

**CITY OF GENESEO**

**ORDINANCE No. O-20-28**

**AN ORDINANCE OF THE CITY OF GENESEO, ILLINOIS  
AMENDING CHAPTER 73 OF THE CITY'S CODE OF ORDINANCES  
PERTAINING TO NON-HIGHWAY AND SLOW-MOVING VEHICLES**

**ADOPTED BY THE  
CITY COUNCIL OF THE  
CITY OF GENESEO**

**THIS 8TH DAY OF SEPTEMBER, 2020**

**APPROVED BY THE  
MAYOR**

**SEPTEMBER 8, 2020**

Published in pamphlet form  
by authority of the City Council  
of the City of Geneseo,  
Henry County, Illinois,  
This 9<sup>th</sup> day of September, 2020.

**ORDINANCE NO. O-20-28**

**AN ORDINANCE AMENDING CHAPTER 73 OF THE CITY'S CODE OF ORDINANCES PERTAINING TO NON-HIGHWAY AND SLOW-MOVING VEHICLES**

**WHEREAS**, the City of Geneseo ("City") is an Illinois non-home rule municipal corporation organized and operating pursuant to the laws and constitution of the State of Illinois; and

**WHEREAS**, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in this State, unless authorized by the unit of government with jurisdiction over the roadway (625 ILCS 5/11-1426.1(b)); and

**WHEREAS**, the City may authorize the operation of non-highway vehicles on roadways under its jurisdiction, if the unit of local government determines that the public safety will not be jeopardized, and restrict the types of non-highway vehicles that are authorized to be used on its streets (625 ILCS 5/11-1426.1(d)); and

**WHEREAS**, the City has considered the volume, speed, and character of traffic on its roadways and determined that non-highway vehicles may safely travel on or cross roadways under City jurisdiction; and

**WHEREAS**, it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less, except where prohibited by the unit of government with jurisdiction over the street (625 ILCS 5/11-1426.2(a, c-d)); and

**WHEREAS**, the City may authorize the operation of low-speed vehicles on one or more streets under its jurisdiction that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour (625 ILCS 5/11-1426.2(e-5)); and

**WHEREAS**, the City has considered the volume, speed, and character of traffic on the streets under its jurisdiction that have a speed limit of more than 30 miles per hour, but not greater than 35 miles per hour, and has determined that low-speed vehicles may travel safely on those streets; and

**WHEREAS**, the operation of low-speed vehicles upon City streets are specifically subject to applicable local ordinances (625 ILCS 5/1426.2(h)); and

**WHEREAS**, updating the City's vehicle regulations in accordance with this Ordinance will not jeopardize the public safety, and will promote the public health, safety and welfare by providing for the safe operation of non-highway vehicles and low-speed vehicles on roadways under the City's jurisdiction; and

**WHEREAS**, the Corporate Authorities of the City wish to amend the City's Code of Ordinances in accordance with this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENESEO, HENRY COUNTY, ILLINOIS**, as follows:

SECTION I: The foregoing recitals are incorporated as though fully set forth herein.

SECTION II: Chapter 73, Sections 73-60, 73-61 and 73-62, entitled "Non-Highway Vehicles," are hereby deleted in their entirety, and in lieu thereof, the following language shall be substituted:

**"Non-Highway and Low-Speed Vehicles**

Section 73-060.       Definitions. For the purpose of this chapter, the following definitions from the Illinois Vehicle Code, as amended, shall apply unless the context clearly indicates or requires a different meaning.

*Low-speed vehicle.* 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 the applicable federal regulations.

*Non-Highway Vehicle.* A motor vehicle not specifically designed to be used on a public highway, including an "all-terrain vehicle," "golf cart," "off-highway motorcycle," and a "recreational off-highway vehicle," as defined by the Illinois Vehicle Code as amended. Off-highway motorcycles will not be permitted.

Section 73.061.       Operation of Non-Highway Vehicles. The City authorizes the operation of non-highway vehicles on roadways under its jurisdiction where the posted speed limit is 35 miles per hour or less, according to the requirements of Section 11-1426.1 of the Illinois Vehicle Code, as amended, and this title.

Section 73-062.       Operation of Low-Speed Vehicle. The City authorizes the operation of low-speed vehicles, on streets under its jurisdiction that have a speed limit not greater than 35 miles per hour, according to the requirements of Section 11-1426.2 of the Illinois Vehicle Code, as amended, and this title.

Section 73-063.       Operators. No person shall operate a non-highway or low-speed vehicle within the City unless he or she is eighteen (18) years of age, or older, and has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction.

Section 73-064.       Speed limit. No person shall operate a non-highway or low-speed vehicle within the City at a speed in excess of twenty-five (25) miles per hour.

Section 73-065. Hour of operation. A non-highway or low-speed vehicle shall not be operated on any City street before sunrise, or after sunset, on any day, nor at any time when visibility is impaired by weather, smoke, fog, or other conditions or at when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet..

Section 73-066. Equipment. No non-highway or low-speed vehicle may be operated on any City street unless it has, at a minimum, all equipment required pursuant to the Illinois Vehicle Code, and a current City of Geneseo issued permit which shall be displayed in the middle of the slow-moving vehicle emblem on the rear of said vehicle.

Section 73-067. Annual Registration. No non-highway or low-speed vehicle shall be operated on any roadway of the City, unless the owner(s) thereof shall have first registered the non-highway or low-speed vehicle with the City in accordance with the following:

- (A) Registration shall be administered by the Chief of Police, and his designees. Applications for registration shall be made on a form prescribed by the City and must include a statement under oath or penalties of perjury that the non-highway or low-speed vehicle proposed to be registered meets the statutory requirements. The application must be accompanied by an annual registration fee of \$75.00 and proof of the liability insurance required for said non-highway or low-speed vehicle under Article VI of Chapter 7 of the Illinois Vehicle Code.
- (B) The registered non-highway or low-speed vehicle shall be issued a sticker which shall be affixed to the registered vehicle in the middle of the slow-moving vehicle emblem on the rear of said vehicle.
- (C) Registrations shall be effective from the date of issuance until the March 31 next following and shall be renewed annually in the same manner as the original registration. The annual fee shall be prorated in the case of partial years based on the months the registration will be effective.
- (D) Registrations shall not be transferable in the event of change of ownership.
- (E) Registrations shall be subject to revocation by the Chief of Police in the event of a violation of the requirements of Sections 11-1426.1 or 1426.2 of the Illinois Vehicle Code, as amended, or any of the provisions of this chapter. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Revocations may be appealed in writing to the City Council

within 14 days from the issuance of the revocation, and if appealed the City Council shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The City Council shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.

- (F) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the required equipment for the non-highway or low-speed vehicle in compliance with this chapter or the Illinois Vehicle Code, the Chief of Police may reinstate the registration upon documentation of reinstatement of the required insurance or repair of the required equipment for the non-highway or low-speed vehicle.

Section 73-068. Inspection. Non-highway and low-speed vehicles that are registered, or to be registered, are subject to an annual inspection by the Chief of Police, or his designees, to determine that the vehicle meets, and continues to meet, the requirements of the Illinois Vehicle Code.

Section 73-069. Application of Illinois Vehicle Code. The operation of non-highway vehicles and low-speed vehicles in the City are subject to the requirements of the Illinois Vehicle Code. In the event of any conflict between the requirements of this chapter and the requirements of the Illinois Vehicle Code, the requirements of the Illinois Vehicle Code shall govern."

SECTION III: As required by 626 ILCS 5/11-1426.1(d) and 625 ILCS 5/11-1426.2(e-5), the Director of Public Works is hereby directed to post appropriate signs indicating where non-highway and low-speed vehicles are authorized on City roadways, in conformance with the State Manual on Uniform Traffic Control Devices.

SECTION IV: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION VI: This ordinance shall take effect immediately upon its passage and approval, in accordance with law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GENESEO, HENRY COUNTY,

ILLINOIS ON THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020

AYES: Brett Barnhart, Martin Rothschild, Keith Kenneth, Bob Wachtel, Paula Simosky, Craig Arnold


NAYS: None

ABSENT: Bob James

ABSTAIN: None

AND APPROVED BY THE MAYOR THIS 10<sup>TH</sup> DAY OF SEPTEMBER, 2020.

  
SEAN JOHNSON  
MAYOR

  
ACTING CITY CLERK

(Seal)

