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November 23, 2015

Mr. Michael McCreery
United Counties Council of Illinois
217 East Adams Street, Suite 101
Springfield, IL 62701

Re: Model Ordinance for Non-Highway Vehicles

Dear Mike:

Enclosed is a model ordinance for non-highway vehicles (formerly neighborhood electric vehicles). This model was drafted to be in compliance with the provisions found within section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1). We note that some municipalities who have adopted similar ordinances have included permitting requirements and fees and independent civil penalties for violation of the ordinance. This model ordinance does not contain such provisions because they are not provided for in that particular section of the Vehicle Code. Municipalities that have adopted civil penalties most likely have established a code hearing unit for enforcement of ordinance violations. While counties other than Cook, DuPage, Kane, Lake, McHenry, and Will have similar authority to establish code hearing units for prosecution of ordinance violations under Division 5-41 of the Counties Code (55 ILCS 5/5-41003 through 55 ILCS 5/5-41060), we are not aware of many counties that have done so. Therefore, the model ordinance, as written, does not provide for such fines or penalties separate from what may be available under the Illinois Vehicle Code. Should an individual county desire to have permitting and penalty provisions in its ordinance, they should consult with their States Attorney.

Sincerely,

GIFFIN, WINNING, COHEN & BODEWES, P.C.



Matthew R. Trapp

MRT/lrs
Enclosure