

ORDINANCE NO. O-09-~~04~~05

**ORDINANCE PERMITTING THE USE OF
NEIGHBORHOOD AND UTILITY TERRAIN
VEHICLES WITHIN THE CORPORATE LIMITS
OF THE CITY OF PINCKNEYVILLE,
PERRY COUNTY, ILLINOIS**

WHEREAS, it is deemed to be in the best interest of the people of the City of Pinckneyville, Perry County, Illinois, to permit the controlled use of neighborhood vehicles and utility terrain vehicles; and,

WHEREAS, the City Council of the City of Pinckneyville, Perry County, Illinois, has determined that public safety will not be jeopardized or compromised by the use of neighborhood or utility vehicles on roadways under the jurisdiction of the City of Pinckneyville under the terms and conditions hereinafter set forth; and,

WHEREAS, each community has the obligation to provide for the reduction of our national dependence on foreign oils; and,

WHEREAS, neighborhood and utility terrain vehicles are consistent with the City's commitment to a cleaner, quieter, and less congested environment; and,

WHEREAS, neighborhood vehicles and utility terrain vehicles are an increasingly preferred means of transportation for retirees, senior citizens, visitors, and tourists;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Pinckneyville, Perry County, Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated herein as the findings of the City Council.

SECTION 2: General. Neighborhood and utility terrain vehicles, as defined and qualified herein, shall be allowed on City streets under the conditions as stated herein.

SECTION 3: Definitions.

A. "Neighborhood vehicle" shall mean a self-propelled, electronically powered 4-wheeled motor vehicle or a self-propelled gasoline powered 4-wheeled motor vehicle with bench or bucket seats, an engine displacement under 1,200 cubic centimeters which is capable of attaining in 1 mile a speed of more than 20 miles per hour, but not more than 35 miles per hour, which is steered and maneuvered with a steering wheel.

B. "Utility terrain vehicle" shall mean a self-propelled, electronically powered 4-wheeled motor vehicle or a self-propelled gasoline powered 4-wheeled motor vehicle with bench or bucket seats, an engine displacement under 1,200 cubic centimeters which is capable of attaining in 1 mile a speed of more than 20 miles per hour, but not more than 35 miles per hour, which is steered and maneuvered with a steering wheel.

C. "City streets" means any of the streets within the boundaries of the City.

✕ **SECTION 4: Requirements.** All persons wishing to operate a neighborhood or a utility terrain vehicle on City streets must ensure compliance with the following requirements:

- (a) Proof of current liability insurance;

- (b) Must be certified with the City and have the vehicle certified with the City by inspection by the Police Chief, or his designated representative;
- (c) Must comply with the published "Rules Concerning Alternate Transportation for the City of Pinckneyville" as stated in Section 5 and as periodically updated;
- (d) Must display City decal on the rear of the vehicle;
- (e) Must have a current, valid Illinois drivers license;
- (f) Must be 21 years of age and a licensed driver.

✱ **SECTION 5: Rules.** All persons wishing to operate a neighborhood or a utility terrain vehicle 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 Pinckneyville;
- (b) Must be operated only on City streets, except where prohibited;
- (c) May not be operated on Illinois Route 13, Illinois Route 127, and Illinois Route 154;
- (d) May only be operated on streets/roadways that have a posted speed limit of 35 miles per hour or less;
- (e) A person who is operating or who is in actual physical control of a neighborhood or utility terrain vehicle as described herein on a roadway while under the influence of alcohol or drugs is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502);
- (f) Neighborhood and utility terrain vehicles shall not be operated on sidewalks or in City parks other than parking areas;

- (g) Neighborhood and utility terrain vehicles may not be operated on streets, highways, and roads under the jurisdiction of the Illinois Department of Transportation (Main Street, Water Street, Illinois Route 13, Illinois Route 127, and Illinois Route 154) or the Perry County Highway Department, except to cross at designated streets;
- (h) All operators of a neighborhood or utility terrain vehicle must adhere to the child restraint laws pursuant to the Illinois Compiled Statutes;
- (i) Any operator or passenger of a neighborhood or utility terrain vehicle must be in a sitting position and wearing a seatbelt while the vehicle is in motion;
- (j) A person is NOT eligible to operate a neighborhood or utility terrain vehicle upon any street, roadway, or highway within the corporate limits of the City unless he or she has a valid drivers license issued in his or her name by the Secretary of State;
- (k) Except as otherwise provided in paragraph L, no person operating a neighborhood or utility terrain vehicle shall make a direct crossing upon or across any highway under state jurisdiction;
- (l) A person may make a direct crossing at an intersection controlled by a traffic light or two-way stop sign across a highway under the jurisdiction of the state if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

✱ **SECTION 6: Permits.**

A. No person shall operate a qualified neighborhood or utility terrain vehicle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of one year and renewed annually. The cost of the permit is Thirty-Five Dollars (\$35.00). Insurance coverage is to be verified by the Police Department and in effect when obtaining or renewing a permit.

B. Every application for a permit shall be made on a form supplied by the

City and shall contain the following information:

- (1) Name and address of applicant;
- (2) Name of liability insurance carrier;
- (3) Serial number, make, model, and description of neighborhood or utility terrain vehicle;
- (4) Waiver of liability signed by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their neighborhood or utility terrain vehicle on the City streets;
- (5) Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit;
- (6) Photocopy of the operator's current drivers license; and
- (7) 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 ensure that the vehicle is safe to operate on City streets and is in compliance with this ordinance;
- (2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified neighborhood or utility terrain vehicle on City streets;
- (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

D. The City may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this ordinance or there is evidence that permittee cannot safely operate a qualified neighborhood or utility terrain vehicle on the designated roadways.

✱ **SECTION 6: Vehicle Identification and Requirements.**

A. Any vehicle approved and permitted by the City of Pinckneyville shall be identifiable by a City issued sticker.

B. Each neighborhood or utility terrain vehicle must be equipped with brakes, tires, stop lamps, reflex reflectors, rearview mirror, windshield, parking brake, steering wheel apparatus, headlight that emits a white light visible from a distance of 500 feet to the front, and a tail lamp that emits a red light visible from at least 100 feet from the rear. When operated on a designated roadway, a neighborhood or utility terrain vehicle shall have its head lamps lighted.

✱ **SECTION 7: Violations.**

A. Any vehicle authorized for use on public streets by the passage of this ordinance shall be subject to all local and state laws that GENERALLY apply to the respective Motor Vehicle Codes, and any violation of either code will cause the operator of said vehicle to be eligible for criminal prosecution according to the laws of that Code.

B. Any person who violates any provision of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of Seventy-Five Dollars (\$75.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three, nor more than five, years. 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.

SECTION 8: Miscellaneous. In the event a court of competent jurisdiction declares any particular 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.

SECTION 9: Effective Date. This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Introduced this 26th day of May, 2009.

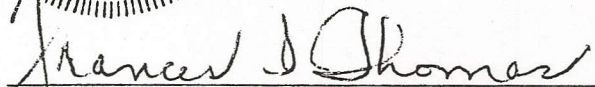
Passed this 26th day of May, 2009.

Approved this 26th day of May, 2009.





Mayor



City Clerk

AYES: Commissioners Beltz, Fulk, Kellerman, Stone and Mayor Holder

NAYS: None

ABSENT: None