

ORDINANCE

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

SECTION 1. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by inserting the language underscored, as follows:

4-5-010 Establishment of business license fees.

(omitted text unaffected by this ordinance)

- (9) Manual Bbicycle messenger (4-168) per year \$70.00

(omitted text unaffected by this ordinance)

- (13) Bicycle messenger (4-169) per year \$1,000.00
Plus per bicycle \$250.00

(omitted text unaffected by this ordinance)

SECTION 2. Chapter 4-168 of the Municipal Code of Chicago is hereby amended by deleting the language struck-through, and by inserting the language underscored, as follows:

CHAPTER 4-168 **MANUAL BICYCLE MESSENGER SERVICES**

4-168-010 Definitions.

For the purposes of this chapter, unless the context clearly requires otherwise:

"Commissioner" means the Commissioner of Business Affairs and Consumer Protection.

~~"Bicycle" has the meaning ascribed to this term in Section 9-4-010, and includes a low-speed electric bicycle and a low-speed electric delivery bicycle, as those terms are defined in that section.~~

~~"Bicycle messenger services" means the delivery by a bicycle or low-speed electric mobility device for hire of packages, parcels, food, papers or any other items on behalf of any commercial, industrial, governmental, charitable or other enterprise.~~

~~"Manual Bbicycle operator" means a person who makes deliveries by a manual bicycle or low-speed electric mobility device on behalf of a manual bicycle messenger service.~~

~~"Low-speed electric mobility device" has the meaning ascribed to this term in Section 9-4-010.~~

"Manual bicycle" means a device with two or more wheels not less than 12 inches in diameter, operable pedals, designated seats for the transportation of one or more persons, and propelled solely by human power.

"Manual bicycle messenger services" means the delivery by a manual bicycle of packages, parcels, food, papers or any other items on behalf of any commercial, industrial, governmental, charitable or other enterprise.

"Person" includes any natural person, corporation, firm, partnership, joint venture, association or other entity.

4-168-020 License – Required.

(a) No person shall engage in the occupation of providing manual bicycle messenger services without having secured a license issued under this chapter. The license shall be in addition to any other license required by law.

(b) This section shall not apply to a person who provides manual bicycle messenger services exclusively for himself or herself, or for his or her employer. This section shall, however, apply to a person who provides manual bicycle messenger services as an independent contractor for any person other than pursuant to a contract with a person with a license issued under this chapter.

4-168-030 License – Fee.

The annual fee for a license issued under this chapter shall be as set forth in Section 4-5-010 ~~\$70.00 and shall not be prorated. The license period shall begin September 1st of each year and end August 31st of the following year.~~

4-168-040 License – Application.

Application for a manual bicycle messenger services license shall be made in writing to the ~~e~~Commissioner on a form provided by the ~~e~~Commissioner and signed and sworn to by the applicant or, if the applicant is a corporation, by its authorized agent. Each application shall contain:

(a) The full name, residence and business address and the business telephone number of the applicant;

(b) If the applicant is a corporation:

- (1) The corporate name and business of the applicant;
- (2) The date and state of incorporation; and
- (3) The names, residence addresses, ~~and~~ residence telephone numbers, and email addresses of the corporate officers;

(c) If the applicant is a partnership:

- (1) The name, ~~and~~ business address, ~~and~~ telephone number, and email address of the principal office or place of business of the applicant;
- (2) The names, residence addresses, ~~and~~ residence telephone numbers, and email addresses of all partners; and
- (3) The name, address, ~~and~~ telephone number, and email address of a person authorized to receive notices issued pursuant to this chapter;

(d) An attestation that the applicant agrees to exclusively use manual bicycles and understands that use of electric bicycles are prohibited under this chapter.

Each corporate applicant for a manual bicycle messenger services license shall be organized and qualified to do business under the laws of the State of Illinois.

4-168-050 Insurance – Required.

(a) Each applicant for a manual bicycle messenger services license shall provide proof that the applicant and each manual bicycle operator engaged by each applicant has commercial general liability insurance coverage with limits on not less than \$300,000.00 per occurrence for bodily injury, personal injury and property damage arising in any way from the

license or activities conducted pursuant to the license. In addition, worker's compensation coverage must be provided as required by state law.

(b) Any insurance policy required by this section must: (i) be in a form satisfactory to the eCommissioner, (ii) be maintained in full force and effect at all times throughout the duration of the license period, (iii) be issued by an insurer authorized to insure in Illinois, and (iv) provide that the policy will not be canceled and the amount of coverage will not be changed unless 30 days' prior written notice is given to the eCommissioner. Additionally, any liability policy required under this section shall name the City of Chicago as additional insured on a primary, noncontributory basis arising directly or indirectly from the licensee's operations. A single violation of this section shall result in cancellation revocation or suspension of the license.

(c) Each applicant for a manual bicycle messenger service license shall agree, in writing, to indemnify, defend and hold harmless the City for any loss that results, directly or indirectly, from the issuance or use of such license.

4-168-060 Records on manual bicycle operators – Required.

Every licensee shall maintain records of all manual bicycle operators operating on the licensee's behalf. The records shall include the name and address of each manual bicycle operator and the identification number or letters required under Section 4-168-070 for each operator. The identification number or letters assigned to a manual bicycle operator shall not be assigned to or used by any other operator unless such transfer is necessary because of a change in employment status. The records required by this section shall be made available to the eCommissioner at his or her request, and shall be maintained for at least two years.

4-168-070 Helmet and visible identification – Required.

(a) Every licensee shall supply each manual bicycle operator operating on the licensee's behalf: (1) a safety helmet meeting nationally recognized safety requirements; and (2) a safety vest or other garment of a bright color, prominently displaying the name of the licensee in letters at least one and one-half inches high, and a number or letters or a combination thereof at least four inches high which, in conjunction with the displayed name of the licensee, will form a unique combination permitting identification of the manual bicycle operator. All letters and numbers shall be of a color contrasting with the background of the garment. The identification number or letters required by this paragraph shall also appear on the manual bicycle ~~or low-speed electric mobility device~~ in accordance with rules ~~and regulations~~ promulgated by the Commissioner.

(b) The operation of a manual bicycle ~~or low-speed electric mobility device~~ on behalf of any licensee without the equipment required by this section is a violation of this section and shall create a rebuttable presumption that the licensee has violated this section.

4-168-080 Identification card – Required.

(a) Every licensee shall issue to each manual bicycle operator an identification card containing at least the following information:

- (1) The manual bicycle operator's name;
- (2) The manual bicycle operator's identification number or letters that he is required to wear pursuant to Section 4-168-070;
- (3) The licensee's name, business address, telephone number and manual bicycle messenger services license number; and
- (4) The name of the insurance company that has issued the insurance policy required under Section ~~4-168-040~~ 4-168-050 and the policy number of such policy.

The identification card must also display a clear photograph of the manual bicycle operator.

(b) No manual bicycle operator may operate a manual bicycle on behalf of any licensee without ~~having on his person~~ an identification card meeting the requirements of subsection (a) of this section. Any such person ~~must permit a city employee who has the responsibility to enforce this chapter to examine such card whenever the city employee on the course of his or her duties asks the person to do so~~ manual bicycle operator shall present such identification card when an authorized City investigator has requested such identification. The failure of a manual bicycle operator to comply with this section shall create a rebuttable presumption that the licensee has violated this section.

4-168-090 License – Suspension or revocation.

Upon the determination that a person has violated any provision of this chapter or any rule ~~or regulation~~ promulgated hereunder, the ~~e~~Commissioner may institute an administrative adjudication proceeding with the ~~d~~Department of ~~a~~Administrative ~~h~~Hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the ~~d~~Department of ~~a~~Administrative ~~h~~Hearings; provided, however, suspension or revocation of a license shall be in accordance with the requirements of Chapter 4-4 of ~~the Municipal~~ this Code.

4-168-100 Rules.

The ~~e~~Commissioner shall have the authority to promulgate rules ~~and regulations~~ necessary or desirable for the administration of this chapter.

4-168-110 Rules and regulations – Enforcement authority.

The ~~e~~Commissioner shall have the authority to administer and enforce the license-related provisions of this chapter. The Commissioner of Transportation, the Comptroller, and the ~~d~~Department of ~~p~~Police shall have the authority to enforce the safety-related provisions of this chapter and all traffic laws, ordinances, rules ~~and regulations~~ as they apply to manual bicycle messenger operators.

4-168-120 Violation – Penalty.

Any person who violates this chapter shall be subject to a fine of not less than \$~~100.00~~ 400 and not more than \$~~1,500.00~~ for each such violation. However, any person who violates this chapter by engaging in the occupation of providing manual bicycle messenger services without a license required by this chapter shall be subject to a fine of not less than \$~~100.00~~ 500 and not more than \$~~1,000.00~~ 2,000. 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 after a previous violation of this chapter may be punished ~~as a misdemeanor~~ by a fine of no less than \$500 and no more than up to \$500.00 2,000, or a period of incarceration not exceeding seven days, or community service, or any combination thereof, pursuant to Section 1-2-1.1 of the Illinois Municipal Code.

4-168-130 Traffic code violations – Liability and enforcement.

(a) The licensee and the licensee's manual bicycle operator shall be jointly and severally liable for any violation of any applicable provision of the traffic code, including, but not limited, to parking violations, committed by a manual bicycle operator whenever such operator is operating a manual bicycle ~~or low-speed electric mobility device~~ on behalf of the licensee.

(b) In addition to any other person authorized by law, ~~the Commissioner of Business Affairs and Consumer Protection,~~ the Commissioner of Transportation and the Comptroller, or

their designees, are authorized to enforce the traffic code against the licensee and the licensee's manual bicycle operator.

(c) For purposes of this section, "traffic code" has the meaning ascribed to that term in Section 9-4-030.

SECTION 3. Title 4 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 4-169, as follows:

CHAPTER 4-169 BICYCLE MESSENGER SERVICES

4-169-010 Definitions.

For the purposes of this chapter, unless the context clearly requires otherwise:

"Commissioner" means the Commissioner of Business Affairs and Consumer Protection.

"Bicycle" means every human-powered device, and every low-speed electric bicycle, with two or more wheels not less than 12 inches in diameter, operable pedals, and designated seats for the transportation of one or more natural persons.

"Bicycle messenger services" means the delivery by a bicycle or low-speed electric bicycle of packages, parcels, food, papers or any other items on behalf of any commercial, industrial, governmental, charitable or other enterprise.

"Bicycle operator" means a person who makes deliveries by a bicycle or low-speed electric bicycle on behalf of a bicycle messenger service.

"Low-speed electric bicycle" has the meaning ascribed to this term in Section 9-4-010.

"Manual bicycle" means a device with two or more wheels not less than 12 inches in diameter, operable pedals, designated seats for the transportation of one or more persons, and propelled solely by human power.

"Person" includes any natural person, corporation, firm, partnership, joint venture, association or other entity.

4-169-020 License – Required.

(a) No person shall engage in the business of providing bicycle messenger services without having secured a license issued under this chapter. A separate fee shall be required for each bicycle used for bicycle messenger services. The license shall be in addition to any other license required by law.

(b) This section shall apply to any person engaged in the business of providing bicycle messenger services, other than a person who exclusively uses manual bicycles to provide manual bicycle messenger services as regulated under Chapter 4-168. Without limiting the generality of the foregoing, this section shall also apply to any licensee, as that term is defined in Section 4-4-005 of this Code, that operates bicycle messenger services in connection with the licensee's business. This section shall not apply to an individual who provides bicycle messenger services exclusively for himself or herself.

4-169-030 License – Fee.

The annual fee for a license issued under this chapter shall be as set forth in Section 4-5-010.

4-169-040 License – Application.

Application for a bicycle messenger service license shall be made in writing to the Commissioner on a form provided by the Commissioner and signed and sworn to by the applicant or, if the applicant is a corporation, by its authorized agent. Each application shall contain:

(a) The full name, residence and business address and the business telephone number of the applicant;

(b) If the applicant is a corporation:

- (1) The corporate name and business of the applicant;
- (2) The date and state of incorporation; and
- (3) The names, residence addresses, residence telephone numbers, and email addresses of the corporate officers;

(c) If the applicant is a partnership:

- (1) The name, business address, telephone number, and email address of the principal office or place of business of the applicant;
- (2) The names, residence addresses, residence telephone numbers, and email addresses of all partners; and
- (3) The name, address, telephone number, and email address of a person authorized to receive notices issued pursuant to this chapter.

Each corporate applicant for a bicycle messenger license shall be organized and qualified to do business under the laws of the State of Illinois.

4-169-050 Insurance – Required.

(a) Each applicant for a bicycle messenger service license shall provide proof that the applicant and each bicycle operator engaged by each applicant has commercial general liability insurance coverage with limits on not less than \$1,000,000.00 per occurrence for bodily injury, personal injury and property damage arising in any way from the license or activities conducted pursuant to the license. In addition, worker's compensation coverage must be provided as required by state law.

(b) Any insurance policy required by this section must: (i) be in a form satisfactory to the Commissioner, (ii) be maintained in full force and effect at all times throughout the duration of the license period, (iii) be issued by an insurer authorized to insure in Illinois, and (iv) provide that the policy will not be canceled and the amount of coverage will not be changed unless 30 days' prior written notice is given to the Commissioner. Additionally, any liability policy required under this section shall name the City of Chicago as additional insured on a primary, noncontributory basis arising directly or indirectly from the licensee's operations. A single violation of this section shall result in revocation or suspension of the license.

(c) Each applicant for a bicycle messenger service license shall agree, in writing, to indemnify, defend and hold harmless the City of Chicago for any loss that results, directly or indirectly, from the issuance or use of such license.

4-169-060 Records on bicycle operators – Required.

Every licensee shall maintain records of all bicycle operators operating on the licensee's behalf. The records shall include the name and address of each bicycle operator, the identification number or letters required under Section 4-169-070 for each operator, a copy of photo identification issued by the City or by a state or federal government entity for each

operator, and confirmation that each bicycle operator has received a helmet and visible identification as required under Section 4-169-070. The identification number or letters assigned to a bicycle operator shall not be assigned to or used by any other operator unless such transfer is necessary because of a change in employment status. The records required by this section shall be submitted to the Department on a monthly basis, and shall be maintained for at least two years.

4-169-070 Helmet and visible identification – Required.

(a) Every licensee shall supply each bicycle operator operating on the licensee's behalf: (1) a safety helmet meeting nationally recognized safety requirements; and (2) a safety vest or other garment of a bright color, prominently displaying the name of the licensee in letters at least one and one-half inches high, and a number or letters or a combination thereof at least four inches high which, in conjunction with the displayed name of the licensee, will form a unique combination permitting identification of the bicycle operator. All letters and numbers shall be of a color contrasting with the background of the garment. The identification number or letters required by this paragraph shall also appear on the bicycle or low-speed electric bicycle in accordance with rules and regulations promulgated by the Commissioner.

(b) The operation of a bicycle or low-speed electric bicycle on behalf of any licensee without the equipment required by this section is a violation of this section and shall create a rebuttable presumption that the licensee has violated this section.

4-169-080 Identification card – Required.

(a) Every licensee shall issue to each bicycle operator an identification card containing at least the following information:

- (1) The bicycle operator's name;
 - (2) The bicycle operator's identification number or letters that he is required to wear pursuant to Section 4-169-070;
 - (3) The licensee's name, business address, telephone number and bicycle messenger service license number; and
 - (4) The name of the insurance company that has issued the insurance policy required under Section 4-169-050 and the policy number of such policy.
- The identification card must also display a clear photograph of the bicycle operator.

(b) No bicycle operator may operate a bicycle on behalf of any licensee without having an identification card meeting the requirements of subsection (a) of this section. Any such bicycle operator shall present such identification card when an authorized City investigator has requested such identification. The failure of a bicycle operator to comply with this section shall create a rebuttable presumption that the licensee has violated this section.

4-169-090 License – Suspension or revocation.

Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the Commissioner may institute an administrative adjudication proceeding with the Department of Administrative Hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the Department of Administrative Hearings; provided, however, suspension or revocation of a license shall be in accordance with the requirements of Chapter 4-4 this Code.

4-169-100 Limit on bicycles operated under this chapter.

The Commissioner shall not permit more than 7,500 bicycles to be operated under a bicycle messenger services license. No licensee shall control, in whole or in part, directly or indirectly, more than 20 percent of the total number of bicycles permitted under this section. If the Commissioner determines that the number of bicycles requested to be operated by all of the licensees combined exceeds 7,500, the Commissioner shall conduct a lottery or other neutral process for determining which licensees' bicycles shall be allowed, as set forth by rules promulgated by the Commissioner.

4-169-110 Rules.

The Commissioner shall have the authority to promulgate rules necessary or desirable for the administration of this chapter.

4-169-120 Enforcement authority.

The Commissioner shall have the authority to administer and enforce the license-related provisions of this chapter. The Commissioner of Transportation, the Comptroller, and the Department of Police shall have the authority to enforce the safety-related provisions of this chapter and all traffic laws, ordinances, rules as they apply to bicycle messenger operators.

4-169-130 Violation – Penalty.

Any person who violates this chapter shall be subject to a fine of not less than \$400 and not more than \$5,000 for each such violation. However, any person who violates this chapter by engaging in the occupation of providing bicycle messenger services without a license required by this chapter shall be subject to a fine of not less than \$1,000 and not more than \$5,000. 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 after a previous violation of this chapter may be punished by a fine of no less than \$500 and no more than \$2,000, or a period of incarceration not exceeding seven days, or community service, or any combination thereof, pursuant to Section 1-2-1.1 of the Illinois Municipal Code.

4-169-140 Traffic code violations – Liability and enforcement.

(a) The licensee and the licensee's bicycle operator shall be jointly and severally liable for any violation of any applicable provision of the traffic code, including but not limited to parking violations, committed by a bicycle operator whenever such operator is operating a bicycle or low-speed electric bicycle on behalf of the licensee.

(b) In addition to any other person authorized by law, the Commissioner of Transportation and the Comptroller, or their designees, are authorized to enforce the traffic code against the licensee and the licensee's bicycle operator.

(c) For purposes of this section, "traffic code" has the meaning ascribed to that term in Section 9-4-030.

4-169-150 Mobility data specification

(a) On a quarterly basis, each licensee shall provide a report to the Commissioner and the Commissioner of Transportation, containing information regarding customers, service utilization, parking impacts, operations, safety, and sustainability as provided in rules.

(b) Each licensee shall be fully compliant with Mobility Data Specification (MDS) and shall provide full access to the Commissioner and the Commissioner of Transportation, or

their designees, the licensee's MDS Application Protocol Interface (API), or shall interface to the City's API, as specified in the rules promulgated pursuant to this chapter.

(c) Each licensee shall provide other data sets related to the Bicycle Messenger Services business licensed under this chapter as requested, pursuant to rules, by the Commissioner, the Commissioner of Transportation or the Chief Information Officer.

(d) Each licensee shall accompany any data made available to the City by an attestation, made under penalty of perjury, that the data submitted is accurate and complete.

SECTION 4. This ordinance shall be in full force and effect ten days after passage and publication.