

ORDINANCE NO. 674

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, ALL-TERRAIN
UTILITY VEHICLES, AND MOTORIZED BICYCLES ON THE STREETS OF THE VILLAGE
OF GREENUP, IL

PASSED BY THE BOARD OF THE VILLAGE OF GREENUP, IL
THIS 5th DAY OF APRIL 2021

An Ordinance Authorizing the Operation of Golf Carts, All-Terrain Utility Vehicles, and Motorized Bicycles on the Streets of the Village of Greenup, IL

WHEREAS, the Village of Greenup, Illinois is a duly organized and existing municipal corporation organized and operating under the constitution and laws of the State of Illinois; and

WHEREAS, the Village derives its rights, power and authority from the various sections of the Municipal Code and the Village Code; and

WHEREAS, the Village has enacted a Village Code for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, pursuant to Title 10, Chapter 28, the Village has adopted certain code provisions regarding the regulation of operating golf carts and all terrain utility vehicles on village streets; and

WHEREAS, The Mayor and Village Board find that the best interest of the Village and its residents is furthered by the amendment the Village Code to repeal and replace the provisions of Title 10 Chapter 28 of the Village code regarding the operation of golf carts, all-terrain utility vehicles, and motorized bicycles on village streets; and

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF GREENUP, ILLINOIS AS FOLLOWS:

SECTION ONE: The recitals set forth hereinabove are hereby incorporated as findings as if said recitals were fully set forth within this Section One.

SECTION TWO: The intent of the Ordinance is to repeal the text of Chapter 10.28 of the Village in its entirety and replace it with the text contained in Section Four of this Ordinance as laid out below.

SECTION THREE: That Chapter 10.24 of the Village Code is hereby repealed in its entirety.

SECTION FOUR: That Chapter 10.28 of the Village Code of the Village of Greenup is hereby amended, repealing the previous ordinance language, and replacing the language regarding the operation of golf carts, all-terrain utility vehicles, and motorized bicycles on village streets, and shall be read as follows:

...

CHAPTER 10.28.010
OPERATION OF GOLF CARTS, ALL-TERRAIN UTILITY VEHICLES, AND MOTORIZED BICYCLES ON VILLAGE STREETS

Sections:

- 10.28.010: Purpose
- 10.28.020: Definitions
- 10.28.030: Requirements
- 10.28.040: Permits
- 10.28.050: Ordinance Violation

10.28.010 Purpose

The intent of this ordinance is to regulate the use of Golf Carts, All-Terrain Utility Vehicles and Motorized Bicycles within the corporate limits of the Village of Greenup, IL as authorized by Illinois Statute 62 ILCS 5/11-1426.

10.28.020 Definitions

1. *"Golf Cart"* is a small, motorized vehicle for golfers and their equipment that shall not be capable of speeds exceeding twenty (20) miles per hour.
2. *"All-Terrain Utility Vehicle"* is a small two (2) to six (6) persons, four-wheel off-road vehicle which excludes three-wheel and four-wheel ATV's.
3. *"Motorized Bicycle"* is a two (2) or three (3) wheeled device with fully operational pedals and;
 - a. A gasoline motor of less than one (1) horsepower, whose maximum speed on a paved level surface, when powered solely by such motor is 20 miles per hour or less, or
 - b. An electric motor of less than 750 watts, whose maximum speed on a paved level surface, when powered solely by such motor is 20 miles per hour or less.
4. *"Village Streets"* means any of the streets within the boundaries of the Village of Greenup, IL except for State Highways and County Roads.
5. *"State Highways"* include but is not limited to Illinois Route 121, Illinois Route 130, U.S. Route 40 or any other roadway maintained by the Illinois Department of Transportation.
6. *"County Roads"* include but is not limited to County Highway 11, which is known as the "York Road" and any other road maintained by the Cumberland County Highway Department.

10.28.030 Requirements

All persons wishing to operate a Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle on the streets of the Village of Greenup, IL must ensure compliance with the following requirements.

1. Proof of Liability Insurance.
2. Must display Village decal front and rear.
3. Must be inspected by Village of Greenup Chief of Police or designated representative.
4. Must have valid Illinois Driver's License.
5. Must be equipped with seatbelts (Motorized Bicycle excluded), windshield (Motorized Bicycle excluded), eye protection (Motorized Bicycle only), horn, brakes, turn signals, a steering wheel apparatus (Motorized Bicycles excluded), handlebar (Motorized Bicycles only) tires,

rearview mirror, an approved slow-moving vehicle emblem on the rear, a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, a tail lamp that emits a red light visible from at least one hundred (100) feet from the rear, red reflectorized warning devices on front and rear, brake lights, and turn signals. When operated on a village street Golf Carts, All-Terrain Utility Vehicles and Motorized Bicycles shall have their headlights and tail lamps lighted (625 ILCS 5/11-1426).

6. Must obey all traffic laws of the State of Illinois and Village of Greenup, IL.
7. Must be twenty-one (21) years of age or older to operate.
8. Streets and Alleys owned and maintained by the Village of Greenup use only.
9. No modifications made to Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle suspension.
10. Must not exceed twenty (20) miles per hour.
11. Crossing of State Highway (Illinois Route 121, Illinois Route 130, and U.S. Route 40).
 - a. All direct crossings shall be made only at intersections of above listed highways with another Village of Greenup, IL street or road.
 - b. Crossing must be made at an angle of approximately ninety (90) degrees of the highway being crossed and at a place where no obstruction prevents a quick and safe crossing.
 - c. Crossing must be made only after a complete stop.
 - d. Operator must yield the right-of-way to all pedestrian and vehicular traffic that constitutes a hazard.
12. May only operate on Village of Greenup, IL streets with the exception of authorized crossings of State Highways.
13. Golf Carts, All-Terrain Utility Vehicles, and Motorized Bicycles may only be operated on designated Village of Greenup, IL streets from 6:00 a.m. to 10:00 p.m. They shall not be operated in inclement weather nor when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of five hundred (500) feet.
14. A person shall not drive or be in actual physical control of a Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle on a roadway while under the influence of drugs or alcohol, subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes 625 ILCS 5/11-500 thru 11-502).
15. Golf Carts, All-Terrain Utility Vehicles, and Motorized Bicycles shall not be operated on sidewalks or in the Village parks other than parking areas and street.

16. Golf Carts, All-Terrain Utility Vehicles, and Motorized Bicycles may not be operated on streets, highways, and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 121, Illinois Route 130, or US. Route 40) or the County Highway Department (County Highway 11, known as "York Road").
17. Golf Carts, All-Terrain Vehicles, and Motorized Bicycles may not be operated on State or County roads except to cross at authorized locations where authorized by the State of Illinois Department of Transportation or County Highway Department as applicable.
18. All requirements of the State of Illinois must be complied with in addition to the requirements enumerated in this Code.

10.28.040 Permits

1. No person shall operate a Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle without obtaining a permit from the Village of Greenup Chief of Police or designated representative as provided herein. Permits shall be granted for a period of one (1) year and may be renewed annually. The cost of a permit is forty-five dollars (\$45.00). Insurance coverage is to be verified in effect by the Village of Greenup Chief of Police or designated representative when renewing permit.
2. Every application for a permit shall be made on a form supplied by the Village of Greenup, IL and shall contain the following information:
 - a. The name, address, and phone number of applicant.
 - b. Illinois Driver's License number with expiration date.
 - c. Proof of applicable liability insurance coverage specifically for the Golf Cart, All-Terrain Utility Vehicle or Motorized Bicycle to be operated on Village streets must be presented at time of permit application. Said proof must be kept with permitted Golf Cart, All-Terrain Utility Vehicle or Motorized Bicycle.
 - d. The serial number, make, model, and description of the Golf Cart, All-Terrain Utility Vehicle or Motorized Bicycle.
 - e. Signed waiver of liability by applicant releasing the Village of Greenup, IL from any and all future claims resulting from the operation of their Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle on Village of Greenup, IL streets.
 - f. Such other information as the Village may require.
3. No permit shall be granted unless the following conditions are met:
 - a. The Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle must be inspected by the Village of Greenup Chief of Police or designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with the requirements of this

ordinance.

- b. The handicapped applicant must submit a certificate signed by a physician that the handicapped applicant is able to safely operate a Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle on the roads in the State of Illinois.
- c. The applicant must provide evidence of insurance in compliance with the provisions of Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

10.28.050 Ordinance Violation

The Village Board may suspend or revoke a permit granted, hereunder upon a finding that the holder thereof has violated any of the provisions of this ordinance or if there is evidence that the permittee cannot safely operate the Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle on the designated roadways.

1. Any person who violates any provision of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) and not more than five hundred dollars (\$500.00).
2. A second violation within a twelve (12) month period may result in suspension or revocation of permit for a period of three (3) months.
3. A third or subsequent offense violation may result in a suspension or revocation for up to five (5) years.

Every person operating a Golf Cart, All-Terrain Utility Vehicle, or Motorized Bicycle pursuant to permit hereunder on designated Village of Greenup, IL streets has all the rights and duties applicable to a driver of any other vehicle pursuant to State and Federal Highway Traffic laws and regulations.

...

SECTION FIVE: All Ordinances and Resolutions, or parts thereof, in conflict herewith, are hereby repealed.

SECTION SIX: This Ordinance shall not cause any citations, penalties or liabilities that were created under the repealed ordinance to be nullified or voided, so long as the applicable ordinance was in effect at the time of the alleged action resulting in said citation, penalty or liability.

SECTION SEVEN: That if any part or parts of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Village Board declares hereby that they would have passed the remaining parts of this Ordinance if they had known that such part or parts thereof would be declared unconstitutional.

SECTION EIGHT: The Village Clerk of the Village of Greenup is directed hereby to publish this Ordinance in pamphlet form.

SECTION NINE: This Ordinance shall be in full force and effect from and after its passage, approval in accordance with the manner prescribed by law.

Presented and passed this 5th day of April, 2021.

Alene Blade	<u>✓</u>
Max McCullough	<u>✓</u>
Marcus Millsap	<u>✓</u>
Sherry Parker	<u>✓</u>
Justin Roley	<u>✓</u>
Danita Starwalt	<u>✓</u>

AYES	<u>6</u>
NAYS	<u>0</u>
ABSENT	<u>0</u>
ABSTAIN	<u>0</u>

Approved this 5th day of April, 2021.



Stacey Carl
Mayor/President of the Village Board

ATTEST:



Jill Kimble, Village Clerk

**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 NO TO SUE made by me, _____ (hereinafter referred to as Operator) to Village of Greenup, IL, and its Trustees (hereinafter referred to as the Village).

I FULLY RECONGIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART, ALL-TERRAIN UTILITY VEHICLE, OR MOTORIZED BICYCLE ON VILLAGE 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 VILLAGE 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 GOLF CART, ALL-TERRAIN UTILITY VEHICLE, OR MOTORIZED BICYCLE ON VILLAGE STREETS.

I understand that the Village has an ordinance governing the use of Golf Carts, All-Terrain Utility Vehicles and Motorized Bicycles on Village Streets and herby agree to conform with ALL requirements of the Village 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 applicable traffic laws of the State of Illinois at all times when operating this Golf Cart, All-Terrain Utility Vehicle or Motorized Bicycle on Village streets.

I, THEREFORE AGREE TO ASSUME AND TAKE ON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. INCONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART, ALL-TERRAIN UTILITY VEHICLE ON VILLAGE STREETS, I RELEASE THE VILLAGE (AND THE BOARD OF TRUSTEES, 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 THE ACTIVITY. I UNDERSTAND THAT THIS RELEASE COVERS LIABILITY, CLAIMS AND ACTION CAUSED ENTIRELY OR IN PARTY BY ANY ACTS OR FAILURES TO ACT ON MY PART, INCLUDING BUT LIMITED TO NEGLIGENCE, MISTAKES OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

I assure the Village that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the Village that I have adequate health and liability insurance necessary to provide for and pay any medical cost or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the Village harmless for any such medical cost or property damage.

I understand that this Release means I am giving up, among other things, rights to sue the Village, its Board of Trustees, 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 myself.

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

Operator's Signature

Date

Witness to Signature

Date

STATE OF ILLINOIS)
) SS.
COUNTY OF CUMBERLAND)

CERTIFICATE

I, Jill Kimble, certify that I am the duly elected and acting Municipal Clerk of the Village of Greenup, Cumberland County, Illinois.

I further certify that on April 5, 2021 the Corporate Authorities of such municipality passed and approved Ordinance NO. 674 entitled "AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, ALL-TERRAIN UTILITY VEHICLES, AND MOTORIZED BICYCLES ON THE STREETS OF THE VILLAGE OF GREENUP, IL", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 674, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on April 1 6th, 2021 and continuing for a least ten days thereafter.

Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Greenup, Illinois this 6th day of April, 2021.

(SEAL)



Jill Kimble, Village Clerk