

**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 friendly, 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 be properly qualified person, that the Commercial Quadricycles themselves be for 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.

**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.

**3-16-2: - DEFINITIONS:**

<u>Arterial Roadways</u>	<u>For the purposes of this Chapter, Arterial Roadways shall be defined as any roadway designated as a major or minor arterial in the adopted Master Thoroughfare Plan.</u>
<u>Commercial Quadricycle:</u>	<u>A device or vehicle that satisfies all of the following: (a) has fully operative pedals for propulsion entirely by human power; (b) has at least four (4) wheels and is</u>

	<u>operated in a manner similar to a bicycle;</u> <u>(c) has at least six seats for passengers;</u> <u>(d) is designated to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power; and (e) is used for commercial purposes.</u>
<u>Downtown:</u>	<u>For the purposes of this Chapter, Downtown shall be defined as the property within the City of Naperville generally bordered to the north by Benton Avenue, to the east by Ellsworth Street, to the south by Aurora Avenue (west of Washington Street) and Chicago Avenue (east of Washington Street), and to the west by Eagle Street.</u>

### 3-16-3: - OPERATION:

1. It shall be unlawful to operate a Commercial Quadricycle in the Downtown.
2. It shall be unlawful to operate a Commercial Quadricycle on Arterial Roadways, but Commercial Quadricycles may cross Arterial Roadways from intersecting streets where the crossing is controlled by a traffic signal or all-way stop.
3. It shall be unlawful to board or allow passengers to exit a Commercial Quadricycle from a traffic travel lane.
4. It shall be unlawful to operate a Commercial Quadricycle on a sidewalk or a designated path constructed for use by pedestrians.
5. It shall be unlawful to operate a Commercial Quadricycle when the number of passengers exceeds the number of available seats. No person shall operate a Commercial Quadricycle unless all passengers are seated in a seat designated for that purpose.

### 3-16-4: - 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.

### 3-16-5: - 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.

**3-16-6: - COMMERCIAL QUADRICYCLE EQUIPMENT:**

1. Every commercial quadricycle must:
  - 1.1. Be equipped with seats for the driver and all passengers aboard the vehicle.
  - 1.2. Be equipped with a hood or cover to protect passengers from the elements.
  - 1.3. Be equipped with hydraulic or mechanical disc brakes, front and rear turn signals, tires, and a bell or horn.
  - 1.4. Be equipped with permanently affixed headlights. The headlights shall be capable of projecting a beam of white light five hundred (500) feet.
  - 1.5. 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.
  - 1.6. Be maintained in such a manner so as to ensure the safety, reliability, and cleanliness of such vehicle.

**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.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue  
City Clerk