

ORDINANCE NO. 057-2022

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON STREETS
AND ALLEYS UNDER THE JURISDICTION OF THE CITY OF EFFINGHAM,
EFFINGHAM COUNTY, ILLINOIS

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

WHEREAS, the City Council for the City of Effingham, Illinois, has considered the volume, speed and character of traffic on the streets and alleys of the City of Effingham, Illinois; and,

WHEREAS, the City Council for the City of Effingham, Illinois, has determined that certain types of golf carts, as defined below, may safely operate on the streets and alleys within the corporate limits of the City of Effingham, Illinois, if properly regulated as provided herein.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EFFINGHAM, ILLINOIS, THAT:

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

Section II: Operation of Golf Carts on streets and alleys.

- A. Definition: For purposes of this Ordinance, the term "Golf Cart" shall have the same meaning as that term is defined in Section 1-123.9 of the Illinois Vehicle Code.
- B. Subject to the requirements and regulations of this Ordinance, Golf Carts may be operated only on those streets and alleys depicted in green on the map attached hereto as Exhibit A, which are under the jurisdiction and control of the City of Effingham, Illinois, and where the posted speed limit is 30 miles per hour or less. No person shall operate a Golf Cart on streets and alleys where the posted speed limit is higher than 30 miles per hour or on streets and alleys marked as not allowed on the map attached hereto as Exhibit A, except operators are permitted to make a direct crossing in a perpendicular manner on those streets depicted in blue on the map attached hereto as Exhibit A, and listed as follows:
 - 1. Wabash Avenue (from Wernsing Avenue to S. Willow Street);
 - 2. Fourth Street (from Wabash Avenue to Fayette Avenue);

3. Jefferson Avenue (from Fourth Street to Third Street);
 4. N. Willow Street (from E. Fayette Avenue to E. Temple Avenue);
 5. Temple Avenue (from N. Keller Drive to Willow Street);
 6. W. Evergreen Avenue (Outerbelt West to Keller Dr.);
 7. Rickelman Avenue (N. Raney Street to Cumberland Street);
 8. Rickelman Avenue (N. Fourth Street to Third Street);
 9. N. Raney Street (Ford Avenue to Rickelman Avenue);
 10. Technology Avenue (Third Street to N. Willenborg Avenue); and,
 11. Evergreen Avenue (N. Keller Drive to Third Street).
- C. Except as provided in Paragraphs B and C of this Section, it shall be unlawful to operate a Golf Cart on streets, highways, and roads under the jurisdiction of the Illinois Department of Transportation or another jurisdiction, except operators are permitted to make a direct crossing at the following intersections:
1. N. Rt 45: Third Street and Virginia Avenue; and,
 2. Rt. 40 and IL 33: Pedestrian Bridge Crossing Fayette Avenue from Jefferson Avenue to the Amtrak Train Station only).
- D. Golf Carts shall be operated in the same direction as traffic.
- E. It shall be unlawful to operate or park a Golf Cart on any sidewalks, bike paths, multi-use paths, or other locations within the corporate limits of the City of Effingham, Illinois, except as permitted by this Ordinance or on private property.
- F. It shall be unlawful to operate a Golf Cart on unimproved alleys when wet or muddy when rutting of the alleyway could occur.

Section III: Required Equipment. No Golf Cart shall be operated on any street or roadway under the jurisdiction and control of the City of Effingham, Illinois, unless the Golf Cart is equipped with the following equipment, that must be kept in good working condition at all times:

- A. Brakes;
- B. Steering apparatus;
- C. Tires;
- D. A rear view mirror;
- E. A red reflectorized warning device on the front and rear of the Golf Cart;
- F. A slow moving emblem as required by 625 ILCS 5/12-709 attached to the rear of the Golf Cart;

- G. A head light that emits white light visible from at least 500 feet to the front of the Golf Cart;
- H. A tail lamp that emits red light visible from at least 100 feet from the rear of the Golf Cart;
- I. Brake lights on the rear of the Golf Cart;
- J. Turn signals on the front and rear of the Golf Cart; and,
- K. Seat Belts for all occupants and child restraints when appropriate.

Section IV: Lights. No Golf Cart shall be operated on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, unless such Golf Cart has its head lights and tail lights illuminated at all time.

Section V: Required seating; passengers. A Golf Cart may transport only the number of passengers for which the specific Golf Cart was designed. Every passenger shall sit in a seat that was installed by the manufacturer of the Golf Cart. It shall be unlawful for the operator/driver of the Golf Cart to transport passengers unless each passenger is in a seat. The operator/driver of the Golf Cart shall not transport anyone who is sitting on the lap of a passenger, or in any other location except in a seat. No part of the body of the operator or an occupant shall extend outside the perimeter of the Golf Cart while in operation. Furthermore, all occupants in a Golf Cart shall remain seated at all times that the Golf Cart is in operation.

Section VI: Trailers. It shall be unlawful, while operating a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, to pull a trailer or any equipment or device.

Section VII: Age of Operator, License. No person shall operate a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, unless such operator is at least sixteen (16) years of age, holds a valid motor vehicle driver's license bearing a photograph verifying the identity and age of the operator.

Section VIII: Speed Limit. No person shall operate a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, in excess of 20 miles per hour.

Section IX: Ordinance and Vehicle Code Obeysance. During the operation of a Golf Cart on any street or alley under the jurisdiction and control of the City of Effingham, Illinois, the operator of such Golf Cart shall obey all applicable rules, regulations, and ordinances of the City of Effingham, Illinois, and the provisions of the Illinois Vehicle Code, 625 ILCS 5/11-100, et. seq., as amended from time to time. A person operating or who is in actual physical control of a Golf Cart or as described herein on any City street or other roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502).

Section X: City Permit; Annual Fee.

- A. No Golf Cart shall be operated on the streets and alleys under the jurisdiction and control of the City of Effingham, unless said Golf Cart is first permitted by the City of Effingham, Illinois.
- B. A person desiring to operate a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, shall make application for a Golf Cart permit with the Police Chief of the City of Effingham, Illinois, or his/her designee, on forms provided by the City, and shall contain the following information:
 - 1. Name and address of applicant;
 - 2. Name of liability insurance carrier;
 - 3. The serial number, make, model, and description of the Golf Cart;
 - 4. Signed Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue by applicant and any other person who will operate the Golf Cart;
 - 5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit; and,
 - 6. Such other information as the City may require.
- C. No permit shall be granted unless the applicant's place of domicile is located within the corporate limits of the City of Effingham, Illinois.
- D. Prior to the issuance and/or renewal of a Golf Cart permit pursuant to this Ordinance, any person applying for a Golf Cart permit pursuant to this Ordinance shall pay an annual fee of \$50.00, or if over the age of 62, an annual fee of \$40.00, to the City Clerk of the City of Effingham, Illinois. Furthermore, prior to the issuance and/or renewal of a Golf Cart Permit, an applicant shall also present the Golf Cart to the Police Department of the City of Effingham, Illinois, or his/her designee, for an inspection to determine whether the Golf Cart complies with the provisions of this Ordinance and may be operated on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois. If an officer with the Police Department of the City of Effingham, Illinois, or his/her designee determines that the applicant and the Golf Cart comply with the provisions of this Ordinance, then the Police Chief, or his/her designee shall issue a permit to the applicant.
- E. The permit shall be in that form as attached hereto as Exhibit B. The permit, if issued, shall be valid until the 30th day of September following issuance. Thereafter, upon renewal, a permit shall be valid for a period of one year from October 1 in the year of renewal to September 30 of the following calendar year.

- F. A copy of the permit, as well as proof of required insurance, shall always be maintained in the Golf Cart during operation. The permit shall be displayed in a clearly visible place on the right rear side of the Golf Cart.

Section XI: Mandatory Insurance. No person shall operate a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, unless:

- A. The Golf Cart is covered by a liability insurance policy as required under 625 ILCS 5/7-601.
- B. Every operator of a Golf Cart, shall carry with the Golf Cart evidence of insurance as required by 625 ILCS 5/7-602.

Section XII: Release of Liability. No person shall operate a Golf Cart on the streets and alleys under the jurisdiction and control of the City of Effingham, Illinois, unless that person has executed an Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue and filed the same with the Police Department of the City of Effingham, Illinois. The Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue shall be in that form as attached hereto as Exhibit C.

Section XIII: Permit Revocation.

- A. The Permit issued pursuant to Section X of this Ordinance may be revoked by the Police Chief of the City of Effingham, Illinois, or his/her designee, if:
1. There is any material misrepresentation made by the applicant on the application;
 2. The liability insurance required by Section XI of this Ordinance is no longer in full force and effect; or,
 3. There is evidence, as determined in the sole discretion of the Chief of Police of the City of Effingham, Illinois, or his/her designee, that the permit holder can no longer safely operate the Golf Cart.
- B. The Chief of Police of the City of Effingham, Illinois, or his/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.

Section XIV: Violations; punishment.

- A. Any person who violates any provision of this Ordinance or who aids or abets the violation of any provision of this Ordinance shall be guilty of a petty offense punishable by a fine of not less than \$100.00 nor more than \$750.00. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure the violation, and the City may revoke any Permit authorized and issued pursuant to this Ordinance.
- B. A separate offense shall be deemed to be committed on each day during or on which a violation of any provision of this Ordinance occurs or continues.
- C. Any second or subsequent offense of any provision of this Ordinance shall result in the revocation of the Golf Cart Permit for a period of not less than three (3) years nor more than five (5) years.

Section XV. Invalidity. In the event a court of competent jurisdiction declares any particular provision of this Ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect any other part or parts thereof.

Section XVI. Effective Date. This Ordinance shall be in full effect from and after passage and approval as provided by law.

Section XVII. All prior ordinances or resolutions of the City of Effingham, Illinois, contrary to the terms and conditions of this Ordinance shall be deemed to be repealed as of the effective date of this Ordinance.

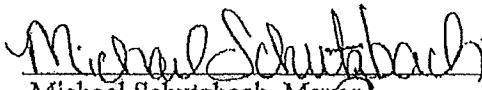
Placed on file this 9th day of August, 2022.

Presented, passed and approved this 16th day of August, 2022.

Mayor Schutzbach:	<u>Yea</u>
Commissioner Stephens:	<u>Nay</u>
Commissioner Micenheimer	<u>Yea</u>
Commissioner Gillenwater	<u>Nay</u>
Commissioner Moeller:	<u>Yea</u>

YEAS: 3
 NAYS: 2

CITY OF EFFINGHAM, ILLINOIS


 Michael Schutzbach, Mayor

ATTEST:

Abbey Nosbisch, City Clerk