

Village of St. Jacob, Illinois

ORDINANCE NO. 17-587

**Passed and Approved
August 3, 2017**

**An Ordinance of the Village of St. Jacob
Permitting the use of Certain Non-
Highway Vehicles
Within the Corporate Limits of the
Village of St. Jacob, Illinois,
Effective August 3, 2017**

**VILLAGE OF ST. JACOB, ILLINOIS
ORDINANCE NO. 17-587**

**AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED
NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION
OF THE VILLAGE OF ST. JACOB, ILLINOIS**

WHEREAS, the Village of St. Jacob (“Village”), Madison County, 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 St. Jacob 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 St. Jacob; 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 St. Jacob 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 St. Jacob, as follows:

1. That a new Article IX, entitled “Non-Highway Vehicles”, shall be added to Chapter 24 of the Village of St. Jacob Revised Code of Ordinances, and shall read as follows:

“ARTICLE VIII – NON-HIGHWAY VEHICLES

24-9-1 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 Streets” means any of the streets within the boundaries of the Village of St. Jacob.

24-9-2 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.

24-9-3 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 St. Jacob.
- (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 the Chief of Police or Designee.
- (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 if originally equipped and installed by the manufacturer;
 - 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 St. Jacob.
- (h) Must operate headlights and tail lamps at all times that the Non-highway vehicle is in use on the Village Streets.
- (i) Must have a current, valid Driver's License issued by the State of Illinois or some other foreign jurisdiction; and
- (j) Must be 16 years of age.
- (k) May not tow or pull any device or object behind the Non-highway vehicle.
- (l) Must be operated only on Village Streets, except where prohibited.
- (m) 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.
- (n) Must not be operated in excess of posted speed limit.
- (o) May only be operated between 6:00 a.m. and 12:00 a.m.
- (p) May not transport a number of passengers that exceeds the number of Seat Belts installed on the Non-highway vehicle, if the Non-highway vehicle had Seat Belts installed by the manufacturer.
- (q) The operator and all passengers must, all times during the operation of the Non-highway vehicle, wear the Seat Belts.
- (r) May not stand on the Non-highway vehicle at any time while the Non-highway vehicle is in operation.

- (s) May not leave the ignition key in the ignition cylinder while the Non-highway vehicle is unattended or parked on a Village Street.
- (t) 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).

24-9-4 PROHIBITED LOCATIONS. Operation of a Non-highway vehicle is prohibited in the following locations:

- (a) U.S. Highway 40, Ellis Road, Marine Road, and Lake Road.
- (b) Sidewalks.
- (c) Any unpaved area of St. Jacob Park.
- (d) Streets, highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Highway 40, Ellis Road, and Marine Road) or the County Highway Department (Lake Road).

24-9-4, 24-9-5, 24-9-6 RESERVED.

24-9-7 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 \$35.00. 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 St. Jacob 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 the Chief of Police or Designee and submit an inspection form, in the form and substance determined by the Village and amended from time to time, completed by the Chief of Police or Designee;
- 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.

24-9-8 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 fifteen (15) days after passage by the Corporate Authorities.

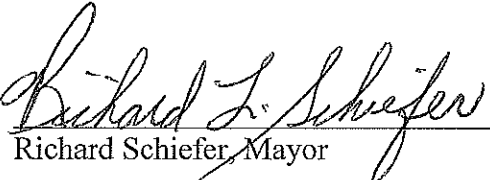
PASSED and APPROVED this 3rd day of August 2017.

(Signatures appear on the following page.)


Yeas: 3

Nays: 1

Absent:


Richard Schiefer, Mayor

ATTEST:


Kathy Becker, Village Clerk



VILLAGE OF ST. JACOB
 213 NORTH DOUGLAS
 ST JACOB, ILLINOIS 62281
 (618) 644-5666 FAX (618) 644-9431
 www.stjacobil.us

Non-Highway Vehicle Inspection Report

Date of Inspection: _____ Time of Inspection: _____

Applicant Name: _____

Applicant Address: _____

Vehicle Make: _____ Serial Number: _____

Please Check (x) to indicate compliance

	Horn;
	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;
	Brake Lights;
	Turn Signals;
	Steering Wheel Apparatus;
	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;
	Seat Belts if originally equipped and installed by the manufacturer;
	Rearview Mirror;
	Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
	Two (2) headlights that emit a white light visible from a distance of 500 feet to the front which must illuminate when in operation;
	Tail Lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
	Any additional requirements which may be amended to 65 ILCS 5/11-1426.1 or any other provision of the Illinois Motor Vehicle Code.

The above described vehicle was inspected and is in compliance with regulations set forth by Village Ordinances for operation within the Village of St. Jacob.

Inspector Name: _____

Signature of Inspector: _____

Inspection Type: New: _____

Renewal: _____



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**CHAPTER 24, ARTICLE VIII – NON-HIGHWAY VEHICLES
Ord.**

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.

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- (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;
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 - (h) Must operate headlights and tail lamps at all times that the Non-highway vehicle is in use on the Village Streets.
 - (i) Must have a current, valid Driver's License issued by the State of Illinois or some other foreign jurisdiction; and
 - (j) Must be 16 years of age.
 - (k) May not tow or pull any device or object behind the Non-highway vehicle.
 - (l) Must be operated only on Village Streets, except where prohibited.
 - (m) 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.
 - (n) Must not be operated in excess of posted speed limit.
 - (o) May only be operated between 6:00 a.m. and 12:00 a.m.
 - (p) May not transport a number of passengers that exceeds the number of Seat Belts installed on the Non-highway vehicle.
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 - (r) May not stand on the Non-highway vehicle at any time while the Non-highway vehicle is in operation.
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 - (t) 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).

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24-8-5 RESERVED.

- (a) **RESERVED.**

24-8-6 PERMITS.

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- (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 St. Jacob 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 the Chief of Police or Designee and submit an inspection form, in the form and substance determined by the Village and amended from time to time, completed by the Chief of Police or Designee;
 - 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.

24-8-7 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.



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**UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER,
DISCHARGE, AND COVENANT NOT TO SUE**

This is a legally-binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE made by me, _____ (hereinafter referred to as Operator) to the Village of St. Jacob (hereinafter referred to as the Village).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A NON-HIGHWAY VEHICLE ON VILLAGE STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY: INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE VILLAGE BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE VILLAGE AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OR ACTION, AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

I understand that the Village has an Ordinance governing the use of qualified non-highway vehicles on Village streets and hereby agree to conform with all requirements of the Village Ordinance at all times. I have had the opportunity to read said Ordinance and the "Permit Requirements Concerning Alternate Transportation for the Village of St. Jacob" and my signature below acknowledges that I will comply with this Ordinance and said Rules as well as all of the applicable traffic laws of the State of Illinois at all times when operating this non-highway vehicle on Village streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE ON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A NON-HIGHWAY VEHICLE ON VILLAGE STREETS, I RELEASE THE VILLAGE (AND THE VILLAGE BOARD OF TRUSTEES, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS, AND ACTIONS THAT MAY ARISE FROM INJURY OR HARM TO ME OR OTHERS, INCLUDING DEATH, OR FROM DAMAGE TO MY PROPERTY OR

PROPERTY OF ANY OTHER IN CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE ALSO COVERS LIABILITY, CLAIMS AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

I assure the Village that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the Village that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the Village harmless for any such medical costs or property damage.

I understand that this Release means I am giving up, among other things, rights to sue the Village, its Village Board of Trustees, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE. I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

WITNESSES

Operator's Signature

Date



VILLAGE OF ST. JACOB
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**Permit Requirements Concerning Qualified Non-Highway Vehicles
for the Village of St. Jacob**

1. 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 \$50.00. 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.
2. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
 - a. Name and address of applicant;
 - b. Name of liability insurance carrier and insurance policy number;
 - c. The serial number, make, model and description of the Non-highway vehicle;
 - d. Signed Waiver of Liability by applicant releasing the Village of St. Jacob 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;
 - e. Photocopy of applicable liability insurance coverage card specifically for the Non-highway vehicle to be operated pursuant to the permit;
 - f. Such other information as the Village may require.
3. No permit shall be granted unless the following conditions are met:
 - a. The Non-highway vehicle must be inspected by the Chief of Police or Designee and submit an inspection form, in the form and substance determined by the Village and amended from time to time, completed by the Chief of Police or Designee;
 - b. 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;
 - c. 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.
4. 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.