

## **ARTICLE XIII. NON-HIGHWAY VEHICLES**

### **Sec. 38-400. DEFINITIONS.**

NEIGHBORHOOD VEHICLE: A self-propelled, electronically powered four (4) wheeled vehicle; or a self-propelled, gasoline powered, four (4) wheeled vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters; which is capable of attaining in one mile a speed of more than twenty (20) miles per hour, but not more than twenty-five (25) miles per hour, and which conforms to federal regulations under title 49 CFR part 571.500.

Neighborhood Vehicle shall include: golf carts, as that term is defined in 625 ILCS 5/1-123.9; all-terrain vehicles, as that term is defined in 625 ILCS 5/1-101.8; recreational off-highway vehicles, as that term is defined in 625 ILCS 5/1-168.8; and multipurpose off-highway utility vehicles (MOHUV) intended to transport persons and cargo, have a non-straddle seat, designed to travel on four wheels, use a steering wheel and pedals for controls, have a top speed of no less than 25 mph, are 80 inches or less in overall width, have a gross weight vehicle rating of no more than 4000 pounds, and with a minimum cargo capacity of 350 pounds.

### **Sec. 38-401. OPERATION ON STREETS.**

- A. It shall be lawful for a qualified person to operate a neighborhood vehicle on designated streets within the village, subject to the provisions of this article.
- B. It shall be unlawful for any person to operate a neighborhood vehicle on any street in the village, unless:
  1. The driver is at least eighteen (18) years of age and has a valid driver's license,
  2. The vehicle is properly titled with the Illinois Secretary of State, if required,
  3. Has the minimum required liability insurance as set out in 625 Illinois Compiled Statutes 5/7-601 et seq., and maintains proof of said insurance specifically for the neighborhood vehicle to be operated on village streets within the permitted vehicle,
  4. Has been properly registered with the Village and must display such registration as required in section 38-402 of this article, and
  5. Has the following required, operable equipment:
    - a) Brakes and brake lights,
    - b) Steering wheel apparatus,
    - c) Tires,
    - d) Rearview mirror,
    - e) Red reflectorized warning devices in the rear, and red or amber reflectorized warning devices in the front.
    - f) A slow-moving emblem on the rear of the vehicle,

- g) A headlight that emits a white light visible from a distance of five hundred feet (500') to the front, illuminated at all times when operated on village streets,
  - h) A taillamp that emits a red light visible from at least one hundred feet (100') from the rear, illuminated at all times when operated on village streets,
  - i) Turn signals mounted to the front and rear of the vehicle,
  - j) Seatbelts, and
  - k) Horn.
- C. All persons eligible to operate a neighborhood vehicle on designated streets of the village must comply with the following requirements:
1. Must not exceed twenty-five (25) miles per hour.
  2. Shall only be operated from sunrise until 11:00 p.m.
  3. Shall not be operated in inclement weather, nor 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 roadway at a distance of five hundred feet (500').
  4. Each driver and passenger of a neighborhood vehicle shall wear a properly fastened and adjusted seat safety belt. Children must be secured in a child restraint system, as required pursuant to the Child Passenger Protection Act.
  5. A person who drives, or is in actual physical control of a neighborhood vehicle on a roadway, while under the influence of alcohol or drugs is subject to 625 Illinois Compiled Statutes 11-500 through 11-502.
  6. Neighborhood vehicles may not be operated on sidewalks, bike trails, or other public property, not accessible to or authorized to vehicular traffic.
  7. Nothing in this chapter shall permit the use of recreational off-highway motorcycles and any other vehicle, which is not described within the foregoing definition of "neighborhood vehicles".

#### **Sec. 38-402. REGISTRATION OF NEIGHBORHOOD VEHICLES**

- A. Permit: A permit shall be issued within ten (10) business days upon the approval of an application from an owner of a neighborhood vehicle to operate a neighborhood vehicle upon the streets and roadways within the jurisdiction of the Village, except where expressly prohibited.
- B. Application: Any person requesting a permit shall submit an application to the Village Clerk on a form supplied by the Village, which shall contain, at a minimum, the following:
1. The owner's name, address, phone number, driver's license number, vehicle identification number (if available), make, and model of the vehicle,
  2. Proof of valid insurance information, which meets the requirements of 625 Illinois Compiled Statutes 5/7-601 et seq., specifically for the neighborhood vehicle to be operated on Village streets,

3. Signed and notarized Waiver of Liability by applicant, releasing the Village from any and all future claims resulting from the operation of their neighborhood vehicle, pursuant to this article, or any other ordinance of the Village,
  4. A certification, signed by a certified mechanic, that the mechanic has inspected the non-highway vehicle, that the non-highway vehicle is equipped as required by this article, and that all such equipment is in operational condition,
- C. Upon issuance, said permit shall be displayed on the rear of the vehicle as administratively required by the Village.
- D. Fee: An annual registration and permit fee of twenty-five dollars (\$25.00) per year for applicants age sixty-five (65) or older, and fifty dollars (\$50.00) per year for all other applicants, shall be submitted at the time of the application for the permit, and is subject to renewal each May 1 thereafter.
- E. Permit Renewal: A permit shall be valid for a period of one year, and it may be renewed upon application of the owner, in compliance with subsection B of this section.
- F. Transferability: A permit is nontransferable.
- G. Denial of Permit: A permit shall be denied only for the following reasons:
1. The vehicle is not properly titled with the Illinois Secretary of State, if required,
  2. The insurance information for the vehicle cannot be verified,
  3. The registered owner does not have a valid driver's license,
  4. The owner has provided any false information in their application, or
  5. The vehicle does not conform to the requirements of this article.
- H. False Information: It shall be unlawful for anyone to provide false information in the application for a permit to operate a neighborhood vehicle.

**Sec. 38-403. OBEDIENCE TO VEHICLE CODE.**

- A. Prohibited Streets: Except as may otherwise be expressly authorized in this article, it shall be unlawful for any person to operate a neighborhood vehicle as follows:
1. Upon any street which has a posted speed limit in excess of thirty-five (35) miles per hour.
  2. On the following roadways, except to make a direct crossing of the prohibited roadway at an intersection controlled by either four-way stop signs or traffic control signal light.
    - a) U.S. Route 45,
    - b) U.S. Route 136, and
    - c) Highways, streets, and roads under the jurisdiction of the Illinois Department of Transportation, or the county highway department.

#### **Sec. 38-404. OBEDIENCE TO VEHICLE CODE.**

- A. Every operator of a neighborhood vehicle shall obey all sections of 625 Illinois Compiled Statutes 5/1-100 et seq., the Illinois Vehicle Code, and all provisions of this article.
- B. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this article, or if there is evidence that the permit holder cannot safely operate the neighborhood vehicle on the designated roadways.
- C. Every person operating a neighborhood vehicle pursuant to a permit hereunder on designated village streets has all the rights and duties applicable to a driver of any other vehicle pursuant to the state highway traffic laws and regulations, except when those provisions cannot reasonably be applied to neighborhood vehicles.

#### **Sec. 38-405. PERMIT REVOCATION.**

- A. The permit issued pursuant to Section 38-402 may be revoked by the Chief of Police or his/her designee, if:
  - 1. There is any material misrepresentation made by the applicant on the application;
  - 2. The liability insurance, required by Section 38-402, is no longer in full force and effect;
  - 3. There is evidence, as determined in the sole discretion of the Chief of Police, or his/her designee, that the permit holder can no longer safely operate the non-highway vehicle;  
or,
  - 4. There has been a violation of any Ordinances of the Village, or provision of the Illinois Vehicle Code, by the permit holder.
- B. 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 required, to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after personal service, or on the third day after the postmark of the certified mail. In the event of revocation of a permit, the permit holder shall not be entitled to the return of any portion of the annual fee.
- C. Any permit holder who has had their permit revoked pursuant to this section, may appeal such revocation to the Village Administrator, who shall act as the hearing officer for such appeal. Any such appeal shall be filed within five (5) calendar days from the notice of revocation. The hearing date shall be no more than ten (10) calendar days after a request for an appeal has been filed.

If, after the hearing, the hearing officer determines by a preponderance of the evidence that the alleged violations support the revocation, the hearing officer shall enter an order sustaining the revocation. If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the alleged violations support a revocation, the hearing officer shall enter an order finding for the permit holder, and for the reinstatement of the

permit. If the permit holder requests an appeal, but fails to appear at such hearing, or fails to request an appeal in the time required, the permit holder shall be deemed to have waived his right to such a hearing, and the hearing officer shall enter a default order sustaining the revocation. The formal rules of evidence will not apply at any appeal hearing. Any sworn or affirmed report that is prepared in the performance of a law enforcement officer's duties and sufficiently describes the circumstances leading to the revocation, shall be admissible evidence, and it may be used support a revocation unless rebutted by clear and convincing evidence.

**Sec. 38-406 – 38-409. RESERVED.**

**Sec. 38-410. PENALTIES.**

- A. A violation of this article shall be punishable by a minimum fine of not less than two hundred fifty dollars (\$250.00), nor more than seven hundred fifty dollars (\$750.00).
- B. A conviction for a violation of this chapter shall result in suspension of the owner's permit issued under this article, which may only be reinstated by the Village Administrator.