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**ORDINANCE NO. 2112**

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**AN ORDINANCE REGULATING LOW-SPEED ELECTRIC BICYCLES AND LOW-SPEED GAS BICYCLES IN THE CITY OF NOKOMIS, ILLINOIS**

**ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF NOKOMIS, ILLINOIS  
THIS 25<sup>TH</sup> DAY OF MARCH, 2024**

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Published in pamphlet form by the authority of the City Council of the City of Nokomis, Montgomery County, Illinois, this 25<sup>th</sup> day of March, 2024.

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**CITY OF NOKOMIS, ILLINOIS**

**Ordinance No. 2112**

**AN ORDINANCE REGULATING LOW-SPEED ELECTRIC BICYCLES AND LOW-SPEED GAS BICYCLES IN THE CITY OF NOKOMIS, ILLINOIS**

**WHEREAS**, the City of Nokomis, Illinois (the “City”) an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

**WHEREAS**, “[t]he 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” (65 ILCS 5/1-2-1); and

**WHEREAS**, pursuant to the Illinois Vehicle Code (625 ILCS 5/11-1426.1), the City may authorize the operation of non-highway vehicles, including off-highway motorcycles, on roadways under its jurisdiction if the City determines that the public safety will not be jeopardized; and

**WHEREAS**, on June 27, 2016, the corporate authorities adopted Ordinance No. 2028, entitled “An Ordinance Authorizing the Operation of Non-Highway Vehicles on Streets Within the Corporate City Limits of the City of Nokomis, Illinois”, which was recodified in 2020 as Article VIII to Chapter 24 of the City’s Revised Code of Ordinances (the “City Code”) and regulates non-highway vehicles; and

**WHEREAS**, effective January 1, 2018, the Illinois General Assembly enacted Public Act 100-0209, which amended the Illinois Vehicle Code to include provisions regarding low-speed electric bicycles (625 ILCS 5/1-140.10 & 625 ILCS 5/11-1517) and low-speed gas bicycles (625 ILCS 5/11-1516); and

**WHEREAS**, the City is authorized to regulate “the operation of bicycles, low-speed electric bicycles, and low-speed gas bicycles” and may require “the registration and licensing of same” (625 ILCS 5/11-208); and

**WHEREAS**, the corporate authorities have considered the volume, speed, and character of traffic on its roadways and determined that low-speed electric bicycles and low-speed gas-powered bicycles may safely travel on or cross its roadways; and

**WHEREAS**, the corporate authorities have determined that public safety will not be jeopardized and that it is necessary and in the best interests of the health, safety, and welfare of the citizens of the City to establish regulations pertaining to the operation of low-speed electric and low-speed gas-powered bicycles within the City.

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:***

**SECTION 1:** The above recitals are incorporated herein and made a part hereof.

**SECTION 2:** Chapter 24 of the City Code is hereby amended by adding Article IX, entitled “Low-Speed Electric and Low-Speed Gas Bicycles” as set forth in “**Exhibit A**” hereto.

**SECTION 3:** Appendix “A” to Chapter 1 of the City Code (entitled “Violation Penalties”) is hereby amended by adding the following:

<b><u>Section</u></b>	<b><u>Minimum Fine</u></b>	
<b><u>Low-Speed Bicycles</u></b>	<b><u>1<sup>st</sup> Offense</u></b>	<b><u>2<sup>nd</sup> or Subsequent Offense</u></b>
24-9-3 Permits	\$75.00	\$150.00

**SECTION 4:** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5:** All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded.

**SECTION 6:** This Ordinance is effective upon its passage, approval, and publication as required by law.

**SECTION 7:** The City Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next published update of the Code.

PASSED this 25<sup>th</sup> day of March, 2024, by roll call votes as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Present</u>
Commissioner Arkebauer	X			X
Commissioner Morris	X			X
Commissioner Glenn	X			X
Commissioner Stauder	X			X
Mayor Goldsmith			X	

APPROVED by the Mayor of the City of Nokomis, Illinois this 25<sup>th</sup> day of March, 2024.

ATTEST:

  
MAYOR

  
CITY CLERK

# **“EXHIBIT A”**

**24-9-1**        **GENERALLY.** Low-speed electric bicycles and low-speed gas bicycles, as defined and qualified herein, shall be allowed on City streets under the conditions as stated herein.

**24-9-1**        **DEFINITIONS.** The following words, terms, and phrases shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning:

(A) “Low-speed electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, where such motor:

(1) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;

(2) 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

(3) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

(B) “Low-speed gas bicycle” means a two- or three-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.

**24-9-3**        **PERMITS.**

(A) No person shall operate a low-speed electric bicycle or a low-speed gas bicycle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Forty Dollars (\$40.00)** per year, except under the following circumstances:

(1) The fee shall be waived for an applicant providing documentation from a physician indicating that such applicant is limited in his or her ability to utilize a bicycle without electric or gas power; and

(2) For applicants over the age of 65, the fee shall be \$20.00.

(B) The owner shall furnish his or her name and address, the make and serial number of the low-speed electric bicycle or low-speed gas bicycle, and any other information as the City may require.

(C) Upon registration of a low-speed electric bicycle or a low-speed gas bicycle, and upon payment of the permit fee as provided for herein, the Chief of Police (or his designee) shall conduct an inspection to confirm that the low-speed electric or low-speed gas bicycle has the following: brakes, a steering apparatus, tires, red reflectorized warning devices in the front and rear, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. After the low-speed electric bicycle or the low-speed gas bicycle passes inspection, the City 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.

(D) The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of the Article. The Chief of

Police may temporarily suspend the permit pending action by the City Council.

**24-9-4 APPLICATION OF TRAFFIC LAWS.** Subject to the requirements of Sections 11-1426.1 and 11-1426.2 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1 & 625 ILCS 5/11-1426.2) and the provisions of this Article:

(A) Drivers properly licensed to operate motor vehicles on the roadways of the City and who hold a valid driver's license are allowed to operate a low-speed electric and/or a low-speed gas bicycle under this Chapter on the roadways of the City that have a posted speed limit of thirty-five (35) miles per hour or less. No person may operate a low-speed electric bicycle or low-speed gas bicycle upon any roadway within the City without a valid driver's license issued in his or her name by the Illinois Secretary of State or by a foreign jurisdiction.

(B) Low-speed electric bicycles or low-speed gas bicycles are not allowed on City sidewalks or state or federal highway/routes within the City unless otherwise permitted by applicable state or federal law.

(C) Low-speed electric or low-speed gas bicycles shall not be permitted on the following streets:

- (1) State Street (Route 16);
- (2) North Spruce Street;
- (3) Oberle Street;
- (4) South Elm Street;
- (5) East Union Street; and
- (6) Madison Street, between Logan Street and North Spruce Street.

However, low-speed electric or low-speed gas bicycles may make a direct crossing upon or across such streets if:

- (1) from an intersection of another public street; and
- (2) at an angle of approximately 90 degrees to the direction of the above-listed streets; and
- (3) after being brought to a complete stop before attempting a crossing; and
- (4) after yielding the right of way to all pedestrian and vehicular traffic.

(D) When operated on a roadway, a low-speed electric bicycle or a low-speed gas bicycle on-highway vehicle shall have its headlight and tail lamps lighted.

**24-9-5 PENALTY; IMPOUNDMENT.**

(A) Any person found to be in violation of any of the provisions of this Article shall be subject to a fine of no less than \$75.00 nor more than \$750.00 for each such violation. Every day that a violation occurs shall constitute a separate offense.

(B) In addition to fines as set forth hereinabove, 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 12 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 outstanding 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 or dismissal was entered in relation to the cited offense.

If a low-speed electric bicycle or low-speed gas bicycle impounded pursuant to this Section is not retrieved from the Police Department within 35 days after the entry of a determination of liability or non-liability by the court with regard to the citation resulting in impoundment of the low-speed electric bicycle or low-speed gas bicycle, the Chief of Police shall send written notice to the owner thereof that the low-speed electric bicycle or low-speed gas bicycle will be deemed abandoned and disposed of by the Police Department if it is not retrieved by the owner within 30 days of the date of said notice. If the low-speed electric or gas bicycle remains unclaimed 30 days after the provision of a notice as described in this Section, the Police Department may dispose of said low-speed electric bicycle or low-speed gas bicycle as it sees fit. 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.

(C) The Chief of Police may deny or revoke any registration authorized under this Article if the Chief of Police determines that permitting said vehicle to be operated by the owner, or his or her authorized user, on any street or alley of the City would jeopardize public safety.

(1) The Chief of Police shall issue his or her revocation or denial in writing, which shall be personally delivered to the owner, mailed via U.S. Mail to the address included on the owner's application for registration, or sent via e-mail to the e-mail address included on the owner's application for registration.

(2) If the Chief of Police revokes or denies any registration under this Section, then the owner may appeal the Chief of Police's decision within ten (10) days of receipt of the Chief of Police's written decision. The request for appeal shall be in writing, shall include the reasons for the appeal, and shall be either personally delivered to the City Clerk within said ten (10) days during business hours or postmarked within said ten (10) days.

(a) The Commissioner of Public Health and Safety will then consider whether to affirm, amend, and/or reverse the Chief of Police's decision within thirty (30) days, unless a further extension agreed upon with the owner, of receipt of the request for appeal. Such decision shall be in writing and shall be personally delivered to the owner, mailed via U.S. Mail to the address included on the owner's application for registration, or sent via e-mail to the e-mail address included on the owner's application for registration.

(b) If the owner is dissatisfied with the said Commissioner's decision, or if the Commissioner's decision is not rendered within the



time allowed by the preceding paragraph, the owner may appear at the next City Council meeting to be heard regarding his or her appeal of the Chief of Police's decision. The City Council's decision to affirm, amend, and/or reverse the Chief of Police's decision shall be final.

(c) The owner may be represented by an attorney at any stage of the above process, if he or she desires, by providing written notice thereof to the City Clerk.

(3) In the event a registration is denied under this Section, then the application fee shall be refunded to the owner. If a registration is revoked, then the owner shall not be entitled to a refund of his or her registration fee without approval of the Chief of Police or, in the case of an appeal, the Commissioner of Public Health and Safety or the City Council.

STATE OF ILLINOIS )  
COUNTY OF MONTGOMERY ) SS.  
CITY OF NOKOMIS )

**CERTIFICATE**

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2112 of said City; that said Ordinance, which is


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was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 25<sup>th</sup> day of March, 2024; that said Ordinance was approved by the Mayor on the 25<sup>th</sup> day of March, 2024; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 26<sup>th</sup> day of March, 2024, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 26<sup>th</sup> day of March, 2024.

(SEAL)

  
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City Clerk