

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Steve Smith
Mike Blaies
Mathew Trout
Dean Pruett
Elizabeth Niebruegge

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

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

October 28, 2013

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 30, 2013, at 4:45 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of October 2, 2013 Minutes
2. Status of Public Hazard Homes/101 E. Hill
3. Update Code Book
4. Nuisance Abatement Code
5. Furtak – 113 E. Apple
6. Zoning Reports
7. Checklist for new business owners
8. Use of golf carts on streets

B. New Business

1. Scott Patriot Program

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)] or real estate transactions [5 ILCS, 120/2 – (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)
Wednesday, October 30, 2013 at 4:45 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 4:45 p.m. by Chairman Matt Trout on Wednesday, October 30, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of October 2, 2013 Minutes: Trustee Ray Matchett motioned to approve the October 2, 2013 minutes and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised buildings at 101 E. Hill will be torn down by the end of November.
3. Update Code Book: Julie provided copies of the entire proposed code revisions to the trustees, John, Gary and Jerry. Tony said he is reviewing Chapter 1 and comparing the revisions to our current code as well as Breese and Mascoutah's codes. The committee needs to review Chapter 1 as well.
4. Nuisance Abatement Code: Gary said Dean has cleaned up the property quite well but would still like to burn the debris pile during the cold weather. Gary said it does have some leaves and poison ivy in that pile.
5. Furtak – 113 E. Apple: Gary has not heard back from Leon Furtak. Chairperson Trout asked for this to be taken off the agenda.
6. Zoning reports: Gary provided a copy of his November 4th report. He said the Nahass Board of Appeals hearing has been continued to Monday night at 6:30 p.m. She has submitted a FOIA request and he and Julie are working on getting the information compiled for her to inspect the records on Friday, 11/1. Gary advised there will be a Plan Commission hearing on November 13th to hear Don Shain's request to rezone his property at 211 N. Main Street to B-1.
7. Checklist for new business owners: We are working on this.
8. Use of golf carts on streets: Tony passed out copies of Breese's code that addresses this. Golf carts would be allowed on streets from sunup to sundown. Breese has many requirements the residents must comply with in order to make the golf carts street legal. Both Marissa and New Athens allow golf carts. Tony would like to see the police committee review it as well.

Legal and Ordinance Committee Meeting
Wednesday, October 30, 2013

Mayor Speiser said he has had several calls regarding Burgards. He was informed by the Illinois Liquor Commission that they will never issue a tavern license at the Burgards' location again. They will not issue any liquor license at that location for one year. After that time, a restaurant with a liquor license could be granted. Seth said he received a request for a liquor license at the Subway location. The owners want to install video gambling machines. He said they can do that there because it's a food shop and not a tavern. Francesca's is having a car show Saturday night, and Koppeis is paying for the fence that will enclose the event area.

B. NEW BUSINESS:

1. Scott Patriot Program: Tony said we have already been designated as a Scott Patriot Community. The program asks communities and local businesses to support Scott Air Force Base and its military personnel. Julie has prepared the proclamation which will be presented at Monday night's board meeting.

C. GENERAL CONCERNS: Tony advised we have received a FOIA request from Mark Rynders' attorney and he will be here on 11/5 to review the requested documents.

D. PUBLIC PARTICIPATION: None

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:08 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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A. OLD BUSINESS:

1. Approval of August 28, 2013 Minutes: Trustee Ray Matchett motioned to approve the August 28, 2013 minutes and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised the realtor has obtained a wrecking permit and contracted to get the building torn down at 101 E. Hill.
3. Update Code Book: Tony advised it is going to take a long time to go through the proposed code book. He will ensure all trustees get a copy of the proposal and once that is done, we will schedule Committee as a Whole meetings for the entire board to review and make decisions on the proposed changes.
4. Nuisance Abatement Code: Gary said the properties are in compliance. The owner of 11 S. Richland has worked on the property and it looks much better.
5. Furtak – 113 E. Apple: The Plan Commission met 9/12/13 and recommended Leon's request to rezone the property to MR-2. On 9/16/13, the Village Board voted to disapprove that recommendation from the Plan Commission. Gary explained to Leon that if he goes MR-2 he will need an architect seal and Leon will let Gary know by the end of the week what he wants to do. Steve Woodward was present as Chairman of the Plan Commission. He explained that the Plan Commission sees this as a zoning problem and not a special use problem. Steve pointed out several areas in town where non-conforming buildings have been allowed. Steve said we look at each situation with common sense and ask what is the best use for the property? All old towns run into these situations and have to deal with it. He has emailed Waterloo, Smithton and Millstadt to see how they handle these situations. The Plan Commission believes that changing the zoning is the correct way to handle the situation without tying the property owner's hands. Trustee Matt Trout said some of his concerns were what kind of building could be put on that property if it was rezoned to MR-2. Steve said there would be parking restrictions. He doesn't believe any building larger than a 4-unit would work on that parcel. Steve also said that area houses several different types of buildings and doesn't think rezoning this property would create an undue hardship on the neighborhood.

Legal and Ordinance Committee Meeting
Wednesday, October 2, 2013

Page 1 of 2

VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

6. Increase in fees: Tony said we will probably see more of this as we go through the proposed update to the codebook.
7. Zoning reports for October 2nd: Gary said we have two new requests to be heard by the Board of Appeals. Margie Nahass is requesting a variance of the sidewalk requirement regarding two of her lots. The second request is from Dorothy Gutgsell who is asking for a special use permit to allow a restaurant/bar at the old Wolfs Den. These requests will be heard on October 24th.
8. Swimming pool regulations: Item can be taken off the agenda for now.
9. Checklist for new business owners: We are working on this.
10. Sample Responsible Bidder Ordinance: This will be incorporated into the new codebook. Item can be taken off the agenda.

Administrator Funderburg said Ken Stumpf has been in a couple of times to see what he can and can't do on his property. He would like to be able to own two lawn mowers. Julie provided copies of the court order. It does not address specific situations. Mayor Speiser asked for all of the old committee minutes to be copied and brought to the next committee meeting.

B. NEW BUSINESS:

1. Revision of fines assessed for ordinance violations: We will incorporate this into the new code.

Trustee Matchett would like to know if we can look into allowing the use of battery operated golf carts that are equipped with lights and blinkers on the streets. He said both Marissa and New Athens allow it. Seth said other communities allow them on the side streets, not on the highways and only certain times of the day. We will check our code to see if we have anything that addresses this. Ray also asked if we can observe Halloween on Saturday. Tony will look into it.

Mayor Speiser advised Burgards has been closed down and Rod has put it up for sale. Rod's lawyer has asked that if they don't appeal to try and get the liquor license back, will we waive the \$1,000 fine? The committee was fine with that. Jerry asked if Don Shain owns that building and Seth said no, Rod owns the building.

C. GENERAL CONCERNS: None.

D.

E. PUBLIC PARTICIPATION: See above.

F. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:31 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*


Julie Polson
Office Manager



200 University Park Drive, Suite 240
Edwardsville, IL 62025-3636
618 / 692-9745 (p)
618 / 692-9779 (f)

*TONY,
COULD U LOOK
INTO THIS*

RECEIVED

OCT 07 2013

October 1, 2013

Village of Freeburg
14 Southgate Center
Freeburg, IL 62243

Dear Mayor Speiser,

The Leadership Council Southwestern Illinois and area Chamber of Commerce organizations throughout the St. Louis region invite you to be part of an exciting new initiative— the **Scott Patriot Program**. An email was sent on September 11th, but we wanted to follow up with further details on the program.

It's aimed at ensuring that those local communities and businesses that are providing support to our friends at Scott Air Force Base (AFB) and their families are recognized as military-friendly, while also growing the level of support from others. As you are well aware, community support for the base is an important consideration in evaluations and this program can help to demonstrate that support from throughout our region.

As a community that benefits from the presence of Scott AFB in our region, we hope you will consider signing up to be a **Scott Patriot Community** and issuing a proclamation to help communicate your commitment to the men and women associated with Scott and to encourage businesses in your community to follow suit. A sample proclamation is attached for your convenience. Once you have passed the proclamation, please send a copy to the Leadership Council office (address below).

We also ask you to sign up for the **Scott Patriot Program** on-line.. Simply go to www.scottpatriot.com and take a very short enrollment survey. Once we receive your completed survey, we'll send you a welcome packet that will include a Scott Patriot decal you can post in the window of your offices or community center so that you can easily be recognized as military-friendly. You'll also get a certificate you can display to further illustrate your support for Scott AFB. Finally, you will be listed on the website. From there, we link your community name directly back to your website, where you can include additional information about the support you provide for Scott AFB and encourage businesses in your community to also consider becoming a Scott Patriot.

Providing a link back to the Scott Patriot website that they can click on is the easiest way to facilitate their involvement, but we also ask that you promote the program to businesses in your community in any other ways possible, whether through including information in your newsletters, when business licenses are issued or renewals are sent out, or any other avenues that make sense for your community.

The Leadership Council, along with local Chambers of Commerce, will be promoting the program through the local media and sharing the information with our colleagues at Scott AFB so they can make sure our military personnel are aware of the extent of the support coming from our communities and familiar with the many businesses that take active steps to support them and their families. We are confident that designation as a Scott Patriot will provide participants with additional business and good will from the military, retirees, civilian workers, and members of the general public that support those who serve Scott AFB.

More details about the program are available on the website. If you have any questions, please contact me or reach out to George Manning, administrative assistant to the president of McKendree University, one of the volunteers working with us to launch the **Scott Patriot Program**. You can reach him at gjmanning@mckendree.edu or 618-537-6936. Thanks in advance for your interest and we look forward to counting you among our Scott Patriots.

Sincerely,



Ellen Krohne
Executive Director

Attachment: Sample Proclamation & Certificate

SCOTT PATRIOT COMMUNITY PROCLAMATION

Whereas Scott Air Force Base has been a cornerstone of America's Defense and controls and monitors every United States military transportation operation, from deploying troops for national defense, peacekeeping, or disaster relief efforts, to transporting our wounded warriors and fallen heroes ensuring no one is left behind, and

Whereas each day our service men and women forego comfort, face hardship, confront danger and sometimes die in defense of our Nation, earning our unwavering support in their resolute effort to ensure that our values and our way of life are not destroyed, and

Whereas all of the activities that take place at Scott Air Force Base provide employment for approximately 13,000 individuals, making it one of the largest employers in the St. Louis Metropolitan area, with a total annual economic impact that tops \$3 billion and benefits more than 136,000 people in our region, and

Whereas the Base stretches across 4,000 acres, and consists of more than 900 buildings, creating a small town whose constituents are active, contributing members of our broader community, and

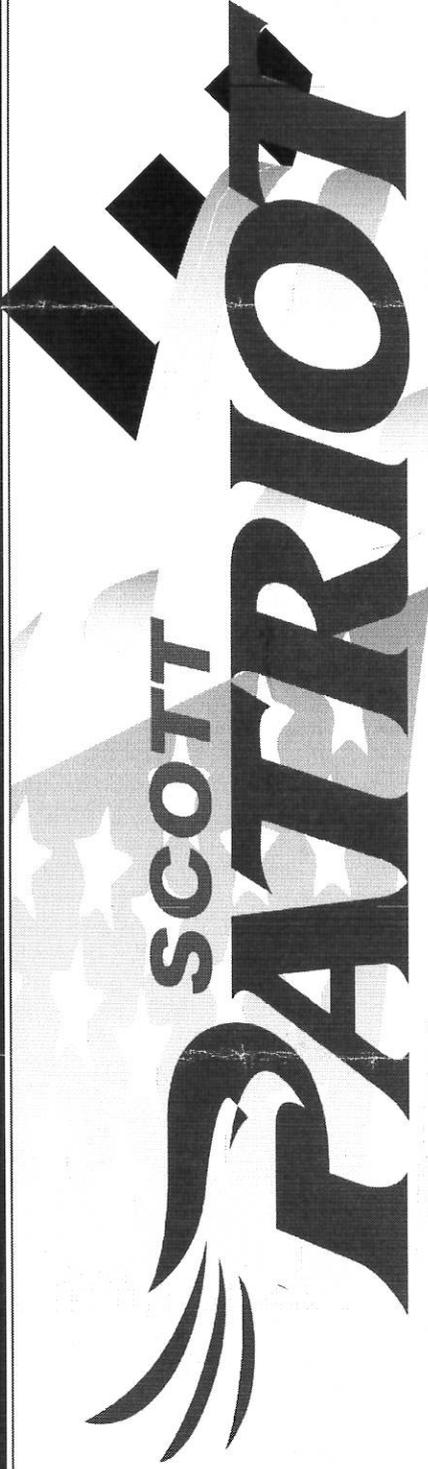
Whereas in recognition of the tremendous impact Scott Air Force Base, our airmen and their families have on our region, we have demonstrated world class support for them that has been recognized with the 2012 Abilene Trophy, and

Whereas our community wants to build on the efforts that helped us to secure that great honor by showcasing and increasing the level of support we provide for the men, women and children at Scott, and we consider the recently launched Scott Patriot Program as a great way to do that, and

Whereas, we are committed to taking the steps necessary for our community to be recognized as a Scott Patriot and to encouraging businesses and organizations in our community to also commit to supporting the military in one of the ten ways outlined in the Scott Patriot Program,

Now, therefore, I <XXX>, Mayor of <XXX>, do hereby proclaim <CITY/COUNTY> as a Scott Patriot Community on this Day/Month/Year.

SAMPLE



THIS CERTIFICATE IS PRESENTED TO

Mail Merge Company

In recognition of your support for the men, women and children of Scott Air Force Base

PRESENTED BY:

IN CONJUNCTION WITH AREA

CHAMBER OF COMMERCE

ORGANIZATIONS

**LEADERSHIP
COUNCIL
SOUTHWESTERN
ILLINOIS**

SAMPLE

September 2013

ZONING REPORT
VILLAGE BOARD MEETING
Monday, November 4th
Gary Henning Zoning Administrator

On October 9th, 2013, by a vote of 5-1 the Zoning Board of Appeals granted an Area Bulk Variance-Freeburg Zoning Ordinance 155.092, Lot and Building requirements, Section D(4)-Rear Lot Line Setback(See attached Memo for details)To Josh & Elizabeth Niebruegge.

Met last Wednesday with Dorothy Gutgsell and Don Shain about requesting Special Use Permit to allow Restaurant-Bar in a MR-1 Zoned District. They have two options (1) request a zoning change from MR-1 Two Family Residential to B-1 Community Business and option (2) to request to allow Bar-Restaurant in MR-1 zoning. Both options would need Plan Commission Recommendation and final vote by the Village Trustees to amend the code. Dan Shain has turned in a request to amend and change present Zoning of property located at 211 N. Main Street from MR-1 to B-1 to allow for a Family Resturant and bar. Planning Board Hearing is set for Wednesday November 13th at 8:00 pm at Village Hall.

Sept 24th talked with Leon Furtak - he wants to meet with me later this week--after he has some time to consider if he wants to apply for Special Usage Permit-Drafts to change ordnance has been received from our attorney. Still no return calls from Mr. Furtak.

Met with resident of 147 Tall Maple Court-she is informed they had bids but have decided to file for a Variance to village code so not to have to put in required sidewalk. The Board met on Thursday October 24th at 7:00 pm. Hearing was continued to Monday November 4th, 2013, at 6:30 P.M. Village Hall. I met with the Naas's last Friday November 1st at 11:00 A.M. at Village Hall to address their Freedom of Information Act requests.

Occupancy Permits issued in October--11

Building Permits issued October--13

4-New Home permits

2-New Mobile Home permits (Deerfield Court)

1-Mobile Home Permit with Deck, Garage and Shed

1-New Utility Shed

1-Demolition of house and Apartment Building

1-New Sign

1-New Fence

2-Rewiring Electrical

Nuisance Corrected in October:

A. 14-High Weeds-Grass Problems are now in compliance.

B. 1-Trash, limbs, wood, building materials,
Etc. complaints have been removed and now are in
Compliance.

C. Received complaint about smell from burning of
Furnaces outdoors-smell is bad at times using some
type of corn. Talked with owner last Thursday and he
agreed to shut down the heater if any one called in
neighborhood and complained of smell. He was very
concerned about being a good neighbor and that he has
been burning corn for over 25 years. Called neighbor
who complained and she called him and he shut down the
heater. This should solve problem.

D. Property at 502 S. State Street paid \$250 mowing fee
and Codilis and Associates Law Firm in Burr Ridge
Has hired company to keep it in compliance. Done OK

Nuisance Complaints with action to be taken to correct:

1. 111 S Walnut-since purchasing the property Dean
Gauch has cleared all the underbrush. Large Pile
of underbrush etc very back of property. Talked
with Dean Tuesday October 15th informed him about
Village Burn rules. Refer to Code 94.62
Restrictions on Burning Landscape Waste.
2. Checked out complaint on 924 Promatory Pines New
Residence building permit issued 3-6-05 and has
been extended-work should be completed first part
of August will check back August 16th. Talked
with Mr. Coughlin will not be finished this year
will check back middle of January 2014 and will
report to St. Clair County Assessors office when
family moves in.

3. RW Ernest Building behind Gary's. The owner has obtained a wrecking permit. All utilities have been shut off. Demolition will begin soon!
4. Received written complaint about 600 N. Main—zoned SR-1—where Tractor-Trailer Bed is parked in back-side yard for storage—talked with owner storing brother-in-laws pawn shop materials—he was shot four weeks ago—and family trying to sell equipment. Looking for a place out-sides of Freeburg to park trailer bed until can sell merchandise. Had another meeting with owner on Friday August 19th—Brother-in-law still in critical condition in intensive care--we are working toward a solution. Mayor Speiser signed a request for a 90 day extension while the family deals with their extreme Medical crisis.
5. Received a notice about EPA and Health Department going to check old G&S Foundry for arsenic and other hazard products—the place will probably need to be cleaned up. FX will call when inspectors go out to Foundry.
6. Received complaint on 108 E. Apple concerning A dilapidated building—barn in back—called owner and he will have torn down in two months—11/4/2013.

New Businesses Working:

McDonald's--\$500,000 major interior and exterior improvements (2 lane drive-up). DONE picked up permit and paid today August 19th 2013—two drive up lanes and remodeling has been completed.

O'Reilly Auto Parts—everything is up to code except free standing sign requirement—O'Reilly Sign is 12'6" long our code says max can be only 12 foot long. Hearing before Freeburg Plan Commission was held Wednesday, July 31, 2013 at 7:00 p.m., in the Municipal Center to review a proposed amendment to the Zoning Code of the Village of Freeburg which will amend the length or width of any freestanding sign from 12 feet to 13 feet. Ordinance 155.286 Freestanding Signs—Part D changed to read: The length or width of any freestanding sign shall not exceed 13 feet.

Power Sports Vehicle Repair Shop—Gary Kuklinski—3756 Route 15—He has applied for a Special Use Permit to allow him to operate the business. Hearing before the Zoning Board of Appeals was held Thursday July 25, 2013. Applicant received a special use permit to allow a home business in the SR-1 Zoning District.

Dairy Queen (Chad Sanders)—meet with him last Friday discussed remodeling of the DQ. Plans look good—mostly cosmetic—talked with Erica St. Clair County Zoning and she could not answer one of the questions--had Nick come out to DQ--everything go. Chad has obtained permit and he plans of having the project completed by the end of this year.

brought by the registered owner, former registered owner or his legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.

ARTICLE VIII - GOLF CARTS AND UTILITY-TERRAIN VEHICLES

24-8-1 **GENERALLY.** Golf carts and utility-terrain vehicles, as defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

24-8-2 **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 **twenty-five (25) miles per hour** and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

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

24-8-3 **REQUIREMENTS.** All persons wishing to operate a golf cart or a utility-terrain vehicle on the City streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance.

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

(C) Must comply with the published "Rules Concerning Alternate Transportation for the City of Breese" as periodically updated.

(D) Must display City decal on the rear of the vehicle.

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

(F) 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.

(G) 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.
- (H) Must obey all traffic laws of the State of Illinois and the City of Breese.
 - (I) Must be **twenty-one (21) years** of age.
 - (J) Must be operated only on City streets, except where prohibited.
 - (K) May not be operated on US Highway 50, Germantown Road, Jamestown Road/Walnut Street and Mater Dei Drive, except at specifically designated crossing points.
 - (L) 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**.
 - (M) May only be operated between sunrise and sunset.
 - (N) 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 (**625 ILCS 5/11-500 - 11-502**).
 - (O) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in City Parks other than parking areas.
 - (P) 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 (US Highway 50) or the County Highway Department (North Walnut Street and Germantown Road) except to cross at designated streets.

24-8-4 PERMITS.

- (A) No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the City Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Thirty-Five Dollars (\$35.00)**. 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 City 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 City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their golf cart or utility-terrain vehicle on the City 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 City 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 City 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 utility-terrain vehicle on City 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 City 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.

24-8-5 VIOLATIONS. 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 of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

24-8-6 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 City which is contrary to this Article shall be deemed to be repealed.

(Ord. No. 1167; 05-06-08)