

CHAPTER 4-168

BICYCLE MESSENGER SERVICES

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4-168-010 Definitions.

For the purposes of this chapter, unless the context clearly requires otherwise:

“Central business area” means the area bounded by a line as follows: beginning at the easternmost point of Division Street extended to Lake Michigan; then west on Division Street to LaSalle Street; then south on LaSalle Street to Chicago Avenue; then west on Chicago Avenue to Halstead Street; then south on Halsted Street to Roosevelt Road; then east on Roosevelt Road to its easternmost point extended to Lake Michigan.

“Commissioner” means the commissioner of business affairs and consumer protection.

“Bicycle messenger services” means the delivery by bicycle for hire of packages, parcels, food, papers or any other items on behalf of any commercial, industrial, governmental, charitable or other enterprise.

“Bicycle” includes any vehicle defined in Section 9-120-010 and any other vehicle that would be included within such definition but for the size of the vehicle’s wheels.

“Bicycle operator” means a person who makes deliveries by bicycle on behalf of a bicycle messenger service.

“Person” includes any natural person, corporation, firm, partnership, joint venture, association or other entity.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465; Amend Coun. J. 11-19-08, p. 47220,

Art. V, § 5)

4-168-020 License – Required.

(a) No person shall engage in the occupation of providing bicycle messenger services within the central business area without having secured a license issued under this chapter. The license shall be in addition to any other license required by law.

(b) This section shall not apply to a person who provides bicycle messenger services exclusively for himself or herself, or for his or her employer. This section shall, however, apply to a person who provides bicycle messenger services as an independent contractor for any person other than pursuant to a contract with a person with a license issued under this chapter.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-030 License – Fee.

The annual fee for a license issued under this chapter shall be \$70.00 and shall not be prorated. The license period shall begin September 1st of each year and end August 31st of the following year.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-040 License – Application.

Application for a bicycle messenger service license shall be made in writing to the commissioner on a form provided by the commissioner and signed and sworn to by the applicant or, if the applicant is a corporation, by its authorized agent. Each application shall contain:

(a) The full name, residence and business address and the business telephone number of the applicant;

(b) If the applicant is a corporation:

(1) The corporate name and business of the applicant;

(2) The date and state of incorporation; and

(3) The names, residence addresses and residence telephone numbers of the corporate officers and its registered agent;

(c) If the applicant is a partnership:

(1) The name and business address and telephone number of the principal office or place of business of the applicant;

(2) The names, residence addresses and residence telephone numbers of all partners; and

(3) The name, address and telephone number of a person authorized to receive notices issued pursuant to this chapter.

Each corporate applicant for a bicycle messenger license shall be organized and qualified to do business under the laws of the State of Illinois.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 5-9-07, p. 105047, § 11)

4-168-050 Insurance – Required.

(a) Each applicant for a bicycle messenger service license shall provide proof that the applicant and each bicycle operator engaged by him has insurance coverage in the following minimum amounts:

- (1) \$50,000.00 for property damages;
- (2) \$50,000.00 for injuries to or death of any one person; and
- (3) \$100,000.00 for injuries to or death of more than one person in any one accident.

In addition, worker's compensation coverage must be provided as required by state law.

(b) Any insurance policy required by this section must be in a form satisfactory to the commissioner and must provide that the policy will not be canceled and the amount of coverage will not be changed unless 60 days' prior written notice is given to the commissioner.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-060 Records on bicycle operators – Required.

Every licensee shall maintain records of all bicycle operators operating on the licensee's behalf. The records shall include the name and address of each bicycle operator and the identification number or letters required under Section 4-168-070 for each operator. The identification number or letters assigned to a bicycle operator shall not be assigned to or used by any other operator unless such transfer is necessary because of a change in employment status. The records required by this section shall be made available to the commissioner at his or her request, and shall be maintained for at least two years.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-070 Helmet and visible identification – Required.

(a) Every licensee shall supply each bicycle operator operating on the licensee's behalf: (1) a safety helmet meeting nationally recognized safety requirements; and (2) a safety vest or other garment of a bright color, prominently displaying the name of the licensee in letters at least one and one-half inches high, and a number or letters or a combination thereof at least four inches high which, in conjunction with the displayed name of the licensee, will form a unique combination permitting identification of the bicycle operator. All letters and numbers shall be of a color contrasting with the background of the garment. The identification number or letters required by this paragraph shall also appear on the bicycle in accordance with rules and regulations promulgated by the commissioner.

(b) The operation of a bicycle in the central business area on behalf of any licensee without the equipment required by this section is a violation of this section and shall create a rebuttable presumption that the licensee has violated this section.

(Added Coun. J. 7-29-92, p. 20042; Coun. J. 12-9-92, p. 25465)

4-168-080 Identification card – Required.

(a) Every licensee shall issue to each bicycle operator an identification card containing at least the following information:

- (1) The bicycle operator's name;

(2) The bicycle operator's identification number or letters that he is required to wear pursuant to Section 4-168-070;

(3) The licensee's name, business address, telephone number and bicycle messenger service license number; and

(4) The name of the insurance company that has issued the insurance policy required under Section 4-168-040 and the policy number of such policy.

The identification card must also display a clear photograph of the bicycle operator.

(b) No bicycle operator may operate a bicycle within the central business area on behalf of any licensee without having on his person an identification card meeting the requirements of subsection (a) of this section. Any such person must permit a city employee who has the responsibility to enforce this chapter to examine such card whenever the city employee on the course of his or her duties asks the person to do so. The failure of a bicycle operator to comply with this section shall create a rebuttable presumption that the licensee has violated this section.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-090 License – Suspension or revocation.

Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the commissioner may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding* a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings; provided, however, suspension or revocation of a license shall be accordance with the requirements of Chapter 4-4 of the Municipal Code.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-10-96, p. 24982; Amend Coun. J. 11-12-97, p. 56813; Amend Coun. J. 4-29-98, p. 66564; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 5-9-07, p. 105047, § 11)

* **Editor's note** – As set forth in Coun. J. 5-9-07, p. 105047, § 11; correct language appears to be “forwarding”.

4-168-100 Administration authority.

The commissioner shall have the authority to promulgate rules and regulations necessary or desirable for the administration of this chapter.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

4-168-110 Rules and regulations – Enforcement authority.

The commissioner shall have the authority to administer and enforce this chapter. The department of police shall have the authority to enforce the safety- related provisions of this chapter and all traffic laws, ordinances, rules and regulations as they apply to bicycle messenger operators.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465; Amend Coun. J. 7-27-05, p. 53211, § 1; Amend Coun. J. 5-9-07, p. 105047, § 11)

4-168-120 Violation – Penalty.

Any person who is found guilty of violating this chapter shall be subject to a fine of not less than \$25.00

and not more than \$500.00 for each such violation. However, any person found guilty of violating this chapter by engaging in the occupation of providing bicycle messenger services in the central business area without a license required by this chapter shall be subject to a minimum fine of \$100.00. Each day that any violation shall continue shall be deemed a separate and distinct offense. A second or subsequent intentional violation of this chapter committed within 12 months after a previous conviction under this chapter may be punished as a misdemeanor by a fine of up to \$500.00, or a period of incarceration not exceeding seven days, or community service, or any combination thereof, pursuant to Section 1-2-1.1 of the Illinois Municipal Code.

(Added Coun. J. 7-29-92, p. 20042; Amend Coun. J. 12-9-92, p. 25465)

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