

ORDINANCE NO. 13-7-16-2

**ORDINANCE AMENDING TITLE 10 PERMITTING THE OPERATION
OF NON-HIGHWAY VEHICLES ON STREETS, ROADS AND HIGHWAYS**

WHEREAS, the Village of Bismarck, Illinois, a municipal corporation, acting through its corporate authorities, has determined that the protection of the public and the protection of the properties within the Village are in the interests of the health and safety of the public; and

WHEREAS, the Village of Bismarck has the authority to adopt regulations governing the operation of motor vehicles upon the streets, roads and highways under the jurisdiction of the Village; and

WHEREAS, the corporate authorities, having considered the volume, speed and traffic on the streets, roads and highways under the jurisdiction of the Village have determined that non-highway vehicles may safely travel on or across such streets, roads and highways and that public safety will not be jeopardized by such operation; and

WHEREAS, the Village of Bismarck, may under its general police powers and specifically pursuant to 625 ILCS 5/11-1426.1 act for the good order of the Village and for the health, safety and welfare of the public by regulating the operation of non-highway vehicles on the streets, roads and highways under the jurisdiction of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Bismarck, Illinois, as follows:

Section 1: The following provisions are hereby enacted:

I. Definitions

As used in this section, “non-highway vehicle” means a motor vehicle not specifically designed to be used on a public highway, including:

- (1) a golf cart, as defined by 625 ILCS 1-123.9, as amended from time to time; and

(2) a neighborhood vehicle, as defined by 625 ILCS 1-148.3(m), as amended from time to time.

II. Restrictions.

(A) Except as otherwise provided in this Chapter, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway or roadway in the Village. If the operation of a non-highway vehicle is authorized under this paragraph, the non-highway vehicle may be operated only on the streets where the posted speed limit is 35 miles per hour or less. This paragraph does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(B) A person may not operate a non-highway vehicle upon any street, highway or roadway in the Village unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State and is at least 18 years of age.

(C) A non-highway vehicle may be operated on a street, roadway or highway in the Village only if it has the following: brakes; a steering apparatus; tires; a rear-view mirror; red reflectorized warning devices in the front and rear; a slow-moving emblem (as required of other vehicles in 625 ILCS 12-709) on the rear of the vehicle; a muffler; 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 and brake lights. When operated on a street, road or highway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by 625 ILCS 12-201.

(D) Any person who operates a non-highway vehicle on a street, road or highway in the Village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code.

III. License/Permit Required.

(A) It shall be unlawful to drive or operate a non-highway vehicle upon any street, highway or roadway of the Village without having a license or permit issued by the Village President or his or her designee, which license or permit shall be clearly visible on the vehicle to the rear and shall be issued only following an inspection of the vehicle demonstrating compliance with all of the provisions of this Chapter.

(B) Applications for non-highway vehicle licenses or permits shall be made to the Village President and each license issued hereunder shall expire one year subsequent to its issuance. Each such application shall be accompanied by an annual fee for such license, which shall be \$35.00, payable to the Village Treasurer.

IV. Penalty.

Whoever violates any provisions of this Chapter shall be fined not less than

\$100.00 nor more than \$1,000.00. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the Village in prosecuting the violation, which shall include but not be limited to the cost associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney fees.

Section 2: This ordinance shall be effective ten (10) days after its publication. The Village Clerk is empowered to publish this ordinance in pamphlet form.

Section 3: This ordinance is hereby adopted by an affirmative vote, the “ayes” and “nays” being called, by a majority of the trustees of the Board of Trustees of the Village of Bismarck at a regular meeting of the Board of Trustees on the 16th day of July, 2013 upon the following roll call vote:

AYES _____

NAYS _____

ABSTENTIONS _____

ABSENTEES _____

Approved this 16th day of July, 2013.

Greg Lewis, Village President

ATTEST:

Sharon Detamore, Village Clerk

Published in Pamphlet Form
this 16th day of July, 2013.

Sharon Detamore, Village Clerk