

ORDINANCE NO. _____

**AN ORDINANCE CREATING CHAPTER 3 OF TITLE 6
OF THE CITY CODE OF THE CITY OF CLINTON, ILLINOIS**

BE IT ORDAINED by the City Council of the City of Clinton, Illinois, there is added a new Chapter 3 to Title 6 of the City Code of the City of Clinton, Illinois, as follows:

CHAPTER 3, NON-HIGHWAY VEHICLES

6-3-1: Findings of Fact.

Considering the volume, speed and character of traffic on streets within the City, the City Council has determined that the public safety will not be jeopardized by the operation of certain non-highway vehicles, as specified below, on streets under the City's jurisdiction. This chapter is not to be relied upon by any individual as a determination that operation of non-highway vehicles on City streets is safe or advisable even if done in accordance with this chapter. All persons operating non-highway vehicles must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. All persons who operate or ride non-highway vehicles on streets inside the City, do so at their own risk and peril. The City disavows any liability for permitting non-highway vehicles to be operated on City streets. The enactment of this ordinance is not intended to designate the operation of a non-highway vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local

Government and Government Employees Tort Immunity Act. 745 ILCS 10-101, et seq.

6-3-2: Definitions.

All terms used in this chapter shall have the definitions provided in the Illinois Vehicle Code. 625 ILCS 5/1, et seq.

6-3-3: Operation of Certain Non-highway Vehicles on Streets and Roads in the City.

The following non-highway vehicles, ("authorized non-highway vehicles") may be operated on streets within the City:

- A. A golf cart as defined in 625 ILCS 5/1-123.9.

The operation on City streets of a recreational off highway vehicle as defined in 625 ILCS 5/1-168.8, an off-highway motorcycle as defined in 625 ILCS 5/1-153.1 or an all-terrain vehicle, as defined in 625 ILCS 5/1-101.8 is prohibited.

6-3-4: Authorized Non-highway Vehicles.

Authorized non-highway vehicles may be operated on streets within the City, but only in strict compliance with the following rules and regulations:

- A. Any person who operates a non-highway vehicle in the City takes full responsibility for all liability associated with operating the non-highway vehicle.

- B. Any person who operates a non-highway vehicle must be at least 18 years of age and possess a valid driver's license.

- C. Any person who operates a non-highway vehicle must possess

proof of liability insurance for personal injury and property damage with limits of liability not less than the minimum required by the State of Illinois for passenger vehicles pursuant to 625 ILCS 5/7-203. Evidence of insurance, in the form of an insurance card as prescribed in 625 ILCS 5/7-602, must be surrendered to any officer of the City Police Department or any other Law Enforcement Agency for inspection upon request.

D. A non-highway vehicle shall have its headlights and tail lamps lighted at all times when operated on City streets as required by 625 ILCS 5/12-201.

E. Non-highway vehicles may not be operated in unsafe weather conditions or when visibility is impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light to see persons and vehicles on the streets at a distance of 500 feet. City Police Officers shall have full discretion in determining whether unsafe conditions from weather, smoke, fog or insufficient lighting exist.

F. Non-Highway vehicles may not be operated at a speed of greater than 20 miles per hour. Non-highway vehicles may not be operated on City streets which have a posted speed limit of more than 35 miles per hour. This section does not prohibit non-highway vehicles from crossing a street at the intersection where the street has a posted speed limit of more than 35 miles per hour. No person operating a non-highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in

this State. No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State, except at an intersection of the highway with another public street, road, or highway.

G. Non-highway vehicles must be equipped with the following equipment, which shall professionally manufactured and installed, and must conform with Illinois Department of Transportation specifications:

1. seat belts
2. a horn,
3. brakes,
4. a steering apparatus,
5. tires,
6. a review mirror,
7. front and rear red reflectorized warning devices,
8. a slow-moving vehicle emblem on the rear in conformity with 625 ILCS 5/12-709,
9. a head light that emits a white light visible from a distance of 500 feet to the front in daylight,
- 10, a tail lamp that emits a red light visible from at least 100 feet from the rear in daylight, brakes lights and turn signals.
11. a windshield,
12. an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such

muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a non-highway vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle.

H. Any person who operates or is in actual physical control of a non-highway vehicle within the City must adhere to all applicable laws of the Illinois Vehicle Code, 625 ILCS 5/1, et seq.

I. Non-highway vehicle drivers must yield the right-of-way to overtaking vehicles at all times.

J. The maximum occupancy of non-highway vehicles traveling on City streets will be one person per bucket seat and not more than 2 persons per bench seat. No person under the age of 8 years shall be a passenger in a non-highway vehicle.

K. All persons operating and riding in non-highway vehicles must be properly seated and seat belted while the non-highway vehicle is in motion.

L. Except as otherwise permitted under the terms of this chapter, non-highway vehicles may only be operated between one half hour prior to sunrise and one half hour after sunset.

M. Non-highway vehicles shall not park in handicapped parking spaces unless the driver or at least one passenger has at least one valid handicapped parking permit issued by the Illinois Secretary of State.

N. Non-highway vehicles may not be operated on sidewalks or

other public or private property not accessible to or authorized to vehicular traffic, except as otherwise permitted in this chapter.

6-3-5: Inspection and Non-highway Vehicle License.

A. Inspection: All authorized non-highway vehicles operated on City streets must be inspected prior to the issuance of a City Non-Highway Vehicle License. The inspection shall be performed by the Clinton Police Department. The vehicle inspection shall not be required after the first year of registration unless the Chief of Police, in the Chief's sole discretion, determines that a subsequent inspection should be obtained.

B. License: All authorized non-highway vehicles operated on the City streets must display, in a manner as prescribed by the Chief of Police of the City, a valid City Non-Highway Vehicle License issued by the Chief of Police of the City after successfully passing inspection. All persons seeking to operate non-highway vehicles on the streets shall submit to the Chief of Police of the City, or his or her designee, a completed application and inspection form as prescribed by the Police Department along with an application fee of \$100.00 payable to the City.

The non-highway vehicle license shall be valid for a period of one calendar year beginning January 1st and expiring December 31st. Non-highway vehicle licenses shall not be transferrable to any other person or non-highway vehicle and shall not be issued on a pro-rated basis.

6-3-6: Exemptions.

A. Officers of the City Police Department or other law enforcement agencies, firemen, emergency medical personnel, members of an emergency management and disaster agency, City employees, County Health Department, County Animal Control, or any other bona fide public safety agency, shall be exempt from the provisions of this chapter while operating any non-highway vehicle on City streets in the performance of official duties.

B. The temporary operation of any non-highway vehicle not otherwise authorized by persons participating in parades is hereby authorized. Such operation shall be directly from the place of storage of said vehicle to the starting location of the parade, along the parade route while said parade is in motion, and directly from the ending location of the parade back to the place of storage of said vehicle.

6-3-7: Enforcement and Penalties.

A. Local Rules and Regulations: Any act constituting a violation of this chapter or failure to comply with any of its requirements shall be punishable in accordance with Section 1-4-1 of the City Code.

B. Suspension and Revocation of License:

1) Non-highway vehicle licenses may be suspended by the Chief of Police upon presentation of evidence in support of said suspension, for a period not to exceed six months. Suspended non-highway vehicle licenses shall be surrendered to the Chief of Police immediately upon receipt of Notice of Suspension. Suspensions may be appealed in writing with 14 days of issuance.

Appeals shall be considered at a hearing before the Commissioner of Public Health and Safety. The person receiving the suspension may appear at the appeals hearing and present witnesses and evidence, and be represented by an attorney. During the appeal process, the suspension shall remain in full force and effect.

2) The non-highway vehicle license of any Persons having received two suspensions within any two-year period or being convicted for two moving violations concerning the licensed vehicle, shall be automatically revoked.

3) Persons having their non-highway vehicle license suspended or revoked must submit a completed application for reinspection and reinstatement of non-highway vehicle license along with a \$100.00 re-inspection and reinstatement fee after conclusion of suspension or twelve months from the date of revocation.

PRESENTED to the City Council of the City of Clinton, Illinois, this ____ day of _____, 2020.

PASSED and **APPROVED** this _____ day of _____, 2020.

Mayor of the City of Clinton

ATTEST:

City Clerk

(CORPORATE SEAL)

Votes:

Ayes _____

Nays _____

| Absent _____ S