

## ORDINANCE 2011-xx

### AN ORDINANCE AMENDING ARTICLE SEVEN OF THE VILLAGE CODE, AMENDING CHAPTER FOUR AND CREATING CHAPTER SEVEN ESTABLISHING RULES AND REGULATIONS FOR OPERATING NON-HIGHWAY VEHICLES WITHIN THE VILLAGE OF PECATONICA

**WHEREAS**, the Village of Pecatonica (“Village”) is a duly-organized Illinois Municipal Corporation, operating under the provisions of the Illinois Municipal Code (65 ILCS 5/1-1, et.seq.);

**WHEREAS**, the Village of Pecatonica is authorized to establish and enforce rules and regulations for the operation of motorized vehicles within the Village limits and has done so through Article Seven of the Village Code, which is entitled, “Motor Vehicles and Traffic;”

**WHEREAS**, while Chapter Four of Article Seven is entitled “Snowmobiles, ATVs and Motor-Driven Cycles,” it does not clearly establish rules and regulations for the operation of All-Terrain Vehicles (“ATVs”) or Non-Highway Vehicles (as defined by 625 ILCS 5/11-1426.1) within the Village;

**WHEREAS**, the use of Non-Highway Vehicles is growing in popularity; and,

**WHEREAS**, it is deemed to be in the best interests of the Village of Pecatonica that the Village Code be amended to include rules and regulations regarding the operation of Non-Highway Vehicles within the Village limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PECATONICA, COUNTY OF WINNEBAGO, STATE OF ILLINOIS**, as follows:

**SECTION 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as a part of this Ordinance.

**SECTION 2. Amending Chapter Four.** Article Seven: Motor Vehicles and Traffic, Chapter Four and Section 1 of Chapter Four shall both be renamed: “Snowmobiles, Motor-Driven Cycles, and Non-Highway Vehicles.”

**SECTION 3. Amending Chapter One.** Article Seven: Motor Vehicles and Traffic, Chapter One Definitions shall be amended to add the following: Q. Non-Highway Vehicle: A self propelled, electric-powered, four wheeled motor vehicle (or a self propelled, gasoline powered, four wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour and which does not conform to federal regulations under Title 49 C.F.R. Part 571.500.

**SECTION 4. Chapter Seven.** Article Seven: Motor Vehicles and Traffic, is hereby amended by the inclusion of what shall be designated as Chapter Seven Non-Highway Vehicles.

## Chapter Seven Non-Highway Vehicles

### Section 1. Operation Restrictions.

- A. Age, Valid Driver's License, and Number of Occupants. No person may operate a Non-Highway Vehicle upon the designated streets in the Village of Pecatonica unless he or she has attained the age of 18 years of age or older and has a valid driver's license. No vehicle shall carry occupants under the age of 18 years. The maximum number of occupants in such vehicles shall be deemed to correspond with the total number of seats available on the particular vehicle.
- B. Operating Permit. No Non-Highway Vehicle may be operated upon the designated streets of the Village of Pecatonica unless and until the owner/operator has obtained an Operating Permit issued by the Village of Pecatonica.
- C. Weather and Reduced Visibility. Non-Highway Vehicles shall not be operated during times of rain, snow, or fog, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the street are not clearly visible at a distance of 1000 feet or more. Operation of such a vehicle shall not be permitted when snow and or ice is present on the streets.
- D. Registration and Inspection. Non-Highway Vehicles shall be required to be registered with the Village of Pecatonica Police Department and, prior to such registration, the vehicle must pass an inspection and be certified by the Chief of Police or his designated representative. There shall be assessed a one-time registration fee of Fifty Dollars (\$50.00) for the first such inspection and registration. Thereafter, the vehicle shall be required to be inspected and re-certified on a yearly basis. After payment of the initial registration fee, there shall be assessed a yearly registration fee of Twenty-Five Dollars (\$25.00) for each subsequent inspection and registration. As a part of the registration process, a description of the Non-Highway Vehicle, including the make, model, and serial number shall be submitted to the Chief of Police and shall be kept on file at the Pecatonica Village Hall. The Village Police Department and/or the Village Clerk shall be required to maintain a list of approved vehicles and authorized operators as a part of the records maintained within the Village Hall. Any owners/operators shall be required to notify the Village upon the sale, transfer of ownership, or change of authorized operators for any such Non-Highway Vehicle.
- E. Proof of Insurance. Every owner/operator of any Non-Highway Vehicle to be operated within the limits of the Village of Pecatonica

shall maintain proper insurance on said vehicle, and, as a part thereof, shall name the Village of Pecatonica as an additional insured under the policy. No Non-Highway Vehicle may be certified and approved for operation within the Village by the Chief of Police or his designated representative unless, as a part of the annual inspection, such proof of insurance is provided. Included as a part of the registration application submitted, the applicable insurance information, including insurance company, policy number, vehicle owner, and vehicle identifying information shall be obtained and maintained.

- F. Required Equipment. Any Non-Highway Vehicle which is operated upon the streets and roadways of the Village of Pecatonica must, at a minimum, have the following equipment: brakes, a steering apparatus, tires, rearview mirror, triangular-shaped slow-moving vehicle sign, headlights, taillights, brake lights, turn signals, horn, red reflective tape located on the front and rear of the vehicle, safety belts, and Pecatonica Police Department decal.

## Section 2. Operation on Village Streets.

- A. Obedience to Traffic Laws. All Non-Highway Vehicles operated within the city limits of the Village of Pecatonica must be operated in compliance with all of the traffic laws of the State of Illinois and traffic ordinances of the Village of Pecatonica.
- B. Speed Limit. All Non-Highway Vehicles operated within the Village of Pecatonica shall not be operated at a speed in excess of 25 mph and shall, otherwise, any lesser speed limits as posted.
- C. Street and Roadway Limitations. Except where prohibited, Non-Highway Vehicles may operate only on the streets of the Village of Pecatonica and only on those streets which have a speed limit of twenty-five (25) miles per hour or less. No Non-Highway Vehicle shall be permitted to drive upon any sidewalk. Non-Highway Vehicles may not be operated on, but are permitted to cross, any street designated as a truck route.
- D. Illumination. When operated on a roadway, a Non-Highway Vehicle shall have its headlight and tail lamps lighted as required by 625 ILCS 5/12-201

## Section 3. Penalties.

- A. Fines. A violation of any provision of this Ordinance shall be punishable by payment of a fine of not less than Seventy Five Dollars (\$75.00) and not more than Five Hundred Dollars (\$500.00). Any

such violator shall also be obligated to reimburse the Village of Pecatonica for any enforcement costs incurred, including attorneys' fees, for each offense. Each time a Non-Highway Vehicle is operated in any manner in violation of any provision of this Ordinance shall be a separate offense subject to the imposition of a separate fine and/or penalty, along with the obligation to reimburse the Village for any and all enforcement costs, including attorneys' fees.

- B. Operation Under the Influence. Any person who is actually operating or in actual control of such Non-Highway Vehicle while under the influence of drugs or alcohol is subject to punishment according to the laws of the State of Illinois. Conviction for the operation of an Non-Highway Vehicle or being in actual control of an Non-Highway Vehicle while under the influence of drugs or alcohol shall result in the immediate revocation of the owner/operator's "operating permit."
- C. Discretionary Revocation. A violation of any provision of this Ordinance by any owner/operator of any Non-Highway Vehicle or a failure to comply in any manner, whatsoever, with the requirements set forth herein, shall, at the discretion of the Village of Pecatonica Board of Trustees, be punishable by suspension or revocation of the operating permit.
- D. Mandatory Revocation. Any second or subsequent violation of the provisions of this Ordinance shall result in the revocation of the Village operating permit for a period of not less than one (1) nor more than three (3) years.
- E. Criminal Prosecution. To the extent that any violation of this Ordinance may also constitute a violation of the criminal statutes of the State of Illinois, the violator shall also be subject to criminal prosecution.

**SECTION 5. SEVERABILITY.** If any provision of this Ordinance shall be held to be invalid or unenforceable, it shall not affect any other provision of this Ordinance.

**SECTION 6. CONFLICTING PROVISIONS.** All prior ordinances, resolutions, motions, orders, or agreements in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect ten (10) days after its passage and approval as provided by law.

**SECTION 8. PUBLICATION.** Upon passage and approval, the Village Clerk is hereby directed to publish this Ordinance in pamphlet form or as otherwise directed as provided by law.

PASSED by the Village Board this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

APPROVED by the President of the Village Board this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Dan Barber, Village President

ATTEST:

\_\_\_\_\_  
Dana Ryall, Village Clerk

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Absent \_\_\_\_\_

Foster: \_\_\_\_\_

Metz: \_\_\_\_\_

Smull: \_\_\_\_\_

Heister: \_\_\_\_\_

Deppe: \_\_\_\_\_

Eytalis: \_\_\_\_\_