

VILLAGE OF WINNEBAGO

ORDINANCE NO. 2024 - 016

**AN ORDINANCE PROVIDING FOR THE USE AND OPERATION OF PEDAL BUSES
WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WINNEBAGO, ILLINOIS**

ADOPTED BY THE BOARD OF TRUSTEES

VILLAGE OF WINNEBAGO

THIS 10th DAY OF JUNE, 2024

Published in pamphlet form by authority of the Village Board of Trustees of the
Village of Winnebago, Illinois, this 26th day of JUNE, 2024

ORDINANCE NO. 2024-06

AN ORDINANCE PROVIDING FOR THE USE AND OPERATION OF PEDAL BUSES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WINNEBAGO, ILLINOIS

WHEREAS, pursuant to 65 ILCS 5/11-80-1, subject to the provisions of the Illinois Motor Vehicle Code, the corporate authorities of each municipality may regulate the use of streets and other municipal roadways within its jurisdiction; and

WHEREAS, the Illinois Motor Vehicle Code does not currently govern pedal buses, as the same are not considered motorized vehicles; and

WHEREAS, at a Village Board meeting on April 8th, a business owner proposed the operation of a "Pedal Bus" in Winnebago, as hereafter defined, sparking discussions on safety and regulation; and

WHEREAS, the novelty of such a business venture in the Village, its potential to attract visitors to the Village, and safety concerns were raised, including the obstruction of traffic flow and risks posed to passengers amidst vehicular traffic; and

WHEREAS, the Village Board believes the allowance of pedal buses in the Village would be a positive addition to the Village, while recognizing the need to regulate the operation of pedal buses to ensure the safety of passengers and the general public; and

WHEREAS, the Village Board desires to allow the operation of pedal buses on Village streets, with appropriate restrictions to address these safety concerns, and to allow for the operation of this unique business model in an effort to enhance tourism in the area;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

SECTION I: TITLE

This ordinance shall be known and may be cited as the "PEDAL BUS OPERATION AND SAFETY ORDINANCE."

SECTION II: DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them unless the context otherwise requires:

- **Pedal Bus:** Any single-unit device upon which any person may ride propelled predominantly by human power through a belt, chain, or gears having four or more wheels and designed and constructed in such a manner as to engage in the business of carrying groups of passengers for hire as agreed by pre-arranged contract, with battery assist allowed as a safety measure.
- **Pedal Bus Business:** The business of operating a Pedal Bus for the recreational or physical transportation of groups of the general public as agreed by pre-arranged contract for a fee.
- **Pedal Bus Driver:** The person in actual physical control of the Pedal Bus.
- **Pedal Bus Business License:** A license granted in accordance with this ordinance.
- **Operator:** The owner of a business that provides Pedal Bus services.
- **Village Streets:** Any public right of way, roadway, or street located within the corporate limits of the Village of Winnebago, and subject to the jurisdiction of the Village of Winnebago, Winnebago County IL.

SECTION III: APPLICABILITY

The provisions of this ordinance shall be applicable to all Pedal Buses and to the drivers and operators of such Pedal Buses within the corporate limits of the Village of Winnebago.

SECTION IV: PEDAL BUS DRIVER REQUIREMENTS

1. **State of Illinois Driver's License Required:** No person shall drive a Pedal Bus or be hired or permitted to do so unless they are a duly licensed valid driver by the State of Illinois.
2. **Qualifications of Pedal Bus Driver:** No person shall drive a pedal bus or be permitted to do so if they are not:
 - a) A duly licensed valid driver in the State of Illinois; and
 - b) Familiar with local traffic laws and ordinances; and
 - c) The age of twenty-one (21) years or older.

SECTION V: PEDAL BUS BUSINESS LICENSE

1. **License Required:** No person shall engage in the business of operating a Pedal Bus in the Village without first having secured a license as provided in this section. Licenses shall be issued for a period of one (1) year at a cost of two hundred dollars (\$200.00) and renewed annually thereafter at a cost of two hundred dollars (\$200.00) on a calendar year basis without proration. A decal or sticker shall be issued for each Pedal Bus certified to be operated upon the Village's streets upon the payment of the annual fee(s). The non-transferable decal or sticker must be prominently displayed on the rear of the Pedal Bus on the lower right-hand side. A replacement decal or sticker shall be twenty-five dollars (\$25.00).
2. **Application:** A verified application for a Pedal Bus business license shall be made in writing by the owner or manager of the Pedal Bus to the Village Administrator or their designee upon forms furnished by the Village. The application shall include the following information as applicable:
 - a) The full name of the applicant (if a firm or corporation, provide names, telephone numbers, and addresses of the president, secretary, and treasurer);
 - b) The applicant's residence (local and permanent) address;
 - c) The full name and intended place of business, the telephone number of the business, and the owner and/or manager;
 - d) The number of Pedal Buses to be operated, a complete description of each Pedal Bus to be used, pictures clearly depicting all four (4) sides of each unit to be operated, the seating capacity thereof according to its trade rating, the company assigned number, the body style, and the color;
 - e) Issuance and validity statement and insurance certificates;
 - f) Name of liability insurance carrier and a copy of the declaration of coverage/certificate of insurance issued by the carrier insuring the Pedal Bus, listing the Village of Winnebago as an additional insured;
 - g) Make, model, serial number, and description of Pedal Bus for which the license is sought;
 - h) An executed waiver of liability signed by the applicant releasing the Village of Winnebago from any liability for any claim and agreeing to hold the Village harmless and indemnify it for any claim resulting from the applicant's operation of the Pedal Bus on the Village streets;
 - i) A statement by the applicant that the Pedal Bus meets all applicable State and local laws with regards to required equipment;
 - j) A statement that the applicant agrees at all times to comply with all applicable State and local laws governing the operation of Pedal Buses;

- k) Signature of applicant; and
- l) Such other information as may be requested by the Village.

3. Issuance:

- a) The Village Administrator or their designee is authorized to issue a license to any qualified applicant for the operation of a Pedal Bus business. The license shall contain a distinguishing number, full name of the person owning such Pedal Bus business, and their business address.
- b) The Pedal Bus business license shall be non-assignable and nontransferable.
- c) The Pedal Bus business shall carry a copy of said license aboard the Pedal Bus unit at all times and shall present it for inspection upon the request of any passenger or law enforcement officer.

4. Duplicate Licenses: Whenever an owner/manager of a Pedal Bus business has lost or destroyed their license, they shall submit an affidavit in writing to the Village Administrator or their designee stating that the license has been lost or destroyed. The Village Administrator or their designee shall issue a duplicate copy or substitute thereof, for a replacement fee of twenty-five (\$25) dollars.

5. Suspension or Revocation:

- a) The issuing authority may initiate suspension and/or revocation proceedings for a license issued under this ordinance for any of the following:
 - 1) Violation of any ordinance provisions regulating a license of a Pedal Bus business or any other provisions of Village ordinances;
 - 2) Knowingly allowing as a driver of a Pedal Bus a person with a driver's license that is suspended or revoked under the State Vehicle Code (625 ILCS 5/1-100 et seq.).
- b) Any person whose business license has been revoked shall immediately return every such license to the Village Administrator.

6. Changes in License Information: Licensees shall report any change in information furnished in the application for a Pedal Bus business license pursuant to this section to the Village Administrator or their designee in writing within ten (10) days of the change. Failure to so report shall be cause for suspension or revocation of the license.

7. **Renewal of Business License:** If a business license holder wants to renew their business license to operate a Pedal Bus so that the renewal takes effect immediately upon the expiration of the prior annual license, such license holder must submit the renewal application prior to January 1. Applications for renewal submitted after January 1 shall incur a late fee. If the late fee is not paid prior to issuance of the renewed license, the existing license shall lapse as of 11:59 p.m. on December 31.

SECTION VI: RATES

1. **Calculating Rates and Fares:**
 - a) It shall be unlawful for the driver of a Pedal Bus to charge a passenger a fare that was not agreed upon with the passenger in advance through a pre-arranged contract.
 - b) A copy of said contract must be present with the Pedal Bus driver for the duration of each group's reservation.

SECTION VII: RULES AND REGULATIONS

1. **Proof of Insurance or Bond:** No Pedal Bus business shall provide Pedal Bus service unless such Pedal Bus is covered by a bond or an insurance policy or other proof of general liability insurance in the minimum amount of one million dollars (\$1,000,000.00) per person, two million dollars (\$2,000,000.00) per incident, and one hundred thousand (\$100,000.00) for property damage. Evidence of such coverage shall be filed with the Village Administrator prior to the issuance of any Pedal Bus business license. Such insurance or bond must list the Village of Winnebago as an additional insured.
2. **False Representation:** No driver or other employee of a Pedal Bus business shall imitate the name, colors, or emblems previously adopted and in use by any another Pedal Bus business or represent themselves as an employee of any other Pedal Bus business.
3. **Use of Pedal Bus for Crime:** No person shall knowingly permit any pedal bus to be used in the perpetration of a crime.
4. **Obedience of Traffic Rules:** Every driver of a Pedal Bus shall obey all traffic rules established by statute or ordinance.
5. **Number of Passengers; Seating Arrangement:**
 - a) No Pedal Bus driver shall exceed the rated seating capacity of the Pedal Bus.
 - b) No Pedal Bus driver shall operate a pedal bus until all passengers are seated in a seat designated for that purpose.
 - c) No passenger shall be allowed to ride the Pedal Bus except in the designated seating area.
6. **Sound Amplification Systems:** Pedal Buses licensed under this ordinance shall not operate or permit the operation of any sound amplification system in violation of any Village Ordinance.

7. Pedal Bus Operation:

- a) No Pedal Bus driver shall transport passengers while using a cell phone or other wireless device unless said Pedal Bus is not in motion.
- b) No Pedal Bus shall be driven in weather conditions that pose an unreasonable safety risk to the driver or passengers of the Pedal Bus or to motorists or pedestrians.
- c) For the purposes of immediately loading and unloading passengers, a Pedal Bus may remain standing upon a street if the Pedal Bus is in any legal parking stall, designated loading zone, or any other location that does not impede pedestrian or vehicular traffic.
- d) No Pedal Bus driver shall board passengers or allow passengers to exit a Pedal Bus from a traffic lane.
- e) No Pedal Bus shall be left unattended by the Pedal Bus driver unless legally parked in a legal parking stall.
- f) No Pedal Bus driver shall operate a Pedal Bus on a street with a posted speed limit of thirty-five (35) miles per hour or greater, except for the purpose of crossing that street.
- g) No Pedal Bus driver while driving a Pedal Bus shall stop on a street with a posted speed limit of thirty-five (35) miles per hour or greater in order to pick up or drop off passengers.
- h) No Pedal Bus driver shall drive a Pedal Bus on a sidewalk or a designated path constructed for use by pedestrians, (including, but not necessarily limited to, the Pecatonica Prairie Path).
- i) No Pedal Bus driver shall drive a Pedal Bus in a way that obstructs the flow of pedestrian traffic except for the time period necessary to pick up or drop off passengers.

8. Route Restrictions:

- a) No Pedal Bus shall operate on any street with a posted speed limit of greater than thirty-five (35) miles per hour, with the exception of crossing said street in a legal manner.
- b) Operation of a Pedal Bus shall be allowed on Village Streets, with the exception that no Pedal Bus shall be allowed to directly cross Elida Street beyond the service road on the east side of Elida Street just south of Capriola Parkway, and no Pedal Bus shall be allowed to cross Elida Street from beyond Landmark Drive on the west side of Elida. (see attached map for areas where Pedal Bus operation not allowed)

9. **Hours of Operation:** The allowed hours of operation for the pedal bus shall be daily from 7:00 a.m. until Sunset.

SECTION VIII: EQUIPMENT

1. Condition of Pedal Bus; Inspections:

- a) No license to engage in the business of driving a Pedal Bus shall be issued unless:
 - i. The Pedal Bus is equipped with seats for the driver and all passengers;

- ii. The Pedal Bus provides a hood or cover to protect passengers from the elements;
 - iii. The Pedal Bus is equipped with hydraulic or mechanical disc brakes, which are battery powered or generator operated, both front and rear turn signals, tires, and a bell or horn;
 - iv. The Pedal Bus is equipped with permanently affixed headlights. The headlights shall be capable of projecting a beam of white light five hundred (500) feet;
 - v. The Pedal Bus is equipped with permanently affixed taillights, which are battery powered or generator operated. 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;
 - vi. The Pedal Bus has an orange/red flag or a lighted whip of a solid yellow or amber color mounted 7 feet from ground level on either side of the Pedal Bus, and a slow-moving vehicle emblem mounted on the rear.
 - vii. The Pedal Bus has been inspected and found by the Police Department or its designee to have all mandatory equipment required by this ordinance;
 - viii. A written certificate of the inspection required by this section is filed with the Deputy Clerk or their designee.
- b) Every Pedal Bus in operation shall be inspected at the beginning of the license year to determine if such Pedal Bus meets the requirements of this ordinance. The inspection required may be conducted by the Village or by such duly qualified persons as the Village Administrator may direct.
 - c) Additional inspections may be required as often as the apparent condition of the Pedal Bus warrants.
- 2. **Pedal Bus Markings; Similar Markings Prohibited:** All Pedal Buses shall have painted conspicuously upon the unit, the name of the Pedal Bus business as provided to the Village Administrator or their designee in visible lettering at least three (3) inches in height.
 - 3. **Pedal Bus Width:** It shall be unlawful to operate a Pedal Bus that is wider than seventy-eight (78) inches at its widest point.
 - 4. **Pedal Bus Condition:** It shall be unlawful for any person to drive or cause to be driven a Pedal Bus that is not in good working order. Also, the Pedal Bus shall be maintained in such a manner as to ensure the safety, reliability, and cleanliness of such vehicle.

SECTION IX: ALCOHOL

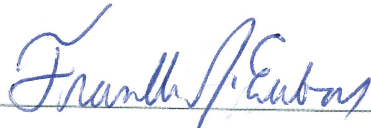
No Alcoholic beverages of any kind shall be allowed on the pedal bus at this time since the Village Does not currently have a liquor license category that would be applicable to the allowance of any type of alcoholic liquor on a pedal bus. Should the Village in the future adopt such a liquor license classification, this ordinance will be amended to reflect the rules, regulations, and conditions pertaining to the same.

SECTION X: VIOLATIONS

Any violation of this ordinance shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) for a first offense; five hundred dollars (\$500.00) for a second offense; and seven hundred and fifty dollars (\$750) for a third or each subsequent offense. The Village reserves the right to

suspend or revoke the violator's permit to operate a Pedal Bus upon the roads and streets of the Village at the sole discretion of the Village of Winnebago Chief of Police, for any violation of this ordinance, regardless of whether it is a first or subsequent offense.

APPROVED this 10th day of June, 2024



Franklin J. Eubank, Jr.,
Village President

ATTEST:


Sally Jo Huggins, Village Clerk

PASSED:

6-10-2024

APPROVED:

6-10-2024

PUBLISHED IN

PAMPHLET FORM:

Map of Area Where Pedal Bus Operation Not Allowed in Village
(marked in red)

