

Chapter 5

OPERATION OF NONHIGHWAY VEHICLES ON VILLAGE STREETS

7-5-1: POLICY STATEMENT:

This chapter is adopted in the interest of public safety. All-terrain vehicles, golf carts, off highway motorcycles and recreational off highway vehicles, hereinafter "nonhighway vehicles", as defined in the Illinois vehicle code, are not designed or manufactured to be used on public streets and roadways or highways, hereinafter "streets", and the village does not advocate or endorse their operation on village streets. The village, by regulating such operation, is merely addressing public safety issues. The village council has considered the volume, speed, and character of traffic on village roadways and has determined that nonhighway vehicles may safely travel on or cross village roadways and that public safety will not be jeopardized by the operation of nonhighway vehicles. This chapter is not to be relied upon by any individual as a determination that operation of nonhighway vehicles on village streets is safe or advisable even if done in accordance with this chapter. All persons operating nonhighway vehicles must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. All persons who operate or ride nonhighway vehicles on streets inside the village do so at their own risk and peril. The village disavows any liability for permitting nonhighway vehicles to be operated on village streets. The enactment of this chapter is not intended to designate the operation of a nonhighway vehicle as an intended or permitted use of property with respect to section 3-102 of the local governmental and governmental employees tort immunity act, 745 Illinois Compiled Statutes 10/1-101 et seq. (Ord. 12-12, 12-4-2012)

7-5-2: DEFINITIONS:

ALL-TERRAIN VEHICLE: Any motorized off highway device designed to travel primarily off highway, fifty inches (50") 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 nonhighway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawn mowers. (625 ILCS 5/1-101.8)

GOLF CART: A vehicle specifically designed and intended for the purposes 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. (625 ILCS 5/1-123.9)

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property. (625 ILCS 5/1-126)

NONHIGHWAY VEHICLE: A motor vehicle not specifically designed to be used on a public street, including all-terrain vehicles, golf carts, off highway motorcycles and recreational off highway vehicles. (625 ILCS 5/11-1426.1(a))

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 may be transported or drawn. (625 ILCS 5/1-153.1)

RECREATIONAL OFF HIGHWAY VEHICLE: Any motorized off highway device designed to travel primarily off highway, sixty four inches (64") or less in width, having a manufacturer's dry weight of two thousand (2,000) pounds or less, traveling on four (4) or more nonhighway tires, designed with a nonstraddle seat and a steering wheel for steering control, except equipment such as lawn mowers. (625 ILCS 5/1-168.8)

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. (625 ILCS 5/1-179)

STREET: The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel. (625 ILCS 5/1-201) (Ord. 12-12, 12-4-2012)

7-5-3: AUTHORIZATION OF CERTAIN NONHIGHWAY VEHICLES:

A. Golf carts and recreational off highway vehicles in compliance with this chapter are hereby authorized to operate on village streets.

B. All-terrain vehicles are prohibited from operation on village streets, except as may be temporarily authorized as per subsections [7-5-7B](#) and C of this chapter.

C. Off highway motorcycles are prohibited from operation on village streets.

D. The operation on village streets of any nonhighway or similar type vehicle not specifically addressed in this chapter, which is not designed or manufactured to be used on public streets, shall be prohibited and any such operation found to be in violation of state laws shall be punishable in accordance with applicable laws of the Illinois vehicle code¹. (Ord. 12-12, 12-4-2012)

7-5-4: RULES AND REGULATIONS:

Those nonhighway vehicles authorized under section [7-5-3](#) of this chapter may be operated on streets within the village, but only in strict compliance with the following rules and regulations:

- A. Any person who operates a nonhighway vehicle in the village takes full responsibility for all liability associated with operating the nonhighway vehicle.

- B. Any person who operates a nonhighway vehicle must be at least eighteen (18) years of age and possess a valid driver's license.

- C. Any person who operates a nonhighway vehicle must possess proof of liability insurance for personal injury and property damage with limits of liability not less than the minimum required by the state of Illinois for passenger vehicles pursuant to 625 Illinois Compiled Statutes 5/7-203. Evidence of insurance, in the form of an insurance card as prescribed in 625 Illinois Compiled Statutes 5/7-602 must be surrendered to any officer of the village police department or any other law enforcement agency for inspection upon request.

- D. A nonhighway vehicle shall have its headlight and taillamps lighted at all times when operated on village streets as required by 625 Illinois Compiled Statutes 5/12-201.

- E. Nonhighway vehicles may not be operated when visibility is impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light to clearly see persons and vehicles on the street at a distance of five hundred feet (500'). Village police officers shall have sole discretion in determining whether weather, smoke, fog or insufficient lighting conditions exist.

- F. Nonhighway vehicles may not be operated on village streets which have a posted speed limit of more than thirty five (35) miles per hour. This section does not prohibit nonhighway vehicles from crossing a street at the intersection where the street has a posted speed limit of more than thirty five (35) miles per hour.

- G. Nonhighway vehicles may not be operated on village streets at a speed greater than twenty (20) miles per hour.

- H. Nonhighway vehicles must be equipped with seat belts, a horn, brakes, a steering apparatus, tires, a rearview mirror, front and rear red reflectorized warning devices, a slow moving vehicle emblem on the rear in conformity with 625 Illinois Compiled Statutes 5/12-709, a headlight that emits a white light visible from a distance of five hundred feet (500') to the front in daylight, a taillamp that emits a red light visible from at least one hundred feet (100') from the rear in daylight, brake lights, and turn signals.

- I. Any person who operates or is in actual physical control of a nonhighway vehicle within the village must adhere to all applicable laws of the Illinois vehicle code².

- J. Nonhighway vehicle drivers must yield the right of way to overtaking vehicles at all times.

- K. The maximum occupancy of nonhighway vehicles traveling on village streets will be one person per bucket seat and not more persons than the number of available seat belts per bench seat.

- L. All persons operating and riding in nonhighway vehicles must be properly seated and seat belted while the nonhighway vehicle is in motion.

- M. All persons operating and riding in nonhighway vehicles not equipped with a full windshield shall be required to wear protective eyewear at all times while the nonhighway vehicle is in motion.

- N. Nonhighway vehicles may only be operated between the hours of sunrise to sunset.

- O. Nonhighway vehicles shall not park in handicapped parking spaces unless the driver or at least one passenger has a valid handicap parking permit issued by the Illinois secretary of state.

- P. Nonhighway vehicles may not be operated on sidewalks or other public or private property not accessible to or authorized to vehicular traffic, except as otherwise permitted in this chapter. (Ord. 12-12, 12-4-2012)

7-5-5: INSPECTION AND NONHIGHWAY VEHICLE LICENSE:

- A. Inspection: All nonhighway vehicles operated on the streets must be inspected annually by the chief of police of the village or his/her designee. All persons operating nonhighway vehicles on the streets shall submit to the chief of police of the village or his/her designee a completed application for inspection as prescribed by the police department, along with an application fee of thirty dollars (\$30.00) payable to the village. All nonhighway vehicles shall have at a minimum, the equipment required per subsection [7-5-4H](#) of this chapter.

- B. Nonhighway Vehicle License: All nonhighway vehicles operated on the streets must display, in a manner as prescribed by the chief of police of the village, a valid village nonhighway vehicle license issued by the chief of police of the village or his/her designee after successfully passing inspection. The nonhighway vehicle license shall be valid for a period of one calendar year beginning April 1 and expiring March 31 of the following year. Nonhighway vehicle licenses shall not be transferable to any other person or nonhighway vehicle. (Ord. 12-12, 12-4-2012)

7-5-6: TEMPORARY SPECIAL EVENT LICENSE:

- A. The chief of police of the village or his/her designee is hereby authorized to issue temporary special event licenses for the use of nonhighway vehicles on village streets, for a time period not to exceed seven (7) days, to persons participating in auctions, carnivals, car shows, swap meets or any other event similar in nature. Such temporary special event licenses shall only be issued after receipt of an application and payment of a five dollar (\$5.00) per day fee, payable to the village for each nonhighway vehicle. All nonhighway vehicles granted a temporary special event license shall be exempt from the minimum equipment requirements per subsection [7-5-4H](#) of this chapter and shall be exempt from inspection as required per subsection [7-5-5A](#) of this chapter. Nonhighway vehicles granted a temporary special event license shall display, in a manner as prescribed by the chief of police of the village, said temporary special event license issued by the chief of police of the village or his/her designee. Temporary special event nonhighway vehicle licenses shall not be transferable to any other person or nonhighway vehicle. (Ord. 12-12, 12-4-2012)

7-5-7: EXEMPTIONS:

- A. Officers of the village police department or other law enforcement agency, firemen, emergency medical personnel, members of an emergency management and disaster agency, the county health department, the county animal control, or any other bona fide public safety agency, and the village maintenance department shall be exempt from the provisions of this chapter while operating any nonhighway vehicle on village streets in the performance of official duties.
- B. The operation of all-terrain vehicles on village streets by persons participating in auctions, carnivals, car shows, swap meets or any other event similar in nature, shall only be permitted on a temporary basis, and only after being licensed per section [7-5-6](#) of this chapter.
- C. The temporary operation of any nonhighway vehicle not otherwise authorized, properly equipped and licensed per this chapter, by persons participating in parades, is hereby authorized. Such operation shall be directly from the place of storage of said vehicle to the starting location of the parade, along the parade route while said parade is in motion, and directly from the ending location of the parade back to the place of storage of said vehicle. (Ord. 12-12, 12-4-2012)

7-5-8: ADVISORY SIGNAGE:

- A. The village shall install and maintain at every entrance to the village warning signs designed in accordance with the United States department of transportation "Manual Of Uniform Traffic Control Devices" for the purpose of cautioning motorists traveling streets throughout the village about the permitted use of nonhighway vehicles on village streets. Such signs shall state the following, at a minimum: "Warning, Non-Highway Vehicles In Use" and "Permit Required". (Ord. 12-12, 12-4-2012)

7-5-9: ENFORCEMENT AND PENALTY:

- A. Local Rules And Regulations: Any act constituting a violation of this chapter or failure to comply with any of its requirements is deemed a petty offense and shall be punishable in accordance with section [1-4-1](#) of this code.
- B. State Law: Any person operating or is in actual physical control of a nonhighway vehicle within the village found to be in violation of state laws shall be punishable in accordance with applicable laws of the Illinois vehicle code³.
- C. Suspension And Revocation Of License:
1. Nonhighway vehicle licenses may be suspended by the village council upon recommendation by the chief of police of the village or his/her designee after presentation of evidence in support of such suspension, for a time period of at least one month and not to exceed six (6) months. Suspended nonhighway vehicle licenses shall be surrendered to the chief of police of the village or his/her designee by the license holder immediately upon receipt of notice of suspension.
 2. Persons having their nonhighway vehicle license suspended three (3) times within any two (2) year period may have their nonhighway vehicle license revoked by the village council upon recommendation of the chief of police of the village or his/her designee upon presentation of evidence in support of such revocation, for a time period of at least one year and not to exceed two (2) years. Revoked nonhighway vehicle licenses shall be surrendered to the chief of police of the village or his/her designee by the license holder immediately upon receipt of notice of revocation.
 3. Persons having their nonhighway vehicle license suspended or revoked must submit a completed application for reinspection and reinstatement of nonhighway vehicle license along with a thirty dollar (\$30.00) reinspection and reinstatement fee after conclusion of suspension or revocation period. (Ord. 12-12, 12-4-2012)