

Ordinance No. 11 - 05-02

**Ordinance to Amend the Sherrard Municipal Code
Small Moving Vehicle (SMV) a/k/a Golf Carts**

Whereas, the Illinois Municipal Code grants to the Village the right to regulate motor vehicles on Village streets and to otherwise regulate the Village streets and public ways. 65 ILCS 5/11-40-1 and 65 ILCS 5/11-80-2, respectively.

Whereas, Title 7, Chapter 1 of the Sherrard Municipal Code (hereinafter referred to as the "Village Code") currently sets forth the general traffic regulations for vehicular traffic within the Village.

Whereas, a request has been made by Fyre Lake Ventures to allow slow moving vehicles a/k/a golf carts on public roadways.

Whereas, the Village Board wishes to amend its current Code provisions relating to traffic regulations to allow slow moving vehicles within the corporate boundaries of the Village.

Therefore, be it ordained by the President and Board of Trustees of the Village of Sherrard, in Mercer County, Illinois, that:

Section 1: Title 7 of the Village Code is hereby amended to add a new Chapter 6- Slow Moving Vehicle (SMV) Golf Cart, to read as follows:

CHAPTER 6. SLOW MOVING VEHICLE (SMV) GOLF CART

SECTION 1. Definitions.

- 1.1 A golf cart a/k/a slow moving vehicle (SMV) defined herein means a vehicle specifically designed and intended for the purposes of transporting one (1) 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 ground on public or private golf course.
- 1.2 Village Streets means any of the streets within the boundaries of the Village of Sherrard.

SECTION 2. Compliance. All persons wishing to operate a SMV on the Village streets must ensure compliance with the following requirements:

- 2.1 Proof of current liability insurance must be presented at time of application for permit.
- 2.2 Must be certified with the Village and have the vehicles certified with the Village by inspection of Sherrard Village police officer or his designee.
- 2.3 Must comply with the published "Rules Concerning Alternate Transportation" for the Village of Sherrard as periodically updated.
- 2.4 Must display Village decal on the rear of the vehicle.
- 2.5 Must have a valid Illinois driver's license.
- 2.6 Must obey all traffic laws of the State of Illinois.
- 2.7 Must be twenty-one (21) years of age.

- 2.8 Must be operated only on the Village streets, except on where operation is prohibited.
- 2.9 May not be operated on state highways and county roads except at specifically designated crossing points -See (T) for designated crossing area.
- 2.10 Must not be operated in excess of posted speed limit and may not exceed twenty (20) miles per hour.
- 2.11 May only be operated between sunrise and sunset.
- 2.12 A person operating or who is in actual physical control of a SMV as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500 through 11-502).
- 2.13 SMVs shall not be operated on sidewalks or in Village parks other than parking areas.
- 2.14 SMVs may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Route 310) or the County Highway Department except to cross at designated streets associated with Fyre Lake National Golf Course. Traveling on Village streets is prohibited.
- 2.15 Persons driving the SMV are to pull over to the right side of the road and stop, yielding right of way to approaching traffic from behind.

SECTION 3. Equipment. All SMVs must be equipped as follows:

- 3.1 Horn.
- 3.2 Brakes and brake light.
- 3.3 Turn signals.
- 3.4 Steering wheel apparatus.
- 3.5 Tires.
- 3.6 Rearview mirror.
- 3.7 Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625ILCS 5/12-709).
- 3.8 Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation.
- 3.9 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.
- 3.10 Any additional requirement which may be amended to 65 ILCS 5/111-1428 or the Illinois Motor Vehicle Code.
- 3.11 Seat belts are to be installed and required to be worn for the driver and all passengers when in operation. Golf carts are not required to have seat belts.

SECTION 4. Permits.

- 4.1 No person shall operate a qualified SMV without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. The cost of the permit is Fifty (\$50.00) Dollars and shall be paid to the Village Clerk at the time of application for permit. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.

- 4.2 Every application for a permit shall be made of a form supplied by the Village and shall contain the following information:
- (a) Name and address of applicant.
 - (b) Name of liability insurance carrier and photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
 - (c) The serial number, make, model and description of SMV.
 - (d) 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 SMV on Village streets.
 - (e) Such other information as the Village may require.
- 4.3 No permit shall be granted unless the following conditions are met:
- (a) The vehicle must be inspected by the Village of Sherrard Police Department or designed representative to insure 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.
 - (b) A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified SMV on Village streets.
 - (c) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.
 - (d) 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 SMV on the designated roadways.

SECTION 5. Penalties.

- 5.1 Failure to abide by this Ordinance shall result in a fine of \$100.00 with each infraction of this ordinance constituting a separate offense bearing a separate fine.
- 5.2 Administrative Warning Ticket(s)- In the sole discretion of a Village police officer, the officer may issue an Administrative Warning Ticket (AWT), which for purposes of this ordinance is defined as a notice of a violation of the Village ordinance used in lieu of an arrest or Notice to Appear in Circuit Court. If a warning ticket is issued, vehicle must not be operated until police department inspects vehicle for compliance. Persons who have received an AWT for a violation of any provision of this ordinance may settle and compromise the claim by paying to the Village of Sherrard an administrative fee in the amount of Fifty (\$50.00) Dollars within fifteen (15) days of the date of issuance. In addition to paying an administrative fee, as provided for in this subparagraph, persons issued an AWT will be required, within fifteen (15) days of the date of issuance of the AWT; to correct the violation(s) indicated thereon to the satisfaction of the Village police department. Persons who have been issued an AWT for a violation of this ordinance and who fail to pay the administrative fee in the allotted time, and/or those persons who have been issued an AWT who fail to correct the violation when required or indicated, within the time allotted, will be issued a Notice to Appear in the Circuit Court of Mercer County or issued a Notice of Complaint filed in the Circuit Court of Mercer County, or issued a combination of a notice to Appear and a Notice of Complaint filed in said Court, and shall be subject to the fines and penalties set forth in subparagraph 5.3 of this Section.
- 5.3 In lieu of an AWT, as defined in subparagraph 5.2 of this Section, or upon failure to timely compromise and/or correct any violation for which an AWT has been issued, a Village police officer may cause the issuance of Notice to Appear and/or cause the issuance of a Notice of Complaint to be filed in the Circuit Court of Mercer County, which will subject the person to whom the notice or notices have been issued to a fine of not less than Two Hundred (\$200.00) Dollars and not more than Five Hundred (\$500.00) Dollars.

Section 2. This Ordinance shall take effect and be in full force from and after its passage, publication and approval.

Passed, approved and adopted by the President and Board of Trustees of the Village of Sherrard on the 2nd day of May, 2011.

<i>Trustee</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Trustee Bristow	x			
Trustee Creger	x			
Trustee Davis				x
Trustee Rath	x			
Trustee Mesa		x		
Trustee Wyant	x			

//sgd//

Delbert Henry, Village President

Attest:

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Theresa Johnson, Village Clerk

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