

CHAPTER 46. NON-HIGHWAY VEHICLE ORDINANCE

46.01 Definitions

A. 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. 625 ILCS 5/1-123.9.

B. 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, traveling 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. 625 ILCS 5/1-101.8.

C. 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. 625 ILCS 5/1-168.8.

D. Non-Highway Vehicle. A non-highway vehicle is any golf cart, all-terrain vehicle or recreational off-highway vehicle authorized by the terms hereof.

E. Village Streets. Any of the streets and public alleys within the boundaries of the Village of Pesotum except for Federal (including U.S. Route 45), State and County roads.

46.02 Rules and Regulations for Operation

A. The operation of Non-Highway Vehicles shall be allowed on Village streets only in accordance with the rules and regulations as stated herein.

B. Any person who operates a Non-Highway Vehicle upon Village streets must at all times ensure compliance with the following rules and regulations:

1. There shall be a current Village permit decal affixed to the rear driver's side of the Non-Highway Vehicle, in a prominent position.

2. The operator shall have and maintain proof of current liability insurance for the Non-Highway Vehicle.

3. The operator shall have a current, valid Illinois driver's license and shall be at least 18 years of age.

4. Non-Highway Vehicles shall maintain, at minimum, the following properly operating equipment:

- (a) Horn;
- (b) Brakes and brake lights;
- (c) Turn signals;
- (d) Steering wheel apparatus;
- (e) Tires;
- (f) Rearview mirror;
- (g) Red reflective warning devices in the front and rear;
- (h) A "slow moving vehicle" emblem on the rear of the vehicle (as required by 625 ILCS 5/12-709);
- (i) Headlight that emits a white light visible from a distance of 500 feet to the front, illuminated at all times during operation;
- (j) Tail lamp that emits a red light visible from at least 100 feet from the rear, illuminated at all times during operation;
- (k) Any additional requirements of the Illinois Motor Vehicle Code relative to any Non-Highway Vehicle, as defined herein.

5. The operator shall obey all traffic laws of the State of Illinois and the Village of Pesotum.

6. Non-Highway Vehicles shall be operated only on Village streets, as defined herein, which have a posted speed limit of thirty-five (35) or less.

7. Non-Highway Vehicles shall not be operated on any Federal, State or County roads, including but not limited to U.S. Route 45, except as it is necessary to make a direct crossing of U.S. Route 45, in which case the operator of the Non-Highway Vehicle shall make a direct crossing only in a direction perpendicular to U.S. Route 45 and only at the intersection of U.S. Route 45 and Adams Street.

8. Non-Highway Vehicles shall not be operated in excess of twenty-five (25) miles per hour, or the posted speed limit, whichever is less.

9. Non-Highway Vehicles shall not be operated on sidewalks.
10. A person operating or who is in actual physical control of a Non-Highway Vehicle, as described herein, on a roadway while under the influence of alcohol or drugs is subject to Section 11-500 through Section 11-02 of the Illinois Compiled Statutes (625 ILCS 5/11-500-625 ILCS 5/11-502).
11. The total number of Non-Highway Vehicle occupants shall be limited to those allowed per the manufacturer's specification.
12. The operator must comply with all other standards as requirements relative to operating Non-Highway Vehicles as set forth by the manufacturer.

46.03 Permits

A. No person shall operate a Non-Highway Vehicle on a Village street without first obtaining and displaying an annual permit decal from the Village of Pesotum as provided herein. Each permit is specific to the Non-Highway Vehicle for which it was obtained, and is not transferrable to a subsequent or additional Non-Highway Vehicle. The cost of the annual permit is \$25.00, which is due before May 1st of each year. Permit fees will not be prorated for a partial year.

B. Insurance coverage shall be submitted to and verified by the designated representative of the Village when obtaining or renewing a permit. The Village shall retain a copy of the applicable insurance coverage documents each time a permit is issued or renewed.

C. Every application for a permit or renewal 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 Non-Highway Vehicle;
4. Signed Waiver of Liability by applicant releasing the Village of Pesotum and agreeing to indemnify, defend, and hold the Village and its employees, officers and elected officials harmless from any and all future claims resulting from the operation of the Non-Highway Vehicle on the Village streets;
5. Photocopy of applicable liability insurance coverage card specifically for the Non-Highway Vehicle to be operated pursuant to the permit, including the insurance company name and policy number;

6. Such other information as the Village may require.

D. No permit shall be granted or renewed unless the following conditions are met:

1. The Non-Highway Vehicle is inspected by a designated representative of the Village and determined to be in compliance with this ordinance.

2. Inspection by the Village's designated representative is for purposes of this ordinance only and issuance or renewal of a permit does not warrant that said representative is a mechanic or professional inspector, or that the subject Non-Highway Vehicle is safe to operate or complies with this ordinance or any applicable State law.

3. A physically handicapped applicant must submit a certificate signed by a licensed physician certifying that the applicant is able to safely operate a Non-Highway Vehicle on Village streets.

E. The Village may suspend or revoke a permit granted hereunder upon a finding that the permit holder has violated any provision of this ordinance or there is evidence that the permit holder cannot safely operate his/her Non-Highway Vehicle on Village streets.

46.04 Violation Penalties

A. Any violation of this ordinance shall be punishable by a fine of not less than \$100.00, nor more than \$750.00, for each violation.

B. Any second or subsequent violation of this ordinance shall also be punishable by the revocation of the permit for a period of not less than six (6) months nor more than twelve (12) months.

46.05 Severability

If any provision of this ordinance is held invalid or unenforceable, the remaining provisions of this ordinance shall be construed to be valid and enforceable. The invalidity of any part of this ordinance shall not affect any part or parts thereof.