

VILLAGE OF CHAPIN

ORDINANCE NO. 2011-3

**AN ORDINANCE ESTABLISHING RULES FOR THE OPERATION OF
NON-HIGHWAY VEHICLES ON STREETS**

FOR THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

This 8th Day of June, 2011.

**Published in pamphlet form by authority of the Board of trustees of the Village of
Chapin, Morgan County, Illinois this 9th day of June, 2011.**

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**AN ORDINANCE ESTABLISHING RULES FOR THE OPERATION OF
NON-HIGHWAY VEHICLES ON STREETS WITHIN THE
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS**

WHEREAS, Section 5/11-1426.1 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1) grants municipalities the authority to authorize the use of non-highway vehicles on roadways under their jurisdictions;

WHEREAS, the corporate authorities of the Village of Chapin, Morgan County, Illinois, have determined that it is in the best interests of the Village's residents to permit them to operate non-highway vehicles on the streets, roads and alleys within the Village of Chapin, subject to the regulations and rules adopted from time to time by the corporate authorities.

WHEREAS, the corporate authorities of the Village of Chapin, Morgan County, Illinois, have considered the volume, speed and character of the traffic generally experienced on the streets, roads and alleys within the Village, and have determined that non-highway vehicles may safely travel on and across the streets, roads and alleys within the Village; and

WHEREAS, the corporate authorities find that the operation of non-highway vehicles on roadways within its jurisdiction will not jeopardize public safety.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chapin, Morgan County, Illinois, as follows:

SECTION 1: Subject to the provisions of the Ordinance, effective July 1, 2011, non-highway vehicles shall be permitted to operate upon the roads, streets and alleys within the Village of Chapin.

SECTION 2: For purposes of this Ordinance, the following definitions shall apply:

Non-Highway Vehicle: Includes an all-terrain vehicle, a golf cart, a neighborhood vehicle, an off-highway motorcycle, and a recreational off-highway vehicle.

All-terrain vehicle: Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, travelling on 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.

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 conditions of the grounds on a public or private golf course.

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

Off-Highway Motorcycle: A motorized vehicle designed to travel primarily off-highway on two wheels, having a seat or saddle for the use of the operator, upon or by which any person or persons or property may be transported or drawn.

Operate: To ride in or on, other than as a passenger, use or control in any manner the operation of a non-highway vehicle.

Operator: A person who is at least eighteen (18) years of age, who has a valid Illinois driver's license, who operates or is in physical control of a non-highway vehicle.

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

SECTION 3: Operation of Non-Highway Vehicles:

Except as provided in this ordinance, it shall be unlawful for any person to drive or operate a non-highway vehicle upon any street, road, alley or highway within the Village. Non-highway vehicles may be operated on streets, roads and alleys within the Village, if the operator complies with all of the following requirements and regulations:

(a) The non-highway vehicle must be equipped with the following: brakes, a steering apparatus, tires, a rear-view mirror, red reflectorized warning devices in the front and rear, a "slow moving vehicle 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 five hundred (500) feet to the front, a tail lamp that emits a red light visible from at least one hundred (100) feet from the rear, brake lights, and front and rear turn signals.

(b) When operated on a street, road, alley or highway, the non-highway vehicle shall have its headlight and tail lamps lighted at all times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and

vehicles on the streets, roads and alleys are not clearly discernable rata distance of one thousand (1,000) feet.

(c) A non-highway vehicle may only be operated from sunrise to sunset; non-highway vehicles may not be operated between sunset and sunrise.

(d) The operator of a non-highway vehicle must be at least eighteen (18) years of age, possess a valid Illinois driver's license issued by the Secretary of State, and possess a valid permit to operate a non-highway vehicle issued pursuant to this Ordinance.

(e) The operator of a non-highway vehicle must operate the vehicle in compliance with all Village ordinances and the provisions of the Illinois Motor Vehicle Code (625 ILCS 5/10101, et. seq.), as amended from time to time.

(f) A non-highway vehicle may not be operated at a speed in excess of 20 mph.

(g) A non-highway vehicle may only be operated on streets where the posted speed limit is 35 miles per hour or less.

(h) A non-highway vehicle may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic.

(i) A non-highway vehicle may not be driven on a State highway, except, a non-highway vehicle may make a direct crossing over a State highway at an intersection controlled by a traffic light or a 4-way stop sign if the posted speed limit on the highway is 35 mph or less at the place of crossing.

(j) No person shall operate nor shall any owner permit another person to operate a non-highway vehicle on the roads, street, highways or alleys within the Village of Chapin unless the non-highway vehicle is covered by a liability insurance policy with a bodily injury and death limit of not less than \$150,000 per person and \$300,000 per occurrence. The liability policy shall also provide a property damage and destruction limit of not less than \$15,000 per occurrence.

SECTION 4. Permit to Operate a Non-Highway Vehicle

Prior to being allowed to operate a neighborhood vehicle within the Village of Chapin, the proposed operator of a non-highway vehicle must apply for a permit to operate the non-highway vehicle and pay an application fee of seventy-five dollars (\$75.00). In addition to the application fee, the applicant shall attach to his/her application proof of insurance coverage as required by paragraph (j) of Section 3 of this ordinance. Further, as a condition for the issuance or re-issuance of a permit, the applicant shall sign an unconditional and full general release of liability, waiver, discharge and covenant not to sue form provided by the Chief of Police. The application shall be submitted to the Chief of Police on a form prepared by the Chief of Police.

Upon receipt of the completed application form, application materials and fee, the Chief of Police, or his/her designee, shall conduct an inspection of the non-highway vehicle to insure its compliance with this Ordinance. If the applicant's completed application and a non-highway vehicle meet the requirements of this Ordinance, a permit to operate the non-highway vehicle shall be issued. A permit issued hereunder shall be valid for one year and may be reissued upon compliance with the application procedures set forth above. A permit issued under the Ordinance shall be non-assignable and non-transferable.

SECTION 5. Permit Revocation.

The permit issued pursuant to this Ordinance may be revoked by the Chief of Police, or his/her designee, if:

- (a) there is any materials misrepresentation made by the applicant on the application, or
- (b) the required liability insurance is no longer in full force and effect, or
- (c) there is evidence that the permit holder can no longer safely operate the non-highway vehicle, or
- (d) there has been a violation of any Village Ordinances or provision of the Illinois Vehicle Code by the permit holder.

The Chief of Police, or his/her designee, shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder, or send the notice by certified mail return receipt requested to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after the personal service, or on the third day after the post mark of the certified mail receipt. The permit holder shall not be entitled to a refund of any portion of the annual fee upon a revocation of the permit.

SECTION 6. Violations-Punishment.

Any person violating or aiding or abetting the violation of any provisions of this Ordinance is guilty of a petty offense and shall be fined not less than \$100.00 but not more than \$750.00. Each day a person fails to comply with the provisions of the Ordinance constitutes a separate offense. Any person violating or aiding or abetting the violation of any provision of this ordinance shall also be liable for and required to reimburse all attorney's fees and court costs incurred by the Village in enforcing the provisions of the Ordinance.

SECTION 7. Posting of Signs.

The Village shall erect appropriate street signs alerting the public that non-highway vehicles may lawfully travel on the roads, street and alleys within the Village.

SECTION 8. Effective Date.

This ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.

Passed by the Board of Trustees of the Village of Chapin, Morgan County, Illinois, on the 8th day of June, 2011.

Bryce McCormick, Village President

Wendy Bridgewater, Village Clerk