

**AN ORDINANCE AUTHORIZING THE OPERATION OF NON-HIGHWAY VEHICLES ON
STREETS UNDER THE JURISDICTION OF THE VILLAGE OF ASHTON, ILLINOIS AND
MODIFYING PRIOR ORDINANCES REGARDING SAID OPERATION**

ORDINANCE NO.: 081423B

THE VILLAGE OF ASHTON

COUNTY OF LEE

STATE OF ILLINOIS

DATED THIS 14TH DAY OF AUGUST, 2023

VILLAGE OF ASHTON, STATE OF ILLINOIS

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ADOPTED BY THE VILLAGE BOARD
OF THE VILLAGE OF ASHTON, ILLINOIS
DATED THIS 14TH DAY OF AUGUST, 2023

Published in pamphlet form by the authority of the Village Board of Ashton, Lee County, Illinois,
this 14th day of August, 2023

STATE OF ILLINOIS)
) SS.
COUNTY OF LEE)


CERTIFICATE

I, Catherine G. Koks, certify that I am duly elected and acting Municipal Clerk of the Village of Ashton, Lee County, Illinois.

I further certify that on August 14, 2023 the Corporate Authorities of such municipality passed and approved an Ordinance entitled, AN ORDINANCE AUTHORIZING THE OPERATION OF NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION OF THE VILLAGE OF ASHTON, ILLINOIS AND MODIFYING PRIOR ORDINANCES REGARDING SAID OPERATION.

The pamphlet form of the Ordinance, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted on the municipal building, commencing on August 14, 2023 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Ashton, Illinois this 14th day of August, 2023



Catherine G. Koks, Municipal Clerk

ORDINANCE NO. 081423B

AN ORDINANCE AUTHORIZING THE OPERATION OF NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION OF THE VILLAGE OF ASHTON, ILLINOIS AND MODIFYING THE PRIOR ORDINANCE REGARDING SAID OPERATION.

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

WHEREAS, the Village of Ashton had previously authorized the operation of certain golf carts and other utility terrain vehicles in the Village of Ashton; and

WHEREAS, the Village Board of Ashton has determined it is in the best interests of the Village to amend the prior ordinances allowing and regulation non-highway vehicles within the Village to better suit the current models of non-highway vehicles available and to remain consistent with those ordinances of surrounding municipalities; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 et seq., authorizes municipalities, by ordinance, to permit non-highway vehicles to operate in the streets under the jurisdiction of the municipality; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 et seq., authorizes municipalities, by ordinance, to permit qualified non-highway vehicles to operate in the streets under the jurisdiction of the municipality if public safety would not be jeopardized; and

WHEREAS, the Village of Ashton 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 et seq., non-highway vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the Village; and

WHEREAS, the Village of Ashton wishes to enact an ordinance which shall allow qualified non-highway vehicles to operate on municipal streets upon the terms and conditions stated herein

NOW THEREFORE, be it ordained by the Village of Ashton as follows:

A. NON-HIGHWAY VEHICLES as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein and on all prior Ordinances or amendments thereto that are in conflict with the terms herein be and are hereby repealed.

B. DEFINITIONS:

1. **"Non-Highway Vehicle"** means a motor-driven vehicle not specifically designed to be used on a public street, highway, or thoroughfare, including golf carts and utility vehicles as defined in Sec. 11-1426.1 of the Illinois Vehicle Code 9625 ILCS 5/11-1426.1), possessing the following characteristics:
 - i. Non-highway vehicles much reach a minimum speed of 10 mph and maximum

- speed of 25 mph within the Village
- ii. Non-highway vehicles, for the purpose of this ordinance, are those with four wheels.
- iii. Non-highway vehicles, for this purpose, do not include vehicles operated by a driver straddling the apparatus.

- 2. **"Village Streets"** means any of the streets or alleys dedicated within the boundaries of the **Village of Ashton** except that Village streets should not include Cartwright Ave. or IL Route 38 (N. 1st St.), upon which there shall be no use of qualified golf carts or utility terrain vehicles.

C. OPERATION ON VILLAGE STREETS

- 1. The Village shall allow the operation of permitted non-highway vehicles on streets within the Village.
- 2. No person shall operate a non-highway vehicle on the streets of the Village without a permit from the Village of Ashton.
- 3. No person shall operate a non-highway vehicle on the streets of the Village outside of the hours of Sunday through Thursday from 6:00a.m. through 11:00p.m. and Friday through Saturday from 6:00a.m. through midnight.
- 4. No person shall operate a non-highway vehicle on streets within the Village that are under the jurisdiction of the Illinois Department of Transportation, to include, by not be limited to, IL Route 38 (N. 1st St.).
- 5. No person shall operate a non-highway vehicle on the streets of the Village without a valid driver's license (not to include a learner's permit)

D. AREAS OF OPERATION

- 1. Non-highway vehicles shall be permitted on roadways within the Village of Ashton's corporate limits with the following exceptions
 - i. IL Route 38 (N. 1st St.)
 - ii. Cartwright Ave.
- 2. It is not permitted to cross an excluded street with a speed limit posted of thirty five (35) miles per hour or less. However, said crossing must take place at a designated intersection, at a ninety (90) degree angle, providing no obstruction exists. The non-highway vehicle must come to a complete stop and yield to all oncoming traffic before crossing such roadway.
- 3. Non-highway vehicles are not permitted on private property other than that of the owner, sidewalks, or bicycle paths.

E. SAFETY REQUIREMENTS

- 1. All non-highway vehicles operated on a street within the Village must, at a minimum, have the following safety equipment:
 - i. Brakes
 - ii. Steering apparatus
 - iii. Four tires
 - iv. A rear-view mirror
 - v. Red reflectorized warning devices in front and rear
 - vi. Slow moving emblem on the rear
 - vii. A tail-lamp that emits a red light visible from at least 100 feet from the rear
 - viii. Turn signals
 - ix. Head light that emits a white light visible 500 feet from the front
 - x. Seat belt for each occupant

- xi. A current policy of liability insurance
2. Maximum occupancy is limited to the number of seats available in the vehicle.

F. REGISTRATION

1. All non-highway vehicles must be registered with the Village of Ashton on an annual basis. Registered vehicles must display a current permit sticker at all times.
2. Application: non-highway vehicle owners must truthfully complete an annual permit application at the Ashton Village Hall. Every application for a permit shall be made on the form supplied by the Village Clerk and shall contain the following information.
 - i. Name and address of applicant and vehicle owner, if different;
 - ii. Valid Driver's License Number;
 - iii. Vehicle Identification Number;
 - iv. Confirmation and acknowledgement that the vehicle contains all of the requisite safety equipment and will be covered by a policy of insurance for the term of the permit;
 - v. The serial number, make, model, and description of the non-highway vehicle;
 - vi. Signed waiver of liability releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of the non-highway vehicle on Village streets;
 - vii. Signed acknowledgment that application for and receipt of a permit allows the Village of Ashton or other law enforcement agencies to conduct a traffic stop or other inspection of the vehicle in order to check for compliance.
 - viii. Any such other and further information as the Village may require.
3. Cost: Permits shall be granted annually and will be for a period of one year, from May 1st to the following April 30th, with the cost for a first-time applicant to be \$50.00. Renewal permits shall cost \$50.00. The cost of a centurions (over the age of 100) application or renewal shall be \$25.00. Annual permit fees or application fees shall not be prorated.
4. Each permitted vehicle shall display their issued permit as to be visible from the rear of the vehicle on the Driver's Side.

G. PENALTIES

1. Any person violating the provisions of this section shall be guilty of an ordinance violation and shall be fined \$100. A second offense within a twenty-four-month period shall result in a fine of \$250.
2. A third offense within a twenty-four-month period shall result in a fine of \$500 and the revocation of the ability to retain or obtain a non-highway vehicle permit for one year.
3. Any person who owns, operations or is in physical control of a non-highway vehicle is subject to all provisions of the Illinois Vehicle Code including sections pertaining to driving under the influence and open alcohol containers.
4. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois of the Illinois Vehicle Code, 625 ILCS 5/1 et seq., then the violator shall be subject to the prosecution under the laws of the State of Illinois or the United States of America.

H. MISCELLANEOUS

1. In the event that a court of competent jurisdiction declares any particular provision of this ordinance to be invalid or unenforceable, the remaining provisions of this ordinance shall be construed to be valid and enforceable the invalidity of any part of this ordinance shall not affect any part of parts thereof.
2. This ordinance shall be in full force and effect from and after passage and approval as provided

- by law.
3. Any ordinance, or portion of thereof, of the Village of Ashton which is contrary to this ordinance shall be deemed to be repealed.
 4. In order to assist with enforcement of the provisions herein, the Village of Ashton and other law enforcement bodies may conduct a traffic stop to ensure compliance.

Adopted, Ordained and Approved this 14th day of August, 2023

<u>5</u>	Ayes
<u>0</u>	Nays
<u>1</u>	Absent
<u>0</u>	Abstain



Attested:

Catherine G. Koks
CATHERINE G. KOKS, Village Clerk

Approved:

TIM HENERT, Village President