

AN ORDINANCE CREATING SECTION 3-29 OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO DEFINE COMMERCIAL QUADRICYCLES; AN ORDINANCE CREATING SECTION 3-29(2)(1) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES THAT A PERMIT IS REQUIRED TO OPERATE A COMMERCIAL QUADRICYCLE; CREATING SECTION 3-29(2)(1)(A) TO REQUIRE A WRITTEN APPLICATION FOR A PERMIT; CREATING SECTION 3-29(2)(1)(B) TO REQUIRE GENERAL LIABILITY INSURANCE TO OPERATE A COMMERCIAL QUADRICYCLE; CREATING SECTION 3-29(2)(1)(C) TO REQUIRE THAT EVERY COMMERCIAL QUADRICYCLE HAVE A SAFETY INSPECTION; CREATING SECTION 3-29(2)(1)(D) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO REQUIRE SUBMISSION OF A PROPOSED TRAVEL ROUTE; CREATING SECTION 3-29(2)(1)(E) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO REQUIRE AN ANNUAL PERMIT FEE OF \$250.00; CREATING SECTION 3-29(2)(1)(F) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO ALLOW FOR SUBMISSION OF ANY OTHER DOCUMENTS AS THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL MAY REQUIRE; CREATING SECTION 3-29(2)(2) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF THE PERMIT; CREATING SECTION 3-29(2)(2)(A) TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF A PERMIT IF THE APPLICANT FAILS TO COMPLY WITH ONE OR MORE PROVISIONS OF THE CHAPTER; CREATING SECTION 3-29(2)(2)(B) TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF A PERMIT FOR FRAUD OR MISREPRESENTATION IN SECURING THE PERMIT; CREATING SECTION 3-29(2)(2)(C) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF A PERMIT FOR FRAUD, OR MISREPRESENTATION ON THE APPLICATION; CREATING SECTION 3-29(2)(2)(D) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION IF THE PERMIT IS ALTERED, DEFACED OR COUNTERFEITED; CREATING SECTION 3-29(2)(2)(E) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF THE PERMIT FOR FAILURE TO COMPLY WITH STATE, LOCAL OR FEDERAL LAW; CREATING SECTION 3-29(2)(2)(F) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF THE PERMIT TO PROVIDE FOR AN APPEAL OF DENIAL, SUSPENSION OR REVOCATION OF THE PERMIT WITHIN 7 DAYS TO THE COMMISSIONER OF PUBLIC SAFETY; CREATING SECTION 3-29(3)(1) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO REQUIRE BUSINESSES SUBMIT THEIR PROPOSED TRAVEL ROUTE TO THE ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; CREATING SECTION 3-29(3)(1)(A) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE PROPOSED TRAVEL ROUTE TO INCLUDE THE STARTING AND ENDING POINTS; CREATING SECTION 3-29(3)(1)(B) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THAT THE TRAVEL ROUTE MUST INCLUDE DROP OFF POINTS; CREATING SECTION 3-29(3)(1)(C) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE PROPOSED TRAVEL ROUTE AND INCLUDE THE DURATION OF THE TRIP; CREATING SECTION 3-29(3)(1)(D) OF THE CODE OF ORDINANCES TO PROVIDE FOR THE PROPOSED TRAVEL ROUTES AND INCLUDING THE EXPECTED TRAVEL TIMES; CREATING SECTION 3-29(3)(1)(E) OF THE CODE OF ORDINANCES RELATING TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE PROPOSED TRAVEL ROUTES SHALL INCLUDE THE DAYS OF THE WEEK THE QUADRICYCLE WOULD BE TRAVELING THIS ROUTE; CREATING SECTION 3-29(3)(2) RELATED TO COMMERCIAL QUADRICYCLES OUTLINING THE APPROVED AREA FOR TRAVEL ROUTES; CREATING SECTION 3-29(3)(3) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR FACTORS FOR APPROVAL OR DENIAL OF THE PROPOSED TRAVEL ROUTES; CREATING SECTION 3-29(3)(3)(A) OF THE CODE OF ORDINANCES RELATED TO

COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE OTHER TRAVEL ROUTES FOR APPROVAL; CREATING SECTION 3-29(3)(3)(B) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A FACTOR OF TERMINATION OR THE SAFETY CONCERNS REGARDING OPERATING ON HIGHWAYS AND STREETS; CREATING SECTION 3-29(3)(3)(C) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE DENSITY OF VEHICULAR AND PEDESTRIAN TRAFFIC MAY FACTOR IN DETERMINING THE TRAVEL ROUTE; CREATING SECTION 3-29(3)(3)(D) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR ANY OTHER INFORMATION RELEVANT TO THE APPROVAL PROCESS; CREATING SECTION 3-29(3)(4) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THAT THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL MAY PLACE ADDITIONAL CONDITIONS AND LIMITATIONS ON THE APPROVED TRAVEL ROUTE; CREATING SECTION 3-29(3)(5) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR AN APPEAL OF ANY DENIED TRAVEL ROUTE WITHIN SEVEN (7) DAYS TO THE COMMISSIONER OF PUBLIC SAFETY; CREATING SECTION 3-29(4)(1) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR AN ANNUAL SAFETY INSPECTION; CREATING SECTION 3-29(4)(1)(A) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A SLOW MOVING EMBLEM ON THE QUADRICYCLE; CREATING SECTION 3-29(4)(1)(B) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A BACK OR A SEAT BELT FOR EACH PASSENGER SEAT ON THE QUADRICYCLE; CREATING SECTION 3-29(4)(1)(C) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A MINIMUM OF FOUR HYDRAULIC OPERATED BRAKES; CREATING SECTION 3-29(4)(1)(D) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A REAR VIEW MIRROR; CREATING SECTION 3-29(4)(1)(E) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR HEADLIGHTS AND TAILLIGHTS; CREATING SECTION 3-29(4)(1)(F) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR BRAKE LIGHTS; CREATING SECTION 3-29(4)(1)(G) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR TURN SIGNALS; CREATING SECTION 3-29(4)(1)(H) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A TRASH RECEPTACLE; CREATING SECTION 3-29(4)(1)(I) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR ALL EQUIPMENT TO COMPLY WITH APPLICABLE FEDERAL AND STATE LAW; CREATING SECTION 3-29(4)(2) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE AUTHORIZED PUBLIC CONSUMPTION LICENSE BE AFFIXED TO THE COMMERCIAL QUADRICYCLE; CREATING SECTION 3-29(5) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THE HOURS OF OPERATION; CREATING SECTION 3-29(6)(1) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR A MAXIMUM OF FORTY-EIGHT OUNCES (48) OF MALT BEVERAGES FOR CONSUMPTION ON COMMERCIAL QUADRICYCLES; CREATING SECTION 3-29(6)(2) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR FILLING OF AN APPLICATION FOR ALCOHOLIC PUBLIC CONSUMPTION LICENSE; CREATING SECTION 3-29(7)(1)(A) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THAT QUADRICYCLES OPERATE IN CONFORMITY WITH TO THE LOCAL AND STATE TRAFFIC LAWS; CREATING SECTION 3-29(7)(1)(B) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THAT AN OPERATOR SHALL BE AT LEAST 21 YEARS OLD; CREATING SECTION 3-29(7)(1)(C) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR AN OPERATOR TO HOLD A VALID DRIVER'S LICENSE AND CERTIFIED ALCOHOLIC BEVERAGE SERVER TRAINING; CREATING SECTION 3-29(7)(1)(D) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR THAT ALL PASSENGERS REMAIN SEATED WHILE QUADRICYCLE IS IN MOTION; CREATING SECTION 3-29(7)(1)(E) OF THE CODE OF ORDINANCES RELATED TO

COMMERCIAL QUADRICYCLES TO LIMIT THE NUMBER OF PASSENGERS TO THE NUMBER OF INSPECTED SEATS; CREATING SECTION 3-29(7)(1)(F) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THAT NO COMMERCIAL QUADRICYCLE SHALL BE STORED ON PUBLIC PROPERTY INCLUDING STREETS OVERNIGHT; CREATING SECTION 3-29(7)(1)(G) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE ALL COMMERCIAL QUADRICYCLE SHALL OPERATE AS CLOSE AS POSSIBLE TO THE SHOULDER OF THE ROAD; CREATING SECTION 3-29(7)(1)(H) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE THE DRIVER AND OTHER EMPLOYEES MUST NOT BE UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES OR ILLEGAL SUBSTANCES; CREATING SECTION 3-29(8)(1) OF THE CODE OF ORDINANCES RELATED TO COMMERCIAL QUADRICYCLES TO PROVIDE FOR LOADING AND UNLOADING OF PASSENGERS SHALL BE DONE OFF ROADWAY.

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

Section 1 - That Section 3-29(1) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is created to read as follows:

Commercial Quadricycles

That Commercial Quadricycles shall have the same meaning as set out in 241.010(16).

Section 2 - That Section 3-29(2) of the Code of Ordinances for Lexington-Fayette Urban County Government, be and hereby created to read as follows:

(1) No person shall drive or operate a commercial quadricycle for hire in Lexington Fayette Urban County unless the commercial quadricycle owner obtains an operating permit from the Division of Alcoholic Beverage Control, in compliance with the following requirements:

- (a) Completion of a written application with the Division of Alcoholic Beverage Control which must include the commercial quadricycle business' name, registered address and Articles of Incorporation;
- (b) Written documentation that the commercial quadricycle business has general liability insurance of at least 2 million dollars from an insurer authorized to do business in the commonwealth of Kentucky;
- (c) Documentation that every commercial quadricycle operated on public streets and highways has been inspected and is certified as meeting the safety and equipment standards;
- (d) A proposed travel route which shall meet the requirements of Section 3 of this chapter;

- (e) Payment of an annual permit fee of \$250.00 per quadricycle to the Division of Revenue;
- (f) Any other documents as the Division of Alcoholic Beverage Control may require.

(2) Any permit under this section may be denied, suspended or revoked for one or more of the following reasons:

- (a) the applicant has failed to comply with one or more of the provisions of this chapter;
- (b) fraud, misrepresentation, or bribery in securing or renewing a permit;
- (c) Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of the applicant's business;
- (d) the operating permit is defaced, altered, forged or counterfeited, or
- (e) failure to comply with any other local, state or federal law.
- (f) A commercial quadricycle business may appeal any denial, suspension, or revocation within 7 days of the date of the decision to the Commissioner of Public Safety. A denial by the Commissioner of Public Safety may be appealed within 30 days of the decision to the Fayette County Circuit Court.

Section 3. That Section 3-29(3) of the Code of Ordinances of the Lexington-Fayette Urban County Government is hereby created to read as follows:

(1) Commercial quadricycle businesses must submit its proposed travel route to the Alcoholic Beverage Control Administrator for approval. Proposed travel routes shall include:

- (a) starting and ending points
- (b) drop off points
- (c) duration of the trip
- (d) expected starting times and
- (e) the days of the week that the quadricycle will be traveling this route.

(2) The travel route will be restricted to the following boundaries: High Street turning into Versailles Road from Woodland Avenue to South Forbes Road; South Forbes Road from Versailles Road to West Main Street; West Main Street from South Forbes Road to Newtown Pike; Newtown Pike from West Main Street to Fourth Street; Fourth Street from Newtown Pike to Jefferson Street; Jefferson Street from Fourth Street to Sixth Street; Sixth Street from Jefferson Street to Elm Tree Lane; Elm Tree Lane from Sixth Street to East Third Street; East Third Street from Elm Tree Lane to Winchester Road; Winchester Road

from East Third Street to Delaware Avenue; Delaware Avenue from Winchester Road to Henry Clay Blvd; Henry Clay Blvd. from Delaware Avenue to Fairway Drive; Fairway Drive From Henry Clay Blvd to Fairwood Lane; Fairwood Lane from Fairway Drive to East Main Street; East Main Street from Henry Clay Blvd. to Woodland Avenue and Woodland Avenue from East Main Street to High Street. The proposed travel route will need to be vetted with Traffic Engineering, Lexington Division of Police, and Streets and Roads for any adverse impact on safety and roadways. The applicant must submit its planned route during the application process for approval.

(3) Approval or denial of the purposed travel routes for commercial quadricycles will include but not limited to the following factors:

- (a) The number of other travel routes
- (b) The safety concerns raised by operating the quadricycle on public highways and streets
- (c) The density of vehicular and pedestrian traffic in an area during the proposed operating times, and
- (d) Any other information relevant to the approval process

(4) The Division of Alcoholic Beverage Control may place additional conditions and limitations on any approved travel route, such conditions and limitations may include, but not limited to, dates and times of operation.

(5) Appeal of any denied travel route may be made within 7 days to the Commissioner of Public Safety. A denial by the Commissioner of Public Safety may be appealed within 30 days of the decision to the Fayette County Circuit Court.

Section 4 – That section 3-29(4) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Safety and Equipment Standards:

(1) Every commercial quadricycle in operation shall be annually inspected by the Division of Alcoholic Beverage Control and meet the following minimum requirements:

- (a) A slow-moving emblem in accordance with KRS 189.820;
- (b) A back or seatbelt for each passenger seat;
- (c) A minimum of four hydraulically operated brakes;
- (d) A review mirror;
- (e) Headlights; and tail lights if planning to operate at night;

- (f) Brake lights;
- (g) Turning signals;
- (h) A trash receptacle for refuse; and
- (i) Any other equipment required to comply with all applicable federal and state law.

(2) Commercial quadricycle business shall affix its Authorized Public Consumption license number to each commercial quadricycle in a clear and conspicuous place, if it is allowing for consumption of alcohol.

Section 5 – That section 3-29(5) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Hours of Operation.

Commercial quadricycles shall only operate between the local hours of 10:00 a.m. to 11:00 p.m., Monday through Saturday, and 11:00 a.m. to 10:00 p.m. on Sunday.

Section 6 – That Section 3-29(6) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Consumption of Alcohol

(1) Consumption of Alcohol shall be allowed if the proper alcoholic consumption license is obtained by the quadricycle business. The APC license will permit passengers to bring a maximum of forty eight (48) total ounces of malt beverages for consumption during travel from nondescript cups; shall not permit glass containers; shall not sell alcoholic beverages or provide samples.

(2) An individual applying for an Alcoholic Public Consumption license shall file an application using the current Alcoholic Beverage Control process and standards, locally and with State Alcoholic Beverage Control. Along with the application, affidavit of publication and newspaper clipping, background check, articles of incorporation, deed/lease/permit, fee payment form, final inspection form, quadricycle photograph and photo copy of driver's license/photo identification are required to be submitted.

Section 7 – That Section 3-29(7) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

Standards for Commercial Quadricycle Operation:

(1) (a) Every quadricycle shall operate in conformity and with respect to all traffic laws, rules and regulations of the Lexington-Fayette Urban County Government and the

Commonwealth of Kentucky.

- (b) Commercial quadricycle operators shall be twenty-one (21) years old,
- (c) Hold a valid drivers' license, complete certified Alcoholic Beverage Control server training program as approved by local or state Alcoholic Beverage Control.
- (d) No person shall operate a commercial quadricycle unless all passengers are seated in a seat designated for that purpose and remain seated the entire time the quadricycle is in motion.
- (e) No person shall operate a commercial quadricycle when the number of passengers exceeds the number of available inspected seats.
- (f) No commercial quadricycle shall be stored on public property overnight, including, but not limited to streets, highways or thoroughfares.
- (g) Every commercial quadricycle shall operate as close as possible to the shoulder of the road, except when necessary to overtake another vehicle or to avoid a stationary object.
- (h) The driver and other employees must not consume or be under the influence of alcoholic beverages or illegal substances.

Section 8 – That Section 3-29(8) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

Standards for Loading and Unloading Passengers.

(1) Loading and unloading passengers shall be done off roadway in a parking lot, if possible, for traffic and passenger safety.

Section 9 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL
PUBLISHED: