

CHAPTER 33
STREET REGULATIONS
ARTICLE X – NON-HIGHWAY VEHICLE REGULATIONS

33-10-1 DEFINITIONS:

COUNTY ROADS: Any highway or road under the jurisdiction of St. Clair County, Illinois, including Apple Street.

GOLF CART: 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, as defined under 625 ILCS 5/1-123.9, except equipment such as lawnmowers and tractors.

NEIGHBORHOOD VEHICLE: A self-propelled, electronically powered four (4) wheeled vehicle; or a self-propelled, gasoline powered, four (4) wheel vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters; which is capable of attaining in one 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 federal regulations under title 49 CFR part 571.500, except equipment such as lawnmowers and tractors.

RECREATIONAL OFF-HIGHWAY VEHICLE: Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers and tractors, as defined under 625 ILCS 5/1-168.8.

STATE ROADS: Any highway or road under the jurisdiction of the State of Illinois, including Route 13/15(State Street) and Route 15 (Urbanna Drive).

VILLAGE STREETS: Any street within the corporate limits of the Village of Freeburg, excluding State Roads and County Roads.

33-10-2: OPERATION ON STREETS:

A. It shall be lawful for a qualified person to operate a golf cart, neighborhood vehicle, or recreational off-highway vehicle on designated streets within the Village, subject to the provisions of this Article.

B. It shall be unlawful for any person to operate a golf cart, neighborhood vehicle, or recreational off-highway vehicle on any street in the Village, unless:

1. The driver is at least twenty-one (21) years of age and has a valid driver's license,
2. The vehicle is properly titled with the Illinois Secretary of State, if required,
3. Has the minimum required liability insurance as set out in 625 ILCS 5/7-601 et seq., and maintains proof of said insurance specifically for the golf cart, neighborhood vehicle,

or recreational off-highway vehicle to be operated on Village streets within the permitted vehicle,

4. Has been properly registered with the Village of Freeburg and must display such registration as required in section 33-10-3 of this Article, and

5. Has the following required, operable equipment:

- a. Brakes,
- b. Steering wheel apparatus,
- c. Tires,
- d. An interior rearview mirror,
- e. Red reflectorized warning devices in the rear, Orange/Yellow in the front.
- f. A slow moving emblem on the rear of the vehicle,
- g. A headlight that emits a white light visible from a distance of five hundred feet (500') to the front, illuminated at all times when operated on village streets,
- h. A tail lamp that emits a red light visible from at least one hundred feet (100') from the rear, illuminated at all times when operated on village streets,
- i. At least two (2) brake lights which emit a red light visible from a distance of one hundred feet (100') from the rear,
- j. Turn signals mounted to the front and rear of the vehicle,
- k. Seatbelts for each seat,
- l. Windshield, and
- m. Horn.

C. All persons eligible to operate a golf cart, neighborhood vehicle, or recreational off-highway vehicle on designated streets of the Village must comply with the following requirements:

1. Must not exceed the posted speed limit.
2. Shall only be operated from 6:00 am until 10:00 pm daily.
3. Shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of five hundred feet (500').
4. Each driver and passenger of a golf cart, neighborhood vehicle, or recreational off-highway vehicle shall wear a properly fastened and adjusted seat safety belt. Children must be secured in a child restraint system as required pursuant to the Child Passenger Protection Act.
5. A person who drives or is in actual physical control of a golf cart, neighborhood vehicle, or recreational off-highway vehicle on a roadway while under the influence of alcohol or drugs is subject to 625 ILCS 5/11-500 through 11-502.
6. A golf cart, neighborhood vehicle, or recreational off-highway vehicle may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic.
7. A golf cart, neighborhood vehicle, or recreational off-highway vehicle may not be operated on streets, highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Routes 13 and 15) or the St. Clair County Highway Department (Apple Street).
8. A golf cart, neighborhood vehicle, or recreational off-highway vehicle may not be operated on Village streets with a posted speed limit in excess of thirty-five (35) miles per hour.
9. Nothing in this Article shall permit the use of all-terrain vehicles, as defined under 625 ILCS 5/1-101.8, off highway motorcycles, as defined under 625 ILCS 5/1-153.1, lawnmowers, tractors, and any other vehicle which is not described within the foregoing

definitions of "GOLF CART," "NEIGHBORHOOD VEHICLE," or "RECREATIONAL OFF-HIGHWAY VEHICLE."

33-10-3: REGISTRATION OF NEIGHBORHOOD VEHICLES:

A. A permit shall be issued within seven (7) days upon the approval of an application from an owner of a golf cart, neighborhood vehicle, or recreational off-highway vehicle to operate upon the streets and roadways within the jurisdiction of the Village of Freeburg, except where expressly prohibited.

B. Any person requesting a permit shall submit an application to the Village of Freeburg on a form supplied by the Village which shall contain, at a minimum, the following:

1. A complete application on the form designated by the Village,
2. A copy of a valid Illinois driver's license for the applicant,
3. Proof of valid insurance information, which meets the requirements of 625 ILCS 5/7-601 et seq., specifically for the golf cart, neighborhood vehicle, or recreational off-highway vehicle to be operated on Village streets,
4. Signed & notarized waiver of liability by applicant of the vehicle releasing the Village from any and all future claims resulting from the operation of their golf cart, neighborhood vehicle, or recreational off-highway vehicle pursuant to this Article or any other ordinance of the Village of Freeburg on a form designated by the Village, and
5. Obtain a physical inspection from the Village of Freeburg Police Department to ensure that the vehicle is safe to operate on Village streets and is in compliance with the requirements of this Article. Proof of a passing inspection shall be required for issuance of a permit.
6. Upon issuance, said permit shall be displayed on the front windshield of the vehicle as may be administratively required by the Village.

C. Inspection Fee: \$25 payable to the Village of Freeburg. Inspections shall be conducted on Wednesdays between the hours of 9:00 a.m. and 4:00 p.m., excluding holidays, or by appointment.

D. Fee: An annual registration and permit fee of fifty dollars (\$50.00) for residents inside village limits and one hundred dollars (\$100.00) for all applicants outside village limits. The fee shall be submitted at the time of the application for the permit, and subject to renewal thereafter.

E. Permit Renewal: A permit shall be valid from April 1st to March 31st and may be renewed upon application of the owner, in compliance with subsection B of this section. Renewal permit fees:

- Fifty dollars (\$50.00) for residents inside village limits
- One hundred dollars (\$100.00) for all applicants outside village limits.

F. Transferability: A permit is nontransferable.

G. Change of Contact Information: It shall be the duty of the permit holder to inform the Freeburg Police Department of any change of address, phone number, or insurance coverage, within ten (10) business days of such change.

H. Denial of Permit: A permit may be denied for any of the following reasons:

1. The vehicle is not properly titled with the Illinois secretary of state, if required,

2. The insurance information for the vehicle cannot be verified,
3. The registered owner does not have a valid driver's license,
4. The owner has provided any false information in their application,
5. The vehicle does not conform to the requirements of this Article,
6. The applicant or a permitted operator had two or more convictions for violation of this Article within the preceding year; or
7. A permit issued to another individual for the same vehicle is under suspension.

I. False Information: It shall be unlawful for anyone to provide false information in the application for a permit to operate a golf cart, neighborhood vehicle, or recreational off-highway vehicle.

33-10-4: OPERATION OF GOLF CARTS, NEIGHBORHOOD VEHICLES, OR RECREATIONAL OFF-HIGHWAY VEHICLES ON CERTAIN STREETS AND ROADS:

A. Prohibited Streets: Except as expressly authorized in this section, it shall be unlawful for any person to operate a golf cart, neighborhood vehicle, or recreational off-highway vehicle as follows:

1. Any street which has a posted speed limit of greater than thirty-five (35) miles per hour.
2. On the following roadways except to make a direct crossing of the prohibited roadway at an intersection:
 - State Street (Route 13/15)
 - Urbana Drive (Route 15)
 - Apple Street
3. Direct crossings of prohibited roadways shall be made as follows:
 - a. The crossing shall be made at an angle of approximately 90 degrees to the direction of the prohibited roadway and at a place where no obstruction prevents a quick and safe crossing;
 - b. The golf cart, neighborhood vehicle, or recreational off-highway vehicle shall be brought to a complete stop before attempting a crossing;
 - c. The operator of the golf cart, neighborhood vehicle, or recreational off-highway vehicle shall yield the right of way to all pedestrian and vehicular traffic; and
 - d. That the crossing shall be made only at an intersection of the prohibited roadway with a Village street.

33-10-5: OBEDIENCE OF VEHICLE CODE:

A. Every operator of a golf cart, neighborhood vehicle, or recreational off-highway vehicle shall obey all sections of 625 ILCS 5/1-100 et seq., the Illinois Vehicle Code, and all provisions of this Article.

B. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this Article or if there is evidence that the permit holder cannot safely operate the golf cart, neighborhood vehicle, or recreational off-highway vehicle on the designated roadways.

C. Every person operating a golf cart, neighborhood vehicle, or recreational off-highway vehicle pursuant to permit hereunder on designated Village streets has all the rights and duties applicable to a driver of any other vehicle pursuant to the state highway traffic laws and regulations except

when those provisions cannot reasonably be applied to golf carts, neighborhood vehicles, or recreational off-highway vehicles.

18-16-6: PENALTIES:

A. A violation of this Article shall be punishable by a minimum fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), except a violation of subsection 33-10-2(B)(3) of this Article shall be punishable by a minimum fine of not less than five hundred dollars (\$500.00).

B. A second conviction for a violation of this Article within one year of the date of a prior conviction shall result in suspension of permit, to be reinstated only by the Village Board.

C. Upon conviction of operating a golf cart, neighborhood vehicle, or recreational off-highway vehicle on a State or County road, other than crossing at the designated locations, shall result in a fine no less than two hundred fifty dollars (\$250.00) and the suspension of permit for one year.

18-16-7: EFFECTIVE DATE:

This Article shall be in full force and effect on and after August 19, 2019.

VILLAGE OF FREEBURG NON-HIGHWAY VEHICLE PERMIT APPLICATION

This application is for a permit to operate a Golf Cart, Neighborhood Vehicle, or Recreational Off-highway Vehicle within the Village of Freeburg in accordance with Village of Freeburg Revised Code of Ordinances CHAPTER 33: STREET REGULATIONS, ARTICLE X – NON-HIGHWAY VEHICLES.

APPLICANT INFORMATION

Name _____ Date of Birth _____

Address _____ Phone Number _____

Driver's License Number _____ Expiration Date _____

Liability Insurance Carrier _____

Policy Number _____

NON-HIGHWAY VEHICLE INFORMATION

Type of Vehicle: _____

Make _____ Model _____ Color _____

Serial Number or VIN _____ Number of seats _____

Description of the vehicle _____

I _____ hereby acknowledge receipt of a copy of the Village of Freeburg Revised Code of Ordinances CHAPTER 33: STREET REGULATIONS, ARTICLE X – NON-HIGHWAY VEHICLES and affirm that all information provided above to be true and factual.

Signature of Applicant

Date

Inspections shall be conducted on Wednesdays between the hours of 9:00 a.m. and 4:00 p.m., excluding holidays, or by appointment. Please call the Village of Freeburg Police Department at 618-539-3122.

***Provide a copy of a valid Illinois driver's license of the applicant.**

Sticker # _____

EXHIBIT C

UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE

_____ This is a legally-binding unconditional and full general release of liability, waiver discharge and covenant not to sue made by me _____ (hereafter referred to as owner/operator) to the Village of Freeburg, its employees, agents and officials (hereafter referred to as the Village).

_____ I fully understand and recognize that there are DANGERS AND RISKS to which I may be exposed by operating a golf cart, neighborhood vehicle, or recreational off-highway vehicle on the Village Streets; to include but not limited to injury to myself or others, damage to my property or that of others, DEATH of MYSELF or OTHERS.

_____ In no event shall the Village be liable for direct, indirect, special, incidental or consequential damages, whether arising in tort, contract or other legal theory, in connection with or arising out of operator/owner's use of a golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ The owner/operator, as of the date below, shall hereinafter save, hold harmless, and indemnify the Village against any and all liability, claims, cause of action, and cost of whatsoever kind of nature including, without being limited to injury, damage, loss including death, resulting from, arising out of, or occurring in connection with the use of this golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ I understand that the Village has an Ordinance governing the use of golf carts on the Village Streets. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance and all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ I understand that although the golf cart, neighborhood vehicle, or recreational off-highway vehicle has been inspected; the Village accepts no responsibilities for the mechanical functions of the golf cart, neighborhood vehicle, or recreational off-highway vehicle. The inspection is only to ensure required equipment is present and operational on the golf cart, neighborhood vehicle, or recreational off-highway vehicle. The owner/operator assumes all mechanical and electrical responsibilities of the golf cart, neighborhood vehicle, or recreational off-highway vehicle.

_____ If the owner/operator allows another person to operate the golf cart, neighborhood vehicle, or recreational off-highway vehicle, the owner/operator assumes all the same responsibilities, including holding the Village harmless and indemnifying the Village for any and all damages described above loss of property or life.

_____ I understand that this Release means I am giving up, among other things, rights to sue the Village, its Board of Trustees, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

Owner/Operator

Date

I, the undersigned, a Notary Public in the State of Illinois, DO HEREBY CERTIFY THAT _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he/she signed, seal and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including the unconditional and full general release of liability, waiver, discharge and covenant not to sue.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

NOTARY PUBLIC

Village of Freeburg Non-Highway Vehicle Permit Application Equipment Checklist

Registration # _____ Applicant Name: _____

Documents:

<input type="checkbox"/>	Valid Drivers License
<input type="checkbox"/>	Valid Proof of Insurance to Operate the Vehicle on Public Streets
<input type="checkbox"/>	Bill of Sale / Proof of Ownership or Statement of Ownership
<input type="checkbox"/>	Brakes
<input type="checkbox"/>	Steering Wheel Apparatus
<input type="checkbox"/>	Tires
<input type="checkbox"/>	Interior Rearview Mirror or Passengers Side Outside Mirror
<input type="checkbox"/>	Red Reflectorized Warning Devices in the Rear/Yellow/Orange on the Front
<input type="checkbox"/>	Slow moving vehicle emblem (as required of other vehicles in section 12-709 of the Illinois Vehicle Code) on the rear of the vehicle
<input type="checkbox"/>	Headlights
<input type="checkbox"/>	Taillights
<input type="checkbox"/>	Two (2) Brake Lights
<input type="checkbox"/>	Turn Signals on the Front and Rear of the Vehicle
<input type="checkbox"/>	Seatbelts for Each Seat
<input type="checkbox"/>	Windshield
<input type="checkbox"/>	Horn
<input type="checkbox"/>	Recreational Off-Highway Vehicles are required to have a non-straddle seat.
<input type="checkbox"/>	Recreational Off Highway Vehicle Height and Weight Compliance – Less than 64" wide and less than 2000 lbs.

[] APPROVED [] DECLINED

Authorized Official Signature: _____ Date: _____

Village of Freeburg Non-Highway Vehicle Permit

Permit is valid from April 1st of each year until March 31st of the following year

Permit #	
Date:	
Cost:	
Applicant Name:	
Address:	
Telephone #:	
*****Description of Non Highway Vehicle *****	
Type of Vehicle:	<input type="checkbox"/> Golf Cart <input type="checkbox"/> Rec. Off-Highway Vehicle
Make:	
Model:	
Color:	
Serial Number:	

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

1)The non-highway vehicle (golf cart or rec. off-highway vehicle) must pass an inspection for all required equipment.

2)The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding minimum liability insurance.

3)Applicants must possess a valid Driver's License.

The applicant has received and read a copy of the Village of Freeburg ordinance concerning the registration and operation of Non-Highway Vehicles and understands that the Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provisions of the Freeburg Village Ordinance governing non-Highway Vehicles., or there is evidence that the permittee cannot safely operate a qualified vehicle on the designated roadways.

Any person operating the non-highway vehicle is subject to all laws of the Illinois Vehicle Code including Driving under the Influence of Alcohol or Drugs. The passenger capacity of the vehicle cannot be exceeded. Any person who violates any provision of 8-4-20 of the Village Code, is guilty of a petty offense and shall be fined in accordance with the Village of Freeburg fine list found in Section 1-4-1 of this code.

By signing this application, the applicant hereby releases the Village of Freeburg, it's elected officials and it's employees and agrees to indemnify and hold them harmless from any and all claims resulting from the operation of this non-highway vehicle on public streets.

Applicant Signature: _____ Date: _____ Time: _____