

VILLAGE OF BIG ROCK

ORDINANCE NO. 2017- _____

**AN ORDINANCE REGULATING THE USE OF NON-HIGHWAY VEHICLES
(GOLF CARTS, ATV'S, ETC.) WITHIN THE VILLAGE OF BIG ROCK**

**ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BIG ROCK
THIS 26TH DAY OF DECEMBER, 2017**

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Big Rock, Kane County, Illinois
this 26th day of December, 2017

ORDINANCE NO. 2017-_____
AN ORDINANCE REGULATING THE USE OF NON-HIGHWAY VEHICLES
(GOLF CARTS, ATV'S, ETC.) WITHIN THE VILLAGE OF BIG ROCK

WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, authorizes municipalities to enact ordinances regulating certain non-highway vehicles (such as golf carts and ATV's) within its jurisdiction; and

WHEREAS, in the absence of such an authorizing ordinance by the Village, such non-highway vehicles are prohibited from traveling on any Village roadways; and

WHEREAS, the corporate authorities of the Village of Big Rock have given consideration to the traffic volume, speed and character of traffic on Village roadways, and have determined that the operation of non-highway vehicles on Village roadways subject to the regulations and requirements of this ordinance and 625 ILCS 5/11-1426.1 will not jeopardize the public safety; and

WHEREAS, the corporate authorities of the Village of Big Rock have determined that it is in the best interest of the health, safety and welfare of the residents of the Village to allow non-highway vehicles to travel on certain designated roadways within the Village and to enact this ordinance regulating the same.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Certain terms used in this ordinance are defined as follows:

A "non-highway vehicle" means a motor vehicle not specifically designed to be used on public highways and which is regulated by 625 ILCS 5/11-1426.1. Specific non-highway vehicles are further defined below.

An "all-terrain vehicle" is defined in 625 ILCS 5/1-108.8 and means 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.

A "golf cart" is defined in 625 ILCS 5/1-123.9 and means 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.

An “off-highway motorcycle” is defined in 625 ILCS 5/1-153.1 and means any motorized device designed to travel primarily off-highway on 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.

A “recreational off-highway vehicle” is defined in 625 ILCS 5/1-168.8 and means 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.

“Village streets” shall mean only those Village streets designated in Exhibit “A” attached hereto and incorporated herein where non-highway vehicles are allowed to operate pursuant to the requirements of this ordinance.

“State roads” shall mean all roads under the State’s jurisdiction, including Illinois Route 30.

“Township roads” and “County roads” shall mean all roads under the jurisdiction of the township and/or county road districts, respectively, and shall include any roads outside the boundaries of the Village limits.

Section 3: Non-highway vehicles, as defined herein, may be driven on Village streets, as designated herein, provided such vehicles and the operators of such vehicles comply with the requirements of this ordinance.

Section 4: The following regulations and requirements apply to all non-highway vehicles, as defined herein, operating on designated Village streets:

- A. All persons operating a non-highway vehicle on the designated Village streets shall comply with the following requirements:
 1. The operator must have proof of liability insurance as required by Article VI of Chapter 7 of the Illinois Vehicle Code.
 2. All non-highway vehicles must be equipped with the following:
 - a. Brakes.
 - b. Steering wheel apparatus.
 - c. Tires.
 - d. A rearview mirror.
 - e. Red reflectorized warning devices on the front and rear.

- f. A slow moving vehicle emblem (as required by other vehicles in 625 ILCS 5/12-709) on the rear.
 - g. A headlight that emits a white light visible from a distance of 500 feet to the front.
 - h. A tail lamp that emits a red light visible from at least 100 feet from the rear.
 - i. Brake lights.
 - j. Turn signals.
3. All non-highway vehicles shall have its headlight and tail lamps lighted when operated in low light conditions or after dusk.
 4. The driver must have a valid driver's license.
 5. All non-highway vehicles shall register with the Village and obtain a permit as required by Section 4 of this ordinance before being driven on Village streets and such permit shall be in the immediate possession of the driver whenever the non-highway vehicle is operated on Village streets.
 6. The non-highway vehicle may only be driven on Village streets with a posted speed limit of 35 miles per hour or less, and the speed of the non-highway vehicle shall not exceed 25 miles per hour.
 7. The crossing of State highways shall only be allowed at perpendicular angles of 90 degrees.
 8. The driver must obey all traffic laws of the State of Illinois and the Village.
 9. Non-highway vehicles 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 500 feet.
 10. A person who drives a non-highway vehicle or is in actual physical control of a non-highway vehicle while under the influence of alcohol or drugs is subject to the Illinois Vehicle Code, 625 ILCS 5/11-500, 625 ILCS 5/11-501 and 625 ILCS 5/11-502.
 11. Non-highway vehicles shall not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic.

Section 5: A violation of any of the provisions of this ordinance shall subject the owner and/or operator of the non-highway vehicle to one or more of the following penalties:

- A. Upon a determination by the Village's Zoning Enforcement Officer that the owner and/or operator has operated a non-highway vehicle in violation of any of the provisions of this ordinance or in violation of the applicable State highway traffic laws, such owner shall upon conviction be subject to a fine of not less than \$75.00

and not more than \$750.00 for such violation, plus the costs of prosecution. Each time that such a violation occurs shall subject to the owner of the non-highway vehicle to separate fine for each offense.

- B. Upon a determination by the Village's Zoning Enforcement Officer that the owner and/or operator has operated a non-highway vehicle in violation of any of the provisions of this ordinance or in violation of the applicable State highway traffic laws, the Village may pursue such other legal or equitable relief in a court of law as the Village sees fit.
- C. The remedies provided by this Section are cumulative and not exclusive.
- D. The owner of the non-highway vehicle and, if different, the operator of the non-highway vehicle are jointly and severally liable for violations of this ordinance.

Section 6: If any term or provision of this ordinance is determined by a court of law to be invalid or unenforceable for any reason, the remainder of this ordinance shall remain valid to the maximum extent possible.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 8: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 26th day of December, 2017.

Trustee Hanninen ____ Trustee Metzger ____ Trustee Lynch ____
Trustee McCannon ____ Trustee Walsh ____

PASSED by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 26th day of December, 2017.

SIGNED by the President of the Board of Trustees of the Village of Big Rock, Kane
County, Illinois, this 26th day of December, 2017.

Dean Hummell, President
Village of Big Rock, Illinois

ATTEST:

Tim May, Village Clerk
Village of Big Rock, Illinois

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CLERK’S CERTIFICATE

I, Tim May, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

ORDINANCE NO. 2017-_____

**AN ORDINANCE REGULATING THE USE OF NON-HIGHWAY VEHICLES
(GOLF CARTS, ATV’S, ETC.) WITHIN THE VILLAGE OF BIG ROCK**

was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on December 26, 2017 and approved by the Village President on December 26, 2017. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 26th day of December, 2017.

(SEAL)

Tim May, Village Clerk
Village of Big Rock, Illinois

EXHIBIT "A"

**DESIGNATED VILLAGE STREETS WHERE NON-HIGHWAY VEHICLES
MAY OPERATE WITH A VALID PERMIT**

All streets within the corporate limits of the Village of Big Rock except Granart Road.