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Legislation Details (With Text)

File #: SO2013-8515
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File created: 11/13/2013 **In control:** City Council
Final action: 11/26/2013
Title: Amendment of Municipal Code Chapter 9-108 regarding horse-drawn carriage regulations
Sponsors: Emanuel, Rahm
Indexes: Ch. 108 Horse-Drawn Carriages
Attachments: 1. O2013-8515.pdf, 2. SO2013-8515.pdf

Date	Ver.	Action By	Action	Result
11/26/2013	1	City Council	Passed as Substitute	Pass
11/25/2013	1	Committee on License and Consumer Protection	Recommended to Pass	Pass
11/13/2013	1	City Council	Referred	

633013- 05""^

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 9-108-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- a) "Carriage" means any device in, upon or by which any person is or may be transported or drawn upon a public way, designed to be or capable of being driven by a horse.
- b) "Carriage stand" means that portion of a curb lane designated by the department of transportation for loading and unloading of passengers for horse-drawn vehicles.
- c) "Commissioner" means the commissioner of business affairs and consumer protection of the City of Chicago.
- d) "Department" means the department of business affairs and consumer protection of the City of Chicago.
- e) "Horse" means an animal of the genus equus.

f) ~~"Initial license period" shall be that period beginning 15 days following the effective date of this ordinance and terminating on the thirty first day of December.~~

"Horse-drawn carriage licensee" or "licensee" means any person to whom one or more horse-drawn carriage licenses have been issued pursuant to this chapter and rules and regulations adopted thereto.

g) "Horse-drawn carriage chauffeur" or "chauffeur" means a driver of a horse-drawn carriage licensed pursuant to this chapter and rules and regulations adopted thereto.

~~(§) "Person" means a natural person, partnership, firm, corporation or other legal entity.~~

~~h) "Principal place of business in the City of Chicago" means a business office, with a separate telephone number and listing a location where (1) the City may send, and the licensee shall accept, notices of hearing or other notices from the City; and (2) the licensee maintains its business and financial records relating to the license.~~

~~(i) "Subsequent license periods" means and shall be all license periods following the initial license period and running from the first day of January following termination of the initial license period through the following thirty first day of December.~~

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(ji) "Veterinarian" means a practicing veterinarian licensed by State of Illinois.

SECTION 2. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by adding a new section 9-108-015, as follows:

9-108-015 Horse-drawn carriage license - Required.

No person shall operate or allow to be operated a horse-drawn carriage for the transportation of passengers for hire within the city unless such horse-drawn carriage is licensed by the city pursuant to this chapter and rules adopted thereto. The horse-drawn carriage license shall be in addition to any other license or registration required by law. A horse-drawn carriage license is required for each horse-drawn carriage.

SECTION 3. Section 9-108-020 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-020 License required Horse-drawn carriage license - Restrictions.

~~(a) No person may operate a horse-drawn carriage for compensation, nor may the owner thereof permit~~

~~(te) No carriage may be licensed under this chapter unless it is equipped with wheels.~~

(eb) No carriage may be licensed under this chapter if it is designed to be drawn by more than one horse, nor may a carriage be operated for compensation while drawn by more than one horse.

(c) In the interests of preserving public safety and avoiding or mitigating traffic congestion, no more than 40 horse-drawn carriage licenses shall be issued.

SECTION 4. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-030, in its entirety, and replacing it with a new Section 9-108-030, as follows:

9-108-030 Horse-drawn carriage license - Application.

Application for the issuance or renewal of a horse-drawn carriage 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 its authorized agent. Each application shall contain at a minimum:

- (1) If the applicant is an individual:

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

receive notices issued pursuant to this chapter; and

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

SECTION 5. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by adding a new section 9-108-035, as follows:

9-108-035 Horse-drawn carriage - Qualifications for license.

- (a) In order to qualify for the issuance or renewal of a horse-drawn carriage license an applicant:

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- (1) shall be in compliance with all laws pertinent to the issuance or renewal of a horse-drawn carriage license under this chapter;
- (2) must demonstrate that the applicant will have at least one horse licensed under Chapter 7-12 of this Code available for each carriage license applied for and must submit a copy of the license for each horse or a copy of the license application as part of the application; and
- (3) shall have its principal place of business in the City of Chicago:
 - i) with respect to any corporate applicant, the corporation shall be organized under the laws of the State of Illinois or qualified to do business in the State of Illinois and have its principal place of business in the City of Chicago; or
 - ii) with respect to a partnership applicant, the partnership shall have its principal place of business in the City of Chicago; or
 - iii) with respect to any applicant other than a corporation or partnership, the applicant shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago.

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

- 1) The character and reputation of the applicant or its members, officers or directors, including, if applicable, the disciplinary record of the applicant in the operation of his horse-drawn carriage and the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a city licensee;
- 2) The applicant's financial ability to render lawful, safe, suitable and comfortable service and to maintain or replace the equipment for such service;
- 3) The applicant's ability to maintain mandated insurance, including, but not limited to, liability

insurance and worker's compensation insurance 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 horse-drawn carriage.

- (c) No applicant is eligible for a horse-drawn carriage license if any horse-drawn carriage license held by the applicant, or held by any officer or director of a corporate applicant or partner in a partnership applicant, was revoked within the previous five years, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant,

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within the five years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., or its equivalent under federal or other jurisdictional law.

SECTION 6. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-040, in its entirety, and replacing it with a new Section 9-108-040, as follows:

9-108-040 Horse-drawn carriage license - Investigation and issuance of license.

a) Upon receipt of an application for the issuance or renewal of a license, the commissioner may investigate the applicant for compliance with the provisions of this Code pertinent to the issuance or renewal of a horse-drawn carriage license.

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

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

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

SECTION 7. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by adding a new Section 9-108-045, as follows:

9-108-045 Horse-drawn carriage license - Application Denial.

- a) The commissioner may refuse to renew or issue a license if the applicant fails to qualify for the

license under any applicable law. In the event that the commissioner determines that the applicant does not qualify, the commissioner shall deny the application and shall notify the applicant of the denial and the reason therefor by registered mail within 30 days of the denial.

b) If the application for a license issuance or renewal is denied, the applicant may, within ten days of the mailing of notice of the denial, make written demand upon the

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commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the commissioner 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 commissioner shall issue the license. If upon such a hearing the denial is found to have been based upon correct findings, the denial shall become final. After entry of a final denial the applicant shall be ineligible to make a new application for eighteen months.

(c) In the event that a license is not renewed by the commissioner or if a licensee chooses not to apply for renewal, the license shall be deemed surrendered. The commissioner may issue all such available licenses to qualified applicants.

SECTION 8. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-050, in its entirety, and replacing it with a new Section 9-108-050, as follows:

9-108-050 Horse-drawn carriage license - Fee and term.

a) The fee for the issuance or renewal of a horse-drawn carriage license shall be \$500.00 for each license. The license fees shall be paid in advance when the license is issued or renewed.

b) Except for the initial license period, a horse-drawn carriage license shall be issued or renewed for a one-year period starting on December 1. The initial horse-drawn carriage license period shall be from the date of issuance to the following November 30.

c) Nothing in this section shall affect the rights of the city to impose or collect any other applicable tax upon the use or operation of a horse-drawn carriage, or any tax or fee imposed upon the ownership or use of the animal drawing the carriage, in addition to the license fee.

d) All horse-drawn carriage licenses shall expire on the date noted on the license unless renewed as provided by rules and regulations promulgated by the commissioner.

e) A horse-drawn carriage license is non-transferable.

SECTION 9. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-060, in its entirety, and replacing it with a new Section 9-108-060, as follows:

9-108-060 Horse-drawn carriage license- Rescission.

The commissioner is authorized to rescind any horse-drawn carriage license erroneously or illegally issued, transferred or renewed pursuant to this chapter. In order for such a rescission to be effective, the commissioner must notify the licensee of the date the rescission will take effect. The notice shall be given by certified mail or in-person notification. The commissioner must indicate in such notice the basis for the

rescission and must also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the

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commissioner to contest the proposed rescission. The licensee shall also be informed that he shall be entitled to present to the commissioner any document, including affidavits, related to the proposed rescission. Following the appearance of the licensee before the commissioner, the commissioner may affirm or reverse his rescission decision based upon the evidence presented by the licensee. The commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission is effective. A licensee may appeal the commissioner's decision to any court of competent jurisdiction.

SECTION 10. Section 9-108-070 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-070 Horse-drawn carriage license ~~License plate or decal - Replacement and fee -~~

The commissioner shall deliver with each horse-drawn carriage license a metal plate of such size and material as the commissioner shall determine which shall bear the words: "City of Chicago" and the license number of the carriage and the year of issuance impressed thereon in letters and figures. Said plate must be affixed to the back side of the carriage in a conspicuous manner. In addition, each horse-drawn carriage licensee shall be issued a decal with an identification number established by the commissioner. The decal pertaining to the horse-drawn carriage must be affixed to the outside of the carriage on the driver's side, in a conspicuous manner. If a metal plate or decal is lost, stolen or damaged so as to require replacement, the licensee shall make application to the commissioner for a duplicate plate or decal, ~~under oath, on such forms and giving such information as the commissioner shall require~~ provided by the commissioner. In the case of a damaged plate or decal, the licensee shall return such plate or decal with such application. Upon receipt of an application and the payment of a replacement fee of ~~\$40.00~~ \$50.00 for a duplicate metal plate or \$25.00 for a duplicate decal, the commissioner shall issue a duplicate metal plate or decal to the licensee.

SECTION 11. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-080, in its entirety, and replacing it with a new Section 9-108-080, as follows:

9-108-080 Insurance - Required.

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

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

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c) Such insurance policy shall provide at least the following minimum coverage for each horse-drawn carriage: \$50,000.00 for property damage; \$100,000.00 for injuries to or death of any one person; and \$300,000.00 for injuries to or death of more than one person in any one accident with a maximum of \$100,000.00 payable to any one person. In addition, worker's compensation coverage must be provided as required by state law.

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

e) A licensee's failure to comply with this section may result in the revocation or suspension of his horse-drawn carriage license.

SECTION 12. Section 9-108-090 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-090 Regulations.

a) No horse-drawn carriage may carry more than seven passengers at one time, including the driver chauffeur, provided, however, no horse-drawn carriage shall carry more passengers than the maximum number of passengers the carriage is designed to carry by the manufacturer.

b) No horse-drawn carriage may display advertising on its exterior or interior of the carriage or on the horse.

c) Each horse-drawn carriage must prominently display the rate or other charge to be made for its service in the manner prescribed by the commissioner by rule. It shall be unlawful to make any charge not so displayed. Each horse-drawn carriage must prominently display any other placards or postings as required by the commissioner by rules and regulations.

d) No person may sit in the ~~driver's~~ chauffeur's compartment or area except the dtwef chauffeur.

e) No horse-drawn carriage shall be drawn by a horse when^A ~~the National Weather Service has de~~

Any licensee or chauffeur must comply with this chapter and rules adopted thereto, and the applicable provisions of this Code, including those in Chapters 7-12 and 9-48. in operating or allowing the operation of a horse-drawn carriage in the city.

SECTION 13. Section 9-108-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

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9-108-100 Commissioner powers and duties - Inspection.

(a) The commissioner may cause any horse-drawn carriage to be inspected by the department as often as the commissioner shall determine to ensure the safety of the passengers and the public. If any horse-drawn carriage shall become unsafe for operation or if its body or seating facilities shall be so damaged, deteriorated or unclean as to render said horse-drawn carriage unfit for the public use, the license therefor

shall be suspended by the commissioner until the horse-drawn carriage shall be made safe for operation and its body shall be repaired and painted and its seating facilities shall be reconditioned or replaced as directed by the commissioner. In determining whether any horse-drawn carriage is unfit for public use, the commissioner shall give consideration to its effect on the health, comfort and convenience of passengers and its public appearance on the streets of the City of Chicago city. Upon suspension of a license for any cause, under the provisions of this chapter, the metal plate shall be removed by the commissioner from the horse-drawn carriage. If the suspension is terminated, the commissioner shall reaffix the metal plate, upon payment to the city of a fee of ~~\$40.00~~ \$25.00. The commissioner shall notify the department of police of every suspension and termination of suspension.

(Omitted text is not affected by this ordinance)

SECTION 14. Section 9-108-130 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-130 Information to be displayed.

a) All horse-drawn carriages shall prominently display the name of the horse-drawn carriage licensee and license number on the rear of each carriage in a manner prescribed by the commissioner by rule.

b) All horse-drawn carriages shall prominently display, in a manner prescribed by the commissioner in rules and regulations, information which clearly and conspicuously states that the Chicago Municipal Code prohibits any horse-drawn carriage to be drawn by a horse when[^] the National Weather Service has determined that at O'Hare International Airport as determined pursuant to rules adopted by the commissioner, at Northerly Island, Chicago. Illinois: (1) the actual air temperature is 90°F or greater, or 15°F or below; or (2) the wind chill factor is 0°F or below; and any violation of the temperature restrictions may be reported to 311.

SECTION 15. Section 9-108-140 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-140 Horse-drawn carriage ~~driver~~ chauffeur license required.

It is unlawful for any person to drive a horse-drawn carriage on any public way for the transportation of passengers for hire from place to place within the City of Chicago citv without first having obtained a license as a horse-drawn carriage ~~driver~~ chauffeur.

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SECTION 16. Section 9-108-150 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-150 Horse-drawn carriage ~~driver~~ chauffeur license - Application - Qualifications - Fee.

a) Applications for horse-drawn carriage ~~driver~~ chauffeur licenses shall be made in writing to the commissioner upon forms provided therefor by the commissioner. Applications shall state the full name and residential address of the applicant and such other information as may be required by the commissioner to

properly identify the applicant and to disclose any relevant information as to the applicant's qualifications, age, physical condition and criminal record.

b) An ~~person~~ applicant is qualified to receive a new or renewed horse-drawn carriage driver chauffeur license, if the applicant:

1. ~~Who possesses~~ has possessed a valid, current Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to application for the issuance or renewal of a horse-drawn carriage chauffeur license:

2. Who is at least 18 years of age;

3. Who is able to speak, read and write the English language;

4. ~~Who is not subject to epilepsy, vertigo, heart disease, defective vision or other infirmity of body or mind which may substantially impair the ability to operate a public vehicle, and is not addicted to the~~

5. ~~Who shall~~ has successfully completed an examination as prescribed by the commissioner demonstrating a knowledge of the geography of the city and the laws, ordinances and regulations governing vehicle operation in the city; and

6. ~~Who has not, within the five years immediately preceding his or her application, been either convicted, in custody, under parole or under any other noncustodial supervision relating from a conviction in a court of any jurisdiction for the commission of any forcible felony as defined by Article 2 of the Illinois Criminal~~

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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;

7. Who delivers to the commissioner a ~~certification~~ certified letter or

7. document by a horse-drawn carriage licensee that such person is qualified to operate a

7. carriage; and

8. is not indebted to the city.

c) The qualifications of each applicant as specified in paragraph (b) of this section shall be investigated by the department of business affairs and consumer protection and a report of such investigation containing any facts relevant to the applicant's qualifications shall be forwarded to the commissioner. The fingerprints of each applicant shall be submitted to the superintendent of police for examination into the criminal record, if any, of the applicant.

d) ~~Pending the investigation provided in paragraph (c) of this section, the commissioner may issue~~

e) If upon examination of the applicant's application and the investigation specified in paragraph (c) of this section and the commissioner finds that the application included no material omission or misstatement of facts requested by the application form and that the applicant possesses the qualifications specified in paragraph (b) of this section, the commissioner shall issue the license. If upon such examination

of the applicant's application and the investigation specified in paragraph (c) of this section the commissioner finds that the application includes any material omission or misstatement of fact or that the applicant lacks any of the qualifications specified in paragraph (b) of this section, the commissioner shall deny the license and shall inform the applicant of the denial and the specific reason or reasons therefor by registered mail, return receipt requested.

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

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final. After entry of a final denial the applicant shall be ineligible to make a new application for a period of six-eighths months.

g) Upon qualification of the applicant and payment of the license fee herein provided, a horse-drawn carriage driver's chauffeur's license identification card shall be issued in such form as to contain the photography and signature of the driver and a blank space upon which a record may be made of any arrest or serious complaint against him name of licensee, and any other information the commissioner deems necessary. No such record license identification card shall be defaced, erased or otherwise obliterated by the driver chauffeur or permitted by him to be defaced, erased or obliterated.

h) The fee for the issuance or renewal of a horse-drawn carriage driver's chauffeur's license or ~~renew~~

(i) The commissioner may renew a horse-drawn carriage driver's chauffeur's license

from year to year upon application made upon a form furnished by the commissioner which shall

state the full name and Chicago address of the applicant, the date upon which the original

license was granted and the number thereof.

SECTION 17. Section 9-108-160 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-160 Requirements for operation - Possession of weapon prohibited.

a) Every driver chauffeur shall insert his license identification card and photograph in a frame provided therefor by the licensee as an exhibit for view by passengers upon taking possession of a horse-drawn carriage for operation in transportation of passengers for hire.

b) No driver chauffeur may shall have any deadly weapon in his possession or in or about the driver's compartment of a horse-drawn carriage while in charge of such carriage.

c) Each driver chauffeur must have his or her valid, current Illinois State driver's license in his or her possession while operating a carriage.

SECTION 18. Section 9-108-170 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-170 Change of information - Notification required.

Each licensee ~~hereunder~~ shall notify the commissioner in writing of any change of information previously supplied to the commissioner by the licensee within 72 hours of the change.

SECTION 19. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-180, in its entirety, and replacing it with a new Section 9-108-180, as follows:

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9-108-180 License suspension or revocation.

a) The commissioner may seek all applicable penalties, including but not limited to fines, license suspension or license revocation, in addition to restitution or other equitable relief against any person who violates this chapter or any rules or regulations adopted pursuant to this chapter.

b) The commissioner shall promulgate rules and regulations regarding the duration 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 person 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 under this chapter and rules adopted thereto, the commissioner shall remove the license metal plate, license decal or license identification card from the horse-drawn carriage. The commissioner shall notify the department of police of every suspension or revocation and of the termination of any suspension. The department shall charge the licensee or chauffeur, as applicable, for the costs to replace the license metal plate, license decal, or license identification card upon payment of fines or termination of suspension. These costs shall be set by the commissioner's rules.

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

SECTION 20. Section 9-108-190 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-108-190 Licenses not required when.

No horse-drawn carriage license shall be required of a person ~~who has obtained~~ participating in a parade or athletic event pursuant to a permit issued under Sections 10-8-330 or 10-8-332 of this ~~municipal~~ code Code, ~~while operating under such permit~~, nor shall the driver of a carriage operating under such permit

be required to obtain a horse-drawn carriage driver's chauffeur's license.

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SECTION 21. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-200, in its entirety, and replacing it with a new Section 9-108-200, as follows:

9-108-200 Rules and regulations promulgation.

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

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

SECTION 22. Chapter 9-108 of the Municipal Code of Chicago is hereby amended by repealing Section 9-108-240, in its entirety, and replacing it with a new Section 9-108-240, as follows:

9-108-240 Violation - Penalty.

If any person violates 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 \$1,000.00 for each such violation. Each day a 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.

SECTION 23. Section 9-108-250 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-108-250 Payment of fines.

If a fine is imposed on a licensee or chauffeur for violation of this chapter or any rule or regulation promulgated hereunder, the licensee shall not operate or drive a horse-drawn carriage until the fine is completely paid.

SECTION 24. Section 22 of this ordinance shall take effect 10 days after passage and publication. The remainder of this ordinance shall take effect upon passage and approval.

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02013-8515

Chicago, November 26, 2013

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Mayor Rahm Emanuel and the Commissioner of Business Affairs and Consumer Protection (which was referred on November 13, 2013), to amend Chapter 9-108 of the Municipal Code of Chicago regarding the regulation of horse-drawn carriages, begs leave to recommend that Your Honorable Body pass the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on November 25, 2013.

'CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,