

ORDINANCE NO.
AN ORDINANCE AMENDING 9-15 OF LINCOLN CITY CODE
TO ALLOW RECREATIONAL OFF-HIGHWAY VEHICLES (UTV)

THIS ORDINANCE is made and adopted by the CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS, at a regular meeting held in the City Council Chambers in said City on the ___ day of _____. 2022,
WITNESSETH:

WHEREAS, the CITY OF LINCOLN is a municipal corporation located in Logan County, Illinois; and

WHEREAS, the CITY OF LINCOLN previously passed Ordinance 2021-956 creating Title IX Chapter 15 of the Lincoln City Code to allow the usage of non-highway vehicles on city streets; and

WHEREAS, the ordinance passed only contemplated golf carts as allowed within the City of Lincoln, and since its passage there have been no issues with the usage of said golf carts; and

WHEREAS, there is a desire by some of the constituents within the City of Lincoln to allow UTVs to be operated on city streets; and

WHEREAS, the CITY COUNCIL of the CITY OF LINCOLN believes UTVs to be similar enough to golf carts to not hinder the health and safety of the constituents and in the interest of having more travel options for its constituents of the Council does not object to UTVs being added as an allowable non-highway vehicle within its city code;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the CITY COUNCIL OF THE CITY OF LINCOLN, as follows:

1. The City of Lincoln will amend Title IX Chapter 15 Lincoln City Code to include the usage of UTVs. (See below Exhibit A).
2. Effective Date. That this Ordinance is effective immediately upon passage of the same.

The vote on the adoption of this Ordinance was as follows:

Alderman Parrott	_____	Alderman Rohlfs	_____
Alderwoman Horn	_____	Alderman Jones	_____
Alderman Hoefle	_____	Alderman Downs	_____
Alderman Zurkammer	_____	Alderman Bateman	_____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

Passed and approved this ____ day of _____, 2022.

CITY OF LINCOLN,

BY: _____
Tracy Welch, Mayor
City of Lincoln, Logan County, Illinois

ATTEST: _____ (SEAL)
City Clerk, City of Lincoln,
Logan County, Illinois

EXHIBIT A

CHAPTER 9-15: NON-HIGHWAY VEHICLES

9-15-1 : Definitions.

(A) As used in 625 ILCS 5/11-1426.1, Section 11-1426.1. "Operation of non-highway vehicles on streets, roads, and highways", "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including (2) a golf cart, as defined by Section 1-123.9 and (4) Recreational Off-Highway Vehicles (UTV) as defined by Section 1-168.8. Golf Carts and UTVs are to be the only non-highway vehicle to be permitted within the City of Lincoln and for the purposes of this chapter when there is a reference to a non-highway vehicle said reference is to strictly only apply to golf carts and UTVs.

9-15-2 : Operation and Regulation of Non-Highway Vehicles.

Non-Highway Vehicles may be operated within the City of Lincoln, but only in strict compliance with the following rules and regulations:

(A) Any person who operates a non-highway vehicle in the City takes full responsibility for all liability associated with operating the non-highway vehicle.

(B) Any person who operates a non-highway vehicle must be at least 18 years of age and possess a valid driver's license.

(C) Any person who operates a non-highway vehicle must possess proof of liability insurance for personal injury and property damage with limits of liability not less than the minimum required by the State of Illinois for passenger vehicles pursuant to 625 ILCS 5/7-203. Evidence of insurance, in the form of an insurance card as prescribed in 625 ILCS 5/7-602, must be surrendered to any officer of the Lincoln Police Department or any other Law Enforcement Agency for inspection upon request.

(D) A non-highway vehicle shall have its headlights and tail lights lighted at all times when operated on City streets as required by 625 ILCS 5/12-201.

(E) Non-highway vehicles may not be operated in unsafe weather conditions or when visibility is impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light to see persons and vehicles on the streets at a distance of 500 feet. City Police Officers shall have full discretion in determining whether unsafe conditions from weather, smoke, fog, or insufficient lighting exists.

(F) Non-highway vehicles may not be operated at a speed of greater than 20 miles per hour. Non-highway vehicles may not be operated on City Streets which have a posted speed

limit of more than 30 miles per hour. This section does not prohibit non-highway vehicles from crossing a street at the intersection where the street has a posted speed limit of more than 30 miles per hour. No person operating a non-highway vehicle shall make a direct crossing upon or across a tollroad, interstate highway, or controlled access highway in this State. No person 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 public street, road or highway. The following roads are not permitted to be driven upon by golf carts:

- Keokuk Street
- Woodlawn Road
- Fifth Street
- Logan Street
- Limit Street
- Kickapoo Street (Business 55 until the intersection of Keokuk and Kickapoo)
- Union Street

(G) non-highway vehicles must be equipped with the following equipment, which shall professionally manufactured and installed, and must conform with Illinois Department of Transportation specifications:

1. seat belts
2. a horn,
3. brakes,
4. a steering apparatus,
5. tires,
6. a rearview mirror,
7. front and rear red reflectorized warning devices,
8. a slow-moving vehicle emblem on the rear in conformity with 625 ILCS 5/12-709,
9. a head light that emits a white light visible from at least 500 feet to the front in daylight,
10. a tail lamp that emits a red light visible from at least 100 feet from the rear in daylight, brake lights and turn signals,
11. a windshield,
12. an adequate muffler or exhaust system in constant operation and properly maintained to prevent excessive or unusual noise for gas powered golf carts.

(H) Any person who operates or is in physical control of a non-highway vehicle within the City must adhere to all applicable laws of the Illinois Vehicle Code, 625 ILCS 5/1 et seq. and additionally adhere to the specific provisions allowing operation of golf carts and UTVs as allowed under 625 ILCS 5/11-1426.1.

(I) Non-highway vehicle drivers must yield the right-of-way to overtaking vehicles at all times.

(I) The maximum occupancy of non-highway vehicles traveling on City streets will be one person per bucket seat and not more than 2 persons per bench seat. No person under the age of 8 years shall be a passenger in a non-highway vehicle.

(K) All persons operating and riding in non-highway vehicles must be properly seated and seat-belted while the vehicle is in motion.

(L) Except as otherwise permitted under the terms of this chapter, non-highway vehicles may only be operated between sunrise and sunset.

(M) The applicant and all listed operators must complete the Signed Waiver of Liability releasing the city and agreeing to defend, indemnify, and hold the city harmless from any and all future claims resulting from the operation of their authorized nonhighway vehicle on any city street

(N) When the permit holder receives their yearly sticker from the clerk's office said sticker will be affixed on the bottom half of the slow-moving vehicle sign.

9-15-3 : Parking of Non-highway Vehicles.

(A) Non-highway vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches.

(B) Non-highway vehicles may not be parked in a manner that violates the Americans with Disabilities Act.

(C) Non-highway vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(D) Non-highway vehicles may not be parked in a manner that would impose a threat to public safety or security.

(E) Non-highway vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the city.

(F) Non-highway vehicles that are parked in an incorrect manner must be re-parked within two (2) hours of receiving notice from the city on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within twelve (12) hours of receiving notice from the city at all other times.

(G) Non-highways vehicles that are parked in a residential area may remain in the same location for up to forty-eight (48) hours as long as it is parked in accordance with this section.

9-15-4 : Permit Rules.

(A) No person shall operate a non-highway vehicle without obtaining a permit from the Lincoln City Clerk's Office.

(B) Permits shall be granted for a period of one year and will be valid May 1 through April 30.

(C) The annual cost of a permit is \$100.00 per non-highway vehicle, to cover the costs of implementing and maintaining this ordinance and shall be paid to the City of Lincoln by the applicant. Proof of Insurance will be provided to the Clerk's Office and said insurance coverage shall be verified as in effect by the Clerk's Office when issuing and renewing a permit.

(D) Non-highway vehicle owners must complete a permit application, which may be obtained from the City of Lincoln Clerk's Office. The completed forms will be maintained by the City of Lincoln Clerk's Office.

9-15-5 : Inspection and Non-Highway Vehicle License.

All authorized non-highway vehicles operated on City streets must be inspected prior to the issuance of a City Non-Highway Vehicle License. The inspection shall be performed by the Lincoln Police Department. The vehicle inspection shall be required after the first year of registration unless the Chief of Police, in the Chief's sole discretion, determines that a subsequent inspection should not be necessary.

9-15-6 : Enforcement.

(A) The City of Lincoln may prosecute violators of any act constituting a violation of this ordinance. Any person who violates any provisions of this ordinance shall be guilty of an offense and shall be punished by a fine of not less than \$250.00 and not more than \$1,000.00, unless otherwise specified elsewhere in the City Code. For the first offense a fine only shall be levied, second offense will cause a one month suspension of the license, and the third offense will subject the individual to a two year ban of the permit to operate said golf cart and/or UTV. Individuals who are multiple offenders run the risk of having their non-highway vehicle impounded at the discretion of the officer at the time of the stop.

(B) Persons having their non-highway permit revoked must submit a completed application for reinspection and reinstatement of non-highway vehicle license along with a \$250.00 reinspection and reinstatement fee if the Chief of Police opts to re-issue a permit.

