

VILLAGE OF MT. AUBURN  
ORDINANCE NO. 140

FILED  
JUL - 2 2013  
COUNTY  
CLERK

AMENDED  
ORDINANCE AUTHORIZING THE OPERATION OF NON-HIGHWAY VEHICLES ON  
VILLAGE OF MT. AUBURN STREETS

WHEREAS, this Agreement modifies and replaces the previous Non-Highway Vehicle Ordinance 132.

WHEREAS, residents of the Village of Mt. Auburn have requested the Village permit the use of golf carts and ATV's for travel on Village Streets; and

WHEREAS, the Mayor and the Board of Trustees of the Village of Mt. Auburn has considered the volume, speed and character of traffic on the village streets; and

WHEREAS, it is the intent of this Ordinance to regulate the use of non-highway vehicles within the corporate limits of the Village of Mt. Auburn as authorized by State Statutes 625 ILCS 5/11-1426.1 and 625 ILCS 5/11-1426.2.

NOW, THEREFORE, BE IT ORDERED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, ILLINOIS AS FOLLOWS:

**SECTION 1. Definitions**

"Non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

1. **Golf Cart**. 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 (pursuant to 625 ILCS 5/11-123.9).
2. **All-Terrain Vehicle**. 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 (625 ILCS 5/1-101.8).
3. **Off-Highway Motorcycle**. 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 (625 ILCS 5/1-153.1).

4. **Recreational Off-Highway Vehicle.** 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 (625 ILCS 5/1-168.8).

## **SECTION 2. Policy Statement**

This Ordinance is adopted in the interest of public safety. Non-highway vehicles are not designed or manufactured to be used on public streets and roads, hereinafter "street(s)," and the Village of Mt. Auburn in no way advocates or endorses their operation on streets. The Village, by regulating such operation is merely addressing safety issues. This Ordinance is not to be relied upon as determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating non-highway vehicles must be observant of, and attentive to the safety of themselves and other, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride non-highway vehicles on streets inside the Village of Mt. Auburn do so at their own risk and peril. The Village of Mt. Auburn has no liability under any theory of liability, for permitting non-highway vehicles to be operated on Village streets.

## **SECTION 3. Rules and Regulations**

Non-highway vehicles may only be operated on the streets within the Village of Mt. Auburn, but only in strict compliance with the following rules and regulations:

1. Any person who operates a non-highway vehicle as described herein takes full responsibility for all liability associated with operating the non-highway vehicle.
2. Any person who operates a non-highway vehicle on a city street must be at least eighteen (18) years of age and possess a valid drivers license to operate a motor vehicle issued by the Illinois or any other state. Said driver's license must be carried on them at the time the non-highway vehicle is being operated.
3. Any person who operates a non-highway vehicle must possess proof of liability insurance for personal injury and property damage with limits of liability not less than the minimum required by the State of Illinois for passenger vehicles. Said proof of insurance must be carried on the person or the non-highway vehicle at all times said vehicle is being operated on public streets.
4. Noise restriction: Operators of non-highway vehicles may not operate said vehicle in such a manner as to create excessive noise. Any complaints of noise violation could lead to a violation of this ordinance.
5. A non-highway vehicle must have its headlight and tail lights lighted at all times when operating on City streets as required by Section 12-201 of the Illinois Vehicle Code.

6. Non-highway vehicle may not be operated 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.

7. This ordinance does not authorize the use of non-highway vehicles on any State or County highways.

8. Non-highway vehicles may not be operated on city streets which have a speed limit greater than 35 mph. This Section does not prohibit non-highway vehicle from crossing a road or street at the intersection where the road or street has a posted speed limit of more than 35 miles an hour.

9. Non-highway vehicles must be equipped with the following:

- a. brakes
- b. steering apparatus,
- c. tires
- d. rearview mirror
- e. red reflectorized warning devices in the front and rear
- f. a slow moving emblem on the rear of the non-highway vehicle
- g. headlight that emits a white light visible from a distance of 500 feet to the front
- h. tail lamp that emits a red light visible from at least 100 feet from the rear
- i. brake lights
- j. turn signals
- k. horn

10. Any person who operates a non-highway vehicle in the Village of Mt. Auburn must adhere to all applicable State laws including but not limited to traffic control devices, possession of alcohol, operating a non-highway vehicle while under the influence of any drug or alcohol, and other laws concerning the rules of the road.

11. Non-highway vehicles must yield the right-of-way to overtaking vehicles at all times.

12. The maximum occupancy of non-highway vehicles will be that which is recommended by the manufacturer of said vehicle. If no manufacturer recommendation, then it will be limited to 1 person per bucket seat or two people per bench seat.

13. Children must be properly seated while non-highway vehicle is in motion and may not be transported in a negligent manner.

14. Non-highway vehicles shall not park in handicapped parking spaces unless the driver or at least one passenger has a valid handicap parking sticker.

15. All non-highway vehicles must be inspected by the Chief of Police of the Village of Mt. Auburn. Village retains the right to designate an alternative person to inspect said vehicle.

16. Each non-highway vehicle must have its own valid permit sticker from the Village of Mt. Auburn.

#### **SECTION 4. PERMITS**

1. No person shall operate a non-highway vehicle unless he or she has obtained a permit from the Village of Mt. Auburn.
2. Permits shall be granted for a period of one year and may be renewed annually.
3. Permits are not transferrable between owners.
4. The cost of permit is fifty (\$50.00) dollars per non-highway vehicle to cover the costs of implementing and maintaining this ordinance. Insurance coverage must be verified as in effect at the time of issuing or renewing a permit.
5. Non-highway vehicle must complete a permit application form., to apply for said permit. The completed forms will be maintained by the Village of Mt. Auburn police department. The Village of Mt. Auburn Police Department will issue visible proof of compliance that must be attached to the rear of the non-highway vehicle.

#### **SECTION 5. ENFORCEMENT**

1. Any act constituting a violation of this ordinance or failure to comply with any of its requirements is deemed a petty offense.
2. Any violation of this ordinance is punishable by a \$75:00 fine plus Court Costs. This includes but is not limited to:
  - a. operating an uninsured non-highway vehicle,
  - b. disobeying traffic rules (speed limits, giving right-of-way to faster vehicles, failure to yield, failure to obey traffic signs, driving on a roadway with a speed limit greater than 35 mph, etc.),
  - c. parking in a no-parking zone
  - d. parking in a handicap parking (without a handicap sticker)
  - e. driving a non-highway vehicle which is not properly equipped and operational as required by this ordinance
  - f. driving under the influence of drugs or alcohol
  - h. driving a non-highway vehicle without a license

- i. driving a non-highway vehicle under the age of 18
- j. driving a non-highway vehicle without a current permit
- k. exceeding the occupancy of the non-highway vehicle as provided herein

3. Payment for any violation is payable to the Village of Mt. Auburn within 30 days of receipt of said violation. Failure to pay the violation within 30 days will result in the revocation of the permit for the non-highway vehicle used in the commission of the violation of the ordinance. If permittee is the violator, the permittee may have all permits for all non-highway vehicles revoked which are in his or her name.

4. Repeat offenders may have the privileges granted by this Ordinance revoked by the Municipality upon recommendation by the Village of Mt. Auburn. Said revocation will be done with a letter. The alleged violator will have the right to appeal to the Village Board. The final decision will be made by the Village Board by a majority decision.

4. Upon investigation by and the recommendation of the Village of Mt. Auburn Police Department, the Municipality may suspend or revoke a permit granted hereunder based upon evidence that the permittee cannot safely operate the non-highway vehicle on the designated streets or has third parties to violate this ordinance. Said authorization need not be actual authorization but can be found by a negligence on the part of the Permittee to take all necessary precautions to ensure that this ordinance is followed.

**SECTION 6: EFFECT DATE**

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

ADOPTED this 6th day of MAY, 2013 pursuant to roll call vote as follows:

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NAYS:

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Bette Rankins  
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BETTE RANKINS, Village Mayor

ATTEST:

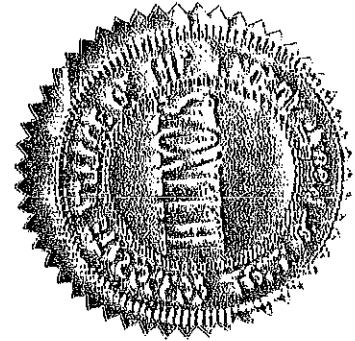
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FILED IN THE OFFICE OF THE VILLAGE CLERK

VILLAGE OF MT. AUBURN, ILLINOIS

ON THE 6th DAY OF MAY, 2013.

CERTIFICATE



STATE OF ILLINOIS )  
 )  
COUNTY OF CHRISTIAN )

I, Sharon Krachun, certify that I am the Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on May 6, 2013, the Board of Trustees of said Village passed and approved Ordinance No. 140, entitled "AN ORDINANCE AUTHORIZING THE OPERATION OF NON-HIGHWAY VEHICLES ON VILLAGE OF MT. AUBURN STREETS".

The pamphlet form of Ordinance No. 140 including the Ordinance and the cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, Commencing on May 6, 2013, and continuing for at least ten day thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois this 6th day of May, 2013.

Sharon Krachun  
Village Clerk

(SEAL)