Ordinance #O.20.06

An Ordinance **ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA.**

Adopted by the City Council of the City of Galena this 9th Day of March 2020.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 9th Day of March 2020.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, JoDaviess County, Illinois.

I further certify that on the 9th Day of March 2020, the Corporate Authorities of said municipality passed and approved Ordinance No. O.20.06 entitled **AN ORDINANCE ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA,** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.20.06 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 10th Day of March 2020 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 10th March 2020.

Mary Beth Hyde

Mary Beth Hyde, City Clerk

(Seal)

Ordinance No. O.20.06

AN ORDINANCE ADDING CHAPTER 120 "MOTORIZED VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

WHEREAS, Section 5/11-42-6 of the Illinois Municipal Code (65 ILCS 5/11-42-6) provides that the corporate authorities of each municipality may license, tax, and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations and may prescribe their compensation; and

WHEREAS, the City Council heretofore has enacted Galena Code of Ordinances Chapter 120 to regulate vehicles for hire and the drivers of such vehicles within the City for the protection of the public health, safety, and welfare; and

WHEREAS, recent innovations in technology now allow persons seeking for hire transportation to use wireless networks or the internet to find the location of a potential driver, obtain information about the driver, and arrange for transportation with that driver for an agreed price; and

WHEREAS, transportation network companies ("TNCs") have captured a growing share of the traditional vehicle for hire market by using digital networks or software application services to connect passengers to affiliated drivers; and

WHEREAS, TNCs have been successful and popular with the public throughout the nation; and

WHEREAS, the City Council welcomes and encourages new businesses that offer pioneering solutions to the transportation needs of the City's population; and

WHEREAS, the City Council finds that a need exists to regulate the activities of TNCs and their drivers within the City, as provided herein, to protect the health, safety, and welfare of TNC drivers, riders, and the general public; and

WHEREAS, the City Council strongly supports the area's existing vehicle for hire businesses and intends in this Ordinance to establish regulations that are fair and appropriate for all transportation providers regulated by the City; and

WHEREAS, the City Council finds that the best interests of the City are served by requiring all persons operating TNCs in the City to provide safe, clean, reliable, and consistent transportation services to the riding public; and

WHEREAS, the City Council finds that the City may regulate such activities pursuant to the Transportation Network Providers Act, 625 ILCS 57/1 et seq., which Act took effect on June 1, 2015; and

WHEREAS, Public Act 99-56, adopted by the 99th Illinois General Assembly, amended the Transportation Network Providers Act, *inter alia*, to prevent a unit of local government from

regulating TNCs, TNC drivers, or TNC services in a manner that is less restrictive than the regulation by the State under such Act, effective on July 16, 2015; and

WHEREAS, the City Council further finds that the best interests of the City are served by establishing fees for TNC driver's license of fees, pursuant to Galena Code of Ordinances Chapter, as provided herein.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION I: Pursuant to the authority found in the Illinois Compiled Statutes, Transportation Network Providers Act, 625 ILCS 57/1 et seq, Chapter 120, "Motorized Vehicles for Hire," is amended by adopting and adding Exhibit A, attached hereto and made part hereof, to the Galena Code of Ordinances.

SECTION II: The license fee for the Transportation Network Company (TNC) annual license shall be $500. This fee may be modified from time to time by the City Council.

SECTION III: Chapter 120.01, "Definitions" shall be changed to "Definitions for Taxicabs".

SECTION IV: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V: This ordinance shall be in full force and effect immediately upon its passage.

SECTION VI: Passed on this 9th day of March, A.D., 2020, in open Council.

AYES:	**NAYS:**
Westemeier, Allendorf, Bernstein, Hahn, Kieffer, McCoy, Renner	None

Terry Renner

Terry Renner, Mayor

Attest:

Mary Beth Hyde

Mary Beth Hyde, City Clerk

Exhibit A

CHAPTER 120 – MOTORIZED VEHICLES FOR HIRE

§ 120.09 DEFINITIONS FOR TRANSPORTATION NETWORK COMPANY SERVICES.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TRANSPORTATION NETWORK COMPANY OR TNC. A licensed entity operating in the City of Galena pursuant to state and city requirements that uses a digital network or software application service to connect passengers to transport services provided by the TNC. A TNC is not deemed to own, control, operate, or manage the vehicles used by TNC drivers and is not a taxicab association or for-hire vehicle owner.

TRANSPORT NETWORK COMPANY DRIVER OR TNC DRIVER. An individual who operates a motor vehicle that the individual owns, leases, or is otherwise authorized to use to provide TNC services.

TRANSPORTATION NETWORK COMPANY SERVICES OR TNC SERVICES. The transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a digital network or software application provided by the TNC. TNC services shall begin when a TNC driver accepts a transportation request received through the TNC's digital network or software application. Services continue through the transportation of the passenger and end when the passenger has completely exited the TNC driver's vehicle. This service is not a taxicab as defined by the Galena Code of Ordinances.

TRANSPORTATION NETWORK COMPANY VEHICLE, TRANSPORTATION NETWORK VEHICLE, OR TNC VEHICLE. Any motor vehicle used in the performance of TNC services.

TRANSPORTATION NETWORK COMPANY AGENT, TRANSPORTATION NETWORK AGENT, OR TNC AGENT. Any person who represents the TNC in financial matters and operates a place of business on behalf of the TNC in the City. An agent is not required to be a driver.

§ 120.10 TRANSPORT NETWORK PROVIDER LICENSE.

(A) No person shall engage in a transportation network provider business in the city without a transportation network provider license issued pursuant to this section.

(B) In order to qualify for a transportation network company license, whether upon initial application or upon application for renewal of a license:

(1) An applicant shall be in compliance with all applicable city, State of Illinois and federal laws.

(2) An applicant shall have a place of business where the city may send, and the

licensee shall accept, notices of hearing or other notices from the city and the licensee maintains its business and financial records relating to its license.

(C) The TNC operating within the city shall submit an application to the City Clerk with an application fee as established by the City Council. The application shall include the following information:

(1) If the license applicant is an individual:

(a) The individual's full name, social security number, residence address, business, business e-mail address and business telephone number.

(b) Proof that the applicant is at least 19 years of age.

(2) If the license applicant is a corporation:

(a) The corporate name, business address and telephone number of the applicant.

(b) The date and state of incorporation.

(c) The full names, titles, residence addresses, e-mail addresses and telephone numbers of its corporate officers, and of its authorized agent.

(d) Proof that all corporate officers are at least 19 years of age.

(e) Proof that the corporation is in good standing under the laws of the State of Illinois and the City of Galena.

(3) If the license applicant is a partnership or limited liability company:

(a) The name, business address or principal office address and telephone number of the applicant,

(b) The full names, residence addresses, e-mail addresses and telephone numbers of:

1. the three members who own the highest percentage interests in such partnership or limited liability company.
2. the general partner of a partnership.
3. the managing member of a limited liability company.
4. the applicant's authorized agent.
5. any other member who owns a 25 percent or more interest therein.

(c) The full name, addresses, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this section.

(d) Proof that all persons, partners, managers, managing members and members, as applicable, are at least 19 years of age.

(D) In addition to the license application requirements listed in subsection (A), a transportation network company licensee shall provide to the City Clerk within five business days upon written request the following information:

(1) The full name, driver's license number and address of drivers registered with the applicant and operating in the City of Galena.

(2) The license plate number, registered owner and the vehicle identification numbers of the transportation network vehicles registered with the applicant with a document attesting that each such vehicle meets the inspection and vehicle standard requirements provided in this chapter.

(3) List of wheelchair-accessible transportation network vehicles registered with the applicant.

(4) The applicant's insurance policies as provided in Chapter 120.11.

§ 120.11 INSURANCE.

(A) TNCs and participating drivers shall comply with the automobile liability insurance requirements of 65 ILCS 57/10.

(B) Any participating TNC driver shall provide to any authorized law enforcement officer, in addition to any applicable insurance, proof of the insurance policies required by this section in case of an accident involving a TNC driver while he is operating his vehicle as a part of the TNC.

(C) Proof of insurance meeting the standards described in this section shall be provided by the license applicant to the city clerk before any issuance of a license to operate a transportation network company.

§ 120.12 DRIVER REQUIREMENTS.

(A) Prior to permitting an individual to act as a TNC driver on its digital network or software application, the TNC shall:

(1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(2) Conduct, or have a third part conduct, a local and national criminal history background check for each individual applicant that shall include the National Sex Offenders Registry database.

(3) Obtain and review a driving history report for the applicant.

(B) A TNC shall not permit an individual to act as a TNC driver on its digital network or software application unless such person:

(1) Is at least 19 years of age.

(2) Submitted to a local and national criminal history background check for each individual applicant shall include:

(a) Multi-state or multi-jurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search).

(b) National Sex Offenders Registry database.

(c) Obtain and review a driving history research report for the individual.

(3) Has a valid driver's license. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid and properly classified driver's license for the purposes of this subsection (B).

(4) Had a valid driver's license for at least one year prior to the date of application.

(5) Has not been convicted of, or placed on supervision by a court for more than three offenses against the traffic regulations governing the movement of vehicles within two years of the date of application.

(6) Does not have more than three moving violations in the prior three-year period.

(7) Has not been convicted of or placed on supervision at any time for reckless driving, driving under the influence of intoxicating liquor or drugs, drag racing, fleeing or attempting to elude a police officer, leaving the scene or failure to report an accident involving death or injury, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror.

(8) Has not had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license).

(9) Is not required to register as a sex offender, pursuant to 730 ILCS 5/150/3 and has never been adjudicated as a sexually dangerous person.

(10) Possesses proof of registration for the motor vehicle used to provide TNC services.

(11) Possesses proof of automobile liability insurance for the motor vehicle used to provide TNC services.

(12) Has not had a taxicab driver's license or access to a TNC or taxi corporation's platform revoked for cause within three years of the date of application.

(13) Has not knowingly furnished false or misleading information or withheld relevant information on such application or caused or permitted another to furnish or withhold such information on his/her behalf.

(C) A picture of the TNC driver, the driver's license plate number, and a description of the motor vehicle, including wheel-chair accessibility, used for TNC services shall be displayed on the digital network or software application for viewing by a passenger.

(D) A TNC vehicle operated by a driver affiliated with a TNC licensed by another jurisdiction may come into the city to discharge passengers whose trip originated outside the city.

(E) A TNC driver shall not be restricted to participating in services from a single TNC. A TNC driver shall be allowed to provide services for multiple TNCs.

(F) A TNC driver shall not provide TNC services for more than 12 hours on any calendar day and must take a minimum uninterrupted break of six hours for every 12 hours the driver is active to provided services, whether or not the driver actually drove for 12 hours during the active service period.

§ 120.13 TRANSPORT NETWORK COMPANY VEHICLE INSPECTIONS AND REQUIREMENTS.

(A) The TNC shall require that any motor vehicle that a TNC driver will use to provide TNC services meets vehicle safety and emissions requirements for a private motor vehicle in this State of Illinois.

(B) A TNC driver shall identify his or her TNC vehicle at all times while offering TNC services with the City through display of consistent and distinctive trade dress (i.e., distinctive signage, emblem or display on the vehicle) visible from both the front and the back of the vehicle. The trade dress must be sufficiently large, and color contrasted as to be readable during daylight hours at a distance of fifty (50) feet or more from both in front of and in back of the vehicle. The trade dress shall be sufficient to allow a passenger, government official or a member of the public to associate a vehicle with a particular TNC. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle windows, doors, roofs, trunks or grills. Magnetic or removal trade dress is acceptable.

(C) A TNC and its driver shall be jointly and severally liable for any violation of this section.

§ 120.14 PACKAGE DELIVERY PROHIBITED.

TNC drivers shall not accept packages for transportation unless such package is accompanied at all times by a passenger.

§ 120.15 NON-DISCRIMINATION.

(A) The TNC shall adopt and notify TNC drivers of a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers.

(B) TNC drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(C) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(D) A TNC shall not impose additional charges for providing services that accommodate any disability.

(E) A TNC shall allow passengers to specify any necessary disability accommodations through the TNC's digital network or software application. If a TNC has no reasonable way to accommodate such a disability, the TNC shall not be responsible to do so.

§ 120.16 SAFETY.

(A) The TNC shall implement a zero-tolerance policy on the use of alcohol and perception altering or performance impairing drugs while a TNC driver is providing TNC services or any time the TNC driver is logged into the TNC's digital network.

(B) The TNC shall provide notice of the zero-tolerance policy on its website as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of alcohol or perception altering or performance impairing drugs during the course of the trip.

(C) Upon receipt of a passenger's complaint alleging a violation of the zero-tolerance policy, the TNC shall immediately suspend the TNC driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(D) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a passenger complaint is received by the TNC.

(E) TNCs or TNC drivers are not common carriers, contract carriers or motor carriers, as defined by any applicable State or city laws, nor do they provide taxicab or for-hire vehicle service.

§ 120.17 OPERATIONAL.

(A) A TNC may charge a fare for the services provided to passengers provided that, if a fare is charged, the TNC shall disclose to passengers the fare and its calculation method through its digital network or software application for the purposes of passenger calculation.

(B) Within a reasonable time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:

(1) The origin and destination of the trip.

(2) The total time and distance of the trip.

(3) An itemization of the total fare paid, if any.

(C) Dispatches for TNC services shall be made only to eligible TNC drivers under the requirements of this article.

§ 120.18 SUSPENSION OR REVOCATION.

A TNC driver may be suspended or revoked by the Chief of Police or his/her designee if:

(A) The driver has violated any of the provisions of this article regulating TNC.

(B) The driver no longer meets the requirements of Chapter 120.12.

(C) The driver has engaged in any conduct which would constitute a criminal offense against any passenger while the licensee is acting as a TNC driver.

(D) The driver has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this division or knowingly caused or suffered another to furnish or withhold such information on his behalf.

(E) The driver has had his driver's license suspended or revoked by the secretary of state. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid driver's license for the purposes of this subsection.

(F) The driver has, while acting as a TNC driver, failed to maintain a reasonable level of personal hygiene, appearance and conduct. Violation of this paragraph includes, but is not limited to: wearing torn, dirty or stained clothing, failure to be clean and well groomed, free of offensive body odors; rude, insulting or profane speech or actions toward or in the presence of a member of the public.

(G) Prior to any suspension or revocation of a license granted under this article, Chief of Police shall provide the licensee with notice and opportunity for a hearing. The notice and hearing shall at a minimum comply with the provisions of the Illinois Administrative Procedures Act, 5 ILCS 100/1-1 et seq.

§ 120.19 EXPIRATION.

All licenses or access to platforms authorized under this chapter shall expire one year after issuance.

§ 120.20 APPEALS.

Within ten days after written notice of the revocation, suspension, or denial of issuance of a TNC provider's or driver's license, an applicant or license holder may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the applicant or license holder with notice and an opportunity to be heard on the issue of whether the license was properly revoked, suspended, or denied.