

8/13/2019  
9/11/2019

**92-O-19**

**AN ORDINANCE**

**Amending Portions of City Code Title 10, to Permit E-Bikes and Implement Requirements for Bike Share Companies Operating in Evanston**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: City Code Subsection 10-1-3 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

The following words and phrases when used in this Title shall, for the purposes of this Title, have the meanings respectively ascribed to them in this Section, except when the context otherwise requires; in the event that no definition is provided herein for a word or phrase used in this Title, the meaning shall be determined by reference to the Illinois Motor Vehicle Code, 625 ILCS 5/ et seq., as amended.

<b>LOW-SPEED ELECTRIC BICYCLES:</b>	A bicycle equipped with an electric motor of less than 750 watts that meets the requirements of the following classes:
	(a) "Class 1 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.
	(b) "Class 2 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that can be used as the sole means to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.
	(c) "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour, or is a Class 1 or Class 2 low-speed electric bicycle that weighs 125 pounds or more.

	A "low-speed electric bicycle" is not a moped, a motor assisted bicycle or a motor assisted pedicycle
<b>MOPED:</b>	A moped is a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.
<b>MOTOR ASSISTED BICYCLE:</b>	A device capable of being propelled by both human and non-electric motorized power upon which any person may ride, having two (2) tandem wheels.
<b>MOTOR ASSISTED PEDICYCLE:</b>	A pedal driven device capable of being propelled by human and non-electric motorized power upon which any person may ride, having two (2) tandem wheels.
<b>VEHICLE:</b>	Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except motorized wheelchairs, low-speed electric bicycles, devices moved solely by human power, devices used exclusively upon stationary rails or tracks.

**SECTION 2:** City Code Subsection 10-1-9-6 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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

(A) *Bicycles Prohibited On Certain Streets.* No person shall operate a bicycle upon those streets designated in Schedule XV(B), Section 10-11-15 of this Title.

(B) *Nuisance.* Except as provided for in Subsection (C) of this Section, 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 rollerskates, motorized scooter, or motor assisted pedicycle, 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. Subsection 10-1-9-6(B)(2) does not apply to Class

1 or Class 2 low-speed electric bicycles, as defined by City Code Section 10-1-9.

3. To operate or propel any motorized or motor assisted skateboard, motorized or motor assisted rollerskates, motorized scooter, motor assisted pedicycle, or motor assisted bicycle upon a fence, berm, retaining wall, dividing wall or structure, parking barrier, stairway, handrail or guardrail 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.

(C) *Exemptions.* The following shall be exempt from the prohibitions contained in Subsections (B)1, (B)2, and (B)3 of this Section:

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/her duties.
2. Motorized wheelchairs. For purposes of this Section, 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) *Fines.* Any person who violates any provision of Subsection (A), (B)1, (B)2, or (B)3 of this Section shall be subject to a fine of not less than twenty five dollars (\$25.00) but no more than one hundred dollars (\$100.00). Any person who violates Subsection (B)4 of this Section shall be subject to a fine of not less than one hundred dollars (\$100.00) but no more than seven hundred fifty dollars (\$750.00).

(E) *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.

**SECTION 3:** City Code Subsection 10-9-1 of the Evanston City Code of 2012, as amended, is hereby added to read as follows:

(A) Definitions:

BICYCLE SHARE COMPANY	A Company offering a fleet of ten (10) or more bicycles to users on a self-service basis.
BICYCLE SHARE PROGRAM	A program to rent bicycles or low-speed electric bicycles for short-term one-way trips.
BICYCLE RENTAL AGENCY	A Company that offers bicycles for short term use out of a retail location in Evanston.
LOW-SPEED ELECTRIC BICYCLES:	See, Evanston City Code Section 10-1-3.

**SECTION 4:** City Code Subsection 10-9-4 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(N) Electric Bicycles Operation

1. The the provisions of this Code that apply to bicycles shall also apply to low-speed electric bicycles.
2. Low-speed electric bicycles operated in the City shall comply with equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission under 16 CFR 1512 and 625 ILCS 5/11-1517(b) and (c). No person shall knowingly tamper with or modify the speed capability or engagement threshold of a low-speed electric bicycle without replacing the label required under 625 ILCS 5/11-1517(c).
3. A Class 2 low-speed electric bicycle shall operate so that the electric motor is disengaged or ceases to function when the brakes are applied. A Class 1 low-speed electric bicycle and a Class 3 low-speed electric bicycle shall operate so that the electric motor is disengaged when the rider stops pedaling.
4. Sidewalks: a person may ride a bicycle or Low Speed Electric Bicycle upon a sidewalk only to the extent permitted by Illinois law.
5. Class 3 provisions:

- i. A person may operate a Class 3 low-speed electric bicycle only if he or she is 16 years of age or older. A person who is less than 16 years of age may ride as a passenger on a Class 3 low-speed electric bicycle that is designed to accommodate passengers.
- ii. Class 3 electric bicycles are prohibited from operating in a bike lane or a sidewalk.
- iii. The driver of a vehicle or a Class 3 low-speed electric bicycle may overtake and pass upon the right of another vehicle only under the following conditions:
  1. When the vehicle overtaken is making or about to make a left turn and there is sufficient safe clearance distance between the turning vehicle and the right edge of the roadway;
  2. Upon any roadway with unobstructed pavement of sufficient width for two or more lanes of moving vehicles in each direction; or
  3. Upon any roadway on which traffic is restricted to one direction of movement, where the unobstructed pavement is of sufficient width for two or more lanes of moving vehicles.

**SECTION 5:** City Code Subsection 10-9-8 of the Evanston City Code of 2012, as amended, is hereby amended to read as follows:

**10-9-8. - RENTAL AGENCIES.**

(A) A rental agency shall not rent or offer any bicycle for rent unless the rental agency properly registers the bicycle, attaches a license thereto, and such bicycle is equipped with the equipment required for safe operation.

(B) A Bicycle Rental Agency shall not operate a Bike share program in Evanston without a Bike share permit.

**SECTION 6:** City Code Subsection 10-9-12 of the Evanston City Code of 2012, as amended, is hereby added to read as follows:

**10-9-12. – Bike Sharing**

(A) A Bicycle Share Company may only operate in the City of Evanston with a permit issued by the City Manager's Office.

(B) All applications for a Bicycle Share Company permit must include:

1. A bicycle equity plan that ensures distribution of bicycles throughout Evanston;
2. A bicycle maintenance plan to ensure operability of bicycles;
3. A Company contact for a local manager or operations staff to respond to City requests and emergencies;
4. A discount fare program to address the needs of underserved residents'
5. A website with a real-time map depicting the location of available bicycles; and
6. A customer support call center that is open during the time that bikes are available for use.

(C) Prior to issuing a permit, the City Manager may impose reasonable data sharing requirements regarding membership, ridership, trip duration, and environmental impact of rides originating in or ending in Evanston.

(D) The Bicycle Share Company will pay an annual permit fee of three hundred fifty (\$350) dollars. The City Manager may waive this fee.

(E) The City shall only issue permits to Bicycle Share Companies for Bicycle Share Programs that are interoperable with a neighboring community that share a border with the City of Evanston.

(F) All bicycles utilized by bike share companies must utilize lock-to bicycle parking infrastructure technology that locks to a fixed object separate from the bicycle, or be able to be parked at more than ten (10) permanent docking stations in the City.

(G) All bicycles utilized by a Bicycle Share Company must label bicycles with:

1. A customer support call center number; and
2. A vehicle ID number.

(H) Each Bicycle Share Company must allow for cash payments.

(I) Each Bicycle Share Company must ensure all bicycles may be located and unlocked without a smartphone.

(J) The City Manager may revoke permits from operators who cease to meet any requirements of this Chapter. The decision to grant or renew a permit is solely within the discretion of the City Manager or his/her designee.

(K) Permits are non-transferrable.

(L) The City reserves the right to waive any requirements of this Chapter for a Bicycle Share Company that operates exclusively adaptive bicycles.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** If any provision of this Ordinance 92-O-19 or application thereof to any person or circumstance is held 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 application of this Ordinance is severable.

**SECTION 9:** Ordinance 92-O-19 shall be in full force and effect after its passage and approval.

**SECTION 10:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 14, 2019

Approved:


Adopted: October 28, 2019

February 24, 2019

  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

  
~~Devon Reid, City Clerk~~  
Eduardo Gomez, Deputy City Clerk

  
Nicholas Cummings  
Deputy Corporation Counsel