

**THE VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

ORDINANCE NO. 2017-07

**AN ORDINANCE REPEALING AND REPLACING
ORDINANCES NOS. 2012-4 AND 2016-14 AND
ALLOWING AND REGULATING NON-HIGHWAY
VEHICLES IN THE VILLAGE OF FLANAGAN**

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN**

This 17th day of October, 2017

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2017-07

**AN ORDINANCE REPEALING AND REPLACING
ORDINANCE NOS. 2012-4 (12-4) AND 2016-14
ALLOWING AND REGULATING NON-HIGHWAY
VEHICLES IN THE VILLAGE OF FLANAGAN**

WHEREAS, the Village of Flanagan is an Illinois municipal corporation operating and organized under the Illinois Municipal Code; and

WHEREAS, the Village of Flanagan adopted Ordinance No. 12-4 regulating and permitting the operation of golf carts in the Village of Flanagan pursuant to Sections 11-1426 and 11-1426.1 of the Illinois Motor Vehicle Code; and

WHEREAS, the Village of Flanagan determined when it adopted Ordinance No. 12-4 regarding golf carts, and when it adopted Ordinance No. 2016-14 regarding all-terrain vehicles and non-highway vehicles, and continues to determine that based upon the volume, speed, and character of traffic on roadways under the jurisdiction of the Village having a posted speed limit of 25 miles per hour or less that public safety will not be jeopardized by the operation of properly equipped golf carts as defined by Section 1-123.9 of the Illinois Vehicle Code, all-terrain vehicles as defined by Section 1-101.8 of the Illinois Vehicle Code, and non-highway vehicles as defined by Section 1-168.8 of the Illinois Vehicle Code on said roadways in accordance with the provisions of this Ordinance, the provisions of the Illinois Vehicle Code and statutes of the State of Illinois; and

WHEREAS, the Village of Flanagan has received requests to permit the operation of golf carts, all-terrain vehicles and other non-highway vehicles within the Village of Flanagan on the same terms; and

WHEREAS, pursuant to the Illinois Motor Vehicle Code, Section 11-1426.1, the Village of Flanagan may allow all-terrain vehicles, non-highway motorcycles, and recreational non-highway vehicles along with golf carts to operate within the Village of Flanagan pursuant to the terms and conditions of said Section of the Illinois Motor Vehicle Code; and

WHEREAS, the President and Board or Trustees for the Village of Flanagan find it in the best interest of the health, safety, and welfare of the citizens of the Village of Flanagan to permit these vehicles to be operated within the Village of Flanagan upon the conditions set forth in this Ordinance and to have any law enforcement officer to conduct safety compliance checks to confirm these vehicles are in compliance with the requirements of this Ordinance and so are safe to operate on its roadways; and

WHEREAS, the President and Board of Trustees for the Village of Flanagan find it in the best interests of the citizens that there be one ordinance setting forth the provisions about these vehicles and the fines and penalties for violations thereof;

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees for the Village of Flanagan, Illinois as follows:

Section A: Ordinance 2012-4 and Ordinance 2016-14 are repealed effective upon the adoption of this Ordinance and replaced by this Ordinance.

Section B: Policy Statement. This ordinance is adopted in the interest of public safety. This ordinance is not to be relied upon as a determination that the operation of golf carts, all-terrain vehicles and non-highway vehicles on streets is safe or advisable, even if done in accordance with this ordinance. All persons operating golf carts 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 on such vehicles on streets within the Village of Flanagan do so at their own risk and peril. The Village of Flanagan has no liability under any theory of law for permitting golf carts, all-terrain vehicles and non-highway vehicles to be operated on Village streets.

Section C: Golf Cart Regulations. The Village of Flanagan shall add to its Village Code the following provisions on golf carts:

Section 1. Definition of Golf Cart. A "golf cart" shall be as defined in the Illinois Vehicle Code, 625 ILCS 5/1-123.9, and shall mean 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.

Section 2. Operation of Golf Carts. Subject to the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which is hereby adopted by the Village, and to the provisions of this Ordinance, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to register and, if approved, operate golf carts on the streets under the jurisdiction of the Village (thereby excluding State and County roads, including but not limited to Illinois Route 116) having a posted speed limit of 25 miles per hour or less. The Village shall post the appropriate signage for the operation of said vehicles. Golf carts may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic, unless otherwise authorized by the Village Board for special events. Golf cart operators must yield the right-of-way to overtaking vehicles at all times. Golf carts shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions. Each golf cart may transport only as many individuals as is the number of seats

designated by the golf cart manufacturer.

Section 3. Restrictions on Crossing Highways. A golf cart shall only be permitted to cross a State highway at an intersection controlled by a traffic light, or a 4-way stop sign, and where the State highway has a speed limit of 25 miles per hour or less at the place of crossing. Otherwise, golf carts shall not be permitted to cross any State highway.

Section 4. Safety Requirements for Golf Carts. Golf carts that operate within the Village must be registered as provided for in Section 5 and said vehicles must contain the following: brakes, a steering apparatus, tires, seat belts for all passenger seats, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Vehicle Code) on the rear of the golf cart, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a golf cart shall have its headlight and tail lamps lighted as required by Section 12-201 of the Vehicle Code.

Section 5. Annual Registration of Golf Carts. No golf cart shall be operated on any roadway of Village unless the owner(s) thereof shall have first registered the golf cart with the Village in accordance with the following:

- (a) Registration of golf carts shall be administered by an official(s) designated by the Village Board and applications for registration shall be made on a form prescribed by the Village (substantially in the form attached hereto as Exhibit A which shall include the waiver of liability form), said form to include a statement under oath or penalties of perjury that the golf cart proposed to be registered meets the definition under this article and complies with the safety requirements provided for in Section 4 herein, and shall be accompanied by an annual registration fee of \$35.00 and proof of liability insurance for said golf cart having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.
- (b) Registered golf carts shall be issued a sticker which shall be affixed to the registered golf cart in a prominent visible location as directed by Village staff.
- (c) Registrations shall be effective for a period of one year (May 1 to April 30) and shall be renewed annually in the same manner as the original registration. Registrations obtained after May 1 of a given year will still expire on April 30, requiring a new registration, even if the initial registration covered less than a full year.
- (d) Registrations shall not be transferrable in the event of change of ownership. If

it is desired that more than one person are registered to operate a single golf cart, each person shall separately complete an application, be approved, and sign the release, in substantially the form prescribed by Exhibit A hereto.

- (e) Registrations shall be subject to revocation by the Village in the event of a violation of the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, or any of the provisions of this Ordinance. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinances found to be violated. Revocations may be appealed in writing to the Village Board within fourteen (14) days from the issuance of the revocation, and if appealed the Village Board shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The Village Board shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.
- (f) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the golf cart in compliance with this Ordinance, including but not limited to, maintaining the required safety systems, the Village, in its discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the golf cart necessary to cure any deficiencies, as applicable, if the Village determines that the violation was not intentional and is not likely to recur.

Section 6. Inspection of Golf Carts. Golf carts registered, or proposed to be registered, pursuant to this article shall be subject to inspection by a person so designated by the Village Board, at any time to determine that said golf cart meets, and continues to meet, the definition thereof as set forth in this Ordinance, and meets the requirements of Section 4 of this Ordinance, and particularly that required safety systems and equipment are in operating condition. Each gold cart shall be inspected prior to its registration or renewal of registration.

Section 7. Mandatory Insurance. The owner of any golf cart registered under this Ordinance shall continuously maintain liability insurance for said golf cart having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

Section 8. Operation Limited to Licensed Drivers. No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall operate a golf cart within the Village, pursuant to State law, 625 ILCS 5/11-1426.1(b-5).

Section 9. Other Laws, Regulations and Ordinances. Golf carts shall be operated at all times in accordance with the provisions of the Illinois Vehicle

Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any laws, regulations or ordinances specifically pertaining to golf carts and the operation thereof.

Section 10. Violations. In addition to the revocation of the registration for a golf cart as provided in this ordinance, any person violating the provisions of this Ordinance shall be subject to revocation of any registration and a fine of not less than \$75.00 and not more than \$150.00. The provisions hereof for prosecuting violations of this Ordinance are not intended to supersede the Illinois Vehicle Code, or to in any way impair prosecution of violations of the Illinois Vehicle Code involving the operation of golf carts. A separate violation occurs each time the golf cart is operated on the Village roadways when not in compliance with this Ordinance.

Section 11. Severability. The provisions of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section D: All-Terrain Vehicles Regulations. The Village of Flanagan shall add to its Village Code the following provisions on all-terrain vehicles:

Section 1. Definition of All-Terrain Vehicle. An "all-terrain vehicle" shall be as defined in the Illinois Vehicle Code, 625 ILCS 5/1-101.8, and shall mean any motorized off-highway device designed to 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.

Section 2. Operation of All-Terrain Vehicles. Subject to the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which is hereby adopted by the Village, and to the provisions of this Ordinance, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to register and, if approved, operate all-terrain vehicles on the streets under the jurisdiction of the Village (thereby excluding State and County roads, including but not limited to Illinois Route 116) having a posted speed limit of 25 miles per hour or less. The Village shall post the appropriate signage for the operation of said vehicles. All-terrain vehicles may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic, unless otherwise authorized by the Village Board for special events. All-terrain vehicle operators must yield the right-of-way to overtaking vehicles at all times. All-terrain vehicles shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions. Each all-terrain vehicle may transport only one individual at a time.

Section 3. Restrictions on Crossing Highways. An all-terrain vehicle shall only be permitted to cross a State highway at an intersection controlled by a traffic light, or a 4-way stop sign, and where the State highway has a speed limit of 25 miles per hour or less at the place of crossing. Otherwise, all-terrain vehicles shall not be permitted to cross any State highway.

Section 4. Safety Requirements for All-Terrain Vehicles. All-terrain vehicles that operate within the Village must be registered as provided for in Section 5 and said vehicles must contain the following: brakes, a steering apparatus, tires, seat belt, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Vehicle Code) on the rear of the vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, an all-terrain vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Vehicle Code.

Section 5. Annual Registration of All-Terrain Vehicles. No all-terrain vehicle shall be operated on any roadway of Village unless the owner(s) thereof shall have first registered the vehicle with the Village in accordance with the following:

- (a) Registration of all-terrain vehicles shall be administered by an official(s) designated by the Village Board and applications for registration shall be made on a form prescribed by the Village (substantially in the form attached hereto as Exhibit A which shall include the waiver of liability form), said form to include a statement under oath or penalties of perjury that the vehicle proposed to be registered meets the definition under this article and complies with the safety requirements provided for in Section 4 herein, and shall be accompanied by an annual registration fee of \$35.00 and proof of liability insurance for said all-terrain vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.
- (b) Registered all-terrain vehicles shall be issued a sticker which shall be affixed to the registered vehicle in a prominent visible location as directed by Village staff.
- (c) Registrations shall be effective for a period of one year (May 1 to April 30) and shall be renewed annually in the same manner as the original registration. Registrations obtained after May 1 of a given year will still expire on April 30, requiring a new registration, even if the initial registration covered less than a full year.

- (d) Registrations shall not be transferrable in the event of change of ownership. If it is desired that more than one person are registered to operate a single all-terrain vehicle, each person shall separately complete an application, be approved, and sign the release, in substantially the form prescribed by Exhibit A hereto.
- (e) Registrations shall be subject to revocation by the Village in the event of a violation of the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, or any of the provisions of this Ordinance. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinances found to be violated. Revocations may be appealed in writing to the Village Board within fourteen (14) days from the issuance of the revocation, and if appealed the Village Board shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The Village Board shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.
- (f) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the all-terrain vehicle in compliance with this Ordinance, including but not limited to, maintaining the required safety systems, the Village, in its discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the vehicle necessary to cure any deficiencies, as applicable, if the Village determines that the violation was not intentional and is not likely to recur.

Section 6. Inspection of All-Terrain Vehicles. All-terrain vehicles registered, or proposed to be registered, pursuant to this article shall be subject to inspection by a person so designated by the Village Board, at any time to determine that said vehicle meets, and continues to meet, the definition thereof as set forth in this Ordinance, and meets the requirements of Section 4 of this Ordinance, and particularly that required safety systems and equipment are in operating condition. Each all-terrain vehicle shall be inspected prior to its registration or renewal of registration.

Section 7. Mandatory Insurance. The owner of any all-terrain vehicle registered under this Ordinance shall continuously maintain liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

Section 8. Operation Limited to Licensed Drivers. No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall operate an all-terrain vehicle within the Village, pursuant to State law, 625 ILCS 5/11-1426.1(b-5).

Section 9. Other Laws, Regulations and Ordinances. All-terrain vehicles shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any laws, regulations or ordinances specifically pertaining to all-terrain vehicles and the operation thereof.

Section 10. Violations. In addition to the revocation of the registration for an all-terrain vehicle as provided in this ordinance, any person violating the provisions of this Ordinance shall be subject to revocation of any registration and a fine of not less than \$75.00 and not more than \$150.00. The provisions hereof for prosecuting violations of this Ordinance are not intended to supersede the Illinois Vehicle Code, or to in any way impair prosecution of violations of the Illinois Vehicle Code involving the operation of all-terrain vehicles. A separate violation occurs each time the all-terrain vehicle is operated on the Village roadways when not in compliance with this Ordinance.

Section 11. Severability. The provisions of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section E: Recreational Off-Highway Vehicles Regulations. The Village of Flanagan shall add to its Village Code the following provisions on recreational off-highway vehicles:

Section 1. Definition of Recreational Non-Highway Vehicle. A "recreational off-highway vehicle" shall be as defined in the Illinois Vehicle Code, 625 ILCS 5/1-168.8, and shall mean 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.

Section 2. Operation of Recreational Non-Highway Vehicles. Subject to the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which is hereby adopted by the Village, and to the provisions of this Ordinance, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to register and, if approved, operate recreational non-highway vehicles on the streets under the jurisdiction of the Village (thereby excluding State and County roads, including but not limited to Illinois Route 116) having a posted speed limit of 25 miles per hour or less. The Village shall post the appropriate signage for the operation of said vehicles. Recreational non-highway vehicles may not be operated on sidewalks or other public property not accessible to or authorized for vehicular traffic, unless otherwise authorized by the Village Board for special events. Recreational non-highway vehicle operators must yield the right-of-

way to overtaking vehicles at all times. Recreational non-highway vehicles shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions. Each recreational non-highway vehicle may transport only as many individuals as is the number of seats designated by the vehicle manufacturer.

Section 3. Restrictions on Crossing Highways. A recreational non-highway vehicle shall only be permitted to cross a State highway at an intersection controlled by a traffic light, or a 4-way stop sign, and where the State highway has a speed limit of 25 miles per hour or less at the place of crossing. Otherwise, recreational non-highway vehicles shall not be permitted to cross any State highway.

Section 4. Safety Requirements for Recreational Non-Highway Vehicles. Recreational non-highway vehicles that operate within the Village must be registered as provided for in Section 5 and said vehicles must contain the following: brakes, a steering apparatus, tires, seat belts for all passenger seats, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Vehicle Code) on the rear of the recreational non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a recreational non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Vehicle Code.

Section 5. Annual Registration of Recreational Non-Highway Vehicles. No recreational non-highway vehicle shall be operated on any roadway of Village unless the owner(s) thereof shall have first registered the vehicle with the Village in accordance with the following:

- (a) Registration of recreational non-highway vehicles shall be administered by an official(s) designated by the Village Board and applications for registration shall be made on a form prescribed by the Village (substantially in the form attached hereto as Exhibit A which shall include the waiver of liability form), said form to include a statement under oath or penalties of perjury that the vehicle proposed to be registered meets the definition under this article and complies with the safety requirements provided for in Section 4 herein, and shall be accompanied by an annual registration fee of \$35.00 and proof of liability insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.
- (b) Registered recreational non-highway vehicles shall be issued a sticker which shall be affixed to the registered vehicle in a prominent visible location as directed by Village staff.

- (c) Registrations shall be effective for a period of one year (May 1 to April 30) and shall be renewed annually in the same manner as the original registration. Registrations obtained after May 1 of a given year will still expire on April 30, requiring a new registration, even if the initial registration covered less than a full year.
- (d) Registrations shall not be transferrable in the event of change of ownership. If it is desired that more than one person are registered to operate a single recreational non-highway vehicle, each person shall separately complete an application, be approved, and sign the release, in substantially the form prescribed by Exhibit A hereto.
- (e) Registrations shall be subject to revocation by the Village in the event of a violation of the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, or any of the provisions of this Ordinance. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinances found to be violated. Revocations may be appealed in writing to the Village Board within fourteen (14) days from the issuance of the revocation, and if appealed the Village Board shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The Village Board shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.
- (f) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the recreational non-highway vehicle in compliance with this Ordinance, including but not limited to, maintaining the required safety systems, the Village, in its discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the vehicle necessary to cure any deficiencies, as applicable, if the Village determines that the violation was not intentional and is not likely to recur.

Section 6. Inspection of Recreational Off-Highway Vehicles. Recreational non-highway vehicles registered, or proposed to be registered, pursuant to this article shall be subject to inspection by a person so designated by the Village Board, at any time to determine that said vehicle meets, and continues to meet, the definition thereof as set forth in this Ordinance, and meets the requirements of Section 4 of this Ordinance, and particularly that required safety systems and equipment are in operating condition. Each such vehicle shall be inspected prior to its registration or renewal of registration.

Section 7. Mandatory Insurance. The owner of any recreational non-highway vehicle registered under this Ordinance shall continuously maintain liability

insurance for said vehicle having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

Section 8. Operation Limited to Licensed Drivers. No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall operate a recreational non-highway vehicle within the Village, pursuant to State law, 625 ILCS 5/11-1426.1(b-5).

Section 9. Other Laws, Regulations and Ordinances. Recreational non-highway vehicles shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any laws, regulations or ordinances specifically pertaining to recreational non-highway vehicles and the operation thereof.

Section 10. Violations. In addition to the revocation of the registration for a recreational non-highway vehicle as provided in this ordinance, any person violating the provisions of this Ordinance shall be subject to revocation of any registration and a fine of not less than \$75.00 and not more than \$150.00. The provisions hereof for prosecuting violations of this Ordinance are not intended to supersede the Illinois Vehicle Code, or to in any way impair prosecution of violations of the Illinois Vehicle Code involving the operation of recreational non-highway vehicles. A separate violation occurs each time the recreational non-highway vehicle is operated on the Village roadways when not in compliance with this Ordinance.

Section 11. Severability. The provisions and Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section F: Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Flanagan prior to the effective date of this ordinance.

Section G: Petitions for Ordinance Violations. Should any golf cart, all-terrain vehicle, or off-highway vehicle be operated on the Village of Flanagan roadways in violation of any of the provisions of this ordinance the violation of, or failure to comply with any provision of the Village Code shall constitute an offense against the Village, and where no specific penalty is provided therefore, shall subject the offender, upon conviction, to be punished by a fine of not less than \$75.00 nor more than \$150.00. Any fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the municipality under Section 1-2-1 of the Municipal Code shall be charged to the offender for violation of any ordinance duly enacted by the Village of Flanagan. This shall include any such expenses to enforce ordinances.

Section H: To enforce the compliance with this Ordinance and to protect the safety of the Village residents, any law enforcement officer of the Village, Livingston County, or State of Illinois may stop and inspect any golf cart, all-terrain vehicle, or recreational non-highway vehicle upon the Village roadways at any time and conduct a safety inspection for compliance with all applicable laws of this State and this Ordinance.

Section I: Effective Date. This Ordinance shall be in full force and effect ten (10) days from an after its passage, approval, and publication in pamphlet form as provided by law.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 17th day of October, 2017.

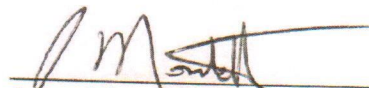
PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 17th day of October, 2017.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 17th day of October, 2017.

AYES: 6

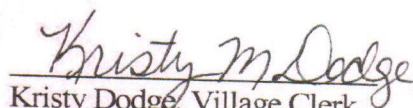
NAYES: 0

ABSENT: 0


Jason Montello
President, Board of Trustees
Village of Flanagan

IL (SEAL)

ATTEST:


Kristy Dodge, Village Clerk
Village of Flanagan

**THE VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

ORDINANCE NO. 2016-14

**AN ORDINANCE AMENDING ORDINANCE NO. 12-4
ALLOWING AND REGULATING NON-HIGHWAY
VEHICLES IN THE VILLAGE OF FLANAGAN**

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN**

This 20 day of Dec, 2016

VILLAGE OF FLANAGAN, ILLINOIS

ORDINANCE NO. 2016- 14

**AN ORDINANCE AMENDING ORDINANCE NO. 12-4
ALLOWING AND REGULATING NON-HIGHWAY
VEHICLES IN THE VILLAGE OF FLANAGAN**

WHEREAS, the Village of Flanagan is an Illinois municipal corporation operating and organized under the Illinois Municipal Code; and

WHEREAS, the Village of Flanagan adopted Ordinance No. 12-4 regulating and permitting the operation of golf carts in the Village of Flanagan pursuant to Section 11-1426 of the Illinois Motor Vehicle Code; and

WHEREAS, the Village of Flanagan has received requests to permit the operation of all-terrain vehicles and other non-highway vehicles within the Village of Flanagan on the same terms and conditions as permitted for golf carts; and

WHEREAS, pursuant to the Illinois Motor Vehicle Code, Section 11-1426.1, the Village of Flanagan may allow all-terrain vehicles, off-highway motorcycles, and recreational off-highway vehicles along with golf carts to operate within the Village of Flanagan pursuant to the terms and conditions of said Section of the Illinois Motor Vehicle Code; and

WHEREAS, the President and Board or Trustees for the Village of Flanagan find it in the best interest of the health, safety, and welfare of the citizens of the Village of Flanagan to permit other non-highway vehicles to be operated within the Village of Flanagan on the same terms and conditions as golf carts; and

WHEREAS, it is in the best interest of the citizens of the Village of Flanagan to amend Ordinance No. 12-4 to include non-highway vehicles in addition to golf carts.

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees for the Village of Flanagan, Illinois as follows:

Section A: Section 2, subsection 1 of Ordinance No. 12-4 is deleted in its entirety and the following is substituted in its place:

Definition of Non-Highway Vehicle. As used in this Ordinance "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway and is restricted to the following: (a) an all-terrain vehicle as defined by Section 1-101.8 of the Illinois Motor Vehicle Code (625 ILCS 5/1-101.8); (b) a golf cart as defined by Section 1-123.9 of the Illinois Motor Vehicle Code (625 ILCS 5/1-123.9); (c) an off-highway motorcycle as defined

by Section 1-153.1 of the Illinois Motor Vehicle Code (625 ILCS 5/1-153.1); and (d) a recreational off-highway vehicle as defined by Section 1-168.8 of the Illinois Motor Vehicle Code (625 ILCS 5/1-168.8).

Section B: That Ordinance No. 12-4 is hereby further amended by deleting all references to "golf cart" appearing in said Ordinance and substituting therefor the term "non-highway vehicle."

Section C: That Ordinance No. 12-4 shall remain in full force and effect as amended by this Ordinance, it being the intent of the Village of Flanagan to allow non-highway vehicle use within the Village on the same terms and conditions as set forth in Ordinance No. 12-4 for golf carts.

Section D: That the Village Code for the Village of Flanagan be and in the same hereby amended by substituting the phrase "non-highway vehicle" for "golf cart" as set forth in this amendatory ordinance.

Section E: Repeal. Ordinance No. 11-___ is repealed in its entirety, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed provided however that nothing herein contained shall affect any rights, actions, or causes of actions which shall have accrued to the Village of Flanagan prior to the effective date of this Ordinance.

Section F: Severability. The provisions of this Ordinance shall be deemed severable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section G: Effective Date. This Ordinance shall be in full force and effect ten (10) days from an after its passage, approval, and publication. In pamphlet form as provided by law.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 20 day of December, 2016.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20 day of December, 2016.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20 day of December, 2016.

AYES: 6

NAYES: 0

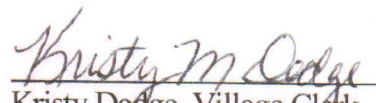
ABSENT: 0



Jason Montello
President, Board of Trustees
Village of Flanagan

IL (SEAL)

ATTEST:



Kristy Dodge, Village Clerk
Village of Flanagan

THE VILLAGE OF FLANAGAN

LIVINGSTON COUNTY, ILLINOIS

ORDINANCE
NUMBER 12-4

**AN ORDINANCE ALLOWING AND REGULATING GOLF CARTS IN THE
VILLAGE OF FLANAGAN**

R. JEROME ROCKE, Village President
DANA L. WORRELL JUMPER, Village Clerk

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Flanagan
on June 19, 2012

Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C. – 207 W. Jefferson, Suite 402, Bloomington, IL
61701 **ORDINANCE NO.** _____

**AN ORDINANCE ALLOWING AND REGULATING GOLF CARTS IN THE
VILLAGE OF FLANAGAN**

WHEREAS, the Village of Flanagan is an Illinois municipal corporation operating and organized under the Illinois Municipal Code; and

WHEREAS, the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, enables the Village to authorize by ordinance or resolution the operation of properly equipped non-highway vehicles, including golf carts, on roadways under the jurisdiction of the Village; and

WHEREAS, as required by said statute, the Village Board has considered the volume, speed, and character of traffic on roadways under the jurisdiction of the Village having a posted speed limit of 25 miles per hour or less and has determined that the public safety will not be jeopardized by the operation of properly equipped golf carts on said roadways in accordance with said statute and this Ordinance; and

WHEREAS, the Village Board has determined that it is in the public interest to allow the operation of properly equipped golf carts on roadways under the jurisdiction of the Village having a posted speed limit of 25 miles per hour or less in accordance with said statute and this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Flanagan, Livingston County, Illinois as follows:

Section 1. Policy Statement. This ordinance is adopted in the interest of public safety. This ordinance is not to be relied upon as a determination that the operation

of golf carts on streets is safe or advisable, even if done in accordance with this ordinance. All persons operating golf carts 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 golf carts on streets within the Village of Flanagan do so at their own risk and peril. The Village of Flanagan has no liability under any theory of law for permitting golf carts to be operated on Village streets.

Section 2. Golf Cart Regulations. The Village of Flanagan shall add to its Village Code the following provisions on golf carts:

Sec. 1. Definition of Golf Cart. A "golf cart" shall be as defined in the Illinois Vehicle Code, 625 ILCS 5/1-123.9, and shall mean 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.

Sec. 2. Operation of Golf Carts. Subject to the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, which is hereby adopted by the Village, and to the provisions of this Ordinance, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to register and, if approved, operate golf carts on the streets under the jurisdiction of the Village (thereby excluding State and County roads, including but not limited to Illinois Route 116) having a posted speed limit of 25 miles per hour or less. The Village shall post the appropriate signage for the operation of said vehicles. Golf carts may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic, unless otherwise authorized by the Village Board for special events. Golf cart operators must yield the right-of-way to overtaking vehicles at all times. Golf carts shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions. Each golf cart may transport only as many individuals as is the number of seats designated by the golf cart manufacturer.

Sec. 3. Restrictions on Crossing Highways. A golf cart shall only be permitted to cross a State highway at an intersection controlled by a traffic light, or a 4-way stop sign, and where the State highway has a speed limit of 25 miles per hour or less at the

place of crossing. Otherwise, golf carts shall not be permitted to cross any State highway

Sec. 4. Safety Requirements for Golf Carts. Golf carts that operate within the Village must be registered as provided for in Section 5 and said vehicles must contain the following: brakes, a steering apparatus, tires, seat belts for all passenger seats, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Vehicle Code) on the rear of the golf cart, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a golf cart shall have its headlight and tail lamps lighted as required by Section 12-201 of the Vehicle Code.

Sec. 5. Annual Registration of Golf Carts. No golf cart shall be operated on any roadway of Village unless the owner(s) thereof shall have first registered the golf cart with the Village in accordance with the following:

- (a) Registration of golf carts shall be administered by an official(s) designated by the Village Board and applications for registration shall be made on a form prescribed by the Village (substantially in the form attached hereto as **Exhibit A**), said form to include a statement under oath or penalties of perjury that the golf cart proposed to be registered meets the definition under this article and complies with the safety requirements provided for in Section 4 herein, and shall be accompanied by an annual registration fee of \$35.00 and proof of liability insurance for said golf cart having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.
- (b) Registered golf carts shall be issued a sticker which shall be affixed to the registered golf cart in a prominent visible location as directed by Village staff.
- (c) Registrations shall be effective for a period of one year (May 1 to April 30) and shall be renewed annually in the same manner as the original registration. Registrations obtained after May 1 of a given year will still expire on April 30, requiring a new registration, even if the initial registration covered less than a full year.
- (d) Registrations shall not be transferable in the event of

change of ownership. If it is desired that more than one person are registered to operate a single golf cart, each person shall separately complete an application, be approved, and sign the release, in substantially the form prescribed by Exhibit A hereto.

- (e) Registrations shall be subject to revocation by the Village in the event of a violation of the requirements of Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, or any of the provisions of this Ordinance. A revocation shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Revocations may be appealed in writing to the Village Board within fourteen (14) days from the issuance of the revocation, and if appealed the Village Board shall hold a public hearing at which the affected owner may appear, present witnesses and evidence, and be represented by an attorney. The Village Board shall uphold the revocation if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the revocation occurred. During the appeal process, the revocation shall remain in full force and effect.
- (f) In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain the condition of the golf cart in compliance this Ordinance, including but not limited to, maintaining the required safety systems, the Village, in its discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the golf cart necessary to cure any deficiencies, as applicable, if the Village determines that the violation was not intentional and is not likely to recur.

Sec. 6. Inspection of Golf Carts. Golf carts registered, or proposed to be registered, pursuant to this article shall be subject to inspection by a person so designated by the Village Board, at any time to determine that said golf cart meets, and continues to meet, the definition thereof as set forth in this Ordinance, and meets the requirements of Section 4 of this Ordinance, and particularly that required safety systems and equipment are in operating condition.

Sec. 7. Mandatory Insurance. The owner of any golf cart registered under this Ordinance shall continuously maintain liability insurance for said golf cart having at least the same limits as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

Sec. 8. Operation Limited to Licensed Drivers. No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall operate a golf cart within the Village, pursuant to State law, 625 ILCS 5/11-1426.1(b-5).

Sec. 9. Other Laws, Regulation and Ordinances. Golf carts shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any laws, regulations or ordinances specifically pertaining golf carts and the operation thereof.

Sec. 10. Violations. In addition to the revocation of the registration for a golf carts as provided in this ordinance, any person violating the provisions of this Ordinance shall be subject to revocation of any registration and a fine of not less than \$75.00 and not more than \$150.00. The provisions hereof for prosecuting violations of this Ordinance are not intended to supersede the Illinois Vehicle Code, or to in any way impair prosecution of violations of the Illinois Vehicle Code involving the operation of golf carts.

Sec. 11. Severability. The provisions and Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 3. Repeal & Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Flanagan prior to the effective date of this ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect 10 days from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 19th day of June, 2012, at Flanagan, Livingston County,
Illinois.

	YES	NO	ABSENT	ABSTAIN
AUGSBURGER				
CARLS				
FRIESE				
HULSE				
IVERSON				
MONTELLO				
ROCKE				
TOTAL				

VILLAGE OF FLANAGAN

R. Jerome Rocke, President

Attest:

Dana L. Worrell Jumper, Clerk