

ORDINANCE NO. 8209-2018

**AN ORDINANCE AMENDING TITLE VII (TRAFFIC CODE)
BY ADDING CHAPTER 77 (NON-HIGHWAY VEHICLES) OF THE
REVISED ORDINANCES OF THE CITY OF BELLEVILLE, ILLINOIS**

THE CITY OF BELLEVILLE, ST. CLAIR COUNTY, ILLINOIS (THE "CITY"), IS A DULY ORGANIZED AND EXISTING MUNICIPALITY CREATED UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF ILLINOIS.

THE CITY OF BELLEVILLE IS NOW OPERATING UNDER THE PROVISIONS OF THE ILLINOIS MUNICIPAL CODE, AS SUPPLEMENTED AND AMENDED AND AS A HOME RULE MUNICIPALITY PURSUANT TO ARTICLE VII OF THE ILLINOIS CONSTITUTION OF 1970; AND IN THE EXERCISE OF ITS HOME RULE POWERS.

WHEREAS, the City is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the City has determined that the operation of qualified non-highway vehicles should be allowed under certain conditions on the streets under the jurisdiction of the City; and

WHEREAS, the Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) authorizes municipalities, by ordinance or resolution, to permit qualified non-highway vehicles to operate upon the streets under the jurisdiction of the municipality; and

WHEREAS, the City has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1), qualified non-highway vehicles, as defined herein, may safely operate on designated streets within the jurisdiction of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEVILLE, ILLINOIS:

Section 1. That Title VII (Traffic Code) is hereby amended by adding Chapter 77 (Non-Highway Vehicles) as follows:

CHAPTER 77: NON-HIGHWAY VEHICLES

77.01 DEFINITIONS.

“Non-highway vehicle” means a recreational off-highway vehicle or golf cart, as defined in this Article.

“Golf cart” means 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.

“Recreational off-highway vehicle” means any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer’s dry weight of 2,000 pounds or less, traveling on four (4) or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

“Seat belts” means a set of belts or harnesses meeting the specifications established by the Illinois Department of Transportation and installed in such manner as to prevent or materially reduce the movement of the person using the belts or harness in the event of a collision or upset of the vehicle.

“City streets” means any of the streets or roadways under the jurisdiction of the City of Belleville and within the corporate city limits.

77.02 NON-HIGHWAY VEHICLES ON CITY STREETS. Non-highway vehicles, as defined and qualified herein, shall be allowed on City streets, subject to the conditions stated herein.

77.03 REQUIREMENTS. All persons operating a non-highway vehicle on the City streets, must comply with the following requirements:

- (a) must possess at all times, proof of current liability insurance meeting the requirements of Articles VI of Chapter 7 of the Illinois Vehicle Code.
- (b) must possess a non-highway vehicle permit from the City, after first having the subject non-highway vehicle inspected by a City Certified Inspector.
- (c) must display City decal on the rear of the vehicle.
- (d) must have a current, valid Illinois driver’s license.
- (e) must be equipped with the following items, with such items being fully operational:
 - (i) horn;
 - (ii) brakes adequate to stop such vehicle when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material;
 - (iii) brake lights;
 - (iv) turn signals;
 - (v) a steering wheel apparatus;
 - (vi) tires that do not have any part of a ply or cord exposed, have any tread or sidewall crack, cut, snag, or other surface interruption deep enough to expose a ply or cord, and do not contain any bulge, knot or separation;
 - (vii) seat belts;

- (viii) rearview mirror;
 - (ix) approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - (x) two (2) headlights that emit a white light visible from a distance of 500 feet to the front, which must illuminate when in operation;
 - (xi) tail lamp that emits a red light visible from at least 100 feet from the rear, which must be illuminated when in operation;
 - (xii) Any additional requirements which may be amended to Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) or any other provision of the Illinois Motor Vehicle Code.
- (f) must obey all traffic laws of the State of Illinois and the City of Belleville.
- (g) must operate headlights and tail lamps at all times that the non-highway vehicle is in use on the City Streets.
- (h) shall not tow or pull any device or object behind the non-highway vehicle.
- (i) shall only be operated on City Streets, except where prohibited.
- (j) if traveling in a group of two (2) or more non-highway vehicles, the non-highway vehicles must travel in a single file line and shall not travel side by side.
- (k) shall not be operated more than the posted speed limit but not more than 25 mph.
- (l) shall not transport more passengers than the number of seat belts installed on the non-highway vehicle.
- (m) the operator and passengers must wear seat belts at all times during operation.
- (n) the operator and passengers shall not stand while the non-highway vehicle is in operation.
- (o) shall not leave the key in the ignition when unattended or parked.
- (p) A person operating or in actual physical control of a non-highway vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-500-11-502).

77.04 PROHIBITED LOCATIONS. Operation of a non-highway vehicle is prohibited in the following locations:

- (a) Any street, highway, or roadway that has a posted speed limit of more than 35 miles per hour.
- (b) Sidewalks.
- (c) Any unpaved area of the City parks, unless the operator first receives written authorization and/or a permit from the Chief of Police or their designee for the operation of the Non-highway vehicle at a special event.
- (d) City bike trails
- (e) Any real private property within the City without written authorization from the owner(s).

(f) The City of Belleville Police Department Non-Highway Vehicles are exempt from the above prohibited locations in the performance of their law enforcement duties. Other City of Belleville Non-Highway Vehicles are exempt from the prohibitions of 77.5 (b) (c) (d) and (e).

77.05 PERMITS. No person shall operate a qualified non-highway vehicle without first obtaining a permit from the City Clerk, as provided herein. The City of Belleville Police Department and other City Non-Highway vehicles are exempt from displaying a City permit. A permit is valid for one (1) Non-highway vehicle from May 1st through April 30th of the following year. The cost of the permit shall be \$30.00. Permits shall expire on April 30th of each year. A permit purchased after October 31st shall have a pro-rated cost of \$15.00.

Every application for a permit shall be made on a form supplied by the City of Belleville and shall contain the following information:

- (a) Name and address of applicant.
- (b) Name of liability insurance carrier and insurance policy number.
- (c) The serial number, make, model and description of the non-highway vehicle.
- (d) Signed Waiver of Liability by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of applicant's non-highway vehicle on the City streets.
- (e) Photocopy of applicable liability insurance coverage card, specifically for the non-highway vehicle to be operated pursuant to the permit.
- (f) Such other information as the City may require.

No permit shall be granted unless the following conditions are met:

- (a) The non-highway vehicle must be inspected and approved by City of Belleville Police Department designated personnel.
- (b) A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified non-highway vehicle on City streets.
- (c) The applicant must provide evidence of insurance in compliance with the provisions of Illinois law regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- (d) The applicant must provide a copy of the driver's license of the applicant and each operator.
- (e) The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance, or there is evidence the permittee cannot safely operate a qualified non-highway vehicle on the designated roadways.

77.99 PENALTY. Any person who violates any provision of Title VII, Chapter 77 shall be guilty of an ordinance violation and shall be punished by a fine of not less than \$75.00, nor more than \$250.00. A second offense within a twenty-four (24) months period shall result in a six (6) month suspension of the permit. Any third

or subsequent offense within a twenty-four (24) month period 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 Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

Section 2. That conflicting Ordinances or pertinent portions thereof in force the time this takes effect are hereby repealed.

Section 3. Any person violating this Ordinance shall be subject to the penalties of Title VII (Traffic Code), Chapter 77 (Non-Highway Vehicles), Section 77.99 (Penalty).

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication, in pamphlet form, all as provided by law.

PASSED by the City Council of the City of Belleville, Illinois, on this 18th day of June, 2018 on the following roll call vote:

	<u>AYE</u>	<u>NAY</u>
Joseph Hazel	<u>X</u>	_____
Ken Kinsella	<u>X</u>	_____
Jane Pusa	<u>X</u>	_____
Michael Buettner	<u>X</u>	_____
Kent Randle	<u>X</u>	_____
Scott Tyler	<u>X</u>	_____
Johnnie Anthony	<u>X</u>	_____
Raffi Ovian	<u>X</u>	_____
Edward Dintelman	<u>X</u>	_____
Michelle Schaefer	<u>X</u>	_____
Andrew Gaa	<u>X</u>	_____
Mary Stiehl	<u>X</u>	_____
Philip Elmore	<u>X</u>	_____
Dennis Weygandt	<u>X</u>	_____
Roger Wigginton	<u>X</u>	_____
Roger Barfield	<u>X</u>	_____

APPROVED by the Mayor of the City of Belleville, Illinois this 19th day of June, 2018.



MARK W. ECKERT, MAYOR

ATTEST:



JENNIFER GAIN MEYER, CITY CLERK

