

ORDINANCE NO. F-1902

AN ORDINANCE AMENDING ARTICLE VIII, "MINI BIKES, GO-KARTS AND SNOWMOBILES," SECTIONS 70- 541 THROUGH 70-546 OF CHAPTER 70 "TRAFFIC AND VEHICLES," OF THE WHEATON CITY CODE

WHEREAS, Article VIII, Sections 70-541 through Section 70-546 of Chapter 70, "Traffic and Vehicles" of the Wheaton City Code regulates go-karts, mini bikes and snowmobiles; and

WHEREAS, since the adoption of Article VIII, in 1968, there has been a significant increase in the types of small motorized recreational vehicles available in the marketplace; and

WHEREAS, some new types of small recreational should be regulated for the same reasons that go-karts, mini bikes and snowmobiles are regulated; and

WHEREAS, a purpose of this amendment is to promote the peace, quiet and tranquility of residential neighborhoods;

NOW THEREFORE BE IT ORDAINED, that Article VIII, "Mini-Bikes, Go-Karts, and Snowmobiles," Sections 70-541 through 70-545 of Chapter 70, "Traffic and Vehicles," of the Wheaton City Code is hereby repealed and rescinded in its entirety and replaced with a new Article VIII to be entitled "Recreational Motor Vehicles" of Chapter 70, Sections 70-541 through 70-546 which shall read as follows:

SECTION 1:

70-541 "Definitions"

The following words, terms and phrases when used in this Article shall have the meanings ascribed to them in this Section:

All Terrain Vehicle (ATV): A motor vehicle, the use of which is prohibited upon public streets, roadways and highways by the State of Illinois, having any combination of 3 or more wheels, treads or wheels and treads, designed to traverse varied terrain.

Go-Kart: Any motorized 4-wheel vehicle, the use of which is prohibited on streets and highways by the State of Illinois, which is not an ATV, and which is designed to carry one or more persons.

Mini Bike, including Dirt Motorcycle: Any motorized two-wheel vehicle, the use of which is prohibited on public streets, roadways and highways of the State of Illinois, designed to carry one or more persons.

Operate: To ride in or on, and control, the speed and direction of any Recreational Vehicle.

Operator: Any person who operates or is in actual physical control of any Recreational Vehicle.

Person: Any individual, firm, partnership, association, corporation, company, limited liability company, or group of individuals acting together for a common purpose, or an organization of any kind.

Recreational Vehicle: Any ATV, Go-Kart, Mini-Bike or Snowmobile as defined herein.

Snowmobile: Any motorized vehicle the use of which is prohibited upon public streets, public roadways and highways by the laws of the State of Illinois, designed for travel on snow or ice, steered by skis or rudders.

70-542 "Places of Operation"

It shall be unlawful for any person to operate any Recreational Vehicle:

- (a) Within 750 feet of any residential dwelling;
- (b) On the private property of another, whether or not open to the public, without the express written consent of the owner, lessee or other person in control of the private property;
- (c) On public school grounds, park property, playgrounds, sidewalks, recreational areas and other public property without the express written consent of the proper public authority;
- (d) On or across railroad right of way;
- (e) Before 10 a.m. or after 5p.m.

70-543 "Exclusions"

The operation of ATV's and snowmobiles shall not be subject to the prohibitions set forth in Section 70-542 if they are:

- (a) Owned by a unit of government and operated by a public employee in the course of that public employee's duties;
- (b) When owned and operated by a homeowner, landscaper, or contractor and being exclusively used for landscaping or construction activities during hours when such work is permitted under the City Code.

70-544 "Limitations on Manner of Operations"

It shall be unlawful for any person to operate a Recreational Vehicle:

- (a) At a speed greater than reasonable or prudent under the conditions then existing and in no case at a speed greater than 20 miles per hour;
- (b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(c). While under the influence of intoxicating liquor or drugs;

70-545 "Equipment"

No person shall operate a Recreational Vehicle unless it is equipped with all of the following:

- (a) A muffler in good working order which prevents excessive noise;
- (b). Adequate brakes;

70-546 "Penalties"

The penalties for violation of this Article shall be as provided in Section 1-8 of this Code.

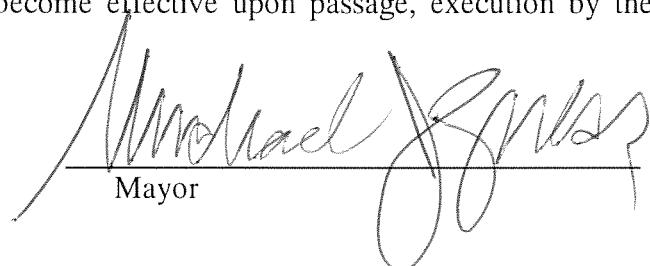
SECTION 2: If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

SECTION 3: Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.

ATTEST:


Sean Bennett Hagan
City Clerk


Michael Gresk
Mayor

Roll Call Vote:

Ayes: Councilman Prendiville
Mayor Pro Tem Scalzo
Councilman Saline
Councilwoman Fitch

Nays: None

Absent: Mayor Gresk
Councilman Rutledge
Councilman Suess

Motion Carried Unanimously

Passed: December 7, 2015

Published: December 8, 2015

