

**ORDINANCE NO. 2018-02-011**

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 26**

**(Pedal Bus Operating License)**

**WHEREAS**, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

**WHEREAS**, Section 4-1 of the Liquor Control Act of 1934, 235 ILCS 5/4-1, gives the City Council the power by general ordinance or resolution to establish such regulations and restrictions upon the issuance of and operations under local liquor licenses not inconsistent with law as the public good and convenience may require; and

**WHEREAS**, the City Council has adopted and, from time to time, has amended Urbana City Code Chapter 26 concerning the regulation of vehicles for hire and the operation of vehicles for hire on the City’s public rights-of-way; and

**WHEREAS**, the City Council finds that the public health, safety, and welfare will best be protected by amending Urbana City Code Chapter 26 to regulate the operation of pedal buses on the City’s public rights-of-way and the service and consumption of alcoholic liquor by passengers on such pedal buses while being operated on the City’s public rights-of-way.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

Urbana City Code Chapter 26, “Vehicles for Hire” shall be and hereby is amended by adding a new Article III, “Pedal Buses” as set forth in Exhibit A appended hereto and made a part hereof.

**Section 2.**

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

**Section 3.**

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

**Section 4.**

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

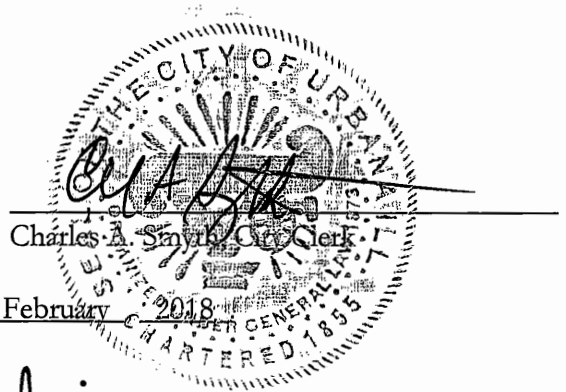
**PASSED BY THE CITY COUNCIL** this 19<sup>th</sup> day of February, 2018.

AYES: Ammons, Brown, Jakobsson, Roberts, Wu

NAYS:

RECUSALS: Miller

ABSTENTIONS:



**APPROVED BY THE MAYOR** this 20<sup>th</sup> day of February, 2018.

*Diane Wolfe Marlin*  
Diane Wolfe Marlin, Mayor

## EXHIBIT A

### Chapter 26 – VEHICLES FOR HIRE

#### ARTICLE III. – PEDAL BUSES

##### DIVISION 1. – GENERALLY

###### Sec. 26-100. – Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this article, unless the context otherwise requires.

*Pedal bus* shall mean any single-unit device upon which any person may ride, propelled by human power through a belt, chain, or gears, having four or more wheels, and designed and constructed in such a manner as to engage in the business of carrying groups of passengers for hire as agreed by pre-arranged contract.

*Pedal bus business* shall mean the business of operating a pedal bus for the recreational or physical transportation of groups of the general public as agreed by pre-arranged contract.

*Pedal bus driver* shall mean the person in actual physical control of the pedal bus.

*Pedal bus business license* shall mean a license granted in accordance with this chapter.

*Operator* shall mean owner of a business that provides Pedal Bus services.

###### Sec. 26-101. – Applicability.

The provisions of this chapter shall be applicable to all pedal buses and to the drivers and operators of such pedal buses within the corporate limits of the city.

###### Sec. 26-102. – Expiration.

Each license issued under this Chapter shall expire on the thirty-first day of March of the fiscal year for which they were issued.

###### Secs. 26-103 – 26-110. - Reserved.

##### DIVISION 2. – PEDAL BUS DRIVER REQUIREMENTS

###### Sec. 26-111. – State of Illinois driver's license required.

No person shall drive a pedal bus or be hired or permitted to do so unless he/she is a duly licensed driver by the State of Illinois.

###### Sec. 26-112. – Qualifications of pedal bus driver.

No person shall drive a pedal bus or be permitted to do so if they are not:

- (a) A duly licensed driver in the State of Illinois;
- (b) Familiar with local traffic laws and ordinances;
- (c) The age of nineteen (19) years or older.

**Secs. 26-113 – 26-120. - Reserved.**

### **DIVISION 3. – PEDAL BUS BUSINESS LICENSE**

#### **Sec. 26-121. – License required.**

No person shall engage in the business of operating a pedal bus in the city without first having secured a license as provided in this division 3.

#### **Sec. 26-122. – Application.**

A verified application for a pedal bus business license shall be made in writing by the owner or manager of the pedal bus to the Finance Director or her/his designee upon forms furnished by the city. The application shall include the following information as applicable:

- (a) The full name of the applicant (if a firm or corporation, provide names, telephone numbers and addresses of the president, secretary and treasurer);
- (b) The applicant's residence (local and permanent) address;
- (c) The full name and intended place of business, the telephone number of the business, and the owner and/or manager;
- (d) The number of pedal buses to be operated, a complete description of each pedal bus to be used, pictures clearly depicting all four (4) sides of each unit to be operated, the seating capacity thereof according to its trade rating, the company assigned number, the body style, and the color;
- (e) Issuance and validity statement and insurance certificates; and
- (g) Signature of applicant.

#### **Sec. 26-123. – Issuance.**

- (a) The Finance Director or her/his designee is authorized to issue a license to any qualified applicant for the operation of a pedal bus business. The license shall contain a distinguishing number, full name of the person owning such pedal bus business, and his/her business address.
- (b) The pedal bus business license shall be non-assignable and nontransferable.
- (c) The pedal bus business shall carry a copy of said license aboard the pedal bus unit at all times, and shall present it for inspection upon the request of any passenger or law enforcement officer.

**Sec. 26-124. – Duplicate licenses.**

Whenever an owner/manager of a pedal bus business has lost or destroyed his/her license, he/she shall submit an affidavit in writing to the Finance Director or her/his designee, stating that the license has been lost or destroyed. The Finance Director or her/his designee shall issue a duplicate copy or substitute thereof upon payment of the amount set forth in the city's schedule of fees for each item so duplicated or substituted.

**Sec. 26-125. – Suspension or revocation.**

(a) In addition to the provisions of chapter 14 of this Code, the issuing authority may initiate suspension and/or revocation proceedings for a license issued under this chapter for any of the following:

- (1) Violation of any ordinance provisions regulating a license of a pedal bus business or any other provisions of the Urbana City Code;
- (2) Knowingly suffering a driver of a pedal bus with a driver's license that is suspended or revoked under the State Vehicle Code (625 ILCS 5/1-100 et seq.).

(b) Any person whose business license has been revoked shall immediately return every such license to the Finance Director.

**Sec. 26-126. – Changes in license information.**

Licensees shall report any change in information furnished in the application for a pedal bus business license pursuant to this division to the Finance Director or her/his designee in writing within ten (10) days of the change. Failure to so report shall be cause for suspension or revocation of the license.

**Sec. 26-127. – Renewal of business license.**

If a business license holder wants to renew their business license to operate a pedal bus so that the renewal takes effect immediately upon the expiration of the prior annual license, such license holder must submit the renewal application prior to March 25. Applications for renewal submitted after March 25 shall incur a late fee, plus a per diem late fee per day in the amount set forth in section 14-7 of the Urbana City Code to the Finance Director or his/her designee for each day after March 25 that the application is submitted. If the late fee is not paid prior to issuance of the renewed license, the existing license shall lapse as of midnight March 31.

**Sec. 26-128. – License fees.**

All licensees under this division shall pay in advance an annual fee for the operation within the city of pedal buses. The fee shall be set as set forth in section 14-7.

**Sec. 26-128. – 140. – Reserved.**

**DIVISION 4. RATES**

**Sec. 26-141. – Calculating rates and fares.**

(a) It shall be unlawful for the driver of a pedal bus to charge a passenger a fare that was not agreed upon with the passenger in advance through a pre-arranged contract.

(b) A copy of said contract must be present with the pedal bus driver for the duration of each group's reservation.

**Sec. 26-142-149. – Reserved.**

**DIVISION 5. RULES AND REGULATIONS**

**Sec. 26-150. – Proof of insurance or bond.**

No pedal bus business shall provide pedal bus service unless such pedal bus is covered by a bond or an insurance policy or other proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per person, two million dollars (\$2,000,000.00) per incident, and one hundred thousand (\$100,000.00) for property damage. Evidence of such coverage shall be filed with the Finance Director prior to the issuance of any pedal bus business license.

**Sec. 26-151. – False representation.**

No driver or other employee of a pedal bus business shall imitate the name, colors, or emblems, previously adopted and in use by any another pedal bus business or represent him/herself as an employee of any other pedal bus business.

**Sec. 26-152. – Use of pedal bus for crime.**

No person shall knowingly permit any pedal bus to be used in the perpetration of a crime.

**Sec. 26-153. – Obedience of traffic rules.**

Every pedal bus driver shall obey all traffic rules established by statute or ordinance.

**Sec 26.-154. – Number of passengers; seating arrangement.**

(a) No pedal bus driver shall exceed the rated seating capacity of the pedal bus.

(b) No passenger shall be allowed to ride the pedal bus except in the designated seating area.

**Sec. 26-155. – Sound amplification systems.**

Pedal buses licensed under this division shall not operate or permit the operation of any sound amplification system in violation of Urbana City Code Sections 16-2 and 16-8(2) pertaining to loud and raucous noises.

**Sec. 26-156. – Alcohol possession and consumption.**

- (a) No pedal bus operator or driver shall provide an alcoholic beverage to a passenger for a fee or as part of the passenger transport service.
- (b) No pedal bus operator or driver shall provide or stock any alcoholic beverage in the pedal bus.
- (c) Alcoholic beverages may be consumed by pedal bus passengers under the following conditions:
  - (1) Pursuant to section 3-41(s) (class PB-1 liquor license) of this Code, alcoholic beverages may be brought on to, transported on, and consumed aboard properly licensed pedal buses operating within the corporate limits of the City of Urbana by pedal bus passengers.
  - (2) Passengers may bring alcoholic beverages in original package form, including glass bottles, onto the pedal bus so long as they surrender all such glass bottles to the pedal bus server and allow only the pedal bus server to pour such beverages from said glass bottles.
  - (3) Alcoholic beverages as defined in chapter 3 of the Urbana City Code may only be consumed from plastic, paper or foam cups. Passengers may not consume alcoholic beverages from glass cups or glass containers, including alcoholic beverages in original package form.
  - (4) Alcoholic beverages as described in chapter 3 of the Urbana City Code may be consumed only when the passenger is in or on a pedal bus and only when otherwise permitted by all applicable state and local law and regulation, including but not limited to all other applicable laws or rules of the State of Illinois and the city.
  - (5) The pedal bus operator and driver may not allow consumption of alcoholic beverages by persons under the age of twenty-one (21).
  - (6) Upon completion of the pedal bus event and upon request, the pedal bus server shall return to passengers the open and unopened containers of alcoholic beverages that the respective passengers brought onto the pedal bus. The pedal bus server shall place each open container of an alcoholic beverage in a fully sealable plastic bag designed and intended for such purpose prior to returning open alcoholic beverage only to the passenger who brought the alcoholic beverage onto the pedal bus.
  - (7) Upon completion of each pedal bus trip, the pedal bus operator or pedal bus server, as the case may be, shall remove from the pedal bus entirely and properly dispose all alcoholic beverages, whether in open or closed containers or open or closed original package form if not reclaimed by the respective passengers who brought the alcoholic beverages onto the pedal bus.

**Sec. 26-157. – Pedal bus operation.**

- (a) No pedal bus driver shall transport passengers while using a wireless device unless said pedal bus is not in motion.
- (b) No pedal bus shall be driven in weather conditions that pose an unreasonable safety risk to the driver or passengers of the pedal bus, or to motorists or pedestrians.

(c) For the purposes of immediately loading and unloading passengers, a pedal bus may remain standing upon a street if the pedal bus is in any legal parking stall, designated loading zone, or any other location that does not impede pedestrian or vehicular traffic.

(d) No pedal bus shall be left unattended by the pedal bus driver unless legally parked in a legal parking stall with any motor, if any, turned off.

(e) No pedal bus driver shall operate a pedal bus on a street with a posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street.

(f) No pedal bus driver, while driving a Pedal Bus, shall stop on a street with a posted speed limit of thirty-five (35) miles per hour or greater in order to pick up or drop off passengers.

(g) No Pedal Bus driver shall drive a pedal bus on a sidewalk.

(h) No pedal bus driver shall drive a Pedal Bus in a way that obstructs the flow of pedestrian traffic, except for the time period necessary to pick up or drop off passengers.

(i) No pedal bus driver shall allow in the driver's compartment or section any alcoholic liquor in which the original seal has been broken or tampered with.

(j) *Route restrictions.*

(1) Pedal buses shall operate only within the designated area or areas and only on those streets identified on a map developed by the City of Urbana Public Works, Police and Fire departments as may, from time to time be altered.

(2) A pedal bus may operate outside the area or areas designated as provided in section 26-157(j)(1) when granted a special event permit as provided in sections 14-51 *et seq.* of this Code so long as the route on which such pedal bus is to be operated is specifically designated in the pedal bus operator's application for a special event permit and so long as the operation of such pedal bus complies with sections 26-157(a) through and including (i) of this division. The operation of a pedal bus outside the area or areas designated on the map provided for in section 26-157(i)(1) shall constitute a special event and shall require a special event permit as provided in sections 14-51 *et seq.* of this Code.

(k) All passengers must be seated at all times in the designated seating area whenever the pedal bus is in motion.

(l) No passenger may enter onto or exit from a pedal bus except when the pedal bus is at a complete stop at a proper location as provided in this section.

**Sec. 26-158. – 26-170. – Reserved.**

## **DIVISION 6. – EQUIPMENT**

**Sec. 26-171. Condition of pedal bus; inspections.**

(a) No license to engage in the business of driving a pedal bus shall be issued unless:



- (1) The pedal bus is equipped with seats for the driver and all passengers;
- (2) The pedal bus provides a hood or cover to protect passengers from the elements;
- (3) The pedal bus is equipped with hydraulic or mechanical disc brakes, a battery-operated or generator-operated headlight and taillight, both front and rear turn signals, tires, and bell or horn;
- (4) The pedal bus has been inspected and found by the Finance Director or her/his designee to be in clean, sanitary, safe and good mechanical condition for the transportation of passengers; and
- (5) A written certificate of the inspection required by this section is filed with the Finance Director or her/his designee.

(b) Every pedal bus in operation shall be inspected at the beginning of the license year to determine if such pedal bus meets the requirements of this chapter. The inspection required may be conducted by the city or by such duly qualified persons as the Finance Director or her/his designee may direct.

(c) Additional inspections may be required as often as the apparent condition of the pedal bus warrants.

(d) It shall be unlawful for any person to drive, or cause to be driven, a pedal bus that is not in good working order.

**Sec. 26-172. – Pedal bus markings; similar markings prohibited.**

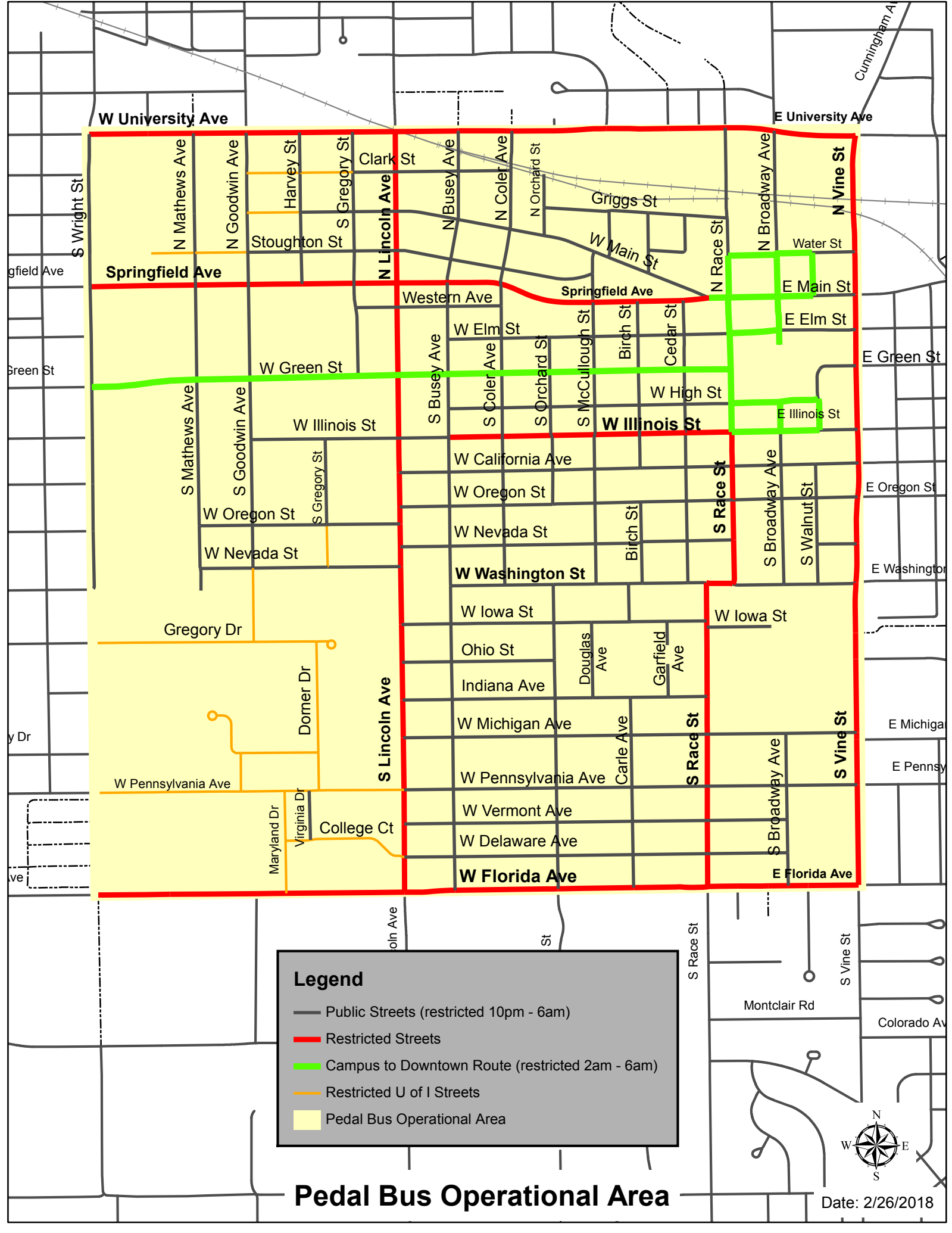
All pedal buses shall have painted conspicuously upon the unit:

(a) The name of the pedal bus business as provided to the Finance Director or her/his designee in visible lettering at least three (3) inches in height.

**Sec. 26-173. – Pedal bus width.**

It shall be unlawful to operate a pedal bus that is wider than seventy-five (75) inches at its widest point.

**Sec. 26-175-190. – Reserved.**



**Legend**

- Public Streets (restricted 10pm - 6am)
- Restricted Streets
- Campus to Downtown Route (restricted 2am - 6am)
- Restricted U of I Streets
- Pedal Bus Operational Area

**Pedal Bus Operational Area**



Date: 2/26/2018



## CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, Charles A. Smyth, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the 19<sup>th</sup> day of February 2018 the City Council of the City of Urbana passed and approved Ordinance No. 2018-02-011, entitled:

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 26  
(PEDAL BUS OPERATING LICENSE)**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2018-02-011 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 20<sup>th</sup> day of February, 2018, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 20<sup>th</sup> day of February, 2018.



  
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Charles A. Smyth, City Clerk