

Ordinance #O.14.16

An Ordinance AMENDING CHAPTER 114 OF THE CODE OF ORDINANCES OF THE CITY OF GALENA.

Adopted by the City Council of the City of Galena this 10th Day of November 2014.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 10th Day of November 2014.

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 10th Day of November 2014, the Corporate Authorities of said municipality passed and approved Ordinance No. O.14.16 entitled **AN ORDINANCE AMENDING CHAPTER 114 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.14.16 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 12th Day of November 2014 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 12th Day of November 2014.



Mary Beth Hyde
City Clerk

(Seal)

**AN ORDINANCE AMENDING CHAPTER 114 OF THE
CODE OF ORDINANCES OF THE CITY OF GALENA**

WHEREAS, the City of Galena currently has a tour operator's ordinance in effect which recognizes the entertainment value of such tours and the positive impact such tours have on the local economy, but also balances the need to protect the health, safety and welfare of citizens and neighborhoods of the City of Galena, and

WHEREAS, the City of Galena, from time to time, finds it necessary and in the best interest of the community, to amend the ordinance to adapt to changing business conditions and to protect the health, safety and general welfare of the citizens and neighborhoods of the City.

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

SECTION I: Chapter 114, "Tour Operators", of the Galena Code of Ordinances is hereby amended by deleting the strikethrough text and by adding the underlined text in the attached Exhibit A, made a part hereof.

SECTION II: All other provisions of Chapter 114 shall remain in full force and effect.

SECTION III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

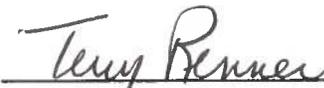
SECTION V: Passed on this 10th day of November, A.D., 2014, in open Council.

AYES:

Greene, Kieffer, Lincoln,
Painter, Bernstein, Renner

NAYS:

Fach



Terry Renner, Mayor

Attest:



Mary Beth Hyde, City Clerk

EXHIBIT A

CHAPTER 114: TOUR OPERATORS

Section

- 114.01 Intent
- 114.02 Definitions
- 114.03 License required
- 114.04 Annual license and fees
- 114.05 Form and content of license; application process
- 114.06 Established place of business
- 114.07 Vehicles restricted to approved route
- 114.08 General tour service business regulations
- 114.09 Additional regulations for nonconventional vehicles
- 114.10 Exceptions
- 114.11 Violations; enforcement

§ 114.01 INTENT

It is the intent of the City Council to allow vehicle and horse drawn carriage tours of the community, but to regulate such tours and tour businesses in a manner that will protect the livability and attractiveness of the community. The tour business restrictions found herein are necessary for the following reasons:

- (A) To recognize that tours and sightseeing-type businesses have a positive effect on the economic development of the city and help to further promote the tourism industry;
- (B) To protect the health, safety and welfare of the citizens of the city by limiting the number of tour vehicles and horse drawn carriages, thereby easing pollution and assuring adequate pure air, avoiding congestion in the public streets, and lessening ambient noise levels;
- (C) To preserve the desirability and livability of residential neighborhoods by limiting tours through the residential areas of the city;
- (D) To preserve the property values and protect the health and safety of the residents of those neighborhoods by limiting tour-related traffic through the residential areas of the city;
- (E) To preserve and protect residential streets that were not constructed or intended for the vehicle loads or additional traffic created by tour vehicles;
- (F) To protect the city's investment in pedestrian oriented improvements by encouraging exploration of the city on foot;
- (G) To protect pedestrian safety by regulating loading and parking, and attempting to avoid further traffic congestion in the downtown area;

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(H) To protect the historic integrity of an historically important community by preventing the proliferation of vehicles that imitate historic vehicles, but have no actual historic merit.

('69 Code, § 12-113) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07)

§ 114.02 DEFINITIONS.

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

LICENSE, TOUR GUIDE BUSINESS. The license required to legally operate a tour guide business within the City of Galena.

LICENSE, TOUR SERVICE. The license required to legally operate a tour service business within the City of Galena.

TOUR GUIDE BUSINESS. A person, firm, corporation or other legal entity which provides a tour or sightseeing service for any form of remuneration, by providing personnel that step on a previously loaded bus or other vehicle owned, rented, or leased by a different entity, and guide that vehicle through the city.

TOUR SERVICE BUSINESS. A person, firm, corporation or other legal entity, which provides a tour or sightseeing service for any form of remuneration through the use of vehicles owned, rented or leased by that same entity.

('69 Code, § 12-115) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07)

§ 114.03 LICENSE REQUIRED.

It shall be unlawful to guide, give or otherwise coordinate tours of the city for any form of remuneration, either as a tour guide business or as a tour service business, as defined below, without the required license(s), as provided for herein.

('69 Code, § 12-114) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07) Penalty, see § 110.99

§ 114.04 ANNUAL LICENSE AND FEES.

All licenses pertaining to this chapter shall be valid for a period of not greater than one year, and shall expire at midnight on the 30th day of April of each year.

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(A) *Tour guide business license.* A license allowing a person, firm, corporation or other entity to operate a tour guide business as defined in this chapter.

- (1) Fee: \$50 per license.
- (2) Limit: None.

(B) *Tour service license.* A license allowing a person, firm, corporation or other legal entity to operate a tour service business, as defined in this chapter. There shall be no limitation as to the number of tour service vehicles each licensee may rent, own, or lease; provided, however, that each license may allow a tour service business to operate up to three tour service vehicles at any given point in time, and only on approved routes.

(1) (a) Fee. The fee for each license shall be \$150.

(b) There shall be no more than three licenses issued an outstanding at any time.

(c) A tour operator may provide tours between the hours of 10:00 a.m. and 10:00 p.m.

(d) Any person, firm, corporation or other legal entity with a tour operators license who operates a tour service after 6:00 p.m. shall be required to conduct their tours in a fully enclosed tour service vehicle. It shall be unlawful to operate any sound reproducing device for the production of sound that is audible beyond the confines of the tour service vehicle.

(e) Any person, firm, corporation or other legal entity with a tour operators license shall comply with the route designations of § 114.07 of the Code of Ordinances of the City of Galena.

(2) Tour guides. Although tour guides employed by a tour service business do not need an individual tour guide business license, all tour guides employed by the tour service business shall comply with all other tour guide business regulations stipulated in this chapter. The tour service business shall be responsible for assuring that each tour guide in their employment will fully comply with all regulations as set forth herein.

('69 Code, § 12-116) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-02-08, passed 5-13-02; Am. Ord. O-05-25, passed 7-25-05; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-12-05, passed 3-26-12) Penalty, see § 110.99

§ 114.05 FORM AND CONTENT OF LICENSE; APPLICATION PROCESS.

(A) *Form; filing of application.* The tour guide business and tour service licenses and the applications therefore shall each be in a form and shall include information such as may be prescribed from time to time by the City Clerk. The appropriate license(s) shall be conspicuously displayed at the established place of business.

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- (B) *License fee.* An application for a new license, or for renewal of an existing license, shall be made to the City Clerk, and shall be on a form provided by the City Clerk. Said application shall include the appropriate fee, which shall be paid at the time of application. An application for a tour guide business or tour service business license may be made at any time during the calendar year, provided that the full license fee is paid, and said fee shall not be prorated.
- (C) *Issuance.* A tour guide or tour service business license shall be issued by the City Clerk upon successful completion of all requirements listed in §114.08, upon full compliance with all application procedures and payment of the full license fee, and upon approval by the City Council.
- (D) *Tour service specifications.*
- (1) An application for a tour service business license must include the following:
 - a. A list of all vehicles owned by the tour service business and used for tours.
 - b. A list of all drivers of those vehicles and all tour guides employed by the tour service business.
 - c. A copy of the driver's license and Commercial Driver's License (CDL) for each driver.
 - d. If the vehicle(s) used in the tour service business are rented or leased, a copy of the rental or lease agreement(s).. Said lease or rental agreement shall extend throughout the entire licensing period. An applicant must own or possess, by lease for the entire licensing period, at least one tour service vehicle to be eligible for and to receive a tour service license.
 - e. A Certificate of Liability Insurance for the tour service business and the insurance identification card for each vehicle.
 - f. Current and valid State of Illinois Vehicle Safety Inspection sticker for each vehicle.
 - (2) In order to maintain a valid tour service business license, a tour service business must provide tours to paying customers without interruption of more than 60 consecutive days in any license year. It shall not be considered an interruption of service if a tour service business closes for up to 120 days during the period December 1 through March 31 and notifies the Galena Police Department of the closure.
 - (3) All applicants for tour service licenses shall comply with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12101 et seq.

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(4) All applications for tour service licenses and all vehicles used by those tour service businesses shall be subject to City Council approval, on an annual basis, at the first regular City Council meeting in April or the next regular meeting thereafter.

(E) *Nontransferability; compliance with state law.* No license issued under this chapter shall be transferable or assignable to entities other than the business owners specifically listed on the license application. All businesses shall comply with the State of Illinois Assumed Business Name Act, and all other state laws pertaining the name and operation of the business, partnership, or corporation.

(F) *Issuance priority.* Annually, licensees shall be granted renewal of their license before application of new licenses are considered; provided that the existing license is otherwise in compliance with this chapter and entitled to a license. No individual or legal entity shall be entitled to more than one such license. Provided that there are additional licenses available after issuance of a license to existing licensees, then applicants for new licenses shall be reviewed in the order they are received.

('69 Code, § 12-117) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-04-26, passed 10-25-04; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-05-26, passed 7-25-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07) Penalty, see § 110.99

§ 114.06 ESTABLISHED PLACE OF BUSINESS.

(A) All tour guide and tour service businesses operating under a valid license issued by the City of Galena shall maintain a permanent address in the City of Galena, which shall be designated in the license application. Said licensee shall notify the City Clerk in writing of any change in said address, at least seven days prior to the change in address.

(B) No tour service business shall maintain more than two places of business within the city. The established place(s) of business shall be designated in the license application, and the licensee shall notify the City Clerk in writing of any change in the established place(s) of business at least seven days prior to the changes in or additions to places of business.

(C) Nothing in this chapter is intended to prohibit the advertising of tour guide businesses or tour service businesses or ticket sales relating to the same to be conducted from within other businesses in the city, such as restaurants and retail shops; provided, however, that no advertising in such other businesses shall be visible from outside the windows of such businesses, except in accordance with duly adopted ordinances and resolutions relating to signs.

(D) Nothing in this chapter is intended to prohibit licensed tour service businesses to sell tickets at loading or unloading zone areas provided that no person is solicited verbally or

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by gesture, directly or indirectly, at any loading or unloading zone or upon the streets of the city.

('69 Code, § 12-118) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-93-48, passed 7-12-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-07-10, passed 5-29-07)

§ 114.07 VEHICLES RESTRICTED TO APPROVED ROUTE.

All vehicles under the direction of a tour guide shall be restricted to the route, routes, or streets approved by the City Council and on file at City Hall. The City Council may approve one or more routes based on vehicle type, size, weight, and/or passenger loads. In the case that more than one approved route exists, the guided vehicle shall be restricted to the route that most closely matches the type of vehicle being used. The vehicles under the direction of a tour guide must be operated in accordance with city ordinances.

('69 Code, § 12-119) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07) Penalty, see § 110.99

§ 114.08 GENERAL TOUR SERVICE BUSINESS REGULATIONS.

All tour service vehicles shall conform to all pertinent local, state and federal codes, whether or not explicitly mentioned within this chapter. In addition, the following regulations shall apply:

- (A) *External advertising.* No external advertising, other than lettering identifying the name of the tour service business and/or any information as may be required by the Illinois Motor Vehicle Code. Said lettering shall not exceed 18 inches in height.
- (B) *Vehicle license.* Each tour service vehicle shall be licensed as may be required by the State of Illinois for such vehicle.
- (C) *Oversize and/or underpowered vehicles.* Oversized and/or underpowered vehicles can pose a threat to safety, health and general welfare when operated on the steep hills and various places with narrow pavements and/or tight turns within the city. Therefore, use of tour service vehicles powered by diesel fuel or weighing over 22,500 pounds, measuring over 31 feet in length, over 8 feet in width, over 11 feet in height, are hereby restricted to those streets approved and designated as bus routes by the City Council. Underpowered vehicles are defined as those unable to climb any street grade within the city at greater than 20 miles per hour under normal conditions, and such are also restricted to the bus routes as approved by the City Council.
- (D) *Operations, impeding traffic flow.* It shall be unlawful to operate a tour service vehicle in any manner which places the occupants of the vehicle in immediate harm, or in any manner which impedes standard traffic flow on city streets. Impeding standard traffic

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flow shall include moving slower than the standard traffic flow or stopping in traffic lanes for other than such slowing or yielding as may be required by traffic law.

- (E) *Standing, idling.* It shall be unlawful to allow or cause to be allowed any tour service vehicle to be parked with the engine idling or running, or otherwise left standing with the engine running, either attended or unattended, for a period of greater than 15 minutes. Said requirement shall not apply to tour service vehicles parked on private property, unless said idling is creating a nuisance.
- (F) *Parking, loading.* No tour service vehicle may be parked on a city street in other than designated bus parking areas except as provided in this division. No tour service vehicle may load or unload on a city street in other than a designated bus loading zone. Tour service vehicles may also be parked to load and unload at the places of business designated by each licensee under § 114.06 of this chapter, provided that the entire tour vehicle is located on the property of the licensee and not on any neighboring property, sidewalk, street, or right-of-way at the time of parking, loading, and unloading. Loading and unloading of previously ticketed and transported passengers shall be permitted at businesses and historical attractions and/or sites provided that the tour service vehicle is otherwise standing, idling and/or parked in compliance with this chapter and all other applicable laws. In no instance shall a tour service vehicle load or unload, whether on a city or private property, in such a way as to require the passenger to step or proceed into the portion of the right-of-way that is commonly traveled by motorized vehicles.
- (G) *Route.* All vehicles, either tour service vehicles or vehicles guided by tour guides, shall be restricted to the route, routes, or streets approved by the City Council on file at City Hall. The City Council may approve one or more routes based on vehicle type, size, weight, and/or passenger loads.
- (H) *Prohibited vehicles.* Only those vehicles that are designed specifically for travel on streets or highways are allowed as tour service vehicles. Multi-terrain vehicles, aircraft, watercraft, or any other form of vehicle shall be prohibited from the operation of any form of tour services within the city limits, the Galena River, and the airspace above the city proper, regardless of the point of origin of the tour.
- (I) *Maintenance.* All tour service vehicles shall be kept neat and clean and in proper working order at all times that the vehicles are in operation or parked on city streets. Proper maintenance shall be evidenced by a State of Illinois Vehicle Safety Inspection sticker and other state or federal maintenance and/or safety inspection certification that may be required.

('69 Code, § 12-120) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-21, passed 7-11-05; Am. Ord. O-07-10, passed 5-29-07) Penalty, see § 110.99

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§ 114.09 ADDITIONAL REGULATIONS FOR NONCONVENTIONAL VEHICLES.

- (A) Vehicles that imitate a different form of transportation, such as a plane, train or trolley, but operates as a motor vehicle on city streets, are deemed to be traveling businesses, and, as such, are an amusement and are generally inappropriate for use within the city.
- (B) Because of this, the following additional regulations shall apply, in addition to all other pertinent regulations: All such vehicles shall be painted only those colors approved as historic colors. Paint shall be semi-gloss or flat finish, and any color combinations other than monochromatic schemes shall require approval by the City Council. Natural wood, stained or varnished, shall be minimal. The only lettering or advertising allowed on the exterior of the vehicle shall be the name of the tour service business as it appears on the tour service license, and/or any information required by state, federal, or local codes. Said lettering shall not exceed 18 inches in height. Each such vehicle must receive approval by the City Council before it will be allowed to operate.

('69 Code, § 12-121) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07)

§ 114.10 EXCEPTIONS.

The following businesses shall not be required to obtain a tour guide or tour service business license:

- (A) Businesses located within or outside Galena which load passengers in Galena or outside Galena and transport those passengers for tourism purposes to places other than Galena, notwithstanding not more than one incidental stop in Galena where passengers may be unloaded;
- (B) Vehicles specifically licensed for interstate commerce;
- (C) Individuals showing friends or relatives around town;
- (D) Self-guided map tours, tour of homes fund-raisers, or other special events involving tours but requiring licenses from elsewhere in this chapter;
- (E) Other tour-type operations that are clearly not operated as a commercial enterprise, as may be determined by the City Council.

('69 Code, § 12-122) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07)

§ 114.11 VIOLATIONS; ENFORCEMENT.

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- (A) All licenses issued in accordance with this chapter are issued subject to the city's police power, and subject to all other applicable codes, ordinance, and regulations of the city, the state, and the federal government. Licenses issued pursuant to this chapter that are discovered to be issued in error shall be immediately revoked, and the full license fees shall be refunded by the City Clerk or designee thereof.
- (B) Violations of this chapter shall be dealt with according to § 110.99 of this title, which may include suspension or revocation of an existing license in accordance with § 110.17, denial of future licenses or renewals, and/or a fine or other civil penalty in accordance with §110.99. In addition to the causes listed in § 110.17, the City Council may revoke a license for failure to uphold conditions placed by the City Council on approval of a license or vehicle, or for failure to adhere to any state or local regulations pertaining to the operation of the tour guide or tour service business, including the operation of the vehicles used therein.
- (C) The Galena Police Department shall be responsible for the enforcement of the provisions of this chapter.

('69 Code, § 12-123) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07) Penalty, see §110.99