

CITY OF ANNA, ILLINOIS

A Municipal Corporation

ORDINANCE NO. 2016-10

PASSED AND APPROVED
NOVEMBER 15, 2016

AN ORDINANCE OF THE CITY OF ANNA, ILLINOIS PERMITTING THE USE OF
CERTAIN NON-HIGHWAY VEHICLES ON CERTAIN STREETS AND ROADS WITHIN
IT'S CORPORATE LIMITS, EFFECTIVE NOVEMBER 15, 2016

ORDINANCE NO. 2016-10

AN ORDINANCE PERMITTING THE USE OF CERTAIN NON-HIGHWAY VEHICLES ON CERTAIN STREETS AND ROADS WITHIN THE CORPORATE LIMITS OF THE CITY OF ANNA, ILLINOIS

THAT, WHEREAS the Corporate Authorities for the City of Anna, Illinois, desire to permit the use of certain Non-Highway vehicles, as defined in the State of Illinois Vehicle Code, 625 ILCS 5/11-1426.1 et seq., on certain streets and roads within the City's Corporate Limits; and

WHEREAS, the Corporate Authorities for the City of Anna, Illinois, have made a determination, as required by 625 ILCS 5/11-1426.1(d), that public safety will not be jeopardized by the operation of Non-Highway Vehicles on certain streets and roads within It's Corporate Limits.

NOW, THEREFORE, BE IT ORDAINED as Follows:

SECTION ONE: - STATUTORY AUTHORITY, This Ordinance is adopted in accordance with the provisions of 625 ILCS 5/11-1426.1 et seq. of the Illinois Vehicle Code, which grants municipalities the authority to permit the operation of Non-Highway Vehicles on their roadways.

SECTION TWO: - GENERAL PROVISIONS Pursuant to this Ordinance certain Non-Highway Vehicles, as provided hereinunder, will be permitted to operate on City streets and alleys within the Corporate Limits of the City of Anna where appropriate signs are posted and where the posted speed limit is 35 miles per hour or less. Such vehicles shall be prohibited from driving on any State of Illinois or U.S. Highway which passes through the City of Anna's Corporate Limits, except to make a direct crossing of such highway, and:

- (a) The crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;
- (b) The non-highway vehicle is brought to a complete stop before attempting a crossing;
- (c) The operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and
- (d) That when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

PROVIDED, HOWEVER, no such vehicle shall be allowed to cross Illinois Route 146 at any point east of East Avenue to the City of Anna's Corporate Limits. NOR shall any such vehicle be allowed to cross new U.S. Route 51 at any point within the Corporate Limits.

SECTION THREE: - PERMITTED VEHICLES The Following are the Non-Highway Vehicles which will be permitted to operate within the City of Anna, Illinois' Corporate Limits:

- (a) A Golf Cart, as defined in 625 ILCS 5/1-123.9 of the Illinois Vehicle Code; and
- (b) A Recreational Off Highway Vehicle, as defined in 625 ILCS 5/1-168.8 of the Illinois Vehicle Code.

SECTION FOUR: PERMITS REQUIRED

- a.) No person shall operate a qualified Non-Highway vehicle without first obtaining a permit from the City Clerk as provided herein. PERMITS SHALL BE GRANTED FOR ONE (1) YEAR AND SHALL BE RENEWED ANNUALLY ON JANUARY 1ST OF EACH AND EVERY SUCCESSIVE YEAR. The fee for a permit shall be THIRTY-FIVE DOLLARS (\$35.00) or such amount as the Corporate Authorities shall from time to time, deem appropriate. The fee for permits applied for on and after July 1st in a particular year, covering the remainder of that calendar year, shall be \$17.50, or ½ of the then applicable annual fee. Insurance coverage is required as provided herein, and coverage shall be verified by the Chief of Police or his designee prior to issuing or renewing a permit. Non-Highway Vehicles used by governmental entities in the City of Anna shall be exempt and not required to obtain permits pursuant to this Ordinance.
- b.) Every application for a permit shall be made on a form supplied by the City, which shall contain the following information:
 - (1) Name and address of the applicant;
 - (2) Name of liability insurance carrier as required for passenger motor vehicles by the State of Illinois;
 - (3) Serial number, year, make, model and description of the Non-Highway vehicle as defined herein; and
 - (4) Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit;
 - (5) Photocopy of the operator's current driver's license; and

- (6) Such other information as the City may require.
- c.) No permit shall be granted unless the following conditions are met:
- (1) The vehicle must be inspected by the Chief of Police or his designee to insure that the vehicle is safe to operate on City streets and is in full compliance with this Ordinance;
 - (2) Any physically-handicapped applicant, as determined pursuant to the sole discretion of the Chief of Police, must submit a certificate signed by a licensed physician in good standing, certifying that the applicant is able to safely operate the Non-Highway Vehicle in question on City streets; and
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Vehicle Code regarding mandatory insurance for passenger motor vehicles operating on the roads of the State of Illinois.
- d.) The City may suspend or revoke any permit previously granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or that the permittee cannot safely operate a qualified Non-Highway vehicle pursuant to the terms, conditions and requirements of this Ordinance. If requested in writing within ten (10) days of suspension/revocation and filed with the City Clerk, the subject permittee shall be entitled to a due process hearing by the City Administrator of the City of Anna to contest the suspension/revocation. The hearing shall be conducted at City Hall at a mutually agreeable time. The hearing shall be informal and the rules of evidence will not apply. The City Administrator will issue his/her decision with five (5) days of the hearing and his/her decision will be final.

SECTION FIVE: GENERAL REQUIREMENTS.

All persons who operate Non-Highway Vehicles defined herein, on the City streets, must strictly comply with the following requirements:

- a.) They must maintain and provide proof of current liability insurance, meeting all of the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code.
- b.) The vehicle must have an operating/fully-functional muffler on gasoline-powered vehicles which allows for the operation of said vehicle within the City at a decibel level which is acceptable to the Chief of Police or his designee;
- c.) The vehicle must be certified as having met all City requirements for an inspection by the Chief of Police or his designee;

- d.) The vehicle must display a current City decal in plain view on the lower left portion of the front windshield of the vehicle;
- e.) The operator must have a current, valid Driver's License issued by the State of Illinois or some other foreign jurisdiction; and
- f.) The operator must be a minimum of 21 years of age.

SECTION SIX: RULES. All persons who operate a Non-Highway Vehicle as defined herein, on City streets, must ensure compliance with the following rules:

- a.) Must obey all traffic laws of the State of Illinois and the City of Anna;
- b.) May only be operated on City streets, except where prohibited;
- c.) May not be operated on any State of Illinois or U.S. Highway except to cross same where permitted as otherwise provided herein;
- d.) May only be operated on City streets which have a posted speed limit of thirty-five miles per hour (35 MPH) or less;
- e.) Any person who is operating or in actual physical control of a Non-Highway Vehicle (as defined herein) on a City street while under the influence of alcohol, drugs or a combination thereof shall be subject to the provisions of Section 11-500 through 11.502 of the Illinois Vehicle Code (625 ILCS 5/11-500 through 5/11-502).
- f.) Non-Highway Vehicles shall not be operated on sidewalks or in the City Park, other than the street and parking areas;
- g.) Non-Highway Vehicles may not be operated on any streets, highways and/or roads under the jurisdiction of the Illinois Department of Transportation or the Union County Highway Department, except as may be allowed pursuant to the various provisions of Section 5/11-1426.1 of the Illinois Vehicle Code;
- h.) All operators of a Non-Highway Vehicle shall adhere to the child restraint laws pursuant to the Illinois Compiled Statutes;

- i.) All operators of and passengers in a Non-Highway Vehicle shall ride in a sitting position and if said vehicle was manufactured with seatbelts attached and/or affixed thereto, wearing a seatbelt while the vehicle is in motion; and
- j.) All operators shall not operate a Non-Highway Vehicle in excess of the posted speed limit.

SECTION SEVEN: VEHICLE IDENTIFICATION AND REQUIREMENTS

- a.) Any vehicle approved and permitted by the City of Anna shall be identifiable by a City-issued sticker.
- b.) Each Non-Highway vehicle must be equipped with the following:
 - (1) Brakes;
 - (2) A permanently affixed hood or canopy;
 - (3) Not less than four tires;
 - (4) A rear-view mirror;
 - (5) Steering wheel apparatus;
 - (6) A permanently-affixed windshield;
 - (7) Red reflectorized warning devices in the front and rear;
 - (8) A slow-moving emblem in the (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the Non-Highway Vehicle;
 - (9) A headlight that emits a visible white light which may be seen from a minimum distance of 500 feet to the front;
 - (10.) A tail lamp that emits a visible red light which may be seen from a minimum 100 feet from the rear;

(11.) Brake lights; and

(12.) Turn Signals.

c.) When operated on a designated roadway, a Non-Highway Vehicle shall have its head lamps and tail lamps lighted at all times, as required by Section 12-201 of the Illinois Vehicle Code.

SECTION EIGHT: VIOLATIONS

- a.) Any vehicle authorized for use on a City street/roadway by the passage of this Ordinance shall be subject to all local and state laws that apply to vehicles under the Illinois Vehicle Code and any violation of said laws will result in the operator of said vehicle being eligible for prosecution pursuant to the Illinois Vehicle Code.
- b.) Any person who violates any provision of this Ordinance shall be guilty of a petty offense, punishable by a fine of one hundred dollars (\$100.00), payable to the City of Anna. Any second or subsequent offense shall result in the revocation of the operating permit for a period of not less than three (3), not more than five (5) years, as determined by the Anna City Council. Any and all violations of this Ordinance shall not be excessive, and may also constitute a violation of the laws of the State of Illinois for which the violator may also be subject to prosecution.

SECTION NINE: MISCELLANEOUS

In the event of a Court of competent jurisdiction declares any provision of this Ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect any other part or parts thereof. Except where specifically intended to differ in its restriction and regulation of certain types of Non-Highway Vehicles within the Corporate Limits of the City of Anna, Illinois, this Ordinance shall be read and interpreted to be consistent with Section 5/11-1426.1 of the Illinois Vehicle Code, as may be from time-to time amended. Any other previous sections or provisions of the Ordinances of the City of Anna, which may be conflict with any part or parts of this Ordinance, are hereby specifically repealed and superceded by the provisions of this Ordinance.

SECTION TEN: ENFORCEMENT DISCRETION.

The interpretation and enforcement of any and all provisions of this Ordinance, as well as the determination of who may or may not be issued a permit pursuant to the rules, terms and conditions of this Ordinance, shall be within the absolute discretion of the City of Anna, and/or It's Chief of Police, or It's designee, pursuant to the police powers granted to the City of Anna by the laws of the State of Illinois, and all decisions of the City shall be final.

SECTION ELEVEN: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after November 15, 2016, and replaces Ordinance No. 2016-09, which is hereby repealed.

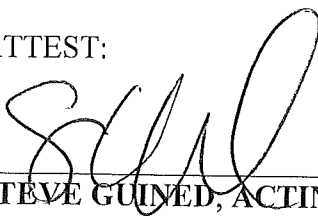
PASSED AND ADOPTED: 11/15, 2016



STEVE HARTLINE, MAYOR

<u>RECORD OF VOTE:</u>	<u>YEA</u>	<u>NEA</u>
MAYOR HARTLINE	<u>X</u>	___
COMMISSIONER BIERSTADT	<u>X</u>	___
COMMISSIONER ISOM	<u>X</u>	___
COMMISSIONER KAMP	<u>X</u>	___
COMMISSIONER WEBB	<u>X</u>	___

ATTEST:



STEVE GUINED, ACTING CITY CLERK

(Corporate Seal)

FILED FOR RECORD ON 11/15, 2016