

3/15/17

ORDINANCE NO. CO-2017-13

**AN ORDINANCE CREATING A NEW CHAPTER 126
(TRANSPORTATION NETWORK COMPANIES) OF TITLE XI (BUSINESS REGULATIONS)
OF THE MAYWOOD VILLAGE CODE RELATIVE TO THE OPERATION OF
TRANSPORTATION NETWORK COMPANIES WITHIN THE VILLAGE**

WHEREAS, the Village of Maywood is a home rule municipality as defined by Article VII, Section 6 of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate 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"), such as Uber and Lyft, 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 are known to be operating within the Village; and

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 Illinois General Assembly has imposed regulations on TNCs through the Transportation Network Providers Act, 625 ILCS 57/1 *et seq.* Said Act, as amended, allows local units of government to also regulate TNCs so long as the regulations imposed are no less restrictive than the regulation by the State under such Act; and

WHEREAS, the President and Board of Trustees of the Village of Maywood have received reports from the Village's Police Department of the use of TNC companies and vehicles for the transportation of drug dealers and/or for the delivery of drugs; and

WHEREAS, the President and Board of Trustees find that requiring TNC drivers to display "trade dress", in the form of distinctive signage, emblems or other display on the TNC vehicles while operating, will benefit both the public who are utilizing the TNC and the police; and

WHEREAS, the President and Board of Trustees find that the Village has the power to regulate TNCs pursuant to the Village's home rule authority, Section 11-42-6 of the Illinois Municipal Code (65 ILCS 5/11-42-6) and the Transportation Network Providers Act, 625 ILCS 57/1 *et seq.*, as amended, so long as the Village's regulations are no less restrictive than the regulation by the State under such Act; and

WHEREAS, the President and Board of Trustees find that a need exists to regulate the activities of TNCs and their drivers within the Village, as provided herein, to protect the health, safety and welfare of TNC drivers, riders and the general public, and that such regulations, as set forth below, are in the best interests of the Village, and its residents and businesses and property owners.

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated as if fully set forth herein as material terms and provisions.

SECTION 2: Title XI (Business Regulations) of the Maywood Village Code is amended by adding a new Chapter 126 (Transportation Network Companies), to read in its entirety as follows:

CHAPTER 126: TRANSPORTATION NETWORK COMPANIES

§ 126.01 DEFINITIONS.

“Transportation network company” (“TNC”) means an entity operating in the Village that uses a digital network or software application service to connect passengers to TNC services provided by TNC drivers. A TNC is not deemed to own, control, operate or manage the vehicles used by TNC drivers, and is not a taxicab association or a for-hire vehicle owner.

“Transportation network company digital network” (“TNC digital network”) means any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC drivers.

“Transportation network company driver” (“TNC driver”) means a person who uses his or her personal vehicle to provide for-hire transportation services for passengers matched through a TNC digital network. A TNC driver need not be an employee of a TNC.

“Transportation network company services” (“TNC services”) means the transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network. TNC services shall begin when a driver accepts a request for transportation received through the TNC’s digital network, shall continue while the TNC driver transports the passenger in the TNC driver’s vehicle, and end when the passenger exits the TNC driver’s vehicle.

“Transportation network company vehicle” (“TNC vehicle”) means a privately-owned vehicle used to provide TNC services through a TNC digital network.

§ 126.02 TRADE DRESS REQUIRED.

A TNC driver shall identify his or her TNC vehicle at all times while offering TNC services within the Village through display of consistent and distinctive trade dress (i.e., distinctive signage, emblem or display on the vehicle) visible from both the front and 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 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 removable trade dress is acceptable.

§ 126.03 PACKAGE DELIVERY PROHIBITED.

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

§ 126.04 COMPLIANCE WITH STATE LAW.

TNC drivers and TNCs shall comply with the requirements of the Transportation Network Providers Act (625 ILCS 57/1 *et seq.*), and all other State traffic and other laws and regulations applicable to operation of motor vehicles, TNC vehicles and TNCs in general at all times while operating in the Village.

§ 126.99 PENALTIES.

Violations of this chapter are punishable by a fine of not less than \$100 for a first offense, not less than \$300 for a second offense within a twelve (12) month period, and not less than \$500 for a third or subsequent offense within a twelve (12) month period.

SECTION 3: All tables of contents, indexes and internal references or cross-references to sections that need to be amended or deleted as a consequence of the above Code Amendments shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

ADOPTED this 2nd day of May, 2017, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris,
M. Rogers, M. Lightford and R. Rivers.

NAYS: None

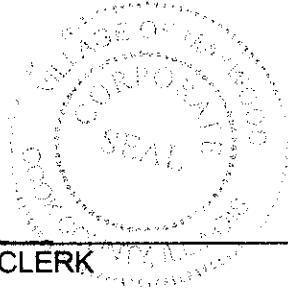
ABSENT: None

APPROVED by me this 4th day of May, 2017, and attested by the Village Clerk on the same day.

ATTEST:



VILLAGE CLERK





VILLAGE PRESIDENT

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Viola Mims, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 2nd day of May, 2017, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 4th day of May, 2017.

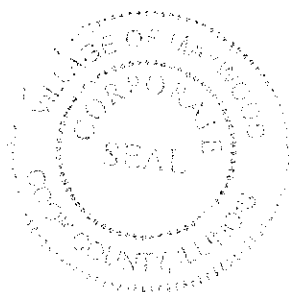
I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

- AYES:** Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.
- NAYS:** None
- ABSENT:** None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 4th day of May, 2017.

[SEAL]





Village Clerk