



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-041
DATE OF PASSAGE July 14, 2020

An Ordinance Amending Chapter 27, Section 129 Off-road motor vehicles.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is in the best interest for the City of Aurora to amend Chapter 27, Section 129, off-road motor vehicles as it relates to the use of off-road vehicles in the City of Aurora; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That the amendments to Chapter 27, Section 129, are hereby adopted as set forth in said "Exhibit A".

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or part of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

1 Sec. 27-129. - Off-road motor vehicles.

2 (a) For the purposes of this section, the following definitions shall apply:

3 (1) ~~Off-road motor vehicle means any self-propelled vehicle designed primarily for off-road~~
4 ~~recreational use, including so-called all-terrain vehicles and further including motorcycles,~~
5 ~~motor-driven cycles and motorized pedalcycles as defined by The Illinois Vehicle Code, as now~~
6 ~~or hereafter amended [Ill. Rev. Stat. Ch 95½, ¶ 1-100 et seq.],~~a motor vehicle not specifically
7 designed to be used on a public highway, including:

8 (a) an all-terrain vehicle, as defined by 625 ILCS 5/1-101.8 ;

9 (b) a golf cart, as defined by Section 625 ILCS 5/1-101.8;

10 (c) an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1; and

11 (d) a recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8

12 (2) *Operate* means to ride in or on, other than as a passenger, use or control the operation of an
13 off-road motor vehicle in any manner.

14 (3) *Operator* means a person who operates an off-road motor vehicle.

15 (b) It shall be unlawful for any person to operate an off-road motor vehicle in the city under any of the
16 following conditions:

17 (1) At a rate of speed that is unreasonable or improper under the circumstances;

18 (2) In a careless, reckless or negligent manner so as to endanger the safety of any person or
19 property of any other person;

20 (3) While under the influence of intoxicating liquor or controlled substances or drugs;

21 (4) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere
22 with the peace and quiet of other persons;

(5) On the private property of another without the express written permission of the owner or lessee of the property which shall be displayed upon request; failure to post signs does not imply consent for off-road motor vehicle use; or

(6) On public property, including, but not limited to, school grounds, park property, playgrounds, recreational areas, sidewalks and golf courses, without express provisions or permission to do so by the proper public authority.

(c) No off-road motor vehicle shall be operated within the right-of-way of any public street unless the vehicle complies with all state laws relating to motor vehicles to be operated on streets and highways and the operator has a valid state driver's license and a valid special events permit under Sec. 41.5-191. An off-road motor vehicle may be towed on the streets in compliance with all laws relating to towing. If an officer observed an off-road vehicle operating on the streets in violation of this section and has probable cause to tow, and finds the off-road vehicle off of the street they may tow in compliance with all the laws relating to towing.

(d) No person may own, control, possess, or have custody of any off-road motor vehicle in the city while not in use unless the vehicle is securely locked or otherwise immobilized by a wheel clamp or other object, device, method, or mechanism, whether attached to the vehicle or not, that:

(1) prevents the vehicle from being freely moved; and

(2) cannot be removed or deactivated without the assistance of the vehicle's owner.

(e) A person commits the offense of obstructing identification when he/she operates an off-road motor vehicle in violation of any provision of law or this code while wearing any mask or facial covering with the intent to conceal his/her identity. The finder of fact may presume that a person who fails to comply with the lawful instructions of a peace officer to stop his vehicle and identify himself or attempts to flee from and elude a peace officer while wearing a mask or facial covering intends to conceal his identity in violation of this section. This section shall not apply to the operator of an off-road motor vehicle who promptly complies with the lawful instructions of a peace officer to stop his vehicle and identify himself.

1 (f) No person shall cause gasoline or other flammable or volatile fluid to be loaded into any off-road
2 motor vehicle, on any public or private street of the City or at any location which is open to the public,
3 unless properly secured on a trailer. Golf courses, park district properties, universities and colleges,
4 other local governments and city owned properties are excluded from this subsection. Any person in
5 charge of any gasoline or filling station shall not allow any person to cause gasoline or other
6 flammable or volatile fluid to be loaded into any recreational vehicle unless properly secured on a
7 trailer.

8 (g) The following are excluded while being used for their designated purposes: tractors, snowblowers,
9 lawn mowers, or wheel chairs. Golf carts and all-terrain vehicles used by federal, state or local
10 municipalities are excluded as well as golf carts and all-terrain vehicles used for their specific
11 purposes on golf courses, city parks and properties, college and university properties as well as Fox
12 Valley Park District properties and Aurora Civic Center Authority properties.

13 (h) Any person violating this section is guilty of a Misdemeanor I under section 1-10 of this code. A
14 second violation of this section is guilty of a Misdemeanor III under section 1-10 of this code.

15 (Code 1969, § 27-296; Ord. No. O85-5423, § 1, 9-17-85)

16 Sec. 27-129.5. – Public Nuisance and Impoundment

17 (a) The purposes of this section include protecting the public, removing public nuisances,
18 and deterring violations of Sec. 27-129.

19 (b) Any off-road motor vehicle, as defined in Sec. 27-129, operated or modified in a manner
20 that violates the City of Aurora Code of Ordinances or state law is hereby declared a
21 public nuisance.

22 (c) Any off-road motor vehicle that is a public nuisance may be impounded immediately by
23 any police officer. Impoundment may be accomplished through a seizure of the off-road
24 motor vehicle at the time the citation is issued, or pursuant to a court order entered in the

1 course of an administrative, civil or criminal enforcement proceeding. Impoundment at
2 the time of issuance of a citation is at the discretion of the citing officer.

3 a. A police officer need not have a warrant to seize a vehicle if:

4 i. The police officer has probable cause to believe the vehicle has been used
5 in violation of Chapter 27 or state law; and

6 ii. A warrant is not constitutionally required under the circumstances.

7 (d) An off-road motor vehicle operated by, or driven by, or in actual physical control of, an
8 individual cited for violation of any section of this chapter is presumed to have been so
9 operated by the owner(s) thereof, or having been operated by another person with the
10 knowledge and consent of the owner(s). An off-road motor vehicle is declared to be a
11 public nuisance for which the owner(s) hold legal responsibility subject only to the
12 defenses as set forth by law.

13 (e) The procedures for a hearing as well as costs, fines, and fees under this section shall be
14 the same as listed in section 29-48 (c) through section 29-48 (j) in conjunction with
15 chapter 3 of this code.

16 (f) At the hearing, a person who claims an ownership interest in an off-road motor vehicle
17 may avoid impound if the claimant can establish by a preponderance of the evidence that:

18 a. The claimant had an interest in the off-road motor vehicle at the time of the
19 alleged violation;

20 b. A person other than the claimant was in possession of the off-road motor vehicle
21 and was responsible for or caused the act which resulted in impound; and

22 c. That the off-road motor vehicle was stolen and used without his/her permission.

1 (g) At the impoundment hearing, the city must establish by a preponderance of the evidence
2 that the off-road motor vehicle was operated or driven or in the actual physical control of
3 an individual whose actions violated this chapter.

4 ~~(a)~~(h) An off-road motor vehicle seized for impoundment shall be held in the custody of
5 the police department. Any off-road motor vehicle not claimed within 30 days of
6 impoundment shall be considered abandoned and may be disposed of in accordance with
7 article 2, division 4 of Chapter 27.

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PASSED AND APPROVED ON July 14, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:

Jenny Stalling
City Clerk

[Signature]
Mayor