



Village of Bartonville
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CERTIFICATION

The following document is hereby certified in pamphlet form to be:

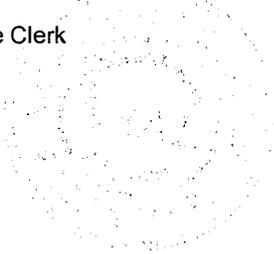
ORDINANCE #1865 - AN ORDINANCE REGULATING UTILITY TERRAIN VEHICLES (UTVs)

On this date: September 26, 2022

By: Michelle Carr-Bruce

A handwritten signature in black ink that reads "Michelle Carr-Bruce". The signature is written in a cursive style with a large, looping initial "M".

Title: Village Clerk



VILLAGE OF BARTONVILLE

ORDINANCE NO. 1865

AN ORDINANCE REGULATING UTILITY TERRAIN VEHICLES (UTVs)

WHEREAS, the Village of Bartonville (the “Village”) is an Illinois municipality and a home rule municipality in accordance with the Constitution of the State of Illinois of 1970 and as such, has the authority to create this Ordinance concerning its local government and affairs; and

WHEREAS, pursuant to 625 ILCS 5/11-1426.1, the Village may authorize the operation of non-highway vehicles, including a recreational off-highway vehicle, as defined by Section 1-168.8 of the Illinois Vehicle Code, on roadways under its jurisdiction if the Village determines that the public safety will not be jeopardized;

WHEREAS, the Village has considered the volume, speed, and character of traffic on its roadways and determined that utility terrain vehicles (UTVs) may safely travel on or cross its roadways.

WHEREAS, the Board of Trustees of the Village have determined that public safety will not be jeopardized and that it is necessary and in the best interests of the health, safety and welfare of the citizens of the Village to establish regulations pertaining to the operation of UTVs within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The Village of Bartonville hereby finds as fact the recitals set forth above and are incorporated herein as though fully set forth.

SECTION 2. Chapter 38, Article VII of the Village Code of Ordinances is hereby amended and re-titled “Article VII. – UTVs, Low-Speed and Gas-Powered Bicycles” and is hereby amended in its entirety to state as follows:

Sec. 70-164. – Definitions

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

“Low-speed electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, where such motor:

- (1) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour;
- (2) May be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour; or
- (3) Provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

“Low-speed gas bicycle” means a two- or three-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour.

“Utility Terrain Vehicle” or “UTV” means any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less for gas-powered engines or 3,000 pounds or less for electric-powered engines, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. This definition is intended to be consistent with 625 ILCS 5/1-101.8, and in the event of an amendment of the definition contained therein for a “Recreational Off-Highway Vehicle,” this definition shall be amended to reflect said new definition. UTV does not include ATVs, go-carts, or golf carts.

“Illinois Vehicle Code” or “Code” means the Illinois Vehicle Code (615 ILCS 5/1-100 *et seq.*), as may be amended from time-to-time.

Sec. 70-165. – Registration; fees.

- (a) Any resident within the Village owning and operating a UTV, low-speed electric bicycle or a low-speed gas bicycle within the Village shall register the same with the

Village's Police Department (the "Police Department"). The owner shall furnish the Police Department with his or her name and address, the make and serial number of the UTV, low-speed electric or low-speed gas bicycle, proof of liability insurance (including insurance carrier and policy number), waiver of liability, and any other information as the Police Department may require, including a certification that the UTV, low-speed electric or low-speed gas bicycle has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the vehicle, 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, brake lights, turn signals, and, in the event of UTVs, seat belts on all driver and passenger seats. All UTVs, low-speed electric or low-speed gas bicycles are subject to inspection by the Police Department to ensure the vehicle is equipped as required by this Article prior to registration.

- (b) Upon registration of a UTV, low-speed electric or low-speed gas bicycle and payment of the registration fee provided for herein, the Police Department shall issue to the owner a permit and/or a registration sticker (collectively hereinafter "permit" or "registration") to be firmly attached to the UTV or bicycle in such a manner as the Chief of Police shall prescribe.
- (c) The annual registration fee for any UTV permit shall be \$100.00 and for any low-speed electric or gas bicycle permit shall be \$15.00, which shall be due at the time of registration. Notwithstanding the foregoing, the annual registration fee will be waived for any UTV, low-speed electric or low-speed gas bicycle that is registered with the Police Department on or before April 30, 2023, and such waiver shall be effective until April 30, 2023. Any permits effective May 1, 2023 through April 30, 2024, and each year thereafter, shall be subject to the annual registration fees.
- (d) Permits issued under this Article shall be effective for a maximum period of one calendar year and shall expire April 30th of each year. Registration fees will not be pro-rated after May 1, 2023.
- (e) Permits under this Article shall not be transferrable in the event of a change of ownership. A new registration fee will be required of the new owner(s). No refund of the original registration fee is allowed in the event of the change of ownership.
- (f) Any person who fails to register their UTV, low-speed electric or low-speed gas bicycle and to pay the registration fee within the time frame required by this Article shall be assessed a late fee of \$10.00, which shall be due in addition to the registration fee set forth herein and in addition to any penalty provided for in Section 70-168.

Sec. 70-166. – Requirements.

Subject to the requirements of section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) which are hereby adopted by reference by the Village of Bartonville, and of the provisions of this Article, drivers properly licensed to operate motor vehicles on the

roadways of the Village of Bartonville are allowed to operate a properly registered UTV, low-speed electric and/or low-speed gas bicycle under this Article on the roadways of the Village of Bartonville that have a posted speed limit of thirty-five (35) miles per hour or less.

In addition to having the UTV, low-speed electric and/or low-speed gas bicycle meeting the necessary registration and equipment requirements of this Article, any person operating a UTV, low-speed electric and/or low-speed gas bicycle, on roadways of the Village of Bartonville, having a posted speed limit of thirty-five (35) miles per hour or less, must also comply with the following requirements:

- (a) A person who operates a UTV, low-speed electric and/or low-speed gas bicycle must have a valid driver's license issued in his or her name by the Secretary of State of Illinois or any other state.
- (b) A person who owns and/or operates a UTV, low-speed electric and/or low-speed gas bicycle must ensure the vehicle is insured and meets the mandatory insurance requirements specified by the Illinois Vehicle Code.
- (c) A person who operates a UTV, low-speed electric and/or low-speed gas bicycle must comply with all traffic laws, ordinances, and regulations, including but not limited to the Illinois Vehicle Code and the Village's Code of Ordinances.
- (d) A person shall not operate a UTV, low-speed electric and/or low-speed gas bicycle without a lighted headlight and tail lamps as required by 625 ILCS 5/12-201.
- (e) A person shall not operate a UTV unless all occupants are properly restrained with seatbelts.
- (f) A person operating a UTV, low-speed electric and/or low-speed gas bicycle shall not carry passengers exceeding the vehicle's maximum occupancy.
- (g) All UTVs, low-speed electric or low-speed gas bicycle must be equipped with the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of vehicle, 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, brake lights, and turn signals. No modifications shall be made to any exhaust systems that are substantially different from factory exhaust systems.

Notwithstanding the foregoing and regardless of the posted speed limit, no person under the age of 21 shall operate a UTV on any roadways within the Village of Bartonville.

UTVs, low-speed electric bicycles, and low-speed gas bicycles shall not be operated on the Village's sidewalks or state or federal highway/routes within the Village, unless otherwise

permitted by applicable state or federal law. A person shall not operate a UTV, low-speed electric bicycle, or low-speed gas bicycles on walking/biking paths, in Village parks, or other public places, other than designated parking areas.

This section does not prohibit a UTV, low-speed electric bicycle or low-speed gas bicycle 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. However, no person operating a UTV, low-speed electric bicycle or low-speed shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. No person operating a low-speed electric bicycle or low-speed gas bicycle shall make a direct crossing upon or across any other highway under the jurisdiction of the State of Illinois except (i) at an intersection of the highway with another public street, road, or highway and (ii) as otherwise set forth below.

UTVs, low-speed electric, and low-speed gas bicycles are allowed to cross a State highway, municipal street, county highway, or road district highway if the operator of the low-speed electric bicycle or low-speed gas bicycle makes a direct crossing provided:

- (1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) the UTV, low-speed electric bicycle or low-speed gas bicycle is brought to a complete stop before attempting a crossing;
- (3) the operator of the UTV, low-speed electric bicycle or low-speed gas bicycle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and
- (4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

Any person owning or operating a UTV, low-speed electric bicycle, or low-speed gas bicycle in the Village of Bartonville does so under the acknowledgment that the Village of Bartonville shall not under any circumstances be liable for any expense incurred by an applicant or permit holder for the costs of rendering a UTV, low-speed electric bicycle, or low-speed gas bicycle compliant with the requirements as set forth in this Article for the purpose of its operation on Village streets.

Sec. 70-167. – Application of other traffic laws.

Every person operating a UTV, low-speed electric, or gas bicycle upon a roadway within the Village shall be subject to all of the provisions of this Article, as well as all other applicable federal, state, and/or local laws, ordinances, or regulations applicable to UTVs, low-speed electric bicycles, low-speed gas bicycles and any other vehicles on roadways, including without limitation, any the Illinois Vehicle Code and other traffic laws of the State of Illinois and the Village of Bartonville. A person may not operate a UTV, low-

speed electric bicycle or low-speed gas bicycle upon any roadway within the Village without a valid driver's license issued in his or her name by the Illinois Secretary of State or by a foreign jurisdiction.

A person who operates or is in actual physical control of a vehicle authorized under this Article on a roadway in the Village of Bartonville while under the influence of alcohol or drugs, is subject to the provisions of Article V of the Illinois Vehicle Code.

Sec. 70-168. – Penalty; impoundment.

- (a) *Penalty.* Any person found to be in violation of any of the provisions of this Article shall be subject to a fine of no less than \$200.00 nor more than \$750.00 for each such violation. Every day that a violation occurs shall constitute a separate offense. All offenses after the first offense shall be subject to a fine of \$750.00 for each violation.
- (b) *Suspension.* A second or subsequent violation of any of the provisions of this Article, in relation to any particular UTV, low-speed electric bicycle, or low-speed gas bicycles (regardless of the operator), in addition to any fine imposed, shall be grounds for the revocation of any permit issued for that UTV, low-speed electric bicycle, or low-speed gas bicycle of up to one (1) year. If, at any time, the Chief of Police determines that permitting any particular UTV, low-speed electric bicycle, or low-speed gas bicycles to be operated by the owner, or his or her authorized user, on any street or alley of the Village would jeopardize public safety, the Chief of Police may suspend or revoke, subject to subsection (e) below, any permit issued under this Article for periods of up to one (1) year or more.
- (c) *Impoundment.* In addition to fines as set forth in Subsection (a) above, any the UTV, low-speed electric bicycle or low-speed gas bicycle operated within the Village of Bartonville shall be subject to impoundment as a “motor vehicle” pursuant to the provisions of Chapter 70, Article IV of this Code.
- (d) *Revocation or Denial of Registration.*
 - (1) The Chief of Police may suspend or revoke any registration authorized under this Article if the Chief of Police determines that permitting said vehicle to be operated by the owner, or his or her authorized user, on any street or alley of the Village would jeopardize public safety.
 - (2) The Chief of Police may deny registration authorized under this Article if the chief of police determines, in his or her sole judgement, that permitting said vehicle to be operated by the owner, or his or her authorized user, on any street or alley of the Village would jeopardize public safety.
 - (3) The Chief of Police may suspend or revoke any registration authorized under this Article or deny future registration under this Article if the owner, or his or her authorized user, is convicted of a violation of Article V of the Illinois

Vehicle Code while operating the UTV, low-speed electric, or gas bicycle on the roadways of the Village of Bartonville.

- (4) The Chief of Police shall issue his or her suspension, revocation or denial, in writing, which shall be personally delivered to the owner, mailed via U.S. Mail to the address included on the owner's application for registration, or sent via e-mail to the e-mail address included on the owner's application for registration.
- (5) If the Chief of Police suspends, revokes or denies any registration under this Article, then the owner may appeal the Chief of Police's decision within ten (10) days of receipt of the Chief of Police's written decision. The request for appeal must be in writing, must include the reasons for the appeal, and must be personally delivered to the Village President's office during business hours or postmarked within said ten (10) days. The Village Board of Trustees will then consider whether to affirm, amend, and/or reverse the Chief of Police's decision within thirty (30) days, unless a further extension agreed upon with the owner, of receipt of the request for appeal. The owner may appear at the Village Board of Trustees meeting to be heard regarding his or her appeal. The owner may be represented by an attorney at the meeting, if he or she desires. The Village Board of Trustees' decision to affirm, amend, and/or reverse the chief of police's decision shall be final.
- (6) In the event a registration is denied under this section, then the application fee shall be refunded to the owner. If a registration is suspended or revoked, then the owner shall not be entitled to a refund of his or her registration fee without approval of the Chief of Police or, in the case of an appeal, the Village Board of Trustees.

SECTION 3. That the Chief of Police is authorized to have posted appropriate signs as required by applicable law and consistent with this Ordinance.

SECTION 4. That all ordinances or parts thereof in conflict with this Ordinance are hereby expressly repealed.

SECTION 5. If any part or parts of this Ordinance shall be held to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage, and approval as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF BARTONVILLE, PEORIA COUNTY, ILLINOIS, THIS 26th DAY OF SEPTEMBER, 2022.

AYES: 4
NAYS: 2
ABSENT: 0

APPROVED this 26th day of September, 2022.

By: Leon Ricca
Leon Ricca, President

ATTEST: Michelle Carr-Bruce
Michelle Carr-Bruce, Village Clerk

