

**ORDINANCE AMENDING THE
VILLAGE OF BARRINGTON HILLS
VILLAGE CODE WITH RESPECT TO
EQUESTRIAN TRAILS**

WHEREAS, pursuant to Section 1-1-3 of the Village Codes, this Ordinance amends the certain titles, chapters and sections set forth herein to provide for the dedication of easements for equestrian trails within the Village; and

WHEREAS, the Plan Commission conducted public hearings on the matter on each of February 14, 2005, and April 13, 2005; and

WHEREAS, the President and Board of Trustees, having considered the recommendation of the Plan Commission have determined that it is in the best interest of the Village to provide for the establishment of equestrian trails within the Village in furtherance of the Comprehensive Plan.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois, as a home rule municipality, the following:

Section One. Section 6-2-4 of the General Subdivision Regulations shall be, and the same hereby is, amended to delete the existing definition of "Easement" and substitute in lieu thereof, the following:

EASEMENT: A grant by a property owner for the use of a strip or area of land by the general public, a corporation or certain persons for a specific purpose or purposes.

and to add the following definitions of "Equestrian" and "Equestrian Trails":

EQUESTRIAN: Of or relating to horse or pony riding.

EQUESTRIAN TRAIL: A right of way or easement across, within, or on the border of a subdivision, for use by equestrian traffic whether designated as an equestrian trail, crosswalk or however otherwise designated.

Section Two. Section 6-3-3(A)2.f. of the Subdivision Procedures shall be, and the same hereby is, amended to delete said section in its entirety and substitute in lieu thereof, the following:

f. Preliminary Subdivision Proposals: Preliminary subdivision proposals prepared by a registered engineer or a professional land

surveyor, which shall include alternatives therefor, describing proposed uses and densities; general lot and street layout; water supply, wastewater and storm water management; conservation and landscaping; the widths and location of all easements, drainageways and equestrian trails; ownership and maintenance concepts; and other features that characterize the proposed subdivision.

Section Three. Section 6-3-3(B)2.b. of the Subdivision Procedures shall be, and the same hereby is, amended by adding the following subsection (7):

(7) Proposed easements for utilities, drainageways and facilities, equestrian trails, landscape areas and other purposes.

Section Four. The following Section 6-3-9 shall be added to the Subdivision Procedures (Chapter 3 of Title 6):

6.3.9 EQUESTRIAN TRAILS: When the Plan Commission determines, in consultation with the Equestrian Commission, that an equestrian trail(s) exists on property proposed for subdivision, an easement for equestrian trails shall be provided along the perimeter of the entire subdivision area or at such other locations on the property as may be recommended by the Plan Commission to the Village Board. Where there is no existing equestrian trail(s) on property proposed for subdivision, the Equestrian Commission shall determine whether or not any equestrian trail(s) should be created and shall make its recommendation on such to the Plan Commission and the Plan Commission may require an easement for equestrian trails be provided along the perimeter of the entire subdivision or at such other locations as may be recommended by the Plan Commission to the Village Board. The designs and specifications for such recommended equestrian trail(s) will be determined by the Plan Commission in consultation with Equestrian Commission and the Village Engineer based on the anticipated area and subdivision site conditions. The dedication of easements for equestrian trails shall require the approval of the Village Board upon recommendation by the Plan Commission. The requirement of the dedication of easements for equestrian trails as herein provided may be satisfied, at the recommendation of the Plan Commission and approval by the Village Board, by easements granted to such private, not-for-profit entities that operate and maintain equestrian trails within the Village, as may be approved by the Village Board. Should any easements for an equestrian trail(s) be provided on the final plat, the following certification shall appear on the final plat:

A [BLANK] wide easement for an equestrian trail is hereby reserved for and granted to the Village of Barrington Hills for use by the public. No buildings, structures or obstacles

shall be placed, constructed or maintained on, across, over or through said easement, nor shall trees, shrubs, bushes or other vegetation be planted or removed without the written authority of the Village of Barrington Hills. Use of the equestrian trail is limited to equestrian activities, and no vehicles of any kind shall be permitted to use the easement except for maintenance.

Section Five. The following Section 6-4-10 shall be added to the Standards for the Subdivision of Land (Chapter 4 of Title 6):

6-4-10 EQUESTRIAN TRAIL EASEMENTS: Easements for equestrian trails shall be provided when and where deemed appropriate by the Plan Commission and the Village Board approves their creation. Such easements shall be at least twelve feet (12') in width and shall be located so as to avoid any aboveground utility equipment and such easements shall be located so as to be reasonably passable by a horse and rider in all four seasons. Such easements shall not be located in any drainage easements unless approved in writing by the Village Engineer.

Section Six. Title 8, Police Regulations shall be, and the same hereby is, amended by adding the following Chapter 5:

CHAPTER 5 EQUESTRIAN TRAIL LICENSE

SECTION:

- 8-5-1: Definitions
- 8-5-2: License Required
 - 8-5-2-1: Application for License
 - 8-5-2-2: License Fees
 - 8-5-2-3: License Year
 - 8-5-2-4: License Tags
 - 8-5-2-5: Loss or Transfer of License
 - 8-5-2-6: Exemptions
 - 8-5-2-7: Use of Funds
- 8-5-3: Penalty

8-5-1: **DEFINITIONS:** For purposes of this Chapter the following terms are defined and shall be construed as hereinafter set out unless it shall be apparent from the context that a different meaning is intended:

CLERK: The word "clerk" shall mean the Village Clerk.

EQUESTRIAN TRAIL: The phrase "equestrian trail" shall mean the equestrian trails established pursuant to Title 6 of this Code in favor of the Village.

HORSE: The word "horse" shall mean an animal of the genus equus.

OWNER: The word "owner" means any person having a right of property in a horse or who keeps or harbors a horse or who has a horse in his or her care or custody.

8-5-2: LICENSE REQUIRED: Prior to taking any horse on an equestrian trail, the owner thereof shall obtain an equestrian trail license issued by the Village upon payment of the fee specified herein.

8-5-2-1 APPLICATION FOR LICENSE. As a condition to his or her use of the equestrian trails located in the Village, every owner of a horse shall file an application with the Village Clerk or his/or designee, setting forth the name and address of the applicant and a description of the horse for which the license is desired. Upon payment of the fee herein provided, the Village Clerk shall issue or cause to be issued a license which shall be attested by the Village Clerk authorizing the owner to ride the horse over and across the equestrian trails within the Village until the expiration of the license.

8-5-2-2 LICENSE FEES: The annual fee to be paid for an equestrian trail license is \$10.00.

8-5-2-3 LICENSE YEAR: All such licenses issued under Section 8-5-2 shall expire on April 30th following the date of issuance.

8-5-2-4 LICENSE TAG: Each applicant, upon payment of the fee, shall be given a tag to be affixed to the bridle of the licensed horse at all times while in use of the equestrian trails.

8-5-2-5 LOSS OR TRANSFER OF LICENSE: In the event that any person to whom a equestrian trail license has been issued loses the tag issued by the Village, or in the event that such tag is destroyed or mutilated, such person may apply for a new tag upon providing to the Clerk satisfactory evidence of the loss or destruction of such tag and upon paying a fee of one dollar (\$1.00). In the event that any person to whom an equestrian trail license has been issued transfers title to the horse to which such tag is issued and wishes to substitute a different horse, such person may apply for a new tag upon providing to the Clerk satisfactory evidence of the transfer of title to such horse and the destruction of such tag as was originally issued and upon paying a fee of one dollar (\$1.00).

8-5-2-6 EXEMPTIONS: No fee shall be required for any horse owned by the Village or a park district. Owners of a horse so exempt from payment of fees shall, however, apply for and obtain a license as otherwise provided in this Chapter.

8-5-2-7 **USE OF FUNDS:** All fees derived from such licenses shall be deposited in the general fund.

8-5-3 **PENALTY:** Any person violating any provision of this Chapter 5 shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

Section Seven: Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

Section Eight: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form.


Passed this 17th day of June, 2005.

AYES: 5 NAYS: 0 ABSENT: 2

Approved this 17th day of June, 2005.


Village President

ATTEST:


Village Clerk