



Office of the Chicago City
Clerk



O2011-5535

Office of the City Clerk

Tracking Sheet

Meeting Date:	7/6/2011
Sponsor(s):	Tunney, Thomas (44)
Type:	Ordinance
Title:	Amendment of Title 4 of Municipal Code by adding new Chapter 4-248 concerning pedicabs
Committee(s) Assignment:	Joint Committee on Transportation and Public Way and License and Consumer Protection

*Public Way / Business
& Lic*

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. title 4 of the Municipal Code of Chicago is hereby amended by adding a new chapter **4-248**, as follows:

Chapter 4-248

Pedicabs

4-248-010 Definitions.

For purposes of this chapter,

"Commissioner" means the commissioner of business affairs and consumer protection.

"Licensee" means any person that holds a pedicab business license.

"Operator" means an individual who operates a pedicab in the city.

"Owner" means a person who owns a pedicab in the city.

"Pedicab" means a bicycle used to provide transport for hire upon which a person may ride, propelled exclusively by human power, and is constructed in such a manner as to allow the carrying of one or more passengers.

"Pedicab business" means the business of operating or authorizing the operation of one or more pedicabs to provide transport for hire in the city.

"Pedicab business license" means a pedicab business license issued by the commissioner pursuant to the provisions of this chapter.

4-248-020 Pedicab business license – Required.

No person shall engage in a pedicab business without having secured a pedicab business license. The pedicab business license shall be in addition to any other license required by law.

4-248-030 Pedicab business license – Fee.

The license fee for a pedicab business license shall be as set forth in **Section 4-5-010** of the Code. A pedicab business license shall be valid for a maximum period of one year from the date of its issuance. A pedicab business license shall be renewed as provided by rules and regulations promulgated by the commissioner. A pedicab business license is non-transferable.

4-248-040 Pedicab business license – Application

Application for a pedicab business license shall be made in writing to the commissioner or the commissioner's designee on a form provided by the commissioner and signed and sworn to by the owner or, if the owner is a corporation, by its authorized agent. Each application shall contain:

- (1) If the owner is an individual:
 - (i.) The owner's full name, social security number, residence address, business address, business e-mail address and business telephone number;
 - (ii.) Proof that the owner is at least 18 years of age;
- (2) If the owner is a corporation;
 - (i.) The corporate name, business address and telephone number of the applicant;
 - (ii.) The date and state of incorporation;
 - (iii.) The full names, titles, social security numbers, residence addresses, e-mail addresses and residence telephone numbers of its principal officers and of those stockholders who own 25 percent or more of its voting shares, and of its registered agent;
 - (iv.) Proof that all principal officers are at least 18 years of age; and
 - (v.) Proof that the corporation is in good standing under the laws of the State of Illinois.
- (3) If the owner is a partnership or limited liability company;
 - (i.) The name, business address, or principal office address and telephone number of the applicant;
 - (ii.) The full names, social security numbers, residence addresses, e-mail addresses and residence telephone numbers of the three members who own the highest percentage interests in such partnership or limited liability company and of any other member who owns a 25 percent or more interest therein;
 - (iii.) The full name, address e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and
 - (iv.) Proof that all partners, managers, managing members and members, as applicable, are at least 18 years of age.

4-248-050 Insurance – Required.

(a) Each applicant for a pedicab license shall provide proof that the owner has public liability and property damage insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the owner of any final judgment or settlement of any claim against the owner, operators, employees, or lessees of the owner's pedicab business resulting from any occurrence arising out of or caused by the operation or use of any of the owner's pedicab(s). Such insurance policy must provide the pedicab business with, at minimum, coverage of one million dollars per occurrence, combined single limit, for injury, death, and property damage.

(b) Each applicant for a pedicab business license shall provide proof of worker's compensation insurance to cover each operator engaged by him. If an owner is the sole operator of his pedicab, he shall be exempt from this requirement.

(c) Any insurance policy required by this section must be in a form satisfactory to the commissioner and must provide that the policy will not be cancelled and the amount of coverage will not be changed unless **60** days' prior written notice is given to the commissioner.

4-248-060 Pedicab registration decal – Required.

(a) It is unlawful for any person to operate or cause to be operated a pedicab unless the pedicab has been registered and issued a pedicab registration decal by the commissioner pursuant to this chapter. A pedicab registration decal shall be provided to a pedicab owner once the owner has obtained a pedicab business license and met the requirements of this chapter. Each pedicab in operation must be registered. The pedicab registration decal shall be affixed in a manner prescribed by the commissioner.

(b) A pedicab registration decal is non-transferable. A pedicab registration decal is valid for a maximum period of one year from the date of its issuance. A pedicab registration decal shall be renewed as provided by rules and regulations promulgated by the commissioner. If a pedicab registration decal is not renewed on time, or the pedicab business license is no longer valid, or the pedicab business's insurance lapses, the pedicab registration decal shall be void.

(c) The fee for a pedicab registration decal is **\$25** per pedicab.

(d) The total number of initial pedicab registration decals to be issued shall not exceed **200** (two hundred). Pedicab registration decals shall be issued on a first come first served basis. No licensee shall be issued more than a certain percentage of the total number of pedicab registration decals issued by the commissioner. The

commissioner may determine the percentage and may increase the total number of pedicab registration decals to be issued by rules and regulation promulgated pursuant to this chapter. In making such determination, the commissioner shall consider the impact that additional pedicabs may have on the safe and efficient flow of traffic in the city.

(e) Application for a pedicab registration decal shall be made in writing to the commissioner or the commissioner's designee on a form provided by the commissioner and signed and sworn to by the licensee and a qualified technician not employed by the licensee. A pedicab registration decal will be issued only for a pedicab that meets all of the following requirements:

- (1) The pedicab must be no more than 55" wide and 120" long;
- (2) The pedicab shall be equipped with a battery-operated headlight capable of projecting a beam of white light for a distance of 500 feet;
- (3) The pedicab shall be equipped with battery-operated taillights mounted on the right and the left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab;
- (4) The pedicab shall be equipped with hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions;
- (5) The pedicab shall be equipped with spoke reflectors on each wheel and reflective tape showing the back and front width of the pedicab;
- (6) The pedicab shall be equipped with a seatbelt or seatbelts for passengers; and
- (7) The pedicab shall include such other equipment as required by rules and regulations promulgated by the commissioner pursuant to this chapter.

(f) To register a pedicab and secure a pedicab registration decal, the licensee must provide a unique identification number associated with the pedicab, such as a manufacturer's stamp on the bottom bracket; or if there exists no stamp, the owner must inscribe or engrave a unique identification number on the bottom bracket, and provide such unique identification number.

(g) If a licensee decides to change a pedicab within the one-year validity period of a pedicab registration decal, the licensee must submit a written request to the commissioner and register the new pedicab. The commissioner shall provide a new pedicab registration decal of the same number and remaining duration as the original pedicab registration decal at a replacement fee of \$25.00.

4-248-070 Records.

Every licensee engaged in a pedicab business shall keep such records as the commissioner may prescribe by rules and regulations. Such records must be submitted for inspection upon the request of the commissioner.

4-248-080 Pedicab operator's permit – Required.

No person shall engage in the occupation of operator of a pedicab without having secured a pedicab operator's permit issued under this chapter.

4-248-090 Pedicab operator's permit – Fee.

The fee for a pedicab operator's permit shall be \$25.00 and shall not be prorated. A pedicab operator's permit shall be valid for a period of no more than one year from the date of its issuance. A pedicab operator's permit shall be renewed as provided by rules and regulations promulgated by the commissioner. A pedicab operator's permit is non-transferable.

4-248-100 Pedicab operator's permit – Application.

(a) Application for a new or renewal pedicab operator's permit shall be made in writing to the commissioner or the commissioner's designee on a form provided by the commissioner and signed and sworn to by the person seeking a pedicab operator's permit. The application form shall require the following information:

- (1) The operator's full name and residence address;
- (2) The operator's date of birth;
- (3) The operator's driver's license number; and
- (4) Such other information as required by the rules and regulations promulgated by the commissioner.

(b) A person is qualified to receive a new or renewal operator's permit:

- (1) who has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district, or territory of the United States, for at least two years prior to application for the issuance or renewal of a pedicab operator's permit, or who has completed a driving course

- approved by the Illinois Secretary of State;
- (2) who is at least 18 years of age;
- (3) who has been certified by an Illinois-licensed physician that he has the capability to operate a pedicab;
- (4) who has taken and passed a test, conducted by the authorities approved by the commissioner, for the presence of illegal drugs in the body;
- (5) who is not indebted to the City of Chicago.

4-428-110 Pedicab operator's identification badge.

(a) The commissioner shall issue an identification badge to a pedicab operator who has received a pedicab operator's permit. A photograph shall be attached to the identification badge in such a manner that it cannot be removed and another photograph substituted without detection.

(b) While a pedicab is in operation, the operator shall wear the identification badge at all times, in a manner clearly visible to the public.

4-428-120 Operating regulations.

(a) Every person operating a pedicab shall have the same rights and be subject to the same traffic rules and laws as bicyclists, as stated in Chapter 9-52 of this Code and in Article XV of the Illinois Vehicle Code, 625 ILCS 5/1, et seq., as amended, subject to those exceptions stated in this chapter or rules and regulations promulgated by the commissioner pursuant to the provisions of this chapter.

(b) It shall be unlawful for any person:

- (1) Who is under the age of eighteen years to operate a pedicab;
- (2) To operate a pedicab while under the influence of alcoholic beverages or controlled substances other than medication prescribed by a physician;
- (3) To operate a pedicab in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic unless such operation is necessary for safe operation or is in compliance with law;
- (4) To operate, or cause to be operated, before 7 p.m. on Monday through Friday, a pedicab in the district consisting of those streets or parts of streets within the area bounded by a line as follows:

beginning at the north on Oak Street extended to Lake Michigan; then west on Oak Street to LaSalle Street; then South on LaSalle Street to Wacker Drive; then following Wacker Drive west then south; then continuing south along the river to the southernmost boundary of Roosevelt Road; then east on Roosevelt Road to its easternmost point extended to Lake Michigan; including parking spaces on both sides of the above-mentioned streets. This district does not include Park District property. Notwithstanding the forgoing provision, the commissioner is authorized to conduct a pilot program and assess the impact of operating pedicabs within the area specified in this subsection on designated days and times, as provided by rules and regulations promulgated by the commissioner;

- (5) To operate, or cause to be operated, a pedicab along any route on which the operation of a pedicab is prohibited by rules and regulations promulgated by the commissioner;
 - (6) To operate a pedicab within the City of Chicago while not in possession of a valid driver's license issued by the state of Illinois, or a valid driver's license of another state, district or territory of the United States;
 - (7) To operate, or cause to be operated, a pedicab within the City of Chicago while not in possession of proof of insurance as outlined in Section 4-248-050 of this chapter;
 - (8) To operate, or cause to be operated, a pedicab while there is attached thereto any additional trailer or any other passenger-carrying vehicle; or
 - (9) To operate a pedicab upon any sidewalk, unless such sidewalk has been officially designated and marked as a bicycle route.
- (c) There shall be no more than three passengers in a pedicab at any one time and the operator shall require that all passengers remain seated throughout the ride.
- (d) Advertisements may be displayed on the exterior and the interior of a pedicab. The commissioner is authorized to promulgate rules and regulations regarding the placement of advertisements on a pedicab.

4-248-130 Fare schedule and signage.

- (a) Owners shall post a fare schedule on each pedicab that meets the size, format and location requirements provided in rules and regulations promulgated by the commissioner. This fare schedule shall be clearly visible to the public at all times.
- (b) it is unlawful for a pedicab operator to demand from a passenger a fare greater than the fare contained in the posted fare schedule.
- (c) Subsection (b) of this section does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passengers and the operator prior to the beginning of the tour.
- (d) Owners shall post on each pedicab signage identifying the licensee. This signage shall meet the size, format and location requirements provided in rules and regulations promulgated by the commissioner. This signage shall be clearly visible to the public at all times.

4-248-140 Licensee – suspension or revocation.

- (a) If a licensee or operator violates any of the provisions of this chapter or any rule or regulation promulgated hereunder, the commissioner may seek revocation or suspension of the licensee's license or the operator's permit, in accordance with the procedures described in this section.
- (b) Before any revocation or suspension, the licensee or the operator in violation shall be notified by first class mail, express mail, overnight carrier; or personal service, of the specific charges against him and of his right to a hearing. The licensee or the operator may request such a hearing in writing not more than ten days after receiving notification of the charges.
 - (1) Upon receipt of a request for a hearing, the commissioner shall institute an action with the department of administrative hearings, which shall appoint an administrative law officer who shall conduct the hearing. If after the hearing, the administrative law officer determines that a violation has occurred, the administrative law officer shall enter an order suspending or revoking the pedicab business license or the operator's permit, and/or imposing a fine. The commissioner shall retain the power to seek revocation after

the administrative law officer has suspended a pedicab business license or operator's permit.

- (2) If no timely request is made for a hearing, the commissioner may seek suspension or revocation of the licensee's license or the operator's permit in accordance with Section 4-4-280 of this Code.
- (c) Hearings held under subsection (b)(1) of this section shall be conducted in substantially the same manner as those conducted pursuant to chapters 9-104 and 9-112 of this Code.
- (d) Any person whose license or permit is revoked under this chapter shall be ineligible to receive another pedicab business license or pedicab operator's permit under the same or a different name for a period of one year following revocation.

4-248-150 Rules and regulations; enforcement authority.

- (a) The commissioner shall have the authority to promulgate rules and regulations necessary or desirable for the administration of this chapter.
- (b) The commissioner shall have the authority to administer and enforce this chapter. The department of police shall have the authority to enforce the safety-related provisions of this chapter and all traffic laws, ordinances, rules and regulations as they apply to pedicab business owners and operators.
- (c) The department of police shall have the authority to impound pedicabs for such violations of rules promulgated hereunder which specify impoundment as a consequence of violation. When the pedicab is impounded, the City shall notify the owner or any person who is found to be in control of the pedicab at the time of the alleged violation, if there is such a person, of the fact of the impoundment and the pedicab owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the owner or other person in control of the pedicab cannot be found, the City shall publish such notice one day a week for two consecutive weeks in a newspaper of general circulation. The provisions of Section 2-14-132 shall apply whenever a pedicab is impounded pursuant of this section. For purposes of applying Section 2-14-132 to this section, the term "vehicle" or "motor vehicle" as used in

Section 2-14-132 shall instead be read to mean a pedicab, and the term "owner of record" shall instead be read to mean "owner."

4-248-160 Violation – Penalty.

If any person violates any of the provisions of this chapter or any rule or regulation promulgated hereunder, such person shall be subject to a fine of not less than \$25.00 and not more than \$500.00 for each violation. Each day that any violation shall continue shall be deemed a separate and distinct offense. A second or subsequent violation of this chapter committed within 12 months of a previous violation under this chapter shall be ground for a fine of not less than \$50.00 and not more than \$1,000.00, or community service, or any combination thereof for each violation.

SECTION II. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored as follows:

2-14-132 Impoundment.

(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 4-248-150, 9-80-220 or 9-112-555 of this Code (for purposes of this section, the "status-related offense sections"); or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-015, 9-12-090, 9-76-145, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests for a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or

compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined *not* to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

(Omitted text is unaffected by this ordinance)

SECTION III. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-5-010 Establishment of license fees.

(Omitted text is unaffected by this ordinance)

(10) Bicycle messenger (4-168)	\$140.00
(11) Broker (4-184)	\$250.00
(12) {Reserved} <u>Pedicab (4-248)</u> per year	<u>\$175.00</u>

(Omitted text is unaffected by this ordinance)

SECTION IV. Chapter 3-46 of the Municipal Code of Chicago is hereby amended by inserting language underscored, as follows:

3-46-020 Definitions.

(Omitted text is unaffected by this ordinance)

D. "Ground transportation vehicle" means any for-hire vehicle used to provide transportation for a charge or other consideration to passengers, regardless of whether the consideration is paid by the passengers or by any other person. This term includes, but is not limited to, water taxis, as defined in Section 4-4-311 of this Code, horse-drawn carriages, pedicabs and taxicabs and all automobiles, limousines, buses and other vehicles used to provide transportation to passengers for a charge, whether or not licensed by the city or registered or titled with the State of Illinois.

The term "ground transportation vehicle" does not include vehicles operated by a government transportation agency or on behalf of a government transportation agency pursuant to a contract or a grant, vehicles devoted exclusively to funeral use, or vehicles used as ambulances.

E. "License holder of a ground transportation vehicle" or "license holder" means any person holding a license issued by the city under Chapter 9-108 or 9-112 of this Code, as amended, or any person who has registered or titled a vehicle with any state or the District of Columbia if the vehicle is used to provide ground transportation to passengers.

F. "Vehicle" means any vehicle that is self-propelled or horse-drawn and not operated on rails, but does not include motorized wheelchairs. For the purposes of this chapter, the term "vehicle" shall also include peticabs.

(Omitted text is unaffected by this ordinance)

3-46-030 Tax imposed.

(Omitted text is unaffected by this ordinance)

B. (1) The rate of the tax shall be in accordance with the following schedule:

(a) For ground transportation vehicles that are taxicabs:

(i) which are licensed or are required to be licensed pursuant to Chapter 9-112 of this Code, \$78.00 for each calendar month during which the taxicab is used in the city to provide ground transportation. This amount shall not be subject to proration;

(ii) which are not required to be licensed pursuant to Chapter 9-112 of this Code, \$3.00 for each taxicab for each day the taxicab is used in the city to provide ground transportation but in no event more than \$78.00 per calendar month.

(b) For ground transportation vehicles, other than taxicabs and pedicabs, with a seating capacity of ten or fewer passengers, \$3.50 for each vehicle for each day the vehicle is used in the city to provide ground transportation;

(c) For ground transportation vehicles with a seating capacity of 11 to 24 passengers, \$6.00 for each vehicle for each day the vehicle is used in the city to provide ground transportation;

(d) For ground transportation vehicles with a seating capacity of more than 24 passengers, \$9.00 for each day the vehicle is used in the city to provide ground transportation;

(e) For pedicabs, \$1.00 for each pedcab for each day the pedicab is used in the city to provide ground transportation.

(Omitted text is unaffected by this ordinance)

SECTION V. Section 4-156-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-156-020 Tax imposed.

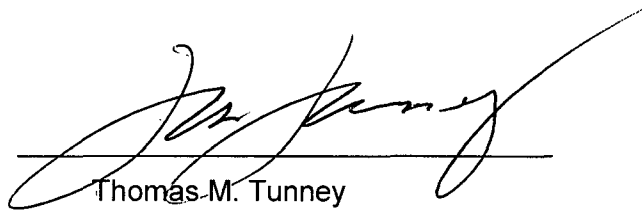
Omitted text is unaffected by this ordinance)

B. The tax imposed by subsection A shall not apply to the following persons or privileges:

- (1) patrons of automatic amusement machines as defined in Article II of this chapter, or
- (2) the privilege of witnessing or participating in any stock show or business show that is not open to the general public, or
- (3) the privilege of hiring a horse-drawn carriage licensed under chapter 9-108 of this Code or a pedicab business licensed under chapter 4-248 of this Code, or

(Omitted text is unaffected by this ordinance)

SECTION VI. This ordinance shall be in full force and affect 30 (thirty) days after passage and approval.

A handwritten signature in black ink, appearing to read "Tom Tunney", is written over a horizontal line.

Thomas M. Tunney

Alderman, 44th Ward