



Village of Brighton

Non- Highway Vehicle Application

Applicant Information

Full Name: _____ DOB: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email _____

Driver's License: _____ Year/Make/ Model.: _____ Serial Number: _____

Any Additional Drivers Must Have Their
Own Application & Fee Paid: _____

Insurance Information

Company: _____ Phone: _____

From: _____ To: _____ Liability Limits 50,000 or More? YES ☐ NO ☐

Inspection

An Officer Will Contact You to Inspect Your Non- Highway Vehicle

Inspection
Date: _____ Inspection Time _____
Signature of Inspector _____ Date: _____

Inspection Details Addressed If Any:

1. _____

2. _____

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

I have been given a copy of the requirements and I have signed the Release of Liability.

Signature: _____ Date: _____

Non- Highway Vehicle Inspection

Y/N Description	Y/N Items to Ask
VALID DRIVER'S LICENSE	Will you obey all traffic laws of the State of Illinois?
SEAT BELT OR HARNESS	Are you over 18?
CURRENT PROOF OF INSURANCE	Operate only on Village Streets?
HORN	Will you obey the Village Speed Limits?
BRAKES AND BRAKE LIGHT	Each Driver while under the influence is subject to Section 11-500 through 11-502 of the Illinois Vehicle Code.
FRONT AND REAR TURN SIGNALS	May only transport passengers per number of seats available.
STEERING WHEEL APPARATUS	All Children must be restrained in the same manner required for automobile use. All car seat and seat belt laws must be followed.
TIRES	Headlights and taillights shall be illuminated whenever operated on Village Streets.
REARVIEW MIRROR	Non Highway may only be operated from 6:00 a.m. to 9:00 p.m.
PASSENGER SEAT BELTS	No person shall drive when analysis of blood, urine, breath or other would disclose alcohol over 0.00
RED REFLECTOR WARNING DEVICE ON FRONT & REAR	I have obtained copy of Village Ordinance 2021-02
YELLOW FLASHING LIGHT ON THE REAR	I have signed Release of Liability
SLOW MOVING VEHICLE EMBLEM ON THE REAR	I will display current tag on front and rear of non highway vehicle
HEADLIGHTS	All issued tags expire on April 30th each year.
TAIL LAMP THAT EMIT RED LIGHT	
APPROVED/ DENIED	ISSUED TAG NUMBER- _____
Inspector Signature: _____	Driver Signature: _____
	Village Clerk Signature: _____

**VILLAGE OF BRIGHTON
MACOUPIN AND JERSEY COUNTIES, ILLINOIS
206 South Main Street
Brighton, Illinois 62012**

ORDINANCE NO. 2020-02

**AN ORDINANCE AUTHORIZING THE OPERATION
OF QUALIFIED NON-HIGHWAY VEHICLES
ON STREETS UNDER THE JURISDICTION OF
THE VILLAGE OF BRIGHTON**

WHEREAS, the Village of Brighton has 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 Brighton; and

WHEREAS, the Illinois Vehicle Code (625 ILCS 5/11-1426.1) authorizes municipalities by ordinance, to permit qualified Non-Highway Vehicles to operate in the streets under the jurisdiction of the municipality; and

WHEREAS the Village of Brighton has considered the volume, speed and character of the traffic on the streets within its jurisdiction and the provisions of 625 ILCS 5/11-1426.1), as well as has determined that qualified Non-Highway vehicles, as defined herein may safely operate on the streets within the jurisdiction of the Village; and

WHEREAS, the Village of Brighton has determined that it shall enact an Ordinance which shall allow the Operation of Non-Highway Vehicles upon the terms and conditions as stated herein.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRIGHTON, MACOUPIN AND JERSEY COUNTIES, ILLINOIS, as follows:

Section 1. Policy Statement. The Village of Brighton, in passing this Ordinance, is not advocating or endorsing the use of non-highway vehicles on Village Streets. Other means of travel may be safer. All persons who operate non-highway vehicles within the Village of Brighton do so at their own risk and peril. In passing this Ordinance, the Village of Brighton does not accept any level of liability for accidents, collisions, injuries or death, or destruction of property. In passing this Ordinance, the Village is merely regulating the use of non-highway vehicles on Village streets, according to the laws of the State of Illinois, in an attempt to increase safety on Village Streets. Non-highway vehicles, specifically defined and qualified herein shall

be allowed on Village Streets, under the conditions as hereinafter stated.

Section 2. Definitions.

- A. A Non-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 four (4) or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, excepting equipment such as lawnmowers, 3-wheelers, 4-wheelers, go-karts, lawn mowers, and off-highway motorcycles.
- B. Farm Vehicles. This ordinance does not apply to non-highway vehicles engaged in farming operations.
- C. Seat Belts. A set of belts or harnesses meeting the specifications established by the Illinois Department of Transportation and installed in such manner as to prevent or materially reduce the movement of the person using the belts or harness in the event of a collision or the upset of the vehicle.
- D. Village Streets. Any of the streets or roadways under the jurisdiction of the Village of Brighton and within the corporate Village limits. Village streets does not include any street which is under the jurisdiction of a unit of government other than the Village of Brighton.
- E. State roads. Illinois Route 267-111.
- F. County Roads. Any county road within the boundaries of the Village limits of Brighton.

Section 3. Requirements. All persons operating a non-highway vehicle on the Village Streets must comply with the following requirements.

- A. Must possess a current, valid Illinois Driver's License.
- B. Must possess proof of current liability insurance, a certificate of which shall be kept in/on the non-highway vehicle whenever on Village Streets.
- C. Must obtain a permit from the Village and have the non-highway vehicle certified with the Village of Brighton by inspection by a designated representative.
- D. Must display a Village decal on both sides of the non-highway vehicle.

E. All non-highway vehicles must be equipped with the following:

- (1) Horn.
- (2) Brakes and brake light.
- (3) Front and rear turn signals.
- (4) A steering wheel apparatus.
- (5) Tires.
- (6) Rearview mirror.
- (7) Seat Belts for each passenger.
- (8) Red reflector warning device on the front and rear.
- (9) Yellow flashing light visible for at least 100 feet from the rear of the vehicle.
Said lights must be turned on when operated one hour before sunrise and One hour before sunset.
- (10) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625)ILCS 5/12-709).
- (11) Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation.
- (12) Tail lamp that emits a red light visible from at least one hundred (100) Feet from the rear which must be illuminated when in operation.
- (13) Any additional requirements which may be added to 625 ILCS 5/11-1426.1 of the Illinois Motor Vehicle Code by amendment.

F. The operator of a non-highway vehicle shall at all times:

- (1) Obey all traffic laws of the State of Illinois.
- (2) Be eighteen (18) years of age or older.
- (3) Operate his/her non-highway vehicle only on the Village Streets where permitted.
- (4) May not operate said vehicle on streets under the jurisdiction of Brighton Township, Piasa Township, Macoupin County, Jersey County, or the State of Illinois, except to cross said streets, in which case the operator must make a direct crossing in which the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway; at a location where no obstruction prevents a quick and safe crossing; the non-highway vehicle is brought to a complete stop before attempting to cross; the operator of the non-highway vehicle yields to the right of way of all pedestrian and vehicular traffic which constitutes a hazard; and that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.
- (5) Operate said vehicle in compliance with the posted speed limit, and regardless, may not exceed thirty (30) miles per hour.
- (6) A person who drives or who is in actual physical control of a non-highway

vehicle on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-500-11-502).

- (7) All non-highway vehicles 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 portion of the vehicle.
- (8) Children must be restrained in the non-highway vehicle in the same manner required as if they were in an automobile. Car seats and seat belt laws and regulations shall be followed when children are in the vehicles.
- (9) The non-highway vehicles headlights and taillights shall be illuminated whenever being operated on Village Street.
- (10) Non-highway vehicles may only be operated on Village Streets from the hours of 6:00 a.m. until 9:00 p.m.
- (11) No person shall drive or be in control of a non-highway vehicle on Village Streets when an analysis of the person's blood, urine, breath or other bodily substance would disclose an alcohol concentration of more than 0.00 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.
- (12) A person who drives or who is in actual physical control of a non-highway vehicle on a roadway is subject to the laws of the State of Illinois and Village Ordinances.

4. Prohibited Locations. Operation of a non-highway vehicle is prohibited in the following locations:

- 1. Any State roads within the Village corporate limits with the exception of crossing at an approved location.
- 2. Any street, highway or roadway that has a posted speed limit of more than 30 miles per hour.
- 3. Sidewalks.
- 4. Walking, running, bike paths.
- 5. Any unpaved area of the Village Parks, with the exception of approved parking at sanctioned events.
- 6. Any private real property within the Village without the written authorization of the owner.

5. Permits.

1. No person shall operate a qualified non-highway vehicle without first obtaining a permit from the Chief of Police or their designee. A copy of said permit shall be kept in/on the non-highway vehicle whenever used on Village Streets. Only an individual with a valid permit shall be allowed to operate a non-highway vehicle on the streets of the Village of Brighton. Said individual shall only be allowed to operate a non-highway vehicle that has been inspected and approved for travel on Village Streets and feature a Village decal on both sides of the non-highway vehicle. If more than one person will be operating said non-highway vehicle, a permit is needed for each operator.

2. Permits shall be granted for a period of one year from the date designated on the permit. Renewal date is annually May 1st, regardless of when the permit was granted.

3. The cost of the permit is Twenty-five Dollars (\$25.00).

4. Liability Insurance coverage in the amount of not less than \$50,000.00 per person, or \$100,000.00 per occurrence and property damage in the amount of \$50,000.00 shall be verified to be in effect by the Brighton Police Department when obtaining and/or renewing a permit.

5. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:

- (1) Name, address and DOB of the applicant.
- (2) The serial number, make, model, and description of the non-highway vehicle.
- (3) All applicants shall Release the Village by executing a Signed Waiver of Liability releasing the Village and agreeing to defend, indemnify and hold the Village harmless from any and all future claims resulting from the operation of Applicant's non-highway vehicle on Village Streets.
- (4) Photocopy of applicable liability insurance coverage card specifically for the non-highway vehicle to be operated pursuant to the permit.
- (5) Such other information as the Village may require.

6. No permit shall be granted unless the following conditions are met:

- (1) The vehicle must be inspected by the designated representative to insure that the vehicle is safe to be operated on Village Streets and is in compliance with this Ordinance and with the State of Illinois Motor Vehicle Code.
- (2) The applicant must provide evidence of insurance in compliance with the coverages stated above.
- (3) A physically handicapped applicant must submit a certificate signed by a physician, certifying that the applicant is able to safely operate a qualified non-highway vehicle on Village Streets.

7. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Ordinance or at anytime there is evidence that the holder cannot safely operate a qualified non-highway vehicle on the designated roadways.

6. Penalties

1. Operating a non-highway vehicle on Village Streets is a privilege and not a right. Any person who has a permit to operate a non-highway vehicle on Village Streets and is found to have violated this Ordinance may have his or her permit suspended or revoked by an officer of the Brighton Police Department. Decisions of the said Police Officer shall only be reversed or modified by a majority vote of the Board of Trustees of the Village of Brighton, Illinois.

2. Any person found to be operating a non-highway vehicle upon the Village Streets without a permit and/or decal shall be subject to a \$25.00 penalty for the first offense; \$50.00 for the second offense; and \$100.00 for the third offense.

3. Anyone found to operate a non-highway vehicle on the Village of Brighton streets, operate said vehicle within the Village in an area where said vehicles are not allowed, or to operate a non-highway vehicle that has not been approved by the Village for travel on Village Streets shall be subject to a \$75.00 fine for the first violation, a \$150.00 fine for a second violation within a 365 day period and a \$500.00 fine for a third violation within a 365 day period. The Village police shall have the authority to bring a complaint against an individual violating this Ordinance to recover the aforementioned fines and to seek an injunction against further violations of this Ordinance. To the extent that any violation of this Ordinance also constitutes a violation of the criminal and/or vehicle statutes of the State of Illinois, then such violator shall also be subject to criminal prosecution.

4. Any person in possession of or consuming alcoholic beverages on or in a non-highway vehicle on Village streets, in addition to other penalties which may be available under the laws of the State of Illinois or other provisions of this Ordinance, shall be subjected to revocation of his/her permit to operate a non-highway vehicle on Village streets.

5. Any person receiving a citation under this Ordinance shall pay any monetary fine provided for in this section at the police station or the Village Clerk's office within fourteen days from the date of the citation. If any monetary penalty is not paid within said fourteen-day period, the police department is authorized to file a complaint alleging a violation of this ordinance and issue a notice to appear requiring the offender to appear in the appropriate jurisdiction (Jersey County and/or Macoupin County Circuit Court to answer to the charge(s)).

7. Miscellaneous

1. Possibility of amendment, suspension, or end of Non-Highway vehicle program.

Individuals are advised that the Village of Brighton is permitting the use of non-highway vehicles on Village Streets in limited circumstances and pursuant to current Illinois law. Individuals should view the use of non-highway vehicles on Village streets as a program which could be suspended, modified, or terminated at any time and effective immediately upon a majority vote of the Village Board of Trustees, repealing this Ordinance, upon a court ruling or in the event of the change in the laws of the State of Illinois or the United States of America. Individuals should consider these factors when making the decision to purchase non-highway vehicles or make potentially expensive upgrades to such vehicles.

2. 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 other part or parts thereof.

3. Any Ordinance, or portion thereof, of the Village of Brighton which is contrary to this Ordinance shall be deemed to be repealed.

4. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

PASSED and APPROVED this 14th day of January, A.D., 2020.

AYES:	<u>4</u>
NAYS:	<u>0</u>
ABSENT:	<u>2</u>

VILLAGE OF BRIGHTON
MACOUPIN AND JERSEY COUNTIES, ILLINOIS

By: Marcella H Wilfong President
Marcella Wilfong, President

ATTEST:

Cynthia M. Tucker
Cynthia M. Tucker, Village Clerk

**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 Village of Brighton, (hereinafter referred to as Village).

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A NON-HIGHWAY VEHICLE ON VILLAGE STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLE 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 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 NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE 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 A NON-HIGHWAY VEHICLE ON VILLAGE STREETS.

I understand that the Village has an ordinance governing the use of qualified non-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 of Brighton at all times when operating the non-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 NON-HIGHWAY VEHICLE ON VILLAGE STREETS. I FURTHER RELEASE THE VILLAGE (AND THE PRESIDENT, BOARD OF TRUSTEES, 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 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 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 as required by the Ordinance 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, the President and Board of Trustees of the Village, its 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 THIS _____ DAY OF _____, _____.

Operator's Signature

Witness Signature