VILLAGE OF MILLEDGEVILLE

ORDINANCE NO. 871

**ORDINANCE AMENDING CHAPTER 17
OF THE MILLEDGEVILLE VILLAGE CODE
AUTHORIZING THE USE OF NON-HIGHWAY VEHICLES**

ADOPTED BY THE

BOARD OF TRUSTEES

OF THE

VILLAGE OF MILLEDGEVILLE

THIS 5th DAY OF August, 2024

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ORDINANCE AMENDING CHAPTER 17 OF THE MILLEDGEVILLE VILLAGE CODE AUTHORIZING THE USE OF NON-HIGHWAY VEHICLES

WHEREAS, Section 11-1426.1 and 11-1426.2 of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.) provides that a municipality may authorize the operation of low speed and non-highway vehicles on roadways under its jurisdiction if the municipality determines that the public safety will not be jeopardized; and

WHEREAS, before permitting the operation of low speed and non-highway vehicles on its roadways, a municipality must consider the volume, speed, and character of traffic on the roadways and determine whether non-highway vehicles may safely travel on or cross the roadway; and

WHEREAS, the Police Chief of the Village of Milledgeville (the "Village") has conducted a study of the volume, speed and character of traffic on the Village's public streets, roadways and alleys and has determined that the allowance of specified low speed and non-highway vehicles on public streets, roadways and alleys and operation of the same will not jeopardize public safety; and

WHEREAS, the Village President and Board of Trustees the Village (collectively, the "Corporate Authorities") have taken into consideration the volume, speed and character of traffic on the Village's public streets, roadways and alleys and has determined that the allowance of specified low speed and non-highway vehicles on public streets, roadways and alleys does not jeopardize safety; and

WHEREAS, the Corporate Authorities desire to permit the operation of specified low speed and non-highway vehicles on the Village's public streets, roadways and alleys, all upon the terms and conditions as more specifically set forth herein.

NOW, THEREFORE, BE IT ORDAINED, by the Village President and Board of Trustees of the Village of Milledgeville, Carroll County, Illinois, as follows:

SECTION 1: The preambles to this Ordinance are true and correct and are hereby incorporated into this Section 1 by reference as if more specifically set forth herein.

SECTION 2: Chapter 17 of the Milledgeville Village Code, as amended, is hereby amended by the addition of a new "Article X" entitled "Non-Highway Vehicle Operation" to read as follows:

"ARTICLE X. – NON-HIGHWAY VEHICLES.

17-1001: Definitions.

For purposes of this article, the following terms and phrases shall have the meanings set forth in this section:

All-terrain vehicle shall mean any motorized off-highway device designed to travel primarily off highway, fifty inches (50") or less in width, having a manufacturer's dry weight of one thousand five hundred (1,500) pounds or less, traveling on three (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 lawn mowers.

Golf cart shall mean 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.

Low speed vehicle shall mean any 4-wheeled vehicle with a maximum speed greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour that conforms with the federal motor vehicle safety standards set forth in 49 C.F.R. Part 571.500.

Non-highway vehicle shall mean any recreational off-highway vehicle not specifically designed to be used on a public highway. For purposes of this article, non-highway vehicles shall include all-terrain vehicles, golf carts and recreational off-highway vehicles, but not low speed vehicles.

Recreational off-highway vehicle shall mean any motorized off-highway device designed to travel primarily off-highway, sixty four inches (64") or less in width, having a manufacturer's dry weight of two thousand (2,000) pounds or less for gas-powered engines or three thousand (3,000) pounds or less for electric-powered engines, traveling on four (4) or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. For purposes of clarity, these vehicles are commonly referred to as "UTVs" or side-by-sides.

Village streets shall mean the portion of any street, alley or roadway, improved, designed, or ordinarily used for vehicle travel or parking, located within the boundaries of the Village of Milledgeville, Illinois, excluding any highway under the jurisdiction of the State of Illinois, the County of Carroll, or the Township of Wysox.

17-1002: Operation of Non-highway Vehicles.

(A) The use of non-highway vehicles on the village streets shall be permissible subject to the provisions of this article. Non-highway vehicles may not be used on any toll road, interstate highway, controlled access highway or other highway or road under the jurisdiction of the state, except through permitted crossings as otherwise set forth in this article.

(B) When authorized by and pursuant to the provisions of this article, non-highway vehicles may be operated within the village only in compliance with all traffic rules and regulations established by the Illinois Vehicle Code or by village ordinance, and only those vehicles that comply with the equipment requirements of the Illinois Vehicle Code may be operated when otherwise authorized pursuant to this article. Nothing herein shall be interpreted or construed to permit a person who does not

possess a valid driver's license to operate a non-highway vehicle. A valid driver's license means a license issued in the name of the operator by the state or a foreign jurisdiction and in force at the time of operation of the vehicle.

17-1003: Requirements.

No person shall operate a non-highway vehicle on village streets unless the person and non-highway vehicle comply with the following requirements and conditions:

(A) the non-highway vehicle shall have a valid permit issued by the village in accordance with this article which shall be affixed to the rear of the vehicle and displayed and visible on the vehicle at all times;

(B) the operation of the non-highway vehicle must comply with the traffic laws published in the Illinois Vehicle Code concerning operation of motor vehicles and non-highway vehicles. Any person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of the Illinois Vehicle Code and all other applicable laws;

(C) if a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles shall not be operated on that street. A non-highway vehicle may cross across another roadway that is not a village street provided that the vehicle makes a complete stop before proceeding, makes the crossing at about a 90-degree angle, at an existing street intersection;

(D) the operator must have a current, valid driver's license in force at the time of operation of the non-highway vehicle;

(E) non-highway vehicles shall yield the right of way to all other vehicles and pedestrians at all times;

(F) the operator and all passengers shall wear a seat belt while driving if the non-highway vehicle is equipped with seat belts;

(H) the operator and all passengers must obey all traffic laws of the State of Illinois and the Village of Milledgeville;

(I) the operator of such non-highway vehicle shall be eighteen (18) years of age or older;

(J) non-highway vehicles shall not be driven on sidewalks or in village parks other than parking areas;

(K) the non-highway vehicle may not be operated in excess of thirty (30) miles per hour or the posted speed limit, whichever is lower;

(L) a non-highway vehicle shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog or other condition, or at any time

when light is insufficient to clearly see persons or vehicles on the village streets at a distance of five hundred feet (500'), in an unsafe or reckless manner, or in violation of any provision of this article;

(M) the operator and passengers shall not use or operate the vehicle in an unsafe manner as determined by the Milledgeville Police Department; and

(N) non-highway vehicles shall be operated only on village streets where the posted speed limit is thirty-five (35) miles per hour or less. The foregoing provision shall not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five (35) miles per hour.

17-1003: Vehicle Specifications and Use.

(A) No non-highway vehicles shall be operated on any village street unless equipped with all of the following in good operating condition:

1. brakes and working brake lights;
2. a steering apparatus (wheel or handlebars);
3. tires;
4. a rearview mirror;
5. red reflectorized warning devices in the front and rear of the vehicle;
6. a "slow moving vehicle" emblem on the rear of the vehicle as required by 625 ILCS 5/12-709;
7. a headlight that emits a white light visible from a distance of five hundred feet (500') to the front which will be illuminated when in operation;
8. a taillamp that emits red light visible from at least one hundred feet (100') from the rear which must illuminated when in operation;
9. working turn signals.

(B) Any person who operates a non-highway vehicle on a village street shall be subject to the mandatory insurance requirements set forth in Article VI of Chapter 7 of the Illinois Vehicle Code.

(C) All-terrain vehicles or UTVs can be used to plow snow in the winter or for other yard maintenance work including the spraying of weeds during times of growth.

(D) In addition to the regulations herein, non-highway vehicles shall be subject to any other applicable requirements of the Illinois Vehicle Code, as may be amended from time to time.

(E) The operator and the non-highway vehicle shall be subject to inspection by the Chief of Police or a representative of the Milledgeville Police Department to ensure compliance with the provisions of this article at any time.

17-1004: Permits.

(A) No person shall operate a non-highway vehicle without first obtaining a permit from the Chief of Police as provided herein. Permits shall be granted for a period of one (1) year. All permits shall expire on May 1 of each year, unless renewed with a new permit and sticker issued. The cost of a permit shall be determined by the board of trustees and set forth in a schedule of fees which shall be maintained on file and available for public inspection in the Office of the Village Clerk and which may be established and changed from time to time by a majority vote of the board of trustees. All permit application fees shall be deemed non-refundable. Insurance coverage shall be verified by the Milledgeville Police Department when issuing or renewing a permit. Permits shall not be transferable.

(B) Every application for a permit shall be made on a form supplied by the village and shall contain the following information:

1. the name and address of applicant;
2. the name of liability insurance carrier and policy number;
3. the VIN or serial number, make, model and description of the non-highway vehicle;
4. a signed waiver of liability by applicant releasing the Village of Milledgeville and its officers, president, trustees and employees and agreeing to indemnify and hold the Village of Milledgeville harmless from any and all future claims resulting from the operation of their non-highway vehicle on the village streets;
5. a photocopy of applicable liability insurance coverage card for the vehicle to be operated pursuant to the permit; and
6. any such other information the village may require.

(C) Notwithstanding anything to the contrary herein, no permit shall be granted unless the following conditions are met:

1. The vehicle must be inspected by the Milledgeville Chief of Police (or designee) to ensure that the non-highway vehicle is safe to operate on village streets and is in compliance with this article and the Illinois Vehicle Code;
2. The applicant must show a valid driver's license at the time of registration.
3. The applicant must provide evidence of insurance in compliance with

the provisions of all applicable Illinois statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the state of Illinois.

17-1005: Suspension or revocation of permit; hearing.

(a) For any proposed revocation or suspension of a permit issued pursuant to this article, a notice of hearing on such proposal shall be given in writing by the chief of police or village president, setting forth the grounds for the proposed revocation or suspension, and the time and place of hearing. Such notice shall be sent by certified mail, return receipt requested, at the address of the applicant set forth in the application for the permit, and shall be sent at least five (5) days prior to the date set for the hearing. If, prior to the hearing, the permit holder requests a continuance of the date of the hearing, the village president may impose a suspension of the permit pending the final hearing, and the final hearing shall be rescheduled for a date not later than fourteen (14) days following the request for continuance.

(b) At the hearing, the chief of police shall present the complaint on behalf of the village and shall offer evidence sufficient to justify the revocation or suspension, as applicable. The permit holder shall be allowed counsel and shall have the right to submit evidence and cross examine witnesses. The village president shall preside over the hearing and shall render a written decision to the permit holder within twenty (20) days following the conclusion of the hearing.

(c) Following the written decision of the village president, the permit holder shall have the right to appeal to the board of trustees. Such appeal shall be taken by filing with the village clerk a request to appeal within ten (10) days after notice of the written decision by the village president. The board of trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the permit holder in the same manner as provided in this section. The hearing shall be held at a date not earlier than five (5) days after notice is given, and may be held at a regularly scheduled meeting of the board of trustees. The decision of the board of trustees on such appeal shall be final and shall constitute a final administrative ruling, subject to review under the provisions of the state administrative review law (735 ILCS 5/3-101 et. seq.).

17-1006: Violations.

(a) The village, after notice and a hearing as provided for in this article, may suspend or revoke any permit granted hereunder upon determination that the holder thereof has violated any provision of this article or that the permit holder cannot safely operate a non-highway vehicle on village streets.

(b) In addition to suspension or revocation of the permit issued hereunder, any person found to be in violation of the provisions of this article shall be punished by a fine of not less than one hundred fifty dollars ($150.00) nor more than seven hundred fifty dollars ($750.00) for each offense. Any third or subsequent offense shall result in

an immediate revocation of the authority of such person to operate a non-highway vehicle on village streets for a period of not less than three (3) years. In addition, all court costs, which shall include all costs (including attorney's fees) incurred by the village in prosecuting any violation of this article, shall be recoverable from the person convicted of a violation of this article.

17-1007: Signage.

The village shall erect appropriate signs required by any applicable law or regulation and such other signs the village determines appropriate. Operators shall obey all signage."

SECTION 3: In all other respects, Chapter 17 of the Milledgeville Village Code shall remain in full force and effect.

SECTION 4: The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

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Approved this 5th day of August, 2024.

Village President

ATTEST:

Village Clerk

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