

CITY OF NEOGA

533 Chestnut Ave

Neoga, IL 62447

APPLICATION FOR NEIGHBORHOOD VEHICLE PERMIT

Name of applicant: _____

Address of applicant: _____

Is the applicant the owner of the neighborhood vehicle? ____ Yes ____ No

Neighborhood vehicle description:

Make _____ Model _____ Year _____

VIN # _____

Date of birth of the applicant: _____

Applicant driver's license number: _____

Name, address, & phone number of liability insurance company:

(Photocopy of insurance card must be provided)

A \$75 annual fee (March 1 – February 28th of each year) should accompany this application. The city accepts cash, or checks payable to the City of Neoga. Applicant understands that this fee must be paid before the permit and license will be issued.

Date: _____

Signature: _____

CUMBERLAND COUNTY, ILLINOIS

ORDINANCE NO. 875--01-16

**AN ORDINANCE AMENDING ARTICLE VIII OF
CHAPTER 78 OF THE CODE OF ORDINANCES OF THE
CITY OF NEOGA, ILLINOIS, AND AUTHORIZING THE OPERATION OF
NON-HIGHWAY VEHICLES ON STREETS UNDER THE JURISDICTION OF
THE CITY OF NEOGA, CUMBERLAND COUNTY, ILLINOIS**

PASSED BY THE

CITY COUNCIL

OF THE

CITY OF NEOGA

THIS 11 DAY OF JANUARY 2016

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF NEOGA, CUMBERLAND COUNTY, ILLINOIS,
THIS 11 DAY OF JANUARY 2016.
CODE OF ORDINANCES OF THE CITY OF NEOGA, ILLINOIS**

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CITY OF NEOGA, ILLINOIS, AND AUTHORIZING THE OPERATION OF
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THE CITY OF NEOGA, CUMBERLAND COUNTY, ILLINOIS**

WHEREAS, the City of Neoga, Illinois, is authorized pursuant to 625 ILCS 5/11-1426.1 8 to designate one or more specific streets under the jurisdiction of the City of Neoga, Illinois as egress and ingress routes for the use of non-highway vehicles; and,

WHEREAS, the City of Neoga, Illinois, currently regulates neighborhood vehicles, otherwise known as non-highway vehicles, pursuant to Article VIII of Chapter 78 of the Code of Ordinances of the City of Neoga, Illinois; and,

WHEREAS, the City of Council for the City of Neoga, Illinois, has considered the volume, speed and character of traffic on the streets within the corporate limits of the City of Neoga, Illinois; and,

WHEREAS, the City Council for the City of Neoga, Illinois, has determined that certain types of non-highway vehicles may safely operate on certain streets within the corporate limits of the City of Neoga, Illinois, if properly regulated as provided herein; and,

WHEREAS, after careful consideration, the City Council of the City of Neoga, Illinois, further deems it to be in the best interest of the citizens of the City of Neoga, Illinois, to amend said Article VIII of Chapter 78 of the Code of Ordinances of the City of Neoga, Illinois, as provided for herein.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEOGA, ILLINOIS, THAT:

SECTION I. RECITALS. The findings made in the prefatory portion of this Ordinance are hereby adopted.

SECTION II. REPEAL AND REPLACE. Chapter VIII of Chapter 78 of the Code of Ordinances of the City of Neoga, Illinois, is hereby repealed and replaced with the following:

“Sec. 78-201. 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.

Anything contained in this Ordinance to the contrary notwithstanding, for purposes of this Ordinance, the term "Non-Highway Vehicle" shall not include any four-wheeler, three-wheeler or other similar type of all-terrain vehicle. Furthermore, the term "Non-Highway Vehicle" shall not include an Off-Highway Motorcycle, as that term is defined in Section 1-153.1 of the Illinois Vehicle Code.

Sec. 78-202. –Operation on streets and alleys:

- (a) Non-Highway Vehicles may be operated on those streets under the jurisdiction and control of the City of Neoga, Illinois, subject to the requirements and regulations of this Article.
- (b) Except as provided in Section 78-203, it shall be unlawful to operate a Non-Highway Vehicle on:
 1. U.S. Route 45 (Oak Avenue);
 2. 6th Street west of Chestnut; and,
 3. Walnut north of 6th Street.
- (c) It shall be unlawful to operate a Non-Highway Vehicle on any sidewalks or other locations within the corporate limits of the City of Neoga, Illinois, except as permitted by this Article.

Sec. 78-203. –Permitted Crossing.

- (a) Non-Highway Vehicles shall be permitted to make a direct crossing on U.S. Route 45 (Oak Avenue), but only while traveling on 6th Street east of Chestnut Avenue;
- (b) Non-Highway Vehicles shall be permitted to make a direct crossing on 6th Street, but only while traveling on Elm Street; and,
- (c) Non-Highway Vehicles shall be permitted to make a direct crossing on Walnut Avenue, but only while traveling on 7th Street.

Sec. 78-204. –Required Equipment.

No Non-Highway Vehicle shall be operated on any street or roadway under the jurisdiction and control of the City of Neoga, Illinois, unless Non-Highway Vehicle is equipped with the following equipment, which must be kept in good working condition at all times:

- (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 to the front of the Non-Highway Vehicle;
- (h) A tail lamp that emits red light visible from at least 100 feet from the rear of the Non-Highway Vehicle;
- (i) Brake lights on the rear of the Non-Highway Vehicle; and,
- (j) Turn signals on the front and rear of the Non-Highway Vehicle.

Sec. 78-205. –Lights.

A Non-Highway Vehicle operated on the streets under the jurisdiction and control of the City of Neoga Illinois, shall have the head lights and tail lights illuminated at all times.

Sec. 78-206. –Required seating; passengers.

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/driver of the Non-Highway Vehicle to transport passengers unless each passenger is in a seat. The operator/driver of the 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.

Sec. 78-207. –Trailers.

It shall be unlawful, while operating a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, Illinois, to pull a trailer or any equipment or device.

Sec. 78-208. –RESERVED.

Sec. 78-209. –Sale of registered Non-Highway Vehicle.

If a Non-Highway Vehicle, that has a current permit issued pursuant to the provisions of this Article, is sold, the new owner shall sign an ownership transfer form at the City of Neoga Police Department, and apply for a new permit pursuant to the provisions of Section 78-214.

Sec. 78-210. – Age of Operator, License.

No person shall operate a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, Illinois, unless such operator is at least eighteen (18) years of age and has a valid Driver's License issued by the State of Illinois.

Sec. 78-211. – Hours of Operation.

Subject to the requirements and regulations of this Article, a Non-Highway Vehicle may be operated on the streets under the jurisdiction and control of the City of Neoga, Illinois, 24 hours per day and seven days per week.

Sec. 78-212. –Speed Limit.

No person shall operate a Non-Highway Vehicles on the streets under the jurisdiction and control of the City of Neoga, Illinois, in excess of 20 miles per hour.

Sec. 78-213. – Ordinance and Vehicle Code Obedyance.

During the operation of a Non-Highway Vehicles on any street under the jurisdiction and control of the City of Neoga, Illinois, the operator of such Non-Highway Vehicle shall obey all applicable rules, regulations, and ordinances of the City of Neoga, Illinois, all applicable provisions of the Code of Ordinances of the City of Neoga, Illinois, and the provisions of the Illinois Vehicle Code, 625 ILCS 5/11-100, et. seq., as amended from time to time.

Sec. 78-214. –City Permit; Annual Fee.

No person shall operate a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, unless said Non-Highway Vehicle is first permitted by the City of Neoga, Illinois. A person desiring to operate a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, Illinois, shall make application for a Non-Highway Vehicle permit with the Chief of Police of the City of Neoga, Illinois, or his/her designee, on forms provided by the City. The permit, if issued, shall be valid until February 28 of the following calendar year after issuance. Thereafter, upon renewal, a permit shall be valid for a period of one year from March 1 in the year of renewal to February 28 of the following calendar year after issuance. Prior to the issuance and/or renewal of a Non-Highway Vehicle permit pursuant to this Article, a person applying for such a permit, shall pay an annual fee of \$75.00 to the City Clerk of the City of Neoga, Illinois. If an initial permit is issued to any applicant after March 1 of the year of issuance, then the fee shall be prorated for the number of full months remaining until February 28 of the following calendar year after issuance. Prior to the issuance and/or renewal of a Non-Highway Vehicle Permit, an applicant shall also present the Non-Highway Vehicle to the Chief of Police of the City of Neoga, Illinois, or his/her designee, for an inspection to determine whether the Non-Highway Vehicle complies with the provisions of this Article and may be operated on the streets under the

jurisdiction and control of the City of Neoga, Illinois. If the Chief of Police of the City of Neoga, Illinois, determines that the applicant and the Non-Highway Vehicle comply with the provisions of this Article, then the Chief shall issue a permit to the applicant.

Sec. 78-215. –Mandatory Insurance.

No person shall operate a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, Illinois, unless:

- (a) The Non-Highway Vehicle is covered by a liability insurance policy as required under 625 ILCS 5/7-601.
- (b) Every operator of a Non-Highway Vehicle carries with the Non-Highway vehicle evidence of insurance as required by 625 ILCS 5/7-602.

Sec. 78-216. –Release of Liability.

No person shall operate a Non-Highway Vehicle on the streets under the jurisdiction and control of the City of Neoga, Illinois, until they have executed an Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue and file with same with the City Clerk of the City of Neoga, 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 A.

Sec. 78-217. –Permit Revocation.

- (a) The permit issued pursuant to Section 78-214 may be revoked by Chief of Police of the City of Neoga, Illinois, or his/her designee, if:
 - (1) There is any material misrepresentation made by the applicant on the application;
 - (2) The liability insurance required by Section 78-215 is no longer in full force and effect;
 - (3) There is evidence, as determined in the sole discretion of the Chief of Police of the City of Neoga, Illinois, or his/her designee, that the permit holder can no longer safely operate the Non-Highway Vehicle; or,
 - (4) There has been a violation of any rules, regulations, and ordinances of the City of Neoga, or provision of the Illinois Vehicle Code by the permit holder.
- (b) The Chief of Police of the City of Neoga, Illinois, or his/her designee, 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, return receipt required, to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after personal service, or on the third day after the postmark of the certified mail. In the event of revocation of a permit, the permit holder shall not be entitled to the return of any portion of the annual fee.

Sec. 78-218. –Violations; punishment.

- (a) Any person who violates this any provision of this Article, or who aids or abets the violation of any provision of this Article shall be guilty of a petty offense punishable by a fine of not less than \$100.00 nor more than \$1,000.00. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure the violation, and the City may revoke any permit authorized and issued pursuant to this Article.
- (b) A separate offense shall be deemed to be committed on each day during or on which a violation of any provision of this Article occurs or continues.
- (c) Any second or subsequent offense of any provision of this Article 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 III: MISCELLANEOUS PROVISIONS.

A. 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.

B. Effective Date. This Ordinance shall be in full effect from and after passage and approval as provided by law.

C. All prior ordinance or resolution of the City of Neoga, Illinois, contrary to the terms and conditions of this Ordinance shall be deemed to be repealed as of the effective date of this Ordinance.

Presented, passed and approved this 11 day of January 2016.

Published in pamphlet form this 11 day of January 2016.

Commissioner Marty Hartke:	Absent
Commissioner Larry Lindley:	Yea
Commissioner Rob Edwards:	Yea
Commissioner Carmen Stokes:	Yea
Mayor Tony Kepp:	Yea

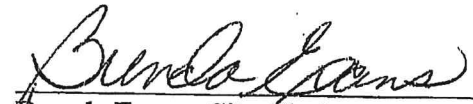
YEAS:	4
NAYS:	0

CITY OF NEOGA, ILLINOIS



Tony Kepp, Mayor

ATTEST:



Brenda Evans, City Clerk

EXHIBIT A

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 NEOGA, ITS CITY COUNCIL AND COMMISSIONERS (HEREINAFTER COLLECTIVELY 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 STREETS.

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, COMMISSIONERS, 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.

EXHIBIT A

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

WITNESSES:

OPERATOR'S SIGNATURE

DATE

