

VILLAGE OF VARNA
MARSHALL COUNTY, ILLINOIS

ORDINANCE NO. 283

AN ORDINANCE REGULATING
THE OPERATION OF NON-HIGHWAY VEHICLES
IN THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS

Background Recitals

- A. Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) enables the Board of Trustees of the Village of Varna (the "Village") to authorize the operation of certain properly equipped "Non-highway Vehicles," including all-terrain vehicles, recreational off-highway vehicles, and golf carts on the Village's streets.
- B. The Village Board of Trustees has considered the volume, speed, and character of traffic on Village streets having a posted speed limit of 35 miles per hour or less.
- C. The Village Board of Trustees has determined that public safety will not be jeopardized by the operation of properly equipped Non-highway Vehicles on Village streets.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VARNA, MARSHALL COUNTY, ILLINOIS, AS FOLLOWS HEREIN.

Section 1: **Recitals.** The Background Recitals set forth above are incorporated herein as part of this Ordinance.

Section 2: **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) An "all-terrain vehicle" (an "ATV") means any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and steering wheel, except equipment such as lawnmowers.
- (B) A "golf cart" means 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.

- (C) A "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, limited to the following:
- (1) an all-terrain vehicle, as defined in Section 1(A) of this Ordinance;
 - (2) a golf cart, as defined by Section 1(B) of this Ordinance; and
 - (3) a recreational off-highway vehicle, as defined by 1(D) of this Ordinance.
- (D) A "recreational off-highway vehicle" means 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, except equipment such as lawnmowers.

Section 3: Operation on Village Streets. Subject to the requirements of Section 11-1426.1 of the Illinois Vehicle Code (625 ILCS 5/11-1426.1) C hereby adopted by the Village, drivers properly licensed to operate motor vehicles are authorized to operate Non-highway Vehicles on Village streets during the hours of 6:00 a.m. through 10:00 p.m.

- (A) Non-highway Vehicles shall not be operated in or on the grounds of any Village park or on Village sidewalks; provided, however, ATVs or recreational off-highway vehicles in Village parks or on Village sidewalks is permitted when utilized as a "tool" as for example, in the case of snow removal or the excavation of dirt, at the direction of Village employees or officials.
- (B) Non-highway Vehicles shall not be operated on private property unless the operation thereof is permitted by the property owner.

Section 4: Vehicle Code Application. Non-highway Vehicles shall be operated and equipped at all times in accordance with the provisions of the Illinois Vehicle Code, the Rules of the Road contained therein, and any other laws, regulations, or ordinances governing the operation of motor vehicles in the Village.

Section 5: Registration. No Non-highway Vehicle shall be operated on a Village street unless the owner(s) has been issued a permit by the Village. A person desiring an annual permit shall register the same with the Village Clerk and pay for and display a valid, current Village of Varna registration sticker on the vehicle. A permit shall be valid for a period of one (1) year from the date of issuance and the registration fee to be paid to the Village of Varna is ten dollars (\$10.00). If a permit is renewed after the expiration date, the permit fee is fifteen dollars (\$15.00).

Section 6: Insurance Coverage. No person shall operate, and no owner(s) shall permit another person to operate, a Non-highway Vehicle on a Village street unless the Non-highway Vehicle is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code (625 ILCS 5/7-601) as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois. The operator of the Non-highway Vehicle shall carry proof of liability insurance at all times, as required by Section 7-602 of the Illinois Vehicle Code (625 ILCS 5/7-602) as now in effect or hereafter amended or codified, the same being a public record of the State of Illinois.

Section 7: Operation Limited to Licensed Drivers. No person may operate a Non-highway Vehicle on a Village street without a valid driver's license issued by the Illinois Secretary of State or by a foreign jurisdiction.

Section 8: Lights. When operated on a Village street, the Non-highway Vehicle must have its headlight and tail lamps lighted at all times.

Section 9: Revocation of Permit. A permit may be revoked the Village President if:

- (A) there is any material misrepresentation made by the applicant on the application; or
- (B) the required liability insurance is no longer in full force and effect; or
- (C) there is evidence that the permit holder can no longer safely operate the Non-highway Vehicle on Village streets; or
- (D) the permit holder fails to comply with the terms of this Ordinance.

The Village President shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the permit holder at the address on the application. Revocation of the permit shall be effective immediately after personal service or on the third day after the post mark of the certified mail receipt.

Section 10: Appeal of Revocation. Revocations may be appealed in writing to the Village Board of Trustees fourteen (14) days from the issuance of the notice of revocation. The Village Board shall hold a public hearing at which the affected permit holder may appear, present witnesses and evidence, and be represented by an attorney. The Village Board shall uphold the revocation if it determines by a preponderance of the evidence that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.

Section 11: Reinstatement of Permit. In the event a registration is revoked due to a failure to maintain the required liability insurance, the Village President, in his or her discretion, may reinstate the permit upon documentation of reinstatement of the required insurance.

Section 12: Exemption for Governmental Entities. This Ordinance does not apply to Non-highway Vehicles owned and/or operated by a governmental entity or the Varna Fire Department.

Section 13: Penalties. Upon conviction of a violation of any section or subsection of this Ordinance, the Court shall assess a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00). In addition, the Court may assess court costs and attorney's fees incurred by the Village against any person in violation of this Ordinance. The permit shall be revoked for a person who pays a fine or is found guilty of violating this Ordinance on three (3) separate incidents within a two (2) year period and no permit shall be issued to such person for a period of three (3) years.

Section 14: Severability. Each section, paragraph, sentence, clause, and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than that part affected by such decision.

Section 15: Repealer. All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 16: Effective Date. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED at a regular meeting of the Board of Trustees of the Village of Varna, Marshall County, Illinois on July 1, 2024, by roll call vote as follows:

RECORD OF THE VOTE	Yes	No	Absent	Abstain
Chambers	✓			
Koch	✓			
Marliere	✓			
Meierkord	✓			
Todd	✓			
Higgins	✓			

APPROVED July 1, 2024

Louis Holocker
 Louis Holocker, Village President

PUBLISHED in pamphlet form on July 2, 2024

ATTEST:

Jane Egli
 Jane Egli, Village Clerk

Jane Egli
 Jane Egli, Village Clerk

State of Illinois)
) ss
 County of Marshall)

CERTIFICATE OF MUNICIPAL CLERK

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Village of Varna, the County and State aforesaid, and, as such Clerk, I am the keeper of the records and files of the Corporate Authorities of the Village. I do further certify that the attached and foregoing is a true and correct copy of: **AN ORDINANCE REGULATING THE OPERATION OF NON-HIGHWAY VEHICLES IN THE VILLAGE OF VARNA**, as passed by the Village Board of Trustees at its regular meeting held on July 1, 2024, and as approved by the Village President on July 1, 2024.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the Village of Varna, Illinois.

Jane Egli (SEAL)
 Jane Egli, Village Clerk

VILLAGE OF VARNA, ILLINOIS

Address: 512 Main Street, P.O. Box 266, Varna, IL 61375 Telephone: 309-463-2015

APPLICATION FOR A NON-HIGHWAY VEHICLE LICENSE

1. Name of Applicant: _____
2. Address of Applicant: _____
3. Vehicle Description: _____
Make: _____ Model: _____
VIN: _____ Year: _____
4. Is the Applicant the owner of this non-highway vehicle? Yes No
If the Applicant is not the owner, identify the owner:
Owner Name: _____
Owner Address: _____
5. Applicant's Birth Date: _____
6. Does the Applicant have a valid Illinois driver's license? Yes No
7. Driver's license number: _____
8. Does the Applicant have liability insurance on the non-highway vehicle? Yes No
Name, address and phone number of insurance company:

Release: I assume the responsibility of the good working order of the non-highway vehicle identified in this application and I further assume responsibility of fitness and ability to operate the non-highway vehicle. In consideration of being permitted to use the non-highway vehicle on designated Village streets, I do hereby release the Village of Varna and its officials, officers, agents, and employees from liability for any harm, injury, or damage which I may suffer, sustain, and/or incur while using the non-highway vehicle within the Village. This release applies to all risks which are connected use of the non-highway vehicle whether foreseen or unforeseen. This release applies to damages suffered by me, as well as my family, heirs, and assigns as a result of any harm or injury which I may suffer. I am of lawful age and legally competent to sign this release and have signed this document as my free act. I have fully informed myself of the contents of this release by reading it and signing it. I realize that by signing this Release I am giving up legal rights to which I may be entitled.

Sign Here: _____

I do hereby swear and affirm the statements contained in this Application are true and correct to the best of my knowledge and belief.

Signature of Applicant

Print Name: _____
Date: _____

Applicant to include a check in the amount of \$10.00 made payable to the Village of Varna with the application.

CHECKLIST: NON-HIGHWAY VEHICLE PERMIT APPLICATION

APPLICANT NAME: _____

ITEM	YES	NO	COMMENT
Application Completed			
Release Signed			
Application Signed			
Make, Model, Year verified			
VIN verified			
Driver's License verified			
Proof of insurance provided			
Type of Vehicle: Golf cart, ATV, or recreational off-highway vehicle (less than 64" wide, 2,000 lbs/less)			
Brakes			
Steering apparatus			
4 tires			
Rearview mirror			
Red, reflectorized warning devices front & rear			
Slow moving emblem attached to the rear per Ill. Vehicle Code §12-709			
Front white headlight			
Rear red tail light			
Brake lights			
If no lights, applicant instructed vehicle is not permitted on Village streets ½ hour before sunset and ½ hour after sunrise			
Turn signals			
If no turn signals, applicant instructed on how to signal left turn, right turn and stop			
\$10 fee paid to Village			
Vehicle approved for permit?			

Signature: _____

Print Name: _____

Date: _____

VILLAGE OF VARNA
NON-HIGHWAY VEHICLE PERMIT

Permit Issued to: _____
Description of Vehicle: _____
This permit expires on _____.

**The registration sticker issued by the Village must be affixed to the rear
of the vehicle at all times while operating on Village streets**

- ✓ Only licensed drivers are permitted to operate the vehicle
- ✓ Vehicle must be operated in accordance with the Illinois Vehicle Code and Village ordinances at all times
- ✓ Vehicle speed may not exceed 20 miles per hour
- ✓ Non-highway vehicles not equipped with head lamps and tail lamps shall not be permitted on Village streets between one-half hour before sunset and one-half hour after sunrise
- ✓ A vehicle equipped with a headlight and tail lamps should have the headlight and tail lamps lighted at all times when the vehicle is used on Village streets
- ✓ A copy of this permit must be in the driver's possession while operating the vehicle

By: _____
Village of Varna

Copy of this permit has been sent to Village Clerk: _____ (officer's initials)