

ORDINANCE NO. 18- _____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENCE REGULATIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

WHEREAS, it is the intent of the City Council in enacting this Chapter to promote aesthetics, sanitation, public health and safety, to improve the quality of life, to maintain peace and food order, to promote commerce and further expand the economic vitality of the City and to protect the safety of the general public by imposing reasonable and narrowly tailored restrictions on certain activities in certain areas; and

WHEREAS, the City's Downtown is a pedestrian friend, vibrant, mixed use area including primarily retail and restaurant uses in which pedestrian and vehicle safety and orientation is a signature characteristic; and

WHEREAS, the City relies on the success of its businesses and the businesses rely of safe, pedestrian and vehicle friendly nature of the Downtown to thrive; and

WHEREAS, the transportation of person by means of Commercial Quadricycles is a matter closely affecting the public interest; and

WHEREAS, due to the high volume of pedestrian, bicycle, and vehicular traffic in the City of Naperville, it is necessary to prohibit the operation of Commercial Quadricycles on streets, highways, and thoroughfares in Naperville's Downtown and on Naperville's arterial roadways and to regulate the operation of Commercial Quadricycles on streets, highways, and thoroughfares elsewhere in the City; and

WHEREAS, the public interest requires that Commercial Quadricycle operators by properly qualified person, that the Commercial Quadricycles themselves be fir for their intended purpose and that the safety and welfare of passengers be protected in the operation of Commercial Quadricycles; and

WHEREAS, the City has a legitimate government interest in protecting its investment in the Downtown, as well as the investments and success of businesses in the Downtown; and

WHEREAS, the quality of life of the general public and the economic vitality of the Downtown is significantly affected by persons operating Commercial Quadricycles in the Downtown as it damages otherwise positive and intended experiences; and

WHEREAS, the economic vitality of the City and its Downtown is significantly dependent on the support of citizens, businesses and consumers for the revitalization and continued liveliness of the area, which is a high priority for the City's plans to preserve and expand the revenues and the operation of Commercial Quadricycles in the Downtown damages and negatively impact the economic success of this area; and

WHEREAS, this ordinance is timely and appropriate because current laws and City regulations are insufficient to address the aforementioned problem, and the restrictions contained herein are neither overbroad nor vague and are narrowly tailored to serve a substantial government interest; and

WHEREAS, the Naperville City Council has determined it to be in the best interest of the City to adopt regulations that prohibit the operation of Commercial Quadricycles on streets, highways, and thoroughfares in Naperville's Downtown and on Naperville's arterial roadways and to regulate the operation of Commercial Quadricycles on streets, highways, and thoroughfares elsewhere in the City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in the exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations) of the Naperville Municipal Code is amended by add the underlined language as follows:

**CHAPTER 1 – MUNICIPAL OCCUPATION TAXES through
CHAPTER 15 – PEDICAB REGULATIONS:**

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CHAPTER 16 – COMMERCIAL QUADRICYLCES

3-16-1: - PURPOSE:

The purpose of this chapter is to provide for the safety of the public and preserve the character of the Downtown by prohibiting the operation of Commercial Quadricycles on streets, highways, and thoroughfares in Naperville's Downtown and on Naperville's arterial roadways and regulating the operation of Commercial Quadricycles on streets, highways, and thoroughfares elsewhere in the City.

3-16-2: - DEFINITIONS:

<u>Arterial Roadways</u>	<u>For the purposes of this Chapter, Arterial Roadways shall be defined as any roadway with a speed limit of over 25 miles per hour.</u>
<u>Commercial Quadricycle:</u>	<u>Any single-unit device upon which any person may ride, propelled by human power through a belt, chain, or gears,</u>

	<u>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 leisure purposes such as eating or consuming beverages, as agreed by pre-arranged contract.</u>
<u>Downtown:</u>	<u>For the purposes of this Chapter, Downtown shall be defined as the property generally bordered to the north by Benton Avenue, to the east by Ellsworth Street, to the south by Aurora Avenue, and to the west by Eagle Street (as depicted by the map located at the end of this section.</u>
<u>Commercial Quadricycle Business License:</u>	<u>A license to operate a Commercial Quadricycle business, which is assigned to the "licensee" upon meeting the requirements of this chapter and approval by the City Council.</u>
<u>License Sticker:</u>	<u>A sticker issued by the City that must be affixed to the individual Commercial Quadricycle for the purpose of identifying licensees.</u>

3-16-3: - OPERATION:

1. It shall be unlawful to operate a Commercial Quadricycle for the purpose of providing public passenger service within the City without a Commercial Quadricycle business license issued pursuant to this section.
2. It shall be unlawful to operate a Commercial Quadricycle in the Downtown.
3. It shall be unlawful to operate a Commercial Quadricycles on Arterial Roadways within the City, but Commercial Quadricycles may cross Arterial Roadways from intersecting streets.

3-16-4: - ELIGIBILITY:

1. No commercial quadricycle business license shall be issued unless the applicant has shown proof of:
 - 1.1. A completed application for a commercial quadricycle license and payment of the license fee.
 - 1.2. Commercial General Liability insurance coverage covering all claims arising out of the operations or premises of the applicants in the limit of \$2,000,000.00 each for general aggregate, per occurrence, and personal injury. Coverage may be on a "claims made" or "occurrence" basis. The City and its directors, officers, employees, and agents shall be named as additional insured on all insurance policies except those for worker's compensation. Evidence of coverage for the duration of the

license and a copy of the additional insured endorsement form must be submitted prior to license issuance.

- 1.3. A signed indemnification and waiver agreement signed by the applicant promising to hold harmless and defend the City or any of its agents, officials, and employees from and against any claims of property damage, personal injury, or death that may result from issuing the license.

3-16-5: - FEES:

1. The non-refundable fees authorized under this chapter are:
 - 1.1. Commercial quadricycle business license application fee: \$100
 - 1.2. Annual commercial quadricycle business license fee: \$400
 - 1.3. Annual registration sticker for individual quadricycle: \$100

3-16-6: - COMMERCIAL QUADRICYCLE DRIVERS:

1. Drivers must be at least twenty-one (21) years of age.
2. Drivers must operate the quadricycles in accordance with the traffic and parking regulations of the City of Naperville.
3. Drivers must have a valid State of Illinois driver's license.

3-16-7: - ALCOHOL:

1. The operator or driver of a commercial quadricycle shall not sell or distribute alcohol to passengers.
2. The operator or driver of a commercial quadricycle shall not store or keep alcohol on board the vehicle.
3. Commercial quadricycle passengers shall not consume any alcohol while on board the vehicle.

3-16-8: - COMMERCIAL QUADRICYCLE EQUIPMENT:

1. Every commercial quadricycle must display the city issued license sticker.
2. Every commercial quadricycle must:
 - 2.1. Be equipped with seats for the driver and all passengers aboard the vehicle.
 - 2.2. Be equipped with a hood or cover to protect passengers from the elements.
 - 2.3. Be equipped with hydraulic or mechanical disc brakes, front and rear turn signals, tires, and a bell or horn.
 - 2.4. Be equipped with permanently affixed headlights. The headlights shall be capable of projecting a beam of white light five hundred (500) feet.
 - 2.5. Be equipped with permanently affixed taillights. These lights shall be affixed on the right and left sides of the exterior of the vehicle, at the

same level. These lights shall be red in color and visible from a distance of five hundred (500) feet.

- 2.6. Be maintained in such a manner so as to ensure the safety, reliability, and cleanliness of such vehicle.
- 2.7. Commercial quadricycles will be inspected annually at the issuance of the business license and quadricycle stickers to ensure compliance with this chapter.

SECTION 2: Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2018

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue
City Clerk