

ORDINANCE NO. 2940

AN ORDINANCE CREATING A NEW ARTICLE X (OPERATION OF NON-HIGHWAY VEHICLES) WITHIN CHAPTER 90 (TRAFFIC AND VEHICLES) OF THE VILLAGE CODE OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS

WHEREAS, the Corporate Authorities of the Village of New Lenox, Will County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the Village of New Lenox have determined that it is in the best interests of the Village and its citizens to create a new Article X (Operation of Non-Highway Vehicles) within Chapter 90 (Traffic and Vehicles) of the Village Code as set forth in this ordinance; and

WHEREAS, this Ordinance is adopted in the interest of public safety. Non-highway vehicles are not designed or manufactured to be used on public streets and roads (hereinafter "street(s)"), and the Village of New Lenox in no way advocates or endorses their operation on the streets. The Village, by regulating such operation, is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. 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 Village of New Lenox do so at their own risk and peril. The Village of New Lenox has no liability under any theory of liability for permitting non-highway vehicles to be operated on Village streets.

NOW THEREFORE, BE IT ORDAINED BY THE CORPORATE AUTHORITIES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS HOME RULE AND STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. The Village Code of the Village of New Lenox shall be amended to add the following:

Sec. 90-345---90-369. Reserved.

ARTICLE X. OPERATION OF NON-HIGHWAY VEHICLES

Sec. 90-370. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County road means any street, road, or other public highway under the jurisdiction of the Will County Division of Transportation, including but not limited to Francis Road, Gougar Road, Laraway Road and portions of Cedar Road.

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 of a public or private golf course.

Non-highway vehicle means golf carts and utility task (side-by-side) vehicles only.

State road means any street, road, or other public highway under the jurisdiction of the Illinois Department of Transportation, including but not limited to U.S. Route 6, U.S. Route 30, Interstate 80 and Interstate 355.

Township road means any street, road, or other public highway under the jurisdiction of any township road district of the State of Illinois.

Utility task (side-by-side) vehicle means a motorized vehicle designed to travel primarily off-highway; 64 inches or less in width; having a manufacturer's dry weight of two thousand (2,000) pounds or less; with an engine displacement under one thousand two hundred (1,200) cubic centimeters; traveling on four (4) or more non-highway tires; designed with non-straddle seats for two (2) to six (6) passengers inclusive of the driver; a steering wheel for steering control and maneuvering; and capable of attaining in one (1) mile a speed of more than twenty (20) miles per hour but no more than twenty-five (25) miles per hour; provided that the definition of "utility task (side-by-side) vehicle" shall not include any vehicle designed to operate as a lawnmower, regardless of whether or not it has since been modified to remove that capability.

Village road means any street, road, or other public highway under the jurisdiction of the Village of New Lenox, Will County, Illinois.

Sec. 90-371. Limitations on operation.

(a) Subject to the limitations set forth in this article, any person over the age of eighteen (18) with a valid driver's license may operate a non-highway vehicle on any village road where the posted speed limit is thirty-five (35) miles per hour or less. This section shall not be construed as granting permission for any person operating a non-highway vehicle to drive upon or cross any township road, county road, or state road. Notwithstanding the foregoing limitations, a non-highway vehicle shall be allowed to cross a village road, county road, township road, or state road if the operator of the non-highway vehicle makes a direct crossing provided:

- (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing; and
- (2) The street has a posted speed limit of forty (40) miles per hour or less and the crossing is made at an intersection controlled by a traffic light or four-way stop sign; and
- (3) The non-highway vehicle is brought to a complete stop before attempting a crossing; and
- (4) The operator of the non-highway vehicle yields the right-of-way to all pedestrian and vehicular traffic which is so close as to constitute a hazard; and
- (5) That when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

Sec. 90-372. Mandatory insurance.

Any person who operates a non-highway vehicle under authority of this article shall be subject to the mandatory insurance requirements established under Article VI of Chapter 7 of the Illinois Vehicle Code, as from time to time amended.

Sec. 90-373. Safety equipment requirements.

(a) No non-highway vehicle may be operated on any village road unless, at a minimum, it has the following safety equipment:

- (1) Brakes; and
- (2) Steering wheel apparatus; and
- (3) Tires; and
- (4) Horn or warning device; and
- (5) Seat belts for the driver and all passengers; and
- (6) Red reflective warning devices on the front and rear; and
- (7) A slow-moving vehicle emblem (as required of other vehicles at 625 ILCS 5/12-709) on the rear of the non-highway vehicle; and
- (8) A headlight that emits a white light visible from a distance of at least five hundred (500) feet to the front; and

- (9) A tail lamp that emits a red light visible from a distance of at least one hundred (100) feet from the rear; and
- (10) Brake lights; and
- (11) Turn signals, which may be communicated by the driver with hand signals.

Sec. 90-374. Registration required.

(a) No person shall operate a non-highway vehicle on any village road unless a current certificate of registration has been issued by the village with respect to such non-highway vehicle in the manner provided by this section. Any person seeking registration of a non-highway vehicle shall submit an application to the police department on a form provided by the chief of police. Such form shall require the following information:

- (1) The name and address of the owner of the non-highway vehicle.
- (2) The serial number, make, model and description of the non-highway vehicle.
- (3) A certificate of insurance verifying that the non-highway vehicle and any operator is covered by insurance as provided in this article.
- (4) A signed waiver of liability, in a form provided by and acceptable to the village.
- (5) A certification signed by the applicant stating that the applicant has inspected the non-highway vehicle, that the non-highway vehicle is equipped as required by this article, and that all such required equipment is in operational condition.
- (6) An application fee of twenty-five dollars (\$25).

(b) Upon receipt of a complete application and verification that a non-highway vehicle contains all operational safety equipment required by this article, the village shall issue a certificate of registration authorizing the operation of the non-highway vehicle on village roads as provided in this article. The driver of any non-highway vehicle being operated on a village road shall be in possession of a current certificate of registration at all times when the non-highway vehicle is so operated. A certificate of registration issued under authority of this section shall expire on April 30 of each year unless otherwise revoked by the chief of police for non-compliance with this article. The certificate of registration for a non-highway vehicle shall be renewed annually as provided in this section.

Sec. 90-375. Regulations specifically applicable to non-highway vehicles.

When on any village road, a non-highway vehicle shall be operated in accordance with the following regulations:

- (a) The non-highway vehicle shall have its headlights and tail lamps lighted at all times.

(b) Any person operating a non-highway vehicle as authorized in this article shall travel on the street or highway with a posted speed limit of thirty-five (35) miles per hour or less in the same direction as traffic and as near to the right side of the roadway as possible.

(c) Except as otherwise provided in this article, any person operating a non-highway vehicle on any village road shall obey any and all traffic regulations set forth either in the New Lenox Village Code or in the Illinois Vehicle Code.

(d) The non-highway vehicle shall not exceed a speed of twenty-five (25) miles per hour.

(e) Non-highway vehicles may only be operated on village roads from sunrise to sunset.

(f) No non-highway vehicle may be operated on sidewalks, bike trails, or other public property not accessible to or authorized for vehicular traffic.

(g) The driver shall provide the appropriate child restraint system for any child under eight (8) years of age. Children under two (2) years of age must be properly secured in a rear-facing child restraint system unless the child weighs more than forty (40) pounds. Children eight (8) years of age or less are prohibited from non-highway vehicle transportation unless accompanied by the child's parent or guardian or a person twenty-one (21) years of age or older other than the driver.

Sec. 90-376. Exceptions.

Non-highway vehicles used in conjunction with a special event approved by the village or non-highway vehicles owned, leased or otherwise controlled by any municipality, state, county, district, police, fire, or emergency management agency are exempt from the regulations in this chapter.

Sec. 90-377. Penalty.

Any person convicted of violating any provision of this article, including but not limited to any violation of the Illinois Vehicle Code while operating a non-highway vehicle, shall be fined a minimum of seventy-five dollars (\$75.00). In addition, the Chief of Police shall revoke the registration of any non-highway vehicle used in the commission of any such offense, which registration shall not be re-issued or renewed for a minimum period of twelve (12) months.

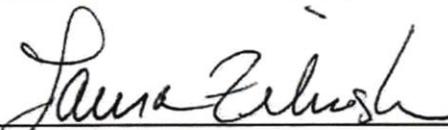
SECTION 3. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 4. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 5. That the Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 6. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to and **PASSED** by the Board of Trustees on a roll call vote on the
____ 13th ____ day of ____ September _____, 2021 with ____ 6 ____ Trustees voting aye,
____ -0- ____ Trustees voting nay, ____ -0- ____ Trustees abstaining, and with ____ -0- ____
Trustees absent, President BALDERMANN voting ____ aye ____: said vote being:
BUTTERFIELD ____ aye _____, FINNEGAN ____ aye _____, KENNY ____ aye _____,
MADSEN ____ aye _____, SCALISE ____ aye _____ and SMITH ____ aye _____.



LAURA ZILINSKAS, VILLAGE CLERK

APPROVED this ____ 13th ____ day of ____ September _____, 2021.



TIMOTHY BALDERMANN, MAYOR

ATTEST:



LAURA ZILINSKAS, VILLAGE CLERK