~~7-28~~9-14-26 DRAFT

ORDINANCE NO. _____ - 2026

AN ORDINANCE CREATING ARTICLE XIV OF CHAPTER 18 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES REGARDING VEHICLE SPEED CONTESTS AND RECKLESS DRIVING EXHIBITIONS; CREATING SECTION 18-191 OF THE CODE TO PROVIDE FOR DEFINITIONS OF "BOARD"; "BURNOUT"; "DOUGHNUT"; "DRIFTING"; "RECKLESS DRIVING EXHIBITION"; "VEHICLE"; "VEHICLE SPEED CONTEST"; AND "WHEELIE"; CREATING SECTION 18-192 OF THE CODE TO PROHIBIT VEHICLES FROM BEING USED IN VEHICLE SPEED CONTESTS OR RECKLESS DRIVING EXHIBITIONS; CREATING SECTION 18-193 OF THE CODE TO PROHIBIT ~~THE PROMOTION OF VEHICLE SPEED CONTESTS AND RECKLESS DRIVING EXHIBITIONS; CREATING SECTION 18-194 OF THE CODE TO PROHIBIT~~ VEHICLES FROM BEING USED AS AN OBSTRUCTION ON ANY STREET TO FACILITATE OR TO AID AND ABET ANY VEHICLE SPEED CONTEST OR RECKLESS DRIVING EXHIBITION; CREATING SECTION 18-~~195~~194 TO PROVIDE FOR THE ENFORCEMENT OF THIS ARTICLE, INCLUDING CIVIL PENALTIES FOR VIOLATIONS AND A PROCESS OF IMPOUNDING VEHICLES FOR A PERIOD OF ~~THIRTY (30) DAYS FOR THE FIRST VIOLATION OF SECTION 18-192 OR 18-194 AND~~ SIXTY (60) DAYS FOR SECOND AND SUBSEQUENT VIOLATIONS, NOTICE REQUIREMENTS, REQUIREMENTS FOR RELEASE OF VEHICLES, AND THE POSSIBILITY OF ESCHEATMENT OF THE VEHICLE TO THE URBAN COUNTY GOVERNMENT; CREATING SECTION 18-~~196~~195 TO PROVIDE ~~THOSE RESPONSIBLE FOR ENFORCEMENT OF THIS ORDINANCE AND~~ THE RIGHT TO APPEAL TO THE ADMINISTRATIVE HEARING BOARD; CREATING SECTION 18-~~197~~196 OF THE CODE TO SET CIVIL PENALTIES AT $~~2,250~~1,500.00 FOR THE FIRST VIOLATION OF ~~SECTION 18-192 OR 18-194,~~THIS ARTICLE AND $4,500.00 FOR EACH SUBSEQUENT VIOLATION~~, AND UP TO $1,000.00 FOR THE FIRST VIOLATION OF SECTION 18-193, AND UP TO $2,000.00 FOR EACH SUBSEQUENT VIOLATION; All~~; ALL EFFECTIVE JANUARY 1, 2027.

WHEREAS, the use of a vehicle to engage in vehicle speed contests or reckless driving exhibitions upon the streets of Lexington-Fayette County, and ~~the promotion of~~obstructing the streets to facilitate such vehicle speed contests or reckless driving exhibitions, result not only in unsafe traffic conditions for other vehicles, ~~playing~~ children at play and pedestrians, but also attract ~~rowdy, uncivil, intimidating, and criminal~~illegal activity ~~to the vicinity of,~~ such ~~events, including~~as gambling ~~upon the outcome of such events~~, which, together, engenders fear and disinvestment among neighborhood

residents and prevents the full and peaceful enjoyment of the use of their property, or otherwise negatively impacts ~~on~~ the health, safety, and welfare of the community; and

WHEREAS, complaints of such vehicle speed contests and reckless driving exhibitions have been made; and

WHEREAS, such vehicle speed contests and reckless driving exhibitions can result in damage to the streets, which costs are ~~born~~borne by the public and surrounding property owners, and the property of others, and can also necessitate the assignment of Lexington-Fayette Urban County personnel or equipment to protect the health, safety or property of residents; and

WHEREAS, these activities are therefore declared to be a public nuisance, which justifies taking firm action to abate the public nuisance, including impoundment and forfeiture of the property; and

WHEREAS, the Lexington-Fayette Urban County Council wishes to enact provisions regulating vehicle speed contests and reckless driving.

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

Section 1 – That Article XIV of Chapter 18 of the Lexington-Fayette Urban County Code of Ordinances titled "**VEHICLE SPEED CONTESTS AND RECKLESS DRIVING EXHIBITIONS**" be and hereby is created, which shall contain sections 18-191 through 18-~~197~~196 created herein.

Section 2 – That Section 18-191 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-191. – Definitions.

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section:

(1) *Board:* The Administrative Hearing Board, created pursuant to section 12-6.

(2) *Burnout*: A maneuver performed while operating a vehicle whereby the vehicle is kept stationary, or is in motion, while the wheels are spun, resulting in friction which causes the vehicle's tires to heat up and emit smoke.

(3) *Doughnut*: A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion which may cause either a circular skid-mark pattern of rubber on the driving surface or the tires to heat up and emit smoke from friction, or both.

(4) *Drifting*: A maneuver performed while operating a vehicle whereby the vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn.

(5) *Reckless Driving Exhibition*: To perform or engage in any burnouts, doughnuts, drifting, wheelies, or other dangerous vehicle activity on a street.

(6) *Vehicle*: Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except electric low-speed scooters, devices moved exclusively by human or animal power, or used exclusively upon stationary rails or tracks or which derives its power from overhead wires.

(7) *Vehicle Speed Contest:* A vehicle race against another vehicle, a clock, or other timing device.

(~~7~~8) *Wheelie:* A maneuver performed while operating a vehicle whereby a vehicle is ridden for a distance with the front wheel or wheels raised off of the ground.

Section 3 – That Section 18-192 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-192. - Vehicle Speed Contests and Reckless Driving Exhibitions.

It shall be unlawful for a vehicle to be used in a vehicle speed contest or a reckless driving exhibition on any street.

~~———~~Section 4 – That Section 18-193 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-193. ~~– Coordinating or Promoting Vehicle Speed Contests and Reckless Driving Exhibitions.~~

~~It shall be unlawful for a person to coordinate through social media or otherwise, to encourage persons to gather, or to collect monies at any location, for any such vehicle speed contest or reckless driving exhibition.~~

~~Section 5 – That Section 18-194 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:~~

~~Sec. 18-194. –~~ Obstruction of Streets

It shall be unlawful for a vehicle to be used in any manner to obstruct, or to act as a barricade, on any street for the purposes of facilitating or aiding or abetting or otherwise as an incident to any vehicle speed contest or reckless driving exhibition.

Section 5 – That Section 18-194 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-194. ~~Section 6 – That Section 18-195 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:~~

~~Sec. 18-195. —~~ Enforcement.

(a) *Authorized Officials.* The provisions of this article may be enforced by any peace officer within the Division of Police.

(b) *Civil Penalties and Impoundment* **~~of Vehicles Pursuant to Secs. 18-192 or 18-194~~**.

~~(a)~~(1) For a first violation of ~~section 18-192 or 18-194~~this article, the ~~urban county government may impound a~~ owner of the vehicle ~~used~~shall be

assessed a civil penalty in ~~violation of sections 18-192 or 18-194 for a period of thirty (30) days, as~~the amount provided in ~~this section. The length of impoundment~~Section 18-196, which may be ~~decreased~~appealed as provided by 18-195(b). Any civil citation shall contain the ~~Board during an appeal under~~requirements of section ~~18-196(c).~~2B-6.

~~For~~(2) In addition to the civil penalty provided in Section 18-196, for a second violation and each subsequent violation of ~~section 18-192 or 18-194~~this article, thereafter, the urban county government may also impound ~~a~~the vehicle used in violation of ~~section 18-192 or 18-194~~this article for a period of sixty (60) days, as provided in this section. The length of impoundment may be decreased by the Board during an appeal under section 18-~~196(c~~195(a).

~~(b)~~(c) *Immediate Impoundment.* Any official authorized to enforce any provision of this section may immediately seize and impound a vehicle for a second or subsequent violation of ~~section 18-192 or 18-194~~this article based on video surveillance, photographs, the official's personal observation ~~and/~~or the sworn testimony by one or more eyewitnesses, when the vehicle is located at the time of the violation or immediately thereafter. At the time of impoundment, the official shall provide a civil citation containing the requirements of section 2B-6 and notice of the owner's right to appeal, as provided in section 18-~~196(c~~195(a) and (~~d~~b).

~~(c) *Notice of Future Impoundment.*~~

~~(1) In addition to the impoundment authorized under section 18-195(b), any official authorized to enforce any provision of this section shall be permitted to seize and impound a motor vehicle after a violation of section 18-192 or 18-194, provided that the requirements of this subsection are met. Before any seizure or impoundment under this subsection, any official authorized to enforce any provision of this section shall send to the registered owner of the vehicle to be seized and impounded, either by certified mail or by personal service to the address of the registered owner as indicated in state registration records, a notice of intent to seize and impound the vehicle that includes:~~

~~i. a copy of the citation containing a civil penalty;~~

~~ii. a statement that the government has evidence sufficient to establish probable cause that an operator of the vehicle violated sections 18-192 or 18-194 and the nature of such evidence;~~

~~iii. a copy of the police report that contains the source of the evidence for the violation;~~

~~iv. a copy of the text of this section;~~

~~v. the date, approximate time and approximate location of the alleged violation;~~

~~vi. a detailed description of the vehicle, including any identifying information; and~~

~~vii. notice of the owner's opportunity to appeal eligibility for impoundment and the issuance of a civil penalty. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.~~

~~(2) A registered owner who receives a notice under subsection (c) for the impoundment of a vehicle may contest eligibility for impoundment as provided in section 18-196(b) and the issuance of a civil penalty as provided in section 18-196(d).~~

~~(3) If a vehicle owner receives a notice pursuant to this subsection and either (i) fails to contest eligibility for impoundment or (ii) does not prevail at the hearing regarding eligibility for impoundment, the vehicle described in the notice shall be eligible for impoundment if found on any street within twelve (12) months following the date of the Board's determination regarding the hearing, if a hearing was requested, or following the last date to request a hearing on eligibility for impoundment, if none was requested. Provided, however, if the owner of the vehicle that is eligible for impoundment under this subsection pays both the civil penalty issued under section 18-197 and an additional civil penalty of $1,000 any time before such vehicle is impounded, the vehicle shall not be eligible for impoundment.~~

(d) *Requirements for release of a vehicle*. Release of a vehicle impounded under this section shall be conditioned upon the following:

(1) Payment of the citation amount in full or in part if by agreement, unless successfully appealed; and

(2) Payment of all towing charges imposed, unless successfully appealed; and

(3) Payment of all vehicle storage charges imposed for that period of time between the date the impoundment period has concluded and forty-five (45) days after the certified mailing provided in section 18-~~195~~194(e), unless successfully appealed; and

(4) (a) Proof of ownership or right to possession; or

(b) reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.

(e) *Impoundment; response to notice required.* If a vehicle impounded by the urban county government has not been claimed by the date the impoundment period has concluded, notice shall be mailed by certified mail to the registered owner, if known, and lien holders of record, if any, affording the parties the right, within ten (10) days from the date of notice, to claim the vehicle or request a hearing pursuant to KRS 82.625 if a hearing has not already been requested by the recipient of the notice. The notice shall state that, if no applicable hearing is requested, the vehicle shall be deemed abandoned unless the requirements provided in section 18-~~195~~194(d) are met within forty-five (45) days of the certified mailing of the notice. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.

(f) *Impoundment; escheat to urban county government if no response to notice.*

(1) After forty-five (45) days from the date of mailing of the notice required in section 18-~~195~~194(e), an impounded vehicle shall be deemed abandoned and the vehicle shall escheat to the urban county government.

(2) If the vehicle is judged suitable for use, urban county government may obtain a certificate of registration and ownership from the Fayette County Clerk, pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use it may be sold for its scrap or junk value.

(g) *Urban county government lien on vehicles impounded.* The urban county government shall possess a lien on all vehicles impounded pursuant to KRS 82.625 for all fines, penalties, and towing, handling, and storage charges and fees imposed thereon. Such a lien shall be superior to and have priority over all other liens thereupon.

(h) *No effect on security interest in vehicle.* Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the vehicle and those persons who claim a security interest therein.

(i) *Impoundment; Additional Notice.* A notice shall be sent via regular mail to the last known address of the registered owner of the vehicle as listed on the certificate of title seven (7) days after impoundment. Such notice shall state that if the owner of the vehicle does not respond to the notice by either

paying the civil penalty and all towing, handling, impoundment and storage charges imposed, or by requesting in writing a hearing pursuant to section 18-~~196(c~~195(a), within seven (7) days of the receipt of the notice, the owner shall be deemed to have waived ~~his~~their right to a hearing and the determination that a violation was committed shall be considered final. This notice shall be in addition to any notice provided upon impoundment. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.

(j) *Release of impounded vehicle; impoundment fees paid.* Any vehicle impounded under this section shall be held for a minimum of ~~three (3) days.~~seventy-two (72) hours. After ~~three (3) days~~seventy-two (72) hours, but before a final order regarding the impoundment is issued or created, the vehicle may be released to the owner or other person entitled to possession, if the requirements provided in section 18-~~195~~194(d) are met. After a final order regarding impoundment is issued or created, the vehicle shall be impounded for the period provided in section 18-~~195(a)~~194(b), unless successfully appealed.

Section 6 – That Section 18-195 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-195. ~~Section 7 – That Section 18-196 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:~~

~~Sec. 18-196. – Enforcement and~~ – Appeals

~~(a) The provisions of this article may be enforced by any law enforcement officer.~~

~~(b) *Appeal of Notice under section 18-195(c).* A registered owner who receives a notice under section 18-195(c) for the impoundment of a vehicle may contest eligibility for impoundment by written request delivered to the Board, within fourteen (14) days after issuance of the notice. The Board shall set a date for a hearing on the eligibility of the vehicle for impoundment and shall notify the owner of the date, time and place of the hearing. The hearing date must be no more than thirty (30) days after a request for a hearing has been filed. At the hearing, the evidence contained or referenced in the notice under section 18-195(c) shall be prima facie evidence supporting impoundment. In order to disprove the motor vehicle's eligibility for impoundment, the registered owner must prove that: (i) at the time and date of the alleged violation as described in the notice, the described vehicle was not operated at the location of the alleged violation; or (ii) at the time and~~

~~date of the alleged violation, the vehicle had been reported stolen. If the registered owner prevails, the notice of intent to impound the owner's vehicle shall be withdrawn and the vehicle shall not be eligible for impoundment at that time.~~

~~(c)~~(a) *Appeal of Impoundment.*

(1) The owner of a vehicle that has been impounded, or other person entitled to possession, may challenge the validity of such impoundment and request in writing a hearing before the Board. The hearing shall be conducted within ten (10) business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or the urban county government shows good cause for such delay. The urban county government shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond in an amount equal to the fines and fees accrued as of the date of the hearing request, or $~~3,750~~6,000, whichever is greater. If the owner or person claiming possession of the vehicle is unable to pay the amount of the bond, the hearing shall be held within seventy-two (72) hours of the date the request for hearing is received, unless such person requests or agrees to a continuance.

(2) No less than five (5) days prior to the date set for the hearing, the urban county government shall notify the person requesting the hearing of the date, time and place of the hearing. In the case of a hearing required to be held within seventy-two (72) hours of the date of the request as provided in this section, the person requesting the hearing shall be informed at the time of ~~his~~their request, or as soon thereafter as practicable, of the date, time and place of the hearing.

(3) Any person who refuses, except for good cause, or fails to appear at the time and place set for the hearing shall be deemed to have conceded on ~~his~~both their and the owner's behalf the validity of the impoundment.

(4) At the hearing, after consideration of the evidence, the Board shall determine whether the impoundment was valid and reasonable. Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted as bond because of the impoundment of the vehicle shall be returned. Where it has been established that the impoundment was justified, the Board shall uphold the impoundment and condition the release of the vehicle upon fulfillment of the requirements provided in section 18-~~195~~194(d) after the conclusion of the impoundment period provided in section 18-~~195(a~~194(b). If bond has been posted as security for release of the

vehicle, said bond shall be forfeited to the government. Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to the government.

(5) The Board may consider a citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.

(6) The length of impoundment imposed may be decreased by the Board. The Board should evaluate all relevant factors when considering a modification to the impoundment period, including, but not limited to the following:

(a) Whether any property was damaged, or persons harmed in connection with the offense; and

(b) Whether this is a first offense or a subsequent offense.

(7) An appeal from any final order issued by a hearing officer may be made to the Fayette District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

~~(d)~~(b) *Appeal of Civil Penalties.*

(1) Any person issued civil penalties for violations of ~~sections 18-192, 18-193, or 18-194~~this article may appeal to the Board created pursuant to section 12-6 within seven (7) days of the date of the citation, in accordance with Chapter 2B.

(2) An appeal from any final order issued by a hearing officer may be made to the Fayette District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure.

Section ~~8~~ 7– That Section 18-~~197~~196 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is created to read as follows:

Sec. 18-~~197~~196. – Penalties.

~~(a)~~ An owner of a vehicle in violation of ~~sections 18-192 or 18-194 of~~ this ~~Article~~article shall be subject to a civil penalty and fined $~~2,250~~1,500 for the first violation, and $4,500 for each subsequent violation. Any civil penalty fine issued pursuant hereto

shall be a separate and distinct fine and shall not be included as any portion of the costs associated with the towing of any vehicle.

~~(b) Any person who violates section 18-193 of this Article shall be subject to a civil penalty and fined up to $1,000 for the first violation, and up to $2,000 for each subsequent violation.~~

Section ~~9~~8 – If any one or more of the provisions of this Ordinance should be determined by a court of competent jurisdiction to be contrary to law, then such provisions shall be deemed to be severable from all remaining provisions and shall not affect the validity of such other provisions.

Section ~~10~~9 – That this Ordinance shall become effective on January 1, 2027.

PASSED URBAN COUNTY COUNCIL:

_____
MAYOR

ATTEST:

_____
CLERK OF URBAN COUNTY COUNCIL