

VILLAGE OF CARPENTERSVILLE

1200 L. W. Besinger Drive
Carpentersville, Illinois 60110

Village President

John Skillman

Village Clerk

Tania Gomez

Village Manager

John O'Sullivan

Village Trustees

Dickie Abbott

Jeff Frost

Humberto Garcia

Jim Malone

Denise Richardson

Brenda Sandoval

BOARD REPORT

TO: Village President, Board of Trustees, Village Manager

FROM: Brad Stewart, Village Attorney

DATE: April 8, 2024

SUBJECT: Amendment to Address Motorized Vehicles on Public and Private Property

BACKGROUND:

The Village has received multiple resident complaints regarding people riding motor bikes on sidewalks and on property not intended for motorized vehicle traffic. In reviewing the existing Code, while the Village has had extensive regulations pertaining to bicycles, there is nothing that currently provides a basis to issue a citation for persons driving recreational vehicles on public and private property. It is worth noting that there are already provisions within the Illinois Vehicle Code that regulates standard motor vehicles (cars, motorcycles, etc.) from driving on non-public roads, which is the reason the amending ordinance is targeting recreational vehicles instead of all motorized vehicles.

ANALYSIS:

The amending ordinance creates a clear prohibition for anyone to operate a recreational vehicle on sidewalks, bike paths, public areas (such as parks), and private property unless the property owner consents to the operation of vehicles on the property. In addition to providing a legal basis to post signs declaring that recreational vehicles are

not allowed in certain areas, this will also provide law enforcement officers with an ability to cite violators.

The existing bicycle ordinance was also severely outdated, in that it included requirements to register bicycles and subject bicycles to inspection by the Chief of Police, which is something that has not been done in modern history. Those outdated sections are also being eliminated.

FISCAL IMPACT:

None.

DEPARTMENT RECOMMENDATION:

Approve an Ordinance Amending Chapter 10.44, Bicycles, and Chapter 20.06, Fines of the Carpentersville Municipal Code.

ORDINANCE NO. 2024- 20

AN ORDINANCE AMENDING CHAPTER 10.44 BICYCLES AND CHAPTER 20.06 FINES OF THE CARPENTERSVILLE MUNICIPAL CODE

WHEREAS, the Village of Carpentersville, Kane County, Illinois (the “Village”) is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the Village Board finds that it is desirable and appropriate to amend and retitle the Village Code titled “BICYCLES”; and

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

SECTION 1: The foregoing recitals shall be and are hereby incorporated herewith.

SECTION 2: Title 10, Chapter 10.44 “Bicycles” of the Carpentersville Municipal Code, shall be amended as follows (additions in underscore, deletions in strike through):

Chapter 10.44 – Bicycles and Motorized Recreational Devices

10.44.010 Definitions.

A. Bicycle. A bicycle, As herein mentioned, is a device having two tandem wheels of a diameter not less than ten (10) inches and propelled by human power.

B. Motorized Recreational Device. As herein mentioned, is any device that has a deck or platform on which a person may stand or sit with two (2) or more wheels, and that is self-propelled by any type of motor or engine. This shall include all-wheeled vehicles not licensed for use on public roads, and which are powered by gas or electric motors. By way of illustration and not limitation, motorized recreational devices include all-terrain vehicles, go-carts, minibikes, and off-road motorcycles; provided however, that the term "motorized recreational device" shall not include the following:

1. Motor vehicle (as defined in 625 ILCS 5/1-146)
2. Motorcycle (as defined in 625 ILCS 5/1-147)
3. Moped (as defined in 625 ILCS 5/1-148.2); or
4. Motorized wheelchair (as defined in 625 ILCS 5/1-148.3) or other device designed and used to transport a person with a disability.

**An Ordinance Amending Chapter 10.44 Pertaining to Bicycles and Motorized Recreational
Devices of the Carpentersville Municipal Code**

(Prior code § 16-240)

~~10.44.020 Registration.~~

- ~~A. No person who resides within the village shall ride or operate a bicycle upon any street or public place within the village unless the bicycle has been properly registered and tagged in accordance with the following regulations:~~
- ~~1. Every owner or operator of any bicycle within the village shall make application for the registration of such bicycle with the chief of police on a form provided for that purpose.~~
 - ~~2. Registrations of bicycles shall be serially numbered and kept on file by the chief of police in his or her office as a public record.~~
 - ~~3. The chief of police, upon receiving proper registration of a bicycle shall affix or cause to be affixed an identification tag or plate serially numbered to correspond to the bicycle's registration in such position as to be plainly visible. A registration card shall be issued to the owner of each properly registered bicycle.~~
 - ~~4. No charge shall be made for the registration and tagging of any bicycles.~~
 - ~~5. The chief of police shall keep a record of:~~
 - ~~a. Number of each registration;~~
 - ~~b. Date issued;~~
 - ~~c. Name and address of person to whom issued;~~
 - ~~d. The make and number of each bicycle frame.~~
 - ~~6. Bicycles registered under the provisions hereof shall be registered biennially. The chief of police shall affix a new identification tag or plate to each bicycle at the time of such registration or re-registration.~~
 - ~~7. Within ten (10) days after the sale, transfer or dismantling of any registered bicycle, such information shall be reported to the police by the person in whose name the bicycle was registered. Such person may have the identification tag or plate of his or her former bicycle transferred to another bicycle owned by him or her without payment of fee upon proper registration of such bicycle with the chief of police.~~
 - ~~8. Every person engaged in the business of buying or selling new or secondhand bicycles shall make a report within five days to the chief of police of every bicycle purchased or sold by such dealer, giving:~~
 - ~~a. The name and address of the person from whom purchased or to whom sold;~~
 - ~~b. A description of such bicycle by name or make;~~
 - ~~c. The frame number thereof;~~
 - ~~d. The number of the identification plate, if any, found.~~

~~9. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is properly registered and tagged and unless such bicycle is provided with the equipment required under the terms of this chapter.~~

~~B. It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the identification tag or plate, frame number of the bicycle, or the registration card issued to the owner thereof.~~

~~(Prior code § 16-241)~~

~~10.44.030 Inspection.~~

~~The chief of police shall inspect or cause to be inspected each bicycle presented for registration and shall refuse to register any bicycle found to be in an unsafe mechanical condition or lacking the equipment specified as necessary under the terms of this chapter.~~

~~(Prior code § 16-242)~~

10.44.0240 Operation.

- A. A bicycle shall be operated on the roadways as near to the right-hand side as possible.
- B. An operator of a bicycle shall obey all official traffic signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- C. The operator of a bicycle emerging from an alley, driveway or building shall yield the right of way to all pedestrians on the sidewalk and to all vehicles on the roadway.
- D. The operator of a bicycle shall not carry any other person upon the handlebar, frame or any part of the bicycle. This provision shall not be construed to prohibit the use of bicycles built to be operated by two or more persons.
- E. The operator of a bicycle shall not indulge in any abnormal or trick riding, and shall keep at least one hand on the handlebars at all times while in use.
- F. Operators of bicycles shall not ride in any manner other than single file except on paths or parts of roadway set aside for the exclusive use of bicycles.
- G. Operators of bicycles shall not hitch rides on trucks, vehicles or buses upon a roadway.
- H. The operator of a bicycle shall park same upon the roadway at the curb; or upon the sidewalk in a rack to support the bicycle, or against a building, except windows or glass doors thereof; in such manner as to afford the least obstruction to pedestrians or vehicular traffic.

10.44.030 Limitations on Use of Motorized Recreational Devices.

With the exception of authorized Village employees and officers, United States Postal Service employees, and other authorized governmental employees performing official business, no person shall operate or ride a motorized recreational device upon a private property within the Village limits without express consent of the property owner, or within any of the following places in the Village:

- 1. Private streets and rights-of-way;

2. Public Streets and rights-of-way;
3. Public sidewalks
4. Public parking lots or areas;
5. Public parks; and
6. Any other public property not identified in this section.

10.44.0~~450~~ Equipment.

Every bicycle operated upon a street or public place at any time between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least five hundred (500) feet to the front and with a lamp or reflector exhibiting a red reflector or lamp on the rear being of a diameter of at least one and one-half inches. Every bicycle also shall be equipped with brakes in good condition and with a bell, horn or other warning device other than a siren.

(Prior code § 16-244)

10.44.0~~560~~ Violation—Penalty.

Any person convicted of a violation of any provision of this chapter shall be fined in the amount as set forth in Chapter 20.06, "Fines," Section 20.06.010, "Schedules of Fines," for each offense.

(Prior code § 16-245)

(Ord. No. 11-23, § 7, 5-17-2011)

SECTION 3: Title 20.06, Chapter 10 "Schedules of standard fines", shall be amended as follows (additions in underscore):

20.06.010. Schedules of standard fines.

Standard Fines. Except as set forth in Section 20.06.020, or as otherwise provided within this Municipal Code or by law, any person violating the Carpentersville Municipal Code shall be fined as provided in the following Schedule of Standard Fines:

Violation	Minimum Fine	Maximum Fine
Title 8 - Health and Safety, Chapter 8.16, Noise	\$250.00	\$1,000.00
Title 9 - Public Peace and Welfare, Generally	\$75.00	\$1,000.00
Title 10 - Public Peace and Welfare, Chapter 10.12, Motor Vehicle Licenses	\$75.00	\$500.00
Title 10 - Vehicles and Traffic, Chapter 10.24, Stopping, Standing and Parking	\$35.00	\$500.00

An Ordinance Amending Chapter 10.44 Pertaining to Bicycles and Motorized Recreational Devices of the Carpentersville Municipal Code

Title 10 - Vehicles and Traffic, Chapter 10.44, Bicycles <u>and Motorized Recreational Devices</u>	\$35.00	\$500.00
Title 10 - Vehicles and Traffic, Chapter 10.48, Skateboards	\$35.00	\$500.00

SECTION 4: In all other respects, all other provisions of the Village Code, remain unchanged.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are provisionally repealed to the extent of such conflict during the term of effectiveness of this Ordinance.

SECTION 7: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

[Signature Page Follows]

Motion made by Trustee Frest, seconded by Trustee Abbott

An Ordinance Amending Chapter 10.44 Pertaining to Bicycles and Motorized Recreational Devices of the Carpentersville Municipal Code

Passed this 16 day of April, 2024 by roll call vote as follows:

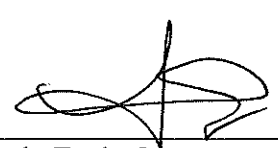
	Ayes	Nays	Absent	Abstain
Trustee Jeff Frost	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Jim Malone	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Humberto Garcia	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Brenda Sandoval	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Dickie Abbott	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Denise Richardson	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
President John Skillman	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

APPROVED THIS 16 DAY OF April, 2024


Village President, John Skillman

(SEAL)

ATTEST:


Village Clerk, Tania Gomez

Published: April 16, 2024

**An Ordinance Amending Chapter 10.44 Pertaining to Bicycles and Motorized Recreational
Devices of the Carpentersville Municipal Code**

CERTIFICATION

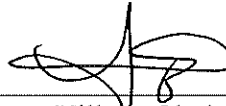
I, Tania Gomez, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 16 day of April 2024, the foregoing Ordinance entitled, "***AN ORDINANCE AMENDING CHAPTER 10.44 BICYCLES AND CHAPTER 20.06 FINES OF THE CARPENTERSVILLE MUNICIPAL CODE***", as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 2024-20, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 16 day of April, 2024, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 16 day of April, 2024.



Tania Gomez, Village Clerk
Village of Carpentersville,
Kane County, Illinois

(SEAL)



**An Ordinance Amending Chapter 10.44 Pertaining to Bicycles and Motorized Recreational
Devices of the Carpentersville Municipal Code**