

ORDINANCE NO. 980

**AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF ORDINANCES FOR
THE VILLAGE OF TEUTOPOLIS, ILLINOIS
(GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES)**

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

WHEREAS, the Village of Teutopolis, Illinois, currently regulates the use of golf carts on streets under the jurisdiction of the Village of Teutopolis, Illinois, pursuant to Chapter 71 of the Code of Ordinances for the Village of Teutopolis, Illinois; and,

WHEREAS, the Board of Trustees for the Village of Teutopolis, Illinois, has considered the volume, speed and character of traffic on the streets within the corporate limits of the Village of Teutopolis, Illinois; and,

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

WHEREAS, after careful consideration, the Board of Trustees of the Village of Teutopolis, Illinois, further deems it to be in the best interest of the citizens of the Village of Teutopolis, Illinois, to amend said Chapter 71 of the Code of Ordinances for the Village of Teutopolis, Illinois, as provided for herein.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TEUTOPOLIS, EFFINGHAM COUNTY, ILLINOIS:

Section 1: The findings made in the prefatory portion of this Ordinance are hereby adopted.

Section 2: REPEAL AND REPLACE. Chapter 71 of the Code of Ordinances of the Village of Teutopolis, Illinois, is hereby repealed and replaced with the following:

“§71.01 DEFINITIONS.

For the purpose of this Chapter, the following words, terms and phrases, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

COUNTRY ROAD. Any highway under the jurisdiction of the county, including the state aid road between State Street and State Route 33.

NON-HIGHWAY VEHICLE. A motor vehicle not specifically designed to be used on a public highway, including:

- A. A Golf Cart, as that term is defined in Section 1.123.9 of the Illinois Vehicle Code (625 ILCS 5/1-123.9), namely, a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course; and,
- B. A Recreational Off-Highway Vehicle, as that term is defined in Section 1-168.8 of the Illinois Vehicle Code, namely 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 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers (commonly known as a “Side-by-Side”);
- C. Anything contained in this Chapter to the contrary notwithstanding, for purposes of this Ordinance, the term “Non-Highway Vehicle” shall not include any “All-terrain vehicle” as defined in 625 ILCS 5/1-101.8, including any four-wheeler or 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.

STATE ROAD. Any highway under the jurisdiction of the State, including U.S. Route 40.

VILLAGE STREET. Any street within the corporate limits of a Village, to the exclusion of State Roads and Country Roads.

§71.02 RULES AND REGULATIONS.

- A. Except as provided in this Chapter, it is unlawful for any person to drive or operate a Non-Highway Vehicle upon any Village Street, State Road, or Country Road within the Village.
- B. A person operating a Non-Highway Vehicle on any Village Street, State Road, or Country Road must ensure compliance with the following requirements:

- (1) Shall be subject to the mandatory insurance requirements specified by the State's Motor Vehicle Code for passenger vehicles;
- (2) Must have a valid driver's license to operate a motor vehicle, issued by the State or any other state;
- (3) Must display the permit hereinafter mentioned in a visible location on the Non-Highway Vehicle;
- (4) Must be equipped with brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in 625 ILCS 5/12.709) on the rear of the Non-Highway Vehicle, a headlight that emits a white light visible for a distance of at least 500 feet from the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, turn signals, horn, windshield, approved seatbelts for the driver and all passengers;
- (5) Any Golf Cart, as defined in §71.01, must also be equipped with a triangular orange flag displayed at the top of a six-foot pole mounted to the rear bumper;
- (6) When operated on a roadway, a Non-Highway Vehicle must have its headlights and tail lamps lighted as required by 625 ILCS 5/12-201;
- (7) Must obey all traffic laws of the State and Village;
- (8) A Golf Cart, as that term is defined in §71.01, must be operated by a person of 18 years of age or older and a Recreational Off-Highway Vehicle, as that term is defined in §71.01, must be operated by a person of 21 years of age or older;
- (9) May not be operated upon U.S. Route 40, except as stated herein;
- (10) Any modification to the Side-by-Side suspension may not exceed six inches in height;
- (11) Must not exceed 20 mph;
- (12) Non-Highway Vehicles may only be operated on designated Village Streets from sunrise to sunset. They shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions limiting visibility, nor at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet;
- (13) Non-Highway Vehicles may not be operated by a person who drives or is in the actual physical control of a Non-Highway Vehicle on a Village Street,

State Road, or Country Road while under the influence of alcohol, drugs, or intoxicating compounds subject to 625 ILCS 5/11-502, inclusive;

- (14) Non-Highway Vehicles shall not be operated on sidewalks, nor in parks or other public places within the Village, other than in designated parking areas;
- (15) Non-Highway Vehicles may not be operated on State Roads or Country Roads, except to cross (i) Main Street at its intersection with Pearl Street; (ii) Main Street at its intersection with Columbus Street; or (iii) Main Street at its intersection with Race Street. The Village will ensure that proper signage is erected to designate the authorized crossing points;
- (16) **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; and,
- (17) **Trailers.** It shall be unlawful to pull any trailer or any equipment or device with a Non-Highway Vehicle.

§71.03 PERMITS.

- A. No person shall operate a Non-Highway Vehicle on a Village Street, State Road, or Country Road without obtaining a permit from the Village Clerk as provided herein. The permit, if issued, shall be valid until December 31 of the same calendar year of issuance. Thereafter, upon renewal, a permit shall be valid for a period of one year from January 1 in the year of renewal to December 31 of the same calendar year of issuance. Prior to the issuance and/or renewal of a permit to operate a Golf Cart, as defined in §71.01, a person applying for such a permit, shall pay to the Village Clerk an annual fee of \$50.00. Prior to the issuance and/or renewal of a permit to operate a Recreational Off-Highway Vehicle, as that term is defined in §71.01, a person applying for such a permit shall pay to the Village Clerk an annual fee of \$100.00. The existence of the required insurance coverage shall be verified by the Village Clerk when issuing or renewing the permit.
- B. Every application for a permit shall be on a form supplied by the Village and shall contain the following information:
 - (1) The name and address of the applicant;
 - (2) The name of the liability insurance carrier;

- (3) The serial number, make, model, and description of the Non-Highway Vehicle;
- (4) A signed waiver of liability by the applicant releasing the Village from any and all future claims resulting from the operation of the applicant's Non-Highway Vehicle within the Village;
- (5) A photostatic copy of the liability insurance coverage card issued by the insurance carrier specifically applicable to the Non-Highway Vehicle; and,
- (6) Such other information as the Village may reasonably require to ensure compliance with this Chapter.

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

- (1) The Non-Highway Vehicle must be inspected by the Village Chief of Police, or his or her designee, to ensure that the vehicle is safe to operate on the Village Streets and is in compliance with the requirements of this Chapter.
- (2) A physically handicapped applicant requiring a Non-Highway Vehicle modified with hand controls must submit a certificate signed by a physician that the handicapped applicant is able to safely operate a motorized Non-Highway Vehicle in compliance with this Chapter.
- (3) The applicant's place of domicile must be located at a Teutopolis, Illinois, 62467 mailing address.

§71.04 PERMIT REVOCATION.

A. The permit issued pursuant to §71.03 may be revoked by Village Chief of Police, or his or her designee, if:

- (1) There is any material misrepresentation made by the applicant on the application;
- (2) The liability insurance required by §71.03 is no longer in full force and effect;
- (3) There is evidence, as determined in the sole discretion of the Village Chief of Police, or his or 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 Village of Teutopolis, or provision of the Illinois Vehicle Code by the permit holder.

B. The Village Chief of Police, or his or 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.

§71.05 VIOLATIONS; PUNISHMENT.

- A. Any person who violates any provision of this Chapter, or who aids or abets the violation of any provision of this Chapter, 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 Village may seek injunctive and declaratory relief directing the violator(s) to cure the violation, and the Village may revoke any permit authorized and issued pursuant to this Chapter.
- 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 Chapter shall result in the revocation of the Non-Highway Vehicle permit for a period of not less than one (1) year nor more than five (5) years.”

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

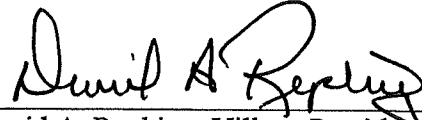
Presented, Passed, and approved on December 15, 2021.

Published on December 15, 2021.

Daniel Zerrusen	<u>YES</u>
Jane Summers	<u>YES</u>
Greg Oseland	<u>YES</u>
Dave Tegeler	<u>Absent</u>
Bernard Hartke	<u>NAY</u>
Angie Kroeger	<u>YES</u>

YEAS:	<u>4</u>
NAYS:	<u>1</u>
ABSENT:	<u>1</u>

VILLAGE OF TEUTOPOLIS, ILLINOIS



David A. Repking, Village President

ATTEST:



Amy Vahling, Village Clerk

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

I, Amy Vahling, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files, and seal of said Village. I do also certify that the foregoing is a true and complete copy of:

Ordinance No. 980 "AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF TEUTOPOLIS, ILLINOIS (GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES)"

The aforesaid Ordinance was passed by the President and Board of Trustees of the Village by aye and nay vote at a meeting of the Board of Trustees held on December 15, 20 21, as the same appears from the records and files in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Village of Teutopolis, Illinois, on December, 20 21.



Amy Vahling, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) ss.
COUNTY OF EFFINGHAM)

CERTIFICATE

I, Amy Vahling, Clerk of the Village of Teutopolis, Effingham County, Illinois, do hereby certify that I am the keeper of the records, files, and seal of said Village.

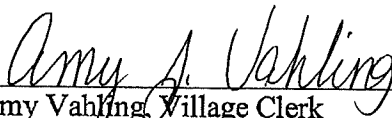
I further certify that on December 15, 20 21, the President and Board of Trustees of such municipality passed and approved Ordinance No. 980, entitled:

Ordinance No. 980 "AN ORDINANCE AMENDING CHAPTER 71 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF TEUTOPOLIS, ILLINOIS (GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES)"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 980 was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on December 16, 20 21, and continuing for at least ten days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

Dated this day of December 15, 20 21.



Amy Vahling, Village Clerk

(SEAL)