

VILLAGE OF CLAYTON
ORDINANCE NO 05-16-17
AN ORDINANCE CONCERNING THE OPERATION OF NON-HIGHWAY
VEHICLES ON VILLAGE STREETS AND TO PROVIDE PENALTIES FOR THE
VIOLATION THEREOF.

Whereas, the State of Illinois has permitted the Village to authorize and regulate the use of non-highway vehicles on village roads within the Village of Clayton, Illinois; and

Whereas, the Trustees of the Village of Clayton after considering the volume, speed and character of traffic located on streets within the City, finds that certain non-highway vehicles may be operated safely and it is in the best interest of the Village that Chapter 15 should be amended by adding the following concerning the operation of non-highway vehicles.

Now, Therefore, Be It Ordained, by the Trustees of the Village of Clayton, Adams County, Illinois, as follows:

Section 1. That the Municipal Code of the Village of Clayton of Illinois be and hereby is amended by adding thereto the following article:

Chapter 15
Article XI Non-Highway Vehicles

Section 15.1101 Definitions – The following definitions shall apply to this ordinance:

A. “Permitted Non-Highway Vehicle” shall mean a golf cart or recreational off-highway vehicle as described in this ordinance or by state statute. “Permitted Non-Highway Vehicle” shall not include all-terrain vehicles or off-highway motorcycles by the Illinois Vehicle Code.

B. “Golf Cart” shall mean a vehicle specifically designed and intended for the purpose 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.

C. “Recreational off-highway vehicle” shall mean 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.

Section 15.1102 Generally:

Subject to the rules and requirements set forth in this ordinance Article XI the use of permitted non-highway vehicles within the corporate limits within the Village of Clayton, Adams County, Illinois is authorized.

Section 15.1103 Requirements:

No person shall operate a or allow to be operated a non-highway vehicle on any roadway within the village limits unless at a minimum the permitted non-highway vehicle on any roadway within the village limits unless at a minimum the permitted non-highway vehicle has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from a least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

In Addition, no person shall operate or allow to be operated any permitted non-highway vehicle unless the following requirements are met:

- A. Proof of current liability insurance.
- B. Must be certified with the village and have the vehicles certified with the village by inspection by the Police Chief or designated representative.
- C. Must comply with the published “Rules concerning alternate transportation for the village of Clayton” as stated in section 15.1104 and as periodically updated.
- D. Must display village decal with year of purchase and placed in center of the slow-moving vehicle emblem.
- E. Must have a current, valid driver’s license.
- F. Must be eighteen (18) years of age, and a licensed driver.

Section 15.1104 Rules Concerning Alternate Transportation for the Village:

- A. Must obey all traffic laws of the State of Illinois and the Village.
- B. Must be operated only on village streets, except where prohibited.
- C. May not be operated on US Highway 24.
- D. May only be operated on streets/roadways that has a posted speed limit of thirty (30) miles per hour or less.
- E. A person operating or who is in actual physical control of a permitted 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).
- F. Permitted non-highway vehicles shall not be operated on sidewalks or in City Parks other than parking areas.
- G. Permitted non-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (US Highway 24).
- H. All operators of a permitted non-highway vehicle must adhere to the child restraint laws pursuant to the Illinois State Statutes.
- I. Any passenger of a permitted non-highway vehicle under the age of twelve (12), while in motion, must be in a sitting position and wearing a seatbelt.

J. A person is not eligible to operate a permitted non-highway vehicle upon any street, roadway, or highway within the corporate limits of the village unless he or she has a valid driver's license issued in his or her name by the Secretary of State.

K. Except as otherwise provided in paragraph (L), no person operating a permitted non-highway vehicle shall make a direct crossing upon or across any highway under state jurisdiction.

L. A person may make a direct crossing at an intersection controlled by a traffic light or two-way stop sign across a highway under the jurisdiction of the State if the speed limit on the highway is forty-five (45) miles per hour or less at the place of crossing.

M. The maximum number of passengers shall not exceed the number of seats available.

Section 15-1105 Permits:

A. No person shall operate a permitted non-highway vehicle without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. The cost of the permit is thirty-five (\$35) dollars. Insurance coverage is to be verified by the Police Department and in effect when obtaining or renewing a permit.

B. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:

1. Name and address of applicant.
2. Name of liability insurance company.
3. The serial number, make, model, and description of the permitted non-highway vehicle.
4. Signed waiver of liability by applicant releasing the village and agreeing to indemnify and hold the village harmless from all future claims resulting from the operation of their vehicle.
5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
6. Such other information as the village may require.

C. No permit shall be granted unless the following conditions are met:

1. The permitted non-highway vehicle must be inspected by the Chief of Police (or designee) to ensure that the permitted non-highway vehicle is safe to operate on village streets and is in compliance with this Article.
2. 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 number of operators per permitted non-highway vehicles will be limited to four (4) on the initial permit. Any additional operators beyond the four (4) will be subject to a fee set by the village.

E. The village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of the Article or there is evidence that permittee cannot safely operate a qualified permitted non-highway vehicle.

Section 15-1106 Vehicle Identification and Requirements:

A. Any permitted non-highway vehicle approved and permitted by the village shall be identified by a village issued sticker.

B. All permitted non-highway vehicles shall conform to regulations set forth in Illinois Vehicle Code Section 625 ILCS 11-1426.1(e) which include the following:

- a. Brakes
- b. Steering apparatus
- c. Tires
- d. Rearview mirror
- e. Red reflectorized warning device in front and rear.
- f. Slow moving emblem (required in Section 12-709 of the ILCS).
- g. White headlight emitting A light at least 500 feet to the front.
- h. Tail lamp emitting a red light at least 100 feet to the rear.
- i. Brake lights
- j. Turn signals

C. When in operation, vehicle shall have headlight and tail lamps lighted as required in 625 ILCS 5/12-201.

Section 15-1107 Violations:

A. Any permitted non-highway vehicle authorized for use on public streets by the passage of this Article will be subject to all local and State laws that generally apply to the respective Motor Vehicle Codes and any violation of either code will cause the operator of said vehicle to be eligible for criminal prosecution according to the laws of that code.

B. Any person who violates any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than seventy-five dollars (\$75) or more than five hundred dollars (\$500). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) or more than five (5) years. To the extent that any violation of this Article also constitutes a violation on a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution. Any person who violates this section is eligible but not entitled, in addition to any fine, to a sentence of supervision as ordered by the court.

Section 15-1108 Miscellaneous:

A. In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of the Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

B. This Article shall be in full force and become effective on enactment by the village.

C. Any Article, or portion thereof, of the village which is contrary to this Article shall be deemed to be replaced.

Section 2. Savings Clause: Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquitted, or liability incurred, or any

cause or causes of action acquired or existing, or permits or licenses issued under any act or ordinance hereby repealed or amended; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by the ordinance.

Section 3. Repeal: All ordinances and parts of ordinances in conflict with the provisions of this ordinance shall be the same are, to the extent of such conflict, hereby repealed.

Section 4. Severability: Those sections, paragraphs, and provisions of the village of Clayton code that are not expressly amended or repealed by this ordinance are hereby re-enacted, and it is expressly declared to be the intention of this ordinance not to repeal or amend any portions of the Clayton City Code other than those expressly set forth as amended or repealed in this ordinance. The invalidity of any section or provision of this ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 5. Effective Date: The Village Clerk is directed to publish this ordinance in pamphlet form by authority of the corporate authorities, and this ordinance shall be in full force and effect from and after its passage as provided by the law.

This ordinance is hereby passed the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Clayton, Illinois at a meeting of said Council.

Sannaal C Miller

mayor

Passed October 4th, 2016, by a majority vote of the City Council reflected as follows:
Aye-5 Nay-0 (1 board member absent)

Approved: Samual C. Miller, Mayor

Attest: Loretta E. Carroll, City Clerk

State of Illinois)
) ss.
County of Adams)

Certificate

I, Loretta Carroll, certify that I am the duly elected municipal clerk of the City of Clayton, County of Adams, State of Illinois.

I further certify that on October 4th, 2016, the Corporate Authorities of such municipality passed and approved Ordinance No 051617, entitled AN ORDINANCE CONCERNING THE OPERATION OF NON-HIGHWAY VEHICLES ON VILLAGE STREETS AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF, OF CLAYTON, ILLINOIS ENTITLED NEIGHBORHOOD AND PERMITTED NON-HIGHWAY VEHICLES, which provided by its terms that it should be published in pamphlet form.

DATED in Clayton, Illinois, this 4th day of October 2016.

(seal)

Loretta E. Carroll
Village Clerk

CLAYTON VILLAGE UTV/GOLF CART PERMIT APPLICATION

Instructions:

Complete this application and liability release form, contact the chief of police in Clayton or the village office to set up a meeting for inspection, your vehicle will need to be compliant with the following:

- Brakes
- Steering apparatus
- Tires
- Rearview mirror
- Red reflectorized warning device in front and rear.
- Slow moving emblem (required in Section 12-709 of the ILCS).
- White headlight emitting A light at least 500 feet to the front.
- Tail lamp emitting a red light at least 100 feet to the rear.
- Brake lights
- Turn signals

You will also need a copy of your driver's license and proof of insurance. Once the chief of police has approved your permit, come into the village office to pay the yearly \$35 fee, and receive your sticker. This sticker is valid for the current calendar year and must be renewed annually.

Date: _____

Applicant Name (s): _____

Address: _____

Phone #: _____

Applicant Driver's license #: _____

Vehicle Make: _____ Model: _____

Insurance Company: _____ Policy #: _____

I have received and read the Village of Clayton ordinance regarding this transportation permit. I understand that if I wish to operate this vehicle on the city streets that I am to renew this permit annually, which requires an inspection and proof of insurance in accordance with the above referenced ordinance.

Applicant Signature (s): _____

Inspected by Chief of Police

Clayton Police Department: _____

VILLAGE OF CLAYTON - 114 E MAIN ST - CLAYTON IL 62324

LIABILITY RELEASE

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 Clayton (hereinafter referred to as the Village).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I AMY BE EXPOSED BY OPERATING A GOLD CART OR UTILITY-TASK VEHICLE ON CITY 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 CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR OTHER LEGAL THEORY, IN CONNECTIN WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART OR UTV VEHICLE ON ANY CITY STREET.

THE OPERATOR(S), AS OF THE DATE BELOW SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE VILLAGE AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION AND COSTS OF WHATSOEVER KIND AND NATURE, INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURING IN CONNECTION WITH MY USE OF THIS GOLF CART OR UTV VEHICLE ON ANY CITY STREET.

I understand that the Village has an ordinance governing the use of qualified golf carts and UTV vehicles on Village streets and hereby agree to always conform with all requirements of the Village ordinance. I have had the opportunity to read said ordinance and the rules concerning alternative transportation for the Village of Clayton and my signature below acknowledges that I will comply with this ordinance and said rules, as well as all the applicable traffic laws of the State of Illinois always when operating this golf cart or UTV vehicle on Village streets.

I THEREFORE, AGREE TO ASSUME AND TAKE ON MYSELF ALL THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY, IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART OR UTV VEHICLE ON ANY VILLAGE STREET. I RELEASE THE VILLAGE (AND THE VILLAGE COUNCIL, 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 Council, 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.

Signature _____ Date _____

Witness Signature _____