
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY
OF ROCHELLE ADDING CHAPTER 94 ARTICLE X ENTITLED “NON-
HIGHWAY VEHICLES”**

JOHN BEARROWS, Mayor
SUE MESSER, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN GRUBEN
DON BURKE
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Peterson, Johnson, and Murray Chicago, LLC, City Attorneys
200 W. Adams, Suite 2125, Chicago, IL 60606

CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE NO. _____
Date Passed: August 24, 2020

**AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY
OF ROCHELLE ADDING CHAPTER 94 ARTICLE X 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 Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said 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 ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition 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 Rochelle (“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 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 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 City Council of the City of Rochelle, Ogle County, Illinois, as follows:

SECTION ONE: The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

SECTION TWO: Chapter 94 of the Municipal Code of the City of Rochelle entitled “TRAFFIC AND VEHICLES” shall be hereby amended by adding Article X entitled “NON-HIGHWAY VEHICLES” as follows:

CHAPTER 94 – TRAFFIC AND VEHICLES
ARTICLE X. – NON-HIGHWAY VEHICLES

Sec. 94-1. – Definitions.

- a. Non-highway Vehicles: A motor-driven vehicle not specifically designed to be used on a public street, highway or thoroughfare, including golf carts and utility vehicles as defined in Sec. 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1), possessing the following characteristics:
 - i. Non-highway vehicles must reach a minimum speed of 15mph and maximum speed of 25mph
 - ii. Non-highway vehicles, for the purpose of this ordinance, are those with four wheels.
 - iii. Non-highway vehicles, for this purpose, do not include vehicles operated by a driver straddling the apparatus

Sec. 94-2. – Operation on City streets.

The City shall allow the operation of permitted non-highway vehicles on streets within the corporate limits of the City. No person shall operate a non-highway vehicle on the streets without a permit from the City of Rochelle.

- a. Allowable hours of operation are Sunday-Thursday 6:00am to 11:00pm and Friday-Saturday 6:00am to Midnight.
- b. The permit applicant and non-highway vehicle driver must have:
 - i. Proof of valid Illinois Driver’s License
 - ii. Proof of liability insurance

Sec. 94-2. – Areas of Operation.

- a. Non-highway vehicles shall be permitted on roadways within the City of Rochelle’s corporate limits with the following exceptions:
 - i. Route 251
 - ii. Route 38
 - iii. I-88
 - iv. I-39
 - v. Caron Road
 - vi. Veteran’s Parkway
 - vii. 20th Street
 - viii. Flagg Road

- ix. Steward Road
- x. Dement Road

- b. It is not prohibited to cross an excluded street with a speed limited posted of 35mph or less. Crossing must take place at a designated intersection, at a 90-degree angle, providing no obstruction exists. The non-highway vehicle must come to a complete stop and yield to all oncoming traffic before crossing such roadway.

- c. Non-highway vehicles are not permitted on private property or Park District property such as the Bike Path.

- d. Non-highway vehicles are not permitted on sidewalks.

Sec. 94-3. – Safety Requirements.

- a. All non-highway vehicles operated on a street within the corporate limits of the City of Rochelle must, at a minimum, have the following safety equipment:
 - i. Brakes
 - ii. Steering apparatus
 - iii. Four tires
 - iv. A rear-view mirror
 - v. Red reflectorized warning devices in the front and rear
 - vi. Slow moving emblem on the rear
 - vii. A tail-lamp that emits a red light visible from at least 100' from the rear
 - viii. Brake lights
 - ix. Turn Signals
 - x. Head light that emits a white light visible 500' from the front
 - xi. Seat belt for each occupant

- b. Maximum occupancy is limited to the number of seats in the vehicle.

Sec. 94-4. – Registration.

- a. All non-highway vehicles must be registered with the City of Rochelle Police Department on an annual basis. Registered vehicles must display a current permit sticker at all times.

- b. Application: Non-highway vehicle owners must truthfully complete an annual permit application at the Rochelle Police Department. Every application for a permit shall be made on the form supplied by the City and shall contain the following information:
 - i. Name and address of applicant;
 - ii. Name of liability insurance carrier;
 - iii. Valid driver's license number;

- iv. The serial number, make, model, and description of the non-highway vehicle;
 - v. Signed waiver of liability releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of a non-highway vehicle on City streets;
 - vi. Copy of applicable liability insurance coverage specifically for the vehicle covered by the permit; and
 - vii. Any such additional information as the City may require.
- c. Cost: Permits shall be granted annually, with the cost for a first-time applicant of \$75.00. Renewal permits shall cost \$50.00. The cost of a senior citizen's application or renewal shall be \$35.00. Annual permit fees shall not be pro-rated.

Sec. 94-5. – Penalties.

- a. Any person violating the provisions of this section shall be guilty of an ordinance violation and shall be fined \$100. A second offense within a twenty-four-month period shall result in a fine of \$250.
- b. A third offense within a twenty-four-month period shall result in a fine of \$500 fine and the revocation of the permit for one year.
- c. Any person who owns, operates or is in physical control of a non-highway vehicle is subject to all provisions of the Illinois Vehicle Code including sections pertaining to driving under the influence and open alcohol containers.
- d. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois or the Illinois Vehicle Code, 625 ILCS 5/1 *et seq.*, then the violator shall also be subject to prosecution.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 24th day of August, 2020.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24th day of August, 2020.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF ROCHELLE ADDING CHAPTER 94 ARTICLE X ENTITLED “NON-HIGHWAY VEHICLES” which was adopted by the Mayor and City Council of the City of Rochelle on August 24, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24th day of August, 2020.

CITY CLERK