

ORDINANCE NO. 563

AN ORDINANCE REGULATING THE OPERATION OF NON-HIGHWAY
VEHICLES WITHIN THE VILLAGE OF TONICA, LASALLE COUNTY,
ILLINOIS

WHEREAS, the President and the Board of Trustees have considered the propriety of the operation of certain non-highway vehicles upon the streets within the Village, and

WHEREAS, concerns exist regarding the safety of the operators thereof and of the public in general, and

WHEREAS, 625 ILCS 5/11-1426.1 prohibits the operation of "Non-Highway Vehicles" on streets, highways and roadways in the state, but also authorizes municipalities to by ordinance permit the operation of such Non-Highway Vehicles on roadways within their jurisdiction and to regulate the use thereof if so permitted, and

WHEREAS, as required by 625 ILCS 5/11-1426.1, the Board of Trustees has considered the volume, speed, and character of traffic on roadways under the jurisdiction of the Village having a posted speed limit of 35 miles per hour or less and has determined that the public safety will not be jeopardized by the operation of properly equipped gold carts and utility vehicles on said highways in accordance with said statute and this Ordinance, but that other Non-Highway Vehicles referred to in said 625 ILCS 5/11-1426.1, namely all-terrain vehicles and off-highway motorcycles, should not be permitted to be operated on said roadways, and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF TONICA, LASALLE COUNTY, ILLINOIS, AS FOLLOWS

Section One: Definitions:

OPERATE: To ride on or in, other than as a passenger, use or control the operation of a utility vehicle or golf cart in any manner, whether or not the utility vehicle or golf cart is underway.

ROADWAY: That portion of a highway, improved, designed or ordinarily used for vehicular traffic.

GOLF CART: A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or

maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

UTILITY VEHICLE: Any self-propelled vehicle typically operated off-road and used for transportation or hauling, with an engine size of 1,100 cc or less (for example: Kawasaki Mule, John Deere Gator, Polaris Ranger).

PROPERLY EQUIPPED GOLF CART OR UTILITY VEHICLE: As used in this Ordinance, to be properly equipped a golf cart or utility vehicle shall be equipped with all safety systems and equipment as required by 625 ILCS 5/11-1426.1 of the Illinois Vehicle Code, together with seat belts. There must be a seat belt for each rider in the vehicle. To be operated on a roadway within the Village, the vehicle must have at a minimum brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and the rear, a slow moving emblem on the rear of the vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail light that emits a red light visible at least 100 feet from the rear, brake lights, turn signals, and seat belts.

Section two: Operation of Properly Equipped Golf Carts or Utility Vehicles:

Subject to the requirements of 625 ILCS 5/11-1426.1 of the Illinois Vehicle Code, which are hereby adopted by the Village only as to Properly Equipped Golf Carts or Utility Vehicles as defined in this Ordinance, and any other requirements imposed by this Ordinance, drivers properly licensed to operate motor vehicles on the roadways of the Village having a posted speed limit of 35 miles or less. A Properly Equipped Golf Cart or Utility Vehicle shall be permitted to cross a State highway only at an intersection controlled by a traffic light or a 4-way stop sign and at the following intersections with the State highway: (a) Pontiac and Peoria Ottawa Road Streets and Route 251, (b) Elm Street and Route 251 and (c) Wauponis and Poplar Streets and Route 251 Other than Properly Equipped Golf Carts or Utility Vehicles which may be operated on the roadways of the Village in accordance with this Ordinance, no Non-Highway Vehicles as defined in said Section 5/11-1426.1 shall be permitted to be operated on the roadways of the Village. Each operator or passenger in the vehicle shall be required to use the seat belts in the vehicle at all times when the vehicle is in motion.

Section three: Annual Registration of Properly Equipped Golf Carts or Utility Vehicles

No Properly Equipped Golf Carts or Utility Vehicles shall be operated on any roadway of the Village unless the owner(s) thereof shall have first registered the Properly Equipped Golf Cart or Utility Vehicle with the Village in accordance with the following:

(a) Registration of Properly Equipped Golf Carts or Utility Vehicles shall be administered by the Chief of Police, and his designees, and applications for registration shall be made on a form prescribed by the Village, said form to include a statement under oath or penalties of perjury that the Properly Equipped Golf Cart or Utility Vehicle meets the definition under this Ordinance, and proof of liability insurance for said Properly Equipped Golf Cart or Utility Vehicles having at least the same limits under the mandatory insurance law of the State of Illinois.

(b) Registered Properly Equipped Golf Carts or Utility Vehicles shall be issued a sticker which shall be affixed to the registered vehicle in a prominent visible location as directed by the Chief of Police, or his designees. The fee for the sticker shall be in an amount as the Village may from time to time determine by resolution. The initial fee shall be Fifty Dollars per year.

(c) Registrations shall be effective from the date of issuance until the March 31st next following and shall be renewed annually in the same manner as the original registration. The annual fee shall be prorated in the case of partial years based on the months, or parts of months, the registration shall be effective.

(d) Registrations shall not be transferable in the event of change of ownership.

(e) Registrations shall be subject to revocation by the Chief of Police in the event of a violation of the requirements of 625 ILCS 5/11-1426.1 of the Illinois Motor Vehicle Code, or any of the provisions of this Ordinance. A revocation shall be made in writing and shall set forth the provision(s) of the statute or ordinance found to be violated. Revocations may be appealed in writing to the Board of Trustees fourteen days from the issuance of the revocation and, if appealed, the Board of Trustees shall hold a public hearing at which the affected

owner may appear, present witnesses and evidence, and be represented by an attorney. The Board of Trustees shall uphold the revocation if it determines at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.

(f) In the event a revocation is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the vehicle in compliance with this ordinance, including but not limited to, maintaining the required safety systems, the Chief of Police, in his discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or the repair or modification of the Properly Equipped Golf Cart or Utility Vehicle necessary to cure any deficiencies, as applicable, if the Chief of Police determines that the violation was not intentional or not likely to recur.

Section four: Inspection of Properly Equipped Golf Carts or Utility Vehicles.

Properly Equipped Golf Carts or Utility Vehicles registered, or proposed to be registered, pursuant to this Ordinance shall be subject to inspection by the Chief of Police, or his designees, at any time to determine that said Properly Equipped Golf Cart or Utility Vehicle meets, and continues to meet, the definition thereof as set forth in this Ordinance, particularly the provisions for maintenance in operating condition of required safety systems and equipment.

Section five: Mandatory Insurance.

The owner of any Properly Equipped Golf Cart or Utility Vehicle registered under this Ordinance shall continuously maintain liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

Section six: Operation limited to Licensed Drivers.

No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall operate a Properly Equipped Golf Cart or Utility Vehicle within the Village, and the provisions of Section 6-107 providing for graduated licenses for young drivers shall be fully applicable to the operation of Properly Equipped Golf Cart or Utility Vehicle.

Section seven: Other Laws, Regulation and Ordinances.

Properly Equipped Golf Carts or Utility Vehicles shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any other laws, regulations or ordinances specifically pertaining to Properly Equipped Golf Carts or Utility Vehicles and the operation thereof.

Section eight: Violations.

In addition to the revocation of the registration for a Properly Equipped Golf Cart or Utility Vehicle as provided in this ordinance, any person violating the provisions of this ordinance shall be subject to punishment with the initial violation by an owner or an operator resulting in a warning; the second violation by an owner or an operator shall result in a fine of \$150.00 and the third or subsequent violation by an owner or operator shall result in fine of \$250.00 and disqualification from the operation of any vehicle defined herein for a period of three years. The provisions hereof for prosecuting violations of this ordinance are not intended to supercede the Illinois Vehicle Code, or to in any way impair the prosecution of violations of the Illinois Vehicle code involving the operations of non-highway vehicles.

Section nine: Severability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section ten: Effective date.

This Ordinance shall be effective ten (10) days from and after passage, approval and publication in pamphlet form as required by law, and all ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED at a regular meeting of the Village Board of the Village of Tonica, LaSalle County, Illinois, this 28th day of July, 2014, by an aye and nay roll call vote as follows:

DENNIS FORD	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
ROBERT FOLTY	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
RICH HIGGINS	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
MONICA KREISER	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
RON SONS	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS
DAVID WIESBROCK	<u> x </u> AYE; _____ NAY; _____ ABSENT, _____ PASS

APPROVED:

KEVIN SLUDER, Village President

ATTEST;

HEATHER SHERMAN, Village Clerk