

ORDINANCE NO. 2024-03

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES (ATV'S) IN ORDER TO REGULATE THE USE OF SUCH VEHICLES WITHIN THE TOWNSHIP TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, Atlanta Township (hereinafter, the "Township"), Logan County, Illinois is a township operating under and pursuant to the Illinois Township Code; and

WHEREAS, the Board of Trustees of Atlanta Township has determined it is in the best interest of the residents of the Township to adopt an All-Terrain Vehicle (ATV) ordinance; and

WHEREAS, the Board of Trustees of Atlanta Township has determined un-regulated roads for use by ATV's and vehicular traffic poses a health, welfare and safety concern.

NOW THEREFORE, BE IT ORDAINED and ENACTED by the Board of Trustees of Atlanta Township as follows:

1. Definitions

The term ATV or "all-terrain vehicle" shall be defined as set forth in the Motor Vehicle Code of the State of Illinois, as amended and supplemented to include any motorized off-road recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain, including but not limited to go-karts and multi-track, multi-wheel or low-pressure tire vehicles or similar two-wheel, three-wheel, four-wheel or belt-driven vehicles or an amphibious machine. The definition of ATV excludes golf carts, construction machines, utility vehicles used for business operations, agriculture, yard work, landscaping, snow removal or otherwise being used in the reasonable maintenance of a person's private property, or motorized vehicles being used for law enforcement, fire, emergency, military or other authorized governmental purposes. The definition also excludes mopeds, pedal cycles, motor-driving cycles or motorcycles, as those terms are defined by the Motor Vehicle Code of the State of Illinois.

The term "operate" is to be used in any manner within the boundaries of Atlanta Township, including but not limited to engine idling, engine revving and vehicle operation and movement. The term "operate" shall not include engine idling, engine revving and vehicle operation related to normal maintenance and repair of ATV's.

The term "owner" is any person who has legal title to the real property on which and ATV is being operated.

2. Liability

In accordance with the Motor Vehicle Code of the State of Illinois, as amended and supplemented, Atlanta Township assumes no liability whatsoever as a result of operation and use by ATV's on Township roads.

Operation and use are defined as follows:

- A. Public Space – no person shall operate any ATV on any public space in Atlanta Township.
- B. Owner permission – no person shall operate any ATV on private property without the written permission of the owner of the private property.
- C. Operation on public right-of-way – no person shall operate any ATV on a public right-of-way.
- D. Acreage and setback requirements – no ATV shall be operated on any property with a gross lot size of less than 2 acres to provide for adequate separation from adjacent properties and occupied structures on adjacent properties. No ATV shall be operated within 100 feet of any property line unless the operator has written consent of the owner of the abutting property.

3. Violations and penalties

Any person who violates or permits the violation of any provision of this ordinance shall, upon being found liable thereof in a criminal enforcement proceeding, pay the appropriate current fine based on Logan County Sheriff's Office fees and a fee of same amount to Atlanta Township for violation of said ordinance plus any additional fees to enforce said ordinance.

4. Severability

In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

5. Repealer

All resolutions or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the Township prior to the effective date of this Ordinance.

6. Effective Date

This Ordinance shall become effective upon enactment.

Duly ORDAINED and ENACTED this 8th day of October, 2024, at Atlanta Township, Logan County, Illinois by a roll call vote as follows:

BOARD OF TRUSTEES – ATLANTA TOWNSHIP

Supervisor Julie Osborn – yes

Trustee Becky Brandt – yes

Trustee Georgia Green – yes

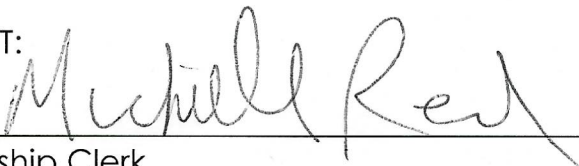
Trustee Chuck Van Hoorn – yes

Trustee Amy Wertheim – yes



Township Supervisor

ATTEST:



Township Clerk