

ORDINANCE NO. _____, SERIES 2017

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 115 OF THE LOUISVILLE METRO CODE OF ORDINANCES TO ESTABLISH A COMMERCIAL QUADRICYCLE PERMIT AND ADOPT REGULATIONS FOR COMMERCIAL QUADRICYCLES. (AS AMENDED)

SPONSORED BY: PRESIDENT YATES

WHEREAS, the 2016 session of the Kentucky General Assembly approved and the Governor signed SB 11 creating Section 243.089 of the Kentucky Revised Statutes, the Authorized Public Consumption alcoholic beverage license;

WHEREAS, KRS 243.089 authorizes a wet territory to issue an APC license, but only after the local government adopts an ordinance establishing an operational permit; and adopting regulations to address certain operations of commercial quadricycles, and creating specific zones for commercial quadricycles to operate;

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government desires to regulate the operation of such commercial quadricycles and allow for such businesses to apply for an Authorized Public Consumption license; and

WHEREAS, to apply for an Authorized Public Consumption license, a commercial quadricycle business must obtain an operating permit and then follow the licensing requirements as provided in LMCO Chapter 113 and KRS Sections 241 – 244.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: A new section of chapter 115 of the Louisville Metro Code of Ordinances is hereby enacted as follows:

A. Definitions.

1. *Commercial quadricycle* (“CQ”) shall have the same meaning as set out in subsection 16 of KRS Section 241.010.
2. *Commercial quadricycle business* means a person who is the owner of a commercial quadricycle or commercial quadricycle business.
3. *Commercial quadricycle operator* means the business owner or employee operating the quadricycle.
4. *Department of Codes and Regulations* is the Louisville Metro Department of Codes and Regulations or such other successor agency.
5. *Department of Public Works* is the Louisville Metro Department of Public Works or such other successor agency.
6. *Operating Permit* shall mean an annual permit issued by the Department of Codes and Regulations allowing a Commercial Quadricycle to operate ~~in a Louisville Metro Commercial Quadricycle Zone.~~

B. Requirements for an Operating Permit.

1. No person shall drive or operate a commercial quadricycle for hire in Louisville Metro Government unless the commercial quadricycle owner obtains an operating permit from the Department of Codes and Regulations in compliance with all the following requirements:
 - i. Completion of a written application with the Department of Codes and regulations, which must include the commercial quadricycle business’s name and registered address;
 - ii. Written documentation that the commercial quadricycle business has general liability insurance of at least two million dollars

(\$2,000,000) from an insurer authorized to do business in the Commonwealth of Kentucky.

- iii. Documentation that every commercial quadricycle operating on public streets and highways has been inspected and is certified as meeting the safety and equipment standards;
 - iv. A proposed travel route ~~within the Louisville Metro Commercial Quadricycle Zone~~, which shall meet the requirements of subsection ~~D~~ C of this Ordinance;
 - v. Payment of the permit fee to be established by the Director of Codes and Regulations; and
 - vi. Such other material as the Department of Codes and Regulations may require.
2. The Department of Codes and Regulations shall review and evaluate an application to operate a commercial quadricycle within thirty (30) days of receipt.
3. Any permit under this section may be denied, suspended, or revoked for one or more of the following reasons:
- i. ~~¶~~The applicant has failed to comply with one or more provisions of this chapter;
 - ii. Fraud, misrepresentation, or bribery in securing or renewing a permit;
 - iii. Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of, the applicant's

business; or

iv. ~~the~~ operating permit is defaced, altered, forged, or counterfeited;

or

v. Failure to comply with any other local, state, or federal law.

4. A commercial quadricycle business may appeal any denial, suspension or revocation within seven days of the date of the decision as provided in LMCO §§ 32.275 et seq.

C. Procedure for Approval of Travel Routes.

1. Commercial quadricycle business must submit its proposed travel route to the Department of Codes and Regulations for approval. The proposed travel route shall include:

i. The starting and ending points;

ii. Drop-off points;

iii. The duration of the trip;

iv. The expected starting times; and

v. The days of the week that the quadricycle will be traveling this route.

2. The Department of Codes and Regulations, in consultation with the Department of Public Works, may approve travel routes for commercial quadricycles after consideration of the following factors:

i. The number of other travel routes ~~in the Louisville Metro Commercial Quadricycle Zone;~~

ii. The safety concerns raised by operating the commercial

- quadricycle on proposed public highways and streets;
 - iii. The density of vehicular and pedestrian traffic in the area during the proposed operating times; and
 - iv. Any other information relevant in the approval process.
3. Appeal of any denied travel route must be done so in conformity with LMCO §§ 32.275 et seq. The appeal must be filed within seven (7) days from the date of issuance.
4. The Department of Codes and Regulations may place additional conditions and limitations on any approved travel route. Such conditions and limitations may include, but are not limited to, dates and time of operation.

D. Safety and Equipment Standards.

1. Every commercial quadricycle in operation shall be annually inspected by the Department of Codes and Regulations and meet the following minimum requirements:
- i. A slow-moving vehicle emblem in accordance with KRS Section 189.820;
 - ii. A back or seatbelt for each passenger seat;
 - iii. A minimum of four (4) hydraulically operated brakes;
 - iv. Rearview mirror;
 - v. Headlights;
 - vi. Brake lights;
 - vii. Turning signals;

- viii. A trash receptacle for refuse; and
- ix. 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 the consumption of alcohol.
3. Prior to operation of any commercial quadricycle and at the beginning of each shift or each day of operation, the commercial quadricycle operator shall inspect the commercial quadricycle for safe operating conditions and shall maintain records of such inspection, which records shall be readily available for inspection by Louisville Metro.
4. If the driver of a commercial quadricycle finds an unsafe condition during his or her inspection, he or she shall remove the commercial quadricycle from service and correct the condition before placing the commercial quadricycle back into service.

E. Hours of Operation in ~~APC Zones~~. Commercial Quadricycles shall only operate in ~~Louisville Metro Commercial Quadricycle Zones~~ between the local hours of 10 a.m. to 12 a.m. on Monday through Sunday.

F. Standards for Commercial Quadricycle Operation.

1. Every commercial quadricycle shall operate in conformity and with respect to all traffic laws, rules, and regulations of Louisville Metro and the Commonwealth of Kentucky.
2. Commercial quadricycle operators shall be eighteen (18) years old and

hold a valid driver's license.

3. Commercial quadricycles operating with an Authorized Public Consumption license shall meet the requirements of subsection 4 of KRS Section 243.089.
4. No person shall operate a commercial quadricycle unless all passengers are seated in a seat designed for that purpose and using a seatbelt if the seat provides one.
5. No person shall operate a commercial quadricycle when the number of passengers exceeds the number of available inspected seats.
6. No commercial quadricycle shall be stored on public property overnight including, but not limited to, streets, highways, or thoroughfares.
7. 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.

G. Standards for Loading and Unloading Passengers. A commercial quadricycle operator ~~picking up~~ loading or unloading passengers on a public street, highway, or thoroughfare shall pull within six inches of the curb, use appropriate signals for traffic, engage the brakes so that the commercial quadricycle is in a stationary position, and shall only allow passengers to load and/or unload when the commercial quadricycle is parked.

H. Severability. If any provision of this Section as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or

application.

I. Penalties.

1. Any violation of this Ordinance shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in Sections 32.275 et seq. or as it may be amended. The civil penalty for violations of this section is set forth below. Each day a violation continues shall be a separate violation of this section.
2. Any commercial quadricycle business that violates any of the provisions of Sections D, E, F, or G shall be fined not less than \$50, nor more than \$250.

Section II: This Ordinance shall take effect upon passage and approval.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

