**ORDINANCE NO. \_\_\_\_\_\_\_**

**ORDINANCE AMENDING THE CITY OF LEBANON MUNICIPAL CODE, CHAPTER 32 – TRAFFIC AND VEHICLES, ARTICLE III – OPERATION OF VEHICLES, ADDING DIVISION 7 - PEDICABS**

**WHEREAS,** the City of Lebanon, St. Clair County, Illinois (hereinafter "City"), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes); and

**WHEREAS,** City has determined the current City Code regarding use of pedicabs on City streets needs to be amended; and

**WHEREAS**, City has determined pedicabs should be allowed on City Streets under the terms and conditions as stated herein; and

**WHEREAS**, City has determined it would be in the best interests of public health, safety, general welfare, and economic welfare to amend the City Code to permit pedicabs on City streets; and

**WHEREAS**, City authorizes and directs the Mayor to execute any documents necessary to amend the City Code as stated herein.

**NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Lebanon, Illinois, as follows:**

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* City Code shall be amended as follows:

## CHAPTER 32 ARTICLE III DIVISION 7 - Pedicabs

SEC 32-164 Operation of Pedicabs on City Streets

1. Pedicab - A tricycle that has three (3) or more wheels that transports, or is capable of transporting, passengers on seats attached to the tricycle that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.
2. Pedicab Business License - A license to operate a pedicab business, which is assigned to the "licensee" upon completion of all requirements of this chapter and approval by the city council.
3. A permit issued by the city that must be maintained or affixed to the permitted pedicab during operation within the city.
4. It shall be unlawful for any person to operate a pedicab for the purpose of providing public passenger service within the city without a pedicab operator business license issued in accordance with this section.
5. No pedicab operator business license shall be issued unless the applicant has shown proof of the following:
	1. A completed application for pedicab operator business license.
	2. Commercial general liability insurance coverage covering all claims arising out of the operations or premises of the applicant in the following limits:

|  |  |
| --- | --- |
| General Aggregate:  | $2,000,000.00  |
| Per Occurrence:  |  2,000,000.00  |
| Personal Injury:  |  2,000,000.00  |

1. It shall be unlawful for any person to operate a pedicab for the purpose of providing public passenger service within the city without a pedicab operator business license issued in accordance with this section. Coverage may be written 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 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.
2. 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 granting the license**.**
3. The city will not issue more than two (2) pedicab operator business licenses or allow more than four (4) pedicabs to operate in the city at any given time without permission of the city council.
4. No pedicab operator business license holder shall be granted more than two (2) permits to operate more than two (2) pedicabs without the permission of the city council.
5. No pedicab operator business license holder shall assign their license to another.
6. An annual pedicab permit sticker shall be affixed to each pedicab.
	* 1. Pedicab Operator Business License: Fifty dollars ($25.00).
		2. Pedicab Permit Per Pedicab: Twenty dollars ($50.00).
7. Driver Requirements
	1. Pedicab drivers shall hold a valid state driver's license which will be maintained on file by the pedicab operator.
	2. Operators and drivers must be at least eighteen (18) years of age.
8. Safety – Every permissible pedicab shall:
	1. Be a Tricycle with a singular unarticulated frame that is directly attached to a passenger cab. Trailer-type pedicabs, best described as a passenger cab connected to a normal bicycle via a tow bar often attached to the driver's seat riser bar, are not allowed.
	2. Have hydraulic disc brake systems for the rear wheels.
	3. Be maintained to assure that it is mechanically dependable, clean, and safe.
	4. Have a battery-operated headlight capable of projecting a beam of white light for a distance of five hundred (500) feet shall be permanently affixed to the pedicab. Such lights may be removable and recharged.
	5. Have taillights permanently affixed on the right and the left at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within five hundred (500) feet to the rear of the pedicab. Such lights may be removable and recharged.
	6. Have turn signal indicators.
	7. Provide a seat belt for every passenger.
	8. Be designed and manufactured so every passenger may enter and exit without crossing any interior barriers.
		1. Each pedicab may have one two-foot by three-foot area for advertising or other signage purposes.
		2. Pedicabs will be inspected each year at the time of issuance of the annual pedicab operator business license and pedicabs to ensure compliance with the terms of the ordinance.
		3. Every pedicab shall clearly post the pedicab company's name and telephone number.
		4. All pedicabs shall be operated in a safe manner and in conformity with the regulations of this chapter and all other city traffic and parking regulations.
		5. All pedicabs shall operate according to the provisions in this chapter, the applicable provisions of city code governing the operation of bicycles, and all other applicable state and laws. No pedicab shall be operated in weather conditions that pose an unreasonable safety risk to the drivers or passengers of the pedicab, or to other motorists or pedestrians.
		6. For the purposes of immediately loading or unloading passengers, a pedicab may remain standing upon a street if the pedicab is in any legal parking stall, designated loading zone or any other location that does not impede pedestrian or vehicular traffic. Otherwise, a pedicab may not be left parked or standing in specifically designated spaces, such as those for taxis, buses, handicapped drivers, and the like. The city may set forth specific additional locations where pedicabs are allowed to park or stand. No pedicab, while in operation for the solicitation or transportation of passengers, shall be left unattended by the pedicab driver for a period of more than fifteen (15) minutes at a time unless parked in one of those specific locations identified by the city.
		7. Pedicab drivers may not provide passenger service on state highways within the city.
		8. Pedicabs are prohibited to operate for business on Madison St (IL-4) and East St Louis St. east of Hermann St. but may cross them from intersecting streets.
		9. Hours of Operations, pedicabs are limited to operate for business between the hours of 6:00 am and 10:00 pm while carrying passengers.
		10. Accidents:
			1. A pedicab driver shall immediately report to the city police department any accident or collision in which they are involved while operating a pedicab, which results in property damage or personal injury of any kind, and to the owner of the pedicab involved in the accident or collision.
			2. A pedicab owner whose pedicab is involved in an accident or collision resulting in property damage or personal injury of any kind shall within forty-eight (48) hours of being informed of the accident or collision give a written report the city police department.

*Section 3*. The Mayor is directed and authorized, on behalf of the City of Lebanon, to execute any documents necessary to give effect to this Ordinance.

*Section 4.* This Ordinance shall be known as Ordinance No. \_\_\_\_\_and shall be effective upon its passage and approval in accordance with Illinois law.

Passed by the City Council of the City of Lebanon, Illinois, and deposited and filed in the Office of the City Clerk, on the \_\_\_\_day of \_\_\_\_\_\_\_\_ 2023, the vote being taken by ayes and noes, and entered upon the legislative records, as follows:

AYES:

NOES:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cheri Wright

 Mayor

 City of Lebanon

 St. Clair County, Illinois

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Luanne Holper

City Clerk

City of Lebanon

St. Clair County, Illinois