



City of Chicago



O2017-1948

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 3/29/2017

Sponsor(s): Emanuel (Mayor)
Reboyras (30)
O'Connor (40)
Osterman (48)
Reilly (42)
Mitts (37)
Burke (14)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 9-114 by further regulating charter/sightseeing vehicles

Committee(s) Assignment: Committee on License and Consumer Protection



Linc

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 29, 2017

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Business Affairs and Consumer Protection, I transmit herewith, together with Aldermen Reboyras, O'Connor, Osterman, Reilly, Mitts and Burke, an ordinance amending Chapter 9-114 of the Municipal Code regarding charter/sightseeing vehicles.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor

ORDINANCE

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

SECTION 1. Sections 9-114-110, 9-114-315, 9-114-320 and 9-114-410 of the Municipal Code are hereby amended by adding the underscored text and deleting the struck-through text, and a new Section 9-114-215 is added, as follows:

9-114-010 Definitions.

The following definitions shall apply for purposes of this chapter:

"Charter/sightseeing vehicle" means a public passenger vehicle for hire principally on charter trips or sightseeing tours or both. Provided, however, in Sections 9-114-315 and 9-114-320, the term "charter/sightseeing vehicle" shall refer to a vehicle for hire principally on charter trips or sightseeing tours or both, with a passenger capacity of fifteen or more, regardless of whether it is licensed as a public passenger vehicle or regulated as to licensure or registration by another jurisdiction.

(omitted text is unaffected by this ordinance)

9-114-315 Allowing unlawful acts.

(a) For purposes of this section, the following definitions apply:

"Allow" means: (1) to permit or approve, either in writing or orally; or (2) to fail to take corrective action.

"Authorized City Personnel" means those employees of the Departments of Aviation, Business Affairs and Consumer Protection, Emergency Management and Communications, Police and Transportation who have been authorized by their respective department heads to obtain information in the field to determine compliance with the Municipal Code.

"Chaperone" means the accompanying employee required for certain trips pursuant to Section 9-114-320 as an alternative to the security camera specified therein.

"Corrective action" means to first make a prompt demand that a passenger either refrain from committing the acts set forth in subsection (b) and (c) of this section or depart from the charter/sightseeing vehicle. If the recipient of the demand does not comply with the demand, "corrective action" means to promptly terminate the charter/sightseeing service and return any passengers to their point of origin or final destination, or make a prompt report of the unlawful act(s) to the Chicago Police Department. If a passenger's violation of subsection (b) or (c) of this section causes bodily harm or property damage, "corrective action" shall also include the acts required in subsection (d).

"Owner" means an owner of a charter/sightseeing vehicle or charter/sightseeing service, including an individual, firm, partnership, joint venture, association, corporation, estate, trust, trustee, or any other group or combination acting as a bus company or other business entity.

(b) No owner, chaperone or driver of a charter/sightseeing vehicle, shall allow any passenger:

1. who is under the age of 21 to possess or consume alcoholic liquor.
2. to engage in disorderly conduct.
3. to possess any drug paraphernalia.
4. to unlawfully possess, or to discharge a weapon firearm.
5. to hurl projectiles from the vehicle.
6. to commit indecent exposure.
7. to litter.
8. to unlawfully possess or use marijuana cannabis or any controlled substance.

(c) No owner, chaperone or driver of a charter/sightseeing vehicle, shall allow any person who is visibly inebriated onto that vehicle unless the next stop is the point of origin or final destination.

(d) The driver of a charter/sightseeing vehicle shall keep an itinerary identifying the point of origin and each stop for the current trip and shall present that itinerary to a Police Officer upon request. If a passenger's violation of subsection (b) or (c) of this section causes bodily harm or property damage, the driver or chaperone if there is one, must, when it is reasonably safe to do so: (1) promptly report to the Police Department, via a telephone call to 9-1-1, any such violation reported to or observed by the driver or chaperone; (2) answer fully and truthfully all questions asked by Authorized City Personnel regarding the violation; (3) cooperate with the City in any such inquiry or investigation by giving oral or written statements to the City at reasonable times and locations in the course of any investigation; and (4) sign a complaint against the passenger if the driver or chaperone saw the violation take place.

(e) A driver's or chaperone's violation of this section or Section 9-114-320 shall be attributable to, and deemed a violation by, the owner. A notice of violation of this section or Section 9-114-320 shall be deemed served upon the owner once it has been deposited in US mail with proper postage prepaid and properly addressed to the registered agent of the charter/sightseeing vehicle business entity or, alternatively, to the registered owner of the vehicle.

(f) Upon commencing a trip in the City of Chicago, or upon or prior to entering the City of Chicago, the driver of a charter/sightseeing vehicle shall provide to each passenger, in such form and format as the Commissioner specifies, a summary of the requirements and restrictions of this section and shall obtain from each such passenger a signed acknowledgement that the passenger understands and agrees to behave in accordance with those requirements and restrictions. The driver shall maintain all signed acknowledgements for the duration of the trip and for a week thereafter and shall present those acknowledgements to Authorized City Personnel upon request.

(f) Each person who violates this section shall be subject to a fine of not less than \$250 nor more than \$500 for the first offense, not less than \$500 nor more than \$1,000 for the second offense, and not less than \$1,000 nor more than \$1,500 for the third and succeeding offenses, during the same calendar year.

9-114-320 Sightseeing vehicles. Charter/sightseeing vehicles – requirements and restrictions.

Charter/sightseeing vehicles shall not be used for transportation of passengers except on sightseeing tours or charter trips.

No person shall solicit passengers for sightseeing tours upon any public way except at stands specially designated by the city council for sightseeing vehicles.

Each charter/sightseeing vehicle that is not subject to requirements to display identification or information pursuant to rules imposed by the Interstate Commerce Commission, Illinois Commerce Commission, or Federal or state law shall display the City of Chicago public vehicle (for purposes of this section, "COCPV") license number, preceded by the initials "COCPV," and the name of and a contact telephone number for the owner. For purposes of this section, a license plate is not "identification information." The markings required by this section must:

(1) Be painted or otherwise permanently affixed to, and appear on both sides of, the vehicle;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by the preceding paragraph (3).

No charter/sightseeing vehicles may display advertising without first obtaining an advertising permit as set forth in Section 9-114-330.

If a trip with fifteen or more passengers includes the opportunity for passengers to consume alcoholic liquor, either while on the vehicle or during multiple stops, each charter/sightseeing vehicle shall either: (i) contain an additional employee ("chaperone") to accompany the driver for the entire trip, or (ii) be equipped with one or more fully operational security cameras meeting specifications set by rule.

The driver of a charter/sightseeing vehicle shall keep an itinerary identifying the point of origin and each stop for the current trip, in such form and format as the Commissioner specifies, and shall present that itinerary to Authorized City Personnel, as that term is defined in Section 9-114-315, upon request.

The owner of each charter/sightseeing vehicle subject to City licensure under this Chapter shall include the City license number of each of their COCPVs on all advertising and promotional materials for the charter/sightseeing service, on any web page promoting or describing the charter/sightseeing service, and shall include on any trip contract the COCPV license number of the vehicle used for the trip.

9-114-410 Violation – Penalty.

Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$200.00 for the first offense, not less than \$200.00 nor more than \$300.00 for the second offense, and not less than \$300.00 nor more than \$750.00 for the third and succeeding offenses during the same calendar year. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition, when any one vehicle is involved in more than five violations of this chapter

or the rules and regulations relating thereto within a 12-month period, the license for that vehicle shall be revoked.

(a) Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$10,000.00. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition to fines, penalties for any violations of this chapter may include license suspension or revocation.

(b) Any person who violates Section 9-114-150, 9-114-280, 9-114-315, or 9-114-320 shall be fined not less than \$250.00 nor more than \$10,000.00 for each offense.

(c) Any person who violates Section 9-114-020 or 9-114-170 shall be fined not less than \$1,000.00 nor more than \$10,000.00 for each offense. In addition to the fine provided by this subsection (c) for unlicensed operation, the commissioner is authorized to issue a cease and desist order directing immediate cessation of unlicensed operation until proper licensure is obtained. A second or subsequent incident of unlicensed operation, or operation in violation of a cease and desist order, shall subject the violator to a minimum fine of \$5,000.00.

9-114-215 License rescission.

The commissioner shall have the power to rescind any license erroneously or illegally issued, transferred or renewed pursuant to this chapter. In order for such a rescission to be effective, the commissioner must notify the licensee of the date the rescission will take effect. The notice shall take place by first class mail or in-person notification. The commissioner must indicate in such notice the basis for the rescission and must also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the commissioner, or his or her designee, to contest the proposed rescission. The licensee shall also be informed that he or she shall be entitled to present to the commissioner or his or her designee any document, including affidavits, relating to the proposed rescission. Following the appearance of the licensee before the commissioner, the commissioner may affirm or reverse his or her rescission decision. The commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission is effective. A licensee may appeal the commissioner's decision to any court of competent jurisdiction.

SECTION 2. This ordinance shall take effect 10 days following its passage and publication.