

VILLAGE OF HAMMOND  
PIATT COUNTY, ILLINOIS

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ORDINANCE #2023-18

"AN ORDINANCE REGULATING THE OPERATION AND USE OF ALL TERRAIN  
VEHICLES (ATV'S) WITHIN THE LIMITS OF THE VILLAGE OF HAMMOND, PIATT  
COUNTY, ILLINOIS"

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ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HAMMOND THIS  
13th DAY OF December 2023

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Published in pamphlet form by authority of the Village Board of the Village of Hammond, Piatt  
County, Illinois

VILLAGE OF HAMMOND  
PIATT COUNTY, ILLINOIS  
ORDINANCE #2023-18

"An Ordinance Regulating the Operation and Use of All Terrain Vehicles (ATV's) Within the Limits of the Village of Hammond, Piatt County, Illinois"

**WHEREAS**, the Village of Hammond, Piatt County, Illinois, (hereinafter the "Village") is a duly established and functioning municipal corporation; and

**WHEREAS**, the President and Village Board of the Village of Hammond, Illinois have studied the problem of all-terrain vehicles (ATV's) in the Village of Hammond, Illinois; and

**WHEREAS**, the President and Village board of the Village of Hammond, Illinois believe that there exists a need to better regulate all-terrain vehicles (ATV's) in the Village of Hammond, Illinois for the purpose of protecting the health, safety, and welfare of the residents of the Village of Hammond, Illinois:

**NOW, THEREFORE, BE IT ORDAINED** by the President and Village Board of the Village of Hammond, Piatt County, Illinois, that:

**ARTICLE ONE**

**SECTION 1: *Definition***-All Terrain Vehicle ("ATV") means a motor vehicle that is designed primarily for off highway and all-terrain use, including, but not limited to:

- a. an all-terrain motor vehicle,
- b. an all-terrain motorcycle,
- c. a dune buggy,
- d. a four-wheeler or three-wheeler,
- e. any motor vehicle used on public lands for the purpose of recreation,
- f. mopeds, go-peds, minibikes, go-carts, and the like.

The term does not include vehicles registered by the Department of Motor Vehicles.

**SECTION 2: *Prohibition on the operation of All Terrain Vehicles (ATVs)***-It is unlawful for any person to operate an all-terrain vehicle on the streets or on any Village property within the Village of Hammond, Illinois unless operation of said vehicle is allowed under Illinois law or an Ordinance of the Village which may allow licensed golf cars or recreation vehicles on Village streets.

**SECTION 3: *Parent/Adult Responsibility***-In addition to any juvenile culpability which may be imposed due to violations of this chapter, the responsibility for complying with the provisions of this chapter shall also rest upon the adult owner or custodian of any ATV or the head of household where any ATV is kept, whether or not ownership of the ATV is claimed by any other person residing in said household. A husband or wife, or two (2) or more adults living together, may jointly or separately be found liable as heads of the household where an ATV is kept. If the true owner of an ATV is of such minor age as to prohibit the minor from being required to answer in court, the parent or guardian of such minor may be required to appear and assume full

responsibility for the actions or omissions of the minor. The age of the minor is no defense to a violation of the provisions of this chapter, and the parent, guardian, owner/custodian of the ATV or the head of the household of where the ATV is kept may be held responsible for the actions or omissions of a minor's violation of this chapter.

**SECTION 4: Summary Abatement-**Whenever, in the opinion of the Village, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to real or personal property, and the continuation of the nuisance poses a substantial threat of injury to persons or property, the Village may proceed immediately and summarily to abate such nuisance.

**Penalty:**

Any person, firm, or corporation violating any provisions of this Ordinance shall be notified as follows:

1. Place phone call to homeowner notifying them of the violation on their property and giving them 10 days in which to fix the violation.
2. If compliance is not met in the 10 days, a non-certified letter will be sent reiterating the violation that needs to be corrected. Allow another 10 days.
3. If compliance is still not met, a certified violation letter is mailed to the homeowner. The first fine will be charged at this time for non-compliance and due within 10 days. The fine structure is as follows:

- 1st Offense: \$180.00
- 2nd Offense-committed within 12 months of any prior offense: \$330.00
- 3rd Offense-committed within 12 months of any prior offense: \$580.00

Each day that a violation continues beyond the 10-day notice period described above shall constitute a separate offense.

Notice shall be deemed to be properly served by:

- Depositing the notice in U.S. mail, prepaid first-class postage regardless of whether the addressee accepts or refuses delivery; or
- Personal service; or
- Posting of notice upon property.

## ARTICLE TWO

Notwithstanding any other provision to the contrary contained within this Ordinance, the use of golf cars and ATVs on the Village roadways shall be allowed without a permit, provided the following conditions are met:

- A. ATV is defined as such vehicles manufactured and marketed as All-Terrain Vehicles, including, but not limited to, Four Wheelers and Gators;
- B. The golf car or ATV is owned by the Village of Hammond and used primarily for Village business, or the ATV is personally owned and used on the Village roadways only in the performance of Village business; to be used by Village employees only;

- C. The golf car or ATV otherwise meets the requirements of this Ordinance not in contradiction with this section;
- D. The operator/employee complies with all applicable state laws and the requirements of this Ordinance relating to the operation of golf cars on the Village roadways; and
- E. The Village has issued to the operator/employee a Certificate in substantially the same form as permits issued under this Ordinance, which Certificate indicates on its face that the vehicle is to be operated on the Village roadways solely in the performance of Village business. Such Certificate shall have no expiration and may be revoked at any time for any reason by the Village of Hammond.

**ARTICLE THREE**

Nothing in this Ordinance shall be construed so as to limit or detract from the provisions of the laws of the State of Illinois, and the Ordinance shall not be construed so to legalize conditions which are nuisances at common law or to preclude any remedies available at common law or in equity.

**ARTICLE FOUR**

Except as detailed above, all other Ordinances of the Village of Hammond shall retain their current language and remain in full force and effect.

**ARTICLE FIVE  
SEVERABILITY**

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

**ARTICLE SIX  
EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage, approval, and publication in pamphlet form as provided by law.

**PASSED** by the Village President and Board of Trustees of the Village of Hammond, Piatt County, Illinois, this 13th day of December, 2023, by the following roll call vote:

AYES: 4                      NAYS: 0                      ABSENT: 2

Brenda Sebens  
Village Clerk, Village of Hammond  
Piatt County, Illinois

Marsha Burgener  
Village President, Village of Hammond  
Piatt County, Illinois

State of Illinois                    )  
   ) ss.  
 County of Piatt                    )  
 Certificate of Publication        )

I, Brenda Sebens, certify that I am the duly appointed and acting Municipal Clerk of the Village of Hammond, Piatt County, Illinois.

I further certify that on December 13, 2023, the Corporate Authorities of such municipality passed and approved Ordinance #2023-18, entitled "An Ordinance Regulating the Use of All Terrain Vehicles (ATVs) Within the Limits of the Village of Hammond, Piatt County, Illinois", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2023-18, including the Ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted in the municipal building commencing on December 13, 2023 and continuing for at least 10 (ten) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Hammond, Illinois, this 13th day of December 2023.

(SEAL)

Brenda Sebens  
 Municipal Clerk