
AN ORDINANCE REGARDING
NON-HIGHWAY VEHICLES
IN THE COUNTY OF LEE, ILLINOIS

WHEREAS, the County of Lee, a body politic and corporate of the State of Illinois is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the County has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, the Illinois Motor Vehicle Code, 625 ILCS 5/11-1426.1(d), provides that a local unit of government may authorize or restrict the operation of utility terrain vehicles on roadways under its jurisdiction, provided that said municipality has determined that public safety will not be jeopardized by such operation; and

WHEREAS, the Illinois Motor Vehicle Code further requires that before a local unit of government permits the operation of utility terrain vehicles on its roadways, it considers the impacts such vehicles may have in the community and on its roads and streets and determine whether such vehicles may safely access, travel on and use said roads and streets; and

WHEREAS, the Lee County Board has determined that public safety will not be jeopardized or compromised by the use of Non-Highway vehicles on roadways under the jurisdiction of the County of Lee under the terms and conditions hereinafter set forth; and

WHEREAS, Non-Highway vehicles are an increasingly preferred means of transportation for community members, retirees, senior citizens, visitors, and tourists; and

WHEREAS, it is deemed to be in the best interest of the people of the County of Lee, Illinois, to permit the controlled use of Non-Highway vehicles; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF LEE, ILLINOIS, THAT THIS ORDINANCE REGARDING THE USE OF NON-HIGHWAY VEHICLES IN THE UNINCORPORATED PORTION LEE COUNTY, ILLINOIS HEREBY IS ADOPTED AS FOLLOWS:

SECTION I: Recitals.

The foregoing recitals are incorporated herein as the findings of the Lee County Board.

SECTION II: General.

Non-Highway vehicles, as defined herein, shall be allowed on County and Township roadways under conditions as stated herein.

SECTION III: Operation of Non-Highway Vehicles.

The use of specified Non-Highway vehicles on the streets, roadways and alleys of the County shall be permissible subject to the provisions of this chapter. Non-Highway vehicles may not be used on any toll road, interstate highway, controlled access highway or other highway or road under the jurisdiction of the State, except permitted crossing as hereafter set forth in this chapter.

SECTION IV: Definitions.

For the purposes of this Chapter, the following terms and phrases shall have the meanings set forth in this section:

- A. "COUNTY ROADWAY" shall mean any roadway under the purview and authority of Lee County, including Township roadways where local Townships have agreed to the use of Utility Terrain Vehicles (UTV'S), and excluding highways under the purview and authority of the State of Illinois including, but not limited to, Interstate 39, Interstate 88, Route 2, Route 26, Route 30, Route 38, Route 51, Route 52, Route 110, and Route 251.
- B. "NON-HIGHWAY VEHICLES" shall mean any recreational off highway vehicle not specifically designed to be used on a public highway, also known as Utility Terrain Vehicles, or UTV's. For purposes of this chapter, Non-Highway vehicles shall not include all-terrain vehicles, golf carts, neighborhood vehicles, off highway vehicles and low speed vehicles, all as defined in the Illinois Vehicle Code.
- C. "RECREATIONAL OFF-HIGHWAY" shall mean any motorized off highway device designed to travel primarily off highway, sixty-four (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 Non-Highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawn mowers.

SECTION V: Regulation of Non-Highway Vehicles.

- A. Non-Highway vehicles shall be permitted to operate only between the hours of six o'clock (6:00) A.M. and eleven o'clock (11:00) P.M. each day. Any agricultural usage shall be exempted from this section.
- B. All Non-Highway vehicles shall be operated only on County roadways so long as the Non-Highway vehicle has the proper equipment and specifications as enumerated in this Subsection E.
- C. A person may not operate a Non-Highway vehicle upon any street, highway, or roadway unless he or she:
 - a. is sixteen (16) years of age or older; and
 - b. 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. No person operating a Non-Highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway. A person may make a direct crossing of any other highway under the jurisdiction of the State at an intersection of the highway with another public street, road, or highway.
- E. No Non-Highway vehicle may be operated on a roadway unless, at a minimum, it has the following:
 - a. An overall width of between sixty-five inches (65") and seventy-five inches (75")
 - b. Brakes,
 - c. Illinois Department of Transportation approved seatbelts/safety harnesses
 - d. Cockpit enclosure and/or rollover bars,
 - e. A steering apparatus commonly known as a steering wheel,
 - f. A functioning horn,
 - g. Illinois Department of Transportation approved highway tires,
 - h. A rearview mirror,

- i. A windshield; if applicant/driver does not have a windshield, applicant/driver is required to wear safety eyewear or safety helmet with eye protection,
 - j. Functioning headlights that emit a white light visible from a distance of five hundred feet (500') to the front,
 - k. Functioning tail lamp lights that emit a red light visible from at least one hundred feet (100') from the rear,
 - l. Brake lights,
 - m. Turn signals, and
 - n. Left and right-side mounted mirrors.
- F. When operated on a roadway, a Non-Highway vehicle shall have its headlights and tail lamps lighted during all hours of operation.
- G. 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.
- H. The operation of a Non-Highway vehicle upon any street, roadway or alley is subject to the provisions of Chapter 11 of the Illinois Vehicle Code concerning the rules of the road and all applicable County ordinances, as the same may be amended from time to time.
- I. No Non-Highway vehicle shall be operated on any County sidewalks or other surfaces other than County and Township roads.
- J. Any violations of Title 625, Chapter 5 of the Illinois Compiled Statutes that are codified as Petty Offenses shall be adopted in this Ordinance to the extent legally allowed and enforced against drivers/occupants of Non-Highway vehicles as County Ordinance Violations.

SECTION VI: Insurance Requirements.

Any person who operates a Non-Highway vehicle on a street, highway, or roadway of the County shall be subject to the mandatory insurance requirements under article VI of chapter 7 of the Illinois Vehicle Code.

SECTION VII: Seat Belts & Eye Protection Required.

During the operation of a Non-Highway vehicle, the operator and all passengers shall wear a seat belt or Illinois Department of Transportation approved safety harness. Furthermore, all occupants shall wear eye protection should the Non-Highway vehicle not be outfitted with a front windshield.

SECTION VIII: Permit Required.

- A. No person shall operate a Non-Highway vehicle on the County's streets, roadways or alleys without first obtaining an annual permit from the County as provided herein. An annual permit shall be valid, unless suspended or revoked, from April 1 of the year of issuance until March 31 of the following year. The cost of the annual permit shall be fifty dollars (\$50.00) per year, with no prorations or refunds. Every Non-Highway vehicle shall be required to have a permit and such permit shall not be transferable.
- B. Every application for a permit shall be made on a form supplied by the County and shall contain the following information:
 - 1. Name and address of applicant;
 - 2. The serial number, make, model and description of the Non-Highway vehicle; and
 - 3. Such other information as the County may require, including a release and waiver of liability signed by applicant releasing the County and its employees, and agreeing to indemnify and hold the County 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 vehicle on County and Township roads.
- C. The County shall issue each permitted Non-Highway vehicle a numbered County-approved sticker which shall be affixed to the rear of such Non-Highway vehicle. A numbered County-approved sticker issued by the Lee County Sheriff may be substituted for the County-issued, County-approved sticker; provided, that the applicant shall disclose the County-approved sticker number to the County at the time the annual permit is obtained. Every Non-Highway vehicle shall be required to have a County-approved sticker and such County-approved sticker shall not be transferable. The annual permit issued by the County shall be affixed to the County-approved sticker and visible at all times during the operation

of the Non-Highway vehicle. There shall be a fee of twenty-five dollars (\$25.00) for any replacement plates or permits.

- D. Permits may be issued by approved vendors authorized by the Lee County Sheriff and Lee County Board Chairperson. Vendors may be approved through the application process standards outlined on the Lee County Sheriff's website. A list of approved vendors shall be listed and maintained on the Lee County, Illinois website. Vendors may only be in a possession of up to a total of ten (10) permits at any given time. The Lee County Sheriff is authorized to approve or deny applications and to revoke permit-issuing authority from any vendor. Should the permit-issuing authority be revoked from a vendor, or an application by a vendor be denied, the vendor may appeal that decision to the Lee County Board Executive Committee. Vendors shall receive ten dollars (\$10) for each permit fee issued. All approved vendors shall be required to collect all fees and return to the Lee County Treasurer's Office on a monthly basis. [This language needs to be tightened up and agreed to by Sheriff/Treasurer.]
- E. All other Lee County Non-Highway Municipal or Township permits enacted and dispersed prior to this Ordinance shall be honored by the County for the first year of the enacting of this Ordinance. This clause shall expire one year after the adoption of this Ordinance.

SECTION IX: Violations.

- A. The County 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 vehicle on County streets.
- B. Additionally, a violation of any provision of this chapter shall be punishable by payment of a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00) and the County's enforcement costs incurred, including its attorney fees, for each offense. Any second or subsequent offense shall result in the revocation of the County 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 X: State Highways.

Non-Highway vehicles may only operate on State Highways as identified in Section IV, Subsection A, so long as the municipality/township establishes an Ordinance in conjunction with 625 ILCS 5/11-1426.1(d) so long as the roadway is a posted speed limit of 35 miles per hour or less. The Illinois Department of Transportation must also authorize the use of Non-Highway vehicles in those jurisdictions where a State Highway is located. [This language addresses some issues brought up, but not relevant for the County]

SECTION XI: Severability.

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION XII: Effective Date.

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

APPROVED THIS ____ DAY OF _____, 2022

BY: _____

BOARD CHAIRPERSON

ATTEST:

COUNTY CLERK