



# City of Chicago



SO2021-2592A

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 6/25/2021

**Sponsor(s):** Dept./Agency

**Type:** Ordinance

**Title:** Provision of financial relief to businesses under Chi Biz Strong initiative, establishment of related licensing and regulatory measures, and associated amendment of Municipal Code Titles 2,3,4,8,9, and 10 in part (See SO2021-2592B for Article VII, Expedite Signs and Permits at 10-28-010, 10-28-015, 10-28-820)

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

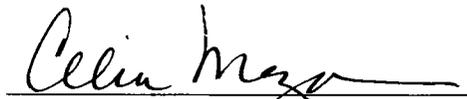
ORDINANCE  
APPROVAL

By my signature below, I hereby approve and enact into law effective on June 26, 2021 the attached ordinance (Chi Biz Strong Initiative), which the City Council of the City of Chicago passed in its divided form on June 25, 2021.

  
\_\_\_\_\_  
Mayor

Dated June 26, 2021

Approved as to form and substance.

  
\_\_\_\_\_  
Celia Meza  
Corporation Counsel

## ORDINANCE

**WHEREAS**, The City of Chicago has worked tirelessly for over a year to help businesses and workers survive the most devastating pandemic in a century; and

**WHEREAS**, Chicago's businesses and workers persevered through the unprecedented COVID-19 crisis to provide critical services to City residents and to keep Chicagoans safe; and

**WHEREAS**, The City executed an array of robust emergency relief measures to provide businesses with much-needed financial support and regulatory relief during this uniquely challenging time in its history; and

**WHEREAS**, The City's emergency relief measures include providing Chicago businesses with more small business grant and loan relief than any other municipality in the Nation, totaling over \$100 million; rolling out an Expanded Outdoor Dining program to enable restaurants to serve diners safely outside; issuing 241 outdoor dining permits to more than 400 establishments encompassing over 30 closed streets and 150 parking lots available for outdoor dining; reforming the sidewalk café permit-issuance process by expediting the permitting of approximately 1,000 sidewalk cafés, discounting the sidewalk café permit fee by 75%, and allowing permittees to expand their cafés in front of neighboring storefronts; establishing eight Chicago Business Centers across the City to provide additional licensing and business support in neighborhoods; and operationalizing an innovative pandemic public safety strategy to ensure adherence to health guidelines through education, including nearly 40,000 educational outreach calls to individual businesses; and

**WHEREAS**, With a robust COVID-19 vaccination program now underway, the City's focus must shift from economic survival to economic recovery; and

**WHEREAS**, The Chi Biz Strong Initiative ("Initiative") is a bold plan to jumpstart business growth, protect workers, and set the marketplace on a path towards a strong, rapid, equitable and long-lasting economic recovery; and

**WHEREAS**, This Initiative will disburse lifeline grants to struggling businesses and help small businesses stay afloat; overhaul business licensing by streamlining public vehicle regulations and expediting license and permit issuance to save businesses time and money on the road to recovery; and align business regulations with public safety goals to protect residents from unsafe business practices; and

**WHEREAS**, The Chi Biz Strong Initiative is only the beginning. Addressing the lack of access to capital for investment purposes in distressed communities is critical in building community wealth into the future; and

**WHEREAS**, Uplifting the entrepreneurial spirit by supporting emerging worker cooperatives will raise awareness and champion the cause of equitable business models; now, therefore,

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

This ordinance is organized into ten Articles, as follows:

- Article I. Immediate Financial Relief
- Article II. Temporary Food Delivery Fee Relief
- Article III. Expedited Restaurant Licensing
- Article IV. Hospitality Industry Support
- Article V. Fair Marketplace Innovation and Compliance
- Article VI. Public Vehicle Industry Support
- Article VII. Expedite Signs and Permits
- Article VIII. Allow Sidewalk Signs
- Article IX. Improve Neighborhood Safety and Quality of Life
- Article X. Effective Dates

## **ARTICLE I. IMMEDIATE FINANCIAL RELIEF**

The City Council approves the resolution attached as Exhibit A to this ordinance.

## **ARTICLE II. TEMPORARY FOOD DELIVERY FEE RELIEF**

### **SECTION 1.**

#### **RECITALS**

Beginning in late 2019, a new and highly communicable type of Coronavirus, now commonly known as COVID-19, emerged and began to spread rapidly. Despite efforts to contain COVID-19, it continues to spread throughout Chicago and the State of Illinois.

While great progress has been made in the fight against COVID-19, the virus continues to present an unprecedented threat to Chicagoans. It is necessary and appropriate for the City of Chicago to continue to take immediate measures to protect the health, safety, and welfare of its residents.

On March 18, 2020, acting pursuant to Section 2-4-110 of the Municipal Code, the Mayor declared that a state of emergency exists in Chicago and issued Emergency Executive Order No. 2020-1.

Since March 2020, restaurants have been closed, have been limited to serving customers outdoors, or have been subjected to limits on indoor customer capacity, due to social distancing requirements.

As many restaurants further reopen, there are establishments that continue to struggle, and many that have already closed and will never come back. During these precarious times, restaurants remain vulnerable and highly reliant on third-party food delivery services.

Due to the high fees imposed by third-party food delivery services, many restaurants have been forced to increase food prices to stay in business, and Chicago residents who rely on food delivery may be unable to absorb increased food prices.

Many local restaurants being charged high fees struggle to remain financially viable. If these restaurants are forced to close, their workers will lose employment, which affects their ability to feed and shelter their families.

It is vital that the City continues to act effectively to help and support our residents and employees during the period of COVID-19 recovery, including supporting and providing relief for the suffering business community within the City.

The City Council finds and declares that the immediate passage of this Article is urgent for the protection of the public health, safety and welfare.

The above recitals are incorporated into and made a part of this Article.

## **SECTION 2.**

(a) *Definitions.* For purposes of this Article, the following definitions apply:

“City” means the City of Chicago.

“Delivery fee” means a fee charged by a Third-Party Food Delivery Service for providing a Food Dispensing Establishment with a service that delivers food and beverages from such establishment to customers. The term does not include any other fee or cost that may be charged by a Third-Party Food Delivery Service to a Food Dispensing Establishment, such as fees for listing or advertising the Food Dispensing Establishment on the Third-Party Food Delivery Service platform or fees related to processing the Online Order.

“Food Dispensing Establishment” has the same meaning as ascribed to this term in Section 4-8-010 of the Municipal Code of Chicago.

“Online Order” means an order placed by a customer through or with the assistance of a platform provided by a Third-Party Food Delivery Service, including a telephone order, for delivery or pick-up within the City.

“Purchase Price” means the price, as listed on the menu of the Food Dispensing Establishment, for the items contained in an Online Order, minus any applicable coupon or promotional discount provided to the customer by the Food Dispensing Establishment through the Third-Party Food Delivery Service. This definition does not include taxes, gratuities, and any

other fees or costs that may make up the total amount charged to the customer of an Online Order.

“Third-Party Food Delivery Service” means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the delivery or pick-up of food and beverages from, no fewer than 20 Food Dispensing Establishments located in the City that are each owned and operated by different persons.

(b) *Prohibitions.* It shall be unlawful for a Third-Party Delivery Service to:

(1) charge a Food Dispensing Establishment a Delivery Fee that totals more than 10 percent of the Purchase Price of each Online Order on an individual or cumulative basis.

(2) charge a Food Dispensing Establishment any amount designated as a Delivery Fee for an Online Order that does not involve the delivery of food or beverages.

(3) charge a Food Dispensing Establishment any combination of fees, commissions, or costs for the Food Dispensing Establishment’s use of the Third-Party Food Delivery Service that is greater than 15 percent of the Food Dispensing Establishment’s monthly net sales processed through the Third-Party Delivery Service. For purposes of this subsection (b)(3), the term “fees, commissions, or costs” includes Delivery Fees.

(4) charge a Food Dispensing Establishment any fee, commission, or cost other than as permitted in Subsections 1 through 3, above.

(5) charge a customer any Purchase Price for a food or beverage item that is higher than the price set by the Food Dispensing Establishment on the Third-Party Food Delivery Service or, if no price is set by the Food Dispensing Establishment on the Third-Party Food Delivery Service, the price listed on the Food Dispensing Establishment’s own menu.

(6) reduce the compensation rates paid to the Third-Party Delivery Service drivers, or to garnish gratuities, as a result of any fee limitations instituted by this section.

(c) *Enforcement and Rules.* The Commissioner of Business Affairs and Consumer Protection is authorized to: (i) administer and enforce this Article, and (ii) promulgate rules necessary or useful to assist in the implementation and administration of this Article.

(d) *Violation – Penalty.* Any person who violates this section shall be fined not less than \$1,000.00 nor more than \$2,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

**SECTION 3.** This Article shall not apply to any Chain Restaurant. For purposes of this Article only, the term “Chain Restaurant” means any group of businesses licensed as a Food Dispensing Establishment in the City with ten or more locations and operating under a common business name.

**SECTION 4.** This Article shall be repealed of its own accord, without further action of the City Council, when there are no longer any governmentally imposed COVID-19-related indoor dining restrictions, (whether imposed by the City of Chicago or the State of Illinois) on food dispensing establishments for 180 consecutive days. COVID-19-related indoor dining restrictions shall include restrictions on capacity percentages, distance between tables, party size, and hours of operation.

**ARTICLE III. EXPEDITED RESTAURANT LICENSING**

**SECTION 1.**

RECITALS

The issuance process for City of Chicago business licenses is expeditious and can be as quick as a single day.

Retail food licenses, required for restaurants and other food operations, can take a couple of weeks to issue due to the need to schedule mandated inspections.

There are approximately 8,000 restaurants in Chicago, many of which are estimated to have closed as a result of the COVID-19 pandemic, creating an opportunity for new operators to enter the market.

Issuing licenses to food establishments that meet certain health criteria on a provisional basis, pending full inspection, would allow these businesses to open ten to 14 days faster, saving critical time and providing these businesses with the opportunity to open early and start serving their clients faster.

Every day counts when opening a new business, especially in the aftermath of an unprecedented pandemic and associated economic recession.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** A pilot program is hereby established to expedite the issuance under Chapter 4-8 of the Municipal Code of Chicago of a retail food establishment license to engage in the business activity of restaurant as defined herein. This pilot program shall remain in effect from the effective date of this ordinance through December 31, 2023. During the duration of this pilot program, the following requirements shall apply:

- (a) *Definitions.* As used in this ordinance:  
“Code” means the Municipal Code of Chicago.

“Department of Business Affairs and Consumer Protection” or “BACP” means the Department of Business Affairs and Consumer Protection of the City of Chicago

“Department of Health” or “CDPH” means the Department of Public Health of the City of Chicago.

“Food Code Rules” means the Food Code Rules of the City of Chicago Department of Public Health, as now or hereinafter amended, published on the City of Chicago Rules Portal (<https://www.chicago.gov>).

“Restaurant” means any brick-and-mortar establishment or portion thereof where food is prepared, processed and sold to the public, regardless of whether seating or tables are provided for on-premises consumption of the food sold.

(b) *Expedited license issuance – Authorized when.* Notwithstanding any language to the contrary in Section 4-8-030(b) of the Code, (1) the Commissioner of Business Affairs and Consumer Protection is authorized to issue, on an expedited basis, a retail food establishment license to engage in the business activity of restaurant prior to inspection and approval by the Department of Health of the premises, vehicles, vending machines and other equipment and facilities identified in the license application; and (2) the holder of such license is authorized to prepare, process and sell food prior to such inspection and approval by the Department of Health, if all of the following requirements are met:

(i) The applicant for such license is seeking to open a new restaurant at a location previously occupied and vacated by another properly licensed restaurant (“the previous restaurant”); and

(ii) On or after July 1, 2018, CDPH inspected the previous restaurant and the previous restaurant passed its most recent inspection as confirmed by CDPH; and

(iii) The applicant for such license certifies or acknowledges under penalty of law in the license application or addendum thereto: (A) the square footage of the business location identified in the license application, including food service, preparation and storage areas; (B) whether any structural, plumbing, ventilation or electrical changes requiring a building permit, other than repairs to the existing structural, plumbing, ventilation or electrical systems, have been made or are being made at the business location identified in license application, and, if so, the nature of those changes; (C) that no changes to the structural, plumbing, ventilation or electrical systems requiring a building permit, other than properly permitted repairs to the existing structural, plumbing, ventilation or electrical systems, may be made at the business location identified in the license application throughout the duration of the pilot program; (D) that the information provided in the license application or addendum thereto is true and complete; (E) that the City of Chicago is authorized to make all necessary inquiries to verify the accuracy of the information provided in the license application or addendum thereto; (F) that any false statement of material fact to the City in connection with the license application or addendum thereto will subject the license applicant to potential penalties under the City of Chicago False Statements Ordinance, Chapter 1-21 of the Code, which may include denial of the requested City

action; and (G) any other appropriate facts, statements or understandings that BACP may require as a condition of license issuance; and

(iv) BACP determines that: (A) the square footage of the business location identified in the license application is substantially equivalent to that of the previous restaurant; and (B) no changes requiring a building permit have been made or are being made to the structural, plumbing, ventilation or electrical systems at the business location identified in the license application other than properly permitted repairs to the existing structural, plumbing, ventilation or electrical systems; and

(v) Prior to the issuance of such license: (A) the applicant self-inspects the premises identified in the license application and certifies that all of the food safety and operational requirements that CDPH identifies on a checklist of requirements that the applicant must meet in order for an expedited license to be issued pursuant to this ordinance have been met and must continue to be met after the license is issued; and (B) the applicant completes a consultation with CDPH to review and approve the menu, equipment, and food safety operations proposed by or otherwise required to be used by the applicant at the new restaurant; and (C) the applicant attests that such approved menu, equipment and food safety operations will be used at the new restaurant and that no changes to such menu, equipment or food safety operations will be made without prior written approval by CDPH; and (D) CDPH notifies BACP that the requirements set forth in items (A) through (C) of this subsection (a)(v) have been met.

(c) *Post-license issuance inspection requirement.* CDPH shall inspect for compliance with the Food Code Rules all restaurants licensed on an expedited basis pursuant to this ordinance within 180 calendar days of the date on which such license is issued by BACP.

(d) *Legal duties of licensees.* All applicable requirements set forth in Chapter 4-8 of the Code, other than those set forth in Section 4-80-030(b), or in any rules duly promulgated thereunder, including but not limited to the Food Code Rules, shall apply to persons who hold a retail food establishment license issued on an expedited basis pursuant to this ordinance.

(e) *Construction of section.* BACP shall offer applicants, who otherwise meet the requirements set forth in paragraphs (i) through (vi) of subsection (a) of this ordinance, the option to obtain the requested license on an expedited basis in accordance with this ordinance or in accordance with Section 4-8-030(b).

## **ARTICLE IV. HOSPITALITY INDUSTRY SUPPORT**

### **SECTION 1.**

#### RECITALS

Chicago's hospitality industry drives economic activity, employs tens of thousands of workers, and distinguishes Chicago's vibrant and diverse neighborhood corridors.

The City's Expanded Outdoor Dining program, cocktails to go regulation, and other hospitality programs provided struggling bars, restaurants, and event spaces a lifeline to attract and serve customers safely during the COVID-19 pandemic.

Making it easier for these businesses to serve customers by aligning the Special Event Liquor license term with State law requirements will save businesses money and time. Allowing these businesses to continue to sell cocktails to go will boost economic activity, cultural vibrancy, and workforce opportunities.

Current hospitality regulations exclude persons convicted of crimes within the last ten years from getting licensed and disproportionately impact communities of color.

Providing persons with a criminal record the ability to prove that they have been rehabilitated will enable them to partake in the growing hospitality industry and increase equity and opportunity.

Aiding Chicago's hospitality industry is critical to ensuring its recovery from the unprecedented disruptions that occurred as a result of the pandemic and changes in consumer behavior.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** Section 2-14-200 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**2-14-200 Eviction proceedings.**

*(Omitted text is unaffected by this ordinance)*

(b) Whenever an administrative law officer determines that a tenant is subject to eviction based upon a pattern of controlled substance violations under Chapter ~~8-28~~ 8-30 of this Code, he or she will issue an order of eviction effective on a specified date not less than 30 days after the date the order is issued. On that date and thereafter the landlord shall be entitled to re-enter and take possession of the premises. Any person who violates an order of eviction issued under this section by failing to surrender the premises shall be subject to prosecution under Section 2-14-100.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** Section 4-6-230 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-230 Booting of motor vehicles.**

*(Omitted text is unaffected by this ordinance)*

(c) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of booting shall be accompanied by the following information:

*(Omitted text is unaffected by this ordinance)*

(2) a statement as to whether, within three years of the date of application or renewal, (i) the applicant, or (ii) any employee or agent of the applicant who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type (other than a minor cannabis offense);

*(Omitted text is unaffected by this ordinance)*

(e) *License issuance and renewal – Prohibited when.* No license to engage in the business of booting shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if, within three years of the date of application or renewal, (i) such applicant or licensee, or (ii) any employee or agent of such applicant or licensee who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type (other than a minor cannabis offense).

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Section 4-6-290 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-290 Bed-and-breakfast establishment.**

*(Omitted text is unaffected by this ordinance)*

(c) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of bed-and-breakfast establishment shall be accompanied by the following information:

*(Omitted text is unaffected by this ordinance)*

(2) a statement as to whether the applicant or any controlling person has ever been convicted in any jurisdiction of any felony (other than a minor cannabis offense);

*(Omitted text is unaffected by this ordinance)*

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of bed-and-breakfast establishment shall be issued to the following persons:

*(Omitted text is unaffected by this ordinance)*

(3) any applicant or licensee, as applicable, if such applicant or licensee has been convicted under any federal or state law of any felony (other than a minor cannabis offense) that is rationally related to the applicant's fitness or capacity to operate a bed-and-breakfast establishment;

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** Section 4-6-320 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-6-320 Massage establishments and massage services.**

*(Omitted text is unaffected by this ordinance)*

(b) *Application.*

*(Omitted text is unaffected by this ordinance)*

(2) *Application contents.* The application for a license to operate a massage establishment shall set forth the exact nature of the massage to be administered and the proposed place and facilities thereof. An application for such a license shall be made in conformity with the general requirements of this code relating to license. The application shall be signed under oath by the owner of the business for which a license is sought. If the owner is a corporation, the application shall be signed by an authorized officer of the corporation. If the owner is a partnership, the application shall be signed by a partner.

*(Omitted text is unaffected by this ordinance)*

(E) (i) any conviction, forfeiture of bond, or plea of nolo contendere upon any criminal violation at any time (other than a minor cannabis offense); or (ii) any municipal ordinance violation (except minor traffic violations), within a five-year period;

*(Omitted text is unaffected by this ordinance)*

(3) *Issuance conditions and term.* No license shall be issued under this article if the Department shall find:

*(Omitted text is unaffected by this ordinance)*

(B) that the applicant or any other person who shall be directly or indirectly engaged in the management and operation of the massage establishment has been found to have violated Section 4-6-320(c)(1)(C) or (E); former Section 4-92-047(c) or (c); or has been convicted of (a) any offense involving sexual misconduct with children, or (b) any provision of 720 ILCS 5/10-9

or Article 11 of Chapter 720 of the Illinois Compiled Statutes, or (c) any other felony (other than a minor cannabis offense) unless upon request of such person, the Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of such substantial rehabilitation shall be on the person seeking such rehabilitation. The rehabilitation procedure shall apply only to subsection (B) of this section; or

*(Omitted text is unaffected by this ordinance)*

**SECTION 6.** Section 4-60-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-60-030 License issuance prohibited when.**

No license for the sale of alcoholic liquor shall be issued to:

*(Omitted text is unaffected by this ordinance)*

(e) A person who has been convicted of a felony (other than a minor cannabis offense) under any federal or state law, if the local liquor control commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

*(Omitted text is unaffected by this ordinance)*

**SECTION 7.** Section 4-60-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-60-070 Issuance authority – Special licenses.**

*(Omitted text is unaffected by this ordinance)*

(c) (1) The local liquor control commissioner shall have the authority to issue a special event liquor license.

(2) The local liquor control commissioner may approve a special event retailer's license issued to a not-for-profit by the State of Illinois for a period of time not to exceed ~~44~~ 15 calendar days.

(3) The local liquor control commissioner may approve a special event use permit issued to a ~~for-profit~~ for-profit entity by the State of Illinois for an outdoor event authorizing the sale and consumption of alcoholic liquor for a period not to exceed ~~44~~ 15 calendar days; provided that the Commissioner of Cultural Affairs and Special Events has designated an event as a special event.

(4) The local liquor control commissioner shall have authority to issue a beer showcase permit, subject to the applicable provisions of this chapter and the Liquor Control Act

of 1934, 235 ILCS 5/1-1, et. seq., and to promulgate rules useful to assist in the proper implementation and administration of this subsection.

~~(4)~~ (5) Notwithstanding any other provision of this chapter, the fee for a special event liquor license or a beer showcase permit shall be the special liquor license fee as set forth in Section 4-5-010.

~~(5)~~ (6) The alderman of the ward in which the event is located shall be notified five days prior to issuance of the special event license or beer showcase permit.

**SECTION 8.** Section 4-60-080 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-60-080 Off-premises sales prohibited – Exemptions.**

(a) No liquor shall be sold, offered for sale, kept for sale, displayed or advertised for sale at retail or delivered to any person purchasing same at retail except at a location, place, or premises described in a retail liquor dealer's license. Provided, however, that solely with respect to a caterer whose licensed place of business is located in an area where no liquor may be sold at retail as the result of a referendum pursuant to the Liquor Control Act, the retail sale of liquor by such a caterer may take place as provided in Section 4-60-081(b).

*(Omitted text is unaffected by this ordinance)*

(d) A retail liquor dealer licensee may sell cocktails for off-premises consumption as provided in Section 4-60-082.

**SECTION 9.** The ordinance adopted by the Chicago City Council on June 17, 2020 (commonly known as the cocktails-to-go ordinance) and appearing in the *Journal of the Proceedings of the City Council of the City of Chicago* on pages 17889 – 17892 of that date is hereby repealed in its entirety.

**SECTION 10.** Chapter 4-60 of the Municipal Code of Chicago is hereby amended by adding a new Section 4-60-082, as follows:

**4-60-082 Delivery and carryout of cocktails permitted.**

(a) For purposes of this section and subsection (d) of Section 4-60-080, the following definitions shall apply:

“Cocktail” means any: (i) single serving of wine or (ii) beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

“Original container” means a container that is filled, sealed, and secured by a retail licensee's employee at the retail licensee's location with a tamper-evident lid or cap.

“Retail licensee” means the holder of a “consumption on premises – incidental activity license” or a “tavern license,” but does not include the holder of a “package goods license,” as these terms are defined in Section 4-60-010 of the Code.

“Sealed container” means a rigid container that contains a cocktail, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. “Sealed container” does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

“Tamper-evident” means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.

(b) If expressly allowed under applicable State of Illinois law, a retail licensee may sell a cocktail placed in a sealed container by the retail licensee at the retail licensee's location for off-premises consumption if the following requirements are met:

- (1) the cocktail is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee who:
  - (A) has been trained in accordance with Section 6-27.1 of the Liquor Control Act of 1934, codified at 235 ILCS 5/6-27.1, at the time of the sale;
  - (B) is at least 21 years of age; and
  - (C) upon delivery, verifies the age of the person to whom the cocktail is being delivered;
- (2) if the employee delivering the cocktail is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of the cocktail and return the product to the retail license holder;
- (3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;
- (4) the sealed container shall be affixed with a label or tag that contains the following information:
  - (A) the type of, name of, and ingredients in the cocktail;
  - (B) the name, license number, and address of the retail licensee that filled the original container and sold the cocktail;
  - (C) the volume of the cocktail; and
  - (D) the sealed container was filled less than 7 days before the date of sale.

(c) Third-party delivery services are not permitted to deliver cocktails under this Section.

- (d) Delivery or carry out of a cocktail is prohibited if:
  - (1) a third party delivers the cocktail;
  - (2) a container of a cocktail is not tamper-evident and sealed;
  - (3) a container of a cocktail is transported in the passenger area of a vehicle;
  - (4) a cocktail is delivered by a person or to a person who is under the age of 21; or
  - (5) the person delivering a cocktail fails to verify the age of the person to whom the cocktail is being delivered.

(e) The Local Liquor Control Commissioner shall have the authority to promulgate rules for the proper administration and enforcement of this Section.

**SECTION 11.** Section 4-60-181 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-60-181 Revocation order not stayed by appeal.**

An order of the liquor control commissioner revoking a city license under this chapter shall take immediate effect if the liquor control commissioner finds that any of the following circumstances are present: (a) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of firearms; or (b) the revocation is for violation of any federal or state law or city ordinance regulating the sale, use or possession of narcotics or other controlled substances (other than a minor cannabis offense) as defined in the Illinois Criminal Code; or (c) the revocation is for violation of any federal or state law or city ordinance relating to prostitution; or (d) the revocation is for sale of alcoholic liquor to a minor, and the licensee was disciplined for three or more similar sales, occurring in separate incidents, within the prior three years; or (e) the revocation is for violations of this Code or the rules and regulations of the City of Chicago Board of Health related to health and sanitation in a food establishment; or (f) the revocation is ordered pursuant to Section 4-4-313 because the premises caused a public nuisance; or (g) if the revocation is of a late-hour privilege, the revocation is for the failure to implement or maintain an adequate exterior safety plan, or for any violation of any law or ordinance that the liquor control commissioner determines warrants immediate revocation of that privilege; or (h) the revocation is for a violation of subsection (k) of Section 4-60-140. For purposes of subsection (d) of this section, “discipline” means revocation, suspension, a voluntary closing in lieu of suspension, or imposition of a fine. In the event that a revocation order contains a finding described in this section, the effect of the revocation shall not be stayed pending an appeal by the licensee to the License Appeal Commission under the Liquor Control Act.

**SECTION 12.** Section 4-75-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-75-030 License – Application.**

(a) In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a license to engage in the business of children's services facility shall be accompanied by the following information:

*(Omitted text is unaffected by this ordinance)*

(7) a statement as to whether, within ten years prior to the date of application or renewal, the applicant, any controlling person, any manager, any person charged with responsibility for day-to-day management or supervision of the facility or any existing employee or staff member of the facility has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type (other than a minor cannabis offense) other than those felonies required to be disclosed under paragraph (6) of this subsection or of a misdemeanor offense (other than a minor cannabis offense) involving drugs or narcotics;

*(Omitted text is unaffected by this ordinance)*

**SECTION 13.** Section 4-144-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-144-030 License – Qualifications.**

No license shall be issued under this Article if the applicant or any employee who handles or possesses a stun gun or taser:

*(Omitted text is unaffected by this ordinance)*

(b) has ever been convicted of a felony (other than a minor cannabis offense)

*(Omitted text is unaffected by this ordinance)*

**SECTION 14.** Section 4-151-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-151-030 License – Application and issuance procedures.**

*(Omitted text is unaffected by this ordinance)*

(8) a statement as to whether the applicant, manager, any employee, or the building owner in the case of a leased building, has ever been convicted, or found liable in an administrative adjudication, of a felony (other than a minor cannabis offense), a misdemeanor involving a firearm, or any other law concerning the manufacture, possession or sale of firearms;

*(Omitted text is unaffected by this ordinance)*

**SECTION 15.** Section 4-151-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-151-040 Qualifications for licenses.**

No license shall be issued under this chapter if the applicant, the manager, range master, or any employee:

*(Omitted text is unaffected by this ordinance)*

- (b) Has ever been convicted of a felony (other than a minor cannabis offense);

*(Omitted text is unaffected by this ordinance)*

**SECTION 16.** Section 4-156-355 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-156-355 License – Issuance prohibited.**

No public place of amusement license under this Article III shall be issued to:

- (1) A person who has been convicted of a felony, ~~within the past ten years,~~ under any federal or state law (other than a minor cannabis offense) unless the commissioner determines, after investigation and in accordance with duly promulgated rules, that such person has been sufficiently rehabilitated to warrant the public trust. The burden of proof of rehabilitation shall be on the person seeking such rehabilitation;

*(Omitted text is unaffected by this ordinance)*

**SECTION 17.** Section 4-156-820 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-156-820 Issuance of license – Prohibited when.**

No public place of amusement license to engage in the business of industrial private event venue shall be issued under this Article VI unless all of the following requirements are met:

*(Omitted text is unaffected by this ordinance)*

- (c) the applicant has not been convicted of a felony (other than a minor cannabis offense) under any state or federal law within the ten years prior to the date of the application, unless upon the request of the applicant, the commissioner determines that the applicant has been sufficiently rehabilitated to warrant the public trust. The burden of proof of sufficient rehabilitation shall be on the person seeking such rehabilitation;

*(Omitted text is unaffected by this ordinance)*

**SECTION 18.** Section 4-156-830 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-156-830 License – Application.**

(a) In addition to the requirements in Section 4-4-050, an application for a public place of amusement license under this Article VI shall be accompanied by the following information:

*(Omitted text is unaffected by this ordinance)*

(11) a statement as to whether the applicant has been convicted of a felony (other than a minor cannabis offense) under any state or federal law within the ten years prior to the date of the application; and

*(Omitted text is unaffected by this ordinance)*

**SECTION 19.** Section 8-4-030 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**8-4-030 Drinking in public ways – Exceptions.**

(a) (1) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the city. Provided, however, that this subsection (a)(1) shall not apply to:

*(Omitted text is unaffected by this ordinance)*

(2) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle upon any public way in the city except: (1) in the original package and with the seal unbroken, or (2) in a package properly sealed, bagged and receipted pursuant to Section 6-33 of the Liquor Control Act of 1934, added by P.A. 94-1047, effective January 1, 2007, and codified at 235 ILCS 5/6-33, as amended, or (3) in compliance with Section 11-502 of the Illinois Vehicle Code, codified at 625 ILCS 5/11-502, or (4) in compliance with Section 4-60-082 of this Code.

*(Omitted text is unaffected by this ordinance)*

**SECTION 20.** Section 10-28-845 of the Municipal Code of Chicago is hereby amended by inserting the language underscored and deleting the language stricken, as follows:

**10-28-845 Operational conditions.**

(A) Sidewalk cafés permitted under this article shall not operate earlier than 7:00 ~~8:00~~ a.m. nor later than 12:00 midnight.

*(Omitted text is unaffected by this ordinance)*

**SECTION 21.** The Department of Business Affairs and Consumer Protection shall apply the requirements in this Article IV governing a person's license eligibility based on criminal background to persons who have on file with the Department, as of the effective date of this Article, an application for a license governed by this Article.

## **ARTICLE V. FAIR MARKETPLACE INNOVATION AND COMPLIANCE**

### **SECTION 1.**

#### RECITALS

Third-party facilitators and peer-to-peer apps connecting consumers to services and businesses have fostered economic growth, workforce opportunities, and advances in the quality of life.

These third-party facilitators provide broad-based opportunity for businesses, individuals, property owners, and others to offer food, event spaces, and other services to the paying public.

The City of Chicago licenses and regulates businesses to ensure public safety, equity, and fairness in the marketplace.

Unlicensed businesses providing services via third-party facilitators not only undercut the investments of those businesses duly licensed by the City, but also create nuisances and put the public's health and safety at risk in crowded, unregulated event spaces, in unlicensed food establishments, and by way of other unregulated products, services, and spaces.

Requiring third-party facilitators to deal only with licensed operators will level the playing field for businesses, protect public safety, and reduce nuisance.

Providing clarity for new hotel concepts to get licensed will ensure that the hotel industry remains safe for consumers and fair and transparent for all businesses involved.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-120, as follows:

**4-4-120 Unlicensed businesses – Liability of third-party facilitator.**

(a) No third-party facilitator shall allow any customer to use such facilitator's application to arrange to use, or to use, a client's services or property unless such client has obtained all licenses required under this Code or under any other applicable law.

(b) Any third-party facilitator who violates subsection (a) of this section shall be notified in writing by the department of the fact of such violation and of the facilitator's duty to correct the violation of this section. If the facilitator fails to correct such violation by the date certain set forth in the written notice required under this subsection (b), the facilitator shall be fined up to \$500.00 for the first violation of subsection (a) within any five-year period; up to \$5,000.00 for the second violation of subsection (a) within any five-year period; and up to \$10,000.00 for the third or any subsequent violation of subsection (a) within any five-year period. Each day that a violation continues shall constitute a separate and distinct offense. Mitigating factors that may be considered in determining the amount of the fine to be imposed against the third-party facilitator shall include the following: (1) proof that the facilitator had removed from its application the client engaged in the unlicensed business activity prior to date on which the written notice required under this subsection (b) was mailed or otherwise provided; (2) proof that the facilitator had called 311 to report the client's unlicensed business activity prior to the date on which the written notice required under this subsection (b) was mailed or otherwise provided; (3) proof that the facilitator had filed a complaint with 311 online through [www.cityofchicago.org](http://www.cityofchicago.org) to report the client's unlicensed business activity prior to the date on which the written notice required under this subsection (b) was mailed or otherwise provided; or (4) any other mitigating factor set forth in rules duly promulgated by the commissioner.

(c) As used in this section:

"Application" means any software installed and available for download on a computer, tablet, smart phone or other electronic device, or any website, mobile application or platform, internet-enabled application or platform, digital platform or internet service used by a third-party facilitator to connect the facilitator's customers with the facilitator's clients.

"Client" means any person who has an agreement, whether express or implied, with a facilitator to directly or indirectly provide services of any type to the facilitator's customers or to allow the facilitator's customers to directly or indirectly use such client's property for any purpose if such client requires a license under this Code or under any other law to engage in the applicable business activity.

"Customer" means any person who uses a facilitator's application to arrange to use or to use any services or property owned or leased by a facilitator's client.

"Property" means real or personal property.

"Third-party facilitator" or "facilitator" means any person who operates or maintains an application to connect customers with clients. The term "third-party facilitator" or "facilitator" does not include: (1) short term residential rental intermediaries or short term residential rental advertising platforms as those terms are defined in Section 4-13-100; or (2) transportation network providers as defined in Section 9-115-010; or (3) any other category of persons exempt from this section by express provisions of this Code.

**SECTION 3.** Section 4-6-180 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-6-180 Hotel.**

(a) *Definitions.* As used in this section:

*(Omitted text is unaffected by this ordinance)*

“Dwelling unit” has the meaning ascribed to that term in Section 17-17-0248.

*(Omitted text is unaffected by this ordinance)*

“Hotel” means any building or structure kept, used, maintained as, advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or other place, where sleeping or rooming accommodations are furnished, used or maintained for hire or rent for the accommodation of guests, lodgers or roomers, and in which seven or more sleeping rooms, in any combination on one or more floors of such building or structure, are not intermingled on any given floor with dwelling units owned by persons other than the hotel ~~are used or maintained for the accommodation of guests, lodgers or roomers.~~ The term “hotel” shall not include “single-room occupancy buildings”, “bed-and-breakfast establishments”, “vacation rentals” or “shared housing units” licensed or registered, or required to be licensed or registered, by the city.

*(Omitted text is unaffected by this ordinance)*

**ARTICLE VI. PUBLIC VEHICLE INDUSTRY SUPPORT**

**SECTION 1.**

*RECITALS*

The public passenger vehicle industry in the City of Chicago is a significant driver of economic activity as well as a major job generator. Approximately 9,500 public vehicles, 12,000 public chauffeurs, and 50,000 ride hail drivers are licensed by the City.

This industry has been severely impacted by the pandemic. The number of active taxicab and Transportation Network Provider chauffeurs has dropped nearly 80%, and the number of vehicles on the road has decreased significantly due to do the slump in social and business activity over the past year.

Renewed economic and social activity following the pandemic will be fueled by and increase the need for robust public vehicle services.

Public vehicle services are essential services absolutely necessary for other types of essential workers to get to work and move freely about Chicago.

Wheelchair accessible vehicles are a vital mobility resource for people with disabilities. The City currently requires wheelchair accessible and fuel efficient taxicabs to be retired after ten years, and other taxicabs after seven years.

Extending the use of wheelchair accessible and fuel efficient taxicabs to fifteen years, and all other taxicabs to ten years, will save individual operators tens of thousands of dollars in replacement costs, and keep duly inspected accessible and fuel-efficient vehicles on the road for longer.

Charter and sightseeing vehicles are economically vital to supporting tourism and hospitality by ferrying residents and visitors to events, trade shows, meetings, and Chicago's many cultural attractions.

Streamlining public safety and security protocols for charter and sightseeing vehicles will focus expenses and efforts on targeted trips, promote public safety and better enable passengers to travel around Chicago for business and leisure.

Current chauffeur license qualification requirements exclude a wide range of past criminal convictions, violent and non-violent, for five years after individuals have paid their debt to society, disproportionately impacting low-income communities and communities of color.

A study conducted by the Bureau of Justice Statistics found that the recidivism rate is highest within the first three years after a prisoner is released from jail.

Focusing on disqualifying violent offenders, and reducing the time after which non-violent ex-offenders qualify to apply for chauffeur licenses after serving their sentences, will maintain public safety and provide work opportunities, reducing the chance of re-incarceration and supporting returning residents.

Supporting electric vehicles for use as public passenger vehicles will reduce emissions and maintain healthy air quality for Chicago residents and visitors.

Reducing other regulatory burdens on the taxicab industry and encouraging the growth of the public passenger vehicle industry at large will provide workforce opportunities and a strong foundation for economic recovery more broadly.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** Section 3-46-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**3-46-020 Definitions.**

When any of the following words or terms are used in this chapter, they shall have the meaning set forth below:

*(Omitted text is not affected 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, low-speed electric public passenger vehicles, as defined in Section 9-114-010, 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 eCity or registered or titled with the State of Illinois. For purposes of this chapter, the phrase “for-hire vehicle used to provide transportation for a charge or other consideration” shall include a transportation network vehicle, and the term “charge or other consideration” shall include a suggested donation transferred in connection with the receipt of transportation network services.

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.

*(Omitted text is not affected by this ordinance)*

**SECTION 3.** Chapter 9-48 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-48-040, as follows:

**9-48-040 Restrictions on operation of low-speed electric public passenger vehicles.**

(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 low-speed electric public passenger vehicles shall not be operated. Any ordinance defining such areas shall be codified as an amendment to this section.

(b) No low-speed electric public passenger vehicle 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 Ida B. Wells Drive.

(c) No low-speed electric public passenger vehicle shall be operated on Michigan Avenue and State Street from Ida B. Wells Drive to Oak Street.

(d) Low-speed electric public passenger vehicles shall be permitted only upon streets and alleys which are subject to a speed limit of 30 miles per hour or less. It shall be unlawful to

operate low-speed electric public passenger vehicles upon any street in the City where the posted speed limit is more than 30 miles per hour. Provided, however, such vehicles may cross any street which has a posted speed limit of more than 30 miles per hour at an intersection controlled by a traffic light or a stop sign.

(e) For purposes of this section, the term “low-speed electric public passenger vehicle” shall have the meaning ascribed to this term in Section 9-114-010.

**SECTION 4.** Chapter 9-104 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-104-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

“Commissioner” means the City's Commissioner of Business Affairs and Consumer Protection.

“Compensation” means any payment or donation received, or economic or business benefit obtained, for providing transportation of passengers.

“Criminal background check” means a fingerprint based or non-biometric based local and national criminal background check, including, but not limited to, checking an applicant against: (1) the National Sex Offenders Registry database or National Sex Offenders Public Website or other similar database; and (2) ~~Global Watchlist Check that searches known domestic and international terrorist watchlists;~~ and (3) Multi-State or Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation (primary source search).

*(Omitted text is not affected by this ordinance)*

**9-104-020 License – Required.**

(a) Any person who operates a taxicab licensed pursuant to Chapter 9-112 for the transportation of passengers for compensation within the corporate limits of the City ~~of Chicago~~ must hold a valid taxi chauffeur license. Any person who violates this subsection shall be fined no less than \$500.00 nor more than \$1,000.00 for each offense; provided, however, that a failure to renew a taxi chauffeur license shall subject the violator to the fine set forth in Section 9-104-140(d), if the lapse is limited to 60 days or less.

(b) Except as otherwise provided in subsection (c) ~~or Chapter 9-110~~, any person who operates a public passenger vehicle for the transportation of passengers for compensation within the corporate limits of the City ~~of Chicago~~ must hold a valid restricted chauffeur license or taxi chauffeur license. Any person who violates this subsection shall be fined no less than \$500.00 nor more than \$1,000.00 for each offense; provided, however, that a failure to renew a restricted chauffeur license or taxi chauffeur license shall subject the violator to the fine set forth in Section 9-104-140(d), if the lapse is limited to 60 days or less.

~~(c) Drivers that can prove that they are qualified to drive motor vehicles as, for, or on behalf of motor carriers regulated under the Federal Motor Carriers Safety Regulations issued by the U.S. Department of Transportation Federal Highway Administration or under regulations issued by a comparable Illinois agency may drive charter vehicles within the corporate limits of the city without a restricted chauffeur license~~ A driver with a valid, permanent, commercial driver's license issued by any state, district or territory of the United States may drive a charter/sightseeing vehicle or a medicar vehicle, licensed under Chapter 9-114 of this Code, provided that operating such vehicle does not violate any restriction or endorsement placed on the operator's commercial driver's license.

#### **9-104-030 License – Fee.**

(a) Upon qualification of the applicant, and payment of a non-refundable license fee, the ~~¶~~Department shall issue a public chauffeur license in a form prescribed by the ~~¶~~Commissioner. Public chauffeur licenses shall bear the photograph, name, and license number of the licensee.

(b) No person shall alter, modify or replicate a public chauffeur license without authorization by the ~~¶~~Department.

(d) If a public chauffeur licensee violates subsection (b) of this section, in addition to any other applicable penalty, the Commissioner may immediately suspend such public chauffeur's license pursuant to Section 9-104-140.

#### **9-104-040 License – Term.**

(a) A public chauffeur license shall be issued for a two-year period; provided, however, the ~~¶~~Commissioner is authorized to issue initial public chauffeur licenses or renewals for less than a two-year period to establish a system for renewing chauffeur licenses on a staggered basis in a manner that the ~~¶~~Commissioner determines by rule.

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

(c) The ~~¶~~Commissioner is authorized to prescribe by rule the grounds and criteria for extension of the time period for renewing a public chauffeur license for an applicant who fails to renew his license prior to the expiration date for the license.

(d) The ~~¶~~Commissioner may issue a temporary license for a period not to exceed 180 days to ensure a licensee's compliance with ~~child support or debt payment obligations,~~ physical examination, rehabilitative educational classes, or when cases involving the licensee are pending at the ~~¶~~Department of ~~Administrative~~ ~~Hearings~~, in traffic court, or other courts, as determined by the Commissioner.

#### **9-104-050 License – Qualifications.**

(a) An applicant is qualified to receive and maintain a public chauffeur license if the applicant:

1. ~~possesses a valid driver's license for at least one year~~ has possessed a valid permanent driver's license of any state, district or territory of the United States, for at least one year, and shall not currently have a suspended or revoked driver's license in any state, district, or territory of the United States;

2. is at least 21 years of age;

3. [Reserved];

4. [Reserved];

5. has successfully completed a training course and license examination, as prescribed by the Commissioner, unless deemed unnecessary for that applicant pursuant to rule;

6. ~~has successfully completed a licensing examination as prescribed by the Commissioner~~ [Reserved];

7. does not owe debt to the City of Chicago as the term "debt" is defined in Section 4-4-150 of this eCode;

8. ~~is not delinquent in child support as provided in Section 4-4-152 of this code~~ [Reserved];

9. has not been convicted, found liable, placed on supervision or any similar deferral program, or subject to conditional discharge for three or more traffic regulations governing the movement of vehicles of any kind in any jurisdiction:

i. for new license applicants, for violations that occurred within a 12-month period preceding the application; or

ii. for renewal license applicants, for violations that occurred within a 12-month time frame during the applicant's last license term;

10. has not had a previous public chauffeur license application denied, rescinded, within the 12-month period preceding the date of application;

11. has not had a previously issued public chauffeur license revoked within the 3-year period preceding the date of application;

12. ~~has not had a previously issued public chauffeur license rescinded under Section 9-104-080 within the 3-year period preceding the date of application~~ [Reserved];

13. ~~has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of non-moving violations in the 12-month period preceding the date of application, excluding (i) license suspensions due to failure to comply with child support or debt payment obligation; (ii) failure to maintain automobile insurance on a personal vehicle; or (iii) failure to appear in traffic court~~ has not been: (i) required to register as a sex offender pursuant to the Sex Offender Registration Act (730 ILCS 150/1, et seq.) or a comparable law of another jurisdiction; or (ii) required to register as a violent offender against youth pursuant to the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/1, et seq.) or a comparable

law of another jurisdiction; or (iii) sentenced by a court of any jurisdiction to a life-time parole or supervision; or (iv) currently under an outstanding arrest warrant issued by a court of any jurisdiction;

14. has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of a driving-related incident within the 12-month period preceding the date of application; and

15. has not, within the ~~5-year~~ 3-year period preceding the date of application, been convicted by a court of any jurisdiction, in custody, under parole, under any other non-custodial supervision, or any similar deferral program, or subject to a conditional discharge, resulting from a finding or determination of guilt by a court of any jurisdiction, for any of the following offenses:

(i) any forcible felony as defined by Article 2-8 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-8 ~~0.5, et seq.~~;

(ii) ~~the illegal sale or possession of any controlled substance~~ trafficking (as provided in 720 ILCS 570/401.1 or comparable law) ~~or cannabis (other than a minor cannabis offense, as defined in Section 4-4-010)~~ or trafficking in persons (as provided in 720 ILCS 5/10-9 or comparable law);

(iii) operating a motor vehicle under the influence of a controlled substance, cannabis, or alcohol or other substance which impairs one's ability to safely operate a motor vehicle (as provided in 625 ILCS 5/11-501 or comparable law);

(iv) ~~indecent solicitation of a child or any criminal sexual abuse or similar crime~~ criminal sexual assault (as provided in 720 ILCS 5/11-1.20 or comparable law), criminal sexual abuse (as provided in 720 ILCS 5/11-1.50 or comparable law), promoting prostitution (as provided in 720 ILCS 5/11-14.3 or comparable law), child pornography (as provided in 720 ILCS 5/11-20.1 or comparable law), stalking (as provided in 720 ILCS 5/12-7.3 or comparable law), or any similar offense; ~~or~~

(v) unlawful use or possession of a weapon or firearm (as provided in Chapter 24 of the Illinois Criminal Code of 2012 or comparable law);

(vi) arson (as provided in 720 ILCS 5/20-1 or comparable law);

(vii) racketeering or organized criminal activity (as provided in 720 ILCS 5/33G-1, et seq., or comparable law); or

(viii) any crime ~~involving moral turpitude~~ that raises public safety concerns, as determined by the Commissioner; and

16. has not, within the 1-year period preceding the date of application, been convicted or released from incarceration, whichever occurs later, for any of the following offenses: (i) any non-forcible felony, as the term felony is defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7; (ii) identity theft; (iii) forgery or counterfeiting; or (iv) theft of property valued over \$1,000.

(b) An applicant who has been charged with the commission of a felony as defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7, or a felony in another jurisdiction, or any crime that raises public safety concerns, as determined by the Commissioner, shall not be eligible for a public chauffeur license until final disposition of such charges.

(c) Any conviction for a minor cannabis offense, as defined in Section 4-4-005, shall not disqualify an applicant.

(d) Eligibility for issuance of any license under this chapter shall be a continuing requirement for maintaining such license.

#### **9-104-090 Training course and licensing exam.**

(a) The eCommissioner is authorized to enter into agreements, with the approval of the mayor, with any state-approved vocational or technical schools that provide a training course to public chauffeurs. The agreement may specify the curriculum and tuition cost for such course.

(b) The eCommissioner is also authorized to approve the curriculum and tuition cost for public chauffeur courses offered by any private entity not referenced in subsection (a).

(c) The eCommissioner is authorized to prescribe, by rule, course curriculum and exam criteria specific to the training and licensing of taxi chauffeurs and restricted public chauffeurs. The training course for public chauffeurs shall include:

- (1) Guidelines on transporting passengers in a safe manner, consistent with the City's initiative to reduce and eliminate fatalities and serious injuries from traffic crashes (Vision Zero Initiatives);
- (2) Guidelines on driving in the City, including rules of the road specific to the City;
- (3) Guidelines for a zero-tolerance policy regarding use of intoxicating substances while operating any vehicle with a public chauffeur license;
- (4) Guidelines on providing service to people with disabilities;
- (5) Guidelines on compliance with the City's laws specific to public transportation, including the City's laws regarding taxis, liveries, pedicabs, and transportation network providers; and
- (6) Guidelines and information on compliance with other applicable laws and rules.

(d) The eCommissioner may, by rule, authorize the issuance of temporary licenses for taxi public chauffeurs in training.

#### **~~9-104-100 Taxi chauffeur rebate program.~~**

~~(a) The Commissioner is authorized to establish a taxi chauffeur rebate program. The purpose of the program shall be to award financial assistance to each eligible taxi chauffeur~~

~~applicant in order to partially cover the costs associated with obtaining or renewing a taxi chauffeur license from the City. The award shall be up to \$50.00 to cover or subsidize the initial criminal background check costs associated with the issuance of a taxi chauffeur license. The Commissioner is also authorized to enter into an agreement with the City Colleges of Chicago or any other public or private entity that offers a taxi chauffeur training course in order to reduce the tuition charged for offering the course. If the tuition charged for such course is more than \$50.00, the Commissioner shall, under the rebate program established pursuant to this section, award financial assistance to eligible applicants in the amount that covers the tuition in excess of \$50.00.~~

~~(b) The Commissioner shall promulgate rules for the effective administration of the taxi chauffeur rebate program, including rules governing eligibility to participate in the program.~~

#### **9-104-130 Service to passengers with service animals.**

A licensee must comply with 775 ILCS 30/1, et seq. by accepting passengers with service animals. Any licensee found to have refused transportation to a person with a service animal shall be fined \$500.00 and have his license suspended for 29 days for the first offense. Any licensee found to have committed, a subsequent offense of this section shall have his license revoked and shall be fined \$500.00. For purposes of this section, the term "service animal" has the meaning ascribed to this term in 28 CFR § 35.104.

#### **9-104-135 T.A.P. program compliance.**

The Pace Taxi Access Program (T.A.P.) gives certified paratransit customers an opportunity to travel in taxis at reduced rates for trips that originate within the City.

As a condition of being licensed, every public chauffeur licensee must participate in and comply with T.A.P. or a similar program providing for increased access to taxicab service to persons with disabilities.

Compliance with T.A.P. includes accepting and processing T.A.P. forms of payment, such as the T.A.P. swipe card.

#### **9-104-140 License – Suspension, revocation and penalties.**

(a) If the eCommissioner has information provided by a law enforcement agency or court of law that a licensee has been charged with the commission of: (1) a felony as defined in Article 2 of the Illinois Criminal Code of 2012 or a felony in another jurisdiction; or (2) an alleged act that raises concerns of public safety; or if a licensee is under an outstanding arrest warrant issued by a court of any jurisdiction; or if a licensee violates subsection (b) of Section 9-104-030, the eCommissioner may immediately suspend the licensee's public chauffeur license until final adjudication is made with respect to such charges.

(b) Whenever the licensee's driver's license has been revoked, suspended or otherwise invalidated by the Illinois Secretary of State or other similar authorized agency, the licensee's public chauffeur license shall be subject to automatic suspension for the same period that the driver's license is revoked, suspended or otherwise invalidated.

(c) The eCommissioner shall promulgate rules 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.

(d) Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$50.00 or more than \$400.00. Each day that such violation continues shall be deemed a separate and distinct offense. In addition to fines, penalties for any violation of this chapter may include license suspension, rescission, or revocation. The eCommissioner may also require a licensee to successfully complete additional courses of study, examinations, drug tests, and physical evaluations.

(e) The eCommissioner, upon receiving a complaint, is authorized to require any licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a public passenger vehicle; and (ii) take a test, conducted by authorities approved by the eCommissioner, for the presence of any illegal drug (other than cannabis) or inebriating substance in the body. If the physician does not certify that the licensee has the capability to safely operate a public passenger vehicle, or if the licensee fails the drug or substance test, the eCommissioner shall immediately suspend the licensee's public chauffeur license for a period of 12 months. An applicant suspended under this section is ineligible to renew or apply for a license for a period of 12 months.

**9-104-150 Interference with Commissioner's duties.**

Every licensee shall deliver or submit the public passenger vehicle(s) under the licensee's control for inspection or the performance of any other duty by the Commissioner upon demand. It is unlawful for any person to interfere with or hinder or prevent the Commissioner from discharging any duty in the enforcement of any provision of this Code under the jurisdiction of the Commissioner.

**9-104-160 Surrendering license and information to authorized City personnel – required.**

A public chauffeur shall upon request of any authorized City personnel, as defined in Section 9-114-315, surrender his public chauffeur license and supply any additional information requested by such authorized City personnel concerning the operation of his public vehicle.

**SECTION 5.** Chapter 9-110 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-110-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

“Commissioner” means the eCommissioner of ~~b~~Business ~~a~~Affairs and eConsumer ~~p~~Protection.

“Department” means the ~~d~~Department of ~~b~~Business ~~a~~Affairs and ~~e~~Consumer ~~p~~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 eCity.

“Owner” means a person who owns a pedicab in the eCity.

“Pedicab” means a pedal-powered public passenger device that is: (i) used to provide transportation for hire upon which a person may ~~ride,~~ ride; (ii) propelled by human power or that meets the requirements of a Class 1 or a Class 2 low-speed electric bicycle, as these terms are defined in Section 9-4-010; ~~and is~~ and; (iii) 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~~ Place of business in the City of Chicago” means a location in the City 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.

#### **9-110-030 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 eCity 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 eCommissioner.

(e) A pedicab license is non-transferable. If any licensee attempts to transfer a license, the Commissioner may revoke such license pursuant to Section 9-110-170.

(f) If the license is not renewed during the time period set by ordinance, a late fee of \$125.00 shall be imposed per each expired license term.

#### **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 eCity, 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~~ a 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~~ a place of business in the City of Chicago; or

(ii) with respect to a partnership applicant, the partnership shall have ~~its principal~~ a 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.

(4) an applicant does not owe debt to the City as the term "debt" is defined in Section 4-4-150 of this code.

(b) In determining whether an applicant is qualified for a license, or the renewal thereof, the eCommissioner 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 eCity 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: (1) any pedicab license held by the applicant, by any officer or director of a corporate applicant or partner of a partnership applicant (i) has been revoked within the previous ~~five~~ three years, or (ii) has been denied or rescinded within the 12-month period preceding the date of application; or (2) if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the ~~five~~ three 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. Provided, however, that this subsection (c) shall not apply to any conviction for a minor cannabis offense, as defined in Section 4-4-005.

In the case of a company licensee, if any officer, member, shareholder or director of the licensee is convicted of a felony, the licensee shall sever its relationship with any such officer, shareholder or director immediately upon such conviction or any license issued to such company licensee shall be subject to revocation pursuant to Section 9-110-170.

(d) Eligibility for issuance of any license under this chapter shall be a continuing requirement for maintaining such license.

**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) Except for licensees that have surrendered their licenses to the City or that have submitted an affidavit ascertaining that they have suspended operations, each ~~Each~~ applicant for the issuance or renewal of a pedicab license shall provide proof that the applicant has commercial general liability 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 eCity as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(c) Such insurance policy shall provide at least the following minimum coverage for each pedicab: \$300,000 per occurrence for bodily injury, personal injury and property damage. 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 eCommissioner and must provide that the policy will not be cancelled and the amount of coverage will not be changed unless at least 30 days' prior written notice except 10 days' prior written notice for non-payment of premium is given to the eCommissioner.

(e) A licensee's failure to comply with this section may result in the revocation or suspension of his pedicab license.

**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 eCommissioner pursuant to this section. The eCommissioner 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 eCommissioner by rule.

(b) The eCommissioner shall deliver with each pedicab license a metal plate of such size and material as the eCommissioner 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 eCommissioner. 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 eCommissioner 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 eCommissioner for a duplicate plate or decal on forms provided by the eCommissioner. 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 eCommissioner 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 ~~H~~Department on a form provided by the eCommissioner 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 eCommissioner.

(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. If a licensee fails to renew a pedicab license, the licensee shall return the pedicab license decal and metal license plate to the Department within 30 days of the date of license expiration. Displaying an expired pedicab license decal or metal license plate shall be considered a deceptive business practice, subject to the sanctions under Section 2-25-090.

(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 eCommissioner. 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 dDepartment.

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

#### **9-110-095 License ineligibility – Indebtedness and child support.**

(a) *Indebtedness:* All owners licensed under this chapter must be in good standing with the City in reference to debt pursuant to and as defined in section 4-4-150 of this Code.

(b) *Child support:* All owners licensed under this chapter must be in compliance with court-ordered child support pursuant to and as defined in section 4-4-152 of this Code.

#### **9-110-130 Pedicab chauffeur license – Application.**

(a) Application for a new or renewed pedicab chauffeur license shall be made in writing to the dDepartment on a form provided by the eCommissioner 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 eCommissioner.

(b) An applicant is qualified to receive a new or renewed pedicab chauffeur license if the applicant:

(1) has possessed a valid permanent Illinois State driver's license, or a valid driver's license of another of any state, district or territory of the United States, for at least one year, and shall not currently have a suspended or revoked driver's license in any state, district, or territory;

(2) is at least 18 years of age;

(3) ~~{Reserved}~~ (i) has not had a previous pedicab chauffeur license application denied or rescinded within the 12-month period preceding the date of application; and

(4) ~~{Reserved}~~ has not been convicted, found liable, placed on supervision or any similar deferral program, or subject to conditional discharge for three or more traffic regulations governing the movement of vehicles of any kind in any jurisdiction:

i. for new license applicants, for violations that occurred within a 12-month period preceding the application; or

ii. for renewal license applicants, for violations that occurred within a 12-month time period during the applicant's last license term;

(5) has successfully completed an a training course, if required, and license examination, as prescribed by the eCommissioner, demonstrating a knowledge of the geography of the city and the laws, ordinances and regulations governing vehicle operation in the city unless deemed unnecessary for that applicant pursuant to rule;

(6) is not indebted to the City of Chicago does not owe debt to the City of Chicago as the term "debt" is defined in Section 4-4-150 of this code; and

(7) has not had a previously issued pedicab chauffeur license revoked within the 3-year period preceding the date of application;

(8) has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of a driving-related incident within the 12-month period preceding the date of application;

(9) has not been: (i) required to register as a sex offender pursuant to the Sex Offender Registration Act (730 ILCS 150/1, et seq.) or a comparable law of another jurisdiction; or (ii) required to register as a violent offender against youth pursuant to the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/1, et seq.) or a comparable law of another jurisdiction; or (iii) sentenced by a court of any jurisdiction to a life-time parole or supervision; or (iv) currently under an outstanding arrest warrant issued by a court of any jurisdiction;

(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.'

(10) has not, within the 3-year period preceding the date of application to be a chauffeur, been convicted by a court of any jurisdiction, in custody, under parole, under any other non-custodial supervision, or any similar deferral program, or subject to conditional discharge, resulting from a finding or determination of guilt by a court of any jurisdiction for any of the following offenses:

(i) any forcible felony as defined by Article 2-8 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-8;

(ii) any controlled substance trafficking (as provided in 720 ILCS 570/401.1 or comparable law) or trafficking in persons (as provided in 720 ILCS 5/10-9 or comparable law);

(iii) operating a motor vehicle under the influence of a controlled substance, cannabis, alcohol or other substance which impairs one's ability to safely operate a motor vehicle (as provided in 625 ILCS 5/11-501 or comparable law);

(iv) criminal sexual assault (as provided in 720 ILCS 5/11-1.20 or comparable law), criminal sexual abuse (as provided in 720 ILCS 5/11-1.50 or comparable law), promoting prostitution (as provided in 720 ILCS 5/11-14.3 or comparable law), child pornography (as provided in 720 ILCS 5/11-20.1 or comparable law), stalking (as provided in 720 ILCS 5/12-7.3 or comparable law), or any similar offense;

(v) unlawful use or possession of a weapon or firearm (as provided in Chapter 24 of the Illinois Criminal Code of 2012 or comparable law);

(vi) arson (as provided in 720 ILCS 5/20-1 or comparable law);

(vii) racketeering or organized criminal activity (as provided in 720 ILCS 5/33G-1, et seq., or comparable law); or

(viii) any crime that raises public safety concerns, as determined by the Commissioner; and

11. has not, within the 1-year period preceding the date of application, been convicted or released from incarceration, whichever occurs later, for any of the following offenses: (i) any non-forcible felony, as the term felony is defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7; (ii) identity theft; (iii) forgery or counterfeiting; or (iv) theft of property valued over \$1,000.

(c) An applicant who has been charged with the commission of a felony as defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7, or a felony in another jurisdiction, or any crime that raises public safety concerns, as determined by the Commissioner, shall not be eligible for a public chauffeur license until final disposition of such charges.

(d) Any conviction for a minor cannabis offense, as defined in Section 4-4-005, shall not disqualify an applicant.

(ee) If an application for the issuance or renewal of a pedicab chauffeur license is denied the applicant may, within ten days of the mailing of notice of the denial, make written demand upon the eCommissioner for a hearing. Upon receipt of a timely written demand for a hearing, the eDepartment shall within 30 days conduct a hearing. If at such a hearing the applicant establishes through competent evidence that the denial was based upon incorrect findings the eCommissioner shall issue the license. If at 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.

(ef) The eCommissioner, upon receiving a complaint, is authorized to require any pedicab chauffeur licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a pedicab; and (ii) take a test, conducted by authorities approved by the eCommissioner, for the presence of any illegal drug (other than cannabis) or inebriating substance in the body. If the physician does not certify that the licensee has the capability to safely operate a pedicab, or if the licensee fails the drug or substance test, the eCommissioner shall immediately suspend the licensee's pedicab chauffeur license for a period of 12 months. An applicant suspended under this section is ineligible to renew or apply for a license for a period of 12 months.

#### **9-110-135 Training course and licensing exam for pedicab chauffeurs.**

(a) The Commissioner is authorized to enter into agreements, with the approval of the Mayor, with any state-approved vocational or technical schools that provide a training course to pedicab chauffeurs. The agreement may specify the curriculum and tuition cost for such course.

(b) The Commissioner is also authorized to approve the curriculum and tuition cost for pedicab chauffeur courses offered by any private entity not referenced in subsection (a).

(c) The Commissioner is authorized to prescribe, by rule, course curriculum and exam criteria specific to the training and licensing of pedicab chauffeurs. The training course for pedicab chauffeurs shall include:

(1) Guidelines on transporting passengers in a safe manner, consistent with the City's initiative to reduce and eliminate fatalities and serious injuries from traffic crashes (Vision Zero Initiatives);

(2) Guidelines on driving in the City, including rules of the road specific to the City;

(3) Guidelines for a zero-tolerance policy regarding use of intoxicating substances while operating a pedicab;

(4) Guidelines on providing service to people with disabilities;

(5) Guidelines on compliance with the City's laws specific to pedicabs; and

(6) Guidelines and information on compliance with other applicable laws and rules.

(d) The Commissioner may issue a temporary license for a period not to exceed 180 days to ensure a licensee's compliance with debt payment obligations, physical examination,

rehabilitative educational classes, or when cases involving the licensee are pending at the Department of Administrative Hearings, in traffic court, or other courts, as determined by the Commissioner.

#### **9-110-155 Advertising displays.**

(a) It is unlawful for any pedicab licensee to display any advertising sign or device on or in a pedicab before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

(b) Pedicab licensees or licensed advertising vendors may apply for permits to display an advertising sign or device on or in the pedicab. Separate permits are required for each advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on the pedicab where advertising signs or devices may be displayed; (2), as well as describing the permissible design, construction, and method of affixing the display to the vehicle; and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the pedicab. The rules ~~and~~ also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

*(Omitted text is not affected by this ordinance)*

#### **9-110-170 License suspension or revocation.**

(a) Except as otherwise provided in this code, the ~~e~~C~~o~~mmissioner 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 ~~e~~C~~o~~mmissioner 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 ~~e~~C~~o~~mmissioner shall remove the license decal, metal plate, and pedicab chauffeur license card from the licensee. The ~~e~~C~~o~~mmissioner shall notify the ~~d~~D~~e~~partment of police of every suspension or revocation and of the termination of any suspension. The ~~d~~D~~e~~partment 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 ~~e~~C~~o~~mmissioner 's rules.

(d) If the ~~e~~C~~o~~mmissioner 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: (1) a felony, as defined in Article 2 Section 2.7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7, or a felony in another jurisdiction; 720 ILCS 5/20.5 et seq., arising in connection with the provision of pedicab services or (2) an alleged act that raises concerns of public safety; or if a licensee or pedicab chauffeur is under an outstanding arrest warrant issued by a court of any

jurisdiction, the Commissioner shall immediately suspend all licenses of the licensee until final adjudication is made with respect to such charges.

(e) Whenever a licensee's or pedicab chauffeur's driver's license has been revoked, suspended or otherwise invalidated by the Illinois Secretary of State or other similar authorized agency, the licensee's or pedicab chauffeur's license shall be subject to automatic suspension for the same period that the driver's license is revoked, suspended or otherwise invalidated.

(ef) 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~~ three years following revocation.

(g) Upon the suspension, revocation or non-renewal of a pedicab vehicle license, the licensee shall immediately, during business hours, surrender the pedicab license plate, hard card and decal to the Department's Public Vehicle Office.

#### **9-110-178 Removal or change of officer.**

(a) Whenever any changes occur in the officers of the licensee, the licensee shall notify the Department in accordance with the procedures set forth in subsections (b) and (c) of this section. For purposes of this section, the term "officer of the licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, or the owners, managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

(b) If any officer of the licensee is removed from office in accordance with the bylaws, operating agreement, partnership agreement for the licensee, pursuant to law or court order, by reason of death, or for any other reason, and such officer is not replaced, then the licensee shall notify the Department of the change by form provided by the Department within 30 days of the effective date of the change. The licensee shall submit any additional information pertaining to the removal of any officer requested by the Commissioner within 10 days of such request. The Commissioner will assess a \$25 fee for processing the removal of the officer.

(c) If any officer, manager or shareholder of the licensee is removed from office in accordance with the bylaws, operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and the person removed from office is replaced by another person, then the licensee shall notify the Department of the change by filing with the Department a change of officer form provided by the Department within 30 days of the effective date of the change. The person replacing the removed officer must meet the qualifications specified in Chapter 9-110 and is subject to investigation as detailed in Chapter 9-110. The licensee shall submit to the Department: (i) the change of officer form as promulgated by the Commissioner in rules; (ii) a \$100.00 change of officer processing fee; and (iii) any other supplementary materials promulgated by the Commissioner in rules.

#### **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 ~~\$1,000.00~~ \$1,000.00 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.

**SECTION 6.** Chapter 9-112 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-112-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

“Chauffeur” or “public chauffeur” means the driver of a taxicab vehicle, who is licensed by the eCity as a public chauffeur.

“Commissioner” means the eCity's eCommissioner of ~~b~~Business ~~a~~Affairs and eConsumer ~~p~~Protection or ~~her~~ the Commissioner's designee.

“Council” means the eCity eCouncil of the City of Chicago.

“Department” means the eCity's ~~d~~Department of ~~b~~Business ~~a~~Affairs and eConsumer ~~p~~Protection.

*(Omitted text is not affected by this ordinance)*

“Licensee” means any person to whom the eCity has issued a license pursuant to this chapter.

“Medallion” means the metal plate, furnished by the eCommissioner, for display on the outside hood of a taxicab, as the physical representation of a license to operate as a taxicab.

*(Omitted text is not affected by this ordinance)*

~~“Principal place~~ Place of business in the City of Chicago” means: (1) a location within the City where the City may send, and the licensee shall accept, notices of hearing or other notices from the City; and (2) a location within the City where a licensee maintains its business and financial records relating to the licenses involved.

“Straight meter fare” means the initial meter base fare and the standard time and distance meter rate set by this chapter. “Straight meter fare” does not include extra charges not measured

by the meter or extra charges entered by the taxi driver, including, but not limited to, additional passengers charges, airport fees, convenience fees, surcharges, technology fees, tolls or vomit clean up fees.

“Taxicab” means a vehicle licensed under this chapter for hire at rates of fare set forth in this chapter, which are or should be recorded and indicated by a taximeter.

“Taxicab affiliation” means an association of licensees organized and incorporated for the purpose of providing its members with (1) a Chicago business address, (2) telephone number registered to the taxicab affiliation, (3) uniform color scheme, (4) trade name or emblem, (5) an approved two-way dispatch system, (6) insurance, and (7) the designation of an authorized registered agent. Members of a taxicab affiliation shall be known as “affiliates”.

“Taximeter” means a device which records and indicates a charge or fare measured by distance traveled, waiting time, number of passengers, and any extra charges set forth in this chapter. Taximeters must meet specifications set forth by the eCommissioner in rules and regulations.

*(Omitted text is not affected by this ordinance)*

“Accessibility fund” means a fund used to improve the services of taxicabs and transportation network vehicles (as defined in Section 9-115-010) for people with disabilities. Uses of this fund include, but are not limited to, reimbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network vehicle that is fully wheelchair accessible by ramp or lift, and costs to a licensee for the provision of wheelchair-accessible vehicle taxi rides to customers where the cost to provide the ride exceeds the cost charged to the customer. The maximum amount of reimbursement per taxicab vehicle from the fund, and the conditions of reimbursement and the maximum amount of reimbursement per a transportation network vehicle from the fund will be established by rules and regulations, in consultation with, among other individuals as the eCommissioner may determine, representatives from the Mayor's Office for People with Disabilities, the community of people with disabilities, the taxi industry, and the transportation network providers industry.

*(Omitted text is not affected by this ordinance)*

#### **9-112-070 Specifications for taxicab vehicles.**

The Commissioner may issue licenses for motor vehicles to operate as taxicabs according to the following:

*(Omitted text is not affected by this ordinance)*

(c) *Vehicle age.* A licensee may not operate a vehicle as a licensed taxicab beyond the following vehicle age:

(1) ~~Seven~~ Ten years for vehicles that are not designated pursuant to the Department's list of authorized vehicles as wheelchair accessible or fuel efficient.

(2) ~~Ten~~ Fifteen years for vehicles that are designated pursuant to the Department's list of authorized vehicles as fuel efficient. ~~However, if a fuel efficient vehicle passes an inspection in compliance with Section 9-112-050, it may operate as a licensed taxicab for eleven years.~~

(3) ~~Ten~~ Fifteen years for vehicles that are designated pursuant to the Department's list of authorized vehicles as wheelchair accessible.

(d) A licensee cannot place a vehicle with an odometer reading of ~~+25,000~~ 150,000 miles or greater in operation for the first time as a licensed taxicab.

(e) Any vehicle which has ever been issued the title class of either "salvage," "rebuilt," "junk," "total loss," or any equivalent classification in any jurisdiction is not eligible for operation as a taxicab.

(i) It is the affirmative duty of the licensee to ascertain that the taxicab vehicle is in compliance with this subsection.

(ii) Any vehicle placed in operation by a licensee as a taxicab in violation of this subsection is unsafe for purposes of Section 9-112-050 of this Code.

(iii) Any licensee that places a vehicle in operation as a taxicab in violation of this subsection is subject to immediate license suspension or revocation.

(iv) The eCommissioner may by rule require licensees to submit a car history report at the licensee's expense.

(f) The eCommissioner may by rule assert additional vehicle specifications that motor vehicles must meet before they can be approved as a taxicab and may by rule in conjunction with the Mayor's Office of People with Disabilities extend the amount of time that a wheelchair accessible vehicle may be in service.

#### **9-112-090 Application for issuance license and renewal of license.**

~~An applicant shall apply for the issuance and renewal of a license using a print or electronic form prescribed by, and as directed by, the Commissioner and accompanied by such documents as the Commissioner may require. If the applicant is a legal entity other than an individual (hereafter "business entity"), then its duly authorized agent can apply on its behalf. The taxicab medallion application shall contain (a) the full name, Chicago business address and, if the applicant is an individual, the residence address of the applicant, (b) the names and residential addresses of the applicant's partners, or if the applicant is a corporation, of its officers and directors, or if another business entity, of its owners and managers, (c) the business telephone number of the applicant, and (d) the vehicle manufacturer's name, model, length of time in use, and horsepower and manufacturer's rated seating capacity of the vehicle which the applicant will use if a license is issued. If the applicant is affiliated or to become affiliated or identified with any taxicab affiliation by the color scheme of vehicles, trade name or emblem, telephone number, two way dispatch system, or service agreement, the application shall contain the full name, Chicago business address and telephone number of the taxicab affiliation, and a copy of the agreement with the taxicab affiliation shall be filed with the application.~~

~~Any changes made to the information submitted on the application or any material changes made to the licensee's personal or businesses operations or to any information provided under this chapter must be reported, in writing, to the Commissioner within four business days of the change.~~

(a) An application for the issuance or renewal of a taxi license shall be made in writing to the Department on a form provided by the Department and signed and sworn to by the applicant or, if the applicant is a corporation, limited liability company, or partnership, 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, if any, 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, Chicago business address and telephone number of the applicant;

(ii) The date and state of incorporation;

(iii) The full names, titles, dates of birth, social security numbers, residence addresses, e-mail addresses and residence telephone numbers of its corporate officers, stockholders and authorized 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, Chicago business address and telephone number of the applicant;

(ii) The full names, social security numbers, residence addresses, e-mail addresses and residence telephone numbers of all partners and managers;

(iii) Proof that all partners, managers, managing members and members, as applicable, are at least 18 years of age.

(b) In addition to the license application requirements listed in subsection (a), and in addition to any other information that the Commissioner may reasonably require in connection with the issuance or renewal of a license, any applicant for license issuance or renewal shall provide to the Commissioner, in a manner the Commissioner prescribes: (i) the license plate

number of each vehicle which the applicant will use if a license is issued with a document attesting that each such vehicle and equipment meet the inspection and vehicle standard requirements provided in this chapter; (ii) the Chicago business address and telephone number of the applicant's taxicab affiliation, if any; and (iii) the applicant's insurance policies as provided in Section 9-112-330.

### **9-112-100 Qualifications for license or renewal of 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 City, State of Illinois and Federal laws, and the provisions of this chapter; and

(2) an applicant shall have ~~its principal~~ a place of business in the City of Chicago:

(i) with respect to any business entity applicant, the applicant shall be organized or qualified to do business under the laws of the State of Illinois; or

(ii) with respect to an individual applicant, the applicant shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago; and

(3) an applicant for the issuance ~~or renewal~~ of a taxicab license shall submit a copy of the licensee's agreement with a taxicab affiliation licensed by the City. However, a licensee who owns only ~~one~~ four or less medallions ~~and who does not have an ownership interest in any other medallion~~ need not be affiliated.

(4) an applicant does not owe debt to the City as the term "debt" is defined in Section 4-4-150 of this code.

*(Omitted text is unaffected by this ordinance)*

(c) Except as otherwise provided in subsection (d) of this section, no applicant is eligible for the issuance or renewal of a license if: (1) any Chicago taxicab or public passenger vehicle license or any Chicago public chauffeur license or restricted public chauffeur license held by the applicant (i) was revoked within the previous ~~five~~ three years, or (ii) was denied or rescinded within the 12-month period preceding the date of application; or (2) if the applicant, within the ~~five~~ three years immediately preceding the date of application, has been either convicted, held 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, or its equivalent under federal or other jurisdictional law. Provided, however, that this subsection (c) shall not apply to any conviction for a minor cannabis offense, as defined in Section 4-4-005. For purposes of this section, the term "applicant" includes: (i) any individual; (ii) any officer, director, ~~or~~ shareholder, member or manager of a ~~corporate~~ company applicant; (iii) any partner in a partnership applicant; or (iv) any owner or manager of an applicant that is another type of business entity, ~~including a limited liability company.~~

*(Omitted text is unaffected by this ordinance)*

(c) Eligibility for issuance of any license under this chapter shall be a continuing requirement for maintaining such license.

**9-112-330 Insurance.**

(a) Every licensee shall comply with all insurance requirements mandated by Federal, State and City laws. Licensees Except for licensees that have surrendered their licenses to the City or that have submitted an affidavit ascertaining that they have suspended operations, each applicant for the issuance or renewal of a taxi license shall carry commercial automobile liability insurance and, where applicable, worker's compensation insurance, from an insurance company authorized to insure in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(1) Liability insurance: Each commercial automobile liability insurance policy shall provide at least the following minimum coverage for each taxicab: \$350,000.00 combined single limit coverage per occurrence.

(2) Worker's compensation:

(i) Any licensee who does not carry adequate worker's compensation insurance shall have his license(s) immediately suspended until proof of such insurance is provided to the Commissioner. The licensee shall provide the Commissioner with a copy of the licensees' insurance verification for worker's compensation upon request of the Commissioner.

(ii) Any public chauffeur, upon filing a claim for temporary total disability with the Illinois Workers' Compensation Commission, shall immediately surrender his public chauffeur license to the ~~d~~Department. Such public chauffeur license shall remain surrendered for any period for which the chauffeur claims or receives benefits. If the Commissioner determines that a public chauffeur's claim for benefits with the Illinois Workers' Compensation Commission is fraudulent, not credible, or otherwise not filed in good faith, the Commissioner may suspend, revoke or deny renewal of the public chauffeur's license.

*(Omitted text is unaffected by this ordinance)*

**9-112-340 Taxicab affiliations.**

(a) An applicant must apply for a taxicab affiliation license using a print or electronic form prescribed by, and as directed by, the Commissioner, and accompanied by such documents

as the Commissioner may require. As part of the application process, all officers, directors, shareholders and members of the applicant shall submit to a fingerprint background check by a fingerprint agency approved by the Department and submit passport-sized photos of such officers, directors, shareholders and members.

(b) No organization shall operate as a City of Chicago taxicab affiliation without first being licensed by the Commissioner. Application for a taxicab affiliation license shall be made on such forms and accompanied by such documents as the Commissioner may require and shall include, but not be limited to, proof that the taxicab affiliation has ~~its principal~~ a place of business in Chicago and the name, Chicago business address and telephone number, residence address and license numbers of each licensee so affiliated. Subsequent to licensing, if there are changes in any material information contained in the submitted license application, such changes must be reported in writing to the Commissioner within 48 hours.

*(Omitted text is unaffected by this ordinance)*

(h) In the event that a taxicab affiliation contracts with a two-way dispatch service to provide a two-way dispatch system to its affiliates, the taxicab affiliation shall be liable for any acts or omissions of the two-way dispatch service which may violate ~~e~~City ordinances or the rules promulgated thereunder.

*(Omitted text is unaffected by this ordinance)*

#### **9-112-380 Revocation of license – Grounds.**

Grounds for revocation of a license shall include, but not be limited to, the following grounds:

(1) Abandonment of the licensee's place of business in the city of Chicago;

(2) If any official notice or legal process cannot be served upon a licensee at the Chicago address that the licensee registered with the ~~d~~Department;

*(Omitted text is unaffected by this ordinance)*

(5) Conviction of any ~~criminal offense involving moral turpitude or a felony or any disqualifying offense listed in Section 9-112-100 of this chapter. Provided, however, that this paragraph (5) shall not apply to any conviction for a minor cannabis offense, as defined in Section 4-4-005;~~

*(Omitted text is unaffected by this ordinance)*

~~(9) If licensee is found liable of three or more moving violations within a 12 month period; or~~

(10) In the case of a ~~corporate~~ company licensee, if any officer, shareholder, member or director of the licensee shall be is convicted of a felony, unless the licensee shall sever its

relationship with any such officer, shareholder, member or director immediately upon such conviction.

Upon revocation of any license, the ~~commissioner~~ licensee shall take all actions to remove all indicia of City licensure from any person or vehicle affected by the license revocation.

#### **9-112-400 Interference with eCommissioner's duties.**

It is unlawful for any person to interfere with or hinder or prevent the eCommissioner from discharging any duty in the enforcement of any provision of this chapter Code under the jurisdiction of the Commissioner.

Failure to deliver or submit taxicab vehicles for inspection or for the performance of any other duty by the eCommissioner upon demand is considered an interference with eCommissioner's duties. Failure to comply with or respond to the eCommissioner's request or notices for a formal meeting or production of records and documents is an interference with eCommissioner's duties.

#### **9-112-410 Advertising signs permitted when.**

(a) It is unlawful for any licensee to install and/or display any advertising sign or device on or in a licensed taxicab vehicle before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

(b) Taxicab licensees or licensed advertising vendors may apply for permits to install and/or display an advertising sign or device on the exterior and interior of the vehicle. A separate permit is required for each exterior and interior advertising display or installation. The Commissioner shall promulgate rules: (1) specifying the locations on the taxicab where advertising signs or devices may be installed or displayed; (2) as well as describing the permissible design, construction and method of affixing the installation or display to the vehicle; and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the taxicab. The rules ~~and also~~ may also include additional guidelines for such installations or displays and the permit process. In establishing such criteria, considerations shall include:

*(Omitted text is unaffected by this ordinance)*

#### **9-112-430 License and other taxicab industry license transfers.**

(a) Licenses may only be transferred to individuals, partnerships, limited liability companies, or corporations. ~~Taxicab medallions licenses may not be transferred to and held by a trust.~~

*(Omitted text is unaffected by this ordinance)*

(g) A nonrefundable administrative fee of \$2,500.00 shall be paid to the City by the transferee at the time of application or transfer of the license by the Department.

*(Omitted text is unaffected by this ordinance)*

(j) Pledging or otherwise encumbering a license shall be permitted; provided, that the licensee shall ~~notify the Commissioner in advance and in writing of any such encumbrance and~~ provide the Commissioner with such information with respect to the person to whom the license is to be pledged and any other information as the Commissioner may reasonably require. Any foreclosure upon a pledged or encumbered license shall constitute a transfer subject to the provisions of this subsection.

(k) In the event of an individual licensee's death, the authority to operate granted under the license shall cease, and the license card and medallion metal plate for each license owned or controlled by the deceased licensee must be surrendered by the individual in possession of the license card and the medallion metal plate.

~~Corporate~~ Company officers, ~~or~~ shareholders, members or managers listed on the deceased licensee's company, taxicab affiliations and license managers must report within five business days to the Department any incident of death or incapacitation of a licensee.

Existing corporate officers of the deceased licensee's company or the executor or administrator of the estate of any deceased licensee, only after application and approval by the Commissioner, may continue to exercise the privileges of the deceased licensee, including the limited privilege of license transfer granted in this chapter, until the expiration of the license but no longer than six months after the licensee's death. At the end of the six-month period or the expiration of the license, whichever comes first, the executor or administrator may apply for and seek approval for an extension. The Commissioner may extend this period after reviewing such application for an extension.

*(Omitted text is unaffected by this ordinance)*

#### **9-112-450 License brokers.**

(a) No person shall operate as a license broker without first being licensed by the Commissioner, unless such person is an attorney in good standing licensed in the State of Illinois or holds a Section 9-112-440 license manager license. An applicant must apply for a license broker license using a print or electronic form prescribed by, and as directed by, the Commissioner and accompanied by such documents as the Commissioner may require and shall include, but not be limited to:

- (1) Proof that the license broker has ~~its principal~~ a place of business in Chicago; and
- (2) Information as to whether the applicant for the license or any principal thereof has a financial interest in any lender, insurance brokerage firm or automobile dealership.

*(Omitted text is unaffected by this ordinance)*

**9-112-550 Taxicab two-way dispatch.**

(a) No person shall operate or provide a taxicab two-way dispatch system without first obtaining a license from the eCommissioner, unless such person has an active taxicab affiliation license issued under 9-112-340.

(b) Application for a two-way dispatch service license shall be made on a print or electronic form prescribed by the eCommissioner and accompanied by such documents as the eCommissioner may require and shall include, but not be limited to, (1) proof that the two-way dispatch system has ~~its principal~~ a place of business in Chicago; and (2) the name and license information of the entities with which the two-way dispatch system has a contract to provide service. As part of the application process, all officers, directors, shareholders, and members of the applicant shall submit to a fingerprint background check by a fingerprint agency approved by the Department and submit passport-sized photos of such officers, directors, shareholders and members. The annual fee for a taxicab two-way dispatch service system license is \$500.00. All taxicab two-way dispatch system service licenses expire on November 30. Renewal must be made during the month of November. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the taxicab two-way dispatch service system license, the licensee must renew the license before the expiration date of the licensing term. Renewal fees must be paid before the first day of the licensing term. Any licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees and interest accrued as specified in the Code and promulgated in the rules by the eCommissioner. A taxicab two-way dispatch service system license not renewed in a timely manner is considered lapsed.

(c) For the purpose of ensuring adequate service to customers who request transportation, the eCommissioner may promulgate rules and regulations governing the dispatch of taxicab vehicles. These rules shall include, but not be limited to: standards for determining adequate and timely service; the responsibilities of taxicab affiliations, two-way dispatch services, taxicab medallion holder licensees, and public chauffeurs in responding to requests for service within a specified time frame. Penalties per violation of this chapter and applicable rules include, but are not limited to, fines and/or license suspension or license revocation.

(d) The eCommissioner may also provide by rule reasonable minimum standards, based on the number of affiliates served by the taxicab two-way dispatch service, regarding the number of taxicab two-way dispatch requests received and answered in a timely manner annually by a taxicab affiliation(s), its members, and contractors. Any taxicab two-way dispatch service and/or taxicab affiliation, applying for renewal of their license, which failed to meet these standards in the previous year shall be issued a probationary license. Any taxicab two-way dispatch service and/or taxicab affiliation, applying for renewal of a probationary license, which failed to meet these standards during the year they operated under a probationary license, may have their application denied.

**9-112-560 Airport service.**

*(Omitted text is unaffected by this ordinance)*

(c) The fare for transportation originating from O'Hare or Midway to the following suburbs is a straight meter fare ~~accrued and displayed on the meter~~ plus any applicable tolls and surcharges:

~~Des Plaines  
Elk Grove Village  
Elmwood Park  
Evanston  
Harwood Heights  
Lincolnwood  
Niles  
Norridge  
Oak Park  
Park Ridge  
River Grove  
Rosemont  
Skokie  
Alsip  
Bedford Park  
Burbank  
Blue Island  
Burnham  
Calumet City  
Calumet Park  
Cicero  
Dolton  
Evergreen  
Park Forrest View  
Hines/VA hospital  
Hometown  
Merrionette Park  
Old Lawn  
Riverdale  
Stickney  
Summit  
Alsip  
Bedford Park  
Blue Island  
Burbank  
Burnham  
Calumet City  
Calumet Park  
Cicero  
Des Plaines  
Dolton  
Elk Grove Village~~

Elmwood Park  
Evanston  
Evergreen  
Forest View  
Harwood Heights  
Hines/VA hospital  
Hometown  
Lincolnwood  
Merrionette Park  
Niles  
Norridge  
Oak Park  
Oak Lawn  
Park Ridge  
River Grove  
Riverdale  
Rosemont  
Skokie  
Stickney  
Summit

*(Omitted text is unaffected by this ordinance)*

**9-112-570 Taxicab wheelchair accessible vehicles and centralized wheelchair accessible dispatch.**

*(Omitted text is unaffected by this ordinance)*

(b) (1) Any single licensee that owns or controls 20 or more licenses must place into service wheelchair accessible vehicles as taxicabs on five percent of its taxicab vehicle fleet.

(2) In addition to compliance with subparagraph (b)(1) of this section, any licensee that owns or controls 10 or more taxicab licenses shall have at least 10 percent of its taxicab fleet be wheelchair accessible vehicles by January 1, 2018, subject to the Commissioner's determination that the demand for wheelchair accessible vehicles is being met. Effective January 1, 2017, if a licensee subject to this subsection (b)(2) replaces any taxicab vehicle, the replacement vehicle, until the licensee complies with the requirement of this subsection (b)(2), shall be a wheelchair accessible vehicle.

(3) Any licensee that owns or controls 5 or more taxicab licenses shall have a total of at least 25 percent of its taxicab fleet be wheelchair accessible vehicles by January 1, ~~2022~~ 2027. Effective January 1, ~~2020~~ 2025, if a licensee subject to this subsection (b)(3) replaces any taxicab vehicle, the replacement vehicle, until the licensee complies with the requirement of this subsection (b)(3), shall be a wheelchair accessible vehicle.

~~(4) Any licensee that owns or controls 5 or more taxicab licenses shall have a total of at least 30 percent of its taxicab fleet be wheelchair accessible vehicles by January 1, 2025.~~

~~Effective January 1, 2023, if a licensee subject to this subsection (b)(4) replaces any taxicab vehicle, the replacement vehicle, until the licensee complies with the requirement of this subsection (b)(4), shall be a wheelchair accessible vehicle.~~

~~(5) Any licensee that owns or controls 5 or more taxicab licenses shall have a total of at least 50 percent of its taxicab fleet be wheelchair accessible vehicles by January 1, 2030. Effective January 1, 2027, if a licensee subject to this subsection (b)(5) replaces any taxicab vehicle, the replacement vehicle, until the licensee complies with the requirement of this subsection (b)(5), shall be a wheelchair accessible vehicle.~~

(64) If accessibility fund monies are available, in addition to other uses provided in this Code, they shall be used to reimburse the additional costs associated with purchasing vehicles to be used as taxicabs that are fully wheelchair accessible as provided in the definition of the term "accessibility fund".

(75) If a licensee replaces a wheelchair accessible taxicab vehicle, the replacement vehicle shall also be a wheelchair accessible taxicab vehicle.

(c) In determining the wheelchair accessible taxicab vehicles requirements above, the eCity will add up the total number of licenses held by a single licensee. The total number of licenses that each licensee holds will be based on the total licenses in each corporation, or legal entity, in which he holds a 25 percent or greater share of ownership interest including, but not limited to, stocks and shares.

(d) Each taxicab affiliation must have verifiable records, in a form designated by the eCommissioner by regulation, regarding the response of the taxicab affiliation to each request for a wheelchair accessible vehicle. Each taxicab affiliation shall provide such records to the eCommissioner upon request for same.

(e) The eDepartment shall audit the centralized dispatch for wheelchair accessible vehicles on an annual basis. If the eDepartment finds that the centralized dispatch is not serving the goals of the disabled community, the eDepartment shall take such actions as are necessary to ensure that the disabled community is served in a timely manner.

(f) The Commissioner may periodically engage in conversations with wheelchair access transportation services passengers and stakeholders to assess wheelchair accessible taxicab quality of service.

#### **9-112-575 Taxicab driver awards.**

(a) In each calendar year, up to ~~five~~ ten taxicab medallion licenses may be awarded to those individuals who have demonstrated, through their actions as licensed public chauffeurs, the greatest dedication to providing service to persons needing wheelchair accessible vehicles. Awardees must place awarded medallion licenses onto wheelchair accessible vehicles.

(b) The Commissioner is authorized to develop and administer a taxicab driver incentive program to promote outstanding taxicab service. Program awards may include the granting of up to two taxicab medallion licenses per calendar year.

**9-112-600 Taxicab rates of fare.**

(a) The rates of fare for taxicabs shall be as set forth in this section:

For the first 1/9 mile or fraction thereof:	\$3.25
Forty-five cents of this initial mileage rate for the first ten taxicab fares which a driver transports per day is hereby designated for payment of workers' compensation insurance. In addition, forty cents of this initial mileage rate for the first five taxicab fares per every 12-hour lease period is hereby designated as intended for payment of the eCity's ground transportation tax by the licensee; and ten cents of this initial mileage rate for the first five taxicab fares per every 12-hour lease period is hereby designated as intended for payment of eCity's accessibility fund fee by the licensee.	
For each additional 1/9 mile or fraction thereof:	\$0.25
For each 36 seconds of time elapsed:	\$0.20
For the first additional passenger over the age of 12 years and under the age of 65 years:	\$1.00
For each additional passenger, after the first additional passenger, over the age of 12 and under the age of 65 years:	\$0.50
Vomit clean-up fee:	\$50.00

(b) Except as otherwise provided in this Chapter, it is unlawful for any person to demand or collect any fare for taxicab service which is more than the rates established in this section, or for any passenger to refuse payment of the fare so registered.

(b-1) Nothing provided in this section shall prohibit a chauffeur from charging a customer a convenience fee on non-cash payments for taxi service not to exceed 50 cents per transaction, subject to applicable laws and applicable contractual provisions addressing such transactions. The convenience fee shall be used only to cover any portion of the processing fee and related costs that a licensee incurs to accept non-cash payments for taxi service through credit card processing equipment approved by the Department.

*(Omitted text is unaffected by this ordinance)*

(c) For destinations beyond the eCity limits, the ~~fare is charge~~ shall be straight meter fare to the City limits and straight meter fare and a half from the City limits to the final destination, except for airport service as specified in 9-112-560 of this Code.

*(Omitted text is unaffected by this ordinance)*

(f) Baggage of passengers shall be transported without charge.

(g) The eCity eCouncil may from time to time revise the rates of fare by general ordinance in conformity with the provision hereinafter set forth, which rates shall be just and reasonable. The council, through its committee on transportation and public way, may hold a hearing to determine whether a revision of the rates of fare is necessary. At such public hearings the committee shall:

(i) consider the sworn statements of gross income and expenses submitted by the licensees or chauffeurs;

(ii) consider the testimony and other evidence from any licensee or chauffeur who may wish to testify in support of the requested increase;

(iii) consider the effect of an increase in fares upon the public and take testimony from any interested individual or organization;

(iv) consider the fares and practices with respect to similar services in other cities of the United States;

(v) consider all other evidence or testimony which the committee deems to be relevant and material to a proper determination.

Upon completion of such hearings, said committee shall report to the council its findings and recommendations concerning a just and reasonable rate of fare. If after receiving said findings and recommendations from the committee the council determines that a rate increase is proper, it shall increase the rates in an amount to insure adequate and efficient service to the public.

Any revision of rates of fares may be made by a change in the charge for the length of the first designated portion to the trip, or by a change in the charge for the balance of the trip, for waiting time or for each additional passenger or by any combination of such changes. In making any such revision, the council may presume the average length of a trip to be as established by the licensee's most current available records.

(h) In addition to the revision of rates of fare as provided in Section 9-112-600(g) hereof, the council may from time to time impose a surcharge on the rates of fare described in Section 9-112-600(a) hereof, in conformity with the provisions hereinafter set forth.

The eCity eCouncil, through its committee on transportation and public way, shall hold hearings to determine whether a general ordinance authorizing such a surcharge may be necessary due to economic conditions affecting all licenses in general. A surcharge authorized by general ordinance under this section shall be of such duration, not to exceed 60 days, as the council may impose by such general ordinance.

(i) A higher rate than the rate provided in this Section may be charged for a taxicab service dispatched through any Internet-enabled application or digital platform for the provision of prearranged ride services by taxicabs, if:

(1) the dispatcher complies with Section 9-114-265; and

(2) the higher rate is a product of the base rate multiplied by a numeric value.

For purposes of this subsection, "base rate" means a taxi fare calculated pursuant to this section using a taximeter that complies with this chapter, or any other mechanism that meets nationally recognized technical and technological standards applicable to fare amount calculation

for providing a prearranged transportation service, as such standards are approved by the eCity eCouncil by ordinance.

*(Omitted text is unaffected by this ordinance)*

**SECTION 7.** Chapter 9-114 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-114-010 Definitions.**

The following definitions shall apply for purposes of this chapter:

*(Omitted text is not affected by this ordinance)*

“Commissioner” means the eCity eCommissioner of bBusiness aAffairs and eConsumer pProtection or her the Commissioner’s designee.

“Council” means the eCity eCouncil of the City of Chicago.

“Livery vehicle” means a public passenger vehicle for hire only at a charge or fare for each passenger per trip or for each vehicle per trip fixed by agreement in advance.

*(Omitted text is not affected by this ordinance)*

“Low-speed electric public passenger vehicle” means: (i) a three-wheeled or four-wheeled vehicle; (ii) exclusively powered by an electric motor that is capable of propelling the vehicle at a maximum speed of 30 miles per hour on a paved level surface; and (iii) which is used for the transportation of passengers for hire.

*(Omitted text is not affected by this ordinance)*

“Public passenger vehicle” means a motor vehicle, as defined in the motor vehicle law of the State of Illinois, which is used for the transportation of passengers for hire, excepting those (1) devoted exclusively for funeral use; (2) in operation of a metropolitan transit authority; (3) interstate carriers licensed for the transportation of passengers by the United States Department of Transportation solely to the extent that specific regulation of such vehicles by the City is preempted by federal law; (4) interstate carriers operating pursuant to and in conformity with a certificate of authority issued by the Illinois Commerce Commission solely to the extent that specific regulation of such vehicles by the City is prohibited by federal or state law; (5) taxicabs regulated pursuant to Chapter 9-112 of this Code; and (6) vehicles used to provide a transportation network service pursuant to Chapter 9-115. Public passenger vehicles included in the provisions of this chapter include, but are not limited to, livery vehicles, charter/sightseeing vehicles, ~~neighborhood electric vehicles~~, jitney car services, ~~and~~ medical carrier vehicles, and low-speed electric public passenger vehicles.

*(Omitted text is unaffected by this ordinance)*

~~“Principal place of business in the City of Chicago” means: that the following locations are all situated within the corporate boundaries of the City of Chicago: the (1) a location within the City where the City may send, and the licensee shall accept, notices of hearing or other notices from the department of business affairs and consumer protection City to a licensee may be sent; (2) and the a location within the City where a licensee maintains its business and financial records relating to the licenses involved.~~

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

*(Omitted text is unaffected by this ordinance)*

“Restricted chauffeur” means the driver of a public passenger vehicle licensed by the City of Chicago as a restricted public chauffeur and who may drive any public passenger vehicle except a taxicab.

*(Omitted text is unaffected by this ordinance)*

#### **9-114-040 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 City, State of Illinois and Federal laws, and the provisions of this chapter; and

(2) an applicant shall have ~~its principal~~ a place of business in the City of Chicago:

i. with respect to any corporate applicant, the corporation shall be organized or qualified to do business under the laws of Illinois and have ~~its principal~~ a 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 corporation or partnership, he shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago; and

(3) an applicant must successfully complete a course of study which the Commissioner may prescribe by rule; and

(4) an applicant must register with the Department of Finance to pay the City's ground transportation tax, as required under Chapter 3-46 of this Code.

(5) an applicant does not owe debt to the City as the term "debt" is defined in Section 4-4-150 of this Code.

(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 taxicab vehicle and the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a public chauffeur;

(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 and worker's compensation) for the payment of personal injury, death, property damage, or other insurable claims;

(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 public passenger vehicle.

(c) No applicant is eligible for a license if: (1) any Chicago taxicab or public passenger vehicle license or any Chicago public chauffeur license or restricted public chauffeur license of the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, has held (i) was revoked within the previous five three years was revoked, or (ii) was denied, rescinded, within the 12-month period preceding the date of application; or (2) if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five three 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 1961, as amended, or its equivalent under federal or other jurisdictional law. Provided, however, that this subsection (c) shall not apply to any conviction for a minor cannabis offense, as defined in Section 4-4-005.

In the case of a company licensee, if any officer, member, shareholder or director of the licensee is convicted of a felony, the licensee shall sever its relationship with any such officer, shareholder or director immediately upon such conviction or any license issued to such company licensee shall be subject to revocation pursuant to Section 9-114-190.

(d) The total number of licenses that each licensee holds will be based on the total licenses in each corporation, or legal entity, in which the licensee holds a 25 percent or greater share of ownership interest including, but not limited to, stocks and shares. No person shall own in whole or in part, directly or indirectly, or have a security interest in more than 25 percent of, the authorized licenses issued under Chapters 9-112 and 9-114.

(e) Eligibility for issuance of any license under this chapter shall be a continuing requirement for maintaining such license.

(f) As part of the application process, all officers, directors, shareholders and members of the applicant shall submit to a fingerprint background check by a fingerprint agency approved by the Department and submit passport-sized photos of such officers, directors, shareholders and members.

**9-114-070 License fees.**

The annual license fee for each public passenger vehicle of the class herein set forth is as follows:

Livery vehicle	\$500.00 for a licensing term from January 1 to December 31
Charter/sightseeing vehicle	\$500.00 for a licensing term from July 1 to June 30
Medical carrier	\$500.00 for a licensing term from July 1 to June 30
Jitney car service	\$250.00 for a licensing term from July 1 to June 30
<u>Low-speed electric public passenger vehicles</u>	<u>\$500.00 for a licensing term from July 1 to June 30</u>

The fee shall be paid before the license is issued. The eCommissioner is authorized to set the renewal process for each category of public passenger vehicles by rules and regulations.

Nothing in this section shall affect the right of the eCity to impose or collect a vehicle tax and any occupational tax, as permitted by law, in addition to the license fee herein provided.

**9-114-105 License ineligibility – Indebtedness and child support.**

(a) Indebtedness: All licensees must be in good standing with the City in reference to debt pursuant to and as defined in section 4-4-150 of this Code.

(b) Child support: All licensees must be in compliance with court-ordered child support pursuant to and as defined in section 4-4-152 of this Code.

**9-114-155 Public passenger vehicle inspection.**

No licensee shall allow any vehicle to be used as a public passenger vehicle unless such vehicle is inspected at time periods determined by rule promulgated by the Commissioner and according to standards approved by the Commissioner, and has passed such inspection. A public passenger vehicle inspection shall include, but is not limited to, ensuring that all required equipment is installed and operating as intended, and that the interior and exterior of the vehicle are clean and in good condition for the safety of the vehicle drivers and passengers. The Commissioner may determine that a public passenger vehicle inspection by a government agency

authorized to undertake such inspections to be sufficient to meet the inspection requirement of this section.

**9-114-170 Insurance.**

(a) Every licensee shall comply with all insurance requirements mandated by Federal, State and City law. Except for licensees that have surrendered their licenses to the City or that have submitted an affidavit ascertaining that they have suspended operations, each applicant for the issuance or renewal of a license issued under this chapter Licensees must carry commercial automobile liability insurance for bodily injury and property damage and where applicable, worker's compensation insurance, from an insurance company authorized to insure in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, or his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's public passenger vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the licensee's operations.

(1) Liability insurance: Each automobile liability insurance policy shall provide at least the following minimum coverage for each licensed vehicle:

For each vehicle with capacity of 10 or more seats:	\$1,000,000.00 combined single limit coverage per occurrence
For each vehicle with a capacity of up to and including 9 seats:	\$350,000.00 combined single limit coverage per occurrence
Jitney car service vehicles:	\$100,000.00 combined single limit coverage per occurrence

(2) Worker's compensation:

(i) Any licensee who does not carry worker's compensation insurance shall have his license(s) immediately suspended until proof of such insurance is provided to the eCommissioner. The licensee shall provide the eCommissioner with a copy of the licensees' insurance verification for worker's compensation upon request of the eCommissioner.

(ii) Any restricted public chauffeur, upon filing a claim for temporary total disability with the Illinois Industrial Commission, shall immediately surrender his restricted public chauffeur license to the department. Such restricted public chauffeur license shall remain surrendered for any period for which the chauffeur claims or receives benefits. Any restricted public chauffeur whose

claim for benefits with the Illinois Industrial Commission is determined to be fraudulent, not credible, or otherwise not filed in good faith may have his public chauffeur license revoked.

(b) If any licensee fails to maintain required insurance, the eCommissioner may immediately suspend the licensee's license and impose a fine of \$300 per day of insurance lapse, in addition to all other applicable penalties, including a higher fine. If a licensee shows a pattern of failing to maintain required insurance, the eCommissioner may revoke the license.

#### **9-114-200 Revocation of license – Grounds.**

Grounds for revocation of a license shall include, but not be limited to, the following:

- (1) Abandonment of the licensee's place of business in the eCity of ~~Chicago~~;
- (2) If any official notice or legal process cannot be served upon a licensee at the Chicago address licensee registered with the ~~e~~Department;

*(Omitted text is unaffected by this ordinance)*

(5) Conviction of any criminal offense involving ~~moral turpitude~~ or a felony. Provided, however, that this paragraph (5) shall not apply to any conviction for a minor cannabis offense, as defined in Section 4-4-005;

*(Omitted text is unaffected by this ordinance)*

~~(9) If licensee is found liable of three or more moving violations within a 12-month period.~~

Upon revocation of any license, the ~~e~~ommissioner licensee shall take all actions to remove all indicia of City licensure from any person or vehicle affected by the license revocation.

#### **9-114-220 Interference with eCommissioner's duties.**

It is unlawful for any person to interfere with or hinder or prevent the eCommissioner from discharging any duty in the enforcement of any provision of this chapter Code under the jurisdiction of the Commissioner.

Failure to deliver or submit public passenger vehicles for inspection or for the performance of any other duty by the eCommissioner upon demand is considered to be an interference with eCommissioner's duties. Failure to comply with or respond to the eCommissioner's request or notices for a formal meeting or production of records and documents is an interference with eCommissioner's duties.

#### **9-114-290 Livery vehicles – Commercial advertisements.**

*(Omitted text is not affected by this ordinance)*

(b) Livery licensees may apply for permits to display an advertising sign or device on the exterior or the interior of the livery vehicle, or both. A separate permit is required for each exterior and interior advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on the livery vehicle where advertising signs or devices may be displayed; ~~(2) as well as~~ describing the permissible design, construction, and method of affixing the display to the livery vehicle; and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the livery vehicle. The rules ~~and~~ also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

*(Omitted text is not affected 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.

*(Omitted text is not affected by this ordinance)*

“Security guard” means the ~~accompanying~~ individual required for certain trips pursuant to Section 9-114-320 in addition to the security camera specified therein. A security guard must be a private security contractor duly licensed pursuant to ~~225 ILCS 447, Article 25~~ 225 ILCS 447/25-5, et seq., or a registered employee of a private security agency with a valid permanent employee registration card pursuant to ~~225 ILCS 447-35-50~~ 225 ILCS 447/25-5, et seq.

*(Omitted text is not affected by this ordinance)*

(d) If a passenger violates subparagraph (b)(4) or (b)(5) of this section, or if a passenger's violation of subsection (b) or (c) of this section causes bodily harm or property damage, the driver, or security guard 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 911, any such violation reported to or observed by the driver or security guard; (2) answer fully and truthfully all questions asked by Authorized City Personnel regarding the violation; (3) cooperate with the eCity 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 security guard saw the violation take place.

### **9-114-320 Charter/sightseeing vehicles – Requirements and restrictions.**

*(Omitted text is not affected by this ordinance)*

(b) *Trips that include alcohol.* In addition to the requirements of subsection (a), the requirements and restrictions of this subsection (b) apply to each trip with fifteen or more

passengers that includes the opportunity for passengers to consume alcoholic liquor either: (i) while on the vehicle, or (ii) during an interim stop on the trip (i.e. a stop other than the point of origin or final destination).

(1) Each charter/sightseeing vehicle subject to this subsection (b) that: (i) has no itinerary stops (i.e. hired for the opportunity for social or recreational activity on the vehicle); or (ii) serves or allows the consumption of alcoholic liquor on the vehicle shall both comply with all of the following requirements: (i) contain a security guard to accompany the driver for the entire trip;—and (ii) be equipped with one or more fully operational security cameras meeting specifications set by rule; and (iii) have a written plan of operation addressing safety protocols which shall be kept in the vehicle and shall be available for inspection by Authorized City Personnel, as that term is defined in Section 9-114-315, upon request.

(2) Each charter/sightseeing vehicle subject to this subsection (b) with an itinerary of listed stops shall comply with all of the following requirements: (i) contain personnel, who could be the driver or another individual, trained in safety protocols to ensure the safety of the passengers, the chauffeur/driver and the public for the entire trip, and (ii) be equipped with one or more fully operational security cameras meeting specifications set by rule; and (iii) have a written plan of operation addressing safety protocols which shall be kept in the vehicle and shall be available for inspection by Authorized City Personnel, as that term is defined in Section 9-114-315, upon request.

The owner, driver of a charter/sightseeing vehicle or security guard shall take affirmative measures to determine that no passenger is in violation of Section 9-114-315(b)(4).

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 or security guard shall present to each passenger the text of subsections 9-114-315(b) and (c). This text may be presented via an information sheet or placard, a spoken presentation to the passengers, or a video. The presentation shall be subject to discretionary audit by Authorized City Personnel, as that term is defined in Section 9-114-315.

No charter/sightseeing vehicle shall include a stop for purposes of visiting any public park during the hours the park is closed.

### **9-114-330 Advertising signs permitted when.**

(a) It is unlawful for any charter/sightseeing licensee to display any advertising sign or device on or in a licensed charter/sightseeing vehicle before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

(b) Charter/sightseeing licensees or licensed advertisement vendors may apply for permits to display an advertising sign or device on the exterior or the interior of the vehicle, or both. Separate permits are required for each exterior and interior advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on the charter/sightseeing vehicle where advertising signs or devices may be displayed; (2), as well as describing the permissible design, construction, and method of affixing the display to the vehicle; and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the charter/sightseeing vehicle. The rules ~~and~~ also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

*(Omitted text is not affected by this ordinance)*

#### **ARTICLE V. JITNEY CAR SERVICES (~~9-114-350~~ 9-114-345 et seq.)**

##### **~~9-114-350~~ 9-114-345 Specifications.**

*(Omitted text is not affected by this ordinance)*

##### **~~9-114-360~~ 9-114-350 Fees and service.**

*(Omitted text is not affected by this ordinance)*

##### **~~9-114-370~~ 9-114-355 Signage.**

*(Omitted text is not affected by this ordinance)*

##### **~~9-114-380~~ 9-114-360 License – Required.**

*(Omitted text is not affected by this ordinance)*

##### **~~9-114-390~~ 9-114-365 Prohibited areas of operation.**

*(Omitted text is not affected by this ordinance)*

##### **~~9-114-400~~ 9-114-370 Rules and regulations.**

*(Omitted text is not affected by this ordinance)*

#### **ARTICLE VI. LOW-SPEED ELECTRIC PUBLIC PASSENGER VEHICLES**

**(9-114-375 et seq.)**

##### **9-114-375 License – Required.**

It shall be unlawful for any person to operate a low-speed electric public passenger vehicle without obtaining a license for each such vehicle pursuant to this chapter.

##### **9-114-380 Specifications.**

In addition to other requirements provided by law, no vehicle shall be licensed as a low-speed electric public passenger vehicle unless:

(1) the vehicle has a manufacturer's rated seating capacity of ten or less persons, including the driver; and

(2) the vehicle meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use.

**9-114-385 Operating requirements.**

(a) It shall be unlawful for any person:

(1) to operate, or cause to be operated, a low-speed electric public passenger vehicle unless such operator holds a valid public chauffeur license, as defined in Section 9-104-010;

(2) to operate a low-speed electric public passenger vehicle 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 may not operate machinery while taking the medication;

(3) to operate a low-speed electric public passenger vehicle within the City while not in possession of a valid permanent driver's license issued by any state, district or territory of the United States;

(4) to operate, or cause to be operated, a low-speed electric public passenger vehicle within the City while not in possession of proof of liability insurance as specified in Section 9-114-170; or

(5) to operate or cause to be operated a low-speed electric public passenger vehicle that is not in compliance with Section 9-114-380.

(b) No low-speed electric public passenger vehicle licensee shall offer any food or beverage for consumption in the vehicle.

(c) No person may drink any alcoholic liquor while such person is operating or being transported by a low-speed electric public passenger vehicle, nor may any person transport, carry, possess or have any alcoholic liquor while being transported by a low-speed electric public passenger vehicle, except in the original package with the seal unbroken.

**9-114-390 Advertising displays.**

(a) It is unlawful for any low-speed electric public passenger vehicle licensee to display any advertising sign or device on or in such vehicle before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

(b) Low-speed electric public passenger vehicle licensees or licensed advertising vendors may apply for permits to display an advertising sign or device on or in the vehicle. Separate permits are required for each advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on the vehicle where advertising signs or devices may be displayed; (2) describing the permissible design, construction, and method of affixing the display to the vehicle; and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the vehicle. The rules also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

- (i) visual clutter and aesthetics on the public way;
- (ii) the safety and comfort of passengers, low-speed electric public passenger vehicle chauffeurs, pedestrians, bicyclists, and motorists; and
- (iii) the visibility of all information required by this chapter, Department rules, or any other law to be displayed on the interior or exterior of low-speed electric public passenger vehicles, including, but not limited to, identifying numbers, ownership indicia, lights, and safety signals.

(c) The fee for the issuance of any advertising display permit shall be \$100.00 for each display, due at time of application. This fee shall be in addition to the personal property lease transaction tax that applies to lease or rental payments pursuant to Chapter 3-32 of the Code. An advertising display permit applicant shall have satisfied all debt, as defined in Section 4-4-150, to the City before the Department may issue the permit.

(d) When the Commissioner has approved any type of advertising display device that involves the installation of a physical apparatus, the installation of the physical apparatus must pass inspection prior to issuance of the permit. The fee for such inspection shall be \$100.00, due prior to the inspection.

(e) The Department shall inform applicants for an advertising display permit under this section whether the application is approved or disapproved within thirty business days after its receipt of the completed application, unless it gives the applicant written notice that it needs an additional thirty business days and the reasons therefor. If the application is approved and the applicant is in compliance with subsections (c) and (d), the Department shall issue an advertising display permit. If the Department denies the permit application, it shall provide written notice of its decision within such time period, stating the specific grounds and rules that form the basis for such denial. If the Department fails to so act within thirty business days, or within sixty business days if it has given notice of the need for an additional review period, after receipt of the application, the application shall be deemed granted and the permit shall be issued, provided that the permit fee has been paid.

(f) An advertising permit issued under this section shall expire one year after the date of issue, unless it is surrendered, revoked, or terminated prior to that date.

(g) No permit for advertising issued pursuant to this section shall be transferred or assigned.

(h) The denial, rescission, suspension, or revocation of a low-speed electric public passenger vehicle license issued pursuant to this chapter shall act as the suspension or revocation of any advertising permit issued hereunder to the affected vehicle.

**9-114-395 Solicitation of passengers prohibited.**

(a) No low-speed electric public passenger vehicle licensee or low-speed electric public passenger vehicle chauffeur shall solicit potential passengers. Low-speed electric public passenger vehicles may only be used to provide a transportation service prearranged through an Internet-enabled application or digital platform, telephone, or other electronic means. For purposes of this subsection, the term "solicit" means a licensee's or public chauffeur licensee's appeal by words or gestures, attempting to direct people to a low-speed electric public passenger vehicle that is parked, stopped, standing or moving upon the public way.

(b) No low-speed electric public passenger vehicle chauffeur shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(c) No low-speed electric public passenger vehicle shall be parked on designated taxicab stands. In addition, no low-speed electric public passenger vehicle shall be parked on any public way for a time longer than is reasonably necessary to accept passengers in answer to a prearranged transportation service.

**9-114-400 Prohibited or restricted areas of operation.**

No person may operate a low-speed electric public passenger vehicle in areas where, and at times when, such operation is prohibited under Section 9-48-110.

**ARTICLE VII. ENFORCEMENT (9-114-410 et seq.)**

*(Omitted text is not affected by this ordinance)*

**SECTION 8.** Chapter 9-115 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**9-115-010 Definitions.**

For purposes of this chapter the following definitions shall apply:

“Active driver” means a transportation network driver who has provided service in response to four or more prearranged transportation service requests within a 30-day period.

“Commissioner” means the eCity's eCommissioner of ~~b~~Business ~~a~~Affairs and eConsumer ~~p~~Protection.

“Compensation” means any payment or donation received, or economic or business benefit obtained, for providing a transportation network service.

“Department” means the eCity's dDepartment of bBusiness aAffairs and eConsumer pProtection.

*(Omitted text is not affected by this ordinance)*

“Place of business in the City of Chicago” means a location in the City where (1) the eity City may send, and the licensee shall accept, notices of hearing or other notices from the eity City; and (2) the licensee maintains its business and financial records relating to its license.

*(Omitted text is not affected by this ordinance)*

“Transportation network chauffeur license” means a license issued under this chapter by the dDepartment which allows the license holder to operate a transportation network vehicle for one or more transportation network provider licensees.

*(Omitted text is not affected by this ordinance)*

“Wheelchair-accessible transportation network vehicle” means a transportation network vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A wheelchair-accessible transportation network vehicle shall safely secure and restrain the wheelchair, shall have only side entries for passengers, and shall comply with all applicable standards provided by law for wheelchair-accessible vehicles, including standards specified by applicable ordinances and regulations adopted by the eCity.

#### **9-115-060 Transportation network provider license – Qualifications for license.**

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

(1) an applicant shall be in compliance with all applicable eCity, State of Illinois and federal laws;

(2) an applicant shall have a place of business in the City of Chicago:

(i) with respect to any corporate or limited liability company applicant, the company shall be organized or qualified to do business under the laws of the State of Illinois and have a place of business in the City of Chicago; or

(ii) with respect to any partnership applicant, the partnership shall have a place of business in the City of Chicago; or

(iii) with respect to any individual applicant, the applicant shall be a citizen or legal resident of the United States, residing and domiciled in the City of Chicago.

(3) an applicant does not owe debt to the City as the term “debt” is defined in Section 4-4-150 of this code.

(b) In determining whether an applicant is qualified for a transportation network provider license, or the renewal thereof, the eCommissioner 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, or of any officer or director of a corporate applicant, as a eCity license holder;

(2) The applicant's ability to provide lawful, safe, suitable and comfortable service; the applicant's ability to engage qualified transportation network drivers and eligible transportation network vehicles; and the applicant's ability to provide service to customers with disabilities;

(3) The applicant's ability to maintain mandated insurance; 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 transportation network provider business.

(c) No applicant is eligible for a license if: (1) any transportation network provider license held by the applicant, or by any officer or director of a corporate applicant or partner of a partnership applicant or manager or managing member of a limited liability company applicant, has been revoked within the previous ~~five~~ three years, or has been denied or rescinded within the 12-month period preceding the date of application; or (2) if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the ~~five~~ three 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. Provided, however, any conviction for a minor cannabis offense, as defined in Section 4-4-005, shall not disqualify an applicant.

(d) Eligibility for issuance of any license under this chapter shall be a continuing requirement for maintaining such license.

#### **9-115-075 Removal or change of officer.**

Whenever any changes occur in the officers of the licensee, the licensee shall notify the Department within 30 days of the effective date of the change on forms specified by the Commissioner. For purposes of this section, the term "officer of the licensee" or "officers of the licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, or the managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

The Commissioner will promulgate rules describing the process that licensees must follow when they are removing or changing officers and the applicable fees for removal or change of officers.

#### **9-115-100 Transportation network vehicles – Ownership and standards.**

(a) No licensee shall own, provide financing for the obtaining, leasing, or ownership of, or have a beneficial interest in transportation network vehicles. Provided, however, if allowed

under the Transportation Network Providers Act, codified at 625 ILCS 57/1, et seq., a licensee may own or provide financing for the obtaining, leasing, or ownership of, or have a beneficial interest in a wheelchair-accessible transportation network vehicle.

*(Omitted text is not affected by this ordinance)*

#### **9-115-130 Transportation network vehicles – Commercial advertisements.**

(a) It is unlawful to display any advertising sign or device on or in a licensed transportation network vehicle before the advertising sign or device is approved by the Commissioner and permitted pursuant to the elements specified in this section and rules promulgated thereunder.

(b) A transportation network vehicle owner, transportation network driver, or licensed advertising vendor may apply for permits to display an advertising sign or device on the exterior or the interior of the vehicle, or both. A separate permit is required for each exterior and interior advertising display. The Commissioner shall promulgate rules: (1) specifying the locations on the transportation network vehicle where advertising signs or devices may be displayed; ~~(2), as well as describing the permissible design, construction, and method of affixing the display to the vehicle;~~ and (3) specifying insurance requirements for approving a permit to display an advertising sign or device on or in the transportation network vehicle. The rules ~~and~~ also may include additional guidelines for such displays and the permit process. In establishing such criteria, considerations shall include:

*(Omitted text is not affected by this ordinance)*

#### **9-115-150 Transportation network drivers – Requirements.**

*(Omitted text is not affected by this ordinance)*

(b) (1) Any transportation network provider licensee may accept an application, in a form prescribed by the Commissioner, for the issuance or renewal of a transportation network chauffeur license. An applicant is qualified for the issuance or renewal of a transportation network chauffeur license, if the applicant:

(i) ~~possesses and~~ has possessed a valid permanent Illinois State driver's license, or a valid driver's license of another of any state, district or territory of the United States, for at least one year prior to applying to become a transportation network driver, and shall not currently have a suspended or revoked driver's license in any state, district, or territory;

(ii) is at least 21 years of age;

(iii) has not been convicted of reckless driving, hit and run, attempting to evade the police or driving with a suspended or revoked license, and has not been convicted of or placed on supervision for two or more offenses involving traffic regulations governing the movement of vehicles, or whose Illinois driver's license has not been suspended or revoked pursuant to Section 6-206 of the Illinois Vehicle Code, codified at 625 ILCS 5/6-206, for violations that occurred within the 12 months immediately prior to applying to become a transportation network driver;

(iv) ~~has successfully completed an online or in-person transportation network driver's training program approved annually by the Commissioner, as part of the license issuance or renewal application, and conducted by the licensee or other authorities approved by the Commissioner. In addition to other applicable requirements, such training program must cover topics related to providing service to people with disabilities~~ shall include:

- A. Guidelines on transporting passengers in a safe manner, consistent with the City's initiative to reduce and eliminate fatalities and serious injuries from traffic crashes (Vision Zero Initiatives);
- B. Guidelines on driving in the City, including rules of the road specific to the City;
- C. Guidelines for a zero-tolerance policy regarding use of intoxicating substances while operating a transportation network vehicle;
- D. Guidelines on providing service to people with disabilities;
- E. Guidelines on compliance with the City's laws specific to transportation network providers; and
- F. Guidelines and information on compliance with other applicable laws and rules;

~~(v) has not, within the five years immediately preceding his application to be a driver, 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 felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., (B) any crime involving moral turpitude, (C) the illegal sale or possession of any controlled substance, (D) indecent solicitation of a child or any criminal sexual abuse or similar crime, or (E) operating a motor vehicle while under the influence of alcohol or narcotic drugs;~~

has not, within the 3-year period preceding the date of application to be a driver, been convicted by a court of any jurisdiction, in custody, under parole, under any other non-custodial supervision, or any similar deferral program, or subject to conditional discharge, resulting from a finding or determination of guilt by a court of any jurisdiction for any of the following offenses:

- A. any forcible felony as defined by Article 2-8 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-8;
- B. any controlled substance trafficking (as provided in 720 ILCS 570/401.1 or comparable law) or trafficking in persons (as provided in 720 ILCS 5/10-9 or comparable law);

- C. operating a motor vehicle under the influence of a controlled substance, cannabis, alcohol or other substance which impairs one's ability to safely operate a motor vehicle (as provided in 625 ILCS 5/11-501 or comparable law);
- D. criminal sexual assault (as provided in 720 ILCS 5/11-1.20 or comparable law), criminal sexual abuse (as provided in 720 ILCS 5/11-1.50 or comparable law), promoting prostitution (as provided in 720 ILCS 5/11-14.3 or comparable law), child pornography (as provided in 720 ILCS 5/11-20.1 or comparable law), stalking (as provided in 720 ILCS 5/12-7.3 or comparable law), or any similar offense;
- E. unlawful use or possession of a weapon or firearm (as provided in Chapter 24 of the Illinois Criminal Code of 2012 or comparable law);
- F. arson (as provided in 720 ILCS 5/20-1 or comparable law);
- G. racketeering or organized criminal activity (as provided in 720 ILCS 5/33G-1, et seq., or comparable law); or
- H. any crime that raises public safety concerns, as determined by the Commissioner; and

(vi) has not been: (i) required to register as a sex offender pursuant to the Sex Offender Registration Act (730 ILCS 150/1, et seq.) or a comparable law of another jurisdiction; or (ii) required to register as a violent offender against youth pursuant to the Murderer and Violent Offender Against Youth Registration Act (730 ILCS 154/1, et seq.) or a comparable law of another jurisdiction; or (iii) sentenced by a court of any jurisdiction to a life-time parole or supervision; or (iv) currently under an outstanding arrest warrant issued by a court of any jurisdiction;

(vii) has not, within the 1-year period preceding the date of application, been convicted or released from incarceration, whichever occurs later, for any of the following offenses: (i) any non-forcible felony, as the term felony is defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7; (ii) identity theft; (iii) forgery or counterfeiting; or (iv) theft of property valued over \$1,000;

(viii) has not had a previous public chauffeur license or restricted public chauffeur license application denied, rescinded, within the 12-month period preceding the date of application;

(ix) has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of a driving-related incident within the 12-month period preceding the date of application;

(x) is not ineligible to operate a transportation network vehicle under Section 15 of the Transportation Network Providers Act, codified at 625 ILCS 57/15;

~~(vi xi)~~ has not had a public chauffeur license or restricted public chauffeur license ~~suspended, revoked or non-renewed~~ by the ~~e~~City within the ~~five~~ three years immediately preceding his application to be a driver; and

~~(vi xii)~~ has not been listed as ineligible to be a transportation network driver by the Commissioner pursuant to Section 9-115-250(b) and rules promulgated thereto.

(2) An applicant who has been charged with the commission of a felony as defined in Section 2-7 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-7, or a felony in another jurisdiction, or any crime that raises public safety concerns, as determined by the Commissioner, shall not be eligible for a public chauffeur license until final disposition of such charges.

(3) Any conviction for a minor cannabis offense, as defined in Section 4-4-005, shall not disqualify an applicant.

(24) In addition to complying with other legal requirements, each ~~Each~~ transportation network provider licensee shall: (i) perform a criminal background check, as defined by Section 9-104-010, on each transportation network chauffeur license applicant; and (ii) obtain each transportation network chauffeur license applicant's driving record. The licensee shall submit to the Commissioner the name of each applicant eligible for the issuance or renewal of a transportation network chauffeur license, attesting, in an electronic form prescribed by the Commissioner that each such applicant meets all the requirements of subsection (b). In addition, any transportation network provider licensee shall, as the Commissioner determines by rule, transmit to the Department a background check report that the licensee or a third-party vendor has performed on each transportation network chauffeur license applicant. Nothing provided in this subsection shall be construed to prohibit the Commissioner from requesting any other information that the Commissioner may reasonably require in connection with the issuance or renewal of a license from a licensee or transportation network chauffeur license applicant.

(35) After receiving: (i) the attestation provided pursuant to subsection (b)(24), and (ii) any other application information, as the Commissioner deems appropriate, the Commissioner shall issue a transportation network chauffeur license, in a form prescribed by the Commissioner, to each applicant that the Commissioner determines to be eligible for such license. Each transportation network chauffeur license shall be issued for a maximum of a one-year period. The Commissioner is authorized to issue initial transportation network chauffeur licenses for less than a one-year period to establish an efficient system for issuing and renewing chauffeur licenses in a manner that the Commissioner determines by rule. Each transportation network chauffeur license shall bear the name and photograph of the licensee and a license number. No person shall alter, modify or replicate a transportation network chauffeur license without authorization by the Department.

*(Omitted text is not affected by this ordinance)*

(e) The Commissioner has authority to investigate zero tolerance complaints that the ~~d~~Department receives through a 311 call or other equivalent complaint reporting mechanism and take appropriate actions to determine a transportation network chauffeur licensee's eligibility to operate a transportation network vehicle.

*(Omitted text is not affected by this ordinance)*

(j) In addition to conducting an initial background check on each transportation network chauffeur license applicant within the meaning of subsection (b)(~~24~~)(i) and (b)(~~24~~)(ii) of this section, a licensee shall: (i) perform a ~~quarterly~~ an annual, or as requested by the Commissioner, new background checks on a randomly selected group of up to ten percent of the licensee's drivers, if the Commissioner determines that such check is warranted by the occurrence of an incident posing a threat to public safety; and (ii) perform a ~~quarterly~~ bi-annual (twice a year), or as requested by the Commissioner, audit on the background checks that have been undertaken by the licensee, and submit the results of such audit to the Commissioner, in accordance with a process prescribed by rules, to ensure compliance with subsection (b)(~~24~~)(i) and (b)(~~24~~)(ii) of this section. The audit required under this subsection shall verify that the licensee has instituted procedures to ensure that its drivers have undergone a background check within the meaning of this subsection, and, upon request by the Commissioner, shall be accompanied by proof that the required background checks have been performed. Such proof shall be in the form and manner prescribed by the Commissioner in duly promulgated rules. Such rules may require that the ~~quarterly~~ bi-annual (or the requested) audit required under this subsection be conducted by a qualified, independent, third-party vendor identified by the Commissioner.

*(Omitted text is not affected by this ordinance)*

**9-115-185 License ineligibility – Indebtedness and child support.**

(a) Indebtedness: All licensees must be in good standing with the City in reference to debt pursuant to and as defined in section 4-4-150 of this Code.

(b) Child support: All licensees must be in compliance with court-ordered child support pursuant to and as defined in section 4-4-152 of this Code.

**9-115-190 Restrictions on hours of operation.**

*(Omitted text is not affected by this ordinance)*

(c) Except for wheelchair-accessible transportation network vehicles, no ~~Ne~~ vehicle shall be used as a transportation network vehicle by one or more drivers for more than 12 hours within a given 24 hour period.

*(Omitted text is not affected by this ordinance)*

**9-115-195 Interference with Commissioner's duties.**

It is unlawful for any person to interfere with or hinder or prevent the Commissioner from discharging any duty in the enforcement of any provision of this Code under the jurisdiction of the Commissioner.

**9-115-220 License – Suspension or revocation.**

(a) The ~~e~~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 any transportation network chauffeur who ~~that~~ violates this chapter or any rules or regulations adopted pursuant to this chapter.

(b) The eCommissioner 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 or any transportation network chauffeur 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) (1) If the eCommissioner has information provided by a law enforcement agency or any court of law that a licensee or transportation network chauffeur has been charged with the commission of: (1) a felony, as defined in Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., or a felony in another jurisdiction arising in connection with the transportation network provider business; or (2) an alleged act that raises concerns of public safety; or if a licensee or transportation network chauffeur is under an outstanding arrest warrant issued by a court of any jurisdiction, the eCommissioner shall immediately suspend all licenses of the licensee or the transportation network chauffeur until final adjudication is made with respect to such charges.

(2) Whenever a transportation network chauffeur's driver's license has been revoked, suspended or otherwise invalidated by the Illinois Secretary of State or other similar authorized agency, the transportation network chauffeur shall be subject to automatic suspension from driving a transportation network vehicle for the same period that the driver's license is revoked, suspended or otherwise invalidated.

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

(e) In addition to the powers authorized in this section, the eCommissioner may seek suspension, revocation or may decline to renew a provider's license or transportation network chauffeur license in accordance with other applicable sections of this Code, including sections 4-4-084 and 4-4-150.

**SECTION 9.** Title 9 of the Municipal Code of Chicago is hereby amended by repealing Chapter 9-116 in its entirety.

## **ARTICLE VII. [DIVIDED FROM ORDINANCE]**

## **ARTICLE VIII. ALLOW SIDEWALK SIGNS**

## SECTION 1.

### RECITALS

Many businesses have closed during the course of the pandemic, representing a threat to the liveliness and viability of commercial corridors across Chicago.

Making storefronts attractive and inviting promotes business and contributes to lively commercial corridors.

Street-level businesses will benefit from the ability to advertise their services with sidewalk signs.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** Sections 10-28-017, 10-28-064, and 10-28-066 of the Municipal Code of Chicago are hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **10-28-017 Public way use permit – Fees.**

*(Omitted text is unaffected by this ordinance)*

(b) For all other public way uses not specified in subsection (a), the fees shall be as follows:

*(Omitted text is unaffected by this ordinance)*

For purposes of calculating the fee pursuant to this subsection (b), a sign shall not include a Sidewalk Sign, as that term is defined in Section 10-28-360, or an awning, canopy or marquee that contains an on-premise sign, as that term is defined in Section 17-17-02109.

*(Omitted text is unaffected by this ordinance)*

#### **10-28-064 ~~Advertising signs~~ Signs prohibited in the public way.**

Except as specifically permitted by Article VII of Chapter 10-28 of this Code, or by a another duly enacted ordinance, or when authorized by contract entered into by the ~~chief procurement officer~~ Chief Procurement Officer in cooperation with the ~~commissioner of transportation~~ Commissioner of Transportation pursuant to Section 10-28-045, or by contract entered into by the ~~chief financial officer~~ Chief Financial Officer and approved by the ~~city council~~ City Council pursuant to Section 10-28-046, no person shall place, install or knowingly maintain on the surface of the public way any sign or a structure or device to which such a sign is affixed. Any such sign, structure or device that is placed, installed or maintained on the public

way in violation of this section is hereby declared a public nuisance and may be removed at any time by the ~~commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection at the expense of the person responsible for the violation.

Any person who violates this section shall be subject to a fine of not less than \$200.00 and not more than \$500.00 for each offense. Each day that such violation occurs shall be considered a separate offense.

~~**10-28-066 Advertising sign—Defined.**~~

~~An advertising sign is a sign which directs attention to a business, commodity, service or entertainment regardless of where it is conducted, sold or offered.~~

**SECTION 3.** Chapter 10-28 of the Municipal Code of Chicago is hereby amended by inserting a new Article VII, as follows:

**ARTICLE VII. SIDEWALK SIGNS.**

**10-28-360 Definitions.**

“A-frame sign” means a sandwich board style-sign that has two sides, the frame or support structure of which is hinged or connected at the top in such a manner that the sign is easily moved or erected.

“Department” means the Department of Business Affairs and Consumer Protection.

“Commissioner” means the Commissioner of the Department, or the Commissioner’s designee.

“Renewal application” means an application for a Sidewalk Sign permit at the same location and by the same person approved by the Commissioner within the previous five years.

“Sidewalk Sign” means an A-frame, T-frame, or other temporary self-supporting type sign, placed on the public sidewalk. “Sidewalk Sign” does not include a sign placed on private property.

“T-frame sign” means a sign that is supported by posts or other supports that are not attached to the ground or any building or structure, and that can stand on its own and is weighted at the bottom.

**10-28-365 Permit required for Sidewalk Sign.**

(a) It shall be unlawful for any person to place, install, or knowingly maintain on the surface of the public way a Sidewalk Sign, or a structure or device to which such a sign is affixed, without a Sidewalk Sign permit.

(b) A Sidewalk Sign permit shall be valid for five years from the date of issuance. The fee for a five-year Sidewalk Sign permit shall be \$100.00 per annum.

(c) No permittee shall assign or transfer a Sidewalk Sign permit.

(d) A permittee holding a permit for a sidewalk café pursuant to Article XII of this chapter shall not be issued a permit for a Sidewalk Sign.

(e) Any Sidewalk Sign on the public way authorized pursuant to this article shall not require the issuance of a public way use permit pursuant to Section 10-28-010.

#### **10-28-375 Permit application.**

An application for a Sidewalk Sign permit shall be made to the Commissioner, who shall make available forms for this purpose. The applicant shall provide the following information on the application:

(a) Proof that the applicant is validly licensed at the premises abutting on the public way where the Sidewalk Sign will be placed, or evidence that the applicant holds a valid license from a governmental entity other than the City of Chicago or is exempt from licensure.

(b) A photograph and sketch depicting the proposed site of the Sidewalk Sign, and a description of its relationship to the surrounding public way, showing compliance with applicable rules and demonstrating that the Sidewalk Sign shall not unreasonably interfere with: (1) adequate pedestrian flow; (2) access to building entrances; (3) pedestrian and traffic safety; and (4) the aesthetic quality of the surrounding area.

(c) Plans or a sketch of the proposed Sidewalk Sign, including dimensions and proposed language.

(d) Proof of insurance as required by this article.

(e) Such other information as the Commissioner may reasonably require by rule.

#### **10-28-380 Insurance required.**

Each applicant for a Sidewalk Sign permit shall furnish proof of insurance evidencing commercial general liability insurance with limits of not less than \$500,000.00 per occurrence, \$1,000,000.00 in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for 30 days' prior written notice to be given to the City of Chicago if coverage is substantially changed, canceled, or non-renewed.

The City of Chicago shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the use of a Sidewalk Sign. Apart from and separate from any insurance requirement under this section, the permittee shall indemnify, defend and hold harmless the City from any and all losses, damages, claims, and suits that result directly or indirectly from the presence of the Sidewalk Sign on the public way.

Each Sidewalk Sign permittee shall maintain the insurance coverage required under this section for the duration of the Sidewalk Sign permit. Proof of insurance shall be presented to the Commissioner prior to the issuance of a permit under this article. Failure of the permittee to

maintain the insurance required by this section shall result in the revocation of the Sidewalk Sign permit.

**10-28-385 Review of application and issuance.**

(a) The Commissioner shall review a submitted application and, if the Commissioner determines that the application is complete, shall provide written notification and a copy of the application to the alderman in whose ward the applicant intends to place a Sidewalk Sign. The alderman shall provide a recommendation to the Commissioner regarding the permit application within 30 days after receiving the permit application, unless the Commissioner determines that good cause exists for a reasonable extension, not to exceed 30 days. The recommendation regarding the permit application shall be based on the alderman's analysis of the factors for denial or revocation, as set forth in subsection (b) of this section. The alderman shall not unreasonably withhold such recommendation. The Chicago Department of Transportation shall review, and the Mayor's Office for People with Disabilities may review, the Applicant's proposed location for the Sidewalk Sign to determine whether the location meets placement requirements.

(b) A Sidewalk Sign permit shall be denied or revoked if:

(i) the proposed Sidewalk Sign cannot meet the operational conditions set forth in Section 10-28-395;

(ii) the granting of the Sidewalk Sign permit is not in the best interest of the public, would have a deleterious impact on the neighborhood, or would create a nuisance either on the public way or the surrounding area;

(iii) the design of, or materials used in, the Sidewalk Sign does not comport with the quality or character of the existing streetscape; or

(iv) the applicant makes any false statements, submits any false information, or misrepresents any information required by this article.

(c) If the Commissioner finds that a renewal application meets the requirements of this article and any rules promulgated hereunder, and the applicant has not received two or more notices of violation concerning a Sidewalk Sign that were finally adjudicated and sustained during the term of the current Sidewalk Sign permit, the Commissioner shall approve the renewal application and issue a Sidewalk Sign permit to the applicant.

(d) After due consideration of any recommendation timely received from the alderman in whose ward the applicant intends to place a Sidewalk Sign, and of any reviews received from the Chicago Department of Transportation and the Mayor's Office for People with Disabilities, the Commissioner shall issue the Sidewalk Sign permit if the Commissioner finds the applicant meets the applicable requirements. The Commissioner shall issue the permit in the form of a certificate or decal to be affixed to the Sidewalk Sign.

**10-28-390 Denial of application or renewal application.**

(a) If the Commissioner finds that the applicant failed to meet the requirements of this article or any rules promulgated thereunder, the Commissioner shall deny the application or renewal application.

(b) If the Commissioner finds that an applicant who submitted a renewal application was issued two or more notices of violation of this article that have been finally adjudicated and sustained during the term of the current Sidewalk Sign permit, the Commissioner may: (i) deny that renewal application; or (ii) conditionally approve the renewal application subject to a written plan of operation or other set of conditions that the Commissioner determines is necessary to ensure compliance with this article.

(c) If the Commissioner denies an application or renewal application, the Commissioner shall notify the applicant in writing of the denial and the reasons therefor within ten business days after the denial by sending notice to the applicant, by first class mail addressed to the applicant at the address identified in the application. Within ten days after such notice is mailed, the applicant may make a written request to the Commissioner for a hearing on the disapproved application or renewal application. Within ten days after such written request for a hearing is made, a public hearing shall be authorized before a hearing officer appointed by the Commissioner. Such public hearing shall be commenced within thirty days after such hearing is authorized. Within 14 days after completion of such hearing, the hearing officer shall report his or her findings to the Commissioner. If the Commissioner determines after such hearing that the application or renewal application should be denied, the Commissioner shall, within 60 days after such hearing has been concluded, state the reasons for the Commissioner's determination in a written finding and shall serve a copy of such written finding upon the applicant. The Commissioner's determination shall be final and may be appealed in the manner provided by law.

#### **10-28-395 Operational conditions.**

(a) Only one Sidewalk Sign shall be allowed per street address. A business that operates at an expanded address shall be allowed only one sign.

(b) A Sidewalk Sign shall be placed on the sidewalk in front of the licensed business, and shall comply in all respects with the approved specifications set out in the application.

(c) A Sidewalk Sign shall not be placed in a street or alley, and shall not be placed on a vehicle or vehicle trailer in a street or alley.

(d) A Sidewalk Sign shall be no larger than six square feet in area per face and no greater than four feet in height.

(e) A Sidewalk Sign shall contain information only for goods and services provided on the premises by the permittee pursuant to the permittee's licensing and may not contain any information or reference for goods or services not provided on the premises by the permittee.

(f) A Sidewalk Sign shall be professionally printed, or handwritten using clean lettering on a dark surface.

(g) A Sidewalk Sign shall not be directly illuminated.

(h) A Sidewalk Sign shall not be displayed when weather creates a potential hazard, including during high wind or heavy rain or snow conditions.

(i) A Sidewalk Sign shall not be bolted, chained, tied, or otherwise affixed to the public way or any object thereon.

(j) A Sidewalk Sign shall be displayed only during hours that the permittee's business is open to the public, and shall be removed from the public way when the permittee's business has closed to the public for the day.

(k) An uninterrupted six-foot clear pedestrian path shall remain after placement of a Sidewalk Sign. This path shall be as straight as possible on a block.

(l) A Sidewalk Sign shall be constructed to allow a ten-inch cane detection.

(m) A Sidewalk Sign shall not be allowed within the Central Business District, as such district is defined in Section 9-4-010.

(n) There shall be no less than a two-foot uninterrupted setback from the face of the curb to a Sidewalk Sign.

(o) A Sidewalk Sign shall not be allowed within 30 feet of an intersection, 20 feet of a crosswalk ramp, or 12 feet of a driveway or alley.

(p) A Sidewalk Sign shall be placed at least 6 feet from any bicycle rack.

(q) A Sidewalk Sign shall not be placed in front of a Loading Zone, Standing Zone, Taxi Cab Stand, Bus Stop, Handicapped Parking Zone, or Curb Cut.

(r) A Sidewalk Sign shall not block or cover a parking payment device, fire hydrant, or grate.

(s) A Sidewalk Sign shall not contain any decorations, accessories, or appendages, including but not limited to: balloons, streamers, pennants, flags, banners, lights, audio or video device, or other items.

(t) A Sidewalk Sign shall contain only a static copy and sign faces, and in no event may a Sidewalk Sign display a dynamic image copy or sign face including, but not limited to, characteristics that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the copy or sign face. Dynamic image copy and sign face

includes, but is not limited to, any rotating, revolving, moving, blinking, or animated display, and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink”, or any other method or technology that allows the sign face to present a series of images or displays.

(u) A Sidewalk Sign shall be constructed of sufficiently sturdy material so that it remains upright on its own and may not be weighted down or supported by any other means, including, but not limited to, sandbags, bricks, cinder blocks, planks, dead weights, concrete molds, or other similar separate means.

(v) The permittee shall temporarily remove a Sidewalk Sign from the public way upon the order of the Police Department, Fire Department, or other authorized City personnel for public safety reasons.

(w) A certificate or decal issued pursuant to Section 10-28-385(d) shall be affixed to a Sidewalk Sign and made visible and unobstructed at all times.

(x) A Sidewalk Sign shall comply with any other operational conditions reasonably required by this article and any rules promulgated thereunder.

#### **10-28-400 Exemption.**

This article shall not apply to a sign specifically allowed by another provision of this Code, by a duly enacted ordinance, when authorized by contract entered into by the Chief Procurement Officer in cooperation with the Commissioner of Transportation pursuant to Section 10-28-045, or by contract entered into by the Chief Financial Officer and approved by the City Council pursuant to Section 10-28-046.

#### **10-28-405 Promulgation of rules.**

The Commissioner is authorized to promulgate rules to carry out the purposes of this article. A permittee shall comply with the rules promulgated pursuant to this article, which shall have the force and effect of law.

#### **10-28-410 Enforcement.**

The Department, Chicago Department of Transportation, and the Department of Streets and Sanitation shall have authority to enforce this article and rules promulgated thereunder. Any Sidewalk Sign found to be in violation shall subject the permittee to a fine and/or revocation of the permittee’s Sidewalk Sign permit. Any Sidewalk Sign found to be unsafe, to present a hazard, or to impair a clear walkway shall be subject to removal.

#### **10-28-415 Permit revocation.**

(a) The Commissioner shall have the power to fine a permittee, and/or to suspend or revoke a Sidewalk Sign permit for good and sufficient cause if the Commissioner determines that the permittee or its employee or agent has violated any provision of this article, or any rule promulgated thereunder. Provided, however, that no permit shall be suspended or revoked unless

the permittee is first given five days' written notice of a public hearing, which shall provide the permittee with an opportunity to appear and defend. Such public hearing shall be held before a hearing officer, who shall report his or her findings to the Commissioner. If, after such hearing, the Commissioner imposes a fine or suspends or revokes the Sidewalk Sign permit, the Commissioner shall, within 60 calendar days after the hearing is completed, (1) state the reason for such determination in a written order, and (2) serve a copy of such order upon the permittee.

(b) A permittee who wishes to appeal the Commissioner's written order may appeal to the Department of Administrative Hearings as follows:

(1) The permittee shall file an appeal with the Department of Administrative hearings within five business days after the date of the notice of the Commissioner's written order. If no appeal is filed within five business days of the date of the Commissioner's written order, that written order shall be deemed final.

(2) Upon the filing of such appeal, the Department of Administrative Hearings shall cause a hearing to be held within five business days, and based upon the evidence contained in the record of such hearing, either affirm or reverse the Commissioner's written order.

(3) Any final decision of the Department of Administrative Hearings shall be subject to judicial review in accordance with applicable law.

#### **10-28-420 Surrender of decal**

In the event of suspension, revocation, or other cancelation of a Sidewalk Sign permit, the permittee shall surrender to the Department any certificate or decal associated with such permit.

#### **10-28-425 Violation – Penalties.**

(a) Any person who violates any of the provisions of this article or rules promulgated thereunder shall be subject to a fine of not less than \$200.00 nor more than \$500.00 for each offense, and each day such a violation continues shall be deemed a separate and distinct offense.

(b) In addition to any other fine or penalty provided, any person who knowingly interferes with or impedes the Commissioner, Chicago Department of Transportation, or the Department of Streets and Sanitation in the enforcement of this article may be subject to incarceration for a term not to exceed six months.

(c) In addition to any other penalty provided herein, any Sidewalk Sign placed without a valid permit is subject to removal from the public way by the Commissioner, Chicago Department of Transportation, or the Department of Streets and Sanitation.

## **ARTICLE IX. IMPROVE NEIGHBORHOOD SAFETY AND QUALITY OF LIFE**

### **SECTION 1.**

RECITALS.

The late-night sale of package goods liquor has been a contributing factor in public safety disturbances and has had a notable impact on the quality of life in Chicago neighborhoods.

The mitigation of late-night sales of from package goods retailers has led to a reduction in violence and other concerning incidents.

Tobacco use is growing at a worrying rate, especially among youth, while decreases in Black life expectancy can also be attributed to tobacco use.

Ensuring uniformity and clarity in existing health-centered tobacco regulations and ending late night sale of package goods liquor addresses illegal sale of tobacco and addresses public safety.

The foregoing recitals are incorporated into and made a part of this Article.

**SECTION 2.** Section 4-60-130 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-60-130 Hours of operation.**

(a) (1) Except as otherwise provided in ~~paragraph (a)(2) of this subsection;~~ ~~no~~

(i) No person licensed hereunder as a retailer of alcoholic liquor shall sell, permit to be sold, or give away any alcoholic liquor between the hours of 2:00 a.m. and 7:00 a.m. on Mondays through Saturdays and between the hours of 3:00 a.m. and 11:00 a.m. on Sundays.

(ii) No person holding a package goods license shall sell, permit to be sold, or give away any package goods between the hours of 12:00 a.m. and 7:00 a.m. on Mondays through Saturdays and between the hours of 12:00 a.m. and 11:00 a.m. on Sundays, except that a supermarket may commence the sale of package goods at 8:00 a.m. on Sundays.

*(Omitted text is unaffected by this ordinance)*

(e) ~~All~~ Except as otherwise provided in this section, all persons licensed under this chapter shall have the privilege, upon application and the payment of an additional fee of the amount specified in Section 4-5-010, of remaining open and selling alcoholic liquor on Sundays until 5:00 a.m. and on Mondays through Saturdays until 4:00 a.m.; provided, however, that, if 50 or more legal voters reside within a distance of 500 feet from the licensed premises. the applicant shall first notify all legal voters registered within such area by certified mail, return receipt requested, stating that application is being made for a late-hour license and stating the name of the applicant and the location of the licensed premises for which the late-hour license is sought. The applicant shall sign an affidavit verifying that all legal voters registered within such area have been notified by certified mail. The applicant shall cause to be posted at the location of the premises for which the late-hour license is sought, in a place clearly visible from the public way, notice in the form prescribed by the commissioner of business affairs and consumer protection, stating that

application is being made for a late-hour license and listing the name of the applicant. Within 60 days before the filing of an application for a late-hour license the applicant shall obtain and file with the department of business affairs and consumer protection the written consent of a majority of the legal voters registered within the affected area. Such measurement shall be made from the boundaries of the premises as described in the application for which the late-hour license is sought, to a radius of 500 feet away. No late-hour license shall be issued for any outdoor location licensed as an outdoor patio.

*(Omitted text is unaffected by this ordinance)*

(n) (1) Except as provided in subsection (n)(2), no person who holds a package goods license shall be eligible to hold a late hour privilege.

(2) Any person who holds a package goods license and who holds a late hour privilege issued prior to July 1, 2021, may remain open and sell package goods until 2:00 a.m. All provisions of Section 4-60-130(f) regarding the exterior safety plan shall remain applicable to any such person. The privilege under this subsection may be renewed every two years upon the payment of the fee for a late hour privilege set forth in Section 4-5-010. The privilege under this subsection shall terminate upon the termination, for any reason, of the city retail license for the sale of alcoholic liquor.

**SECTION 3.** Section 4-64-355 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-64-355 Prohibition on sale of certain products.**

*(Omitted text is unaffected by this ordinance)*

(b) No person shall sell, give away, barter, exchange or otherwise furnish to any other person any cigarette wrapping paper or wrapping leaf, regardless of whether such wrapping paper or wrapping leaf contains nicotine, that is, or is held out to be, impregnated or scented with, or aged or dipped in, alcoholic liquor, chocolate, any fruit flavoring, vanilla or honey, in any combination.

*(Omitted text is unaffected by this ordinance)*

**SECTION 4.** Section 4-64-935 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

**4-64-935 License revocation – Required when.**

(a) In addition to any other penalty provided by law, if a person commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, ~~4-64-330~~, 4-64-340, 4-64-345, 4-64-350, 4-64-355(b), 4-64-355(c), 4-64-360, 4-64-400(1), 4-64-500(1), 4-64-500(3), 4-64-500(4)(i), ~~4-64-510(3)~~, 4-64-515, 4-64-710, 4-64-810, 4-64-820 and 4-64-830, the Commissioner shall revoke

that person's licenses. If a person commits two or more violations within any 48-month period of Section 4-64-350, the Commissioner shall revoke that person's licenses. For purposes of this section: (1) "licenses" includes any and all licenses issued by the City of Chicago to engage in business operations at the location at which the violations occurred; (2) multiple offenses occurring on the same date shall be deemed a single violation while offenses occurring on separate dates shall be deemed separate violations; and (3) a "violation" may include a finding of liability or a finding sustaining the offense or offenses charged in the same or in any contemporaneous proceeding or evidence of any previously resolved final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above including but not limited to any finding of liability after adjudication on the merits, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge. A person subject to revocation pursuant to this subsection shall be entitled to the process described in Section 4-4-280, with the condition that any revocation hearing shall be limited to the issue of whether the licensee's record and the resolution of any pending charges in the same or contemporaneous proceedings, if applicable, accurately reflect the existence of a sufficient number of violations to support the revocation decision. The licensee shall not be permitted to challenge the previously resolved violations themselves, nor any underlying facts asserted or determined therein.

*(Omitted text is unaffected by this ordinance)*

**SECTION 5.** Section 4-64-940 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**4-64-940 Nonrenewal of licenses.**

(a) In addition to any other penalty provided by law, if a licensee under this Chapter commits or has committed any combination of three or more violations within any 24-month period of Sections 3-42-020, 3-42-025, 3-42-060, 3-42-100, 4-64-340, 4-64-345, 4-64-350, 4-64-355(b), 4-64-355(c), 4-64-360, 4-64-400(1), 4-64-500(1), 4-64-500(3), 4-64-500(4)(i), 4-64-510(3), 4-64-515, 4-64-710, 4-64-810, 4-64-820, and 4-64-830, the licensee shall be subject to nonrenewal of the license. If a person commits two or more violations within any 48-month period of Section 4-64-350, the licensee shall be subject to nonrenewal of the license. The Commissioner may decline to renew such license, subject to the procedure described in subsection (b) of this section. For purposes of this section, multiple offenses occurring on the same date shall be deemed a single violation, while offenses occurring on separate dates shall be deemed separate violations, and "violation" means any final disposition against the licensee on a charge brought pursuant to one of the Code provisions listed above, including but not limited to any finding of liability after adjudication on the merits of the charge, any default finding of liability, any uncontested finding of liability, any negotiated pre-hearing settlement of the charge, and any voluntary payment of the fine corresponding to the charge.

*(Omitted text is unaffected by this ordinance)*

## ARTICLE X. EFFECTIVE DATES

**SECTION 1.** Article I (Immediate Financial Relief), Article IV (Hospitality Industry Support), Article IX (Improve Neighborhood Safety and Quality of Life), and Article X (Effective Dates) of this ordinance shall take full force and effect upon its passage and approval.

**SECTION 2.** In light of the necessary need to ensure the proper regulation of Third-Party Delivery Service fees imposed upon Food Dispensing Establishments during the public health emergency caused by COVID-19, pursuant to 65 ILCS 5/1-2-4, Article II (Temporary Food Delivery Fee Relief) shall take effect immediately upon passage and approval of this ordinance, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, Article II shall take effect ten days after its passage and publication.

**SECTION 3.** Article III (Expedited Restaurant Licensing) and Article V (Fair Marketplace Innovation and Compliance) of this ordinance shall take full force and effect ten days after its passage and publication.

**SECTION 4.** Article VI (Public Vehicle Industry Support) of this ordinance shall take full force and effect on August 1, 2021.

**SECTION 5.** [Divided from the ordinance as applying to Article VII.]

**SECTION 6.** Article VIII (Allow Sidewalk Signs) of this ordinance shall take full force and effect on March 1, 2022.

## **EXHIBIT A**

### **RESOLUTION**

**WHEREAS**, The City of Chicago (“the City”) provided more in small business grant and loan relief than any other city in the country, totaling over \$100 million in relief during the COVID-19 pandemic; and

**WHEREAS**, Thousands of Chicago businesses benefited from the largest suite of local pandemic relief programs in the country, though thousands more struggled and continue to struggle even as pandemic restrictions ease; and

**WHEREAS**, Businesses incur City debt for a variety of reasons, including traffic and parking violations; and

**WHEREAS**, The Municipal Code of Chicago requires that businesses resolve their City debt as a precondition of license eligibility, whether the business seeks to get a new license or renew an existing license; and

**WHEREAS**, Many businesses in Chicago had as little as five days of cash on hand before the pandemic, with many businesses reporting losing up to 50% of their revenue throughout the pandemic; and

**WHEREAS**, It is essential that the City do all that we can to help and protect Chicago’s struggling business community; now, therefore,

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

That we, the Mayor and Members of the City Council of the City of Chicago, do hereby support the provision of financial relief to struggling businesses; and

**BE IT FURTHER RESOLVED**, That we support the offer of affordable payment plans to businesses for the resolution of City debt; and

**BE IT FURTHER RESOLVED**, That we urge the Budget Director and the Comptroller to provide relief to Chicago businesses affected by COVID-19 by using their respective authority to craft a meaningful and assistive financial aid package and affordable payment plan for Chicago businesses.