



EXHIBIT "A"

Village of South Jacksonville

301 Dewey Drive, South Jacksonville, IL 62650

Golf Cart Application

APPLICANT INFORMATION

Name of Applicant: _____ Date of Birth: _____

Address of Applicant: _____ (Street, City, State, Zip)

Telephone Number(s) of Applicant: _____

Applicant Driver's License Number: _____ State of Issue: _____

(A copy of Applicant's Driver's License must be attached to this Application)

Is Applicant the Owner of the Golf Cart? Yes No If No, Name of Owner? _____

Name of Person with Liability Insurance: _____ Insurance Policy Number: _____

Insurance Company Name, Address & Phone Number: _____

(A copy of Applicant's Insurance Card must be attached to this Application)

Certificate of Insurance, in compliance with the provisions of the Illinois Statutes regarding Minimum Liability Insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

Signature of Applicant: _____ Date: _____

I, _____, by signing below, do hereby declare the information provided by me on this form to be accurate and correct to the best of my knowledge. I have received, read, and understand the Golf Cart Ordinance of the Village of South Jacksonville (Ordinance No. _____). I acknowledge and agree that I will assume all liability, and am fully responsible for the possession, use and operation of the above golf cart. I also acknowledge and agree that the Village of South Jacksonville, in authorizing and providing regulations, does not and will not assume any liability arising from or relating to possession, use or operation thereof. I AGREE TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE VILLAGE OF SOUTH JACKSONVILLE, for any and all claims, causes of actions, damages and liability of any kind or nature arising from or relating to the possession, use or operation of the above-referenced golf cart. I further acknowledge and agree the Village's interpretation of said Ordinance is final and that I will obey all regulations in said Ordinance.

Signature of Applicant: _____ Date: _____

VILLAGE OF SOUTH JACKSONVILLE - VILLAGE CLERK'S OFFICE

Table with 4 columns: Application Completed, Waiver & Indemnification Signed, Approved & Date, Valid Driver's License, Valid Insurance Coverage/Card, Denied & Date

Clerk's Signature: _____ Date: _____

VILLAGE OF SOUTH JACKSONVILLE

ORDINANCE NO. 1042

**AN ORDINANCE ESTABLISHING RULES FOR THE OPERATION OF
GOLF CARTS AND RECREATIONAL OFF HIGHWAY VEHICLES ON STREETS WITHIN
THE VILLAGE OF SOUTH JACKSONVILLE**

FOR THE

VILLAGE OF SOUTH JACKSONVILLE, MORGAN COUNTY ILLINOIS

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF SOUTH JACKSONVILLE, MORGAN COUNTY, ILLINOIS

THIS 6th DAY OF APRIL, 2017

ORDINANCE NO. 1042

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FOR THE VILLAGE OF SOUTH JACKSONVILLE, MORGAN COUNTY ILLINOIS**

WHEREAS, Section 11-1426.1 of the Illinois Motor Vehicle Code (625 ILCS 5/11-1426.1 (2012)) grants municipalities the authority to authorize the use of "non-highway vehicles", as that term is used and defined by 625 ILCS 5/11-1426.1 on roadways under their respective jurisdictions;

WHEREAS, a golf cart is included within the definition of "non-highway vehicle" under 625 ILCS 5/11-1426.1;

WHEREAS, an all-terrain vehicle, as defined by 625 ILCS 5/1-101.8; an off-highway motorcycle, as defined by 625 ILCS 5/1-153.1; and a recreational off-highway vehicle ("ROHV"), as defined by 625 ILCS 5/1-168.8, are also included within the definition of "non-highway vehicles" as defined by 625 ILCS 5/11-1426.1;

WHEREAS, the corporate authorities of the Village of South Jacksonville, Morgan County, Illinois have determined that it is in the best interests of the Village's residents to permit the operation of golf carts and ROHVs on the streets, roads and alleys within the Village of South Jacksonville, subject to the regulations and rules adopted from time to time by the corporate authorities;

WHEREAS, the corporate authorities of the Village of South Jacksonville, Morgan County, Illinois have considered the volume, speed and character of the traffic generally

experienced on the streets, roads and alleys within the Village; and have determined that golf carts and ROHVs may safely travel on and across the streets, roads, and alleys within the Village;

WHEREAS, the corporate authorities find that the operation of golf carts and ROHVs on roadways within its jurisdiction will not jeopardize public safety; and

WHEREAS, the corporate authorities find that it is in the best interests of the residents of the Village to not authorize the use of all-terrain vehicles and off-highway motorcycles on the streets, roads and alleys within the Village of South Jacksonville.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SOUTH JACKSONVILLE, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The foregoing recitals are adopted and incorporated herein as if they had been restated verbatim.

SECTION 2. Golf Carts.

(a) Definitions.

Golf Cart: shall mean a self-propelled electronically powered or self-propelled gasoline powered four-wheeled motor vehicle, with bench or bucket seats, which is not capable of attaining more than twenty-five (25) miles per hour, and is steered and maneuvered with a steering wheel.

Operate: to ride in or on, other than as a passenger, use or control in any manner the operation of a golf cart.

Operator: a person who is at least eighteen (18) years of age, who has a valid Illinois driver's license, who operates or is in physical control of a golf cart.

SECTION 3. Operation of Golf Carts and ROHVs.

Except as provided in this ordinance, it shall be unlawful for any person to drive or operate a golf cart or an ROHV upon any street, road, alley or highway within the Village of

South Jacksonville, Illinois. Golf carts and ROHVs may be operated by a person on streets, roads and alleys within the Village of South Jacksonville, Illinois, if the operator complies with all of the following requirements and regulations:

- (a) The golf cart or ROHV must be equipped with the following in good working order and condition at all times: brakes, brake lights on rear of the vehicle, a steering wheel, a windshield, tires, a rearview mirror, seatbelts, horn, a "slow moving vehicle" emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the golf cart, 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, brake lights, front and rear turn signals, red reflector warning devices on the front and rear of the vehicle, and any additional requirements that may from time to time be required by the Illinois Motor Vehicle Code;
- (b) When operated on a street, road, alley or highway, the golf cart or ROHV shall, pursuant to 625 ILCS 5/12-201, have its headlight and tail lamps lighted at all times when rain, snow, fog or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets, roads and alleys are not clearly discernible at a distance of one thousand (1,000) feet;
- (c) A golf cart or ROHV may only be operated from 6 a.m. until 10 p.m.;
- (d) The operator of a golf cart or ROHV must be at least eighteen (18) years of age and passengers must be at least eight (8) years of age. The operator must possess a valid Illinois driver's license and a valid permit to operate a golf cart or ROHV issued pursuant to Section 4 of this Ordinance;
- (e) The operator of a golf cart or ROHV must operate the golf cart in compliance with all Village ordinances and the provisions of the Illinois Motor Vehicle Code (625 ILCS 5/1-101, et seq.) as amended from time to time;
- (f) A golf cart or ROHV may not be operated at a speed in excess of 25 mph;
- (g) A golf cart or ROHV may only be operated on streets where the posted speed limit is 35 mph or less;
- (h) A golf cart or ROHV may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic;

- (i) A golf cart or ROHV may not be driven on a State highway; except a golf cart or ROHV may make a direct crossing over a State highway, municipal street, county highway or road district highway if the operator makes a direct crossing provided:
 - (1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;
 - (2) the golf cart or ROHV is brought to a complete stop before attempting a crossing;
 - (3) the operator yields the right-of-way to all pedestrian and vehicular traffic which constitutes a hazard; and
 - (4) when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.
 - a. Authorized Crossing Locations: The following are intersections of the Village streets and State highways hereby designated as the only authorized crossing locations:
 - i. Vandalia Avenue and Main Street (carts traveling east or westbound)
 - ii. Greenwood Avenue and Main Street (carts traveling east or westbound)
 - iii. Michigan Avenue and Main Street (carts traveling eastbound only)
- (j) No person shall operate nor shall any owner permit another person to operate a golf cart or ROHV on the roads, streets, highways or alleys within the Village of South Jacksonville unless the golf cart or ROHV is covered by a liability insurance policy in compliance with the Illinois Safety and Family Financial Responsibility Law (625 ILCS 5/7-100 et seq.). An insurance card showing coverage shall be kept in the cart.
- (k) A person who operates or is in actual physical control of a golf cart or ROHV on a roadway while under the influence is subject to 625 ILCS 5/11-501 through 625 ILCS 5/11-502.
- (l) No other non-highway vehicles as defined in 625 ILCS 5/11-1426.1 shall be operated on any road, street, highway or alley within the Village of South Jacksonville.
- (m) Each golf or ROHV cart may transport only as many individuals, eight (8) years of age and older), as is the lesser of the number of seats or as its manufacturer designates. No individuals may ride on any other portion of the golf cart.

SECTION 4. Permit to Operate a Golf Cart.

Prior to being allowed to operate a golf cart or ROHV within the Village of South Jacksonville, the proposed operator of a golf cart or ROHV must apply for a permit to operate the vehicle and pay an annual application/inspection fee of one hundred dollars (\$100.00). In addition to the application fee, the applicant shall attach to his/her application (attached hereto as Exhibit A), proof of insurance as required by 625 ILCS 5/7-100 et seq. Further, as a condition for the insurance or reissuance of a permit, the applicant shall sign an unconditional and full general release of waiver of liability.

Upon receipt of the completed application form, application materials and fee, the Chief of Police, or his designee, shall conduct an inspection of the golf cart or ROHV to ensure its compliance with this Ordinance. If the applicant's completed application and golf cart or ROHV meet the requirements of this Ordinance, a permit to operate a golf cart or ROHV shall be issued.

Permits shall be granted for a period of one (1) year for the date designated on the permit. Permits shall expire on April 30 of each year. A permit issued under this Ordinance shall be non-assignable or non-transferable.

SECTION 5. Permit Revocation.

The permit issued pursuant to this Ordinance may be revoked by the Chief of Police, or his designee, if:

- (a) There is any material misrepresentation made by the applicant on the application, or
- (b) The required liability insurance is no longer in full force and effect; or

(c) There is evidence that the permit holder can no longer safely operate the golf cart;
or

(d) There has been a violation to this Ordinance.

The Chief of Police, or his 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 requested 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 (3rd) day after the postmark of the certified mail receipt. The permit holder shall not be entitled to any portion of the annual fee upon a revocation of the permit.

SECTION 6. Violations – Punishment.

Any person violating or aiding or abetting the violation of any provisions of this Ordinance is guilty of a petty offense and shall be fined not less than \$100.00 but not more than \$500.00 per occurrence. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one (1) year. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution. Each day a person fails to comply with the provisions of this Ordinance constitutes a separate offense. The Village shall be entitled to recover from the violator its reasonable attorney's fees and court costs associated with the enforcement of this Ordinance.

SECTION 7. Posting of Signs.

The Village may erect appropriate street signs alerting the public that golf carts or ROHV may lawfully travel on the roads, streets and alleys within the Village.

SECTION 8. Local Governmental and Governmental Employees Tort Immunity Act.

No action by the Village of South Jacksonville, Illinois, under this Ordinance or 625 ILCS 5/11-1426.1 designates the operation of a golf cart as an intended and permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act. The Village of South Jacksonville, in passing this Ordinance, is not advocating or endorsing the use of golf carts or ROHV on Village streets. Other means of travel may be safer than a golf cart or ROHV. All persons who operate golf carts or ROHVs within the Village of South Jacksonville do so at their own risk and peril. In passing this Ordinance, the Village of South Jacksonville does not accept any level of liability for accidents, collisions, injuries or death, or destruction of property. In passing this Ordinance, the Village is merely regulating the use of golf carts or ROHVs on Village streets, as invited by the law of the State of Illinois, in an attempt to increase safety on Village streets.

SECTION 9. Miscellaneous.

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.

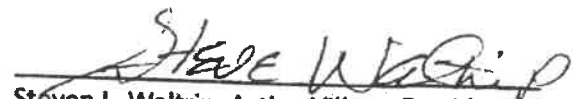
The Village of South Jacksonville is permitting the use of golf carts on Village streets in limited circumstances and pursuant to current Illinois law. Individuals should view the use of golf carts on Village streets as a program which could be suspended, modified, or ended at any time and effective immediately upon a majority vote of the Board of Trustees amending this Ordinance, upon a court ruling, or in the event of a change in the laws of the State of Illinois or

United States of America. Individuals should consider these factors when making the decision to purchase golf carts or make potentially expensive upgrades to golf carts.

SECTION 10: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SECTION 11: The Village Clerk is directed to publish this ordinance in pamphlet form.

PASSED AND APPROVED by the President and Board of Trustees of the Village of South Jacksonville, Illinois this 6th day of April, 2017.


Steven L. Waltrip, Acting Village President

(SEAL)

ATTEST:


Dani Glascock, Village Clerk

AYES: -4- Steve Waltrip, Stacy Pinkerton, John Gotschall, and Paula Stewart
NAYES: -1- Kem Wilson
ABSENT: -1- Mike Elliott

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

PUBLICATION CERTIFICATE

I, Dani Glascock, certify that I am the Clerk of the Village of South Jacksonville, Morgan County, Illinois.

I further certify that on the 6th day of April, 2017, the President and Board of Trustees of the Village of South Jacksonville, Illinois, passed and approved Ordinance No. 1042 entitled:

**AN ORDINANCE ESTABLISHING RULES FOR THE OPERATION OF
GOLF CARTS AND RECREATIONAL OFF HIGHWAY VEHICLES ON STREETS WITHIN THE
VILLAGE OF SOUTH JACKSONVILLE**

The pamphlet form of Ordinance No. 1042 including the Ordinance and a coversheet thereof, was prepared, and a copy of such Ordinance was posted at the Village Hall, commencing on the 11th day of April, 2017, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

Dated at South Jacksonville, Illinois, this 11th day of April, 2017.



Dani Glascock, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS.
COUNTY OF MORGAN)

CERTIFICATION

I, Dani Glascock, the Clerk of the Village of South Jacksonville, Morgan County, Illinois, do hereby certify that attached copy of Ordinance No. 1042 is a true and correct copy of an Ordinance passed by the President and Board of Trustees of the Village of South Jacksonville, at a meeting of said Village Board held on the 6th day of April, 2017, all as the original of the same remains in the official records of my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Village of South Jacksonville, this 11th day of April, 2017.



Dani Glascock, Village Clerk

(SEAL)