

**ORDINANCE NUMBER 04 - 30**

**ORDINANCE AMENDING TITLE VII,  
TRAFFIC CODE, CHAPTER 70,  
GENERAL PROVISIONS ADDING  
SECTION 70.06, MOTOR DRIVEN CYCLES**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that the East Dundee Code of Ordinances, Title VII, Traffic Code, Chapter 70, General Provisions, be amended by adding Section 700.06, **Motor Driven Cycles** be enacted.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That Title VII, Traffic Code, Chapter 70, General Provisions, be amended by adding Section 70.06, **Motor Driven Cycles** as follows:

**Section 70.06. MOTOR DRIVEN CYCLES**

**(A). Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Area* means the geographical boundaries within which an operating motorcycle or operating motor-driven cycle can be heard.

*Motor vehicle* and *vehicle* mean a motorcycle or motor-driven cycle.

*Motorcycle* means every motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

*Motorized scooter* shall mean every board or other device or object having wheels, utilizing a platform, with or without a seat and which is propelled by some type of motor and steered in some manner by an individual.

*Motor-driven cycle* means every motorcycle including every device propelled by a motor, which produces not to exceed 5 horsepower which has a seat for the operator to sit, and every bicycle with motor attached.

*Non-resident* means every person who is not a resident of the State.

*Non-resident's operating privilege* means the privilege conferred upon a nonresident by the laws of the State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person in the State.

*Operator* means every person who drives or is in actual physical control of a motor vehicle upon a street or who is exercising control of or steering a vehicle being towed by a motor vehicle.

*Personal assistive mobility device* means a motorized self-balancing unit, designed to transport individuals, including but limited to those who have limited mobility.

*Racing of motor* means sudden acceleration or deceleration of the motor of a motorcycle or motor-driven cycle.

*Street* means the entire width between the boundary lines of every way, including alleys publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

*Stunting* means operating a vehicle in a manner causing it to weave or suddenly change course, or the loss of body contact with the seat by a driver or passenger, and not for the purpose of safe operation of such vehicle.

*Touring* means any repetitious driving in the same area which causes a disturbance or is done with the intent of calling attention to an operator of a motorcycle or motor-driven cycle.

**(B) Operation generally.** It shall be unlawful for any person to operate or cause to be operated a motorcycle or motor-driven cycle upon any street within the Village except in compliance with the following:

- (1) *Driver's license.* The operator of such vehicle shall have in the operator's possession a valid driver's license issued by the State (or, if such operator is a nonresident, such operator shall have in the operator's possession evidence of a nonresident's operating privilege) and which has not been suspended, limited or cancelled.
- (2) *Compliance with vehicle standards.* Such vehicle shall at such time of operation be capable of performing in accordance with the standards then fixed by the motor vehicle laws of the State and by the ordinances of the Village.
- (3) *Compliance with traffic regulations.* The operator shall operate the vehicle in accordance with the motor vehicle laws of the State and ordinances of the Village.
- (4) *Exhaust system and muffler.* Such vehicle shall be equipped with an exhaust system in good working order, sufficient to prevent excessive or unusual noises. No such vehicle shall be equipped with any muffler cutout, or removable exhaust pipe cover, or any bypass in a muffler, or any muffler from which the baffle plates, screens, or other original internal parts have been removed or altered. No such vehicle shall be equipped with an exhaust system which has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the exhaust system originally installed on the vehicle. No such vehicle shall be equipped with an exhaust system which has been modified or altered in any way from that furnished by the vehicle manufacturer; provided, however, that equipment equivalent to that originally installed may be substituted when parts are replaced.

- (5) *Proficiency in operation.* Before operating a motorcycle or motor-driven cycle upon a public street, the operator thereof shall have first become sufficiently proficient in the operation thereof to control the vehicle without unreasonable danger to others. If the vehicle is rented, leased or borrowed from another, the operator shall first have demonstrated to the lessor, renter or lender of such equipment that the operator is sufficiently proficient to operate such vehicle upon a public street without unreasonable danger to others.
- (6) *Carrying passengers.* A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless such vehicle is designed to carry more than 1 person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator. Where a seat designed to carry a person in addition to the operator is attached to the rear of the operator, two (2) footrests must be firmly attached to each side of the vehicle for the use of such person.
- (7) *Riding in tandem.* Not more than two (2) motorcycles or motor-driven cycles shall be operated side by side in any 1 lane of traffic upon any street.
- (8) *Causing disturbance; touring, stunting or racing of motor.* No motorcycle or motor-driven cycle shall be operated in any manner so as to cause a disturbance in any area of the city. Touring, stunting, or racing of motors is prohibited.
- (9) *Dangerous operation.* No operator of a motorcycle or motor-driven cycle shall engage in maneuvers, stunting or other operations dangerous to the operator or the operator's passenger or to the persons or property of others, and an operator must at all times keep body contact with the saddle or seat of such vehicle. The operation of a motorcycle or motor-driven cycle on one (1) wheel is prohibited.
- (10) *Maximum height of handlebars.* No person shall operate a motorcycle or motor-driven cycle having handlebars exceeding 15 inches in height measured from the lowest point of the saddle to the highest point of the handlebars.

(11) *Required equipment.* The operator of a motorcycle or motor-driven cycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield in accordance with 625 ILCS 5/11-1404. Every motorcycle or motor-driven cycle shall be equipped with a rearview mirror, electrical horn, fenders, headlights and rear lights, and front and rear brakes.

**(C) Operation by persons under 18 years of age.** No person under 18 years of age shall purchase, rent, lease or borrow a motorcycle or motor-driven cycle unless such person has first obtained written consent from either of the person's parents, or the person's legal guardian. No such person under 18 years of age shall take possession of and operate any motorcycle or motor-driven cycle unless, on the occasion of such purchasing or on the occasion of such renting, leasing or borrowing of such motorcycle or motor-driven cycle, such person under 18 years of age obtains and files with such seller, renter, lessor or lender a consent in writing on a form furnished by the Village, signed by either parent of such minor, or such minor's legal guardian, in the presence of and witnessed by such lessor, renter or lender, or the duly authorized agent of the lessor, renter or lender, to the effect that permission is granted for such child to purchase a vehicle, or to rent, lease or borrow a motorcycle or motor-driven cycle from such renter, lessor or lender, and that such parent or guardian consents to such sale and/or consents to the renting, leasing or lending of a motorcycle or motor-driven cycle to such child, and assumes full legal responsibility for acts or actions of such child in the operation of any such motorcycle or motor-driven cycle then or thereafter sold, rented, leased or lent to such child, and such responsibility and commitment of such parent or guardian shall continue for a period of 60 days. The written consent must be renewed every 60 days thereafter.

**(D) Suspension or revocation of business license for violation of article.** In addition to any fines or penalties imposed by this Code, the Village Manager may suspend or revoke the license of any person engaged in the business of selling motorcycles or motor-driven cycles violating the provisions of this article.

**(E) Operation of a motorized scooter.** No person shall use, operate or be in control of a motorized scooter on a public or private street, parking lot, sidewalk, bike path or other area open to the public. Operation of a motorized scooter may be permitted on private property with the permission of the property owner.

**(F) Parental responsibility for violations by minors.** It shall be unlawful for any parent or guardian of a person under the age of 17 years to permit such

person under the age of 17 years to violate any provisions of this article. The commission of any such act by a minor who is living with the minor's parents or guardian shall raise the presumption that the parent or guardian has neglected to restrain such minor from committing such act. It shall be an affirmative defense for the parent or guardian to prove that such parent or guardian exercised the parent's or guardian's duty to restrain the minor from committing such act complained of in the pending action, but that such action on the part of the parent or guardian to attempt to restrain the minor, although exercised with due care, was unsuccessful.

**(G) Operation of personal assistive mobility devices.**

- (1) Personal assistive motorized devices shall be prohibited on any public right-of-way, including but not limited to, parking lots, sidewalks, bike paths or other areas open to the public, except when utilized, subject to the conditions outlined in Section 106-197(b) and by an individual or individuals described as follows:
  - (a) Those who have limited mobility, including but not limited to the elderly and disabled individuals; or
  - (b) The United States Postal Service for purpose of the delivery of the United States Mail; or
  - (c) Governmental entities for public safety purposes.
- (2) Personal assistive motorized devices when utilized by individuals, pursuant to section 70.06 (G)(1)(a) through (c) may be operated on public sidewalks when utilized in a generally safe manner and in such a way that their use does not impede pedestrian traffic. The speed of any such device may not exceed 10 m.p.h.
- (3) Sections 70.06, (G), (1) and (2) do not apply to motorized wheelchairs, as defined in the Illinois Motor Vehicle Code, 625 ILCS 5/1 et seq.

**Section Two. Severability.** 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 Three. Repeal.** All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

**Section Four. Publication.** This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 16th day of August, 2004, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffalo, Bartels, VanOstenbridge, Scarpelli  
NAYES: Schock  
ABSENT: None

Approved by me this 16th day of August, 2004.

Roger W Ahrens  
ROGER AHRENS, President

Published in pamphlet form this 17th day of August, 2004, under the authority of the President and Board of Trustees.

**ATTEST:**

Jane E. Theis  
JANE THEIS, Village Clerk

Recorded in the Village Records on August 17th, 2004.

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