

**VILLAGE PRESIDENT**  
Seth Speiser

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge  
Lisa Meehling  
Ray Matchett, Jr.  
Mike Blaies

# VILLAGE OF FREEBURG

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: [www.freeburg.com](http://www.freeburg.com)

**VILLAGE ADMINISTRATOR**  
Tony Funderburg

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
John Tolan

**POLICE CHIEF**  
Stanley Donald

**VILLAGE ATTORNEY**  
Weilmuenster Law Group, P.C

December 23, 2015

## NOTICE

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES** **Annexation; Building; Zoning; Subdivision** **(Meehling/Blaies/Pruett/Trout)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, December 30, 2015, at 5:30 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

I. Items to be Discussed:

A. Old Business

1. Approval of November 18, 2015 Minutes
2. Zoning Report/Nuisance Properties
3. Occupancy Permit Inspections
4. St. Clair County Update of Building and Property Maintenance Code
5. Combination of Plan Commission and Board of Appeals
6. Local Debt Recovery Program
7. Golf carts or side by side vehicles
8. Homeless Veteran Program at Freedom Farm

B. New Business

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c)(1)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS, 120/2-(c)(2), real estate transactions [5 ILCS, 120/2 - (c)(5)] or discussion of executive session minutes, [5 ILCS-120/2-(c)(21)

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14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Meehling/Blaies/Pruett/Trout)  
Wednesday, November 18, 2015 at 5:30 p.m.

**VILLAGE ADMINISTRATOR**  
Tony Funderburg

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The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairperson Lisa Meehling on Wednesday, November 18, 2015, in the Freeburg Municipal Center. Members attending were Chairperson Lisa Meehling, Trustee Mike Blaies, Trustee Dean Pruett, Trustee Matt Trout, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Ray Matchett, Trustee Elizabeth Niebruegge, Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg and Office Manager Julie Polson.

## **A. OLD BUSINESS:**

1. Approval of October 28, 2015 Minutes: Trustee Matt Trout motioned to approve the October 28, 2015 minutes and Trustee Dean Pruett seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: The pallets are still out at Dollar General. Julie will ask Gary to talk to Dollar about putting up a privacy fence.
3. Occupancy permits inspections: The committee agreed having the Fire Department conduct inspections on smoke alarms and carbon dioxide detectors is a good option while we are looking at which direction we should go. Trustee Niebruegge said at least this process will start to his some of the issues. Trustee Meehling said it may help our landlords work towards having better rental properties.
4. St. Clair County Update of Building and Property Maintenance Code: Nothing yet.
5. Combination of Plan Commission and Board of Appeals: Tony advised we won't have anything on this until next year.
6. Comprehensive Plan: The public hearing is set for December 3<sup>rd</sup> at 7:00 p.m. Tony encouraged everyone to attend. He hopes this room is packed with people to foster good conversations. Tony confirmed we published the public notice per the requirements, and the plan will be posted on the website. Elizabeth suggested we try to send an article in and see if Tom will publish it.
7. Local Debt Recovery Program: Tony and Julie will rewrite it and bring the code changes back to next month's meeting.

**B. NEW BUSINESS:** Mayor Speiser said someone approached him about golf carts or side by sides, and he requested we ask other municipalities what they do. He suggested Millstadt, New Athens, Marissa, Waterloo, and Smithton.

Legal and Ordinance Committee Meeting  
Wednesday, November 18, 2015

Tony said there is a guy wants to start a program at Freedom Farm for homeless veterans. It's a year long program where they transition their way back into society, train for a job, and build their own tiny house. Tony said we have 5,000 trucking jobs in this region. He believes this is a worthwhile project. The county doesn't want any tiny homes. He asked if there is a way we could annex them in? Tony believes our homeless vets need all the help they can get. If we can be a part of a solution, it would be a good thing. John said this might also be an avenue to get water to Jefferson Road.

- B. **GENERAL CONCERNS:** None.
- C. **PUBLIC PARTICIPATION:** None.
- D. **ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:47 p.m. and Trustee Matt Trout seconded the motion. All voting yea, the motion carried.*



Julie Polson  
Office Manager

## ARTICLE IX – GOLF CARTS AND NEIGHBORHOOD VEHICLES

**24-9-1**      **GENERALLY.** Golf carts and neighborhood vehicles, as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

**24-9-2**      **DEFINITIONS.**

(A)      A **"Golf Cart"**, as defined herein, means a vehicle specifically designed and intended for the purposes of transporting **one (1)** or more person 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.

(B)      **"Neighborhood Vehicle"** shall mean a self-propelled, electronic-powered, four-wheeled motor vehicle (or a self-propelled gasoline-powered, four wheeled motor vehicle with an engine displacement under **one thousand two hundred (1,200) cubic centimeters**) that is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles per hour**, but not more than **twenty-five (25) miles per hour**, and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

(C)      **"Village Streets"** means any of the streets within the boundaries of the Village.

**24-9-3**      **REQUIREMENTS.** All persons wishing to operate a golf cart or a neighborhood vehicle on the Village streets must ensure compliance with the following requirements:

- (A)      Proof of current liability insurance.
- (B)      Must be certified with the Village and have the vehicles certified with the Village by inspection by the Police Chief or designated representative.
- (C)      Must display Village decal on the rear of the vehicle.
- (D)      Must have a current, valid Illinois driver's license.
- (E)      Golf carts 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 by **65 ILCS 5/11-1428** or the Illinois Motor Vehicle Code.

- (F) Neighborhood Vehicles must be equipped as follows:
- (1) Brakes and brake lights;
  - (2) Turn signals on the front and rear;
  - (3) A steering wheel apparatus;
  - (4) Tires;
  - (5) Rearview mirror;
  - (6) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle **(625 ILCS 5/12-709)**;
  - (7) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
  - (8) 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;
  - (9) Any additional requirements which may be amended by **65 ILCS 5/11-1426.1** or the Illinois Motor Vehicle Code.
- (G) Must obey all traffic laws of the State of Illinois and the Village.
- (H) Must be **twenty-one (21) years** of age.
- (I) Must be operated only on Village streets, except where prohibited.
- (J) Must not be operated in excess of posted speed limit and, with respect to neighborhood vehicles, may not exceed **twenty-five (25) miles** per hour.
- (K) A person operating or who is in actual physical control of a golf cart or neighborhood vehicle 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 – 11-502)**.
- (L) Golf carts and neighborhood vehicles shall not be operated on sidewalks or in Village Parks other than parking areas.
- (M) Golf carts and neighborhood vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois State Route 13 and 4) or the Village streets of Marissa, North Main Street, East Lyons Street and South Main Street. With the exception of South Main Street from Northeast Railroad Street to Southeast Railroad Street (designated street crossing).

**24-9-4 PERMITS.**

- (A) No person shall operate a qualified golf cart or neighborhood vehicle without first obtaining a permit from the Police Chief as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Twenty-Five Dollars (\$25.00)**. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit. All Village permit stickers will be mounted on the outside of the vehicle designated by the Village Chief of Police or his designated representative. Proof of insurance must be with the vehicle at all times if it is being driven on Village streets.
- (B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
- (1) Name and address of applicant;
  - (2) Name of liability insurance carrier;

- (3) The serial number, make, model and description of golf cart or neighborhood vehicle;
  - (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 cart or neighborhood vehicle on the Village streets;
  - (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
  - (6) Such other information as the Village may require.
- (C) No permit shall be granted unless the following conditions are met:
- (1) The vehicle must be inspected by the Chief of Police (or designee) 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;
  - (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 or neighborhood vehicle on Village streets;
  - (3) The applicant must provide evidence 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.

(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 golf cart or neighborhood vehicle on the designated roadways.

**24-9-5** **VIOLETIONS.** Any person who violates any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation on a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

**24-9-6** **MISCELLANEOUS.**

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and effect from and after passage and approval as provided by law.

(C) Any Article, or portion thereof, of the Village which is contrary to this Article shall be deemed to be replaced.

**(Ord. No. 12-06; 07-02-12)**

Millstadt

## GOLF CARTS AND UTILITY-TERRAIN VEHICLES

### § 73.30 OPERATING GOLF CARTS AND UTILITY-TERRAIN VEHICLES.

(A) Golf carts and utility-terrain vehicles (not intended for 4 wheelers), as defined and qualified herein shall be allowed on village streets under the conditions stated herein.

(B) *Definitions.*

(1) **GOLF CART.** A motorized vehicle with three or four wheels that is not designated to be operated at a speed of more than 25 miles per hour whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

(2) **UTILITY-TERRAIN VEHICLE.** Not intended for 4 wheelers, a self-propelled, electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four-wheel motor vehicle.

(3) **VILLAGE STREETS.** Any of the streets within the boundaries of the Village of Millstadt, Illinois.

(C) *Requirements.* All persons wishing to operate a golf cart or a utility-terrain vehicle on the village streets must ensure compliance with the following requirements:

(1) Proof of current liability insurance.

(2) Must be certified with the village and have the vehicles certified with the village by inspection by a village designated representative.

(3) Must comply with the published "Rules Concerning Alternative Transportation For the Village of Millstadt" as periodically updated.

(4) Must have city decal on the rear of vehicle.

(5) Must have current, valid Illinois driver license.

(6) Golf carts must be equipped as follows:

(a) Brakes and brake lights;

(b) Turn signals;

(c) Steering wheel apparatus;

(d) Tires;

(e) Rearview mirror;

(f) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (ILCS Ch. 625, Act 5, § 12-709);

(g) Headlight that emits a white light visible from a distance of 300 feet to the front which will illuminate when in operation;

(h) Tail lamp that emits red light visible from at least 100 feet from the rear which must illuminate when in operation; and

(i) Any additional requirements which may be amended to ILCS Ch. 65, Act 5, § 11-1428 or the Illinois Vehicle Code.

(7) Utility-terrain vehicles must be equipped as follows:

(a) Brakes and brake lights;

(b) Turn signals on the front and rear;

(c) Steering wheel apparatus;

(d) Tires;

(e) Rearview mirror;

(f) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (ILCS Ch. 625, Act 5, § 12-709);

(g) Headlight that emits a white light visible from a distance of 300 feet to the front which will illuminate when in operation;

(h) Tail lamp that emits red light visible from at least 100 feet from the rear which must illuminate when in operation; and

(i) Any additional requirements which may be amended to ILCS Ch. 65, Act 5, § 11-1426 or the Illinois Vehicle Code.

(8) Must obey all traffic laws of the State of Illinois and the Village of Millstadt.

(9) Must be 21 years of age.

(10) Must be operated only on village streets, except where prohibited.

(11) May not be operated on U.S. Highway 158 or 163 except to cross highway at any intersection.

(12) Must not be operated in excess of a posted speed limit and may not exceed 25 miles per hour.

(13) A person operating or that is in physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to ILCS Ch. 625, Act 5, § 11-500 through 11-502.

(14) Golf carts and utility-terrain vehicle shall not be operated on sidewalks or in village parks other than parking areas.

(15) Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Highway 158 and U.S. Highway 163).

(D) *Permits.*

(1) No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the village as provided herein. Permits shall be granted for a period of one year and renewed annually. The cost of the permit is \$50. Insurance coverage to be verified when obtaining or renewing a permit.

(2) Every application for a permit shall be on a form supplied by the village and shall contain the following:

(a) Name and address of applicant;

(b) Name and address of liability insurance carrier;

(c) Serial number, make, model and description of golf cart or utility-terrain vehicle;

(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 golf cart or utility-terrain vehicle on the village streets;

(e) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit; and

(f) Other information as the village may require.

(3) No permit shall be granted unless the following conditions are met:

(a) The vehicle must be inspected by the village designee to insure that the vehicle is safe to operate on village streets and is in compliance with this section and with the State of Illinois Motor Vehicle Code.

(b) A physically handicapped applicant must submit a certificate signed by a physician certifying the applicant is competent to safely operate a qualified golf cart or utility-terrain vehicle on village streets.

(c) The applicant must provide evidence of insurance in compliance with the provision of Illinois Statutes regarding minimum liability insurance for passenger motor vehicle to operate on the roads of the State of Illinois.

(4) The village may suspend or revoke a permit granted hereunder upon finding the holder has violated any provisions of this section or there is evidence the holder cannot safely operate a qualified golf cart or utility-terrain vehicle on designated roadways.

(E) *Penalty.* Any person who violates any provisions of this section shall be punished by a fine of not less than \$75 nor more than \$500 for each offense. Any second or subsequent offense shall result in a revocation of the permit for a period of not less than three years or more than five years.

(Ord. 1078, passed 3-21-11)

**ARTICLE XI - GOLF CARTS AND UTILITY-TERRAIN VEHICLES**

**24-11-1**     **GENERALLY.** Golf carts and utility-terrain vehicles, as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

**24-11-2**     **DEFINITIONS.**

(A)           A "Golf Cart", as 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 grounds on a public or private golf course.

(B)           "Utility-Terrain Vehicle" shall mean a self-propelled, electronically powered four-wheeled motor vehicle or a self-propelled gasoline powered four wheeled motor vehicle with an engine displacement under **one thousand two hundred (1,200) cubic centimeters** which is capable of attaining in **one (1) mile** a speed of more than **twenty (20) miles per hour** but not more than **thirty-five (35) miles per hour** and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

(C)           "Village Streets" means any of the municipal streets within the boundaries of the Village. It does not include those streets maintained by St. Clair County and the State of Illinois.

**24-11-3**     **REQUIREMENTS.** All persons wishing to operate a golf cart or a utility-terrain vehicle on the Village streets must ensure compliance with the following requirements:

(A)           Proof of current liability insurance.

(B)           Must be certified with the Village and have the vehicles certified with the Village by inspection by the Police Chief or designated representative.

(C)           Must display Village decal on the rear of the vehicle.

(D)           Must have a current, valid Illinois drivers license.

(E)           Golf carts 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.

(F)           Utility-Terrain Vehicles must be equipped as follows:

- (1)   Brakes and brake lights;
- (2)   Turn signals on the front and rear;
- (3)   A steering wheel apparatus;

- (4) Tires;
- (5) Rearview mirror;
- (6) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
- (7) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
- (8) 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;
- (9) Any additional requirements which may be amended to **65 ILCS 5/11-1426.1** or the Illinois Motor Vehicle Code.
- (G) Must obey all traffic laws of the State of Illinois and the Village.
- (H) Must be **twenty-one (21) years** of age.
- (I) Must be operated only on Village streets, except where prohibited.
- (J) Must not be operated in excess of posted speed limit and, with respect to utility-terrain vehicles, may not exceed **thirty-five (35) miles per hour**.
- (K) A person operating or who is in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes.
- (L) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in Village Parks other than parking areas.
- (M) Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois State Route 13) or the County Highway Department except to cross at designated streets.

**24-11-4 PERMITS.**

- (A) No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Police Chief as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Twenty-Five Dollars (\$25.00)**. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.
- (B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  - (1) Name and address of applicant;
  - (2) Name of liability insurance carrier;
  - (3) The serial number, make, model and description of golf cart or utility-terrain vehicle;
  - (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 cart or utility-terrain vehicle on the Village streets;
  - (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
  - (6) Such other information as the Village may require.
- (C) No permit shall be granted unless the following conditions are met:
  - (1) The vehicle must be inspected by the Chief of Police (or designee) to insure that the vehicle is safe to operate on Village streets and

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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 or utility-terrain vehicle on Village streets;
- (3) The applicant must provide evidence 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.

(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 golf cart or utility-terrain vehicle on the designated roadways.

**24-11-5 VIOLATIONS.** Any person who violates any provision of this Article shall upon conviction be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

### **24-11-6 MISCELLANEOUS.**

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and effect from and after passage and approval as provided by law.

(C) Any Article, or portion thereof, of the Village which is contrary to this Article shall be deemed to be repealed.

**(See 625 ILCS 5/11-1426.1)**

**(Ord. No. 2011-09; 12-05-11)**