

CITY OF NOKOMIS, ILLINOIS
LOW-SPEED ELECTRIC AND GAS BICYCLES
APPLICATION AND INSPECTION FORM

Applicant Name: _____

Address: _____
(Street) (City) (State) (Zip Code)

Phone/Cell #: _____

E-mail Address: _____

Serial Number: _____ Make/Model: _____

Description (i.e. color, markings...) _____

I have reviewed a copy of the City of Nokomis' Ordinance Establishing the requirements of Low-Speed Electric and Gas Bicycles on Street within the Corporate City Limits of the City of Nokomis, Montgomery County, Illinois, and agree to abide thereby.

(Date)

(Signature of Applicant)

INSPECTION REPORT

____ Brakes

____ Red Reflector Warning Devices (front/rear)

____ Steering Apparatus

____ Headlights (as required)

____ Tires

____ Tail Lamps (as required)

Date & Time of Inspection: _____, _____ am/pm

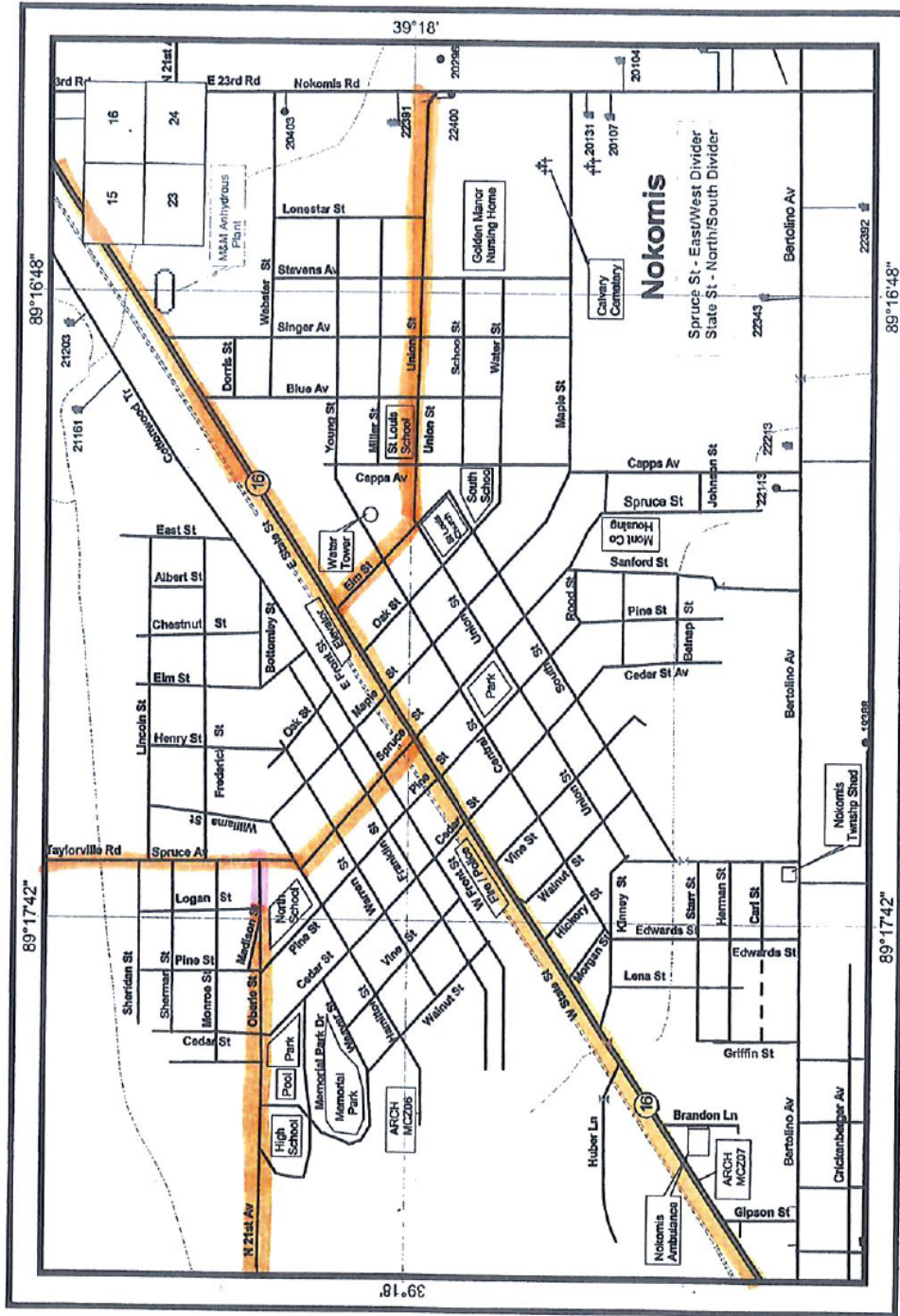
____ New or ____ Renewal

Inspector Signature: _____

For Office of City Clerk Use Only:

____ \$40.00 Fee of One (1) Year Permit: Permit # _____

Permit Issue Date: _____ Permit Expiration Date: _____



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.