

CITY OF PEKIN

ORDINANCE NO. 1462-A363-19/20

**AN ORDINANCE AMENDING TITLE 8 OF THE CITY CODE
TO REGULATE LOW-SPEED ELECTRIC AND GAS POWERED BICYCLES**

PASSED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 24TH DAY OF FEBRUARY 2020

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
THIS 24TH DAY OF FEBRUARY 2020

EFFECTIVE MARCH 5, 2020

ORDINANCE NO. 1462-A363-19/20

**AN ORDINANCE AMENDING TITLE 8 OF THE CITY CODE TO REGULATE
LOW-SPEED ELECTRIC AND GAS POWERED BICYCLES**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, the use and operation of low-speed gas bicycles and low-speed electric bicycles within the City has increased in recent years; and

WHEREAS, such low-speed gas bicycles and low-speed electric bicycles present unique issues with regard to traffic enforcement, regulation, and safety; and

WHEREAS, the City Council of the City of Pekin finds it is in the best interest of the City and its residents to create a registry of such low-speed gas bicycles and low-speed electric bicycles and to regulate their use and operation within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. Title 8 of the City of Pekin, Illinois, Municipal Code is hereby amended by the addition of a new Chapter 7A, as follows:

CHAPTER 7A

LOW-SPEED ELECTRIC AND GAS-POWERED BICYCLES

SECTION:

- 8-7A-1: Definitions
- 8-7A-2: Registration; Fees
- 8-7A-3: Application of Traffic Laws
- 8-7A-4: Penalty; Impoundment

8-7A-1: DEFINITIONS: As used in this Chapter, the following terms shall have the meanings as indicated below:

LOW-SPEED ELECTRIC BICYCLE: A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, where such motor:

- (a) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;
- (b) May be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour; or
- (c) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

LOW-SPEED GAS BICYCLE: A 2 or 3-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

8-7A-2: REGISTRATION; FEES:

- A. Any resident within the City owning and operating a low-speed electric bicycle or a low-speed gas bicycle within the City shall register the same with the Police Department. The owner shall furnish the Police Department with his or her name and address, the make and serial number of the low-speed electric or gas bicycle, and any other information as the Police Department may require.
- B. Upon registration of a low-speed electric or gas bicycle and payment of the registration fee provided for herein, the Police Department shall issue to the owner a registration sticker to be firmly attached to the bicycle in such a manner as the Chief of Police shall prescribe.
- C. The one-time registration fee for any low-speed electric or gas bicycle shall be fifteen dollars (\$15.00), which shall be due at the time of registration. Notwithstanding the foregoing, the one-time registration fee will be waived for any low-speed electric or gas bicycle that is registered with the Police Department on or before December 31, 2020.
- D. Any person who fails to register their low-speed electric or gas bicycle and to pay the registration fee within the time frame required by this Chapter shall be assessed a late fee of ten dollars (\$10.00), which shall be due in addition to the registration fee set forth herein and in addition to any penalty provided for in Section 8-7A-4.

8-7A-3: APPLICATION OF TRAFFIC LAWS: Every person riding a low-speed electric or gas bicycle upon a roadway within the City shall be subject to all of the provisions of this Title, as well as the laws of this state applicable to low-speed electric or gas bicycles.

8-7A-4: PENALTY; IMPOUNDMENT:

- A. Penalty. Any person found to be in violation of any of the provisions of this Chapter shall be subject to a fine of no less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each such violation. Every day that a violation occurs shall constitute a separate offense.
- B. Impoundment. In addition to fines as set forth in subsection A., any person who has been issued a citation for the same offense under this Article and found guilty or pled guilty to such citation within the previous twelve months shall, at the time of issuance of the second such citation for the same offense, be required to surrender the low-speed electric bicycle or low-speed gas bicycle to the police officer or other authorized officer of the City who issues the citation. The surrendered low-speed electric bicycle or low-speed gas bicycle shall be impounded and held by the Police Department and shall be returned to the owner only after one of the following conditions is met:
 - 1. The person to whom the citation was issued has paid all out-standing fines or registration fees related to the citation as well as fees and costs to the City for impoundment in the amount of \$100.00.
 - 2. The person to whom the citation was issued has presented to the Police Department proof that a determination of not guilty was entered by the City Hearing Officer for the cited offense.
- C. Failure to Retrieve Impounded Bicycle.
 - 1. If a low-speed electric or gas bicycles impounded pursuant to this Chapter is not retrieved from the Police Department within thirty-five (35) days after the entry of a determination of liability or non-liability by the administrative hearing officer with regard to the citation resulting in impoundment of the low-speed electric or gas bicycle, the Chief of Police shall send written notice to the owner thereof that the low-speed electric or gas bicycle will be deemed abandoned and disposed of by the Police Department if it is not retrieved by the owner within thirty (30) days of the date of said notice.
 - 2. If the low-speed electric or gas bicycle remains unclaimed thirty (30) days after the provision of a notice as described in subsection C.1. above, the Police Department may dispose of said low-speed electric or gas bicycle as it sees fit.

3. Any payment received by the Police Department in exchange for the low-speed electric or gas bicycle will be applied to any fines and fees owed by the owner from whom it was impounded.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this 24th day of February, 20 20; and upon roll call the vote was as follows:

AYES: Garrison, Nutter, Hilst, Abel, Hohimer, Orrick and
NAYS: None Luft

ABSENT: None

ABSTAINING: None

APPROVED this 24th day of February, 20 20

Frank A. Luft
Mayor

ATTEST:

Sue M. McMillan
City Clerk

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE 24th DAY OF February, 20 20 ADOPTED ORDINANCE NO. 1462-A363-19/20 A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS 24th DAY OF February, 20 20

(SEAL)

Sue V. McMillan
CITY CLERK