

ORDINANCE NO. 2020- 18

AN ORDINANCE PROVIDING FOR THE REGULATION AND OPERATION OF  
NON-HIGHWAY VEHICLES ON CITY STREETS

WHEREAS, Section 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,” as that term is used and defined by 625 ILCS 5/11-1426.1, on roadways under their jurisdiction; and

WHEREAS, an all-terrain vehicle, as defined by 625 ILCS 5/1-101.8, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(1); and

WHEREAS, a golf cart, as defined by 625 ILCS 5/1-123.9, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(2); and

WHEREAS, an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1, is included within the definition of “non-highway vehicle” under 625 ILCS 5/11-1426.1(a)(3); and

WHEREAS, a recreational off-highway vehicle, as defined by 625 ILCS 5/1-168.8, is also included within the definition of “non-highway vehicle” as defined by 625 ILCS 5/11-1426.1(a)(4); and

WHEREAS, the City Council of the City of Beardstown has determined that the operation of golf carts and recreational off-highway vehicles on the streets, roads, alleys, and highways within the City should be permitted subject to the regulations and rules adopted from time to time by the City Council; and

WHEREAS, the City Council of the City of Beardstown have considered the volume, speed, and character of traffic generally experienced on the streets, roads, alleys, and highways within the City and have determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, golf carts and recreational off-highway vehicles may safely travel on and across the streets, roads, alleys, and highways within the City; and

WHEREAS, the City Council of the City of Beardstown find that the operation of golf carts and recreational off-highway vehicles on roadways within its jurisdiction will not jeopardize public safety; and

WHEREAS, the City Council of the City of Beardstown find that it is not in the best interest of the residents of the City to authorize the use of all-terrain vehicles or off-highway motorcycles on roadways within its jurisdiction; and

WHEREAS, no action by the City of Beardstown, whether in adopting this ordinance or otherwise, designates the operation of a non-highway vehicle as an intended and permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employee Tort Immunity Act.

THEREFORE, BE IT ORDAINED by the City Council of the City of Beardstown, Cass County, Illinois, as follows:

Section 1: The foregoing recitals are incorporated herein as the findings of the City Council of the City of Beardstown.

Section 2: Chapter 12, Motor Vehicles and Traffic, be amended by **adding** a new Article III - Regulation and Operation of Non-Highway Vehicles On City Streets, as follows:

**“Article III. - Regulation and Operation of Non-Highway Vehicles On City Streets**

**Section 12-50. - Definitions.**

- a. In general, the definitions of words and phrases set forth following Section 1-101 of the Illinois Vehicle Code, currently 625 ILCS 5/1-101.05 to 1-220, are hereby adopted, including as hereafter amended, as if set out at length herein, and made a part hereof for purposes of this Article.
- b. For all purposes of this Article, a “golf cart” is defined by 625 ILCS 5/1-123.9 as “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.”
- c. For all purposes of this Article, a “recreational off-highway vehicle” is defined by 625 ILCS 5/1-168.8 as “a 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.”
- d. For all purposes of this Article, the term “Non-Highway Vehicle” shall have the definition as defined in Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1.
- e. For all purposes of this Article, the term “Permitted Non-Highway Vehicle” shall include only a golf cart, as defined by Section 1-123.9 of the Illinois Vehicle Code, and a recreational off-highway vehicle, as defined by Section 1-168.8 of the Illinois Vehicle Code, which display a current inspection/permit sticker issued by the City of Beardstown, and the operator and the vehicle complies with all of the requirements and regulations contained in this Article.

**Section 12-51. Operation of Non-Highway Vehicles.** It shall be unlawful for any person to drive or operate a Non-Highway Vehicle upon any street, road, alley, or highway within the City of Beardstown, unless the Non-Highway Vehicle is a Permitted Non-Highway Vehicle.

**Section 12-52. Required Equipment for Permitted Non-Highway Vehicles.** A Permitted Non-Highway Vehicle must be equipped with the following equipment in good working order and condition at all times:

- a. Brakes;
- b. Steering wheel apparatus;
- c. Tires;
- d. Rearview mirror;
- e. Red reflectorized warning devices on the front and rear of the vehicle;
- f. A slow moving emblem (as required of other vehicles at 625 ILCS 5/12-709) on the rear of the vehicle;
- g. A headlight that emits a white light visible from a distance of at least five hundred (500) feet to the front;
- h. A tail lamp that emits a red light visible from a distance of at least one hundred (100) feet from the rear;
- i. Brake lights on the rear of the vehicle;
- j. Windshield;
- k. Horn;
- l. Front and rear turn signals;
- m. Seatbelts; and
- n. Any additional equipment that may from time to time be required by the Illinois Vehicle Code.

If at any time any of the foregoing equipment on a Permitted Non-Highway Vehicle is or becomes inoperable, the vehicle cannot be operated upon any street, road, alley, or highway within the City of Beardstown, and the vehicle must be either towed or otherwise transported or hauled off said roadways.

**Section 12-53. Applicable Regulations for Operation of Permitted Non-Highway Vehicles.** When operated on a street, road, alley, or highway under the exclusive jurisdiction of the City of Beardstown, a Permitted Non-Highway Vehicle shall be operated in accordance with the following regulations:

- a. All operators of Permitted Non-Highway Vehicles must be at least eighteen (18) years of age and must have a valid driver's license. Passengers must also be at least eighteen (18) years of age. All operators of Permitted Non-Highway Vehicles must either be an owner of record of the vehicle or the spouse of such owner with the same Beardstown address as the owner.

- b. The Permitted Non-Highway Vehicle shall have its headlights and tail lamps lighted at all times and shall display at all times the registration/inspection tag or sticker posted or affixed in a conspicuous and visible location on the vehicle.
- c. The Permitted Non-Highway Vehicle shall travel in the same direction as traffic but as near as possible to the right side of the roadway, and shall otherwise be operated in compliance with all traffic regulations set forth either in this Code or the Illinois Vehicle Code, as amended from time to time. Under no circumstances can a Permitted Non-Highway Vehicle be used to transport gasoline, diesel, or other flammable liquids.
- d. The Permitted Non-Highway Vehicle may only be operated on streets, roads, alleys, and highways where the posted speed limit is thirty-five miles per hour or less. This provision does not prohibit a Permitted Non-Highway Vehicle from crossing a street, road, or highway at an intersection where the street, road, or highway being crossed has a posted speed limit of more than 35 miles per hour, if otherwise permitted under this Article.
- e. A Permitted Non-Highway Vehicle may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic, nor may a Permitted Non-Highway Vehicle be operated on the following City streets: Arenz Street and March Street, each between the intersections with Sixth Street and Main Street.
- f. No person operating a Permitted Non-Highway Vehicle shall drive upon any highway under the jurisdiction of the State of Illinois, although a Permitted Non-Highway Vehicle may make a direct crossing across any highway under the jurisdiction of the State of Illinois at an intersection of the highway with another public street, road, or highway which is either under the jurisdiction of the City of Beardstown or upon which it is otherwise permissible for a Permitted Non-Highway Vehicle to drive. This Article does not authorize any person operating a Permitted Non-Highway Vehicle to drive upon or to cross any street, road, or highway under the jurisdiction of Cass County.
- g. No person shall operate a Permitted Non-Highway Vehicle, nor shall the owner of the Permitted Non-Highway Vehicle allow it to be operated, on the streets, roads, highways, or alleys within the City of Beardstown unless the vehicle is covered by a liability insurance policy and the operator of the vehicle carries within the vehicle evidence of such insurance pursuant to Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601 *et seq.*
- h. A person who operates or is in actual physical control of a Permitted Non-Highway Vehicle on a street, road, highway, or alley within the City of Beardstown while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, is subject to the provisions of 625 ILCS 5/11-501 through 625 ILCS 5/11-502.

- i. A Permitted Non-Highway Vehicle may transport only as many individuals as is the lesser of (1) the number of seats with seatbelts or (2) the maximum number of occupants designated by the manufacturer. The driver and each passenger must wear a properly adjusted and fastened seatbelt at all times. No individuals may ride on any portion of the vehicle other than seats with seatbelts.
- j. No Permitted Non-Highway Vehicle may be operated on a street, road, highway, or alley within the City of Beardstown before 7:00 a.m. or after sunset.

**Section 12-54. Permit to Operate a Non-Highway Vehicle.** It shall be unlawful to operate a Non-Highway Vehicle within the City of Beardstown without first having obtained a registration permit and inspection sticker therefor, under the following regulations:

- a. The owner of either a golf cart or recreational off-highway vehicle as defined herein may apply for an initial or renewal registration permit under this Article to operate the vehicle within the City of Beardstown as a Permitted Non-Highway Vehicle. The owner must be a Beardstown resident, and all applications for registration permits shall be made on a form supplied by the City, executed by the applicant, and shall contain the following information:
  - 1. Name and address of applicant and all other owners of the vehicle.
  - 2. Copy of the applicant's driver's license plus any other authorized drivers, limited to individuals with an ownership interest in the vehicle or the spouse of an owner who has the same Beardstown address as an owner.
  - 3. Proof of mandatory minimum liability insurance, including name of liability insurance carrier and policy number, as required under Article VI of Chapter 7 of the Illinois Vehicle Code, 625 ILCS 5/7-601 *et seq.*
  - 4. The serial number, make, model, and description of the golf cart or recreational off-highway vehicle.
  - 5. Signed Waiver of Liability by applicant releasing the City of Beardstown, its officers, agents, and employees, and agreeing to indemnify and hold the City harmless from any and all future claims arising from the operation of a Permitted Non-Highway Vehicle on a street, road, highway, or alley within the City of Beardstown;
  - 6. Such other information as the City may require.

- b. All applications including renewal applications shall be accompanied by the annual application/inspection fee of one hundred dollars (\$100.00). For purposes of this Section, a renewal application is an application for a registration permit for a designated non-highway vehicle which has been registered with the City previously by either the same applicant or by any other owner previously listed on an application for a designated vehicle. Permits issued pursuant to this Article shall be for a period of one (1) year, commencing May 1 of each year and terminating on April 30 of the following year. An initial application fee, but not a renewal fee, may be prorated if an initial application is received after May 1, as follows: applications received between May 1 and July 31 will be assessed a fee of \$100.00; applications received between August 1 and October 31 will be assessed a fee of \$75.00; applications received between November 1 and January 31 will be assessed a fee of \$50.00; and applications received between February 1 and April 30 will be assessed a fee of \$25.00. Renewal application/inspection fees shall be one hundred dollars (\$100.00) regardless of when the renewal application is received.
- c. Upon receipt of the completed application form, application materials, and fee required by this Section, the Chief of Police, or his/her designee, shall conduct an inspection of the vehicle to ensure its compliance with this Article. If the applicant's completed application and Non-Highway Vehicle meet the requirements of this Article, a tag or sticker which certify that the vehicle has passed inspection shall be furnished, and such tag or sticker shall be posted or affixed in a conspicuous and visible location on the vehicle as directed by the Chief of Police or his/her designee.
- d. Each permit shall be issued for operation of one (1) designated non-highway vehicle. Permits and stickers issued pursuant to this Article shall not be assignable or transferable to other vehicles.
- e. The permit issued pursuant to this Section may be suspended or revoked by the Mayor if, after investigation and recommendation by the Chief of Police, or his/her designee, the Mayor finds that there is sufficient evidence of any of the following:
1. There is any material misrepresentation made by the applicant on the application; or
  2. The required liability insurance is no longer in full force and effect; or
  3. There is evidence that the permit holder or any authorized driver can no longer safely operate the non-highway vehicle; or
  4. There has been a violation or any failure to comply with any of the provisions of this Article.

The Mayor shall notify the permit holder in writing of any decision to suspend or revoke the registration permit for a Permitted Non-Highway Vehicle, setting forth the

basis for the suspension or revocation. No portion of the application or renewal fee will be refunded in the event of the suspension or revocation of the registration permit. However, in the event a suspension is due to a failure to maintain liability insurance or a failure of the vehicle's equipment to comply with this Article or a similar correctable condition, the suspension may end upon documentation of the correction of the condition.

**Section 12-55. Violations and Penalties.** Any person violating or aiding or abetting the violation of any provision of this Article is guilty of a petty offense and shall be fined not less than \$250.00 but not more than \$750 per occurrence. Any second or subsequent offense shall also result in the revocation of the permit for a period of not less than one (1) year. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois or a provision of the Illinois Vehicle Code, then the violator shall also be subject to prosecution for that separate offense.”

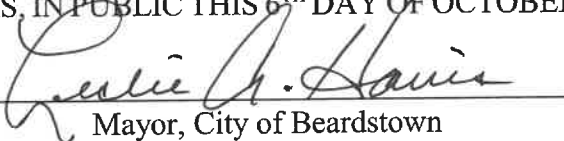
Section 3: All ordinances, parts of ordinances, and amendments to ordinances in conflict with any provision of this ordinance are repealed as of the effective date hereof.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

ADOPTED/REJECTED this 6<sup>th</sup> day of October, 2020, by vote of the City Council of the City of Beardstown as follows:

	Yes	No	Absent
Sally Lael	_____	<u>  x  </u>	_____
Missy Meyer	<u>  x  </u>	_____	_____
Gabe Seward	<u>  x  </u>	_____	_____
Mary Davis	<u>  x  </u>	_____	_____
Keith Schramm	<u>  x  </u>	_____	_____
Ron Culves	<u>  x  </u>	_____	_____
Robert Burget	<u>  x  </u>	_____	_____
Tim Harris	<u>  x  </u>	_____	_____

PASSED BY A MAJORITY OF THE COUNCIL MEMBERS THEN HOLDING OFFICE IN THE CITY OF BEARDSTOWN, ILLINOIS, IN PUBLIC THIS 6<sup>TH</sup> DAY OF OCTOBER, 2020.

  
 \_\_\_\_\_  
 Mayor, City of Beardstown

Attest:

  
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 City Clerk, City of Beardstown