

# Chapter 10

## RECREATIONAL VEHICLES

### 6-10-1: SHORT TITLE:

This chapter may be cited as and referred to as the *RECREATIONAL VEHICLE CODE FOR THE VILLAGE OF SAN JOSE*. (Ord. 14-491, 7-21-2014)

### 6-10-2: INTENT:

The intent of this chapter is to allow increased mobility of the community without a dramatic increased use of fossil fuels. It is not the intent to create a public nuisance such as ATVs, ROVs or off highway motorcycles being run up and down the block to create a noise nuisance, safety hazard or destroying public or private property. However, after considering the volume, speed and character of traffic on village roadways, the village has determined that, in compliance with this chapter, nonhighway vehicles may safely operate upon village roadways. (Ord. 14-491, 7-21-2014)

### 6-10-3: DEFINITIONS:

The following terms, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context clearly requires a different meaning:

**ALL-TERRAIN VEHICLE:** Any motorized off highway device designed to travel primarily off highway, fifty inches (50") or less in width, having a manufacturer's dry weight of one thousand five hundred (1,500) pounds or less, traveling on three (3) or more low pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawn mowers.

**DANGEROUS DRUG:** Any drug defined as a depressant or stimulant substance in the Illinois controlled substances act and cannabis as defined in the cannabis control act of the state of Illinois.

**DEALER:** A person, partnership, or corporation engaged in the business of manufacturing, selling or leasing of recreational vehicles at wholesale or retail.

**GOLF CART:** A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs while engaged in the playing of golf or maintaining the grounds of a public or private golf course.

**HIGHWAY:** The entire width between boundary lines of any highway as defined by Illinois

department of transportation.

**INTOXICATING BEVERAGE:** Any beverage enumerated in the liquor control act of the state of Illinois.

**LOCAL AUTHORITY:** The village board of trustees.

**NARCOTIC DRUG:** Any substance defined as a narcotic drug in the Illinois controlled substances act.

**OFF HIGHWAY MOTORCYCLE:** Any motorized device designed to travel primarily off highway on two (2) wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn.

**OPERATE:** To ride in or on, other than as a passenger, use or control the operation of a recreational vehicle in any manner, whether or not the recreational vehicle is underway.

**OPERATOR:** Every person who operates or is in physical control of a recreational vehicle.

**OWNER:** Every person, other than a lienholder, having title to a recreational vehicle.

**PEACE OFFICER:** Any person authorized under the statutes of the state of Illinois to make an arrest for the violation of any statute or ordinance, whether it is a total arrest power of all statutes or a portion of any statute.

**RECREATIONAL OFF HIGHWAY VEHICLE:** Any motorized off highway device designed to travel primarily off highway, sixty four inches (64") or less in width, having a manufacturer's dry weight of two thousand (2,000) pounds or less, traveling on four (4) or more nonhighway tires, designed with a nonstraddle seat and a steering wheel for steering control, except equipment such as lawn mowers.

**RECREATIONAL VEHICLE:** Includes snowmobiles, all-terrain vehicles (ATVs), recreational off highway vehicles (ROVs), off highway motorcycles, golf carts and riding lawn mowers.

**REGISTER:** The act of assigning a registration number to a recreational vehicle by the state of Illinois or local ordinance.

**ROADWAY:** That portion of a highway, improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**SNOWMOBILE:** A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats. (Ord. 14-491, 7-21-2014; amd. 2016 Code)

## **6-10-4: REGISTRATION REQUIREMENTS:**

#### A. Registration Required:

1. Snowmobiles: The village hereby adopts the snowmobile registration and safety act<sup>1</sup>.
2. Other Recreational Vehicles: All persons owning or operating a recreational vehicle (excluding riding lawn mowers, snowmobiles and golf carts) within the corporate limits of the village shall purchase from the village clerk and display prominently upon each vehicle a municipal registration decal.

B. Purchase Of Decal: The owner of any recreational vehicle, except riding lawn mowers and golf carts, shall obtain an application for municipal registration from the village police chief, complete the same, and deliver the application to the village clerk who, upon receipt of payment of the required fee, shall provide the decal to the owner or operator for each ATV, ROV, or off highway motorcycle, except riding lawn mowers, snowmobiles and golf carts, to be used in the village limits. (Ord. 14-491, 7-21-2014; amd. 2016 Code)

C. Loss Of Decal: Should a decal become lost, destroyed or mutilated beyond legibility, the owner of the vehicle shall make application to the village clerk for the replacement of the decal and shall at the same time pay to the village clerk a fee of ten dollars (\$10.00).

D. Registration Number: The owner of each vehicle requiring numbering by the village shall file a onetime application for the number with the village clerk on forms approved by the village board. The application shall be signed by the owner of the vehicle and shall be accompanied by a first year fee of thirty dollars (\$30.00) and a ten dollar (\$10.00) annual fee thereafter, paid to the village, to be posted by the village clerk.

E. Registration Dates: Registration dates will be from January 1 through December 31. (Ord. 14-491, 7-21-2014)

#### **6-10-5: RESTRICTED AND ILLEGAL OPERATIONS:**

A. Careless Operation: No person shall operate any recreational vehicle in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him, in the exercise of reasonable care, to bring the vehicle to a stop within the assured clear distance ahead.

B. Reckless Operation: No person shall operate any recreational vehicle in such a manner as to

endanger the life, limb or property of any person.

- C. On Private Property: No person shall operate a recreational vehicle on private property without the written or verbal consent of the owner or lessee thereof. Any person operating a recreational vehicle upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the recreational vehicle from the premises.
- D. Possession Of Firearms: No person, except persons permitted by law, shall operate or ride any recreational vehicle with any firearm in his possession unless he is in compliance with section 2.33 of the wildlife code.
- E. Emissions: No person shall operate any recreational vehicle emitting pollutants in violation of standards established pursuant to the environmental protection act.
- F. Littering From Vehicle: No person shall deposit from a recreational vehicle, on the snow, ice or ground surface, trash, glass, garbage, insoluble material or other offensive matter.
- G. Limited To Certain Streets; Exceptions: A recreational vehicle may only be operated on streets where the posted speed limit is thirty (30) miles per hour or less. A recreational vehicle may make a direct crossing at a highway where the posted speed limit is thirty five (35) miles per hour or more at village road intersections only after coming to a complete stop.
- H. Driver's License Required: A person may not operate a recreational vehicle unless he or she has a valid driver's license issued in his or her name by the secretary of state or by a foreign jurisdiction.
- I. Insurance Required: Any person who operates a recreational vehicle on a street, highway or roadway shall be subject to the mandatory insurance requirements under 625 Illinois Compiled Statutes 5/7-601 et seq.
- J. Driving Under The Influence: A person who drives or is in actual physical control of a recreational vehicle on a roadway while under the influence is subject to 625 Illinois Compiled Statutes 5/11-500 through 5/11-502. (Ord. 14-491, 7-21-2014)

## **6-10-6: OPERATION OF VEHICLES:**

- A. **Obedience To Traffic Control Devices:** The operator of any recreational vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of 625 Illinois Compiled Statutes 5/11-301 et seq., and it shall be unlawful for any recreational vehicle operator to leave the roadway and travel across private property to avoid an official traffic control device.
- B. **Obstructing Roadways Prohibited:** No operator shall wilfully or unnecessarily hinder, obstruct, or delay, or attempt to delay, hinder or obstruct, any other person lawfully driving or traveling along or upon the roadway within the corporate limits of the village.
- C. **Speed Restrictions:**
1. **General Speed Restrictions:** No recreational vehicle may be driven upon any roadway within the corporate limits of the village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or which endangers the safety of any person or property. The fact that the speed of the recreational vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the recreational vehicle from the duty to decrease speed when approaching and crossing an intersection, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or where special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway in compliance with legal requirements and a duty of all persons to use due care.
  2. **Specific Speed Limits:** Unless some other speed restriction is established by the posting of speed limit signs under the authority of the village board, the maximum speed limits for recreational vehicles within the corporate limits are as follows: a) twenty (20) miles per hour in any residential or business district; and b) ten (10) miles per hour in any alley.
  3. **Minimum Speed:** No person shall drive a recreational vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the recreational vehicle or in compliance with the direction of a peace officer.
- D. **Drive On Right; Passing Vehicles:**
1. Recreational vehicles shall be operated on all roadways as close to the right hand side of the roadway as possible.
  2. Recreational vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one lane of traffic in each direction, and each driver shall give to the other at least one-half ( $1/2$ ) of the main traveled portion of the roadway as nearly as possible.

#### E. Overtaking On Left:

1. No recreation vehicles shall be driven on the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance without interfering with the safe operation of any vehicle approaching from the opposite direction of any vehicle overtaken.
2. No recreational vehicle shall be driven on the left side of the roadway when approaching or upon the crest of a grade or curve in the highway where the driver's view is obstructed, when approaching within one hundred feet (100').

#### F. Signaling:

1. A signal of intention to turn right or left, when required, must be given continuously during not less than the last one hundred feet (100') traveled by the recreational vehicle before turning within a business or residence district.
2. Any stop or turn signal, when required, shall be given either by means of a hand and arm or by electric turn signal device.
3. All hand and arm signals required by this subsection F shall be given from the left side of the vehicle in the following manner:
  - a. Left turn: Hand and arm extended horizontally.
  - b. Right turn: Hand and arm extended upward.
  - c. Stop or decrease of speed: Hand and arm extended downward.

G. Following Too Closely: The operator of a recreational vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and condition of the highway.

#### H. Yield Right Of Way:

1. Any recreational vehicle approaching or entering an intersection from a different roadway shall yield the right of way to a vehicle on the opposite roadway which is entering from the right at approximately the same time. The driver of the vehicle on the left must yield the right of way to the vehicle on the right.
2. The operator of a recreational vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said recreational vehicle operator having so yielded may proceed at such time as a safe interval occurs.

- I. **Entering Stop Intersection:** Except when directed to proceed by a peace officer, every operator of a recreational vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway before entering the intersection. After having stopped, the operator of the recreational vehicle shall yield the right of way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the operator is moving across or within the intersection, but said operator having so yielded may proceed at such time as a safe interval occurs.
- J. **Entering Yield Intersection:** The operator of a recreational vehicle approaching a yield sign shall, in obedience to such signs, slow down to a speed reasonable for the existing conditions and, if required for safety stop, shall stop at a clearly marked line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the operator shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such operator is moving across or within the intersection. If a recreational vehicle is involved in a collision at any intersection or interferes with the movement of other vehicles after driving past the yield right of way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right of way.
- K. **Starting Parked Vehicle:** No operator shall start a recreational vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.
- L. **Reckless Driving:** Any person who drives any recreational vehicle with a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.
- M. **Racing:** No person shall engage in any race within the corporate limits, including private property. "Race" is defined as the act of two (2) or more individuals competing or racing in a situation in which one of the recreational vehicles is beside or to the rear of the recreational vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time in the village.
- N. **Pedestrian Right Of Way:** The operator of all recreational vehicles shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing a roadway within a crosswalk, but in any case, every driver of a recreational vehicle shall exercise due caution to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary

and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

- O. **Obstruction Of Operator:** No person shall operate a recreational vehicle when it is carrying more passengers than is recommended by the manufacturer.
- P. **Accidents:** Operators of snowmobiles involved in any accident with another snowmobile or any other motor vehicle or pedestrian shall make accident reports in accordance with the provisions of the Illinois snowmobile registration and safety act<sup>2</sup>. All other recreational vehicles shall report all accidents to the village police chief as soon as conceivably possible. (Ord. 14-491, 7-21-2014)
- Q. **Prohibited Hours Of Operation:** No person shall operate a recreational vehicle from the hours of twelve o'clock (12:00) midnight until six o'clock (6:00) A.M. the following day, other than in the case of extreme emergency or when authorized by the village board. (Ord. 14-491, 7-21-2014; amd. 2016 Code)
- R. **Golf Carts With Proper Equipment:** If any golf cart is in compliance with all the equipment requirements stated herein, it can be driven on any roadway or alleyway under the jurisdiction of the village but is subject to the mandatory insurance requirements specified in 625 Illinois Compiled Statutes 5/7-601 et seq. (Ord. 14-491, 7-21-2014)

### **6-10-7: TERRITORIAL LIMITATIONS:**

It is unlawful for any person to operate a recreational vehicle on any park property, or any other property owned by the village without the permission of the village board of trustees. The village board, however, by giving such permission, does not thereby extend any assurance that the premises are safe for such purposes or assume any responsibility for or incur any liability for any injury to persons or property caused by any act of the persons to whom the permission is granted. (Ord. 14-491, 7-21-2014)

### **6-10-8: EQUIPMENT:**

A. **Lights:**

1. Headlamp: All recreational vehicles, except riding lawn mowers, while in operation on village roadways, at all times shall display at least one lighted headlamp, white in color, having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least five hundred feet (500') ahead during hours of darkness under normal atmospheric conditions in good working order.
  2. Taillight: All recreational vehicles, except riding lawn mowers, while in operation on village roadways, at all times shall display at least one red taillight having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during hours of darkness under normal atmospheric conditions in good working order.
  3. Brake Light: All recreational vehicles, except riding lawn mowers, while in operation on village roadways, at all times shall have an operational brake light in good working order and having a minimum candlepower with sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during hours of darkness under normal atmospheric conditions.
- B. Brakes: All recreational vehicles shall have an operating brake system in good mechanical condition.
- C. Muffler: No recreational vehicle shall be sold or offered for sale or operated unless it is equipped with a sound muffling device installed by the manufacturer in good operating condition, and under no circumstances shall this muffler device be modified or removed by the owner or operator.
- D. Horn And Warning Devices:
1. All recreational vehicles, except lawn mowers, when operated upon a roadway in the village, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle.
  2. No recreational vehicle shall be equipped with any siren, whistle or bell.
- E. Other Equipment: All recreational vehicles shall have all equipment, other than already stated, per 625 Illinois Compiled Statutes 5/11-1426.1(e) and 5/11-1426.2(f). (Ord. 14-491, 7-21-2014)

## **6-10-9: PENALTIES:**

- A. Any person violating any provision of this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.
  
- B. The village board of trustees may, upon conviction of any person violating any provision of this chapter, revoke the privilege to operate a recreational vehicle as conferred by this chapter. (Ord. 14-491, 7-21-2014)