

ORDINANCE NO. 18, 2021 SERIES

AN ORDINANCE ESTABLISHING PROCEDURES FOR PERMITTING AND OPERATING COMMERCIAL QUADRICYCLE BUSINESSES
WITHIN THE CITY OF FRANKFORT

WHEREAS, commercial quadricycle businesses are gaining in popularity in Kentucky and throughout the United States; and

WHEREAS, commercial quadricycle businesses can contribute to increased tourism and patronage of local businesses within the downtown core of the City of Frankfort; and

WHEREAS, the Board of Commissioners of the City of Frankfort wishes to permit commercial quadricycle businesses within certain areas of the City, and establish requirements for the same;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Frankfort, that a new Chapter 121 of the City of Frankfort Code of Ordinances is hereby adopted as follows:

COMMERCIAL QUADRICYCLE BUSINESSES

§ 121.01 DEFINITIONS.

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL QUADRICYCLE. Shall have the same meaning as set forth in KRS 241.010(16).

§ 121.02 PERMIT.

(A) A person shall not drive or operate a commercial quadricycle in the City of Frankfort unless the commercial quadricycle business owner obtains an operating permit from the Finance Department. To obtain an operating permit, the owner shall submit the following to the Finance Department:

- (1) A commercial quadricycle operating permit application on a form provided by the Finance Department, which shall include the commercial quadricycle business's name, contact information, registered address, and local address for stationing quadricycles for initial passenger pick-up.
- (2) Copy of a valid City business license and proof of payment of the appropriate business license fee, in compliance with City of Frankfort Code of Ordinances Chapter 110.
- (3) Copy of a valid City authorized public consumption license and proof of payment of the appropriate license fee, in compliance with City of Frankfort Code of Ordinances Section 111.40 and Section 121.07 of this Chapter.
- (4) Written documentation that the commercial quadricycle business has general liability insurance of at least two million dollars (\$2,000,000.00) from an insurer authorized to do business in the Commonwealth of Kentucky.
- (5) Documentation that every quadricycle to be operated on public streets and highways has been inspected and is certified by the Public Works Garage as meeting the safety and equipment standards, in compliance with Section 121.05 of this Chapter.
- (6) Payment of an operation inspection fee of \$100 for each quadricycle to be operated on public streets and highways.
- (7) A proposed travel route which meets the requirements of Section 121.04 of this Chapter.
- (8) Any other documents as the Finance Department may require.

(B) Upon successful submission of the items in Paragraph (A) above, as determined by the Finance Department, the commercial quadricycle business owner shall be issued an operating permit and/or decal which shall be kept within or affixed to each quadricycle at all times.

(C) Each quadricycle operating permit shall be renewed annually by June 30 of each year.

§ 121.03 DENIAL, SUSPENSION, AND REVOCATION OF PERMIT; APPEALS.

(A) Any permit under this Chapter may be denied, suspended or revoked for one (1) or more of the following reasons:

- (1) The applicant has failed to comply with one (1) or more of the provisions of this Chapter.
- (2) Fraud, misrepresentation, or bribery in securing or renewing a permit.
- (3) Fraud, misrepresentation, or false statements made in the application and application process, or in the course of the applicant's business.
- (4) The operating permit is defaced, altered, forged or counterfeited.
- (5) Failure to comply with any other local, state or federal ordinance, law or regulation.

(B) A commercial quadricycle business owner may appeal any denial, suspension, or revocation within seven (7) days of the date of the decision to the City Manager. A denial of the appeal by the City Manager may be appealed within thirty (30) days of the decision to the City of Frankfort Board of Commissioners.

§ 121.04 TRAVEL ROUTES.

(A) A commercial quadricycle business shall submit its proposed travel route to the Finance Department for approval.

Proposed travel routes shall include:

- (1) Starting and ending points;
- (2) Drop off points;
- (3) Duration of the trip;
- (4) Expected starting and ending times meeting the requirements of Section 121.06 of this Chapter; and
- (5) The days of the week that the quadricycle will be traveling this route.

- (B) The travel route shall be restricted to streets under the City's jurisdiction within the boundaries of the map attached to Ordinance No. 18, 2021 Series, as "Exhibit A," incorporated herein by reference. Notwithstanding this Paragraph, under no circumstances shall a quadricycle operate over or upon any parks within the approved boundaries.
- (C) Each travel route shall be submitted to and approved by the Frankfort Police Department and Frankfort/Franklin County Office of Emergency Management prior to being approved the Finance Department. The Police Department and Emergency Management shall evaluate any adverse impact on safety and roadways. This evaluation shall include, but not be limited to, the following factors:
 - (1) The number of other existing travel routes currently utilized by quadricycles;
 - (2) The safety concerns raised by operating a quadricycle on public highways and streets;
 - (3) The density of vehicular and pedestrian traffic in an area during the proposed operating times;
 - (4) The impact of any existing or proposed events or other activities in an area during the proposed operating times; and
 - (5) Any other information relevant to the approval process.
- (D) A request for any proposed changes to the travel route, including temporary route changes due to road closures, construction and the like, shall be subject to the provisions of this Section and resubmitted to the Finance Department for approval.

§ 121.05 SAFETY AND EQUIPMENT STANDARDS.

(A) Every commercial quadricycle shall be annually inspected by the City of Frankfort Public Works Garage and meet the following minimum requirements:

- (1) Display of a slow-moving vehicle emblem in accordance with KRS 189.820;
- (2) A back or seatbelt for each passenger seat;
- (3) A minimum of four (4) hydraulically operated brakes;
- (4) A rearview mirror;
- (5) Headlights; and taillights if planning to operate at night;
- (6) Brake lights;
- (7) Turning signals;
- (8) A trash receptacle for refuse; and
- (9) Any other equipment required to comply with all applicable state and federal law.

(B) A \$100.00 commercial quadricycle inspection fee shall be required for each commercial quadricycle inspected under this Section, and paid to the Finance Department as part of the commercial quadricycle operating permit application provided in Section 121.02 of this Chapter.

§ 121.06 HOURS OF OPERATION.

Commercial quadricycles shall only operate during the following hours: Monday through Saturday from 10:00am to 10:00pm, and Sunday from 11:00am to 10:00pm.

§ 121.07 CONSUMPTION OF ALCOHOL.

- (A) Consumption of alcohol shall only be allowed if the proper authorized public consumption (APC) license(s) is obtained by the quadricycle business owner and the owner complies with all applicable state law requirements and requirements in City of Frankfort Code of Ordinances Chapter 115 governing alcoholic beverages. An individual applying for an APC license shall file an application meeting the current alcoholic beverage control process and standards both locally and through the Kentucky Department of Alcoholic Beverage Control. Along with the application, affidavit of publication and newspaper clipping, a background check, articles of incorporation, fee payment form, final inspection form, quadricycle photograph and photo copy of driver's license/ photo identification shall be submitted.
- (B) The APC license shall permit passengers to bring a maximum of forty-eight (48) total ounces of malt beverages for consumption during travel. Notwithstanding ordinances and regulations related to the Entertainment Destination Center, open packages or drinks from retail premises shall be prohibited.
- (C) All permitted alcohol shall be consumed from nondescript plastic cups. Glass containers shall not be permitted.
- (D) Sale, offer for sale, or provision or offer of samples of alcoholic beverages shall be prohibited.

§121.08 STANDARDS FOR OPERATION.

- (A) Every quadricycle shall operate in conformity and with respect to all traffic laws, rules and regulations of the City of Frankfort and the Commonwealth of Kentucky.
- (B) A quadricycle operator shall be at least twenty-one (21) years old and hold a valid driver's license.
- (C) A quadricycle operator shall complete certified alcoholic beverage control server training as required by local and state alcoholic beverage control.
- (D) A quadricycle operator shall not be convicted of any criminal offense related to alcoholic beverages or controlled substances for a minimum period of two (2) years prior to employment.
- (E) No person shall operate a quadricycle unless all passengers are seated in a seat designated for that purpose and remain seated the entire time the quadricycle is in motion.
- (F) No person shall operate a quadricycle when the number of passengers exceeds the number of available inspected seats.
- (G) No quadricycle shall be stored on public property overnight, including, but not limited to, streets, highways or thoroughfares.
- (H) Every quadricycle shall operate as closely as possible to the shoulder of the road, except when necessary to overtake another vehicle or avoid a stationary object.
- (I) The operator and all other employees shall not consume or be under the influence of alcoholic beverages or illegal substances during quadricycle operation.
- (J) No quadricycle operator shall load or unload passengers in a manner which poses a safety risk to passengers, other vehicles, or pedestrians, or in a manner which damages property. When loading or unloading passengers, a quadricycle shall not block or impede pedestrian or vehicular traffic or otherwise stop or park in any manner prohibited by law, ordinance or regulation.

§121.99 PENALTY

In addition to any other remedy, any person, firm, or corporation found guilty of violating the provisions of §§ 121.01 through 121.08 shall be deemed guilty of a violation and shall be fined not less than \$20 nor more than \$500 for each offense. Each day of continuance of any violation shall be deemed a separate offense. In addition, the Frankfort Police Department is hereby authorized to tow any commercial quadricycle for violation of any parking regulation set forth in Chapter 72 of the Frankfort Code of Ordinances. Nothing herein shall preclude the appropriate citation of an operator or passenger for violation of any other law.

First Reading on the 23 day of August, 2021

Final adoption on the 27 day of September, 2021

S/Layne Wilkerson
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance establishes a new Chapter 121 of the City of Frankfort Code of Ordinances establishing procedures for permitting and operating commercial quadricycle businesses within the City of Frankfort, including definitions; requirements for obtaining an operating permit; requirements for denial, suspension, and revocation of permits, including appeals; travel route requirements; safety and equipment standards; hours of operation; requirements for consumption of alcohol; operating requirements; and penalties for violating the provisions of the Chapter.

S/Laura Milam Ross
T/City Solicitor

Published in part on October 3, 2021.

EXHIBIT A



POTENTIAL
QUADRICYCLE AREA