

ORDINANCE NO. _____ 2015

AN ORDINANCE AMENDING CHAPTER 18A OF THE CODE OF ORDINANCES RELATING TO VEHICLES FOR HIRE AS FOLLOWS: AMENDING SECTION 18A-1(6) TO INCLUDE THE DEFINITION OF TAXICAB AND TRANSPORTATION NETWORK COMPANY SERVICES; CREATING SECTION 18A-1(10) TO DEFINE WHEELCHAIR ACCESIBLE TAXICAB; AMENDING SECTION 18A-3 TO LOWER THE REQUIRED MINIMUM NUMBER OF TAXICABS IN A FLEET FROM TWENTY-FIVE (25) TO TEN (10) AND TO ALLOW THE ADDITION OF TAXICABS IN A FLEET BY INCREMENTS OF ONE (1); AMENDING SECTION 18A-6 TO ALLOW A WAIVER OR REDUCTION IN ANNUAL PERMIT FEES FOR WHEELCHAIR ACCESIBLE TAXICABS; AMENDING SECTION 18A-16 TO ALLOW A MOBILE APPLICATION TO BE USED IN PLACE OF TAXIMETER; AMENDING SECTION 18A-21 TO DELETE THE TWO-WAY COMMUNICATION AND CENTRAL DISPATCH AND TWENTY-FOUR (24) HOUR SERVICE, THREE HUNDRED SIXTY-FIVE (365) DAYS PER YEAR REQUIREMENTS; AND AMENDING SECTION 18A-22 TO ALLOW FOR ELECTRONIC MAINTENANCE OF MANIFESTS.

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

Section 1 - That Section 18A-1(6) of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

(6) "*Taxicab*" means any form of 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 or to any vehicle providing Transportation Network Company Services for a licensed Transportation Network Company as defined by 601 KAR 1:112E.

Section 2 - That Section 18A-1(10) of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is created to read as follows:

(10) "Wheelchair accessible taxicab" means any form of motor vehicle defined as a taxicab, which is a minivan or a similar vehicle specially adapted to wheelchair users.

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

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

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.

The commissioner of public safety or his designee may reduce or waive the annual permit fee for all wheelchair accessible taxicabs operated by a holder of a local taxicab permit. The wheelchair accessible taxicab must meet the definition in Section 18A-1(10).

Section 5 - That Section 18A-16 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

All taxicabs operated under the authority of this chapter shall be equipped with taximeters or shall have a mobile application comparable to a taximeter designed to accurately measure the distance traveled by a taxicab, to record the time said taxicab travels or is waiting and to indicate the fare to be charged. The taximeters or mobile application shall be fastened in front of the passengers. The taximeter or mobile application shall be visible to [them] passengers 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. Mobile applications shall be operated by a specifically designed application for the driver and company that is operated from a mobile device large enough to be visible to a passenger and controlled by global positioning systems. It shall be the duty of the driver to activate the taximeter or mobile application at the time the taxicab is employed and to deactivate the taximeter or mobile application at the termination of each trip. The meter or mobile application shall be operated on a mileage basis except when the driver is instructed to wait or stopped in traffic, at which time the meter or mobile application shall be operated on a time basis. Taximeters or mobile application 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 or mobile application, 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 or mobile application is repaired and operates in accordance with this chapter.

Section 6 - 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 7 - That Section 18A-22 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

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; such manifest shall be kept in either paper form or electronically by the driver or owner, 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, and subject to inspection or review on demand by a law enforcement officer.

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.

Section 8 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL
PUBLISHED: