

VILLAGE OF NEW BADEN, ILLINOIS  
ORDINANCE NO. 2013-06-03-A

**AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED  
NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION  
OF THE VILLAGE OF NEW BADEN, ILLINOIS**

WHEREAS, the Village of New Baden (“Village”), Clinton and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the Village of New Baden has determined that the operation of qualified non-highway vehicles should be allowed under certain conditions on the streets under the jurisdiction of the Village of New Baden; and

WHEREAS, the Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) authorizes municipalities, by ordinance, to permit qualified non-highway vehicles to operate upon the streets under the jurisdiction of the municipality; and

WHEREAS, the Village of New Baden has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1, qualified non-highway vehicles, as defined herein, may safely operate on designated streets within the jurisdiction of the Village.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Village Council of the Village of New Baden, as follows:

1. That a new Article VIII, entitled “Non-highway Vehicles”, shall be added to Chapter 24 of the Village of New Baden Revised Code of Ordinances, and shall read as follows:

**“ARTICLE VIII – NON-HIGHWAY VEHICLES**

**24-8-1 DEFINITIONS.**

“Golf Cart” 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.

“Non-highway vehicle” means a Recreational off-highway vehicle or Golf Cart, as defined in this Article.

“Recreational off-highway vehicle” 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.

“Seat Belts” means a set of belts or harnesses meeting the specifications established by the Illinois Department of Transportation and installed in such manner as to prevent or materially reduce the movement of the person using the belts or harness in the event of collision or upset of the vehicle

“Village Certified Inspector” means a person, company or corporation meeting the requirements of Section **24-8-7** of this Code.

“Village Streets” means any of the streets within the boundaries of the Village of New Baden.

**24-8-2 NON-HIGHWAY VEHICLES ON VILLAGE STREETS.** Non-highway vehicles, as defined and qualified herein, shall be allowed on Village Streets, subject to the conditions stated herein.

**24-8-3 REQUIREMENTS.** All persons operating a Non-highway vehicle on the Village Streets, must comply with the following requirements:

- (a) Must reside within the corporate limits of the Village of New Baden.
- (b) Must possess at all times, proof of current liability insurance meeting the requirements of Articles VI of Chapter 7 of the Illinois Vehicle Code.
- (c) Must possess a Non-highway vehicle permit from the Village, after first having the subject Non-highway vehicle inspected by a Village Certified Inspector.
- (d) Must display Village decal on the rear of the vehicle.
- (e) Must have a current, valid Illinois driver’s license.
- (f) Non-highway vehicles must be equipped with the following items, with such items being fully operational:
  - i. Horn;
  - ii. Brakes adequate to stop such vehicle when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material;
  - iii. Brake Lights;
  - iv. Turn Signals;

- v. A Steering Wheel Apparatus;
  - vi. Tires that do not have any part of a ply or cord exposed, have any tread or sidewall crack, cut, snag, or other surface interruption deep enough to expose a ply or cord, and do not contain any bulge, knot or separation;
  - vii. Seat Belts;
  - viii. Rearview Mirror;
  - ix. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - x. Two (2) headlights that emits a white light visible from a distance of 500 feet to the front which must illuminate when in operation;
  - xi. Tail Lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
  - xii. Any additional requirements which may be amended to 65 ILCS 5/11-1426.1 or any other provision of the Illinois Motor Vehicle Code.
- (g) Must obey all traffic laws of the State of Illinois and the Village of New Baden.
- (h) Must operate headlights and tail lamps at all times that the Non-highway vehicle is in use on the Village Streets.
- (i) Must be 18 years of age.
- (j) May not tow or pull any device or object behind the Non-highway vehicle.
- (k) Must be operated only on Village Streets, except where prohibited.
- (l) If traveling in a group of two (2) or more Non-highway vehicles, the Non-highway vehicles must travel in a single file line and may not travel side by side.
- (m) Must not be operated in excess of posted speed limit.
- (n) May only be operated between 6:00 a.m. and 11:00 p.m.
- (o) May not transport a number of passengers that exceeds the number of Seat Belts installed on the Non-highway vehicle.
- (p) The operator and all passengers must, all times during the operation of the Non-highway vehicle, wear the Seat Belts.
- (q) May not stand on the Non-highway vehicle at any time while the Non-highway vehicle is in operation.

- (r) May not leave the ignition key in the ignition cylinder while the Non-highway vehicle is unattended or parked on a Village Street.
- (s) 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 is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502).

**24-8-4 PROHIBITED LOCATIONS.** Operation of a Non-highway vehicle is prohibited in the following locations:

- (a) Illinois State Route 160 or Illinois State Route 161.
- (b) Sidewalks.
- (c) Any unpaved area of the Village Park, unless the operator first receives a written permit from the Village President for the operation of the Non-highway vehicle at a special event.
- (d) Streets, highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois State Route 160 and Illinois State Route 161) or the County Highway Department.

**24-8-5 RESERVED.**

**24-8-6 RESERVED.**

**24-8-7 VILLAGE CERTIFIED INSPECTOR.** Any person, company or corporation meeting the following requirements shall be deemed a Village Certified Inspector and shall be qualified to inspect Non-highway vehicles for Village residents applying for a Non-highway vehicle permit.

- (a) Certificate from Certifying Authority.
  - i. If the inspector is a natural person, the inspector shall possess a certificate from a recognizable certifying authority such as, but not limited to, National Institute for Automotive Service Excellence (ASE), Blue Oval, GM Goodwrench, or I-CAR.
  - ii. If the inspector is not a natural person, but is a company or corporation, the company or corporation must employ one or more natural persons that possess a certificate from a recognizable certifying authority such as, but not limited to, National Institute for Automotive Service Excellence (ASE), Blue Oval, or GM Goodwrench. Only employees that possess such certificates may perform inspections of Non-highway vehicles for Village residents applying for a Non-highway vehicle permit.

- (b) Statement of Inspection Standards. Any person, company or corporation seeking to become a Village Certified Inspector shall read and sign a Statement of Inspection Standards in a form prepared by the Village, and as amended from time to time, affirmatively stating at least the following:
- i. That the person, company or corporation shall only permit persons possessing a certificate from a recognizable certifying authority to perform such inspections;
  - ii. That the person, company or corporation understands and acknowledges the equipment requirements set forth in Section **24-8-3(f)** and affirmatively states that it will not issue a grade of passing for any Non-highway vehicle that does not comply with Section **24-8-3(f)**.
  - iii. That the person, company or corporation understands and acknowledges that a violation of subsections i. or ii., above, shall be grounds for immediate suspension or revocation the Village Certified Inspector designation.
- (c) Procedures for Obtaining Village Certified Instructor Certificate. Any person, company or corporation seeking to become a Village Certified Inspector shall submit to the Village Clerk the Certificate from Certifying Authority and Statement of Inspection Standards. If the Village Clerk determines that the Certificate from Certifying Authority and Statement of Inspection Standards comply with this Section, then the Village Clerk shall issue a Village Certified Instructor Certificate to such person, company or corporation. Upon receipt of the Village Certified Instructor Certificate from the Village Clerk, the Village Certified Instructor shall be permitted to perform inspections of Non-highway vehicles for the purpose of obtaining a Village Non-highway vehicle permit.

#### **24-8-8 PERMITS.**

- (a) No person shall operate a qualified Non-highway vehicle without first obtaining a permit from the Village Clerk, as provided herein. Each permit obtained shall be valid for one Non-highway vehicle. The cost of the permit shall be \$25.00. Each permit shall be valid for one (1) year, commencing on January 1, and expiring on December 31. The cost of a permit obtained during such term shall not be pro-rated to reflect the actual time remaining on such permit.
- (b) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
- i. Name and address of applicant;
  - ii. Name of liability insurance carrier and insurance policy number;

- iii. The serial number, make, model and description of the Non-highway vehicle;
- iv. Signed Waiver of Liability by applicant releasing the Village of New Baden and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of applicant's Non-highway vehicle on the Village Streets;
- v. Photocopy of applicable liability insurance coverage card specifically for the Non-highway vehicle to be operated pursuant to the permit;
- vi. Such other information as the Village may require.

(c) No permit shall be granted unless the following conditions are met:

- i. The Non-highway vehicle must be inspected by a Village Certified Instructor and submit an inspection form, in the form and substance determined by the Village and amended from time to time, completed by the Village Certified Instructor;
- ii. A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified Non-highway vehicle on Village Streets;
- iii. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

(d) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or there is evidence that permittee cannot safely operate a qualified Non-highway vehicle on the designated roadways.

**24-8-9 VIOLATIONS.** Any person who violates any provision of this Article VIII shall be guilty of an ordinance violation and shall be punished by a fine of not less than \$75.00, nor more than \$750.00. A second offense within a twenty-four (24) months period shall result in a six (6) month suspension of the permit. Any third or subsequent offense within a twenty-four (24) month period shall result in the revocation of the permit for a period of not less than five (5) years. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

2. This Ordinance shall take full force and effect thirty (30) days after passage by the Corporate Authorities.

PASSED and APPROVED this 3<sup>rd</sup> day of June, 2013.

(Signatures appear on the following page.)

Yeas: Linthicum, Oster, Nielsen, Mavrogeorge, Him.

Nays: None.

Absent: Malina.

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Christy Picard, Mayor

ATTEST:

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Teri Crane, Village Clerk