

**EXHIBIT A TO NON-HIGHWAY VEHICLE ORDINANCE**

**APPLICATION FOR NON-HIGHWAY VEHICLE LICENSE**

The undersigned hereby makes an application for a permit for a Non-Highway Vehicle license:

A. Full Name, address, age and telephone number of Applicant requesting license:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Age: \_\_\_\_\_ Telephone number: \_\_\_\_\_

B. Description of vehicle including but not limited to, the make, model and serial number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Name of liability insurance carrier and policy number:

\_\_\_\_\_  
\_\_\_\_\_

D. Attach a copy of liability insurance policy as required under 625 ILCS 5/7-601 specifically for vehicle to be operated within the City of St. Elmo: Yes \_\_\_\_\_ No \_\_\_\_\_

E. Attach original executed Unconditional and Full General Release of Liability, Waiver, Discharge and Covenant Not to Sue: Yes \_\_\_\_\_ No \_\_\_\_\_

F. Attach \$50.00 Annual License Fee: Yes \_\_\_\_\_ No \_\_\_\_\_

I certify that the facts contained in this application are true and complete to the best of my knowledge.

\_\_\_\_\_  
Signature of Applicant

**NON-HIGHWAY VEHICLE LICENSE**

**CITY OF ST. ELMO, ILLINOIS**

The following described Non-Highway Vehicle is hereby licensed to operate on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, in accordance with the City of St. Elmo, Illinois, Ordinance No. \_\_\_\_\_.

1. Non-Highway Vehicle make, model and description:

\_\_\_\_\_

2. Non-Highway Vehicle serial number:

\_\_\_\_\_

3. Owner's Name and Address:

\_\_\_\_\_

\_\_\_\_\_

4. Owner's telephone number:

\_\_\_\_\_

5. Expiration date:

\_\_\_\_\_

6. License fee paid:

\$ \_\_\_\_\_

7. Attach copy of a liability insurance policy as required under 625 ILCS 5/7-601 specifically for Non-Highway Vehicle to be operated with the City of St. Elmo, Illinois.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
City Clerk, City of St. Elmo, Illinois.

**EXHIBIT B TO NON-HIGHWAY VEHICLE ORDINANCE**

**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 City of St. Elmo, Illinois and its City Council (hereinafter referred to as the "City").

I fully recognize that there are dangers and risks to which I may be exposed by operating a Non-Highway 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 any other legal theory, in connection with or arising out of operator's use of a Non-Highway Vehicle on City streets.

The Operator, as of the date below, shall hereinafter save, hold harmless and indemnify the City 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 the use of this Non-Highway Vehicle on City street.

I understand that the City has an Ordinance governing the use of a Non-Highway Vehicle on City streets and hereby agree to conform with all requirements of the City 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 and all of the applicable traffic laws of the State of Illinois at all times when operating this Non-Highway Vehicle on City 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 City streets, I release the City (and the City 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 covers liability, claims and actions caused entirely or in part by any acts or failures to act on my part, including but not limited to negligence, mistake, or failure to enforce, supervise or maintain.

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

Witnesseth:

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

\_\_\_\_\_  
Date

If Operator is under the age of 18:

\_\_\_\_\_  
Signature of Parent or Guardian of Operator

\_\_\_\_\_  
Date

---

CITY OF ST. ELMO

---

ORDINANCE NO. 981

AN ORDINANCE TO REGULATE THE USE AND OPERATION OF  
NON-HIGHWAY VEHICLES ON STREETS WITHIN THE  
CITY OF ST. ELMO, ILLINOIS, ESTABLISHING PENALTIES FOR VIOLATIONS

---

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF ST. ELMO

THIS 5th DAY OF October, 2016.

---

Published in pamphlet form by authority of the City Council of the City of St. Elmo,  
Fayette County, Illinois, this 6th day of October, 2016.

**ORDINANCE NO. 981**

AN ORDINANCE TO REGULATE THE USE AND OPERATION OF NON-HIGHWAY VEHICLES ON STREETS WITHIN THE CITY OF ST. ELMO, ILLINOIS, ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS, the City of St. Elmo is authorized pursuant to 65 ILCS 5/11-1426.1 to designate one or more specific streets under the jurisdiction of the City of St. Elmo, Illinois as egress and ingress routes for the use of non-highway vehicles; and

WHEREAS, the corporate authorities of the City of St. Elmo have considered the volume, speed and character of traffic on the streets of the City of St. Elmo, Illinois; and,

WHEREAS, the corporate authorities of the City of St. Elmo have determined that certain types of non-highway vehicles may safely operate on the streets of the City of St. Elmo, Illinois, if properly regulated as provided herein; and

WHEREAS, the regulation of non-highway vehicles by the City of St. Elmo is authorized under the provisions of 625 ILCS 5/11-1426.1; and

WHEREAS, the regulation of non-highway vehicles shall be set forth in Chapter 12, Division 9 of the Code of Municipal Ordinances

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ELMO, ILLINOIS, AS FOLLOWS:

**Section 1:** The findings made in the prefatory portion of this Ordinance are hereby adopted.

**Section 2.** That Chapter 12, Traffic of the Code of Municipal Ordinances of the City of St. Elmo is hereby amended by the addition of Division 9 entitled Non-Highway Vehicles, as follows:

**12-9-1 Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

- A. “Non-Highway Vehicle”** shall mean a motor vehicle not specifically designed to be used on a public highway, including:
1. A golf cart, as that term is defined in Section 1.123.9 of the Illinois Vehicle Code; and
  2. A recreational off-highway vehicle, as that term is defined in Section 1-168.8 of the Illinois Vehicle Code.

3. An all-terrain vehicle, as defined by Section 1-101.8 of the Illinois Vehicle Code.
4. An off-highway motorcycle, as defined by Section 1-153.1 of the Illinois Vehicle Code.

**12-9-2 Operation of Non-Highway Vehicles.** Non-highway vehicles may be operated on those streets under the jurisdiction and control of the City of St. Elmo, Illinois, where the posted speed limit is 30 miles per hour or less. Non-highway vehicles, however, shall not be operated on Illinois Route 40 other than to cross this Route while traveling on a City Street. Non-highway vehicles shall be operated in the same direction as traffic. Furthermore, a non-highway vehicle shall not be operated on street, roadways and highways under the jurisdiction of the Illinois Department of Transportation or the Fayette County Highway Department. Non-highway vehicles shall be operated in compliance with the applicable provisions of the Illinois Vehicle Code and the provisions of the Ordinances of the City of St. Elmo.

**12-9-3 Equipment** No non-highway vehicle shall be operated on any street or roadway under the jurisdiction and control of the City of St. Elmo, Illinois, unless the non-highway vehicle is equipped with the following equipment:

- a. Brakes.
- b. Steering apparatus.
- c. Tires.
- d. A rear view mirror.
- e. A red reflectorized warning device on the front and rear of the non-highway vehicle.
- f. A slow moving emblem as required by 625 ILCS 5/12-709 attached to the rear of the non-highway vehicle.
- g. A head light that emits white light visible from at least 500 feet from the front.
- h. A tail lamp that emits red light visible from at least 100 feet from the rear.
- i. Brake lights on the rear of the non-highway vehicle.
- j. Turn signals on the front and rear of the non-highway vehicle.
- k. A seat for each passenger that was installed by the manufacturer.

**12-9-4 Lighting Required During Operation.** No non-highway vehicle shall be operated on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless such non-highway vehicle has its head lights and tail lights illuminated at all times.

**12-9-5 Passenger Limitations.** A non-highway vehicle may transport only the number of passengers for which the specific non-highway vehicle was designed. Every passenger shall sit in a seat that was installed by the manufacturer of the non-

highway vehicle. It shall be unlawful for the operator of a non-highway vehicle to transport passengers unless each passenger is in a seat. The operator of a non-highway vehicle shall not transport anyone who is sitting on the lap of a passenger, or in any other location except in a seat.

- 12-9-6 Minimum Age of Operation.** No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless such operator is at least sixteen (16) years of age and has a valid Driver's License.
- 12-9-7 Speed Limit.** No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, in excess of 20 miles per hour.
- 12-9-8 Rear Lighting.** All trailers or carts being pulled by a non-highway vehicle must have tail lights and brake lights in good working condition. The tail lights shall be on at all times. It shall be unlawful for any person or animal to be in a trailer or cart when being pulled by a non-highway vehicle.
- 12-9-9 Manufacturer Specifications.** It shall be unlawful for the owner of a non-highway vehicle to modify or alter a non-highway vehicle from the original manufacture's specifications that would result in the non-highway vehicle being faster and larger than originally manufactured.
- 12-9-10 Hours of Operation.** Non-highway vehicles shall only be allowed to be operated within the City of St. Elmo, Illinois between the hours of 6:00 a.m. and 10:00 p.m.
- 12-9-11 Illinois Vehicle Code.** During the operation of a non-highway vehicle on any street under the jurisdiction and control of the City of St. Elmo, Illinois, the operator of such non-highway vehicle shall obey all provisions of the Illinois Vehicle Code, 625 ILCS 5/11-100, et. seq., as amended from time to time.
- 12-9-12 City Licensing Requirements.** Non-highway vehicles shall be operated on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, unless said non-highway vehicle is first licensed by the City of St. Elmo, Illinois. A person desiring to operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, shall make an application for a non-highway vehicle license with the Clerk of the City of St. Elmo, Illinois. The license shall be in that form as attached hereto as Exhibit A. The license shall be valid for a period of one (1) year. Any person applying for a non-highway vehicle license pursuant to this Ordinance shall pay an annual fee of \$50.00 to the Clerk of the City of St. Elmo, Illinois. Furthermore, a person desiring to operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois, shall execute an Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue

and file with same with the Clerk of the City of St. Elmo, Illinois. The Unconditional and Full General Release of Liability, Waiver, Discharge and Covenant Not to Sue shall be in that form as attached hereto as Exhibit B.

**12-9-13**      **Revocation of City License.** The license of an operator of a non-highway vehicle issued pursuant to 12-9-12 of this Code may be revoked by the Chief of Police, or his designee if:

- 1)      there is any material misrepresentation made by the applicant on the application; or
- 2)      the required liability insurance is no longer in full force and effect; or
- 3)      there is evidence that the license holder can no longer safely operate the non-highway vehicle; or
- 4)      the operator receives a third citation for a violation of this Ordinance.

**12-9-14**      **Notice of Revocation.** The Chief of Police, or his designee, shall issue a notice of revocation of a license in writing and either hand deliver the notice to the license holder, or send the notice by certified mail to the license holder at the address on the application. The revocation of the license shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt.

**12-9-15**      **Liability Insurance.** No person shall operate a non-highway vehicle on the streets under the jurisdiction and control of the City of St. Elmo, Illinois unless the non-highway vehicle is covered by a liability insurance policy as required under 625 ILCS 5/7-601. Every operator of a non-highway vehicle subject to this Code shall carry with the non-highway vehicle evidence of insurance as required by 625 ILCS 5/7-602.

**12-9-16**      **Sale of Vehicle.** If a non-highway vehicle which has a current license is sold, the new owner shall sign must apply for a license pursuant to Section 12-9-12 and present proof of insurance before the new owner may operate the vehicle in the City of St. Elmo.

**12-9-17**      **Penalties.** Any person who violates any provisions of this Division 9 of Chapter 12 shall be guilty of a petty offense punishable by a fine of not less than \$175.00 nor more than \$500.00. Any second or subsequent offense of any provision of this Ordinance shall result in the revocation of the non-highway vehicle license for a period of not less than three (3) nor more than five (5) years.

**Section 3.      Invalidity.** In the event 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 other part or parts thereof.

**Section 4.** This Ordinance shall be effective upon its passage, approval and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ST. ELMO, ILLINOIS,  
THIS 5<sup>th</sup> DAY OF OCTOBER, 2016.

Ayes: 4

Nays: 0

Absent: 1

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk