

ORDINANCE NO. 19-29

AN ORDINANCE AUTHORIZING THE OPERATTON OF QUALIFIED UTILITY-TERRAIN VEHICLES AND/OR RECREATIONAL OFF-ROAD VEHICLES (UTV) ON THE STREETS UNDER THE JURSDICTION OF JOHNSON COUNTY, ILLINOIS.

WHEREAS, Johnson County has determined that the operation of qualified UTV's should be allowed under certain conditions/restrictions on certain roads under the jurisdiction of Johnson County, Illinois, and has further determined that the public safety will not be jeopardized by such use(s); WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1(d) authorizes municipalities, by ordinance to permit qualified UTV's to be operated on the roads under the jurisdiction of the county if public safety would not be jeopardized; WHEREAS, Johnson County has considered the volume, speed, and character of the traffic on the roads within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5111'1426(d), that qualified UTV's, as defined herein, may be safely operated on certain roads within the jurisdiction of Johnson County, Illinois.

WHEREAS, Johnson County will enact this Ordinance which shall allow qualified UTV's, to operate on certain County roads within the jurisdiction of Johnson County, Illinois, upon the terms and conditions stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD, JOHNSON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: PURPOSE.

A. UTVs as defined and qualified herein, shall be allowed on certain County roads under the conditions and restrictions as stated and set forth herein.

SECTION 2: DEFINITIONS.

A. "UTV" shall mean a self-propelled, electrically powered four-wheeled motor vehicle or a self-propelled gasoline or diesel powered four-wheeled motor vehicle with an engine displacement less than 1200 cubic centimeters. An UTV is designed to be operated by a person sitting in a designated seat.

B. "County Roads" means any of the roads within the boundaries, and under the jurisdiction, of Johnson County, Illinois, other than State or Federal Highways. County roads for the purposes of this Ordinance shall not include any road that is "striped". Striped roads are those that have lane markings affixed to said roads.

SECTION 3: Requirements/Conditions of Operations.

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All persons desiring to operate an UTV on the County streets must ensure compliance with the following requirements/conditions of operations:

A. EACH OPERATOR OF AN UTV SHALL ABIDE BY THE FOLLOWING:

(1) Maintain, at a minimum, liability insurance coverage and provide proof of the same upon request by any County officer, trustee, employee and/or police officer acting at the direction of Johnson County, or any such other law enforcement official who has authority and jurisdiction within the limits of the Johnson County, Illinois.;

{2} Must have a valid permit from Johnson County, and if required, any other permit and/or license that is required by the State of Illinois. An UTV operator must meet the requirements of this Ordinance in order to operate any UTV on County Roads.;

(3) permit must be displayed on any UTV, while being operating on County Roads; Permits must be affixed on the rear of the vehicle, and shall be made visible at all times.;

(4) permits shall be at the rate determined by the Johnson County Board of Commissioners, Johnson County, Illinois, and such rate shall be available upon request of the County Clerk, Johnson County, Illinois. Said rate may be changed from time to time by majority vote of the Johnson County Board of Commissioners. Permits shall be issued at the sole and exclusive discretion of the Johnson County Board of Commissioners.;

(5) Must have current and valid Driver's License.;

(6) Each valid operator shall not permit any unauthorized person to operate an UTV at any time or for any reason on Johnson county Roads.;

(7) No UTV shall be operated in any location within the unincorporated areas of Johnson County, Illinois, except for authorized County roads that have a posted speed limit not exceeding 35 M.P.H. and that are not striped. The Johnson County Board of Commissioners reserves the right to restrict operation of any UTV on any County Road. Further, at no time is an UTV allowed on private property without the permission of the property owner or leaseholder.;

(8) No UTV shall be operated on any highway, street, or road under the jurisdiction of the Illinois Department of Transportation, except as otherwise authorized by law.;

(9) No person who is under the age of 16 years shall operate an UTV on the County Road;

t10) No person shall operate any UTV at a speed that is greater than 35 mph; and

(11) Operators must comply with the ILLINOIS VEHICLE CODE SECTIONS 625 ILCS 5/11-1426.1, 5/11-1427, 5/11-1427.1, 5/11-1427.2, 5/11-1427.3, 5/11-1427.4, this Ordinance, and all other local, State, and Federal laws in effect that pertain to the use of UTV's on the streets within Johnson County, Illinois and the State of Illinois.

SECTION 4: NECESSARY AND REQUIRED EQUIPMENT:

A. UTV'S MUST BE EQUIPPED AS FOLLOWS:

- (1) Steering wheel or other authorized steering apparatus,
- (2) Tires,
- (3) Rearview Mirror,

- (4) Functioning and operable brakes and brake lights,
- (5) Turn signals,
- (6) Seatbelts (which shall be worn at all times during operation),
- (7) Red reflective warning devices in the front and rear,
- (8) Tires, that are in good working condition and are inflated during use,
- (9) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709),
- (10) Headlight(s) that emits a white light visible from a distance of 500 ft. to the front,
- (11) Tail Lamp(s) that emits a red light visible from at least 100 ft. from the rear,
- (12) Operators and passengers under 18 years of age are required to wear a DOT approved helmet,
- (13) Contain equipment that is in full operation and not contain any LOUD MUFFLERS, and
- (14) Any additional requirements as required by 625 ILCS 5111-1426.1 that is now in effect or as hereafter amended.

SECTION 5: VIOLATIONS.

A. OFFENSE AND PENALTY

Any person who violates any provision of this Ordinance shall be guilty of a petty offense, and

- 1.) for a first offense shall be punished by a fine of a minimum of \$164.00 plus court costs.
- 2.) for a second offense shall be punished by a fine of a minimum of \$265.00 plus court costs.
- 3.) for a third of more offense shall be punished by a fine of a minimum of \$365.00 plus court costs.

In addition to the above penalties, a second or subsequent violation shall result in:

- 1.) the suspension of the permit for a period of not less than three (3) months nor more than one (1) year; or
- 2.) revocation of the permit for any length of time the County of Johnson determines necessary to deter future violations of the law and to protect the safety and wellbeing of persons within the boundaries of Johnson County, Illinois.

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 may also be subject to criminal prosecution.

B. LAW ENFORCEMENT DISCRETION.

At the discretion of the police or law enforcement officer issuing the citation, any offense or violation of this Ordinance can be written as a municipal ordinance offense or a state statute offense, depending on the severity of the circumstances and the violation(s) of the law involved.

C. PERMIT ISSUANCE, SUSPENSION, AND REVOCATION.

A person issued a permit shall be informed and acknowledges that such permit is a privilege not a right. Each person issued a permit is subject to the sole and exclusive discretion of Johnson County Board of Commissioners, Johnson County, Illinois to issue such permit, to allow a renewal of such permit, or reinstatement of such permit after a suspension or revocation period.

SECTION 6: MISCELLANEOUS.

In the event that 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 part or parts thereof.

This ordinance shall be in full force in effect from and after passage and approval as provided by law. Any ordinance or portion thereof, of Johnson County, Illinois which is contrary to this ordinance shall be deemed to be repealed.

Adopted and approved at the regular meeting of the Johnson County Board on roll call vote, this Ordinance No. 19-29 passes this 8 day of October, 2019.

_____ VOTING yea
Chairman

_____ VOTING yea
Vice Chairman

_____ VOTING yea
Commissioner

ATTEST: _____

Robin /Harper-Whitehead, County Clerk/Recorder