

ORDINANCE NO. 16-_____
AN ORDINANCE AMENDING CHAPTER 78 “TRAFFIC AND VEHICLES” OF THE WESTMONT CODE OF ORDINANCES TO ADD REGULATIONS REGARDING BICYCLE PARKING AND ABANDONMENT OF BICYCLES

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Illinois common law has long recognized the power of local government to regulate abandoned property within municipal boundaries in order to protect the local health, safety and welfare; and

WHEREAS, the corporate authorities of the Village of Westmont have regulated abandoned and improperly parked bicycles within the Village under State law and now desire to provide regulations within the Code of Ordinances for the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Chapter 78 “Traffic And Vehicles” of the Westmont Code of Ordinances is hereby amended by the addition of new sections as follows (amendments are indicated by underlined and shaded text; deletions are indicated by ~~strikeouts~~):

Sec. 78-20. Bicycle Parking/Abandonment.

- (a) Bicycles shall not be parked in a manner which obstructs pedestrian or vehicle traffic, handicap access ramps, sidewalks, driveways or a building entrance.
- (b) No person shall park or chain a bicycle to: fire hydrants, hand railings, benches, trees, trash receptacles, parking meters, light poles and/or street signs.
- (c) Bicycles shall not be left on private property without the consent of the owner or a legal tenant.
- (d) Bicycles shall not be left on a street or other public property for more than 72 consecutive hours at the same location.
- (e) In the event that a bicycle is abandoned, it will have a notice affixed to it which informs the owner that the bicycle appears to be abandoned and will be removed within 72 hours/3 days. A bicycle is deemed abandoned if: (1) is in such a state of disrepair as to be incapable of being operated in its present condition, or (2) has not been moved or used in 72 hours.

Section 3: Chapter 78 “Traffic And Vehicles” of the Westmont Code of Ordinances is hereby amended by the addition of new sections as follows (amendments are indicated by underlined and shaded text; deletions are indicated by ~~strikeouts~~):

Sec. 78-21. Impounding Bicycles.

- a. A bicycle left on a street or other public property for more than 72 hours may be deemed abandoned and impounded.
- b. A bicycle may be immediately impounded if:
 - i. It is parked in violation of this Code and obstructs or impedes pedestrian or vehicular traffic; or
 - ii. It is an immediate threat to the public welfare.
- c. The impounding agency will make reasonable efforts to notify the owner of the impoundment and a description of how and by what date the bicycle must be claimed.
- d. A fee may be charged to the owner of an impounded bicycle. No impoundment fee will be charged to the owner of a stolen bicycle that has been impounded.
- e. An impounded bicycle that remains unclaimed after 6 months may be disposed of in accordance with the Law Enforcement Disposition of Property Act (765 ILCS 1030/).
- f. Removed bicycles shall be held by the Village of Westmont Police Department or Public Works.

Section 4: If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 6: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this ___ day of September, 2016.

Ayes: _____ Nays: _____ Absent: _____

APPROVED:

Ronald J. Gunter, Mayor

ATTEST:

Virginia Szymiski, Village Clerk