

**VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS**

ORDINANCE NO. 2020-635

**AN ORDINANCE AMENDING THE VILLAGE ORDINANCE AUTHORIZING
THE OPERATION OF GOLF CARTS
ON THE VILLAGE OF PHILO PUBLIC STREETS**

**Passed by the Board of Trustees and
Approved by the President
of
Village of Philo, Illinois
On March 11, 2020**

**Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Philo, Champaign County, Illinois, this 11th day of March, 2020.**

**VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS**

Ordinance No. 2020-635

March 11, 2020

**AN ORDINANCE AMENDING THE VILLAGE ORDINANCE AUTHORIZING
THE OPERATION OF GOLF CARTS
ON THE VILLAGE OF PHILO PUBLIC STREETS**

WHEREAS, the Village of Philo, Illinois pursuant to, Illinois law 625 ILCS 5/11-1428 and other applicable statutes and laws has the authority to regulate and allow golf cart usage on Village streets under certain circumstances and conditions; and

WHEREAS, the Village had previously adopted Ordinance 2009-554, “AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE VILLAGE OF PHILO PUBLIC STREETS”; and

WHEREAS, the Village has reviewed and discussed various aspects of the ordinance at various public meeting and has determined that an amendment to the ordinance be necessary to add for definitions, “non highway vehicles” and enforcement, all in the interest of the Village and the Citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PHILO, ILLINOIS AS FOLLOWS:

Section 1. The Village of Philo Golf Cart Ordinance shall now read as follows:

“1. **DEFINITIONS.**

A. **Golf Cart** – means 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 the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course. The definition of golf cart specifically excludes all-terrain vehicles (ATV’s) and any other vehicle that is not a golf cart.

B. **All-Terrain Vehicle-** Any motorized off-highway device designed top travel primarily off-highway, 50 inches or less in width, having a manufacturer’s dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control except equipment such as lawnmowers.

C. Recreational Off-Highway Vehicle- 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.

D. Non-Highway Vehicles- A non-highway vehicle is any golf cart, all-terrain vehicle or recreational off-highway vehicle authorized by the terms hereof.

E. Village Streets- Any of the streets within the boundaries of the Village of Philo, Illinois, except for state and county roads.

2. POLICY STATEMENT.

This Ordinance is adopted in the interest of public safety. Non-highway vehicles are not designed or manufactured to be used on public streets and roads, hereinafter "streets(s)," and the Village of Philo in no way advocates or endorses their operation on streets. The Village, by regulating such operation is merely addressing safety issues. This Ordinance is not to be relied upon as determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating non-highway vehicles must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride non-highway vehicles on streets inside the Village of Philo do so at their own risk and peril. The Village of Philo has no liability under any theory of liability for permitting non-highway vehicles to be operated on Village streets.

3. RULES AND REGULATIONS.

Non-highway vehicles may only be operated on streets within the Village of Philo in accordance with the following rules and regulations.

1. Any person who operates a non-highway vehicle in the Village of Philo takes full responsibility for all liability associated with operating the golf cart.
2. Any person who operates a non-highway vehicle must be at least sixteen (16) years of age and possess a valid driver's license to operate a motor vehicle issued by Illinois or any other state.
3. Any person who operates a golf cart must possess proof of liability insurance.
4. A non-highway vehicle shall have its headlight and tail lamps lighted at all times when operated on Village streets.

5. Non-highway vehicles may not be operated 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 500 feet.
6. Non-highway vehicles may not be operated on sidewalks or Village parks other than parking areas.
7. Non-highway vehicles may be operated on Village streets which have a posted speed limit of thirty-five (35) miles per hour or less, but golf carts may never exceed twenty (20) miles per hour.
8. Non-highway vehicles may not be operated on the following national or state highways except to cross said highways at intersections in a path ninety (90) degrees to said highways:

State Route 130

9. Non-highway vehicles must be equipped as follows:
 - (1) Horn;
 - (2) Brakes and brake lights;
 - (3) Turn signals;
 - (4) A steering wheel apparatus;
 - (5) Tires;
 - (6) Rearview mirror;
 - (7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
 - (8) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
 - (9) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
 - (10) Any additional requirements which may be amended to **65 ILCS 5/11-1428** or the Illinois Motor Vehicle Code.
10. Any person who operates a non-highway vehicle on the streets in the Village of Philo must adhere to all applicable State laws concerning the possession and use of alcoholic beverages, and all other illegal drugs, as well as all other state traffic laws.
11. Non-highway vehicle drivers must yield the right-of-way to overtaking vehicles at all times.

12. The maximum occupancy of non-highway vehicle traveling on Village streets shall be limited to those allowed per the non-highway vehicle's manufacturer's specifications.
13. Children must be properly seated while golf cart is in motion and may not be transported in a negligent manner.
14. Non-highway vehicles are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.
15. No unsafe modifications may be made to the non-highway vehicle's suspension.
16. All non-highway vehicle on the streets must be inspected by the person(s) or entity(s) designated by the Philo Village President or Village Board of Trustees, and must have valid permit documentation from the Village of Philo visibly displayed on the back rear of the cart on the driver's side.

4. **PERMITS.**

1. No person shall operate a motorized golf cart without obtaining a permit from the Village of Philo as provided in this section.
2. Every application for a 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) Signed 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 the operation of their golf carts on Village Streets;
 - (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 - (6) A permit application fee is \$50.00 per two-year period. The permit will expire on April 30th of all even number calendar years. A prorated rate of \$25.00 will be assessed in odd number calendar years;
 - (7) Such other information as the Village may require.
3. Permits shall be granted for a period of two years and may be renewed bi-annually.

4. No permit shall be granted unless the following conditions are met:
 - (1) The vehicle must be inspected by the designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
 - (2) A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified golf cart on Village Streets;
 - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.
5. Insurance coverage will be verified as in effect by the Village of Philo when issuing or renewing a permit.
6. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that permittee cannot safely operate a qualified golf cart on the designated roadways.
7. The Village President and the Trustees' Safety Committee shall monitor the administration and enforcement of this Ordinance.

5. **ENFORCEMENT.**

- (1) Any violation of this Ordinance shall be punishable by a fine of not less than \$100.00 nor more than \$500.00 for each violation.
- (2) A second violation of this Ordinance shall, in addition to being subject to time, be grounds for the revocation of the golf cart permit issued for a period of not less than six (6) months but not longer than one (1) year.
- (3) Upon investigation by and the recommendation of the Village of Philo, the Village Board may suspend or revoke a permit granted hereunder upon a finding that there is evidence that the permittee cannot safely operate the motorized golf cart on the designated streets.
- (4) The Board of Trustees of the Village of Philo reserves the right to amend or repeal this Ordinance at any time, and in which event such amendment or repeal affects the rights of permit holders, all permit holders shall be notified thereof by the Village of Philo by certified mail, return receipt requested.”

Section 2. **Invocation of Authority.**

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

Section 3. State Law Adopted.

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

Section 4. Approval and Execution of Documents.

The President and Village Clerk are hereby authorized and directed to execute said Agreement and any related exhibits attached thereto and the Village Clerk is authorized to direct to attest, countersign and affix the seal of the Village to such documents and any and all other document necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 5. Other Actions Authorized.

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

Section 6. Acts of Village Officials.

That all acts and doings 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.

Section 7. Headings.

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

Section 8. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, 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 legislative intent of the Village Board of Trustees 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.

Section 9. Superseder and Publication.

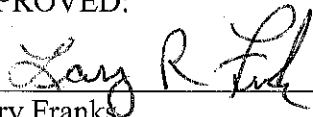
All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 10. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

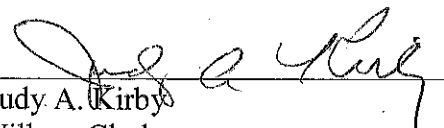
PRESENTED and PASSED by the Trustees of the Village of Philo, Illinois, at a duly conducted meeting thereof on the 11th day of March, 2020, and APPROVED by the Village President on March 11, 2020.

APPROVED:



Larry Franks
Village President

ATTEST:



Judy A. Kirby
Village Clerk

VOTING ON SAID ORDINANCE NO. 2020-635

Trustee	Aye	Nay
Tom Kelley, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Messman, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Steve Sappenfield, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pat Pioletti, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rachael Garrett, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paul Brady, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry R. Franks, President	<input type="checkbox"/>	<input type="checkbox"/>

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATE

I, Judy A. Kirby, certify that I am the duly appointed and acting municipal clerk of the Village of Philo, Champaign County Illinois.

I further certify that on March 11, 2020, the Corporate Authorities of such municipality passed and approved Ordinance No. March 11, 2020 entitled:

**AN ORDINANCE AMENDING THE VILLAGE ORDINANCE AUTHORIZING
THE OPERATION OF GOLF CARTS
ON THE VILLAGE OF PHILO PUBLIC STREETS**

I further certify that the attached copy of said ordinance is a true and correct copy of said ordinance, as appears from the records of the Village of Philo, Illinois.

The pamphlet form of Ordinance No. 2020-635, including the Ordinance and a cover sheet thereof was prepared, a copy of such ordinance was posted in the municipal building, commencing on March 11, 2020, 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 municipal clerk.

DATED at Philo, Illinois, this 11th day of March, 2020.

Judy A. Kirby
Village Clerk
Village of Philo, Illinois.