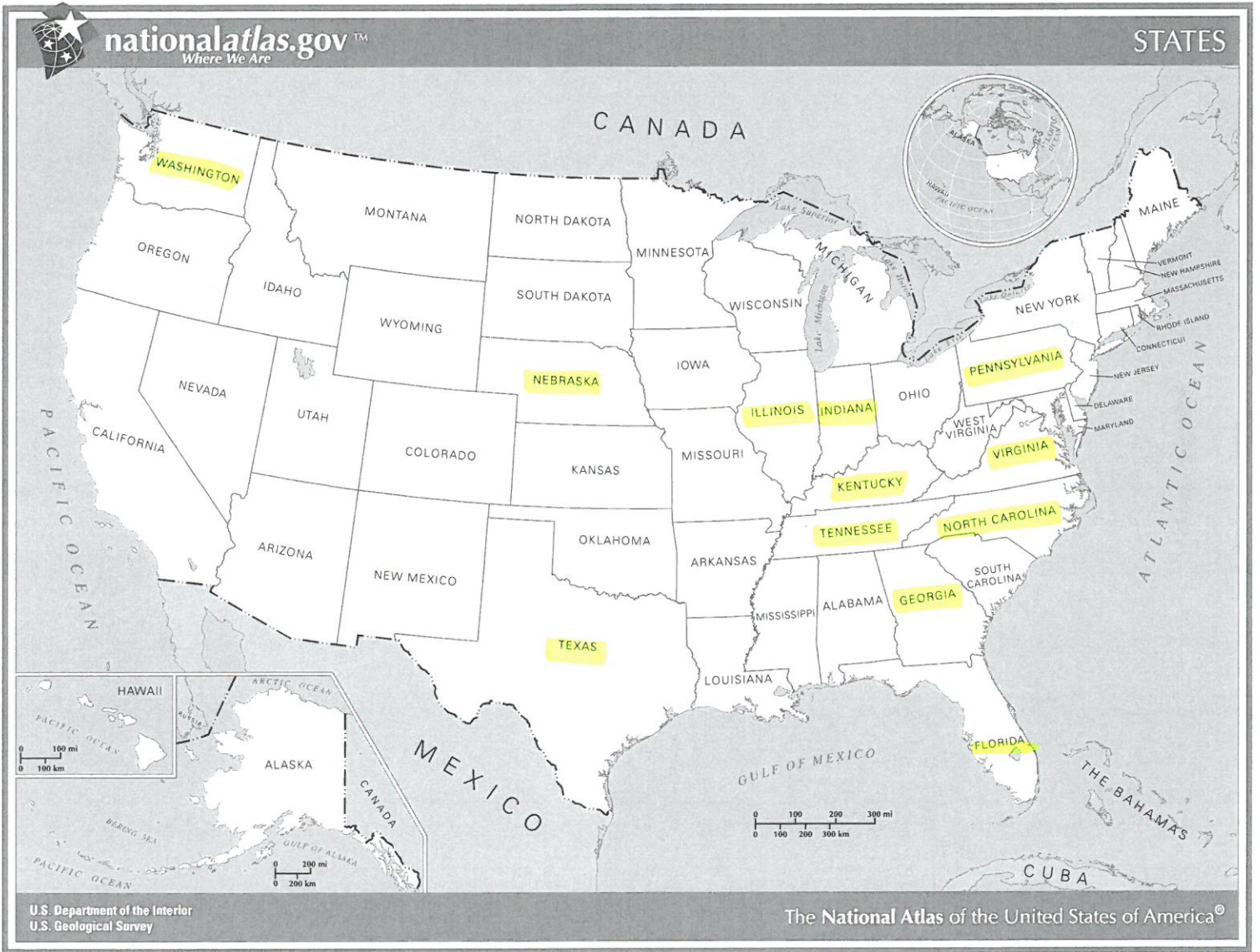
To: Director Rodney Ballard
From: Mr. James J. Kammer
Cc: Sr. Admin
Re: Officer Pay comparisons
Date: July 30, 2014

In an effort to gather the information requested by council members Henson and Stinnett I first took the map of the United States that you provided with random states identified. I then began an internet search to locate similar sized facilities within those states. Once a facility of a reasonable size was identified in that state I made efforts to contact that facility to gather the information requested. The attached Chart 1 is the breakdown of information gathered from the national search. The information to the left of the page is the general data gathered. The two sections to the right of that identify the average salaries of all of the compared cities combined (middle) and the cities combined minus the high and low (right). The Fayette County hourly rate was then subtracted from both of those calculations to give the average differences.

The second directive was to compare us to other facilities within the state. Chart 2 provides a breakdown of that information. I included both the LFUCG Police and Fire as well to give a true reflection of who we have to compete against when it comes to hiring and retention. As can be seen in Chart 2 there is only one other jail facility (Jefferson County) that compares to us in size. The other correctional facility that we actually contend with is the Federal Medical Center (a prison) so I included them as well. It is readily seen in Chart 2 that we are ahead of the other local jails in terms of salary yet they do not compare in size nor are they competing against the other large organizations that we do. In fact on a recruiting trip to Marion County when the Marion Adjustment Center was closing only one individual applied with us from that agency. The reason I could not entice others to apply even with the better pay and benefits package was because they did not want to leave their hometown where they were already established. On the right side of chart 2 I completed the same comparison to the four agencies with which we are similar to or compete against and calculated the pay difference.

That basically sums up the information that I was able to gather. After you have a chance to review the information please feel free to contact me with any questions that you may have.

James J. Kammer
Bureau Manager Administration
Division of Community Corrections
Lexington Kentucky 40510
859-425-2617



Below are the jail locations chosen for our salary comparison.

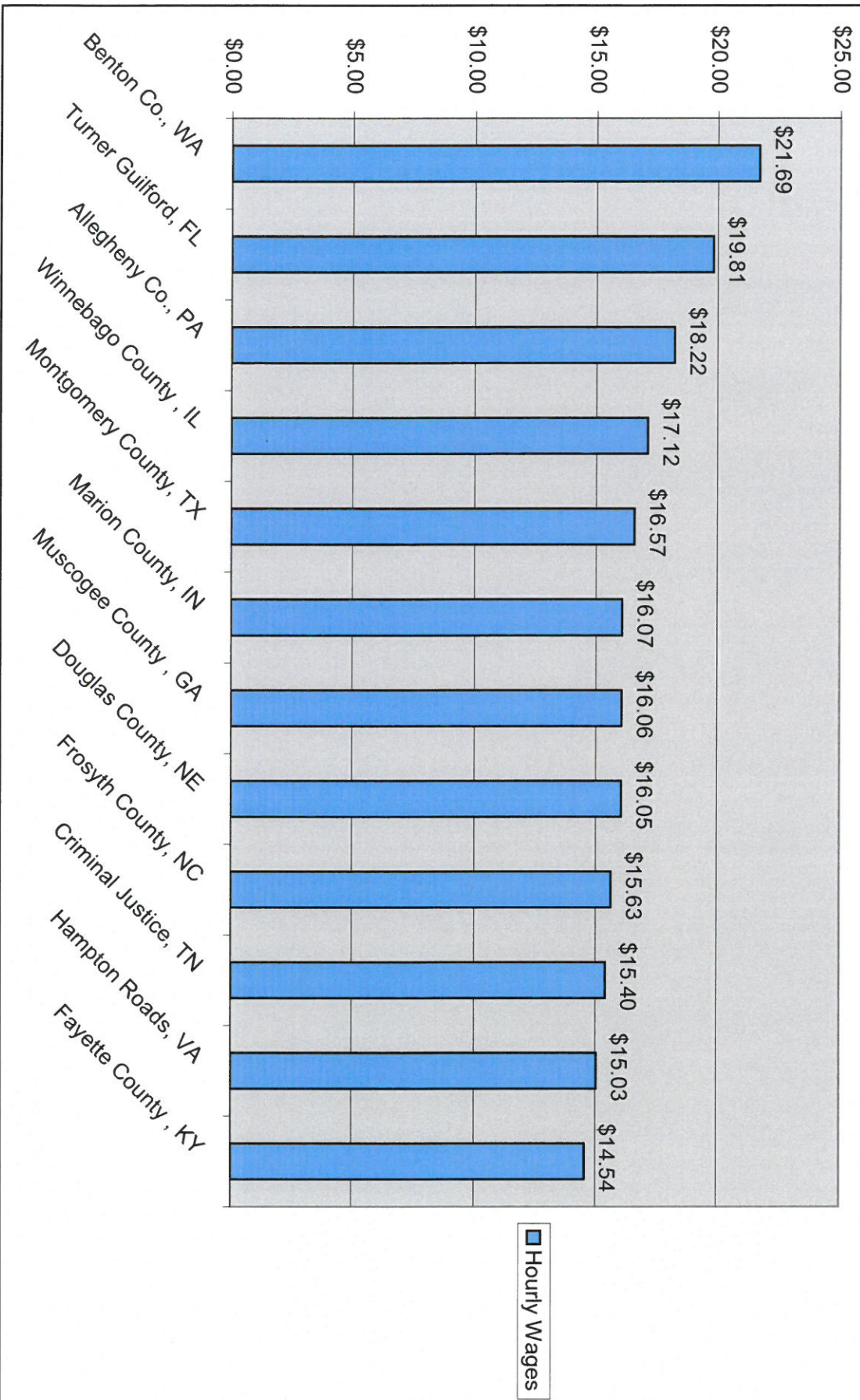
The housing cap mean is 1,338;

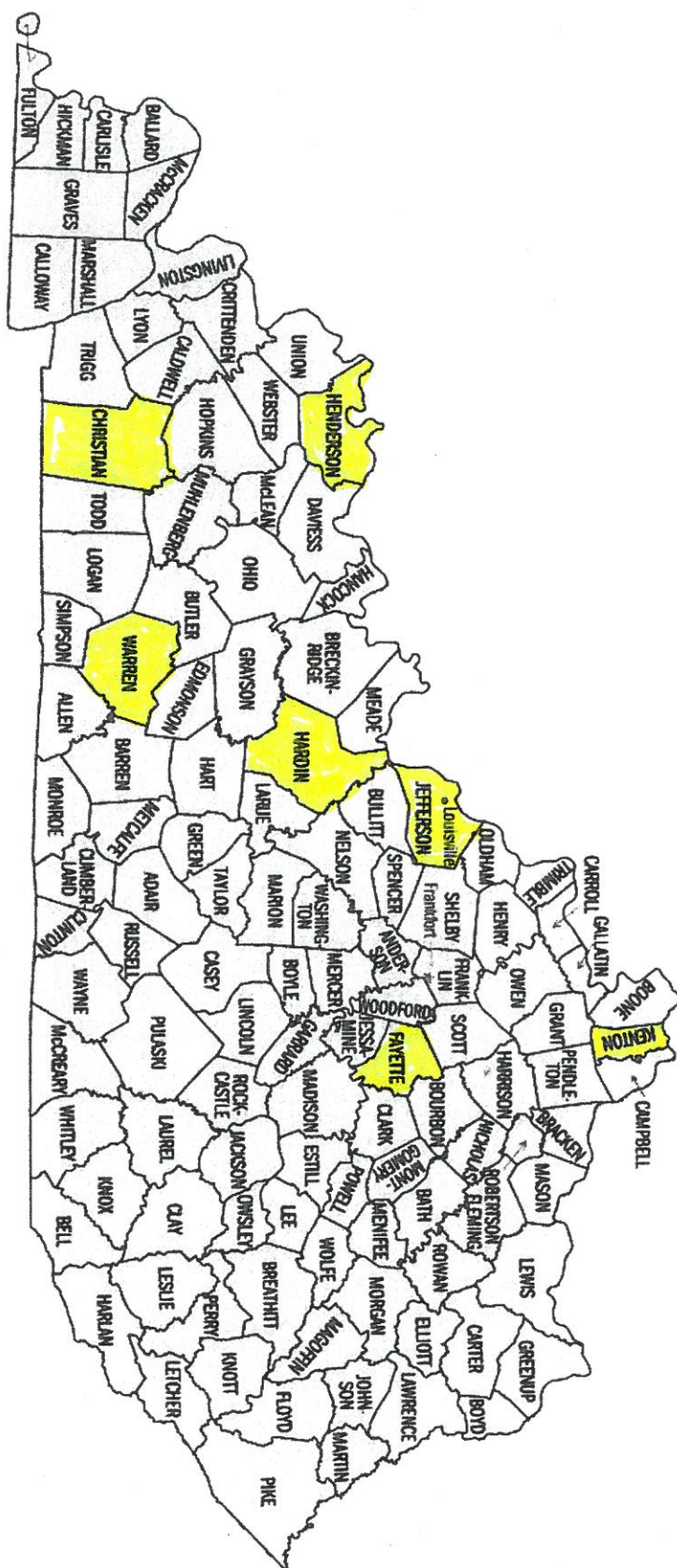
The starting pay mean is \$35,048 and the mode is \$33,431;

The hourly rate mean is \$16.85 and the mode is \$16.07;

Location	Housing Cap	Starting Pay	Hourly Rate
Benton Co. (Washington State)	800	\$45,115	\$21.69
Turner Guilford Knight Cor Cntr Fla	1300	\$41,209	\$19.81
Allegheny Co. Jail PA.	1850	\$37,897	\$18.22
Winnebago Coiunty Jail IL	1400	\$35,609	\$17.12
Montgomery County Jail Tx.	1250	\$34,480	\$16.57
Marion County Jail (Indianapolis)	2600	\$33,431	\$16.07
Muscogee County Jail Ga.	1028	\$33,411	\$16.06
Douglas County Jail Nebraska	1453	\$33,384	\$16.05
Frosyth County Jail NC	1016	\$32,500	\$15.63
Criminal Justice Center Nashville Tn.	800	\$32,036	\$15.40
Hampton Roads Regional Jail Va.	1300	\$31,270	\$15.03
Fayette County Detention Center	1266	\$30,235	\$14.54

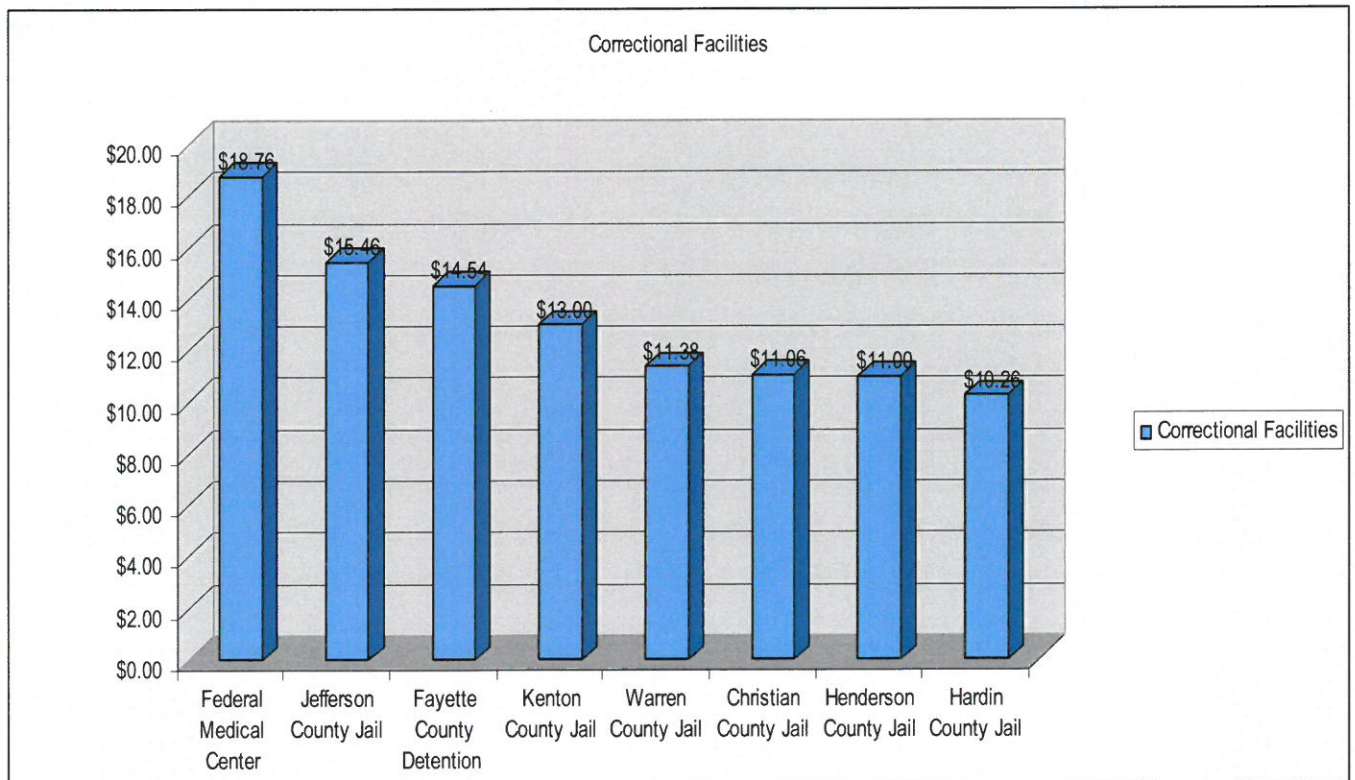
Hourly Wage Comparison





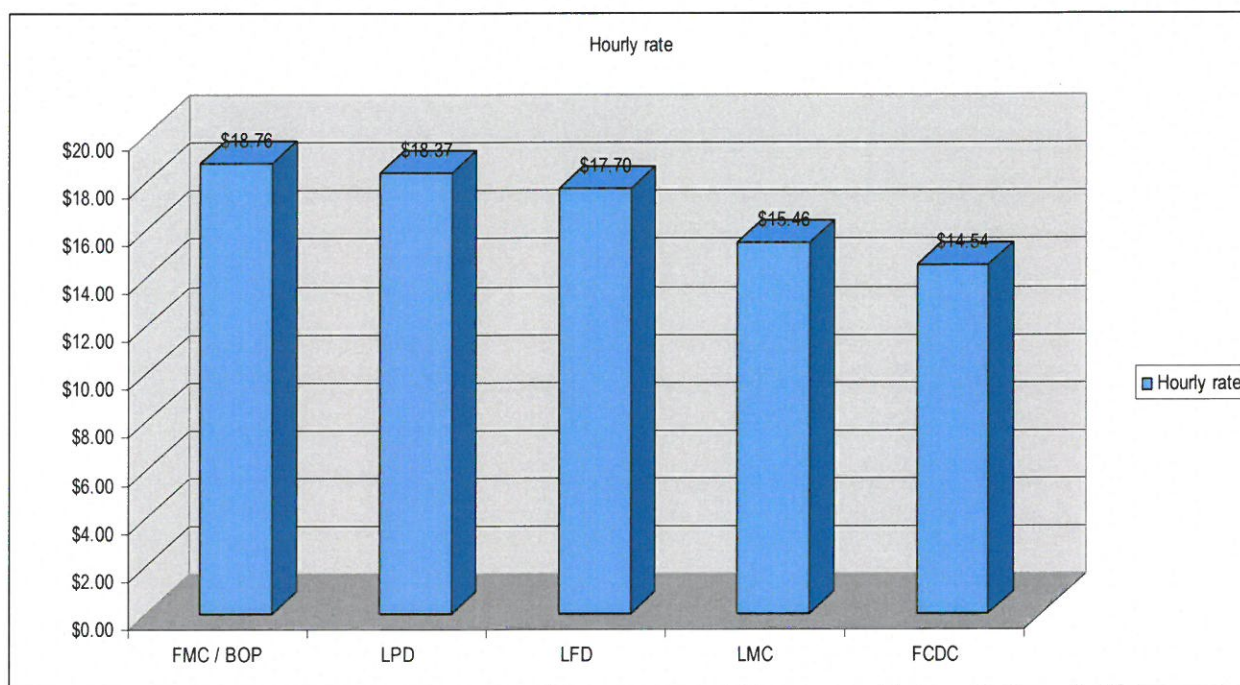
In addition, we looked at some of the Correctional Facilities in Kentucky for a salary comparison.

Location	Housing Cap	Starting Pay	Hourly rate
Fayette County Detention	1288	\$30,235	\$14.54
Federal Medical Center	1719	\$39,012	\$18.76
Louisville Metro Corrections	1793	\$32,156	\$15.46
Kenton County Jail	625	\$27,040	\$13.00
Warren County Jail	562	\$23,670	\$11.38
Christian County Jail	707	\$23,000	\$11.06
Henderson County Jail	543	\$22,880	\$11.00
Hardin County Jail	648	\$21,340	\$10.26



We took a look at Public Safety Agencies and the largest jail in Kentucky.

Location	Hourly rate
FMC / BOP	\$18.76
Lex. Metro PD	\$18.37
Lex. FD	\$17.70
Louisville Metro Corrections	\$15.46
FCDC	\$14.54



FMC	\$18.76		
LPD	\$18.37		
LFD	\$17.70		
LMC	\$15.46		
	\$70.29	/ 4 =	
		\$17.57	Avg
		\$14.54	FCDC
		\$3.03	Diff

540 - DIVISION OF COMMUNITY CORRECTIONS			
YEAR	ACTIVE	TURNOVER	PERCENT
1996	199	38	19.1%
1997	207	26	12.6%
1998	225	48	21.3%
1999	244	53	21.7%
2000	331	83	25.1%
2001	341	111	32.6%
2002	358	81	22.6%
2003	367	88	24.0%
2004	375	90	24.0%
2005	377	84	22.3%
2006	378	84	22.2%
2007	340	83	24.4%
2008	340	102	30.0%
2009	323	148	45.8%
2010	321	135	42.1%

Source: LFUCG Division of Human Resources

ORDINANCE NO. _____ 2014

AN ORDINANCE AMENDING

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

Section 1 - That Section 18A-3 of the Lexington-Fayette Urban County
Government Code of Ordinances, be and hereby is amended to read as follows:

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. All persons in possession of a local taxicab permit may increase the number of taxicabs in their fleet in increments of one (1). 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.

Section 2 - 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 hour service, three hundred sixty-five (365) days per year~~]. 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.

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL
PUBLISHED:

00452709

Lexington-Fayette County, Kentucky, Code of Ordinances >> - CODE OF ORDINANCES >> **Chapter
18A VEHICLES FOR HIRE >>**

Chapter 18A VEHICLES FOR HIRE ^[1]

Sec. 18A-1. Definitions.

Sec. 18A-2. Administration; rules and regulations.

Sec. 18A-3. Local taxicab permit required.

Sec. 18A-4. Application and renewal for a local taxicab permit.

Sec. 18A-5. Indemnity bond or liability insurance required.

Sec. 18A-6. Local taxicab permit fees.

Sec. 18A-7. Taxicab driver's permit.

Sec. 18A-8. Application for driver's permit.

Sec. 18A-9. Police investigation of applicant; traffic and police record.

Sec. 18A-10. Consideration of application.

Sec. 18A-11. Issuance of permit; duration; annual fee; renewal.

Sec. 18A-12. Display of permit.

Sec. 18A-13. Suspension and revocation of permit.

Sec. 18A-14. Failure to comply with urban county, state and federal laws.

Sec. 18A-15. Vehicles; equipment and maintenance.

Sec. 18A-16. Taximeter required.

Sec. 18A-17. Rates of fare; rate card required.

Sec. 18A-18. Receipts.

Sec. 18A-19. Nonfare passengers.

Sec. 18A-20. Prohibitions of drivers.

Sec. 18A-21. Taxicab service.

Sec. 18A-22. Manifest.

Sec. 18A-23. Holder's records and reports.

Sec. 18A-24. Division of police; duty to enforce chapter.

Sec. 18A-25. [Random compliance inspections permitted.]

Sec. 18A-26. Penalty.

Sec. 18A-1. Definitions.

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 to a person to drive a taxicab upon the streets of Lexington-Fayette 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 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 operating under a certificate of convenience and necessity issued by the bureau of vehicle regulation, a local taxicab permit 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. 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 authorizing the holder thereof to conduct a taxicab business in Lexington-Fayette County.
- (8) *Special event permit* means a permit issued by the 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 331-2005, § 1, 12-13-05; Ord. No. 186-2009, § 1, 9-3-09; Ord. No. 50-2012, § 1, 4-26-12)

Sec. 18A-2. Administration; rules and regulations.

The 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 shall notify all local taxicab permit holders of any change to the rules and regulations sixty (60) calendar days before their effective date.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 2, 4-26-12)

Sec. 18A-3. Local taxicab permit required.

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. The 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 or his designee shall state his reasons in writing. The applicant may request a hearing before the 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 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. 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 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 331-2005, § 1, 12-13-05; Ord. No. 50-2012, § 3, 4-26-12)

Sec. 18A-4. Application and renewal for a local taxicab permit.

Prior to receiving or renewing a local taxicab permit, a holder or applicant shall file with the 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 or his designee.
- (8)

Such further information as the commissioner of public safety or his designee may require.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 4, 4-26-12)

Sec. 18A-5. Indemnity bond or liability insurance required.

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 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 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 5, 4-26-12)

Sec. 18A-6. Local taxicab permit fees.

The holder of a local taxicab permit shall pay an annual permit fee of one hundred twenty dollars (\$120.00) for each vehicle operated under a local taxicab permit.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-7. Taxicab driver's permit.

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 and pay a fifteen-dollar (\$15.00) 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 6, 4-26-12)

Sec. 18A-8. Application for driver's permit.

- (a) An application for a taxicab driver's permit shall be filed with the commissioner of public safety or his designee 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). 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 6, 4-26-12)

Sec. 18A-9. Police investigation of applicant; traffic and police record.

The 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 7, 4-26-12)

Sec. 18A-10. Consideration of application.

The 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 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 8, 4-26-12)

Sec. 18A-11. Issuance of permit; duration; annual fee; renewal.

Upon approval of an application for a taxicab driver's permit, the commissioner of public safety or his designee 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 year. The permit for every fiscal year thereafter shall be issued upon payment of twenty-five dollars (\$25.00) 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 9, 4-26-12; Ord. No. 06-2014, § 1, 1-30-14)

Sec. 18A-12. Display of permit.

Every driver issued a permit under this chapter shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-13. Suspension and revocation of permit.

The 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 sixty-five (365) calendar days. The 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 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 or his designee must state his reasons in writing. The driver may request a hearing before the commissioner of public safety or his designee 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 10, 4-26-12)

Sec. 18A-14. Failure to comply with urban county, state and federal laws.

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](#).

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 11, 4-26-12)

Sec. 18A-15. Vehicles; equipment and maintenance.

(a)

Periodic safety inspections. Every vehicle operating under this chapter may be periodically inspected by an urban county government official at such random intervals as shall be established by the commissioner of public safety or his designee 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 within ten (10) days of the inspections and a sticker indicating when the inspection occurred shall be visible in the taxicab.
- (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. All identifying markings on the vehicles shall be plainly distinguishable 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 and the name of the company, individual or association by whom the vehicle is owned. 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 chapter to be issued to the driver and the vehicle shall be taken out of service until it is in compliance with this chapter. 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 department of public 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 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 shall place a 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, 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 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 186-2009, § 2, 9-3-09; Ord. No. 50-2012, § 12, 4-26-12)

Sec. 18A-16. Taximeter required.

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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 13, 4-26-12)

Sec. 18A-17. Rates of fare; rate card required.

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 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. 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."

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 14, 4-26-12)

Sec. 18A-18. Receipts.

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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 15, 4-26-12)

Sec. 18A-19. Nonfare passengers.

No person operating a taxicab shall carry a person other than the passenger(s) by whom he has been engaged or his supervisor.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-20. Prohibitions of drivers.

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 unlawful purpose.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 16, 4-26-12)

Sec. 18A-21. Taxicab service.

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-hour service, three hundred sixty-five (365) days per year. 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.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 17, 4-26-12)

Sec. 18A-22. Manifest.

Every driver shall maintain a daily manifest, upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare; and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the commissioner of finance.

Every holder of a local taxicab permit shall retain and preserve all driver manifests in a safe place for at least one (1) year, and said manifests shall be available to the commissioner of finance.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-23. Holder's records and reports.

- (a) Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the commissioner of finance. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the commissioner of finance.
- (b) Every holder shall submit reports of receipts, expenses and statistics of operation to the commissioner of finance for each of its fiscal years in accordance with the uniform system prescribed by the commissioner. Said report shall reach the commissioner on the date the holder's federal tax return is due.
- (c) All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of fifteen hundred dollars (\$1,500.00) shall be reported within twenty-four (24) hours from the time of occurrence to the division of police in a form of report that is a duplicate of the accident report that must be furnished to the commonwealth.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-24. Division of police; duty to enforce chapter.

The 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, who will order or take appropriate action.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 18, 4-26-12)

Sec. 18A-25. [Random compliance inspections permitted.]

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.

(Ord. No. 50-2012, § 20, 4-26-12)

Sec. 18A-26. Penalty.

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 (\$100.00) 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 shall revoke or permanently deny a local taxicab permit to any holder or applicant who willfully and intentionally files a fraudulent annual inspection record.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 19, 4-26-12)

FOOTNOTE(S):

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Editor's note— Section 1 of Ord. No. 132-78, adopted June 15, 1978, repealed §§ 18A-11—18A-14, relating to licensing of taxicab drivers, derived from Ord. No. 284-70, §§ 2—5, adopted Dec. 24, 1970. Section 2 of Ord. No. 132-78 added a new ch. 18A, §§ 18A-1—18A-23. Section 18A-28, severability provisions, has been omitted from codification. Subsequently, Ord. No. 172-78, adopted July 27, 1978, amended ch. 18A by including §§ 18A-15—18A-24, thus superseding §§ 18A-15—18A-23 of Ord. No. 132-78. ([Back](#))

Subsequently, Ord. No. 348-2002, § 1, adopted December 12, 2002, amended ch. 18A, §§ 18A-1—18A-24, in its entirety. At the discretion of the editor, a new provision intended for use as § 18A-1.1 was renumbered as § 18A-2, and the subsequent new provisions were renumbered accordingly. Former ch. 18A pertained to similar subject matter, and derived from Ord. No. 132-78, § 2, adopted June 15, 1978, Ord. No. 202-85, § 1, adopted October 8, 1985, and Ord. No. 22-86, §§ 1, 2, adopted February 20, 1986. ([Back](#))

Cross reference— Horse-drawn vehicles, § 4-24 et seq. ([Back](#))

State Law reference— Motor carriers, KRS ch. 281. ([Back](#))

ITEM	REFERRED BY	DATE	STATUS
Standards and Oversight of Rehabilitation Homes	Lawless	11/12/13	
Staffing Level at the Div. of Community Corrections and the Inmate to Officer Ratio	Henson	11/19/13	October 2014
Outsourcing of Fire Building Maintenance	Budget Link	12/3/13	February 2014
Taxi Cab Ordinance	Lawless	2/11/14	September/October 2014
Anonymous Employee Satisfaction Survey Every 6 Months for Community Corrections	Lawless	4/28/14	October 2014
Substance Abuse Coordinator	Stinnett	6/17/14	September 2014
Community Corrections Turnover	Public Safety Link	6/17/14	October 2014
Community Corrections Exit Interviews Conducted by Human Resources	Public Safety Link	6/17/14	October 2014
Merge Division of Emergency Management (DEM) into Fire & Emergency Management Services	Public Safety Link	6/17/14	
Community Corrections Exit Interviews	Public Safety Link	6/17/14	October 2014
EMS Transport Fees	Henson	7/1/14	
Ridesharing Regulations	Henson	7/8/14	September 2014
Scrape Metal Dealers UCG Code 13.54-3	Farmer	9/9/14	
Sky Lanterns	Clarke	9/9/14	October 2014