

ORDINANCE NO. 11-29-07A

*The Road District Highway Commissioner
Has Established An Ordinance Creating a Permit Fee For Use of McHenry Township Roads for
Charitable Events, Including But Not Limited to, Charity Runs, Walks and Bike Races*

WHEREAS, McHenry Township Road District (the "District") exists as a unit of local government in the County of McHenry and the State of Illinois;

WHEREAS, the Illinois Highway Code establishes that the McHenry Township Highway Commissioner (the "Highway Commissioner") has general charge over the roads in the District pursuant under section 605 ILCS 5/6-201.8;

WHEREAS, the Illinois Highway Code also establishes that the Highway Commissioner is responsible for maintaining and repairing the roads in the District. Section 605 ILCS 5/6-201.7;

WHEREAS, the Highway Commissioner has the duty to maintain and keep the road district roads in repair, it is necessary to promote the general welfare of the residents and protect the public safety by imposing a permit fee on any organization that wishes to use District roads to conduct a charity run, walk or bike race;

WHEREAS, the Road District incurs increased costs and expenses as a result of repairing and maintaining District roads after said runs, walks or bike races;

WHEREAS, the Highway Commissioner believes it is necessary to impose a permit fee of \$50.00 on organizations that wish to use District roads for said runs, walks or bike races;

NOW, THEREFORE, BE IT ORDAINED, by the McHenry Township Highway Commissioner, on behalf of and for the McHenry Township Road District, located in the County of McHenry and the State of Illinois, as follows:

Section 1. **Recitals.** The recitals set forth above in this Ordinance are re-stated here, as if fully set forth here.

Section 2. **Purpose.** The purpose of this Ordinance is to promote the public's safety and welfare and to preserve the roads under the jurisdiction of the Township for the use by the general public and ensure that they are properly maintained and repaired.

Section 3. Any organization wishing to use District roads for a run, walk or bike race must submit a permit application and \$50.00 fee to the McHenry Township Road District not less than seven (7) days prior to the day that they wish to hold the race.

Section 4. Said permit application must include the following information:

- a. The name and address of the organization wishing to hold the race;
- b. The date and time of the proposed race and any proposed rain date;
- c. The proposed race route;
- d. The proposed start and finish times for the race; and
- e. The expected number of participants.

In addition, the permit application must identify how the race organizers intend to (1) mark the race route, (2) maintain crowd control and (3) clean up any trash. Markings must be made with a non-permanent substance. Race organizers will be responsible for any costs incurred by the District to remove any permanent markings.

Section 5. It shall be unlawful for any organization to conduct a run, walk or bike race without first obtaining a permit and paying the required fee. Any organization holding such a race without first obtaining a permit and paying the required fee will be asked to cancel the race immediately.

Section 6. **Publication.** The Commissioner shall prepare a copy of this ordinance for purposes of making this ordinance available in the McHenry Township Offices for a continuous period of at least ten days after its passage. Copies of this ordinance shall also be available for public inspection upon request in the office of the McHenry Township Clerk as *ex-officio* clerk of the Road District.

Section 7. **Savings Clause.** If a court or competent jurisdiction determines that any section, paragraph, sentence, word, or other portion of this ordinance is invalid or unenforceable, such judgment shall not affect the remainder of this ordinance, with such remainder continuing in full force and effect.

Section 8. **Conflicts with Prior Ordinances.** All prior ordinances, resolutions, or parts thereof in conflict with the provisions set forth in this ordinance are hereby repealed to the extent of such conflict with this ordinance prevailing over said prior ordinances.

Section 9. Effective date. This Ordinance shall be in full force and effect from the date upon which the ordinance is adopted and passed by the McHenry Township Road District, in accordance with the law.

Dated: 11-29-07

MCHENRY TOWNSHIP ROAD DISTRICT

By: Sean H. Van Every
McHenry Township Highway Commissioner

Attest: Bruce Novak
McHenry Township Clerk

