

76-O-04

**AN ORDINANCE
Amending Title 10, Chapter 1 of the
City Code Regarding Certain Motorized
and Motor-Assisted Vehicles**

BE IT ORDAINED by the City Council of the City of Evanston, Cook County, Illinois:

SECTION 1: That Title 10, Chapter 1 of the Evanston City Code of 1979, as amended, be and it hereby is further amended, by adding the following definitions in appropriate alphabetical order:

Section 10-1-3:

“Motorized Skateboards”, means devices with two (2) or more tandem axles and a combination of wheels connected by a platform designed for standing which are motorized.

“Motorized Rollerskates”, means devices worn on the feet with a combination of wheels which are motorized. This definition includes devices commonly known as in-line skates.

“Motor-assisted”, means a device capable of being propelled by human and motorized power.

“Motorized Scooter”, means any electric or gas-driven wheeled scooter, motor-driven cycle, or other similar motor-driven vehicle for which the State of Illinois does not issue a title document, and does not issue license plates or registration documents.

“Motor-assisted Pedicycle”, means a pedal-driven device capable of being propelled by human and motorized power upon which any person may ride, having two (2) tandem wheels.

“Motor-assisted Bicycle”, means a device capable of being propelled by both human and motorized power upon which any person may ride, having two (2) tandem wheels.

SECTION 2: That Section 10-1-9-6 is hereby amended to read as follows:

10-1-9-6: OPERATION OF CERTAIN VEHICLES ON CERTAIN STREETS,
ALLEYS, AND OTHER PUBLIC AREAS PROHIBITED:

A) No person shall operate a bicycle upon those streets designated in Schedule XV.

B) Except as provided for in Section 10-1-9-6(C), it is hereby declared a public nuisance and unlawful:

1) To operate, stop, park, or stand a vehicle required to be registered under the Illinois Vehicle Code within any public park; over or through any barrier created for the purpose of diverting traffic; upon any beach, parkway, sidewalk or public area of the City.

(2) To operate or propel any motorized or motor-assisted skateboard, motorized or motor-assisted rollerskate, motorized scooters, motor-assisted pedicycle, or motor-assisted bicycle upon any sidewalk, street, or public way or in or upon any municipal parking area, parking lot, or upon any street, roadway, or public way within the corporate limits of the City.

(3) To operate or propel any motorized or motor-assisted skateboard, motorized or motor-assisted rollerskate, motorized scooter, motor-assisted pedicycle, or motor-assisted bicycle upon a fence, berm, retaining wall, dividing wall or structure, parking barrier, stairway, hand rail or guard rail in any municipal parking lot, or other municipally-owned, leased, or operated property.

(4) To operate, ride, or control any motorized or motor-assisted vehicle recklessly. For purposes of this Section, the term "recklessly" is defined as riding in the path of other motorized vehicles, pedestrians, bicyclists, or while clinging to vehicles, or in such a manner as to interfere with motor vehicle traffic, or any other act which would be reckless under the Illinois Vehicle Code. (625 ILCS 5/1-100 et seq.)

10-1-9-6(C)

The following shall be exempt from the prohibitions contained in Section 10-1-9-6(B)1, Section 10-1-9-6(B)2, and Section 10-1-9-6(B)3:

1. Any police vehicle, fire vehicle, municipal vehicle, special district vehicle, County vehicle, Forest Preserve vehicle, United States Postal Vehicle, driven by an employee in the course of his or her duties.
2. Motorized wheelchairs. For purposes of this Section 10-1-9-6, a Motorized Wheelchair means any motorized vehicle designed for and used by a person with disabilities.
3. Electric personal assistance mobility devices, as defined in Section 5/1-117.7 of the Illinois Vehicle Code.
4. Any vehicle authorized by the City to participate in a City-authorized parade, while participating in said parades.

(D) Any person who violates any provision of Section 10-1-9-6(A), Section 10-1-9-6(B)1, 10-1-9-6(B)2, or 10-1-9-6(B)3 shall be subject to a fine of not less than \$25.00 dollars but no more than \$100.00 dollars. Any person who violates Section 10-1-9-6(B)4 shall be subject to a fine of not less than \$100.00 dollars but no more than \$750.00 dollars.

10-1-9-6(F): SEVERABILITY: The provisions of this Section shall be interpreted so as not to be in conflict with the laws of the State or any other limitations imposed by law. In the event, however, that any provision of this Section is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this Section 10-1-9-6.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 26, 2004

Adopted: September 13, 2004

Approved: September 16, 2004

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest: Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form: [Signature]
Corporation Counsel

