

ORDINANCE NO. 2020-03

ORDINANCE AMENDING TITLE VII, "TRAFFIC CODE", CHAPTER 73, "RECREATIONAL VEHICLES", OF THE CODE OF PECATONICA, ILLINOIS

WHEREAS, the Illinois Municipal Code provides municipalities with the police powers to protect the health, safety and welfare of the public; and

WHEREAS, encompassed in these police powers is the power to regulate and promulgate rules for the use of municipal streets and rights-of-way; and

WHEREAS, the Section 5/11-1426.1(d) of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1(d)) authorizes a municipality, by ordinance or resolution, to permit the operation of "non-highway vehicles" (*defined as "all-terrain vehicle, golf carts, off-highway motorcycles, and recreational off-highway vehicles"*) on roadways under its jurisdiction if the municipality determines the public safety will not be jeopardized; and in so doing the municipality may restrict the types of "non-highway vehicles" that are authorized to be used on its streets; and

WHEREAS, in adopting this ordinance the corporate authorities of the Village of Pecatonica have considered the volume, speed, and character of traffic on the roadways in the village and whether the permitted non-highway vehicles named herein may safely travel on or cross the roadways; and

WHEREAS, the corporate authorities hereby find that the non-highway vehicles named herein may safely operate on and cross the roadways named herein subject to the rules and regulations adopted by this ordinance.

BE IT ORDAINED by the Village President and Board of Trustees of the Village of Pecatonica, Illinois:

Section 1. Title VII, "Traffic Code", Chapter 73, "Recreational Vehicles" is hereby amended as follows:

*Section 73.01 is hereby retitled "Snowmobiles", and subparagraphs (I), (J), and (K) are hereby deleted.*

Section 2. Title VII, "Traffic Code", Chapter 73, "Recreational Vehicles", is hereby amended as follows:

*Sections 73.03(A), 73.03(B), 73.03(C), 73.03(D)(1), 73.03(D)(2), 73.03(E), and 73.03(F) are hereby deleted. The previous Section 73.03(D)(1) shall be come Section 73.03(A).*

*Section 73.03(D)(1) shall be amended to be consistent with permit costs of Section 73.06(C).*

Section 3. Title VII, "Traffic Code", Chapter 73, "Recreational Vehicles", is hereby amended to add Section 73.06, Operation of Non-highway Vehicles on Village Streets, and shall read as follows:

73.06 OPERATION OF NON-HIGHWAY VEHICLES ON VILLAGE STREETS

(A) *Rules and Regulations.* “Non-highway vehicles” as defined by the Village are “golf carts, all-terrain vehicles, and recreational off-highway vehicles”. Non-highway vehicles may only be operated on the certain Village streets as stated herein, and in accordance with the following rules and regulations:

(i) Any person who operates a non-highway vehicle in the Village of Pecatonica will take full responsibility for all liability associated with its operation. All persons operating a non-highway vehicle on Village streets do so at their own risk. The Village assumes no liability for permitting the use of non-highway vehicles within the Village.

(ii) Any person who operates a non-highway vehicle must be at least eighteen (18) years of age and possess a valid driver’s license to operate a motor vehicle issued by the State of Illinois or another State.

(iii) No person shall operate, and no owner shall permit another person to operate a non-highway vehicle on a Village street unless: 1) the non-highway vehicle is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code (625 ILCS 5/7-601); and 2) the operator of the non-highway vehicle carries with him proof of liability insurance as required by Section 7-602 of the Illinois Vehicle Code (625 ILCS 57-602).

(iv) Except when plowing snow, non-highway vehicles shall only be allowed to be operated on permitted Village streets between the hours of 7:00 a.m. and 11:00 p.m. Monday through Thursday, and 7:00 a.m. and 1:00 a.m. Friday through Sunday.

(v) Non-highway vehicles are strictly prohibited on Main Street except to cross said street at intersections, in a path 90 degrees or as direct as possible across said street, to the nearest intersecting street. Non-highway vehicles are strictly prohibited on Third Street east of John Street.

(vi) Non-highway vehicles shall have their headlights and taillights on at all times when operated on Village streets.

(vii) Non-highway vehicles shall not be operated when visibility is impaired by weather, smoke, fog, or other conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(viii) Except when plowing snow, non-highway vehicles shall not be operated on the sidewalks.

(ix) Non-highway vehicle drivers shall yield the right-of-way to overtaking vehicles at all times.

(x) Except as stated herein, each driver and passenger of a non-highway vehicle shall wear a properly fastened and adjusted seat safety belt. Children must be secured in a child restraint system as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq).

(xi) No person under age sixteen (16) shall be a passenger on an All Terrain Vehicle.

(xii) Non-highway vehicles are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking placard.

(xiii) Non-highway vehicles need to park in the downtown municipal parking lots when parking in the business district. Non-highway vehicles are prohibited from parking on Main Street and Third Street.

(xiv) The operator of a non-highway vehicle shall obey all ordinances of the Village of Pecatonica and all provisions of the Illinois Vehicle Code, as amended from time to time.

**(B) Required Equipment**

- (i) Steering Apparatus (wheel, handlebars or factory installed equipment)
- (ii) Except for All Terrain Vehicles, Seat belts are required for each passenger
- (iii) Tires and/or tracks
- (iv) Turn Signals – front and rear
- (v) Rearview Mirror
- (vi) Brakes and Brake Lights on rear
- (vii) Headlights – emit white light visible from at least 500 feet
- (viii) Taillights – emit red light visible from at least 100 feet
- (ix) Standard factory exhaust
- (x) Approved “slow moving vehicle” emblem attached to the rear as required by Section 12-709 of the Illinois Vehicle Code.

**(C) Permits**

(i) No person shall operate a non-highway vehicle without obtaining a permit from the Village of Pecatonica as provided in this section. Permits will be issued for each fiscal year May 1 to April 30 and there will be no proration.

(ii) Permits shall be granted for a period of ownership of the non-highway vehicle by the person who received the permit and will remain valid as long as they continue to meet the requirements.

(iii) The **first time** cost of a permit is **\$75.00** per non-highway vehicle from May 1 to April 30 and they are non-transferable. Thereafter, the **annual** cost

of a permit will be **\$50.00**. Proof of insurance coverage will be required and verified before issuing or renewing a permit.

(iv) Non-highway vehicle owners must complete a permit application form supplied by the Village and contain the following information: Name, Address, Phone number, Make, Model, Serial number, Name of Insurance carrier and policy number.

(v) After completion of the application and payment of the permit fee, the applicant shall present the non-highway vehicle to the Chief of Police, or their designee, for an inspection to determine whether the non-highway vehicle may be operated on the Village streets. If the applicant and non-highway are qualified under the terms and conditions of this ordinance, a license **MUST** be displayed at all times per the applicant's permit. The Village Police Department shall issue a permit as visible proof of compliance, which shall be valid for the duration of the ownership of the non-highway vehicle by the person receiving the permit. The license will be displayed on the rear of the non-highway vehicle.

**(D) Enforcement**

(i) The permit of an operator of a non-highway vehicle issued pursuant to this ordinance may be suspended by the Chief of Police, or their designee, if 1) there is any material misrepresentation made by the applicant on the application or, 2) the required liability insurance is no longer in full force and effect or, 3) there is evidence that the license holder can no longer safely operate the non-highway or, 4) violate Illinois Vehicle Code or Village ordinance.

(ii) The Chief of Police, or their designee, shall issue a notice of suspension of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the permit holder at the address on the application. The suspension of a permit shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt.

(iii) Upon investigation by the recommendation of the Village of Pecatonica Police Department the Village Board may suspend or revoke a permit granted hereunder upon a finding that there is evidence that the Permittee cannot safely operate a non-highway vehicle on Village streets or for any reason that they feel is appropriate to insure the safety and well-being of the citizens of the Village of Pecatonica.

(iv) Repeat offenders may have the privileges revoked permanently by the Village of Pecatonica Board.

**Section 4.** Title VII, "Traffic Code", Chapter 73, "Recreational Vehicles", Section 73.99, "Penalty", Subparagraphs (B)(1), (B)(2), (B)(3), (B)(4) and (B)(5), "Fines", are hereby amended to add Section 73.06 to those sections subject to the fines stated therein.

Section 5. This ordinance shall be in full force and effect thirty (30) days from and after its passage and approval. This ordinance shall be published in pamphlet form as provided by law.

MOTION BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN/  
ABSENT: \_\_\_\_\_

PASSED by the Village Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED by the Village President this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY: \_\_\_\_\_  
WILLIAM SMULL, Village President  
Village of Pecatonica, Illinois

ATTEST:

\_\_\_\_\_  
GWENN SHIRLEY, Village Clerk  
Village of Pecatonica, Illinois