

ARTICLE VIII - OPERATION OF NON-HIGHWAY VEHICLES

24-8-1 **GENERALLY.** Non-highway vehicles, as defined and qualified herein, shall be allowed on streets in the Village under the conditions as stated herein.

24-8-2 **DEFINITIONS.**

(A) **All terrain vehicle.** Any motorized off-highway device designed to travel primarily off-highway, **fifty (50) inches** or less in width, having a manufacturer's dry weight of **one thousand five hundred (1,500) pounds** or less, traveling on **three (3)** or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

(B) **Golf cart.** A vehicle specifically designed and intended for the purpose of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

(C) **Neighborhood vehicle.** A self-propelled electric-powered, four-wheeled motor vehicle (or a self-propelled, gasoline-powered, four wheeled motor vehicle, with an engine displacement under **one thousand two hundred (1,200) cubic centimeters**) that is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles per hour**, but not more than **twenty-five (25) miles per hour**, and which does not conform to federal regulations under Title 49 C.F.R. Part 571.500.

(D) **Off-highway motorcycle.** Any motorized device designed to travel primarily off-highway on **two (2) wheels**, having a seat or saddle for the use of the operator, upon or by which any person, persons or property must be transported or drawn.

(E) **Recreational off-highway vehicle.** Any motorized off-highway device designed to travel primarily off-highway, **sixty-four (64) inches** or less in width, having a manufacturer's dry weight of **two thousand (2,000) pounds** or less, traveling on **four (4)** or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

(F) **Village streets** means any of the streets within the boundaries of the Village.

24-8-3 **REQUIREMENTS.** All persons wishing to operate any off-highway vehicle on the Village streets must ensure compliance with the following requirements:

- (A) Proof of current liability insurance.
- (B) Must be certified with the Village and have the vehicles certified with the Village by inspection by the Police Chief or designated representative.
- (C) Must display a Village decal on the rear of the vehicle.
- (D) Must have a valid, current non-restricted driver's license.

24-8-4 **RULES CONCERNING ALTERNATE TRANSPORTATION FOR THE VILLAGE.**

- (A) Must obey all traffic laws of the State of Illinois and the Village.
- (B) Must be operated only on Village streets, except where prohibited.

(C) No non-highway vehicles may be operated on U.S. Highway 45, East or West Main, and Golf carts may not be operated on East Cherry Street.

(D) May only be operated on streets/roadways that has a posted speed limit of **thirty-five (35) miles per hour** or less.

(E) May only be operated between legal sunrise and legal sunset.

(F) A person operating or who is in actual physical control of an off-highway vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (**625 ILCS 5/11-500 - 11-502**).

(G) Off-highway vehicles shall not be operated on sidewalks or in Village Parks other than parking areas.

(H) Off-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation.

(I) If vehicle has bench seats, the vehicle must have seat belts and the use of child restraints when applicable. Vehicles with saddle type seats are prohibited from transporting children who would be required to be in a form of child restraints.

(J) Any operator or passenger, while in motion, must be in a sitting position.

(K) A person is not eligible to operate an off-highway vehicle upon any street, roadway, or highway within the corporate limits of the Village unless he or she has a valid current non-restricted driver's license.

(L) Except as otherwise provided in paragraph (M), no person operating an off-highway vehicle shall make a direct crossing upon or across any highway under state jurisdiction.

(M) A person may make a direct crossing at an intersection controlled by a traffic light or two-way stop sign across a highway under the jurisdiction of the State if the speed limit on the highway is **thirty-five (35) miles per hour** or less at the place of crossing.

(N) No driver shall operate an off-highway vehicle with more passengers than is recommended by the manufacturer.

(O) When operated on a Village street, off-highway vehicles must have its headlight and tail lamps lighted.

(P) Any individual caught driving an off-highway vehicle within the boundaries of the Village will be ticketed and the permit for the vehicle will be revoked for **one (1) year** and then reinstated only after board approval.

24-8-5 PERMITS.

(A) No person shall operate a qualified off-highway vehicle without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of **one (1) year** (May 1st through April 30th) and renewed annually. The cost of the permit is **Thirty-Six Dollars (\$36.00)**. Insurance coverage is to be verified by the Police Department and in effect when obtaining or renewing a permit.

(B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:

- (1) Name and address of applicant.
- (2) Name of liability insurance carrier.
- (3) The serial number, make, model and description of the off-highway vehicle.
- (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and

all future claims resulting from the operation of their off-highway vehicle on Village streets.

- (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
- (6) Photocopy of the operator's current driver's license.
- (7) Such other information as the Village may require.

(C) No permit shall be granted unless the following conditions are met:

- (1) The vehicle must be inspected by the Chief of Police (or designee) to insure that the vehicle is safe to operate on the Village streets and is in compliance with this Article.
- (2) A physically handicapped applicant must submit a certified signed by a physician, certifying that the applicant is able to safely operate a qualified off-highway vehicle on the Village streets.
- (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

(D) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that the permit holder cannot safely operate a qualified off-highway vehicle on the designated roadways.

24-8-6 VEHICLE IDENTIFICATION AND REQUIREMENTS.

(A) Any vehicle approved and permitted by the Village shall be identified by a Village issued sticker.

(B) Each off-highway vehicle must be equipped with brakes, tires, headlamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors (front and rear), slow moving vehicle emblem (as required of other vehicles in Section 12-709 of this Code), exterior mirror(s), and parking brake. If the vehicle has bench seats, seatbelts and child restraints when applicable.

24-8-7 VIOLATIONS.

(A) Any vehicle authorized for use on public streets by the passage of this Article will be subject to all local and State laws that generally apply to the respective Motor Vehicle Code and any violation of either code will cause the operator of said vehicle to be eligible for criminal prosecution according to the laws of that code.

(B) Any person who violated any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation on a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

24-8-8 MISCELLANEOUS.

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and become effective on **May 1, 2011.**

(C) Any Article, or portion thereof, of the Village which is contrary to this Article shall be deemed to be replaced.

(Ord. No. 0-11-02; 02-07-11)