

ORDINANCE NO. 2506-25

AN ORDINANCE PERMITTING AND REGULATING THE USE OF NON-REGISTERED
MOTOR DRIVEN VEHICLES

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2) grants to the corporate authorities of each municipality the power to regulate the use of streets, sidewalks, or other municipal property; and

WHEREAS, additional provisions of the Illinois Vehicle Code, including Section 11-1517 and Section 11-1518, collectively empower a municipality to authorize and regulate the operation of low-speed electric scooters, bicycles, and electric dirt bike referred to as non-registered motor driven vehicles within the unit of local government on any or all highways, sidewalks, trails or other public right-of-way where the operation of bicycles is permitted; and

WHEREAS, it is the intent of this Ordinance to permit and regulate the operation of non-registered motor driven vehicles as authorized by the Illinois Vehicle Code.

NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF HAWTHORN WOODS as follows:

SECTION ONE: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION TWO: The purpose of this Ordinance is to regulate the use of low-speed electric scooters, bicycles, and electric dirt bikes to enhance urban mobility, promote environmental sustainability and ensure public safety.

SECTION THREE: That Title 6 of the Hawthorn Woods Village Code, entitled "MOTOR VEHICLES AND TRAFFIC" is hereby amended by adding a new Chapter 8, as follows:

"CHAPTER 8

NON-REGISTERED MOTOR DRIVEN VEHICLES

6-8-1: Definitions

6-8-2: Operational Restrictions

6-8-3: Location Restrictions

6-8-4: Required Equipment

6-8-5: Adult Responsibility

6-8-6: Exemptions

6-8-7: Penalty

6-8-1: DEFINITIONS: Whenever in this Chapter the following words or phrases are used, they will have the meanings respectively ascribed to them in this Chapter, except when the context otherwise clearly indicates.

ELECTRIC DIRT BIKE: An electric non-highway motor driven cycle specifically designed for use in rough terrain.

LOW-SPEED ELECTRIC BICYCLE: A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classes, as defined in 625 ILCS 5/1-140.10: Class 1 low-speed electric bicycle, Class 2 low-speed electric bicycle, or Class 3 low-speed electric bicycle.

LOW-SPEED ELECTRIC SCOOTER: A device weighing less than 100 pounds, with two or three wheels, handlebars, and a floorboard that can be stood upon while riding, that is solely powered by an electric motor and human power, and whose maximum speed, with or without human propulsion, is no more than 10 miles per hour.

NON-REGISTERED MOTOR DRIVEN VEHICLE: Any vehicle for which the State does not issue a title or require registration, and is a wheeled or tracked vehicle equipped with an electric or gas motor, motor driven cycle, or other similar vehicle, regardless of whether the vehicle is operated by pedals with a chain or throttle assist, including low-speed electric bicycles, electric dirt bikes, and low-speed electric scooters, but not including Motorized Wheelchairs or Motorized Toy Vehicle.

MOTORIZED TOY VEHICLE: Any battery-powered ride-on toy that is designed to not exceed 10 miles per hour; that includes any number of wheels, handlebars, steering wheel, seat, or platform; and is designed for children under the age of eight years including, but not limited to, toys marketed as or substantially similar to Razor® kick start scooters and Power Wheels™ ride-in vehicles.

MOTORIZED WHEELCHAIR: Any self-propelled, wheelchair, mobility aid, or other power-driven mobility device operated by a person with a disability as provided under the Americans with Disabilities Act , that is incapable of a speed in excess of eight miles per hour on level ground.

6-8-2: OPERATIONAL RESTRICTIONS:

A. GENERAL RESTRICTIONS

1. No person shall operate a Non-Registered Motor Driven Vehicle in violation of Illinois law, including, but not limited to, the regulations set forth in Article XV of Chapter 11 of the Illinois Vehicle Code.

2. No person shall operate a Non-Registered Motor Driven Vehicle upon a public right-of-way in excess of the posted speed limit.
3. No person shall operate a Non-Registered Motor Driven Vehicle within a village park or multi-modal walking path.
4. No person shall operate a Non-Registered Motor Driven Vehicle that has been altered from its original manufactured design to increase the vehicle's maximum speed or change its method of propulsion, braking, or other operations through the removal of pedals, chains or the addition of a throttle.
5. No person shall operate a Non-Registered Motor Driven Vehicle while carrying a passenger unless said vehicle is specifically designed for and equipped to accommodate a seated passenger.
6. No person shall operate a Non-Registered Motor Driven Vehicle while carrying any package, bundle, or article in that in any way prevents the operator from having both hands available to operate the vehicle simultaneously at all times.
7. No person operating a Non-Registered Motor Driven Vehicle shall cause such vehicle to be attached to any other moving vehicle.

B. RESTRICTIONS APPLICABLE TO LOW-SPEED ELECTRIC SCOOTERS

1. No person under the age of 18 years shall operate a Low-Speed Electric Scooter. No person shall operate a Low-Speed Electric Scooter on any road with a posted speed limit greater than 35 miles per hour.
2. No person shall operate a low-speed electric scooter on any state highway.

C. RESTRICTIONS APPLICABLE TO LOW-SPEED ELECTRIC BICYCLES

1. No person under the age of 16 shall operate a Class 3 low-speed electric bicycle.
2. No person shall operate a low-speed electric bicycle on any sidewalk nor upon any multi-modal walking path.

6-8-3: LOCATION RESTRICTIONS:

A. RESTRICTIONS APPLICABLE TO LOW-SPEED ELECTRIC SCOOTERS

1. No person shall operate a Low-Speed Electric Scooter on public sidewalks, bicycle paths, parks, public parking lots, and any other public property, or within publicly accessible, privately-owned parking lots or streets for which the Village has entered into an agreement with the owner of the property.

2. RESTRICTIONS APPLICABLE TO LOW-SPEED ELECTRIC BICYCLES

1. No person shall operate a Low-Speed Electric Bicycle on any sidewalk or walking path.
2. No person shall operate a Low-Speed Electric Bicycle on any bicycle or multi-modal path or parks under the control of the Village unless the Village, by resolution, has authorized the use of a Low-Speed Electric Bicycle of the class operated by such person on said path and has installed signage expressly indicating the same.

C. RESTRICTIONS APPLICABLE TO MOTORIZED TOY VEHICLES

1. No person shall operate a Motorized Toy Vehicle on any street or roadway, except when crossing a street or roadway in a marked crosswalk while under the direct and immediate supervision of such person's parent or guardian.

D. RESTRICTIONS APPLICABLE TO ELECTRIC DIRT BIKES

1. No person shall operate an Electric Dirt Bike on public property, including but not limited to, streets, roadways, parks, and pedestrian, bike or multi-modal paths.

6-8-4: REQUIRED EQUIPMENT:

1. Every Non-Registered Motor Driven Vehicle, when in use after sunset and prior to sunrise, must be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear which must be visible from all distances from 50 feet to 600 feet to the rear when directly in front of lawful lower beam of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used as an alternative to the red reflector.
2. No person shall operate a Non-Registered Motor Driven Vehicle unless such vehicle is equipped with a braking system capable of bringing the vehicle to a controlled stop within 15 feet from 10 mph on dry, level, clean pavement.
3. No person shall operate a non-registered motor driven vehicle unless such person is wearing a helmet at all times.
4. No Motorized Toy Vehicle shall be operated after sunset or prior to sunrise unless such vehicle is equipped as required by paragraph 1 of this section and under the immediate and direct supervision of the operator's parent or guardian.

6-8-5: ADULT RESPONSIBILITY: No parent or legal guardian of a minor shall permit that minor to violate any provision of this Section.

6-8-6: EXEMPTIONS: The following are exempt from the regulations set forth in this Chapter:

1. Any Non-Registered Motor Driven Vehicle owned by a unit of state or local government, operated by an employee unit of state or local government in the course

of their duties, and any such employee; provided that:

- a. The person operating the vehicle has a valid driver's license; and
- b. Operation of the vehicle is in accordance with Section 11-1426.1 of the Illinois Vehicle Code.

2. Motorized Wheelchairs as defined in this Chapter.

6-8-7: PENALTY:

1. Any person who violates any provision of this Ordinance shall be punished by a fine of not less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, four hundred dollars (\$400.00) for the third offense, but not to exceed a maximum of seven hundred fifty dollars (\$750.00) for each subsequent offense.
2. The Village is further empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Ordinance.
3. Nothing in this Ordinance shall prevent the prosecution of the offender for a violation of Illinois law arising from the conduct subjecting such person to liability under this Ordinance."

SECTION FOUR: All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION FIVE: If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION SIX: The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

SECTION SEVEN: That this Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

The foregoing Ordinance was adopted by a roll call vote as follows:

AYES: KRIGER, KAMAN, RYCHLIK, BRYNER, MCCARTHY, HURST

NAYS: Ø

