



City of Chicago



SO2013-3397

Office of the City Clerk

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Sponsor(s):	Tunney (44)
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Title:	Amendment of Municipal Code Titles 2, 3, 4 and 9 to regulate pedicabs
Committee(s) Assignment:	Joint Committee: License and Consumer Protection; Transportation and Public Way

4/21/2014

02013-3397

SUBSTITUTE
ORDINANCE

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

SECTION 1. 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 the following definitions shall apply:

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

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

"Pedicab chauffeur" 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 device used to provide transportation 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.

"Pedicab licensee" means a person with a license issued pursuant to this chapter.

"Principal place of business in the City of Chicago" means a location where (1) the City may send, and the pedicab licensee shall accept, notices of hearing or other notices from the City; and (2) a pedicab licensee maintains its business and financial records relating to the license involved.

9-110-020 Pedicab license – Required.

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

9-110-030 Pedicab license – Fee and license term.

(a) The annual pedicab license fee shall be \$250.00 for each pedicab. The license fees shall be paid in advance when the license is issued or renewed.

(b) Except for the initial license period, a pedicab license shall be issued or renewed for a one-year license term starting on April 1.

(c) 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.

(d) A pedicab license shall be renewed as provided by rules and regulations promulgated by the commissioner.

(e) A pedicab license is non-transferable.

9-110-040 Pedicab license - Qualifications for license.

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

- (1) an applicant shall be in compliance with all applicable city, State of Illinois and federal laws;
- (2) an individual applicant or officers of the applicant, as specified in Section 9-110-050, must be at least 18 years of age; and
- (3) an applicant shall have its principal place of business in the City of Chicago:
 - (i) with respect to any corporate applicant, the company shall be organized or qualified to do business under the laws of the State of Illinois and have its principal place of business in the City of Chicago; or
 - (ii) with respect to a partnership applicant, the partnership shall have its principal place of business in the City of Chicago; or
 - (iii) with respect to any applicant other than a company or partnership, the applicant shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago.

(b) In determining whether an applicant is qualified for a license, or the renewal thereof, the commissioner shall take into consideration:

- (1) The character and reputation of the applicant or its members, officers or directors, including, if applicable, the disciplinary record of the applicant in the operation of his pedicab and the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a city licensee;
- (2) The applicant's financial ability to render lawful, safe, suitable and comfortable service and to maintain or replace the equipment for such service;
- (3) The applicant's ability to maintain mandated insurance, including, but not limited to, liability insurance and worker's compensation insurance as required by state law for the payment of personal injury, death, property damage, or other insurable claims; and

(4) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a pedicab.

(c) No applicant is eligible for a license if any pedicab license held by the applicant, by any officer or director of a corporate applicant or partner of a partnership applicant has been revoked within the previous five years, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., or its equivalent under federal or other jurisdictional law.

9-110-050 Pedicab license – Application.

Application for the issuance or renewal of 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 pedicab license applicant or, if the applicant is a company, by its authorized agent. Each application shall contain at a minimum:

- (1) If the license applicant is an individual:
 - (i) The individual's full name, social security number, residence address, business address, business e-mail address and business telephone number;
 - (ii) Proof that the applicant is at least 18 years of age;
- (2) If the license applicant 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 license applicant 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.

9-110-060 Investigation and issuance of pedicab license.

(a) Upon receipt of an application for the issuance or renewal of a license, the commissioner may investigate the applicant for compliance with all applicable provisions of this Code, including but not limited to, the applicant's compliance or ability to comply with the license qualification requirements specified in Section 9-110-040.

(b) Every applicant shall be required to submit to fingerprinting and shall provide photos of the applicant as required by the commissioner. Applicants shall be responsible for the costs of fingerprinting and photos.

(c) As part of the application process, fees sufficient to cover the costs of processing fingerprints and photos will be assessed in addition to the license fees set forth in this Code. The fingerprinting and photo fees will be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be set forth by rules and regulations promulgated by the commissioner.

(d) The pedicab licensee shall provide a pedicab that is in safe and proper condition at the time the license is issued; and shall register the pedicab in applicant's name or, in the case of a leased pedicab, shall provide a copy of the lease, in a form acceptable to the commissioner, that must cover at least the duration of the license term for that pedicab and must include an acknowledgment by the lessor of the pedicab that he has given his consent for the pedicab to be used as a licensed pedicab.

(e) All licenses shall expire on the date noted on the license unless renewed prior to the date of expiration as specified by rule.

(f) If an application is denied the applicant may within ten days of the mailing of notice of the denial, make written demand upon the commissioner for a hearing. Upon receipt of a timely written demand for a hearing the commission shall within 30 days conduct a hearing. If upon such a hearing the applicant establishes through competent evidence that the denial was based upon incorrect findings the commissioner shall issue the license. If upon such a hearing the denial is found to have been based upon correct findings the denial shall become final. After

entry of a final denial the applicant shall be ineligible to make a new application for a period of 18 months.

9-110-070 Pedicab license - rescission.

The commissioner shall have the power to rescind any pedicab license erroneously or illegally issued or renewed pursuant to this section. 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 certified 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.

9-110-080 Insurance – Required.

(a) Every licensee must comply with all applicable insurance requirements mandated by Federal, State of Illinois, and City laws.

(b) Each applicant for the issuance or renewal of a pedicab license shall provide proof that the applicant has public liability and property damage insurance, issued by an insurer authorized to insure in Illinois, to secure payment by the applicant of any final judgment or settlement of any claim against the applicant, chauffeurs, employees, or lessees of the applicant's pedicab business resulting from any occurrence arising out of or caused by the operation or use of any of the applicant's pedicab(s). Every insurance policy or contract for such insurance shall name the city as an additional insured.

(c) 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. In addition, worker's compensation coverage must be provided as required by state law.

(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.

9-110-090 Pedicab license decal and metal plate– Required.

(a) It is unlawful for any person to operate or cause to be operated a pedicab unless the pedicab has been licensed and issued a pedicab license decal by the commissioner

pursuant to this section. The commissioner shall provide a pedicab license decal to a pedicab licensee once the licensee has obtained a pedicab license and met the requirements of this chapter. Each pedicab in operation must be licensed. The pedicab license decal shall be affixed in a manner prescribed by the commissioner by rule.

(b) The commissioner shall deliver with each pedicab license a metal plate of such size and material as the commissioner shall determine which shall bear the words: "City of Chicago" and the license number of the pedicab. Said metal plate must be affixed to the back side of the passenger carriage in a conspicuous and visible manner. In addition, each pedicab licensee shall be issued a decal with an identification number established by the commissioner. The decal pertaining to the pedicab must be affixed above the metal plate on the back side of the passenger carriage in a conspicuous and visible manner or as specified by the commissioner by rule. If a metal plate or decal is lost, stolen or damaged so as to require replacement, the licensee shall make application to the commissioner for a duplicate plate or decal on forms provided by the commissioner. In the case of a damaged plate or decal, the licensee shall return such plate or decal with such application. Upon receipt of an application and the payment of a replacement fee of \$50.00 for a duplicate metal plate or \$25.00 for a duplicate decal, the commissioner shall issue a duplicate metal plate or decal to the licensee.

(c) Application for the issuance or renewal of a pedicab 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 license 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 functioning headlight capable of projecting a beam of white light for a distance of 500 feet;
 - (ii) functioning 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 of the pedicab;
 - (v) a seatbelt for all passengers or seatbelts for every passenger 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.

(d) The total number of initial pedicab license decals to be issued shall not exceed 200 (two hundred). No licensee shall be issued, or shall control, in whole or in part, directly or indirectly, more than 20 percent of the total number of pedicab license decals issued. The commissioner may increase the total number of pedicab license decals to be issued and may determine the percentage of pedicab license 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 license decals to be issued. If the commissioner determines that there are more qualified applicants for pedicab license 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 license decal is non-transferable. A pedicab license decal is valid for the duration of the pedicab license. If a pedicab license is not renewed on time, or the pedicab license is no longer valid, or the required insurance lapses, the pedicab license decal shall be void.

(f) Each pedicab license decal shall be numbered and the number of the pedicab license decal shall be painted or affixed on each side and back of each pedicab, unobstructed by advertisements displayed on the 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 in order to secure a pedicab license 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 licensee must inscribe or engrave a unique identification number on the bottom bracket, and provide such unique identification number to the department.

(h) If the licensee decides to change a pedicab within the licensing period, the licensee must submit a written request to the commissioner and register the new pedicab. The commissioner shall provide a duplicate metal plate and decal upon payment of the replacement fees provided in subsection (b) of this section.

9-110-100 Records.

Every licensee engaged in a pedicab business shall keep and provide accurate books and records of account of his operations at his place of business in the city for a minimum of three years. Such records must be submitted for inspection upon the request of the commissioner.

9-110-110 Pedicab chauffeur license– Required.

No person shall engage in the occupation of a pedicab chauffeur without having secured a pedicab chauffeur license issued under this chapter.

9-110-120 Pedicab chauffeur license – Fee.

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

9-110-130 Pedicab chauffeur license -- Application.

(a) Application for a new or renewed pedicab chauffeur license 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 chauffeur license. The application form shall require the following information:

- (1) The applicant's full name and residence address;
- (2) The applicant's date of birth;
- (3) The applicant'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 pedicab chauffeur license 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 one year prior to application for the issuance or renewal of a pedicab chauffeur's permit;
- (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) has successfully completed an examination as prescribed by the commissioner demonstrating a knowledge of the geography of the city and the laws, ordinances and regulations governing vehicle operation in the city;
- (6) is not indebted to the City of Chicago; and
- (7) 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 (i) the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., (ii) any crime involving moral turpitude, (iii) for the illegal sale or possession of any controlled substance, (iv) indecent solicitation of a child or any criminal sexual abuse or similar crime, or (v) operating a motor vehicle while under the influence of alcohol or narcotic drugs.

9-110-140 Pedicab chauffeur identification license card.

(a) The commissioner shall issue an identification card to a pedicab chauffeur who has received a pedicab chauffeur license. A photograph shall be attached to the identification license card in such a manner as the photograph cannot be removed and another photograph substituted without detection.

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

9-110-150 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 other applicable law, 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 9-110-080 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 four passengers; and
- (9) To operate a pedicab upon any sidewalk.

(c) The pedicab chauffeur shall require that all passengers remain seated throughout the ride.

(d) Advertisements may be displayed on the exterior and the interior of a pedicab. Advertising displays shall not block or interfere with the visibility of any signage, metal plates, decals, or information required by this chapter or promulgated rules and regulations to be displayed on the exterior of pedicabs, including but not limited to pedicab licensee name and phone number. 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.

9-110-160 Fare schedule and signage.

(a) Pedicab licensees 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 chauffeur 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 pedicab chauffeur prior to the beginning of the tour.

(d) Pedicab licensees shall post on each pedicab signage identifying the licensee, including the licensee name and phone number. 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.

9-110-170 License – suspension or revocation.

(a) Except as otherwise provided in this code, the commissioner may seek all applicable penalties, including but not limited to fines, license suspension, and license revocation in addition to restitution or other equitable relief against any licensee or pedicab chauffeur who violates any of the provisions of this chapter or any rules or regulations adopted pursuant to this chapter.

(b) The commissioner shall promulgate rules and regulations regarding the lengths of suspension and the amounts of fines to be imposed, and the types of equitable relief to be ordered, for specific violations or license types. Before any suspension or revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against him and of his right to a hearing in accordance with Chapter 2-14 of the Code.

(c) Upon suspension or revocation of a license or imposition of any fine for cause under the provisions of this chapter, the commissioner shall remove the license decal, metal plate, and pedicab chauffeur license card from the licensee. The commissioner shall notify the department of police of every suspension or revocation and of the termination of any suspension. The department shall charge the licensee for the costs to replace the license decal upon payment of fines and termination of suspension. These costs shall be set by the commissioner's rules.

(d) If the commissioner has information provided by a law enforcement agency or any court of law that a licensee or pedicab chauffeur has been charged with the commission of a felony, as defined in Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., arising in connection with the provision of pedicab services, the commissioner shall immediately suspend all licenses of the licensee until final adjudication is made with respect to such charges.

(e) Any person whose pedicab license or pedicab chauffeur license is revoked under this chapter shall be ineligible to receive another pedicab license or pedicab chauffeur under the same or a different name for a period of five years following revocation.

9-110-180 Enforcement authority.

(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 licensees and chauffeurs.

(b) The department of police and the department of streets and sanitation are authorized to impound pedicabs for such violations of rules and regulations 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."

9-110-190 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 9-110-150(e), such person shall be subject to a fine of not less than \$1,000.00 and not more than \$5,000.00.

In addition to fines, penalties for any violation of this chapter may include license suspension, rescission or revocation.

9-110-200 Rules and regulations.

The commissioner is authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this chapter.

Any fees imposed pursuant to rules authorized by this section shall be reasonably related to the City's cost of administration, and shall be effective, or amended, after a 10-day notice and comment period.

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, 9-110-180(b), 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. Chapter 9-48 of the Municipal Code of Chicago is amended by adding a new Section 9-48-045, as follows:

9-48-045 Restrictions on operation of pedicabs.

(a) 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.

(b) No pedicab shall be operated Monday through Friday, except on holidays as defined in Section 9-4-010, between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m. on public ways under the jurisdiction of the city in the area bounded in the north and west by Chicago River, on the east by Lake Michigan, and on the south by Congress Parkway.

(c) No pedicab shall be operated on Michigan Avenue and State Street from Congress Parkway to Oak Street.

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

Alderman Tom Tunney, 44th Ward

Chicago, April 30, 2014

To the President and Members of the City Council:

Your Joint Committee on License and Consumer Protection and Transportation and Public Way, having under consideration a substitute ordinance introduced by Aldermen Tunney and Balcer (which was referred on May 8, 2013), to amend the Municipal Code of Chicago regarding a Pedicab License, begs leave to recommend that Your Honorable Body **p a s s** the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee, Aldermen Reboyras and Reilly opposed, on April 29, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

Emma Mitts, Chairman
Committee on License and
Protection

A handwritten signature in black ink, appearing to read "Anthony Beale", written over a horizontal line.

Anthony Beale, Chairman
Committee on Transportation and Consumer
Public Way