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116 E. Market Street
Troy, Illinois 62294

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Ordinance No. 2022 - 03

An Ordinance of the City of Troy, Illinois, Creating Title VII,

Chapter 70: General Regulations

Section 70.80 – 70.85 Non-Highway Vehicle Regulations of the Codified Ordinances

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF TROY, ILLINOIS

THIS 7TH DAY OF FEBRUARY, 2021

*Published in pamphlet form by the authority of the City Council of the
City of Troy, Madison County, Illinois, this 7th day of February, 2021.*

WHEREAS, the corporate authorities of the City of Troy adopted a Code of Ordinances and have made revisions thereto; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 which authorizes Municipalities, by Ordinance, to permit certain non-highway vehicles on municipal streets, roads and highways under the jurisdiction of the municipality; and

WHEREAS, the corporate authorities deem it to be in the best interests of the City to create a section of the Codified Ordinances which allows for the use of non-highway vehicles to be operated on streets, roads and highways under the jurisdiction of the City of Troy; and

WHEREAS, the City of Troy has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, certain “non-highway vehicles”, namely “golf carts” and “all-terrain vehicles” as defined therein may safely operate on the streets within the jurisdiction of the City of Troy.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Troy, Madison County, Illinois as follows:

Section 1: Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.

Section 2: Amendment. The Troy Municipal Code, Title VII: Traffic Code, Chapter 70: General Regulations, Section 70.80-70.85 shall be created to read in its entirety, as follows:

NON-HIGHWAY VEHICLE REGULATIONS

§ 70.80 DEFINITIONS.

- A. “Golf Cart”, as defined herein, means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf or maintaining the conditions of the grounds on a public or private golf course.
- B. “All-Terrain Vehicle”, as defined herein, 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, 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 lawn mowers.
- C. “City Streets” means any of the streets within the boundaries of the City of Troy.
- D. “County Roads” means any highway or road under the jurisdiction the Madison County, Illinois.

E. "State Roads" means any highway under the jurisdiction of the State of Illinois.

§ 70.81 GENERAL PROVISIONS.

- A. All persons wishing to operate an allowed non-highway vehicle of the City streets must ensure compliance with the following requirements:
1. Must have the minimum required liability insurance as set out in 625 ILCS 5/7-601 et seq., and maintain proof of said insurance specifically for said non-highway vehicle within the permitted vehicle.
 2. Annual registration with the City of Troy is required of any non-highway vehicles operated upon city streets.
 3. Must have the vehicle certified with the City by inspection which will be conducted by the Chief of Police or his designee.
 4. Must comply with the rules established within this ordinance which may be periodically updated.
 5. Driver of any non-highway vehicle, as outlined in this ordinance, must be at least 18 years of age and possess a valid Illinois driver's license.
 6. All non-highway vehicles must be equipped as follows:
 - a. Horn;
 - b. Brakes and brake lights;
 - c. Turn signals;
 - d. A steering wheel apparatus;
 - e. Tires;
 - f. Rearview mirror;
 - g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle, as required by 625 ILCS 5 12-709;
 - h. Red reflectorized warning devices in the rear, orange/yellow in the front;
 - i. Headlights that emit a white light visible from a distance of 500, illuminated at all times when operated on city streets;
 - j. A tail lamp that emits a red light visible from at least 100 feet from the rear, illuminated at all times when operated on city streets;
 - k. At least 2 brake lights which emit a red light visible from a distance of 100 feet from the rear;
 - l. Turn signals mounted on the front and rear of the vehicle;
 - m. Windshield;
 - n. All-terrain vehicles must be equipped with seatbelts;
 - o. Golf carts are not required to be equipped with seatbelts, unless a child safety or booster seat is utilized.
 7. All drivers of non-highway vehicles must obey all traffic laws of the State of Illinois and the City of Troy.

8. Non-highway vehicles may be operated only on city streets with a speed limit of 25 miles per hour or less as designated by Chapter 71 of the Troy Code of Ordinances.
9. Non-highway vehicles must not be operated in excess of posted speed limits and may not be operated at a speed in excess of 25 miles per hour.
10. Non-highway vehicles may not be operated on US Highway 40, Illinois Route 162, Collinsville Road, West Center Street, East Center Street, South Dewey Street, Wayland Avenue, Creekside Drive, Bouse Road, or any other highway or roadway under the jurisdiction of the Illinois Department of Transportation. However, drivers of non-highway vehicles may cross such roadways and highways at a 90-degree angle at pre-designated locations identified by the Police Chief of the City of Troy. City streets that cannot be traveled on nor crossed are Riggin Road, Clay Street, Staunton Road, and Troy O'Fallon Road. Non-highway vehicles may not be operated within Tri Township Park.
11. Operation of non-highway vehicles will be permitted between the hours of 6:00 a.m. and 11:00 p.m.
12. A person operating or who is in actual physical control of an allowed non-highway vehicle, as described herein, on a roadway shall not operate such vehicle while under the influence of alcohol and/or drugs and shall be subject to 625 ILCS 5/11-500 through 11-502.
13. Non-highway vehicles may not be operated on sidewalks, trails, Madison County Transit (MCT) Trails, or other public property not accessible to or authorized to vehicular traffic.
14. All non-highway vehicles permitted on city streets shall have headlights and tail lamps illuminated at all times while being operated upon city streets.

§ 70.82 PERMITS.

- A. No person shall operate an allowed non-highway vehicle without first obtaining a permit from the office of the Police Chief as provided herein. Permits shall be granted for each calendar year beginning January 1 and ending December 31, and renewed annually. The cost of a permit shall be set forth in Appendix A: Fee Schedule, of this Code. Insurance coverage is to be verified by Police Department staff to be in effect when obtaining and renewing a permit. Stickers issued for permitted vehicles must be displayed in a visible location on the rear of the vehicle.
- B. Every application for a permit shall be made on a form supplied by the City of Troy and shall contain the following information:
 1. Name and address of applicant;
 2. Name of liability insurance carrier;
 3. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 4. Serial number, make, model and description of the allowed non-highway vehicle;

5. Signed and notarized waiver of liability by applicant (the city will provide a waiver form) releasing the City of Troy and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their allowed non-highway vehicle on the City of Troy streets;
 6. A copy of the inspection form noting a passing status (the city will provide an inspection form).
- C. No permit shall be granted unless the following conditions are met:
1. The vehicle must be inspected by Chief of Police, or his designee, to ensure the vehicle is safe to operate on city streets and is in compliance with this Ordinance and with the State of Illinois Vehicle Code;
 2. The applicant must provide evidence of insurance in compliance with the provisions of this Ordinance and Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois;
 3. The applicant must provide a signed and notarized waiver of liability, releasing the City of Troy and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their allowed non-highway vehicle on the City of Troy streets;
 4. A physically handicapped applicant must submit a certificate signed by a physician certifying the applicant is able to safely operate an allowed non-highway vehicle on city streets.
- D. Permits are NOT transferable.
- E. A permit may be denied for any of the following reasons:
1. The vehicle is not properly titled with the Illinois Secretary of State, if required;
 2. Insurance information for the vehicle cannot be verified;
 3. The registered owner does not have a valid driver's license;
 4. The vehicle does not conform to the requirements of this Ordinance;
 5. The owner has provided any false information in their application;
 6. The applicant or a permitted operator has had two or more convictions for a violation of this Ordinance within the preceding year;
 7. A permit issued to another individual for the same vehicle is under suspension or revocation.
- F. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or there is evidence the permittee cannot safely operate an allowed non-highway vehicle on the designated roadways. A suspended or revoked permit may only be reinstated by the Chief of Police or a majority vote of the City Council.

§ 70.83 FEES.

- A. Permit fees as determined by the City Council, shall be set forth in Appendix A: Fee Schedule, and may be amended from time to time. The permit will be valid for the calendar year for which it was issued.
- B. Permit renewal fees, payable to the City of Troy, as determined by the City Council shall be set forth in Appendix A: Fee Schedule and may be amended from time to time. The renewed permit will be valid for the calendar year for which it was issued.

§ 70.84 VIOLATIONS.

- A. Any person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and shall be issued an ordinance violation ticket (OVT). A second or subsequent offense shall result in an OVT and the suspension or revocation of the permit for a period of not less than 1 year nor more than 5 years, as determined by the Chief of Police.
- B. To the extent any violation of this Ordinance also constitutes a violation of a traffic and/or criminal statute of the State of Illinois, then the violator shall also be subject to traffic and/or criminal prosecution.
- C. It shall be unlawful for anyone to provide false information in the application for a permit to operate a non-highway vehicle on the city streets of Troy, Illinois.

§ 70.85 MISCELLANEOUS.

- A. 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.
- B. This Ordinance shall be in full force and effect from after passage and approval, as provided by law.
- C. This Ordinance shall expire on December 31, 2023 unless a majority action of the City Council extends the Ordinance.

Section 3: Severability. If any provisions of this Ordinance, or the application of any provisions 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 4: Effective date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

Section 5: All ordinances or parts of ordinances thereof in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

Section 6: Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 7th day of February, 2021.

Aldermen:

Dawson AYE

Flint AYE

Hellrung AYE

Henderson AYE

Italiano AYE

Knoll AYE

Manley AYE

Turner AYE

Total:

8 Ayes

0 Nays

0 Abstains

APPROVED:



David Nonn, Mayor,
City of Troy, Illinois

ATTEST:



Kimberly Thomas, City Clerk

