

ORDINANCE NO. 13-04-18

AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED ALL-TERRAIN VEHICLES (ATV), UTILITY-TERRAIN VEHICLES AND/OR RECREATIONAL OFF-ROAD VEHICLES (UTV) AND APPROVED GOLF-CARTS ON THE STREETS UNDER THE JURISDICTION OF PULASKI COUNTY, ILLINOIS.

WHEREAS Pulaski County has determined that the operation of qualified ATVs, UTVs, and approved golf carts should be allowed under certain conditions/restrictions on the streets under the jurisdiction of Pulaski County, Illinois, and has further determined that the public safety will not be jeopardized by such use(s);

WHEREAS the Illinois Vehicle Code (Chapter 625), Act 5, Section 11-1426.1(d) authorizes counties, by ordinance, to permit qualified ATVs, UTVs, and Approved Golf Carts to be operated on the County Roads under the jurisdiction of Pulaski County if the public safety would not be jeopardized;

WHEREAS Pulaski County 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(d), that qualified ATVs, UTVs, and Approved Golf Cart, as defined herein, may be safely operated on the streets within the jurisdiction of Pulaski County, Illinois.

WHEREAS Pulaski County shall enact this Ordinance which shall allow qualified ATVs, UTVs, and Approved Golf Carts to operate on the County Roads within the jurisdiction of Pulaski County, Illinois, upon the terms and conditions stated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD, PULASKI COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: PURPOSE.

ATVs, UTVs, and Approved Golf Carts, as defined herein, shall be allowed on County Roads under the conditions and restrictions as stated and set forth herein.

SECTION 2: DEFINITIONS.

- A. "All-Terrain Vehicle (ATV)" shall mean any motorized off-highway device, 50 inches or less in width, traveling on three or more low pressure tires, designed with a seat or saddle for operator use, and handle-bars or steering wheel for steering control.
- B. "Utility-Terrain Vehicle (UTV)" shall mean a self-propelled, electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four-wheeled motor vehicle. A UTV is designed to be operated by a person sitting in a designated seat.
- C. "Approved Golf Carts" shall be four-wheeled, electric, low speed vehicles that travel at least 20 MPH. Such vehicles shall include, but not be limited to, golf carts operated by battery, gasoline, or diesel fuel, or charged electrically.
- D. "County Roads" mean any of the roads within the boundaries and under the jurisdiction of Pulaski County, Illinois.

SECTION 3: CONDITIONS OF OPERATION.

All persons desiring to operate an ATV, UTV, or Approved Golf Cart on the County Roads must ensure compliance with the following requirements/conditions of operations:

1. The owner of an ATV, UTV, or Approved Golf Cart must maintain, at a minimum, liability insurance coverage; and driver shall provide proof of the same upon request by any County officer, trustee, employee, and/or police officer acting at the direction of Pulaski County, or such other law enforcement official who has authority and jurisdiction within the limits of the Pulaski County, Illinois;
2. Must have a valid permit from Pulaski County, and if required, any other permit and/or license that is required by the State of Illinois.
3. Permit must be conspicuously displayed on the rear of any ATV, UTV, or Approved Golf Cart while operating on County Roads;
4. The driver of any ATV, UTV, or Approved Golf Cart must have current and valid Driver's License; no person who is under the age of 16 years shall operate an ATV, UTV, or Approved Golf Cart on the County Roads;
5. Each valid operator shall not permit any unauthorized person to operate an ATV, UTV, or Approved Golf Cart at any time or for any reason on Pulaski County Roads;
6. Permits shall be issued at the sole and exclusive discretion of the Pulaski County Board of Commissioners. The owner of ATV, UTV, or Approved Golf Cart shall purchase a permit from an entity authorized by Pulaski County to perform inspections and issue permits. A list of authorized inspectors and the hours of operation will be available on the Pulaski County webpage. Any ATV, UTV, or Approved Golf Cart shall be equipped with the necessary and required equipment as outlined in Section 4 of this Ordinance. Permits are to be renewed annually. The annual cost for the permit is \$35, to be paid in full to the agency performing the inspection. Of the \$35, the agency performing the inspection will retain \$15 for their services and will remit \$20 to the County for their fee.
7. No ATV, UTV, or Approved Golf Cart shall be operated in any location within the unincorporated areas of Pulaski County, Illinois, except for on County roads that have been approved pursuant to this Ordinance. Operators may not travel on County Roads that are marked with a center line, except to cross over to the other side or to travel on a shoulder, if one exists (examples include, but are not limited to, Tick Ridge Road, Feather Trail Road, Shawnee College Road, and Mounds Road). The Pulaski County Board of Commissioners reserves the right to restrict operation of any ATV, UTV, or Approved Golf Cart on any County Road. Such restriction shall be by notification by sign, barricades, or other mechanism that places the public on notice of such restriction or restricted area;
8. No ATV, UTV, or Approved Golf Cart may be operated at a speed that is greater than **35 mph** while traveling on County Roads;
9. No ATV, UTV, or Approved Golf Cart may be operated between the hours of **10 p.m. and 5 a.m.**; and
10. Operators must comply with the Illinois Vehicle Code, Chapter 625, Act 5, Sections 5/11-1426.1, 5/11-1427, 5/1427.1, 5/11-1427.2, 5/11-1427.4, this Ordinance, and all other laws in effect that pertain to the use of ATVs, UTVs, and Approved Golf Carts on the County Roads within Pulaski County, Illinois, and the State of Illinois.

SECTION 4: NECESSARY AND REQUIRED EQUIPMENT:

A. EACH ATV MUST BE EQUIPPED AS FOLLOWS:

1. Rearview or Sideview Mirrors;
2. Functioning and operable brakes and brake lights;
3. Properly functioning steering apparatus;
4. Reflectorized warning devices on the front and rear of the vehicle;
5. Safety Flag (flag must be mounted on a whip pole that is attached to the ATV in a manner such that the flag is situated at a minimum of 6 feet from the ground.)
6. Tires that are in good working condition and inflated during use;
7. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
8. Headlight that emits a white light visible from a distance of 500 feet to the front;
9. Tail Lamp that emits a red light visible from at least 100 feet from the rear;
10. Operators and passengers under 18 years of age are required to wear a Department of Transportation approved helmet; and
11. Contain equipment that is in full operation and not contain any LOUD MUFFLERS.

B. UTVs AND APPROVED GOLF CARTS MUST BE EQUIPPED AS FOLLOWS:

1. Rearview or Sideview Mirrors;
2. Functioning and operable brakes and brake lights;
3. Reflectorized warning devices in the front and rear;
4. Tires that are in good working condition and inflated during use;
5. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
6. Headlight that emits a white light visible from a distance of 500 feet to the front;
7. Tail Lamp that emits a red light visible from at least 100 feet from the rear;
8. Operators and passengers under 18 years of age are required to wear a Department of Transportation approved helmet; and
9. Contain equipment that is in full operation and not contain any LOUD MUFFLERS.

SECTION 5: VIOLATIONS.

A. OFFENSE AND PENALTY.

- (1) Any person who violates any provision of this Ordinance shall be guilty of a petty offense and shall be punished by a fine of up to \$120.00 plus court costs. The vehicle may be towed for a first violation until the owner can show compliance with all laws. Any second or subsequent offense shall result in: (a) the towing of the vehicle unless compliance with the terms of this Ordinance are met; (b) the suspension of the permit for a period of not less than three (3) months but not more than one (1) year; and/or (c) revocation of the permit for any length of time the Pulaski County Board determines it necessary to deter further violations of the law and to protect the safety and wellbeing of persons within the limits of Pulaski County, Illinois. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall be subject to criminal prosecution.
- (2) At the discretion of the law enforcement officer, the parents of any child ticketed with a violation of this Code may also be ticketed for the same offense with which the child is ticketed.

B. LAW ENFORCEMENT DISCRETION.

At the discretion of the any law enforcement officer issuing the citation, any offense or violation of this Ordinance can be written as a municipal ordinance offense or a state statute offense, depending on the severity of the circumstances and the violation(s) of the law involved.

C. PERMIT ISSUANCE, SUSPENSION, AND REVOCATION.

A person issued a permit shall be informed and acknowledges that such permit is a privilege and not a right. Each person issued a permit is subject to the sole and exclusive discretion of Pulaski County Board of Commissioners, Pulaski County, Illinois to issue such permit, to allow a renewal of such permit, or reinstatement of such permit after a suspension or revocation period.

SECTION 6: MISCELLANEOUS.

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.

This ordinance shall be in full force in effect from and after passage and approval as provided by law.

Any ordinance or portion thereof, of Pulaski County, Illinois which is contrary to this ordinance shall be deemed to be repealed.

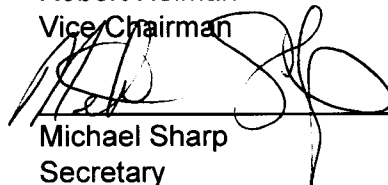
Adopted and approved by majority vote this 15th day of July, 2021.



Rex Wilburn, Chairman
County Commissioner

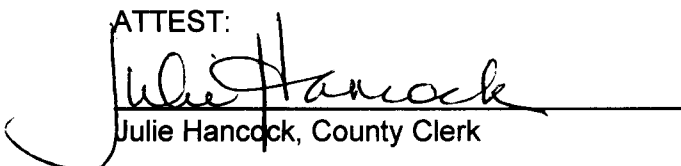


Robert Helman
Vice Chairman



Michael Sharp
Secretary

ATTEST:



Julie Hancock, County Clerk

CERTIFICATION

I, Julie Hancock, County Clerk for Pulaski County, Illinois, do hereby certify the foregoing Ordinance # 13-04-18 is the true and correct original ordinance passed and approved by the Pulaski County Board of Commissioners at a regular meeting duly convened on the 15th day of July, 2021.

Julie Hancock

