

ORDINANCE NO. 13-120

**AN ORDINANCE AUTHORIZING THE  
OPERATION OF QUALIFIED NON-HIGHWAY VEHICLES  
WITHIN THE MUNICIPAL LIMITS OF THE  
VILLAGE OF HOFFMAN, ILLINOIS**

**PREAMBLE:**

WHEREAS, the Trustees and President of the Village of Hoffman have 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 Hoffman; 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 on the streets under the jurisdiction of the municipality; and

WHEREAS, the Village of Hoffman has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that qualified non-highway vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the Village; and

WHEREAS, it is in the best interest of the citizens of the Village of Hoffman to enact an ordinance to permit qualified golf carts, all terrain vehicles, and recreational off-highway vehicles to operate on municipal streets upon the terms and conditions stated herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES AND PRESIDENT OF  
THE VILLAGE OF HOFFMAN, ILLINOIS, AS FOLLOWS:**

- A. Non-Highway vehicles, as defined and qualified herein shall be allowed to be operated on streets, alleys, and parking lots under the jurisdiction of the village under the conditions as stated herein.
- B. Only the following are non-highway vehicles for purposes of this ordinance:
  - (1) A "Golf Cart", as defined herein, is 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. 625 ILCS 5/11-123.9
  - (2) A "Recreational Off-Highway Vehicle" is a 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. 625 ILCS 5/11-168.8.

- (3) ATV's as defined by 625 ILCS 5/11-101.8 are prohibited.
- (4) "Village Streets" means any of the streets and public alleys and parking lots within the jurisdiction of the Village.

C. In order for a non-highway vehicle to be operated on village streets it shall at all such times meet the following requirements:

- (1) It shall display a current village permit decal affixed to the rear of the vehicle in a prominent position.
- (2) It must at all times be covered by current liability insurance clearly identifying coverage for operation of the specific non-highway vehicle a copy of which shall also be placed on file with the village.
- (3) The vehicle must be equipped as follows:
  - (a) Horn;
  - (b) Brakes and Operating Brake Lights;
  - (c) Turn Signals visible from the front and rear and properly functioning;
  - (d) A Steering Apparatus;
  - (e) Tires;
  - (f) Rearview Mirror;
  - (g) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - (h) Red reflector warning devices in both the front and rear;
  - (i) A headlight that emits a white light visible from at least 500 feet to the front which must illuminate when the vehicle is in operation;
  - (j) A Tail Lamp that emits a red light visible from at least 100 feet to the rear which must illuminate when the vehicle is in operation;
  - (k) Seat belts for operator and all passengers to the extent required by Federal or State Regulations. If seat belts were installed by the manufacturer or dealer when the vehicle was first purchased, they may not be removed. All vehicles with rear facing seats must be equipped with seat belts for all passengers in rear facing seats, regardless of manufacturers original equipment.
  - (l) Any additional requirements which may be amended to the Illinois Motor Vehicle Code or ordinances of Village relative to non-highway vehicles.

D. The following rules shall apply to the operation of non-highway vehicles on Village streets and breach thereof shall constitute an Ordinance Violation by the operator:

- (1) The operator shall obey all traffic laws of the State of Illinois and the Village of Hoffman.
- (2) The operator shall have a current, valid Illinois driver's license and must be at least 18 years of age.
- (3) The operator and all passengers shall wear seatbelts, if installed, when the vehicle is in operation. No passenger may occupy a rear facing seat unless equipped with and the passengers are wearing seatbelts.
- (4) Vehicles shall be operated only on village streets and public alleys, and parking lots, except vehicles may not be operated on Broadway or Illinois Route 161.
- (5) A Non-Highway Vehicle may cross Broadway only in a direction perpendicular to it and only at an intersection of a public road or alley. A Non-Highway Vehicle may make a direct crossing of Highway 161 at an intersection controlled by a traffic light or four way stop signs but only if the speed limit on Route 161 at the intersection or public alley in question is 35 miles per hour or less. 625 ILCS 5/11-1426.1 (c-5)
- (6) Vehicles shall not be operated in an excess of 25 miles per hour or the posted speed limit whichever is less.
- (7) A person operating or who is in actual physical control of a vehicle as described herein on a roadway while under the influence of alcohol or a controlled substance is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502).
- (8) Vehicles shall not be operated on sidewalks.
- (9) Vehicles shall be operated only during the hours of 6:00 a.m. to 10:00 p.m.
- (10) Vehicles shall have front head lamps and red tail lights lighted at all times when vehicles are in operation.
- (11) There shall be no more occupants than the number of factory



installed seats or the maximum occupant specification of the manufacturer, whichever is less.

**E. PERMITS.**

- (1) No person shall operate a non-highway vehicle which does not display a current paid permit decal from the Village as provided herein. The cost of the annual permit is \$30.00 which is due before March 1 of each year. Permit fees will not be prorated for a partial year. If a vehicle owner replaces a permitted vehicle with another qualified vehicle, the permit may be transferred to the second vehicle with no fee provided a new permit application is filed and the second vehicle meets all requirements hereunder. This free transfer may only be used by a vehicle owner once per permit year.
- (2) Insurance coverage shall be verified to be in effect by the designated representative of Village and a copy thereof retained by the Village at each time a permit is issued or renewed.
- (3) Every application for a permit or renewal shall be made on a form supplied by the Village and shall contain the following information:
  - (a) Name and address of applicant;
  - (b) The serial number, make, model and description of the vehicle;
  - (c) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit, including insurance company name and policy number. The evidence of insurance must show that the insurance is 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) Signed Waiver of Liability by applicant releasing the Village of Hoffman and its employees, officers, and elected officials, and agreeing to indemnify, defend, and hold the Village and its employees, officers, and elected officials harmless from any and all future claims resulting from the operation of the vehicle on the streets of the Village of Hoffman.
  - (e) Such other information as the Village may require.
- (4) No permit shall be granted or renewed unless the following conditions are met:
  - (a) The vehicle must be inspected by a designated representative of

Village to insure that the vehicle appears to be safe to operate on Village streets and in compliance with this Ordinance and with the State of Illinois Motor Vehicle Code;

- (b) Inspection by Village is for purposes of this ordinance only. Village's designated representative is not a mechanic or professional inspector and issuance of a permit by Village does not certify that the owners and operators are free from fault if the vehicle is not in fact safe or does not in fact comply with every requirement of State Law or this ordinance.
  - (c) A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified vehicle on Village streets;
- (5) The City 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 the permittee cannot safely operate a qualified vehicle on the designated roadways.

#### F. VIOLATIONS.

A person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than \$100.00. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of this Ordinance also constitutes a violation of criminal statutes of the State of Illinois, the violator shall also be subject to criminal prosecution.

#### G. 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 or parts thereof.
- (2) This Ordinance, or portion thereof, of the Village of Hoffman which is contrary to this Ordinance shall be deemed to be repealed.

**NON-HIGHWAY VEHICLE INSPECTION REPORT**

Date of Inspection: \_\_\_\_\_

Time of Inspection: \_\_\_\_\_

APPLICANT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
(Street) (City) (State) (Zip)

PHONE: \_\_\_\_\_

(Please "X" one)  Golf Cart  Recreational off-highway vehicle

VEHICLE MAKE: \_\_\_\_\_ SERIAL NUMBER: \_\_\_\_\_ MODEL: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Color) (# of Seats) (Distinguishing Features)

**ITEM**

**NOTES**

**Please check (X) to indicate compliance:**

- Copy of Village Non-Highway Vehicle Ordinance to Applicant  \_\_\_\_\_
- Brakes and Operating Brake Lights  \_\_\_\_\_
- Steering Apparatus  \_\_\_\_\_
- Tires  \_\_\_\_\_
- Rearview Mirror  \_\_\_\_\_
- Turn Signals Operable and Visible Front & Rear  \_\_\_\_\_
- Approved "Slow moving Vehicle" Sign  \_\_\_\_\_
- Red Reflector Warning Devices (front & rear)  \_\_\_\_\_
- Headlight (visible 500 feet)  \_\_\_\_\_
- Red Tail Lamp (visible 100 feet)  \_\_\_\_\_
- Seat Belts for Driver and all passengers as required  \_\_\_\_\_
- Proof of Liability Insurance, copy kept for village  \_\_\_\_\_
- Hold Harmless and Release of Liability Form  \_\_\_\_\_

The above-described vehicle was inspected and  is/is not  in compliance with regulations set forth by Ordinance designated for operation within the Village of Hoffman.

**PERMIT GRANTED:**  NEW  RENEWAL  **PERMIT DENIED**

INSPECTOR SIGNATURE: \_\_\_\_\_



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

**Operator's  
Initials**

\_\_\_\_\_ 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 Hoffman (hereinafter referred to as Village, and the Village President, Trustees, Clerk, designated inspector, and all officers, agents, and employees of Village)

\_\_\_\_\_ I fully recognize that there are dangers and risks to which I may be exposed by operating a golf cart or recreational off highway vehicle on Village streets. The following is a description and/or examples of significant dangers and risks associated with this activity: permanent injury to myself or others, damage to my property or that of others, death of myself or others.

\_\_\_\_\_ In no event shall the Village, the Village President, Trustees, Clerk, designated inspector, or any officer, agent, or employee of 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 golf cart or recreational off highway vehicle on Village streets.

\_\_\_\_\_ The operator, as of the date below, shall hereinafter save, hold harmless, and indemnify the Village, the Village President, Trustees, Clerk, designated inspector, and all officers, agents, and employees of 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 occurring in connection with my use of this golf cart or utility-terrain vehicle on Village streets, including injuries or damages to passengers or operators of operator's vehicle or any other persons or property.

\_\_\_\_\_ I understand that the Village has an Ordinance governing the use of qualified golf carts or qualified recreational off 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 my signature below acknowledges that I will comply with this Ordinance as well as all of the applicable traffic laws of the State of Illinois and the Village at all times when operating this golf cart or recreational off 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 golf cart or recreational off highway vehicle on Village streets, I hereby release the Village and the Village President, Trustees, Clerk, designated inspector, and all officers, agents, and employees of Village, 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 shall pay the attorney fees and other expenses of Village related to any such matter and shall indemnify Village for any loss.

\_\_\_\_\_ I hereby 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, and the Village President, Trustees, Clerk, designated inspector, and all officers, agents, and employees of Village 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, I HAVE INITIALED TO THE LEFT OF EACH PARAGRAPH TO SIGNIFY THAT I HAVE READ IT, AND I AGREE TO BE LEGALLY BOUND BY IT.**

\_\_\_\_\_  
Operator's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

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