

CITY OF PETERSBURG, ILLINOIS

ORDINANCE NO. 2018-04

**AN ORDINANCE PERMITTING AND ESTABLISHING RULES FOR THE OPERATION
NON-HIGHWAY VEHICLES ON STREETS WITHIN THE CITY OF PETERSBURG,
ILLINOIS**

WHEREAS, the City of Petersburg is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, Section 11-1426.1 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1) grants municipalities the authority to authorize the use of “non-highway vehicles”, as that term is used and defined by 625 ILCS 5/11-1426.1, on roadways under their respective jurisdictions; and

WHEREAS, an all-terrain vehicle, as defined by 625 ILCS 5/1-101.8, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(1); and

WHEREAS, a golf cart, as defined by 625 ILCS 5/1-123.9, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(2); and

WHEREAS, an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(3); and

WHEREAS, a recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8, is also included within the definition of “non-highway vehicles” as defined by 625 ILCS 5/11-1426.1(a)(4); and

WHEREAS, the corporate authorities of the City of Petersburg, Menard County, Illinois have determined that the operation of golf carts and recreational off-highway vehicles on the streets, roads, and alleys within the City of Petersburg, should be permitted subject to the regulations and rules adopted from time to time by the corporate authorities;

WHEREAS, the corporate authorities of the City of Petersburg, Menard County, Illinois have considered the volume, speed, and character of the traffic generally experienced on the streets, roads, and alleys within the Village and have determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, golf carts and recreational off-highway vehicles may safely travel on and across the streets, roads, and alleys within the City;

WHEREAS, the corporate authorities find that the operation of golf carts and recreational off-highway vehicles on roadways within its jurisdiction will not jeopardize public safety; and

WHEREAS, the corporate authorities find that it is in the best interests of the residents of the City of Petersburg to not authorize the use of all-terrain vehicles or off-highway motorcycles on the streets, roads, and alleys within the City of Petersburg; and

WHEREAS, no action by the City of Petersburg, Illinois, whether in adopting this Ordinance or otherwise, designates the operation of a non-highway vehicle as an intended and permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Petersburg, Menard County, Illinois, as follows:

Section 1. The above recitals are incorporated herein and made a part hereof.

Section 2. Section 23-2 of the Code of Ordinances, City of Petersburg, Illinois, is hereby amended to read as follows, with the underlined portion to be added:

§ 23-2 DEFINITIONS.

The definitions of words and phrases set forth in §§ 1-101.05 to 1-200 of the Illinois Vehicle Code, 625 ILCS 5/1-101.05 to 1-220, are hereby adopted the same as if set out at length herein, and made a part hereof for purposes of this chapter. (1993 Code, § 23-2)

NON-HIGHWAY VEHICLE. A motor vehicle not specifically designed to be used on a public highway, including a golf cart or a recreational off-highway vehicle as each is defined by the Illinois Vehicle Code, but not including an all-terrain vehicle or an off-highway motorcycle as defined by the Illinois Vehicle Code.

Section 3. Article IX of Chapter 23 the Code of Ordinances, City of Petersburg, Illinois, is hereby amended to read as follows:

Article IX. Non-Highway Vehicles

§ 23-287 OPERATION OF NON-HIGHWAY VEHICLES.

Except as provided in this Article, it shall be unlawful for any person to drive or operate a non-highway vehicle upon any street, road, alley, or highway within the City of Petersburg, Illinois. Non-highway vehicles may be operated by a person on streets, roads, and alleys within the City of Petersburg, Illinois, only if the non-highway vehicle has first been issued a permit therefor, the non-highway vehicle has been issued and displays a tag or sticker as provided for in Section 23-288, and the operator and the non-highway vehicle complies with all of the following requirements and regulations:

(A) The non-highway vehicle must be equipped with the following in good working order and condition at all times: brakes, brake lights on rear of the vehicle, a steering apparatus (such as a steering wheel), tires, a rearview mirror, seatbelts, horn, a "slow moving vehicle" emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, a tail lamp that emits a red light visible from at least

one hundred (100) feet from the rear, front and rear turn signals, red reflector warning devices on the front and rear of the vehicle, and any additional equipment that may from time to time be required by the Illinois Motor Vehicle Code;

(B) When operated on a street, road, alley, or highway, the non-highway vehicle shall, pursuant to 625 ILCS 5/12-201, have its headlight and tail lamps lighted at all times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets, roads, and alleys are not clearly discernible at a distance of one thousand (1,000) feet;

(C) The operator must possess a valid Illinois driver's license;

(D) The operator of a non-highway vehicle must operate the non-highway vehicle in compliance with all City ordinances and the provisions of the Illinois Motor Vehicle Code (625 ILCS 5/1-101, *et seq.*), as amended from time to time;

(E) A non-highway vehicle may only be operated on streets where the posted speed limit is 35 miles per hour or less;

(F) A non-highway vehicle may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic;

(G) No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State of Illinois except at an intersection of the highway with another public street, road, or highway. The following are intersections of the City streets and State highways hereby designated as the only authorized crossing locations:

(1) East Jackson Street and Illinois Route 97 (non-highway vehicles traveling east);

(2) East Douglas Street and Illinois Route 97 (non-highway vehicles traveling west);

(3) East Taylor and Illinois Route 97 (non-highway vehicles traveling east or west); and

(4) East Madison and Illinois Route 97 (non-highway vehicles traveling east or west).

(H) No person shall operate nor shall any owner permit another person to operate a non-highway vehicle on the roads, streets, highways, or alleys within the City of Petersburg unless the non-highway vehicle is covered by a liability insurance policy and the operator of a non-highway

vehicle carries within the vehicle evidence of such insurance pursuant to Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601, *et seq.*

(I) A person who operates or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to 625 ILCS 5/11-501 through 625 ILCS 5/11-502.

(J) Only those non-highway vehicles included in the definition of "non-highway vehicle" in Section 23-2 of this Code shall be operated on any road, street, highway, or alley within the City of Petersburg. Any vehicle included in the definition of "non-highway vehicle" in 625 ILCS 5/11-1426.1 but not included in the definition of "non-highway vehicle" in Section 23-2 of this Code, including, but not limited to, "all-terrain vehicles" and "off-highway motorcycles," shall not be operated on any road, street, highway, or alley within the City of Petersburg.

(K) Each non-highway vehicle may transport only as many individuals as is the lesser of (1) the number of seats or (2) the maximum number of occupants its manufacturer designates. No individuals may ride on any portion of the non-highway vehicle other than seats.

§ 23-288 PERMIT TO OPERATE A NON-HIGHWAY VEHICLE.

It shall be unlawful to operate a non-highway vehicle within the City of Petersburg without first having obtained a permit therefor.

(A) Prior to being allowed to operate a non-highway vehicle within the City of Petersburg, the owner of a non-highway vehicle must apply for a permit to operate such non-highway vehicle by completing an application in such manner and form as may be required by the Chief of Police, or his designee, and submitting an annual application/inspection fee of fifty dollars (\$50.00).

(B) In addition to the application and fee, the applicant shall attach to his/her application proof of insurance as required by Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601 *et seq.*

(C) Upon receipt of the completed application form, application materials, and fee required by this Section, the Chief of Police, or his designee, shall conduct an inspection of the non-highway vehicle to ensure its compliance with this Article. If the applicant's completed application and non-highway vehicle meet the requirements of this Article, a tag or sticker for the non-highway vehicle that has passed inspection shall be furnished, and such tag or sticker shall be posted or affixed in a conspicuous and visible location on the non-highway vehicle as directed by the Chief of Police, or his designee.

(D) Permits issued pursuant to this Article shall be for a period of one (1) year, commencing May 1 of each year and terminating on April 30 of the following year. Each permit shall be issued for operation of one (1) designated non-highway vehicle. Permits and stickers issued pursuant to this Article shall not be assignable or transferable to other vehicles.

§ 23-289 PERMIT REVOCATION.

The permit issued pursuant to this Article may be revoked by the Chief of Police, or his designee, if:

(A) There is any material misrepresentation made by the applicant on the application; or

(B) The required liability insurance is no longer in full force and effect; or

(C) There is evidence that the permit holder can no longer safely operate the non-highway vehicle; or

(D) There has been a violation of the provisions of this Article.

If any of the above requirements are met, the Chief of Police, or his designee, shall issue a notice of revocation of a permit in writing and either hand-deliver the notice to the permit holder, or send the notice by certified mail, return receipt requested, to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after personal service, or on the third (3rd) day after the postmark of the certified mail receipt. The permit holder shall not be entitled to any portion of the annual fee upon a revocation of the permit.

§ 23-290 VIOLATIONS AND PENALTIES.

Any person violating or aiding or abetting the violation of any provisions of this Article is guilty of a petty offense and shall be fined not less than \$100.00 but not more than \$750.00 per occurrence. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one (1) year. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution. To the extent that any violation of this Article also constitutes a violation of a provision of the Illinois Vehicle Code, then the violator shall also be subject to prosecution for such traffic offense.

Section 4. For the sole purposes of relocating and renumbering the former Article IX of Chapter, "Violations and Penalties," Article XX of Chapter 23 the Code of Ordinances, City of Petersburg, Illinois, is hereby created to read as follows:

Article XX. Violations and Penalties

§ 23-900 VIOLATION DECLARED MISDEMEANOR.

It is a misdemeanor for any person to violate any of the provisions of this chapter. (1993 Code, § 23-287)

§ 23-901 GENERAL PENALTY.

Every person convicted of a misdemeanor for a violation of any provision of this chapter for which another penalty is not provided shall:

(A) For a first conviction thereof be punished by a fine of not less than \$5, nor more than \$100, or by imprisonment for not more than ten days;

(B) For a second such conviction within one year thereafter, such person shall be punished by a fine of not less than \$25, nor more than \$200, or by imprisonment for not more than 20 days, or both; and

(C) For a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not less than \$100, nor more than \$500, or by imprisonment for not more than six months, or both. (1993 Code, § 23-288)

§ 23-902 PARTIES.

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be a crime, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter is likewise guilty of such offense. (1993 Code, § 23-289)

§ 23-903 OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a street in any manner contrary to this chapter. (1993 Code, § 23-290)

Section 5: All ordinances and parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent that they may conflict.

Section 6: In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 7: This ordinance shall be in full force and effect ten days from its passage, approval, and publication in pamphlet form as provided by law.

Section 8: The City Clerk is directed to publish this Ordinance in pamphlet form.

Adopted this 6th day of February, 2018, by roll call votes as follows:

AYE:	<u>4</u>
NAY:	<u>1</u>
ABSENT:	<u>1</u>
PRESENT:	<u>0</u>

ATTEST:



CITY CLERK

APPROVED by the Mayor of the City of Petersburg, Illinois this 6th day of February, 2018.



Rick Snyder, MAYOR