

ORDINANCE NO. 4058

AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION OF THE CITY OF KEWANEE, ILLINOIS

- WHEREAS,** the city of Kewanee 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 of Kewanee, and
- WHEREAS,** The Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 authorizes municipalities, by ordinance to permit qualified unlicensed personal vehicles to operate in the streets under the jurisdiction of the municipality, and
- WHEREAS,** the city of Kewanee has considered the volume, speed and character of the traffic on the streets within its jurisdiction and the provisions of 625 ILCS 5/11-1426.1 has determined that qualified unlicensed personal vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the City.
- WHEREAS,** the city of Kewanee shall enact an Ordinance which shall allow qualified unlicensed personal vehicles to operate on municipal streets upon the terms and conditions stated herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEWANEE, ILLINOIS
IN COUNCIL ASSEMBLED, AS FOLLOWS:**

A. NON-HIGHWAY VEHICLES: as defined and qualified herein shall be allowed on city streets under the conditions as stated herein

B. DEFINITIONS

- 1. GOLF CART:** 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 as defined by 625 Illinois Compiled Statutes 5/1-123.9 and 11-1426.1(a)(2) of the Illinois Vehicle Code.
- 2. RECREATIONAL OFF HIGHWAY VEHICLE (ROHV)/UTILITY TERRAIN VEHICLE (UTV):** Any motorized off highway device designed to travel primarily off highway, sixty four inches (64") or less in width, having a manufacturer's dry weight of

two thousand (2,000) pounds or less, traveling on four (4) or more nonhighway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawn mowers defined by 625 Illinois Compiled Statutes 5/1-168.8 and 5/11-1426.1(a)(4) of the Illinois vehicle code and go-carts.

C. VEHICLE REQUIREMENTS:

All vehicles allowed to operate on city streets pursuant to this chapter, shall be equipped with all of the safety systems and equipment as required by the Illinois vehicle code including: seat belts for every passenger, horn, brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the vehicle as required in section 12-709 of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/12-709, a headlight that emits a white light visible from a distance of five hundred feet (500') to the front, a taillamp that emits a red light visible from at least one hundred feet (100') from the rear, brake lights, turn signals, a windshield, and any and all other safety equipment required to be installed and operational on such vehicles as set forth in said statute.

D. RESTRICTIONS:

All-terrain vehicles (ATV) as defined in the Illinois vehicle code, go-carts, and all other vehicles that do not meet the requirements set forth in this chapter are not authorized on the roadways of the city of Kewanee.

E. OPERATION OF GOLF CARTS/ROHV/UTV:

1. Subject to the requirements of section 11-1426.1 of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/11-1426.1, which are hereby adopted by reference by the city council of the city of Kewanee, and of the provisions of this chapter, drivers properly licensed to operate motor vehicles on the roadways of the city of Kewanee are allowed to operate golf carts and/or UTVs under this chapter on the roadways of the city of Kewanee, having a posted speed limit of thirty (30) miles per hour or less.
2. Golf carts and/or UTVs are not allowed on the city sidewalks and city right of ways. Golf carts and/or UTVs are also not allowed on private property unless permitted by the owner of said property.
3. Golf cart and/or UTVs are also not allowed to be driven on Illinois State Route 34 (Tenney Street, 100-700 block of East 2nd Street, 200-700 block of North East Street, Railroad Avenue), Illinois State Route 81 (West 6th Street), and Illinois State Route 78 (North Main Street, South Main Street, Tenney Street) in the city of Kewanee. Golf carts and/or UTVs shall be allowed to cross a state highway or county highway if the operator of the golf cart and/or UTV makes a direct crossing provided:

- 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 golf cart and/or UTV is brought to a complete stop before attempting a crossing.
 - c) The operator of the golf cart and/or UTV yields to the right of way to all pedestrian and vehicular traffic which constitutes a hazard.
 - 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.
4. Golf carts and/or UTVs are also not allowed to be driven on the city streets of East Division Street, West Division Street, East South Street, West South Street, East Street South, South East Street, and North East Street in the city of Kewanee. An operator of a golf cart and/or UTV may only drive on these specified roadways for the shortest distance to the next available intersection to reach an approved roadway.

F. ANNUAL REGISTRATION OF GOLF CARTS/ROHV/UTV:

No vehicle authorized under this title and chapter, shall be operated on any street or alley in the city of Kewanee unless the owner(s) thereof shall have first registered such vehicle with the city of Kewanee in accordance with the following requirements:

1. Registration of such vehicles shall be administered by the chief of police of the city of Kewanee, or his designee. An application for registration may be made on a form prescribed by the city of Kewanee. Said form shall include a statement under oath or penalties of perjury that the vehicle proposed to be registered meets the definition of the vehicles defined by the state statute or in this chapter and shall be accompanied by an annual registration fee of seventy-five dollars (\$75.00), valid driver's license for the registered owner(s), and proof of liability insurance for said vehicle having at least the same limits of coverage as required from time to time for motor vehicles under the mandatory insurance law of the state of Illinois.
2. Vehicles registered under this chapter and section shall be issued a sticker from the city of Kewanee which shall be affixed to the front windshield of the vehicle and shall be viewable to a police officer from outside of said vehicle.
3. The registration of said vehicle shall be effective for a period of one calendar year and shall be renewed annually on May 1st of each year in the same manner as the original registration.

4. The registration of said vehicles shall not be transferrable in the event of a change of ownership. A new registration fee will be required of the new owner(s). No refund of the original registration fee is allowed in the event of the change of ownership.
5. The registration of said vehicles shall be subject to revocation by the chief of police of the city of Kewanee in the event of a violation of the requirements of section 11-1426.1 of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/11-1426.1, or any of the provisions of this chapter. A revocation of such registration shall be made in writing and shall set forth the provision(s) of the state statute or this chapter that has been violated. No refund of the registration fee is allowed in the event of the revocation of said permit.
6. In the event that the registration of a vehicle is revoked due to a failure to maintain the required liability insurance or the failure of the condition of the vehicle in compliance with the state statute or this chapter, including, but not limited to, maintaining the required safety systems. The chief of police of the city, or his/her designee, in his/her discretion, may reinstate the registration upon documentation of reinstatement of the required insurance coverage or of the repair or modification of the vehicle to cure any deficiencies, as applicable, if the chief of police of the city of Kewanee determines that the violation was not intentional and is not likely to recur.

G. INSPECTION OF VEHICLES:

1. For initial inspections, vehicle owners must contact the Kewanee Police Department to arrange the inspection of said vehicle. The chief of police, or his/her designee, must conduct the inspection of said vehicle and complete the registration checklist indicating that the vehicle meets the requirements of the definition as set forth in the state statute or this chapter, particularly in connection with the provisions for maintenance in operating condition of required safety systems and equipment.
2. Properly equipped golf carts and/or UTVs registered, or proposed to be registered, pursuant to provisions in this chapter, shall be subject to inspection by the chief of police, or his/her designees, at any time to determine that said vehicle meets, and continues to meet, the definition thereof as set forth in this article, particularly the provisions for maintenance in operating condition of required safety systems and equipment.

H. MANDATORY INSURANCE:

The owner of any vehicle registered under this chapter shall continuously maintain liability insurance for said vehicle having at least the same limits of coverage as required from time to time for motor vehicles under the mandatory insurance law of the state of Illinois.

I. OPERATION LIMITED TO LICENSED DRIVERS:

No person who is not properly licensed to operate motor vehicles on the roadways shall operate a golf cart and/or UTV within the city of Kewanee, and the provisions of Section 6-107 of the Illinois Vehicle Code (625 ILCS 5/6-107) providing for graduated licenses for young drivers shall be fully applicable to the operation of golf carts and/or UTVs.

J. OTHER LAWS, REGULATIONS, AND ORDINANCES:

Vehicles registered under this chapter shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations, or ordinances governing the operation of motor vehicles in the city of Kewanee as well as the laws, regulations or ordinances specifically pertaining to vehicles operated under this chapter and the operation thereof.

K. USE UNDER THE INFLUENCE:

A person who drives or is in actual physical control of a vehicle authorized under this chapter on a roadway in the city of Kewanee while under the influence of alcohol or drugs, is subject to the provisions of sections 11-500 through 11-502 of the Illinois vehicle code, 625 Illinois Compiled Statutes 5/11-500 through 11-502. Further, a violation of the provisions of this section shall be cause for the city of Kewanee to revoke the permit of the authorized vehicle.

L. REVOCATION OR DENIAL OF REGISTRATION:

1. The chief of police may revoke any registration authorized under this chapter if the chief of police determines that permitting said vehicle to be operated by the owner, or his or her authorized user, on any street or alley of the city would jeopardize public safety.
2. The chief of police may deny registration authorized under this chapter if the chief of police determines, in his or her sole judgement, that permitting said vehicle to be operated by the owner, or his or her authorized user, on any street or alley of the city would jeopardize public safety.
3. In the event a registration is denied under this section, then the application fee shall be refunded to the owner. If a registration is revoked, then the owner shall not be entitled to a refund of his or her registration fee without approval of the chief of police.

M. VIOLATIONS AND PENALTY:

1. Any person who violated any provision of this ordinance shall be guilty of a petty offense and shall be punished by a fine of \$100.00 plus court costs normally assessed by the Henry County Circuit Court.

2. A second or subsequent offense by any person who violated any provision of this ordinance shall be guilty of a petty offense and shall be punished by a fine of no less than \$250.00 but not more than \$750.00, plus court costs normally assessed by the Henry County Circuit Court.
3. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one (1) nor more than three (3) years.
4. 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.

Passed by the City Council of the City of Kewanee, Illinois, this 14th day of June, 2021.