

FILED

FEB 17 2012

Laura P. Graw
COUNTY CLERK

VILLAGE OF PALESTINE, ILLINOIS

ORDINANCE NO. 2012-0-01

AN ORDINANCE TO AMEND CHAPTER 41,
TRAFFIC TO ADD SECTION 41.23 NEIGHBORHOOD
VEHICLES OF THE PALESTINE VILLAGE CODE

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF PALESTINE, ILLINOIS
THIS 5th DAY OF JANUARY, 2012

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE BOARD OF TRUSTEES OF THE VILLAGE OF PALESTINE,
CRAWFORD COUNTY, ILLINOIS

THIS 5th DAY OF JANUARY, 2012

Shirley Adams
SHIRLEY ADAMS, Village Clerk

ORDINANCE NO. 2012-0-1

AN ORDINANCE TO AMEND CHAPTER 41,
TRAFFIC TO ADD SECTION 41.23 NEIGHBORHOOD
VEHICLES OF THE PALESTINE VILLAGE CODE

WHEREAS, the Board of Trustees of the Village of Palestine, Illinois has determined that an Ordinance for the operation of Neighborhood Vehicles as defined in Illinois Compiled Statutes, being 65 ILCS 5/1-148.3m should be limited to a trial period of one year commencing on the date of the adoption of this Ordinance and ending one year thereafter; and

WHEREAS, the Board of Trustees of the Village of Palestine, Illinois has carefully researched through the National Highway Traffic Safety Administration the regulations under Title 49 C.F.R. Part 571.500, et seq., and the Illinois Vehicle Code with regard to such matters; and

WHEREAS, the Board of Trustees of the Village of Palestine, Illinois, has determined that this Ordinance shall only apply to matters occurring within the corporate limits of such Village; and

WHEREAS, the Board of Trustees of the Village of Palestine, Illinois, has determined that 4-wheelers and 3-wheelers are all-terrain vehicles designed for off-road use only and are not permitted to operate on streets, roads or highways and accordingly, are not covered by the provisions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Palestine, Crawford County, Illinois, that CHAPTER 41 - TRAFFIC, is hereby amended to add Section 41.23, Neighborhood Vehicles, as follows:

41.23 NEIGHBORHOOD VEHICLES

The purpose of this ordinance is to protect, maintain, and enhance health, safety and general welfare of the citizens of the Village of Palestine. It has come to the attention of the Village President and the Board of Trustees that the use of Neighborhood Vehicles on city streets creates a potential traffic hazard for other vehicular traffic as well as a danger to the occupants of Neighborhood Vehicles. After consideration of the volume, speed and character of traffic on the Village streets, the Village Board has determined that Neighborhood Vehicles may safely travel on Village Streets.

Therefore, the intent of the Ordinance is to regulate the use of Neighborhood Vehicles within the corporate limits of the Village of Palestine as authorized by Illinois Compiled Statutes, being 625 ILCS 5/11-1426.1 (3), OPERATION OF NON-HIGHWAY VEHICLES ON STREETS, ROADS, AND HIGHWAYS.

A: Definitions

1. Neighborhood Vehicles - (625 ILCS 5/1-148.3m)

A self-propelled electric powered, four-wheeled motor vehicle (or a self-propelled, gasoline powered, four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) that is capable of operating at maximum speed of no more than 25 miles per hour, and which conforms to Federal Regulations under Title 49 C.F.R. Part 571.500. This specifically excludes 3-wheel and 4-wheel all terrain vehicles which are designed for off-road only, except municipally owned service vehicles.

2. "Village Street" means any of the streets (as designated on the attached map) within the boundaries of the Village of Palestine, except for State and County roads.

3. "State Roads" include Illinois Route 33.

4. "County Roads" include any roads outside the boundaries of the Village Limits of Palestine.

B: Requirements

All persons wishing to operate a Neighborhood Vehicle on the streets of Palestine must ensure compliance with the following requirements:

1. Must be 21 years of age or older.
2. Must have a valid Driver's License.
3. Must have Proof of Liability insurance on said vehicle.
4. Must be inspected by Village Police Chief or designated representative.
5. Must be equipped with seatbelts, a full windshield, horn, brakes, turn signals, a steering wheel apparatus, a rearview mirror, red reflective warning devices in the front and rear, a slow moving vehicle emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the vehicle, a headlight that emits a white light that is 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 of the vehicle, and brake lights.
6. When operated on a roadway, a Neighborhood Vehicle shall have its headlight and tail lamps lighted.
7. Maximum speed must not exceed 25 miles per hour.
8. No modification of Neighborhood Vehicle suspension

9. Must display Palestine Neighborhood Vehicle Permit.
10. Must obey all Traffic Laws of the State of Illinois and the Village of Palestine.
11. May only operate on Village Streets as designated on the map issued with Golf Cart and Neighborhood Vehicle permits, and on County and LaMotte Township Roads to and from Palestine Cemetery and Leaverton Park, as designated on same map.
12. May not operate on any portion of Illinois State Route 33 (Washington, Franklin and Jackson Streets).
13. May cross Route 33 only at intersections designated on above map. These crossings are not approved (at this time) by the State of Illinois Department of Transportation.
14. Neighborhood Vehicles may only be operated on designated Village Streets (clearly shown on operator's map) from sunrise to sunset.
15. Neighborhood Vehicles shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions, or at any time there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.
16. A person who drives or is in physical control of a Neighborhood Vehicle, on a roadway, while under the influence of alcohol and/or drugs (whether prescription or non-prescription; legal or illegal) is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 through 11-502).
17. Neighborhood Vehicles may not be operated on sidewalks or other public property not accessible to/or authorized to vehicular traffic.

19. Neighborhood Vehicles may not be operated on streets, highways, and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 33) or the County Highway Department, but may be operated on County Roads and Township Roads to Palestine cemetery and Leaverton Park. This per written agreement with Crawford County Board, LaMotte Township Board, and Crawford County Sheriff.

C: Permits

1. No person shall operate a motorized Neighborhood Vehicle in the Village of Palestine without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of one (1) year and may be renewed annually. The cost of the initial inspection including the permit will be \$75.00; the cost of an annual permit, thereafter, is \$50.00 per year. Insurance coverage is to be verified to be in effect by the Palestine Village Clerk when obtaining and renewing a permit.

2. Every application for a permit shall be made on a form supplied by the Palestine Village Clerk and shall contain the following information:

- a. Name, address and phone number of applicant
- b. Name of Liability Insurance Carrier
- c. Serial Number, make, model and description with photo of the Neighborhood Vehicle
- d. Photocopy of title and applicable liability insurance card specifically for the Neighborhood Vehicle to be operated on Village Streets.
- e. Signed General Release of Liability, Waiver, Discharges any covenant, not to sue by applicant, releasing the Village of Palestine, the County of Crawford, the Township of LaMotte and all other governmental entities which have approved the

operation of Neighborhood Vehicles on their roadways of and from all liability for direct, indirect, special, incidental or consequential damages, whether arising in court, contract or any other legal theories, in connection with or arising out of the operator's use of a Neighborhood Vehicle, and, in addition, this operator shall save, hold harmless and indemnify such governmental entities against any and all liability, claims, causes of action and costs of whatsoever kind and nature, including, without being limited to injury, damage, loss including death, resulting from, arising out of, occurring in connection with the use of a Neighborhood Vehicle pursuant to this ordinance or any other ordinance of the Village of Palestine.

f. Such other information as the Village may require.

3. No permit shall be granted unless the following conditions are met:

a. The Neighborhood Vehicle must be inspected by the Village Chief of Police (or designee) to ensure that the vehicle is safe to operate on Village Streets and is in compliance with this Ordinance.

b. The handicapped applicant must submit a certificate signed by a physician, that the handicapped applicant is able to safely operate a motorized Neighborhood Vehicle on the streets and roadways designated.

c. The applicant must provide evidence of insurance in compliance within the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

The Village Board of Trustees for the Village of Palestine, Illinois, may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of

the provisions of this Ordinance or if there is evidence that the permittee cannot safely operate the motorized Neighborhood Vehicle on the designated roadways.

Every person operating a Neighborhood Vehicle pursuant to permit hereunder on designated Village Streets shall have all the rights and duties applicable to a driver of any other vehicle pursuant to the State Highway Traffic Laws and Regulations except when those provisions cannot reasonably be applied to motorized Neighborhood Vehicles.

Any person who violates any provision of this Ordinance shall upon conviction be subject to a fine of not less than \$55.00 nor more than \$750.00 and the costs of prosecution.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, and shall become null and void and of no further force and effect one calendar year from the date of its passage.

Upon roll call vote the following Trustees voted aye:

*James D. Kimberlin, Lloyd Dunlap, III, Harry Gene Purcell,
and Edward (Larry) Miller.*


Upon roll call vote the following Trustees voted nay:

LARRY SURRELLS,

Greta Dennison was absent.

Passed, approved and published in pamphlet form this 5th

day of JANUARY, 2012.


PATRICIA J SCHOFIELD, Village President

ATTEST:


SHIRLEY ADAMS, Village Clerk