

STATE OF ILLINOIS )

SS

COUNTY OF WINNEBAGO )

**PAMPHLET PUBLICATION CERTIFICATION FORM**

I, Sally Jo Huggins, certify that I am the duly elected and acting Village Clerk of the Village of Winnebago, Winnebago County, Illinois.

I further certify that on OCTOBER 9, 2023 the Corporate Authorities of the above municipality passed and approved Ordinance No. 2023- 09, entitled, **"ORDINANCE PROVIDING FOR THE USE AND OPERATION OF UTILITY TERRAIN VEHICLES, (UTVs) WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF WINNEBAGO, ILLINOIS"**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of ordinance No. 2023- 09, including the ordinance and a cover thereof, was prepared and a copy of the ordinance was posted in the Village office located at 108 West Main Street, Winnebago, Illinois, commencing on \_\_\_\_\_, 2023, and continuing for a least (10) days thereafter. Copies of the ordinance were also available for public inspection upon request in the office of the Village Clerk located at the above Village office address.

**DATED** at Winnebago, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Sally Jo Huggins, Village Clerk

**VILLAGE OF WINNEBAGO**

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**ORDINANCE NO. 2023 - \_\_\_\_\_**

**ORDINANCE PROVIDING FOR THE USE AND OPERATION OF UTILITY TERRAIN  
VEHICLES, (UTVs) WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF  
WINNEBAGO, ILLINOIS**

**ADOPTED BY THE BOARD OF TRUSTEES**

**VILLAGE OF WINNEBAGO**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023**

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Published in pamphlet form by authority of the Village Board of Trustees of the  
Village of Winnebago, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2023

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ORDINANCE NO. 2023-09

**AN ORDINANCE PROVIDING FOR THE USE AND OPERATION OF  
UTILITY TERRAIN VEHICLES, (UTVs) WITHIN THE CORPORATE  
LIMITS OF THE VILLAGE OF WINNEBAGO, ILLINOIS**

**WHEREAS**, the State of Illinois Vehicle Code allows for municipalities, by passage of an ordinance, to allow for the operation of certain types of vehicles to be operated on Village streets, including, but not limited to UTVs;

**WHEREAS**, the Village of Winnebago does not currently have a connected trail way system suitable for safe and efficient travel by UTVs;

**WHEREAS**, the Village of Winnebago Board of Trustees has reviewed the roads in the Village of Winnebago and believes that with strict restrictions and conditions in place there could be safe and efficient travel by UTVs within the Village on Village streets, except as noted herein, based on the size and features of UTVs which distinguishes them from other non-highway motorized vehicles; and

**WHEREAS**, the Village puts priority on the safety of its residents, while allowing reasonable use of recreational vehicles on its roads.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Winnebago, Illinois as follows:

**SECTION I**  
**TITLE**

This ordinance shall be known and may be cited as "UTV Operation and Safety Ordinance."

**Definitions:**

**Utility Terrain Vehicle (UTV)** shall mean 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.

**Village Streets** mean any public right of way, roadway, or street located within the corporate limits of the Village of Winnebago, and subject to the jurisdiction of the Village of Winnebago, Winnebago County IL.

**SECTION II**  
**OPERATION OF UTILITY TERRAIN VEHICLES (UTVS)**

A. Operation of Utility Terrain Vehicles (UTVs) shall be allowed on Village Streets, with the exception that no UTV shall be allowed to directly cross Elida Street beyond the service road on the east side of Elida Street just south of Capriola Parkway, and no UTV shall be allowed to cross Elida Street from beyond Landmark Drive on the west side of Elida. (see attached map for areas where UTV operation not allowed)

B. No person shall operate a UTV upon the streets and roads subject to the jurisdiction of the Village of Winnebago unless such person meets the following requirements:

1. The operator must be 21 years of age or older; consistent with Illinois graduated driver's license law whereby full driving privileges are granted with an Illinois driver's license at age 21 years old.
2. The operator must possess a current valid driver's license and be insured in the accordance with the laws of the State of Illinois providing for liability insurance. Operator of the UTV must be able to provide proof of valid insurance.
3. Any person in the UTV under the age of 18 must wear a helmet.
4. Any child who is subject to being in a car seat or booster seat in a passenger vehicle must also be in a car or booster seat in a UTV.

**SECTION III**  
**EQUIPMENT**

All UTVs operated on Village Road and Streets must be equipped with the following:

1. Brakes and brake lights;
2. A rearview mirror;
3. White front headlight(s) that are illuminated when the vehicle is in operation and visible from a distance of 500 feet and otherwise in conformance with standard passenger vehicle headlights;
4. 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 feet;
5. Seatbelts for all occupants, which must be engaged and in use when the UTV is in motion;
6. Turn signals and horn;
7. Orange/red flag or a lighted whip of a solid yellow or amber color mounted 7 feet from ground level on either side of the UTV, and a slow-moving vehicle emblem mounted on the rear;
8. Windshield or eye protection as required when riding in a UTV; and
9. Any additional requirements required by the Illinois Motor Vehicle Code as may be amended from time to time and/or Village of Winnebago Ordinance.

**SECTION IV**  
**MISCELLANEOUS**

1. Operators of UTVs 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 Village of Winnebago.

2. UTVs shall be operated only on Village streets, except as provided herein, and not on highways subject to County, State, or Federal jurisdiction except to cross at intersections with Village streets, and except on that portion of Cunningham Road located within the corporate limits of the Village of Winnebago (which Cunningham Road is a highway under the jurisdiction of the County of Winnebago) upon receipt of written approval by the County of Winnebago to allow the same, and upon which passage of this ordinance is conditioned.

3. UTVs must obey posted speed limits but in no event travel faster than 35 MPH.

4. No person shall operate, or be in physical control of, a UTV on a Village roadway while impaired or under the influence of alcohol or drugs in violation of provisions of the Illinois Motor Vehicle Code.

5. UTVs shall not be operated on Village recreation paths unless being operated for purposes of snow removal by authorized Village personnel, or emergency personnel.

6. During use, UTV operators must have a copy of his/her approved application/permit available if requested by law enforcement or Village personnel.

7. UTVs shall not be operated on Park District property, except in the parking lot within the property, and shall not be operated on School District property.

8. UTVs shall not be operated on non-paved surfaces, including, but not necessarily limited to, grass.

9. UTVs shall only be allowed to operate from 7:00 am until 10:00 pm, consistent with the Village's noise ordinance.

10. UTVs shall not emit any noise in excess of 96 decibels at any time.

## **SECTION V** **PERMITS**

1. No person shall operate a UTV upon the Village streets without first obtaining a permit from the Village of Winnebago. 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 UTV certified to be operated upon the Village's streets upon the payment of the annual fee(s). The non-transferable decal or sticker must be prominently displayed on the rear of the UTV on the lower right-hand side. A replacement decal or sticker shall be twenty-five dollars (\$25.00).

2. Neither permits nor stickers shall be transferable in the event of sale, gift, or other transfer of the ownership of the UTV to another individual or entity.

3. Applications for permits shall be obtained from the Village of Winnebago and, once completed, be returned to the Village Office, with proof of liability insurance on the UTV for which the permit is requested. The application shall be reviewed by the Village Deputy Clerk and Police Chief, or designee, for completeness, and, after collaboration and determination of completeness, the permit shall be issued by the Village Deputy Clerk.

4. 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 current coverage/certificate of insurance issued by the carrier insuring the UTV;

5. Make, model, serial number and description of UTV for which the permit is sought;
6. An executed waiver of liability signed by the applicant releasing the Village of Winnebago from any liability for any claim and agreeing to hold the Village harmless, and indemnify it for any claim resulting from the applicant's operation of the UTV on the Village streets whether injury occurs to the person or property of the applicant or any other person resulting from the operation of the TV by the applicant;
7. A statement by the applicant that the UTV meets all applicable State and local laws with regard to required equipment;
8. A statement that the applicant agrees at all times to comply with all applicable State and local laws governing the operation of UTVs; and
9. Such other information as may be requested by the Village.

5. A member of the Village Police Department shall inspect the vehicle before sticker issuance to ensure the UTV contains all the required equipment referenced in Article III above. However, such inspection, to ensure the UTV contains the required equipment, shall in no way act as a representation or guarantee of any kind by the Village, its elected or appointed officials, employees, agents, or representatives, as to the ultimate safety of the vehicle.

#### **SECTION VI** **Violations**

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 seven hundred fifty dollars (\$750.00) for a third or each subsequent offense. The Village reserves the right to suspend or revoke the violator's permit to operate a UTV upon the roads and streets of the Village in the sole discretion of the Village of Winnebago Chief of Police, for any violation of this ordinance, regardless of whether it is a first or subsequent offense. 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 also be subject to criminal prosecution.

#### **SECTION VII** **Effective Date**

In light of the fact that a portion of Cunningham Road, a road under the jurisdiction of the County of Winnebago, IL, is within the corporate limits of the Village of Winnebago, this ordinance shall take effect ninety (90) days after passage to allow sufficient time for written permission to be obtained from the County of Winnebago through the Winnebago County Board to allow travel of UTVs on that portion of Cunningham Road within the corporate limits of the Village of Winnebago, Illinois, as the County of Winnebago only considers such request after passage of a UTV ordinance by the Village. In the event written permission is not able to be obtained from the County of Winnebago within the time frame listed, this ordinance shall be null and void, unless the County of Winnebago, through its authorized personnel, expresses additional time is needed to consider the request, as opposed to issuing a denial of the request

within the ninety (90) day time period.

**APPROVED** this 9th day of October, 2023



Franklin J. Eubank, Jr.,  
Village President

**ATTEST:**

  
Sally Jo Huggins, Village Clerk

**PASSED:**

**APPROVED:**

**PUBLISHED IN**

**PAMPHLET FORM:**

10-9-2023  
10-9-2023



[illegible]



An aerial photograph of a rural landscape with property boundaries overlaid in green. A prominent red line runs vertically along the left side of the image, likely representing a major road or boundary. Several roads are labeled with white text: 'W State Rd' at the top left, 'Capitol Pkwy' in the middle left, 'N E 10th St' in the middle, 'S E 10th St' in the middle, 'Landmark Dr' in the middle, 'Kasch Dr' in the middle right, 'Wiley Island Dr' in the middle right, and 'E McNeil Rd' at the bottom right. The terrain is mostly flat with some scattered trees and small buildings.