

ORDINANCE AMENDING TITLE 10 PERMITTING THE OPERATION OF NON-HIGHWAY VEHICLES ON STREETS, ROADS AND HIGHWAYS

WHEREAS, the Village of Oakwood, Illinois, a municipal corporation, acting through its corporate authorities, has determined that the protection of the public and the protection of the properties within the Village are in the interests of the health and safety of the public; and

WHEREAS, the Village of Oakwood has the authority to adopt regulations governing the operation of motor vehicles upon the streets, roads and highways under the jurisdiction of the Village; and

WHEREAS, the corporate authorities, having considered the volume, speed and traffic on the streets, roads and highways under the jurisdiction of the Village have determined that non-highway vehicles may safely travel on or across such streets, roads and highways and that public safety will not be jeopardized by such operation; and

WHEREAS, the Village of Oakwood, may under its general police powers and specifically pursuant to 625 ILCS 5/11-1426.1 act for the good order of the Village and for the health, safety and welfare of the public by regulating the operation of non-highway vehicles on the streets, roads and highways under the jurisdiction of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Oakwood, Illinois, as follows:

Section 1: This ordinance establishes Chapter 10.24, Non-Highway Vehicles, of the Municipal Code of the Village of Oakwood, which shall contain the following provisions:

10.24.010 Definitions

As used in this section, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

- (1) an all-terrain vehicle, as defined by 625 ILCS 1-118, as amended from time to time;
- (2) a golf cart, as defined by 625 ILCS 1-123.9, as amended from time to time; and
- (3) a neighborhood vehicle, as defined by 625 ILCS 1-148.3(m), as amended from time to time.

10.24.20 Restrictions.

(A) Except as otherwise provided in this Chapter, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway or roadway in the Village. If the operation of a non-highway vehicle is authorized under this paragraph, the non-highway vehicle may be operated only on the streets where the posted speed limit is 35 miles per hour or less. This paragraph does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(B) A person may not drive or operate a non-highway vehicle upon or across U.S. Route 150.

(C) A person may not operate a non-highway vehicle upon any street, highway or roadway in the Village unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State and is at least 21 years of age.

(D) A non-highway vehicle may be operated on a street, roadway or highway in the Village only if it has the following: brakes; a steering apparatus; four wheels; tires; a rear-view mirror; red reflectorized warning devices in the front and rear; a slow-moving emblem (as required of other vehicles in 625 ILCS 12-709) on the rear of the vehicle; a muffler; a headlight that emits a white light visible from a distance of 500 feet to the front; a tail lamp that emits a red light visible from at least 100 feet from the rear; brake lights; and turn signals. When operated on a street, road or highway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by 625 ILCS 12-201.

(E) Any person who operates a non-highway vehicle on a street, road or highway in the Village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code.

10.24.30 License/Permit Required.

(A) It shall be unlawful to drive or operate a non-highway vehicle upon any street, highway or roadway of the Village without having a license or permit issued by the Chief of Police or his or her designee, which license or permit shall be clearly visible on the vehicle to the rear and shall be issued only following an inspection of the vehicle demonstrating compliance with all of the provisions of this Chapter.

(B) Applications for non-highway vehicle licenses or permits shall be made to the Chief of Police and each license issued hereunder shall expire one year subsequent to its issuance. Each such application shall be accompanied by an annual fee for such license, which shall be \$35.00, payable to the Village Clerk

10.24.40 Penalty.

Whoever violates any provisions of this Chapter shall be fined not less than \$100.00 nor more than \$1,000.00. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the Village in prosecuting the violation, which shall include but not be limited to the cost associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney fees.

Section 2: This ordinance shall be effective ten (10) days after its publication. The Village Clerk is empowered to publish this ordinance in pamphlet form.

Section 3: This ordinance is hereby passed by an affirmative vote, the "ayes" and "nays" being called, by a majority of the trustees of the Board of Trustees of the Village of Oakwood at a regular meeting of the Board of Trustees on the 8th day of November, 2010.

Passed this ____ day of _____, 20__.

Approved this ____ day of _____, 20__.

APPROVED:

Robert Parr, Acting Mayor

ATTEST:

Jan Hill
Village Clerk

Published in Pamphlet Form
this ____ day of _____, 20__.

Jan Hill, Village Clerk

ORDINANCE NO. 03-7-14-1

**AN ORDINANCE PROHIBITING THE USE OF OFF-ROAD
RECREATIONAL MOTORIZED VEHICLES**

WHEREAS, the President and Board of Trustees of the Village of Oakwood, Illinois have the duty and responsibility of adopting ordinances governing the use of highways, streets and alleys within the Village as well as governing the use of municipally owned property, and

WHEREAS, the President and Board of Trustees of the Village of Oakwood have determined that recreational motorized vehicles are a nuisance to the general public as well as representing a danger to the operators of said vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Oakwood, Vermilion County, Illinois as follows:

Section 1: It shall be unlawful to operate any unlicensed off-road recreational motorized vehicle upon any street or alley within the Village limits, or upon any municipally owned property or upon any right of way of any railroad.

Section 2: It shall be unlawful to operate any licensed off-road recreational motor vehicle upon any municipally owned property or upon any railroad right of way located within the limits of the Village.

Section 3: Any person violating this Ordinance shall be subject to a fine of not less than \$100.00 nor more than \$750.00.

Section 4: This Ordinance shall be effective 10 days upon its passage, approval and publication.

ADOPTED this 14th day of July, 2003 upon the following roll call vote;

AYES

Debbie Jaurez, Gene Meghardt, Mitch Zverenz

NAYES
