

**CITY OF OREGON  
ORDINANCE 2022-106**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF  
OREGON ADDING CHAPTER 24.26 ET AL. ENTITLED "NON-HIGHWAY  
VEHICLES"**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Oregon, Ogle County, Illinois being a non-home rule unit pursuant to the provision of Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to "pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities." 65 ILCS 5/1-2-1; and

**WHEREAS**, while "non-home rule municipalities have the authority to enact ordinance, such ordinances may in not event conflict with state law or prohibit what a state statute expressly permits. A local ordinance may impose more rigorous or definite regulations in additions to those enacted by the state legislature so long as they do not conflict with the statute." (Village of Wauconda v. Hutton, 291 ILL. App. 3d 1058, 1060 (1997); and

**WHEREAS**, the City of Oregon ("City") has determined that the operation of qualified non-highway vehicles should be permitted under certain conditions on streets under the jurisdiction of the City; and

**WHEREAS**, Section 11-1426/1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) authorizes municipalities, by ordinance or resolution, to permit qualified non-highway vehicles to operate upon the streets under the jurisdiction of the municipality; and

**WHEREAS**, the City had 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 Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1), qualified non-highway vehicles, as defined herein, may safely operate on designated streets within the jurisdiction of the City:

**NOW THEREFORE**, be it ordained by the Mayor and Council of the City of Oregon, Ogle County, in the State of Illinois, as follows:

**SECTION 1:**        **ADOPTION** "24.26 Non-Highway Vehicles" of the City of Oregon Municipal Code is hereby *added* as follows:

**ADOPTION**

24.26 Non-Highway Vehicles(*Added*)

**SECTION 2:**        **ADOPTION** “24.26.010 Definitions” of the City of Oregon Municipal Code is hereby *added* as follows:

**ADOPTION**

24.26.010 Definitions(*Added*)

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

**NON-HIGHWAY VEHICLE:** a motor vehicle not specifically designed to be used on a public highway, including;

**RECREATION OFF-HIGHWAY VEHICLE:** a commercially designed and manufactured motorized off-highway device designed primarily for off-highway travel, 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, a steering wheel for steering control, and designed with non-straddle seating that conform to applicable federal regulations (see Title 49 C.F.R. part 571.500). UTV shall not include equipment such as lawnmowers as defined in 625 ILCS 5/1-168.8;

**GOLF CART:** 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 condition of the grounds on a public or private golf course as defined in 625 ILCS 5/1-123.9.

**CITY STREETS:** any roadway, or street located within the corporate limits of the City of Oregon, and subject to the jurisdiction of the City of Oregon, Ogle County, IL

**SECTION 3:**        **ADOPTION** “24.26.020 Operation Of Non-Highway Vehicles” of the City of Oregon Municipal Code is hereby *added* as follows:

**ADOPTION**

24.26.020 Operation Of Non-Highway Vehicles(*Added*)

No person shall operate a non-highway vehicle upon the streets and roads subject to the jurisdiction of the City of Oregon unless such person meets the following requirements:

- A. The operator must be 21 years of age or older.

- B. The operator must possess a current valid driver's license and be insured in accordance with the laws of the State of Illinois providing for liability insurance. Operator of the non-highway must be able to provide proof of valid insurance.
- C. Any person in the non-highway vehicle not required to be in a car seat under Section D, who are under the age of 18 must wear a Department of Transportation approved helmet.
- D. Any child who is subject to being in a car seat or booster seat in a passenger vehicle must also be in a car seat or booster seat in a non-highway vehicle.

**SECTION 4:**        **ADOPTION** “24.26.030 Equipment” of the City of Oregon Municipal Code is hereby *added* as follows:

ADOPTION

24.26.030 Equipment(*Added*)

All non-highway vehicles operated on City roads and streets must be equipped with the following:

- A. Brakes and brake lights.
- B. A rear-view mirror.
- C. White front headlight(s) that are illuminated when the vehicle is in operation and visible from a distance of 500' and otherwise in conformance with standard passenger vehicle headlights.
- D. Red rear taillight(s)/lamp(s) that are illuminated when the vehicle is in operation and visible from a distance of not less than 100'.
- E. Seat belts for all occupants which must be engaged and in use when the non-highway vehicle is in motion.
- F. Turn signals and horn.
- G. Orange/red flag mounted on either side of the non-highway vehicle, mounted 7' from ground level and a slow-moving vehicle emblem mounted on the rear.
- H. Windshield or eye protection as required when riding in a non-highway vehicle.
- I. Any additional requirements required by the Illinois Motor Vehicle Code as may be amended from time to time and/or by City of Oregon ordinance.

**SECTION 5:**        **ADOPTION** “24.26.040 Miscellaneous” of the City of Oregon Municipal Code is hereby *added* as follows:

ADOPTION

24.26.040 Miscellaneous(*Added*)

- A. Operators of non-highway vehicles must comply with and obey all traffic laws of the State of Illinois, including, but not limited to, traveling only on roads posted as 35 MPH or less, and the ordinances of the City of Oregon.
- B. Non-highway vehicles shall be operated only on city streets and not on highways subject to County, State or Federal jurisdiction (i.e., IL Route 2) except to cross at intersections with city streets.
- C. Non-highway vehicles must obey posted speed limits but in no event faster than 35 MPH.
- D. No person shall operate or be in physical control of a non-highway vehicle on a city roadway while impaired or under the influence of alcohol or drugs in violation of provisions of the Illinois Motor Vehicle Code.
- E. Non-highway vehicles shall not be operated on City recreation paths, the parkway, or sidewalks, unless being operated for purposes of snow removal by authorized City personnel.
- F. During use, non-highway vehicle operators must have a copy of his/her approved application/permit available if requested by law enforcement or city personnel.
- G. Non-highway vehicles shall not be operated on Park District property in violation of their rules, regulations, and ordinances.
- H. Non-highway vehicles shall not be operated on School District property.
- I. Within the City's downtown areas, shall only be allowed to park in parking lots and not on the street.
- J. Non-highway vehicles shall only be allowed to operate from 6:00 am until 11:00 pm.
- K. Non-highway vehicles shall not emit any noise in excess of 96 decibels at any time.

**SECTION 6:** **ADOPTION** "24.26.050 Permits" of the City of Oregon  
Municipal Code is hereby *added* as follows:

**ADOPTION**

**24.26.050 Permits(Added)**

- A. No person shall operate a non-highway vehicle upon the City streets without first obtaining a permit from the City of Oregon. Permits shall be issued for a period of one (1) year at a cost of one hundred dollars (\$100.00) and renewed annually thereafter at a cost of fifty dollars (\$50.00) on a calendar year basis without proration. A decal or sticker shall be issued for each non-highway vehicle certified to be operated upon the City's streets upon the payment of the annual fee(s). The non-transferable decal or sticker must be prominently displayed on the non-highway vehicle. A replacement decal or sticker shall be twenty-five dollars (\$25.00)
- B. Applications for permits shall be obtained from the City of Oregon and, once completed, be returned with proof of liability insurance on the non-highway vehicle for which the permit is requested.
- C. The application shall include, at a minimum, the following information:

1. Name, address and age of the applicant;
2. Valid driver's license number;
3. Phone number and email address of the applicant;
4. Name of liability insurance carrier and a copy of the declaration of coverage/certificate of insurance issued by the carrier insuring the non-highway vehicle;
5. Make, model, serial number and description of non-highway vehicle for which the permit is sought;
6. An executed waiver of liability signed by the applicant releasing the City of Oregon from any liability for any claim and agreeing to hold the city harmless and indemnify it for any claim resulting from the applicant's operation of the nonvehicle-highway vehicle on the City streets; and
7. As statement by the applican that the non-highway vehicle meets all applicable State and local laws with regards to required equipment;
8. A statement that the applicant agrees at all times to comply with all applicable State and locals laws governing the operation of non-highway vehicles;
9. Such other information as may be requested by the City.

**SECTION 7:**        **ADOPTION** “24.26.060 (Reserved)” of the City of Oregon  
Municipal Code is hereby *added* as follows:

**ADOPTION**

24.26.060 (Reserved)(*Added*)

**SECTION 8:**        **ADOPTION** “24.26.070 Violations” of the City of Oregon  
Municipal Code is hereby *added* as follows:

**ADOPTION**

24.26.070 Violations(*Added*)

Any violation of this ordinance shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) for a first offense; five hundred dollars (\$500.00) for a second offense; and one thousand dollars (\$1,000) for a third or each subsequent offense. The City reserves the right to suspend or revoke the violator's permit to operate a non-highway vehicle upon the roads and streets of Oregon in the sole discretion of the City of Oregon Police Chief for any violation of this ordinance regardless of whether it is a first or subsequent offense.

PASSED AND ADOPTED BY THE CITY OF OREGON COUNCIL

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|                             | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|-----------------------------|------------|------------|---------------|----------------|
| Commissioner Kurt Wilson    | _____      | _____      | _____         | _____          |
| Commissioner Terry Schuster | _____      | _____      | _____         | _____          |
| Commissioner Tim Krug       | _____      | _____      | _____         | _____          |
| Commissioner Mel Cozzi      | _____      | _____      | _____         | _____          |
| Mayor Ken Williams          | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Ken Williams, Mayor, City of Oregon

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Cheryl Hilton, City Clerk City of Oregon