

**SUBSTITUTE**  
**ORDINANCE**

**WHEREAS**, on December 20, 2022, the U.S. Consumer Product Safety Commission (“CPSC”) called on manufacturers, retailers, importers, and distributors of micromobility devices to comply with established Underwriters Laboratories (“UL”) safety standards; and

**WHEREAS**, the CPSC states that failure to adhere to applicable UL safety standards may pose an unreasonable risk to consumers of fire and serious injury or death; and that compliance with the relevant UL standards “significantly reduces the risk of injuries and deaths from micromobility device fires;” and

**WHEREAS**, the 2022 Chicago Climate Action Plan and Chicago Department of Transportation’s 2021 Strategic Plan for Transportation have goals to encourage and enable Chicagoans to walk, bike, take transit, and use shared micromobility devices more often; and

**WHEREAS**, privately-owned electric bikes and electric scooters, along with shared electric bikes and electric scooters can be an essential tool to help the City achieve these goals; and

**WHEREAS**, over 2021 and 2022, the US Consumer Product Safety Commission (CPSC) received reports from 39 states of at least 208 fires or overheating events that tied to electric bicycles and personal e-mobility devices; these incidents were responsible for 19 fatalities; and

**WHEREAS**, consensus standards are available that mitigate the battery and electrical system hazards of electric bicycles and personal e-mobility devices that can cause fires, including UL 2849, Standard for Electrical Systems for E-Bikes, UL 2272, Standard for Electrical Systems in Personal E-Mobility Devices, and UL 2271, Standard for Batteries for Use in Light Electric Vehicle Applications; and

**WHEREAS**, in 2022, the CPSC issued a letter to the manufacturers, importers, distributors, and retailers of electric bicycles and personal e-mobility devices urging these products be “designed, manufactured, and certified” to the appropriate UL standard as “[m]anufacturing these products in compliance with the applicable UL standards significantly reduces the risk of injuries and deaths from micromobility device fires”; and

**WHEREAS**, studies have demonstrated that without conformity assessment performed by a nationally accredited independent third-party certification organization, products are less likely to meet product safety standards; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Title 4 of the Municipal Code of Chicago is hereby amended by adding a new Chapter 4-24, as follows:

**CHAPTER 4-24**  
**LITHIUM-ION BATTERIES**

**4-24-010 Definitions.**

Whenever used in this Chapter, the following words and phrases shall have the following meanings:

“Certification” means the attestation by the Certification Body, indicated by the Certification Body’s certification mark on the equipment, device, or product, that the equipment, device, or product has been evaluated and tested and found to conform to the standards applicable to this ordinance.

“Certification body” means an independent third-party organization providing certification for micromobility products, including powered bicycles and powered mobility devices, that—

(A) is recognized by OSHA as a Nationally Recognized Testing Laboratory; and

(B) has received ISO/IEC 17065 accreditation from an independent accreditation body that is a member of the International Accreditation Forum.

“Certification mark” means a mark of conformity owned by the Certification Body and registered with the U.S. Patent and Trademark Office (USPTO) that is visible and affixed to a certified equipment, device, or product.

“Lithium-ion battery” or “cell” means a rechargeable electrochemical cell or battery in which the positive and negative electrodes are both lithium compounds constructed with no metallic lithium in either electrode. A lithium-ion polymer cell or battery that uses lithium-ion chemistries, as described herein, is regulated as a lithium-ion cell or battery.

“Nationally Recognized Testing Laboratory (NRTL)” means an organization that meets the qualifications provided in 29 CFR 1910.7(b) and is Recognized as an NRTL by the U.S. Department of Labor, Occupational Safety and Health Administration’s (OSHA) Nationally Recognized Testing Laboratory (NRTL) program.

“Powered bicycle” means a “low-speed electric bicycle” or a “low-speed electric delivery bicycle” as both terms are defined under Section 9-4-010.

“Powered mobility device” has the same meaning ascribed to the term “low-speed electric mobility device” under Section 9-4-010.

“Recycling” means any process by which materials that would otherwise become waste are collected, separated, or processed for the purpose of returning them to the economic mainstream in the form of raw materials for new products.

“Stock keeping unit” means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.

“Traction battery” means a rechargeable battery used to power the electric motors of powered bicycles or powered mobility devices.

#### **4-24-020 Manufacture, sale, and rental of powered bicycles and powered mobility devices.**

(a) No person shall manufacture, distribute, sell, lease, operate in furtherance of a business activity, rent, or offer for sale, lease or rental, a powered bicycle in the City unless:

(1) The electrical system for such bicycle has been certified by a Nationally Recognized Testing Laboratory for compliance with Underwriters Laboratories (UL) standard 2849, and displays the certification mark of a certification body as provided in subsection (a)(2) of this section; and

(2) Such certification mark or the logo, wordmark, or name of such Nationally Recognized Testing Laboratory is displayed: (i) on packaging or documentation provided at the time of sale or introduction to a bicycle sharing system for such powered bicycle or the battery of such bicycle; or (ii) directly on such powered bicycle or the battery of such bicycle.

(b) No person shall manufacture, distribute, sell, lease, rent, or offer for sale, lease, rental, or operate in furtherance of a business activity, a powered mobility device in the City unless:

(1) The electrical system for such powered mobility device has been certified by a Nationally Recognized Testing Laboratory for compliance with Underwriters Laboratories (UL) standard 2272, and displays the certification mark of a certification body as provided in subsection (b)(2) of this section; and

(2) Such certification mark or the logo, wordmark, or name of such Nationally Recognized Testing Laboratory is displayed: (i) on packaging or documentation provided at the time of sale or introduction to a bicycle sharing system for such powered mobility device or the battery of such device; or (ii) directly on such powered mobility device or the battery of such device.

(c) No person shall manufacture, distribute, sell, lease, rent, or offer for sale, lease or rental, a traction battery for a powered bicycle or powered mobility device in the City unless:

(1) Such traction battery has been certified by a Nationally Recognized Testing Laboratory for compliance with Underwriters Laboratories (UL) standard 2271, and displays the certification mark of a certification body as provided in subsection (c)(2) of this section; and

(2) Such certification mark or the logo, wordmark, or name of such Nationally Recognized Testing Laboratory is displayed: (i) on packaging or documentation provided at the time of sale or introduction to a bicycle sharing system for such traction battery; or (ii) directly on such traction battery.

(d) Evaluation, testing, and certification to UL 2849, 2272, or 2271 shall be performed by a Nationally Recognized Testing Laboratory with UL 2849, 2272, or 2271, respectively, included within its scope of recognition under the Nationally Recognized Testing Laboratory program.

#### **4-24-030 Reconditioned batteries.**

(a) It shall be unlawful to: (i) assemble or recondition a lithium-ion battery using cells removed from used lithium-ion batteries; or (ii) sell or offer for sale a lithium-ion battery that uses cells removed from used lithium-ion batteries.

(b) Nothing in this Section shall be construed to prohibit the recycling of batteries or their components.

**4-24-040 Lithium-ion battery storage and disposal rules.**

The Department of the Environment may promulgate rules governing the storage, operation, and disposal of lithium-ion batteries to facilitate their safe operation by the public.

**4-24-050 Penalty.**

Any person who violates this Chapter or any rule promulgated thereunder shall be fined no less than \$100 and no more than \$2,000 for each offense. Each failure to comply with subsection (a), (b), or (c) of Section 4-24-020 with respect to any one stock keeping unit constitutes a separate violation.

**SECTION 2.** Article II of Chapter 2-36 of the Municipal Code of Chicago is hereby amended by adding new Section 2-36-520, as follows:

**2-36-520 Lithium ion battery safety reporting.**

Starting in 2025, and each year thereafter, on or before the first day of March, the Fire Department shall submit to the Mayor and City Council a report relating to fires associated with powered bicycles and powered mobility devices, including the following:

(1) Information on all fires that occurred during the prior calendar year in which powered mobility devices or powered bicycles were determined by the Fire Department to be the cause of such fire, including the geographic location and building occupancy type where each such fire occurred, and whether circumstances at each such location indicated compliance with relevant ordinances and rules, to the extent that such information can be ascertained;

(2) A review of existing Code provisions governing the purchase, use, storage and charging of powered mobility devices and powered bicycles, and an evaluation of additional local measures, regulatory or otherwise, that could further mitigate fire risks posed by powered bicycles and powered mobility devices; and

(3) A summary of relevant activities taken by the Fire Department to decrease the occurrence of fires caused by powered bicycles and powered mobility devices, including a summary of all related inspections or enforcement actions, and other fire prevention activities.

**SECTION 3.** This ordinance shall be in full force and effect 90 days following passage and publication.

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