

Village of Carbon Cliff

ORDINANCE NO. 2021-08

AN ORDINANCE ALLOWING THE OPERATION OF OFF-HIGHWAY VEHICLES IN THE VILLAGE OF CARBON CLIFF, ROCK ISLAND COUNTY, ILLINOIS BY CREATING TITLE 2, ARTICLE 4, SECTION 27 “Off Highway Vehicles”.

WHEREAS, the Village of Carbon Cliff (the “Village”) is a home-rule municipality in accordance with the Constitution of the State of Illinois of 1970; and,

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety, and welfare of its citizens; and,

WHEREAS, in exercise of its home-rule authority, the Village, through its President and Board of Trustees (the “Corporate Authorities”), has found and determined that providing the regulations for the operation of off-highway vehicles is in the best interest of the public health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carbon Cliff, Rock Island County, Illinois, as follows:

Section 1. The Code of Ordinances of the Village of Carbon Cliff is hereby amended by creating and adding Title II, Article 4, Section 27:

Section 27 – Off-Highway Vehicles (OHV’s). Off-Highway Vehicles as defined by this ordinance shall mean small engine vehicles such as Golf carts, All-Terrain Vehicles, and Utility Terrain Vehicles. Off-Highway Vehicles specifically defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

27.1 **Requirements.** All persons wishing to operate an Off-Highway Vehicle on the Village streets must ensure compliance with the following requirements:

- A. **Off-Highway Vehicle Requirements.**
 - 1. Proof of current liability insurance.
 - 2. Must be certified with the Village and be inspected by a designated representative.
 - 3. Must display a Village decal on the rear of the vehicle.
 - 4. Must be equipped as follows:
 - a. Horn; and
 - b. Brakes and brake lights; and
 - c. Turn signals; and

- d. Steering wheel or handlebar apparatus; and
- e. Tires; and
- f. Rearview mirror; and
- g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709); and
- h. Headlights that emit a white light visible from a distance of 500 feet to the front which illuminates when in operation; and
- i. Tail lamps that emit a red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
- j. Any additional requirements which may be amended to 625 ILCS 5/11-1428 of the Illinois Vehicle Code.

B. Driver Requirements.

- 1. Must have a current, valid Illinois driver's license.
- 2. Must obey all traffic laws of the State of Illinois.
- 3. Must be sixteen (16) years of age.

C. Must be operated only on Village streets, except where prohibited.

D. May not be operated on State Highways and County roads except at Designated Crossing Points. Designated Crossing Points shall only include any street intersecting with U.S. Route 84.

E. Must not be operated in excess of posted speed limit, and regardless, may not exceed 35 miles per hour.

F. A person operating or who is in actual physical control of an Off-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 Statute (625 ILCS 5/11-500 through 11-502).

G. Off-Highway Vehicles shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Village Board President for special events.

H. Off-Highway Vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Route 84) of the County Highway Department except to cross at Designated Crossing Points.

I. Each Off-Highway Vehicle may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individual may ride on any other person or portion of the OHV.

27.2 Permits.

A. No person shall operate a qualified an Off-Highway Vehicle without first obtaining a permit from the Village Clerk as provided herein.

- B. Permits shall be granted for a period of only one year from the date designated on the permit.
- C. The Village Clerk may issue such a permit for any date approved of and designated by the Village Board of Trustees.
- D. The cost of the permit is \$25.00. Such fee will be waived for any applicants who have a disabled parking designation issued by the State of Illinois.
- E. Insurance coverage is to be verified to be in effect by the Sheriff's Department when obtaining and renewing a permit.
- F. 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; and
 - 2. Name of liability insurance carrier; and
 - 3. The serial number, make, model, and description of the OHV; and
 - 4. Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their OHV on Village streets; and
 - 5. Photocopy of applicable liability insurance coverage and specifically for the vehicle to be operated pursuant to the permit; and
 - 6. Such other information as the Village may require.
- G. No permit shall be granted unless the following conditions are met:
 - 1. The vehicle must be inspected by the designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with this article and with the State of Illinois Vehicle Code; and
 - 2. A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified OHV on Village streets; and
 - 3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statute regarding minimum liability insurance.
- H. The Village may suspend or revoke any permit granted hereunder upon a finding that the holder thereof has violated any provision of this article or there is evidence that permitted cannot safely operate a qualified off-highway vehicle on the designated roadways.
- I. The Village Clerk shall be authorized to issue a permit on only such days as may be approved by the Village Board of Trustees.

27.3 Violations and Penalties.

- A. Any failure of an individual to abide by this Ordinance or otherwise secure a permit provided herein when operating an off-highway vehicle upon the streets of the Village shall subject the violator to a fine of \$75.00 minimum and \$750.00 maximum.
- B. The fines under this section shall double for each subsequent offense within one year from the date of the first offense.

Section 2. The provision of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 3. Any Ordinance or parts of Ordinances thereof in conflict with all or any part of this Ordinance are hereby repealed in so far as they conflict.


Section 4. Any violation of this Ordinance will result in a fine under the general penalty clause of the Village of Carbon Cliff, Rock Island County, Illinois.

Section 5. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.


PASSED by the Board of Trustees of the Village of Carbon Cliff, Rock Island County, Illinois, this 6th day of July 2021, pursuant to a roll call vote as follows:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>		
Todd Cantrell	_____	_____	_____ x _____		
Keith Curry	_____ x _____	_____	_____		
Robert Dreher	_____ x _____	_____	_____		
Leevon Harris	_____ x _____	_____	_____		
Alma Neels	_____ x _____	_____	_____		
Larry Scott	_____ x _____	_____	_____		
Ayes:	5	Nays:	0	Absent:	1

APPROVED by the President of the Village of Carbon Cliff, Rock Island County, Illinois this 6th day of July 2021.



Bill G. Hintz – Village President
Village of Carbon Cliff

ATTEST: 

Carly Neblung – Village Clerk
Village of Carbon Cliff



Application for Off-Highway Vehicle Permit
“Golf Carts, All-Terrain Vehicles, Utility Terrain Vehicles”

Village of Carbon Cliff, Illinois

1001 Mansur Avenue

Carbon Cliff, Illinois 61239

PRINTED Name of Applicant: _____

Full Address of Applicant: _____

Name and Policy Number of Liability Insurance: _____

Serial Number, Make, Model, and description of OHV: _____

By my signature below, I certify that:

1. I will obey all traffic laws of the State of Illinois.
2. I am over sixteen (16) years of age.
3. I understand that an OHV can only be operated on Village streets, except where prohibited.
4. I understand that I must maintain applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit.
5. I understand that I am not to operate OHV in excess of posted speed limit, and regardless, may not exceed thirty-five (35) miles per hour.
6. I understand that a person operating or who is in actual physical control of an OHV as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statute (625 ILCS 5/11-500 through 11-502).
7. I understand that off-highway vehicles shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Village Board President for special events.
8. I understand that off-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Route 84) of the County Highway Department except to cross at Designated Crossing Points. No person operating an OHV shall make a direct crossing upon or across any highway under the jurisdiction of the State, toll road, interstate highway, or controlled access highway in this State. **A person may make a direct crossing at an intersection controlled by a traffic light or 4-way stop sign upon or across a highway under the jurisdiction of the State if the speed limit on the highway is 35 miles per hour or less at the place of crossing. (625 ILCS 5/11-1426.1)**
9. I understand that each OHV may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individual may ride on any other person or portion of the OHV.
10. I hereby release the Village and agree to indemnify and hold the Village harmless from any and all claims resulting from the operation of an off-highway vehicle on the Village streets.

Signature: _____

Date: _____

DATE APPLICATION RECEIVED: _____

\$25.00 APPLICATION PAYMENT RECEIVED: _____

CERTIFICATION BY THE VILLAGE OF CARBON CLIFF:

- Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit.
- Review of Driver's License.
- Off-Highway Vehicle Equipped as follows:
 - Horn.
 - Brakes and Brake Lights.
 - Turn Signals.
 - Steering Wheel or Handlebar Apparatus.
 - Tires.
 - Rearview Mirror.
 - Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709)
 - Headlights that emit a white light visible from a distance of five hundred feet (500') to the front which illuminates when in operation.
 - Tail lamps that emit a red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation.

I have inspected the off-highway vehicle as indicated above and approve issuance of permit.

SIGNATURE OF VILLAGE OFFICIAL: _____ DATE: _____

DATE PERMIT ISSUED: _____ (EXPIRATION DATE IS ONE YEAR FROM ISSUANCE)

STICKER NUMBER: _____ (STICKER IS TO BE PLACED ON RIGHT REAR OF CART)

PROCEDURES FOR OBTAINING AN OFF-HIGHWAY VEHICLE PERMIT

1. Fill out application form and submit to Village Clerk Office.
2. Village Clerk's Office will:
 - a. Date and initial back of application with receipt date.
 - b. Return a photocopy of front of application to person along with copy of Village Ordinance and copy of Illinois State Law.
 - c. Obtain information from applicant as to when and where the Village can conduct inspection of OHV.
3. After Village inspects and completes paperwork, sticker will be issued upon payment of the \$25.00 fee.
4. Chart of "Approved and Issued OHV Permits" will be completed and all forms will be appropriately filed.

Illinois State Law Governing Golf Cart Operation

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of non-highway vehicles on streets, roads, and highways.

(a) As used in this Section, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

- (1) an all-terrain vehicle, as defined by Section 1-101.8 of this Code;
- (2) a golf cart, as defined by Section 1-123.9;
- (3) an off-highway motorcycle, as defined by Section 1-153.1; and
- (4) a recreational off-highway vehicle, as defined by Section 1-168.8.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway vehicle is authorized under subsection (d), the non-highway vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does 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 35 miles per hour.

(b-5) A person may not operate a non-highway vehicle upon any street, highway, or roadway in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction.

(c) No person operating a non-highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State except at an intersection of the highway with another public street, road, or highway.

(c-5) (Blank).

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. The unit of local government or the Department may restrict the types of non-highway vehicles that are authorized to be used on its streets.

Before permitting the operation of non-highway vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway vehicles may safely travel on or cross the roadway. Upon determining that non-highway vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway vehicle may be operated on a roadway unless, at a minimum, it 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 this 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 at 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.

(f) A 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 this Code.

(g) Any person who operates a non-highway vehicle on a street, highway, or roadway shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of this Code.

(h) It shall not be unlawful for any person to drive or operate a non-highway vehicle, as defined in paragraphs (1) and (4) of subsection (a) of this Section, on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land.

Non-highway vehicles, as used in this subsection (h), shall not be subject to subsections (e) and (g) of this Section. However, if the non-highway vehicle, as used in this Section, is not covered under a motor vehicle insurance policy pursuant to subsection (g) of this Section, the vehicle must be covered under a farm, home, or non-highway vehicle insurance policy issued with coverage amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code. Non-highway vehicles operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

Non-highway vehicles, as used in this subsection (h), shall not make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State.

Non-highway vehicles, as used in this subsection (h), shall be allowed to cross a State highway, municipal street, county highway, or road district highway if the operator of the non-highway vehicle makes a direct crossing provided:

- (1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) the non-highway vehicle is brought to a complete stop before attempting a crossing;
- (3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and
- (4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

(i) No action taken by a unit of local government under this Section designates the operation of a non-highway vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 97-144, eff. 7-14-11; 98-567, eff. 1-1-14.)