

VILLAGE OF MINIER

ORDINANCE NO. 872

**AN ORDINANCE
AMENDING CHAPTER 10, ARTICLE 3 OF THE VILLAGE CODE
RESPECTING GOLF CARTS**

**ADOPTED BY THE
VILLAGE BOARD
OF THE
VILLAGE OF MINIER, ILLINOIS
THE 19th DAY OF JANUARY, 2021**

Published in pamphlet form by authority of the Village Board of the Village of Minier, Tazewell County, Illinois, the 19th day of January, 2021.

**AN ORDINANCE
AMENDING CHAPTER 10, ARTICLE 3 OF THE VILLAGE CODE
RESPECTING GOLF CARTS**

WHEREAS, the Village of Minier, Tazewell County, State of Illinois (the “Village”) is a duly organized and existing Village under the provisions of the laws of the State of Illinois and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the corporate authorities, for the Village of Minier, County of Tazewell, State of Illinois, have determined that it is advisable, necessary and in the best interest of the Village and its residents to adopt certain regulations regarding the operation of Golf Carts within the Village; and

WHEREAS, it is deemed advisable, necessary, and in the public interest that the Village amend Chapter 10, Article 3 of the Village Code respecting Golf Carts.

NOW, THEREFORE, be it ordained by the corporate authorities of the Village of Minier as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1.01 Incorporation Clause.

The Village President and Village Trustees hereby find that all of the recitals herein before stated as contained in the preambles to this Ordinance are full, true and correct and hereby, by reference, incorporate and make them part of this Ordinance.

SECTION 1.02 Purpose.

The purpose of this Ordinance is to establish and update the Village Code regarding the operation and registration of Golf Carts.

SECTION 1.03 Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

SECTION 1.04 State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

ARTICLE II
AMENDMENT OF CHAPTER 10, ARTICLE 3 OF THE VILLAGE CODE

SECTION 2.01 Amendment of Chapter 10, Article 3 of the Village Code.

Chapter 10, Article 3 of the Village Code is amended by replacement of the currently existing provisions with the provisions set forth in Exhibit A to this Ordinance.

SECTION 2.03 Other Actions Authorized.

The Village President, Village Clerk, and Village Attorney are hereby authorized and directed to all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

SECTION 2.04 Acts of the Village Officials.

That all acts and doing of the officials of the Village, past, present and future, which are in conformity with the purpose and intent of this Ordinance, are hereby, in all respects, ratified, approved, authorized and confirmed.

ARTICLE III
SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 3.01 Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and from no substantive part of this Ordinance, nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

SECTION 3.02 Severability.

The provision of this Ordinance are hereby declared to be severable and should any provisions, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the intent of the corporate authorities that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included. Additionally, if an additional term is required to meet compliance with State Law, then it is hereby declared to be the legislative intent of the corporate authorities that this Ordinance would have been adopted had such term been included, in order to make this Ordinance an enforceable provision.

SECTION 3.03 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

SECTION 3.04 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 3.05 Effective Date.

Subject to the provisions of Section 2.08, this Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

PASSED THE 19th day of January, 2021.

AYES: Dial, Richards, Tarbuck, Swartzendruber, Frazier, Williams

NAYS: None

ABSENT: None

APPROVED THE 19th day of January, 2021.

ATTEST:

Village Clerk

Village President

CERTIFICATION OF ORDINANCE

I, SASHA HORNER, certify that I am the duly appointed and acting Village Clerk of the Village of Minier, Tazewell County, Illinois.

I further certify that on January 19th, 2021, the Corporate Authorities of the above municipality passed and approved Ordinance No. 872 entitled, **“AMENDING CHAPTER 10, ARTICLE 3 OF THE VILLAGE CODE RESPECTING GOLF CARTS.”**

Ordinance No. 872 including the cover sheet thereof, was prepared, and published in pamphlet form on the 19th day of January, 2021. Copies of the Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Minier, Illinois, the 19th day of January, 2021.

(SEAL)

Sasha Horner, Village Clerk

Exhibit A

Sec. 10-3-38 Definitions:

- a. Golf Cart shall have the definition, for the purposes of this Ordinance, set forth in the Illinois Consolidated Statutes as it may from time to time exist, and as of the date of this Ordinance is:
 - 1. “Golf Cart” is a vehicle specifically designed and intended for 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 conditions of the grounds on a public or private golf course. (625 ILCS 5/1-123.9)
 - 2. Golf Cart does not include utility vehicles, low speed vehicles, all-terrain vehicles, recreational off-highway vehicle, or other off-road vehicles.
- b. Restricted Route shall be defined as any truck route, as may from time to time be designated as such by the state, county, or Village.
- c. Prohibited Route shall be defined as any federal, state, county or township roadway or route, as may from time to time be designated as such by the state, county, or township, including as of the date of this Ordinance, Illinois Route 122 (a state route), Minier Avenue (a county highway), and Stringtown Road (a township road).
- d. Village Streets shall be defined as the streets, roadways, alleys, and other thoroughfares within the Village, except for Restricted Routes and Prohibited Routes, and shall not include sidewalks or other pedestrian areas.
- e. Required Equipment shall be defined as, without exception:
 - 1. seat belts, including a Child Restraint System when transporting a child subject to such use;
 - 2. brakes;
 - 3. a steering apparatus;
 - 4. tires;
 - 5. a rearview mirror;
 - 6. red reflectorized warning devices in the front and rear;
 - 7. a slow moving vehicle emblem on the rear of the golf cart, in the form and of the size then required by state law;

8. a headlight that emits a white light visible from a distance of 500 feet to the front;
 9. brake lights; and
 10. turn signals.
- f. Child Restraint System shall have the definition, for the purposes of this Ordinance, set forth in the Illinois Child Passenger Protection Act (625 ILCS 25/4), as it may from time to time exist.
- g. Disabled Operator shall be defined as a person over the age of 18 who has registered with the Village as a Disabled Operator as provided in this Ordinance.
- h. Recreational Operator shall be defined as a person over the age of 18 who has registered with the Village as a Recreational Operator as provided in this Ordinance.
- i. Village Permit shall be defined as the Village issued permit authorizing a specific Golf Cart to be operated on Village Streets, and shall be issued as provided herein.

Sec. 10-3-39 Golf Cart Operations:

- a. Any Golf Cart operated on Village Streets must be registered with the Village. Registered Golf Carts will be issued a Village Permit. A Golf Cart may be operated within the Village only pursuant to the provisions of this Ordinance. A Disabled Operator using the Golf Cart as an Other Power-Driven Mobility Device (OPDMD) as defined by the federal Americans' with Disabilities Act may request a waiver or modification of the requirements and prohibitions of this ordinance where such waiver or modification can be made consistent with the Village's legitimate concerns for public safety.
- b. A Golf Cart shall not be operated:
1. in violation of the laws of the State of Illinois;
 2. at a speed in excess of 25 miles/hour;
 3. by any person other than a Disabled Operator or a Recreational Operator as defined herein;
 4. on any Village sidewalk, park path, or similar walkway, *provided* that a Golf Cart may directly cross a sidewalk at designated entrance and egress locations to parking lots and driveways;
 5. on public grounds not designated as Village Streets, including but not limited to parks, grass, or other non-roadway surfaces where such operation

may cause damage to the surface, including but not limited to rutting, erosion, or damage to grass and other plant life;

6. on or across any Prohibited Route;
7. on any Restricted Route, *provided* that a Golf Cart may directly cross a Restricted Route at intersections of such route and a Village Street
8. while under the influence of drugs or alcohol, as may from time to time be defined by the state;
9. while transporting open containers of alcoholic beverages of any type;
10. in an aggressive or reckless manner;
11. transporting any person not properly secured in a seat belt or Child Restraint System;
12. while transporting a child under the age of 12 and subject to the height and weight requirements of the Child Passenger Protection Act, unless properly restrained in a Child Restraint System;
13. when the Golf Cart is not equipped with all Required Equipment, when such Required Equipment is not in a safe and proper operating condition, or without displaying headlights and taillights after dusk and before dawn;
14. when the operator and Golf Cart are not covered by not less than state required minimum liability insurance.

Sec. 10-3-40 Golf Cart Registration:

- a. A Village Permit shall be issued annually and be valid for the period from the date of issuance to the last day of the month of May next following issuance. Permits for less than one full year shall be assessed a pro-rated fee, and thereafter renew in May of each following year.
- b. Every initial and renewal application for a Village Permit shall be made on a form supplied by the Village and shall include the following information:
 1. Name and address of applicant;
 2. Name of liability insurance carrier;
 3. The serial number, make, model and description of Golf Cart;
 4. a signed acknowledgement that the subject vehicle meets the requirements of the Village Code, has all Required Equipment in good and operating condition, and will be kept and maintained in that condition by the applicant; and

5. payment of the initial registration fee. as required herein.
- c. Upon registration, the Applicant shall identify to the Village all persons authorized to operate the Golf Cart within the Village on a form supplied by the Village, and shall include the following information:
1. Each authorized operator's complete name;
 2. A statement that the authorized operator possess a valid driver's license;
 3. A statement that the authorized operator has been advised of and agreed to operate the Golf Cart in a manner consistent with this Ordinance;
 4. A statement that the authorized operator is fully insured by the insurance policy identified in subparagraph (b)(2) above.
- d. The applicant shall advise the Village and amend its statement of authorized operators prior to allowing a person not identified to the Village to operate the Golf Cart.

Sec. 10-3-41 Registration Fees

- a. A Golf Cart registered by a Disabled Operator shall not be subject to payment of registration or renewal of registration fees.
- b. A person registering a Golf Cart as a Disabled Operator shall state that they:
1. meet the definition of a person with a disability as provided in 625 ILCS 5/1-159.1 and
 2. have been issued a Persons with Disabilities Parking Placard/License Plates by the Illinois Secretary of State, and display such permit to the Village on request.
- c. A person registering a Golf Cart as a Recreational User shall pay an annual registration/renewal of registration fee of \$ 100.00.
- d. In addition to the requirement of subsection (c), a person registering as a Recreational Operator shall provide assigned Release and Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from their operation on Village Streets.

Sec. 10-3-42 Penalty: Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than Seventy-Five dollars (\$75.00), nor more than Five Hundred Dollars (\$500.00), for each offense, and the registration of a Golf Cart involved in a violation of this Ordinance may, at the discretion of the Village Board after an opportunity for the applicant to be heard, be revoked.