



City of Chicago



O2013-3397

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	5/8/2013
Sponsor(s):	Tunney, Thomas (44)
Type:	Ordinance
Title:	Amendment of Titles 2, 3, 4 and 9 of Municipal Code to regulate pedicabs
Committee(s) Assignment:	Joint Committee: License and Consumer Protection; Transportation and Public Way

ORDINANCE

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

SECTION I. Title 9 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 9-110, as follows:

**Chapter 9-110
Pedicabs**

9-110-010 Definitions.

For purposes of this chapter,

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

"Department" means the department of business affairs and consumer protection.

"Operator" means a person who operates a pedicab, including a person who in any manner controls the direction or steering of a pedicab in the city.

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

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

9-110-020 Pedicab license – Required.

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

9-110-030 Pedicab license – Fee.

(a) The license fee for the initial license period provided for in this chapter shall be \$250.00. The annual license fee for every subsequent license period for each pedicab shall be \$250.00. The license fees shall be paid in advance when the license is issued or renewed and shall be prorated only for the initial license period.

(b) Nothing in this section shall affect the rights of the city to impose or collect any other applicable tax upon the use or operation of a pedicab in addition to the license fee.

(c) A pedicab license shall be valid for a maximum period of one year from the date of its issuance. A pedicab license shall be renewed as provided by rules and regulations promulgated by the commissioner.

(d) A pedicab license is non-transferable.

*Business &
Consumer
BSCP
① License
② Transporter*

9-110-040 Pedicab license – Application.

Application for a pedicab license shall be made in writing to the department on a form provided by the department 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 corporate officers and of those stockholders who own 25 percent or more of its voting shares, and of its registered agent;
 - (iv) Proof that all corporate 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 persons, partners, managers, managing members and members, as applicable, are at least 18 years of age.

9-110-050 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). Every insurance policy or contract for such insurance shall name the city as an additional insured.

(b) Such insurance policy shall provide at least the following minimum coverage for each pedicab: \$50,000.00 for property damage; \$100,000.00 for injuries to or death of any one person; and \$300,000.00 for injuries to or death of more than one person in any one accident with a maximum of \$100,000.00 payable to any one person.

(c) Each applicant for a pedicab 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.

(d) 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.

9-110-060 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. The commissioner shall provide a pedicab registration decal to a pedicab owner once the owner has obtained a pedicab 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 by rule.

(b) Application for a pedicab registration decal shall be made in writing to the department 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:
 - (i) a battery-operated headlight capable of projecting a beam of white light for a distance of 500 feet;
 - (ii) 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;
 - (iii) hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions;
 - (iv) spoke or wheel rim reflectors on each wheel and reflective tape showing the back and front width of the pedicab;

- (v) a seatbelt or seatbelts for passengers that secure the passengers in a safe manner to prevent personal injuries;
- (vi) turn lights;
- (vii) a bell or another similar audible signaling device; and
- (viii) such other equipment as required by rules and regulations promulgated by the commissioner.

(c) The fee for the issuance or replacement of a pedicab registration decal is \$25.00 per pedicab.

(d) The total number of initial pedicab registration decals to be issued shall not exceed 200 (two hundred). No licensee shall be issued more than 20% of the total number of pedicab registration decals issued. The commissioner may increase the total number of pedicab registration decals to be issued and may determine the percentage of pedicab registration decals to be issued to a licensee 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 and shall consult with the superintendent of police and the commissioner of transportation, or their respective designees, before raising the number of pedicab registration decals to be issued. If the commissioner determines that there are more qualified applicants for pedicab registration decals than the maximum number of decals that the commissioner has set to issue at any given time, the commissioner shall conduct a lottery or other neutral process for allocating decals among qualified applicants as set forth by rules promulgated by the commissioner.

(e) A pedicab registration decal is non-transferable. A pedicab registration decal is valid for a one year period and expires on April 30th of the year following its issuance. If a pedicab registration decal is not renewed on time, or the pedicab license is no longer valid, or the required insurance lapses, the pedicab registration decal shall be void.

(f) Each pedicab registration decal shall be numbered and the number of the pedicab decal shall be painted or affixed on the side and back of each pedicab pursuant to rules and regulations promulgated by the commissioner. It shall be the responsibility of the licensee to paint or affix such number on the pedicab.

(g) To register a pedicab and secure a pedicab registration decal, the pedicab 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 to the department at time of registration.

(h) If the 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.

9-110-070 Records.

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

9-110-080 Pedicab operator's permit – Required.

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

9-110-090 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.

9-110-100 Pedicab operator's permit -- Application.

(a) Application for a new or renewed pedicab operator's permit shall be made in writing to the department 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 rules and regulations promulgated by the commissioner.

(b) An applicant is qualified to receive a new or renewed operator's permit if the applicant:

- (1) 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 has completed a driving course approved by the Illinois Secretary of State;
- (2) is at least 18 years of age;
- (3) has been certified by an Illinois-licensed physician that he has the capability to operate a pedicab;

- (4) has taken and passed a test, conducted by authorities approved by the commissioner, for the presence of illegal drugs in the body;
- (5) is not indebted to the City of Chicago; and
- (6) has not, within the five years immediately preceding his application, been either found guilty by a court of any jurisdiction, in custody, on parole, or under any other non-custodial supervision resulting from a finding or determination of guilt by a court of any jurisdiction for (a) the commission of any forcible felony as defined by Article 2 of the Illinois Criminal Code of 1961, as amended, (b) any crime involving moral turpitude, (c) for the illegal sale or possession of any controlled substance, (d) indecent solicitation of a child or any criminal sexual abuse, or (e) operating a motor vehicle while under the influence of alcohol or narcotic drugs.

9-110-110 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 as the photograph 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.

9-110-120 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., 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, provided that such prescribed medication does not warn that the user not operate machinery while taking the medication;
- (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 the requirements of Section 9-52-040(c) of this Code or other applicable law;
- (4) To operate, or cause to be operated, a pedicab in any area where the operation of a pedicab is prohibited by applicable law;

- (5) To operate a pedicab within the city 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;
 - (6) To operate, or cause to be operated, a pedicab within the city while not in possession of proof of insurance as outlined in Section 9-110-050 of this chapter;
 - (7) To operate, or cause to be operated, a pedicab while there is attached thereto any additional trailer or any other passenger-carrying vehicle; or
 - (8) To operate, or cause to be operated, a pedicab to transport more than three passengers; and
 - (9) To operate or park a pedicab upon any sidewalk, unless such sidewalk has been officially designated and marked as a bicycle route.
- (c) 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.
- (e) No person may drink any alcoholic liquor as defined by law while such person is operating or being transported by a pedicab, nor may any person transport, carry, possess or have any alcoholic liquor while being transported by a pedicab, except in the original package with the seal unbroken.

9-110-130 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 in writing between the passenger 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.

9-110-140 License – 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 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 license or operator's permit.

(2) If no timely request is made for a hearing, the licensee's license or the operator's permit shall be suspended or revoked as stated in the notification sent pursuant to this section.

(c) Any person whose license or permit is revoked under this chapter shall be ineligible to receive another pedicab license or pedicab operator's permit under the same or a different name for a period of one year following revocation.

9-110-150 Enforcement authority, rules and regulations and impoundment.

(a) The commissioner, the comptroller, the commissioner of transportation, and the commissioner of streets and sanitation are authorized to enforce this chapter. The department of police is authorized to enforce the safety-related provisions of this chapter and all traffic laws, ordinances, rules and regulations as they apply to pedicab owners and operators.

(b) The commissioner is authorized to promulgate rules and regulations necessary for the administration and enforcement of this chapter.

(c) The department of police and the department of streets and sanitation are authorized to impound pedicabs for such violations of rules promulgated hereunder which specify impoundment as a consequence of violation. When a 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. Except as otherwise provided in this section, the applicable provisions of Section 2-14-132 and Chapter 9-92 of this Code shall apply when a pedicab is impounded pursuant to this section. For purposes of applying Section 2-14-132 and Chapter 9-92 of this Code to this

section, the term "vehicle" or "motor vehicle" as used in Section 2-14-132 or Chapter 9-92 shall instead be read to mean a pedicab, and the term "owner of record" shall instead be read to mean "owner."

9-110-160 Restrictions on operation of pedicabs.

The city council may from time to time define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no pedicabs shall be operated. The city clerk shall maintain for public inspection and copying a file of all ordinances defining such areas. In addition, any ordinance defining such areas shall be codified as an amendment to this section.

9-110-170 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 \$100.00 and not more than \$500.00 for each such 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 \$500.00 and not more than \$1,000.000 or community service, or any combination thereof for each violation.

If any person violates section 9-110-120(e), such person shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00.

SECTION II. Section 2-14-132 of the Municipal Code of Chicago is 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, 9-80-220, 9-110-150(c), 9-112-640 or 9-114-420 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, 8-20-070, 9-12-090, 9-76-145, 9-80-225, 9-80-240, 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 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 3-46 of the Municipal Code of Chicago is amended by inserting the 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 4-250-010 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, 9-110 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 purpose of this chapter, the term "vehicle" shall also include pedicabs.

(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 taxicab 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 vehicle for each day the vehicle is used in the city to provide ground transportation.

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

(2) For purposes of this subsection (B), it shall be presumed (a) that a taxicab is used in the city during any calendar month in which the taxicab is licensed or required to be licensed pursuant to Chapter 9-112 of this Code, and (b) that the seating capacity of a ground transportation vehicle is the seating capacity designated by the vehicle's manufacturer.

(Omitted text is unaffected by this ordinance)

SECTION IV. Section 4-156-020 of the Municipal Code of Chicago is 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:

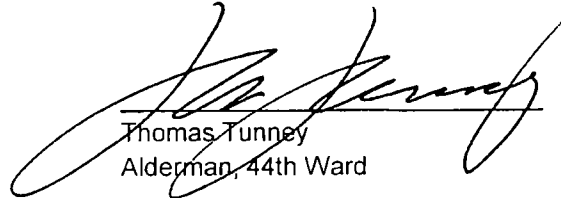
(1) patrons of automatic amusement machines as defined in Article II of this chapter, or

(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 licensed under chapter 9-110 of this Code, or

(Omitted text is unaffected by this ordinance)

SECTION V. This ordinance shall take effect 10 days after passage and publication.



Thomas Tunney
Alderman, 44th Ward