

The following ordinances were signed by Mayor Jim Gray, attested by Council Clerk Susan Lamb and published on Feb. 7, 2013-1t.

Ord. No. 5-2013-An Ordinance amending Articles 1, 8, 11, 12 and 16 of the Zoning Ordinance to define “automobile and refueling stations” and allow for the dispensing of compressed natural gas and any liquefied petroleum in business and industrial zones, either as a principal use or as a conditional use. Passed Jan. 31, 2013

Ord. No. 6-2013-An Ordinance amending Section 22-5(2) of the Code of Ordinances extending the term of the temporary position of Administrative Officer Sr., Grade 120E for a three (3) year term effective December 8, 2012, in the Div. of Water Quality, effective upon passage of Council. Passed Jan. 31, 2013

Ord. No. 7-2013-An Ordinance amending Section 21-5(2) of the Code of Ordinances, creating one (1) position of Staff Assistant Sr., Grade 108N, in the Div. of Community Corrections and amending Section 22-5(2) of the Code of Ordinances, abolishing one (1) position of Staff Assistant Sr., Grade 108N in the Div. of Community Corrections, and appropriating funds pursuant to Schedule No. 33. Passed Jan. 31, 2013

Ord. No. 8-2013-An Ordinance accepting the private streets in Lochmere Estates Subdivision (Lochmere Ln., Lochmere Ct., and Lochmere Loop), as public streets pursuant to the Private Street Acceptance Policy contingent upon the satisfactory completion of the final course of asphalt on the streets or posting of adequate security for the completion of such paving, posting of an adequate warranty surety related to the paving work, removal of gates from the entry to the subdivision, performance and reporting of closed-circuit televising of all storm sewers within the subdivision, and recording a final record plat within one year of passage of this Ordinance dedicating the streets as public rights of way, dedicating a ten (10) foot street maintenance easement adjacent to the right-of-way, and containing a note assigning maintenance of walls, landscaping, and any other items related to the entry features of the subdivision as well as maintenance of common areas outside the public right of way to the homeowners association. Passed Jan. 31, 2013

Ord. No. 9-2013-An Ordinance amending certain of the Budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 32. Whereas, it is necessary and proper to amend the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures: Now, Therefore, Be It Ordained By the Council of the Lexington-Fayette Urban County Government: Section 1 - That certain of the Budgets of the Lexington-Fayette Urban County Government be and hereby are amended to reflect current requirements for municipal expenditures, and that to effect such Amendments the following appropriations be and hereby are authorized and directed:)Re-appropriations within the General Service District – General Fund; Donation Fund; Sanitary Sewer Revenue and Operating Fund; and the various grant funds which do not result in changes to the Unappropriated Fund Balance of these funds. Section 2 - That the purposes of the Budget

Amendments and the Accounts to or from which funds are herein appropriated, are detailed in Budget Schedule No. 32 attached hereto and incorporated herein by reference. Section 3 - That this Ordinance shall become effective on the date of its passage. Passed Jan. 31, 2013

Ord. No. 10-2013-An Ordinance amending Section 14-85(a) of the Code of Ordinances related to towing to amend the definition of operator and create the definitions of drop fee, private impound cost schedule, standard tow, heavy duty tow, and vehicle; creating Section 14-87(3) of the Code of Ordinances related to towing regarding the license holder's responsibility for its employees; amending Section 14-88(1) of the Code of Ordinances related to towing to amend releasing of vehicles to owners; amending Section 14-88(2) of the Code of Ordinances related to towing to require a copy of the private impound cost schedule be provided to owners; creating Section 14-88(3) of the Code of Ordinances related to towing to require all tow drivers to carry copies of the private impound cost schedule; creating Section 14-88(4) of the Code of Ordinances related to towing to prohibit additional fees other than storage fees; creating Section 14-89.1 related to towing regarding notification to the vehicle owner requirements; amending Section 14-90(1) of the Code of Ordinances related to towing regarding a private impound tow truck service's retention of the vehicle owner's vehicle records; amending Section 14-90(2) of the Code of Ordinances related to towing to add the license plate numbers, state of insurance, make, model and color of the vehicle to be added to the receipt; amending Section 14-90(4) of the Code of Ordinances related to towing to amend the rate for the maximum charges for tows and storage; amending Section 14-90(6) of the Code of Ordinances related to towing to amend the persons authorized to redeem the vehicle; creating Section 14-90(7) of the Code of Ordinances related to towing regarding a credit card processing fee; creating Section 14-91(7) of the Code of Ordinances related to towing to prohibit storage of vehicles from counties other than Fayette County; amending Section 14-92(1) of the Code of Ordinances related to towing to define the requirements for a tow truck service's operator's log; creating Section 14-92(3) of the Code of Ordinances related to towing regarding electronic logs; creating Section 14-92(4) of the Code of Ordinances related to towing regarding retention of logs and files; creating Section 14-92(5) of the Code of Ordinances related to towing regarding subcontracting tow services; creating Section 14-93(11) of the Code of Ordinances related to towing to prohibit tow services from operating any vehicle that has been impounded on a public roadway within Fayette County; creating Section 14-93(12) of the Code of Ordinances related to towing regarding required contact for hookup to an occupied vehicle. Section 3 - That Section 14-88 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows: (1) If the owner or custodian of any vehicle not authorized to be parked in a private lot returns after a tow truck service has arrived but before the vehicle has been fully hooked up to the tow truck, it shall be unlawful for the tow truck service or operator to refuse to release the vehicle; however, if the vehicle has been physically raised to normal transport height by a tow truck that is capable of towing the vehicle to be impounded and properly registered to accommodate the weight of the impounded vehicle; and/ or the vehicle is partially loaded onto a flat bed rollback truck, the tow truck operator may charge a fee not to exceed one-half of the maximum towing fee posted at the storage yard before releasing the vehicle

or discontinuing the towing process. For tow vehicles utilizing a wheel lift apparatus, merely having tow pans affixed to the tow truck and violator vehicle shall constitute a hook up and be considered legal for a drop fee. (2) No tow truck operator shall request payment of the charge authorized by this section, or tow any vehicle thereafter if the charge is not paid, unless he shall first provide to the owner or custodian a copy of this section and a copy of the private impound cost schedule. The operator, upon receiving such payment shall provide to the owner or custodian a legible receipt containing the name of the towing service, the date and time and place of vehicle release, and the name of the tow truck operator. A copy of the receipt shall be retained by the towing service for a period of one (1) year and shall be made available for inspection by the division of police or the commissioner of public safety during normal business hours of the tow truck service. (3) All drivers must carry current copies of the private impound cost schedule. A copy of the PICS shall be provided to the owner or custodian of a released vehicle. The name of the operator providing the private impound cost schedule shall be legibly written at the bottom of the PICS sheet. (4) No additional fees, other than storage fees, may be assessed by the private impound tow truck service on a private impound, to include but not limited to: separating vehicles (truck and trailer) to be towed, the use of wheel dollies, caging of brakes, etc. Section 5 - That Section 14-90 of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows: (1) Only the registered owner, the lessee, the vehicle's insurer, or a person authorized in writing by one of the above persons, or a person who has purchased the vehicle from the registered owner who produces proof of ownership or written authorization and signs a receipt therefore, may redeem a privately impounded vehicle. (a) A private impound tow truck service may request and retain a photocopy of the drivers license of the redeeming party. (b) A private impound tow truck service may retain any written notice from an impounded vehicle's registered owner, lessee, or insurer providing permission for a third party to redeem the impounded vehicle. A photocopy of the written notice shall be provided to the person redeeming the vehicle. (c) A private impound tow truck service shall not require photocopies of the impounded vehicle's title, registration, proof of sale or insurance card, to be retained by the private impound tow truck service, prior to release of the impounded vehicle. (d) A private impound tow truck service shall not photocopy or retain a photocopy of any credit or debit card used to redeem an impounded vehicle; nor shall the tow operator require a social security number for the release of a vehicle. (2) For each and every tow, a receipt bearing the identifying tow number must be given to each person who redeems a vehicle which has been towed by the private impound tow truck service upon release of the vehicle. The information on the receipt must be clearly legible and include the date and place of the tow, the license plate number and state of issuance, the make, model and color of the vehicle, the private impound tow truck service operator's employee number or name, and the name of the private impound tow truck service said operator works for. The receipt must also list the amount of money paid for the release of the vehicle. Any receipt provided to the redeemer of the vehicle must be itemized so that the individual fees are clearly discernible. All receipts shall include a statement of the right to make a written complaint to the Division of Police, Traffic Section, at 150 E. Main Street, Lexington, KY 40507. A copy of the receipt must be retained by the private impound tow truck service for a period of one (1) year and shall be made available for inspection by the division of police or the commissioner of public safety during normal business hours of the private impound tow truck

service. (3) A private impound tow truck service shall file a private impoundment fee schedule with the department. Fees charged for private impoundment may not exceed those filed with the department. At least ten days before the effective date of any change in a tow truck service's fee schedule, the registered service shall file the revised fee schedule with the department. (4) The maximum charge which may be collected by a private impound tow truck service for towing a vehicle with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less (a standard tow) shall be one hundred eighteen dollars (\$118.00). The maximum charge which may be collected by a private impound tow truck service for towing a vehicle with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more (a heavy duty tow) shall be three hundred eight dollars (\$308.00). The maximum daily storage charge for single unit vehicles with a GVWR of ten thousand (10,000) pounds or less shall not exceed 1/3 the cost of a standard tow per day (Level 1 Storage). The maximum daily storage charge for single unit vehicles with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or more or any combination unit other than a semi-tractor trailer combination, shall not exceed half the cost of a standard tow per day (Level 2 Storage). The maximum daily storage charge for semi-tractor trailer combinations shall not exceed 2/3 the cost of a standard tow per day (Level 3 Storage). Such maximum charge will be adjusted annually by the commissioner of public safety for inflation commencing on January 1, 2004, according to the increase in the Consumer Price Index for all Urban Consumers for the most recent twelve-month period as published by the U.S. Department of Labor, such charge to be adjusted to the nearest dollar. There shall be no additional charges for accessory equipment. (5) No fee shall be charged by a private impound tow truck service for the storage of a vehicle for the first twenty-four (24) hours from the time the vehicle arrived at the secure storage area. If the vehicle has not been redeemed by the end of that initial twenty-four hour period, any fee charged by a private impound tow truck service for storage will then begin to accrue but must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. (6) The vehicle shall be released upon the presentation by a person authorized to redeem the vehicle pursuant to subsection (1) to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of drop fees, towing, storage, or other services requested by the vehicle owner or custodian during the course of towing, removing, impounding, or storing any such vehicle. Commercially reasonable tender shall include, without limitation, cash or major bank credit cards. (7) In instances where major bank credit cards are used as tender for payment upon redemption of a vehicle, it shall be lawful for the tow operator to collect an additional \$5.00 fee in order to cover service charges for processing by the major credit card issuing bank. This cost shall be specifically itemized on the customer receipt. Passed Jan. 31, 2013