

RECORDING INFORMATION

Prepared By:  
City of Mt. Carmel  
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**FILED**

**MAY 04 2023**

JANET L. WILL  
COUNTY CLERK  
WABASH COUNTY, ILLINOIS

**ORDINANCE NO. 2090**

**AN ORDINANCE ESTABLISHING CHAPTER 15, ARTICLE VIII OF THE CITY CODE TO REGULATE  
LOW-SPEED ELECTRIC AND GAS-POWERED BICYCLES IN THE CITY OF MT. CARMEL, WABASH COUNTY,  
ILLINOIS**

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

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

**WHEREAS**, Section 11-208(a)(8) of the Illinois Vehicle Code, 625 ILCS 5/11-208(a)(8), provides that local authorities may regulate the operation of mobile-carrying devices, bicycles, low-speed electric bicycles, and low-speed gas bicycles, and may require the registration and licensing of same, including the requirement of a registration fee; and

**WHEREAS**, the City Council of the City of Mt. Carmel, Wabash County, Illinois finds it is in the best interest of the City, and for the protection of the public health, safety, and welfare of its residents, to create a registry of such low-speed electric bicycles and low-speed gas bicycles and to regulate their use and operation within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS, THAT:**

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

**Section 2.** Chapter 15 of the City of Mt. Carmel, Wabash County, Illinois, Municipal Code is hereby amended by the addition of a new Article, which shall state as follows:

**Article VIII – Low-speed Electric and Low-Speed Gas Bicycles**

**Section 15-203 Definitions**

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; or
- (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

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 is less than 20 miles per hour.

**Section 15-204 Registration; Fees:**

- A. Commencing June 1, 2023, any resident within the corporate city limits 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 low-speed gas bicycle, and any other information as the Police Department may require.
- B. Such registration shall be made to the Chief of Police upon a form provided by the Chief of Police. Upon receipt of such application, the Chief of Police shall provide, at the expense of the city, a tag he shall cause to be firmly attached to the frame of the bicycle in such a manner as the Chief of Police shall prescribe. The removal of any such tag, except by proper authority, shall be a violation of this section.
- C. All-permit fees and impound fees will be used exclusively by the City of Mt. Carmel Police Department.
- D. The owner shall pay an annual registration fee for any low-speed electric or low-speed gas bicycle of fifty dollars (\$50.00), which shall be due at the time of registration. The owner's annual fee shall again be due and payable January 1 of each subsequent year.
- E. The Chief of Police, or any official he or she shall designate, shall have authority to inspect all low-speed electric or low-speed gas bicycles for mechanical fitness, and may refuse to grant or may revoke the registration of any low-speed electric or low-speed gas bicycle deemed to be in unsafe mechanical condition.
- F. It shall be the duty of every person who sells or transfers ownership of any low-speed electric or low-speed gas bicycle to report within five days of the date of such sale or transfer to the Chief of Police, the name and address of the person to whom the bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of such low-speed

electric or low-speed gas bicycle to apply for a transfer of the registration thereof within five days of the sale or transfer.

**Section 15-205 Application of Traffic Laws:**

Every person riding a low-speed electric or low-speed gas bicycle upon a roadway within the City shall be subject to all of the provisions of this Article, as well as the laws of this State and the City of Mt. Carmel Code applicable to low-speed electric or low-speed gas bicycles.

Low-speed gas and electric bicycles may not be operated from 12 AM to 6 AM.

**Section 15-206 Penalty; Impoundment:**

- A. **Penalty.** 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 one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each such violation. Each subsequent violation occurs shall constitute a separate offense.
- B. **Impoundment.** In addition to fines as set forth in this section, any person who has been issued a citation for the same offense under this Article within a twelve-month period of time 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 both citations as well as an administrative fee to the City for impoundment in the amount of \$150.00.
  - 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 Chief of Police for the second cited offense which resulted in the impoundment of the low-speed electric or low-speed gas bicycle.
- C. **Failure to Retrieve Impounded Bicycle.**
  - 1. If a low-speed electric or low-speed gas bicycle impounded pursuant to this Article is not retrieved from the Police Department within thirty-five (35) days after being impounded. 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 this section, the Police Department may dispose of said low-speed electric or low-speed gas bicycle as it sees fit.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This ordinance shall be in full force and effect upon its passage and approval by the Mt. Carmel City Council, as provided by law.

This ordinance shall be printed in pamphlet form.

CERTIFICATE OF PUBLICATION

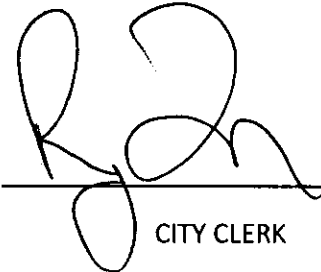
I, Ryan Turner, certify that I am the duly appointed and acting City Clerk of the City of Mt. Carmel, Wabash County, Illinois.

I further certify that on May 1, 2023, the Corporate Authorities of such municipality passed and approved Ordinance Number 2090, entitled An Ordinance Establishing Chapter 15, Article VIII OF THE CITY CODE TO REGULATE LOW-SPEED ELECTRIC AND GAS-POWERED BICYCLES IN THE CITY OF MT. CARMEL, WABASH COUNTY, ILLINOIS which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2090 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 1, 2023 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

Dated at Mt. Carmel, Illinois, this 1<sup>st</sup> day of May, 2023.

(SEAL)

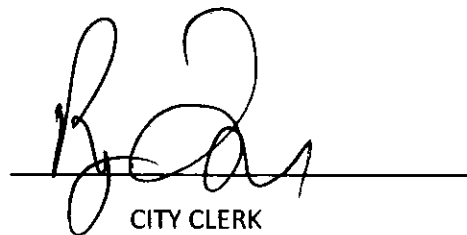


CITY CLERK

I, Ryan Turner, City Clerk in and for the City of Mount Carmel in the County of Wabash in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of Ordinance 2090 passed and approved by the City Council of the City of Mount Carmel at its regular meeting held May 1, 2023.

In testimony whereof, I have hereunto set my hand and affixed the seal of the City of Mount Carmel at my office this 1<sup>st</sup> day of May, 2023.

(SEAL)



CITY CLERK

STATE OF ILLINOIS

COUNTY OF WABASH

PASSED AND APPROVED THIS 1 DAY OF May, 2023

CITY OF MT. CARMEL, ILLINOIS

ATTEST: \_\_\_\_\_

RYAN TURNER, CITY CLERK

\_\_\_\_\_  
JOE JUDGE, MAYOR

Vote:	Commissioner Dular	<u>Yes</u>
	Commissioner Ikemire	<u>Yes</u>
	Commissioner Meeks	<u>Yes</u>
	Commissioner Zimmerman	<u>Yes</u>
	First Reading:	<u>April 17<sup>th</sup></u>
	Second Reading:	<u>MAY 1<sup>st</sup>, 2023</u>
	Passed and Approved:	<u>MAY 1<sup>st</sup> 2023</u>

CERTIFICATE