

VILLAGE OF FORRESTON

ORDINANCE NO. 2020-02

ORDINANCE AMENDING TITLE VI, CHAPTER 9
OF THE FORRESTON VILLAGE CODE

ADOPTED BY THE VILLAGE BOARD OF THE
VILLAGE OF FORRESTON

THIS 17th DAY OF February, 2020

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this 17th day of February, 2020.

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**ORDINANCE AMENDING TITLE VI, CHAPTER 9
OF THE FORRESTON VILLAGE CODE**

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FORRESTON, ILLINOIS, as follows:

SECTION 1: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-1 to read as follows:

“6-9-1: OPERATION OF NON-HIGHWAY AND LOW-SPEED VEHICLES: The use of non-highway and low-speed vehicles on the roadways of the village of Forreston shall be permissible subject to the provisions of this Chapter.”

SECTION 2: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-2 to read as follows:

“6-9-2: DEFINITIONS: For the purpose of this Chapter, the following terms and phrases shall have the meanings set forth in this section:

"ALL-TERRAIN VEHICLE" (ATV) shall mean any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

"GOLF CART" shall mean 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.

"LOW-SPEED VEHICLE" shall mean any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standards set forth in 49 C.F.R. Part 571.500.

"NEIGHBORHOOD VEHICLE" shall mean a self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which does not conform to federal regulations under Title 49 C.F.R. Part 571.500.

"NON-HIGHWAY VEHICLE" shall mean a motor vehicle not specifically designed to be used on a public highway, including:

- (1) A golf cart;
- (2) A neighborhood vehicle; and
- (3) A recreational off-highway vehicle (UTV).

The definition of "Non-Highway Vehicle" shall not include an off-highway motorcycle and an all-terrain vehicle (ATV).

"OFF-HIGHWAY MOTORCYCLE" shall mean any motorized device designed to travel primarily off highway on 2 wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn.

"RECREATIONAL OFF-HIGHWAY VEHICLE" (UTV) shall mean any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

"ROADWAY(S)" shall mean any streets, roadways and alleys within the village limits. Roadways shall not include the sidewalks, parking lots and other similar surfaces located within the village limits. Roadways shall also not include any highway under the jurisdiction of the State of Illinois."

SECTION 3: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-3 to read as follows:

"6-9-3: REGULATION OF NON-HIGHWAY VEHICLES:

A. All non-highway vehicles shall be operated only on roadways where the posted speed limit is 35 miles per hour or less. The foregoing provision shall not prohibit a non-highway vehicle from crossing a roadway at an intersection where the roadway has a posted speed limit of more than 35 miles per hour. Off-highway motorcycles and all-terrain vehicles (ATVs) are not permitted on any roadways.

B. A person may not operate a non-highway vehicle upon any roadway unless he or she has a valid driver's license issued in his or her name by the Illinois Secretary of State or such other applicable foreign jurisdiction.

C. No person operating a non-highway vehicle shall make a direct crossing upon or across a non-highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State except at an intersection of the highway with another roadway.

D. No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of

other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the non-highway vehicle, 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 roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Illinois Vehicle Code.

E.. A person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of the Illinois Vehicle Code and all other applicable laws.

F. The operation of a non-highway vehicle upon any roadway is subject to the provisions of Chapter 11 of the Illinois Vehicle Code concerning the Rules of the Road and all applicable Village ordinances, as the same may be amended from time to time.”

SECTION 4: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-4 to read as follows:

“6-9-4: REGULATION OF LOW-SPEED VEHICLES:

A. Low-speed vehicles shall be operated only on roadways where the posted speed limit is 35 miles per hour or less. Low-speed vehicles may cross a roadway at an intersection where the street being crossed has a posted speed limit of not more than 45 miles per hour. Low-speed vehicles may not cross a street with a speed limit in excess of 45 miles per hour unless the crossing is at an intersection controlled by a traffic light or 4-way stop sign.

B. No low-speed vehicle may be operated on any roadway unless, at a minimum, it has the following: a parking brake, a steering apparatus, tires, a windshield that conforms to the federal vehicle safety standards on glazing materials as set forth in 49 CFR part 571.205, a vehicle identification number, seat belts, a rearview mirror, an exterior rearview mirror mounted on the driver’s side of the vehicle, red reflectorized warning devices on each rear side and one on the center rear of the vehicle, 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 front and rear turn signals. When operated on a roadway, a low-speed vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Illinois Vehicle Code. The low-speed vehicle shall also have Village of Forreston decal permanently and conspicuously affixed to the front windshield of the vehicle (preferred) or left front fender if vehicle does not have a windshield.

C. A person may not operate a low-speed vehicle upon any roadway unless he or she has a valid driver's license issued in his or her name by the Illinois Secretary of State or such other applicable foreign jurisdiction.

D. The operation of a low-speed vehicle upon any roadway is subject to the provisions of Chapter 11 of the Illinois Vehicle Code concerning the Rules of the Road

and all applicable Village ordinances, as the same may be amended from time to time.

E. A person who drives or is in actual physical control of a low-speed vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of the Illinois Vehicle Code and all other applicable laws."

SECTION 5: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-5 to read as follows:

"6-9-5: INSURANCE REQUIREMENTS:

Any person who operates a non-highway or low-speed vehicle on a roadway of the Village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code.

SECTION 6: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-7 to read as follows:

"6-9-7: PERMIT REQUIRED:

A. No person shall operate a non-highway or low-speed vehicle on the Village roadways without first obtaining a 3 year permit from the Village as provided herein. The cost of the permit shall be seventy-five dollars (\$75.00). Every non-highway or low-speed vehicle shall be required to have a permit.

B. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:

- (1) Name and address of applicant;
- (2) Name of insurance carrier and policy number and/or a photocopy of applicable liability insurance coverage card issued specifically for the non-highway or low-speed Vehicle to be operated pursuant to the permit;
- (3) The serial number, make, model and description of the non-highway or low-speed vehicle; and
- (4) Such other information as the Village may require, including a release and waiver of liability signed by applicant releasing the Village and its employees, and agreeing to indemnify and hold the Village harmless, including the costs of defense, from any and all claims, penalties, costs, judgments, settlements or causes of action resulting or arising from the operation of applicant's non-highway or low-speed vehicle on Village roadways.

C. The permit decal issued by the Village must be displayed on the non-highway or low-speed vehicle and visible at all times. If the permit decal becomes unrecognizable, the issuance of a new permit decal will be required for a fee of \$25.00; provided, that the issuance thereof does not extend the expiration date of the current 3 year permit.

D. No permit shall be granted by the Village until the non-highway or low-speed vehicle shall be submitted to and pass an inspection by the Village police chief (or his designee) to ensure compliance with the provisions of this Chapter and the Illinois Vehicle Code.

E. Each person operating a non-highway vehicle or low speed vehicle shall carry the permit issued by the Village at all times during the operation of said vehicle.”

SECTION 7: That Title VI, Chapter 9 of the Code of Ordinances, Village of Forreston, Illinois, as amended, is hereby further amended by amending Section 6-9-8 to read as follows:

“6-9-8: VIOLATIONS:

A. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Chapter or there is a finding that the permittee cannot safely operate a non-highway or low-speed vehicle on Village roadways.

B. A violation of any provision of this Chapter shall be punishable by payment of a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$500.00) and the Village's enforcement costs incurred, including its attorney fees, for each offense. Any second or subsequent offense shall result in the revocation of the Village permit for a period of not less than one nor more than three (3) years. To the extent that any violation of this Chapter may also constitute a violation of a criminal statute of the State of Illinois, the violator shall also be subject to criminal prosecution and all other penalties as permitted by law.”

SECTION 8: In other respects, Title VI, Chapter 9 shall remain in full force and effect.

SECTION 9: The provisions and Sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 10: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

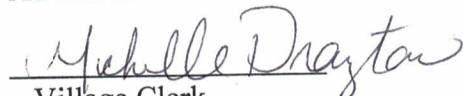
SECTION 11: This Ordinance shall be in full force and effect from and after its passage and approval, and publication as required by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE
OF FORRESTON, ON THE ____ DAY OF _____, 2020



Village President

ATTESTED



Village Clerk