

ARTICLE XXIII. Recreational Off Highway Vehicles/Utility Terrain Vehicles (UTV)

Sec. 11-300. Operation Generally.

Except as otherwise specifically provided in this article, it is unlawful for any person to drive or operate a recreational off highway vehicle/UTV upon any roadway which is subject to Village jurisdiction.

Recreational off highway vehicles (“OHV’s”) and utility terrain vehicles (UTV’s”) may only be operated on streets within the Village of Durand in accordance with the following rules and regulations:

- a. The OHV and/or UTV is covered by a liability insurance policy as required by § 7-601 of the Illinois Vehicle Code.
- b. The operator of the OHV and/or UTV carries with him or her proof of liability insurance as required by § 7-602 of the Illinois Vehicle Code.
- c. Any person who operates an OHV and/or UTV must be at least eighteen (18) years of age and possess a valid driver’s license to operate a motor vehicle issued by the Illinois Secretary of State or the equivalent office in a foreign jurisdiction.
- d. OHV’s and UTV’s shall only be allowed to be operated on roadways subject to Village jurisdiction between the hours of 6:00 a.m. and 11:00 p.m. If operated one half hour before sunrise, and one-half hour after sunset, as established by the National Weather Service, OHV’s and UTV’s must be equipped with a yellow flashing light visible from at least one hundred (100) feet from the rear of the OHV and/or UTV.
- e. No person shall operate an OHV and/or UTV in on a roadway subject to Village jurisdiction in excess of any posted speed limit in accordance with Article VII, Sec. 11-60 of this Chapter.
- f. OHV’s and/or UTV’s may be operated on any roadway subject to Village jurisdiction where the speed limit is thirty-five (35) miles per hour or less, provided, however, that an OHV and/or a UTV may make a direct crossing at an intersection where the roadway has a posted speed limit of more than thirty-five (35) miles per hour, except upon any toll road, interstate highway, or controlled access highway.
- g. OHV’s and/or UTV’s may not be operated on any roadway within the Village which is **not** subject to the jurisdiction of Winnebago County and/or the Village of Durand exclusively.
- h. OHV’s and/or UTV’s may not be operated in Saelens Park except on marked designated route(s) for access to Center Street or to Otter Creek Drive.
- i. OHV’s and/or UTV’s shall have their headlights and taillights lighted at all times when operated on roadways over which the Village has jurisdiction.
- j. OHV’s and UTV’s may not be operated on any public sidewalk.
- k. Operators of OHV’s and UTV’s must yield the right-of-way to overtaking vehicles at all times.
- l. Any person who operates an OHV or UTV on a roadway over which the Village has jurisdiction must adhere to all applicable state laws and/or local ordinances concerning the possession and use of alcoholic beverages and all illegal drugs, as well as all other state and/or local traffic laws.

- m. The maximum occupancy of OHV's and UTV's traveling on Village roadways shall be equal to the amount of safety belts or passenger restraints in the OHV or UTV.
- n. Each operator and passenger of an OHV or UTV shall wear a properly fastened and adjusted safety restraint belt. Children must be secured in a child restraint system as required pursuant to the Child Passenger Protection Act (625 ILCS § 25/1, *et seq.*)
- o. OHV's and UTV's are only allowed to park in parking spaces designated as handicapped if the operator or at least one (1) passenger has a valid handicapped parking sticker.
- p. OHV's and UTV's are prohibited from driving and parking in the Center Square (Downtown Square).
- q. OHV's and UTV's are prohibited from driving and parking in the areas and roadways described, marked, and identified on Exhibit "A", which is attached to this ordinance and is incorporated by reference as if set forth fully herein. **(Ord. 2024-13; 5/13/24)**
- r. OHV's and UTV's shall travel on the street in the same direction as traffic.

Sec. 11-301. Required Equipment.

An OHV and UTV operated on a Village roadway shall have the following equipment in good working condition at all times:

- a. Brakes
- b. Steering Apparatus
- c. Four (4) or more tires
- d. Rearview mirror
- e. A slow-moving emblem as required by 625 ILCS § 5/12-709 attached to the rear of the OHV or UTV
- f. Two (2) headlights that emit white light visible from at least five hundred (500) feet to the front.
- g. Two (2) taillights that emit red light visible from at least one hundred (100) feet from the rear of the OHV or UTV
- h. Brake lights on the rear of the OHV or UTV
- i. Turn signals on the front and rear of the OHV or UTV
- j. Seat belts for each passenger
- k. Yellow flashing light visible from at least one hundred (100) feet from the rear of the OHV or UTV (if operated one half hour before sunrise or after sunset)
- l. Red reflectorized warning devices in front and rear of the OHV or UTV
- m. Eye protection to be worn or a windshield installed

n. Horn

Sec. 11-302. Permits.

- (a) No person shall operate an OHV or UTV without first obtaining a permit from the Village of Durand as set forth in this section.
- (b) Permits will be issued for each fiscal year (May 1 to April 30) with no proration.
- (c) Permits shall be granted for the operation of an OHV or UTV by the applicant only and will remain valid for the particular OHV or UTV only as long the OHV or UTV continues to meet all of the requirements of this Chapter.
- (d) The first-time annual cost of a permit is \$75.00 per OHV or UTV and shall be paid to the Village of Durand by the applicant. The annual cost of a renewal permit will be \$50.00 for each subsequent year. Proof of current insurance coverage will be required and verified prior to the issuance of a renewal permit.
- (e) Every application for a permit shall be made on the form(s) as provided by the Village of Durand which shall contain the following information:
 - i. Name and address of applicant
 - ii. Name of liability insurance carrier and proof of insurance
 - iii. Serial number, make, model and description of the OHV or UTV
 - iv. Waiver of liability signed by the applicant releasing the Village of Durand and agreeing to indemnify and hold the Village of Durand harmless from any and all claims resulting either directly or indirectly from the operation of the OHV or UTV on Village roadways and/or the property commonly identified as "Medina Manor". **(Ord. 2022-9; 7/25/22; revised Ord. 2024-13; 5/13/24)**
 - v. A signed statement by the applicant verifying that the OHV or UTV is in compliance with all provisions of the Village of Durand's Code of Ordinances and the Illinois Vehicle Code. **(Ord. 2022-9; 7/25/22)**
 - vi. Photocopy of the applicant's current driver's license
 - vii. Any such other and further information as the Village of Durand may require from time to time.
- (f) If the applicant and OHV/UTV are qualified under the terms and conditions of this Chapter, the Village Chief of Police, or his or her designee, shall issue a permit as visible proof of compliance. The permit shall be displayed at all times on the rear of the OHV or UTV.

Sec. 11-303. Enforcement.

- (a) The Village of Durand may prosecute violators for any act constituting a violation of this Chapter. Any violations of this Chapter shall be punishable by a fine of not less than one hundred dollars (\$100.00) for a first-time offense; two hundred and fifty dollars (\$250.00) for a second offense; and five hundred dollars (\$500.00) for a third or each subsequent offense, along with possible revocation of the permit in accordance with the process set forth immediately below.

- (b) A permit issued pursuant to Section 11-302 may be suspended or revoked by the Village Chief of Police, or his or her designee, in accordance with subsection (c). below, if:
1. There is any material misrepresentation made by the applicant on the application submitted in accordance with Section 11-302; or
 2. The required liability insurance is no longer in full force and effect; or
 3. There is evidence that the permit holder can no longer safely operate the OHV or UTV; or
 4. If a permit holder has been convicted of three or more violations of this Chapter; or
 5. There is a reason that the Village Chief of Police feels is appropriate to ensure the safety and well-being of the citizens of the Village of Durand;
- (c) The Village Chief of Police, or his or her designee, shall issue a notice of intent to suspend and/or revoke a permit along with a corresponding right to a hearing in writing and either hand-deliver the notice to the permit holder or send said notice by certified mail, return receipt requested, to the permit holder at the address listed on the application. The notice shall specifically instruct the permit holder that he or she, within five (5) days, has the right to request a hearing on the suspension and/or revocation of the permit. Failure to request a hearing in the specified timeframe shall result in waiver to the right to a hearing and will subject the permit holder to suspension and/or revocation as a matter of course upon a finding by the Village Board that cause for suspension and/or revocation exists. Service of the notice of intent shall be effective immediately after personal service, or on the day of the post mark of the certified mail receipt.

Sec. 11-304. Special Event Permits.

- (a) The Village of Durand may issue a Special Event Permit for use of an OHV and/or UTV to volunteers of organizations within the Village of Durand who are assisting with special events and have filled out the required Special Event Permit Application. Special Even Permits shall be issued at no charge at the sole discretion of the Village and shall only be valid for the duration of the event for which the Special Event Permit is requested. Any holder of a Special Event Permit must comply with all other requirements of this Chapter and any applicable state and/or local law.
- (b) Any public or governmental entity may apply annually for a Governmental Activities Permit. A Governmental Activities Permit shall be issued at no charge at the sole discretion of the Village and shall be valid for the resulting fiscal year (May 1 to April 30). A holder of a Governmental Activities Permit must comply with all other requirements of this Chapter and any applicable state and/or local law.

(Ord. 2022-7; 5/9/22)