
ORDINANCE NO. 2020-21-39
An Ordinance Amending Certain Sections of Chapter 15, Traffic
of the Johnsburg Municipal Code

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON MARCH 16, 2021
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Beth Foreman
Kyle Frost
Josh Hagen
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Sofiakis

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of the Johnsburg Municipal Code***

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That Chapter 15.9 F. entitled Parking Limitations on Driveways and Private Property be amended as follows:

F. Parking Limitations on Driveways and Private Property.

1. Residents and their guests may park operable, private, personal, non business and non commercial vehicles on their driveway overnight. If the driveway does not provide sufficient space such vehicles may be parked on the adjacent Village streets by notifying the Village Police Department in advance of such parking overnight for special occasions and driveway repair.

2. Automobiles parked in business and commercial parking lots by owners, employees, and customers may be parked overnight at such business, commercial or professional facilities with the consent of the owner or operator of such business facility.

3. Trucks and trailers with greater than D/DT license plates with apportioned registration plates or registration plates issued designating, or authorizing, a weight greater than 12,000 pounds issued by the Illinois Department of Motor Vehicles, construction trailers and mobile offices may not be parked on driveways, or private property, except while actually engaged in repairs or installations on such property. Employees of a home operated business, which do not reside on the premises, shall not park their vehicles in the driveway, private property or Village streets during the day or night except for short periods to pick up orders of materials needed at that employment.

The exceptions to number three are as follows: Overnight parking is permitted on private driveways and property for government officials and employees, law enforcement officers, fire officers, rescue squad members, physicians and nurses on call, emergency and alarm service vehicles.

SECTION 2: That Chapter 15.15 entitled Operations of Non-Highway Vehicles on Village Streets be amended as follows:

15.15 OPERATION OF NON-HIGHWAY VEHICLES ON VILLAGE STREETS

A. Definitions: For the purposes of this Section, a non-highway vehicle means a motor vehicle not specifically designed to be used on a public highway, including:

1. A golf cart as defined by Section 625 ILCS 5/123.9;

2. A recreational off-highway vehicle as defined by 625 ILCS 5/1-168.8.
 - B. Permitted Streets: Subject to the provisions of this Section, the operation of non-highway vehicles shall be permitted on all the streets or upon designated routes authorized by the Village of Johnsburg within the Village's corporate boundaries which are under the jurisdiction of the Village with the exception of Johnsburg Road, Ringwood Road or any County Roads.
 - C. Operation Regulations: Where authorized, the operation of a non-highway vehicle is subject to the following:
 1. A non-highway vehicle shall be subject to inspection by the Police Department prior to being operated on any of the permitted streets. A fee of \$50.00 shall be assessed for the initial application/inspection of each non highway vehicle followed by an annual re-inspection fee of \$10.00 for the same vehicle each year thereafter. A fee of \$75.00 (vanity) and/or \$60.00 (automatic numerical issue) shall be assessed for the initial application/inspection of each non highway vehicle followed by an annual re-inspection fee of \$25.00 for the same vehicle each year thereafter. All fees will be retroactive to the date of permitted non-highway vehicle.
 2. A non-highway vehicle may only be operated on streets where the posted speed limit is 35 miles per hour or less.
 3. A non-highway vehicle may cross a designated street at an intersection where the street has a posted speed limit of more than 35 miles per hour.
 4. A person may not operate a non-highway vehicle upon any street in the Village 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.
 5. The operator shall yield the right of way to all pedestrian and vehicular traffic which constitutes a hazard.
 6. The operation of the non-highway vehicle shall be in compliance with the provisions of the Illinois Vehicle Code (Act 5, Chapter 625 of the Illinois Compiled Statutes, as amended).
 7. Operation of a non highway vehicle is prohibited on lands not owned or under the control of the operator or owner of the non highway vehicle without the consent of the land/property owner or operator of the land/property
 - D. Vehicle Equipment: No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow

moving emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the non-highway vehicle, a headlight that emits a white light 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, brake lights, and turn signals. When operated on a roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by 625 ILCS 5/12-201.

1. Every non-highway vehicle must display 2 valid Village of Johnsburg issued registration plates, one located on the front and one on the rear, and shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 5 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate.
- E. Driving Under the Influence: A person who drives or is in actual physical control of a non-highway vehicle while under the influence shall be subject to 625 ILCS 5/11-500 through 5/11-502.
- F. Insurance: Any person who operates a non-highway vehicle in the Village shall be subject to the mandatory insurance requirements in 625 ILCS 5/7-601 *et seq.*
- G. Penalty: Any person, firm or corporation violating any provision of this Section ~~15.16~~ 15.15 shall be fined not more than a Class C (\$200.00) on the first offense followed by Class D (\$400.00) on the second offense and a Class E (\$750.00) on third offense to include responsibility for the Villages cost of prosecution including reasonable attorney fees.
- H. Suspension and or Revocation: The Village of Johnsburg shall have the authority to suspend or revoke the registration of a non-highway vehicle, registration card, registration sticker, registration plate issued by the Village of Johnsburg, or prohibit any nonresident from operating a non-highway vehicle in the Village of Johnsburg in any of the following events :
1. When such registration, registration sticker, plate, or permit was fraudulently or erroneously issued;
 2. When a registered non-highway vehicle has been dismantled or wrecked or is not properly equipped.
 3. When any required fees have not been paid to the Village of Johnsburg, and the same are not paid upon reasonable notice and demand;

4. When a registration card, registration plate, registration sticker or permit is displayed upon a non-highway vehicle other than the one for which it is issued;

5. When the Village of Johnsburg receives a certified report, from the Village of Johnsburg Ordinance Enforcement Department, that the owner of a non-highway vehicle has committed any offense arising from the operation of the non-highway vehicle on a 3rd or subsequent violation within a calendar year.

- I. Upon the suspension, revocation or denial of one or more of all reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this chapter, or by virtue of a reciprocal agreement or arrangement or declaration thereunder; or, upon the suspension, revocation or denial of a reciprocity permit; or, upon any action or inaction of the Village of Johnsburg in the administration and enforcement of the provisions of this chapter, any person, resident or nonresident, so aggrieved, may serve upon the Village of Johnsburg, a petition in writing and under oath, setting forth the grievance of the petitioner, the grounds and basis for the relief sought, and all necessary facts and particulars, and request an administrative hearing thereon. Within 10 days, the Village of Johnsburg shall set a hearing date as early as practical.

The Village of Johnsburg may, in its discretion, supply forms for such a petition. The Village may require the payment of a fee of not more than \$75 for the filing of any petition, motion, or request for hearing conducted pursuant to this Chapter. The Village its likewise, in its discretion and upon their own petition, order a hearing, when in their best judgment, any person is not entitled to the reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this chapter or under a reciprocal agreement or arrangement or declaration thereunder or that a non-highway vehicle owned or operated by such person is improperly registered or licensed, or that a resident has improperly registered or licensed a vehicle in another jurisdiction for the purposes of violating or avoiding the registration laws of this Village.

The Village shall notify a petitioner or any other person involved of such a hearing, by giving at least 10 days' notice, in writing, by U.S. Mail, Registered or Certified, or by personal service, at the last known address of such petitioner or person, specifying the time and place of such hearing. Such hearing shall be held before the Village of Johnsburg Ordinance Enforcement Department hearing officer; the hearing shall be held in the Village of Johnsburg. The actions or inactions or determinations, or findings and decisions upon an administrative hearing, of the Village, shall be subject to judicial review in the Circuit Court of the County of McHenry, in accordance with the Administrative Review Law, and all amendments and modifications thereof and rules adopted pursuant thereto, apply to and govern all such reviewable matters. Any reciprocal agreements or arrangements entered into by the Village of Johnsburg or any declarations issued by the Village of

Johnsburg pursuant to any law in effect prior to the effective date of this chapter are not hereby abrogated, and such shall continue in force and effect until amended pursuant to the provisions of this chapter or expire pursuant to the terms or provisions thereof.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Curry, Foreman, Frost and Hagen

Voting Nay: None

Absent: Trustees Klemstein, McEvoy

Abstain: None

(SEAL)

APPROVED:



Village President Edwin P. Hettermann

ATTEST:



Village Clerk Claudett E. Sofiakis

Passed: March 16, 2021

Approved: March 16, 2021

Published: March 16, 2021

Prepared by/Mailed To:

Claudett Sofiakis, Village Administrator

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

CERTIFICATION

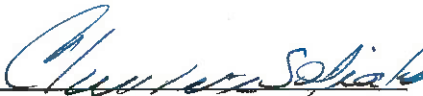
I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 16th day of March, 2021 the foregoing Ordinance entitled *An Ordinance Amending Certain Sections of Chapter 15, Traffic of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2020-21-39 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 16th day of March, 2021 and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 16th day of March, 2021.



Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)