

VILLAGE PRESIDENT  
Seth Speiser

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Mike Blaies  
Ray Matchett, Jr.  
Lisa Meehling  
Denise Albers  
Michael Heap  
Bob Kaiser

VILLAGE TREASURER  
Bryan A. Vogel

# 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

PUBLIC WORKS DIRECTOR  
John Tolan

POLICE CHIEF  
Michael J. Schutzenhofer

ESDA COORDINATOR  
Eugene Kramer

ZONING ADMINISTRATOR  
Matt Trout

VILLAGE ATTORNEY  
Weilmuenster & Keck, P.C.

August 12, 2019

## NOTICE

### MEETING OF THE PUBLIC PROPERTY COMMITTEE (Streets/Municipal Center/Pool/Parks & Recreation) (Matchett/Albers/Heap/Kaiser)

A Public Property Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, on **Wednesday, August 14, 2019 at 6:00 p.m.**

### PUBLIC PROPERTY COMMITTEE MEETING AGENDA

#### SWIMMING POOL:

- A. Old Business
- B. New Business

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#### A. Old Business

- 1. Approval of July 10, 2019 Minutes
- 2. E. Apple Proposed Repair
- 3. Drainage Problem Areas (Hill Mine Rd.)/Stormwater Run-Off
- 4. Customer Issues
- 5. MFT/Belleville St. in front of Post Office Repair/Meadowbrook
- 6. POW-MIA City Designation
- 7. Side-By-Side Vehicle Ordinance

#### B. New Business

- 1. Fire Department Collection Request

#### C. General Concerns

#### D. Public Participation

#### E. Adjourn

At said Public Property Committee Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss potential litigation [5 ILCS, 120/2 - (c)(11)]; the selection of a person to fill a public office [5 ILCS, 120/2 - (c) (3)]; personnel [5 ILCS, 120/2 - (c) (1)]; or real estate transactions [5 ILCS, 120/2-(c)(5)].

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Public Property Committee Meeting  
Streets/Municipal Center/Pool/Parks & Recreation  
(Matchett/Albers/Heap/Kaiser)  
Wednesday, July 10, 2019 at 6:00 p.m.

VILLAGE ADMINISTRATOR  
Tony Funderburg

PUBLIC WORKS DIRECTOR  
John Tolan

POLICE CHIEF  
Michael J. Schutzenhofer

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The meeting of the Public Property Committee was called to order at 6:00 p.m., on Wednesday, July 10, 2019, in the Municipal Center by Chairman Ray Matchett. Members present were Chairman Ray Matchett, Trustee Denise Albers, Trustee Mike Heap, Trustee Bob Kaiser, Mayor Seth Speiser, Village Clerk Jerry Menard (absent), Trustee Mike Blaies, Trustee Lisa Meehling, Village Attorney Fred Keck, Public Works Director John Tolan, Police Chief Mike Schutzenhofer, Zoning Administrator Matt Trout, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle and Tabitha Amann.

**POOL: A. OLD BUSINESS:** None.

**B. NEW BUSINESS:** Village Administrator Tony Funderburg advised Lifeguard Ella Lee saved a pool visitor from drowning over the weekend. He would like to invite her to a board meeting to be recognized.

**STREETS: A. OLD BUSINESS:**

1. Approval of June 12, 2019 Minutes: *Trustee Denise Albers motioned to approve the June 12, 2019 minutes and Trustee Bob Kaiser seconded the motion.* All voting yea, the motion carried.
2. E. Apple Street Proposed Repair: Public Works Director John Tolan advised he has nothing new to report.
3. Drainage Problem Areas (Hill Mine Rd.)/Stormwater Run-Off: Tony said we haven't had any water come out of the banks on Hill Mine Road since the ditch has been reworked. This can be taken off the agenda. John reported two areas in the Manors at Woods Edge subdivision that have water running continuously. He has tested for chlorine residual on both with nothing showing up. He is going to contact IRWA and see if they can help determine where the water is coming from.
4. Customer Issues: John stated he is working on customer issues and has a crew addressing the work orders.
5. MFT/Belleville St. in front of Post Office Repair: John reported last year's MFT has been closed out. Fournie Contracting bid the Belleville Street project at \$19,931 and Lake Contracting bid the project at \$39,896. John has been out twice with Fournie and walked the project. Yarber declined to submit a bid due to their work schedule. John will confirm that Fournie is going to do all the required work to complete the project. The committee asked John to confirm this before Monday's board meeting.

John stated Jeff Reis from TWM has been working with Brynes & Jones to fix the issue on White Street. They will be out next week to remove the gutter and replace it. Once that is done, we will oil and chip it. John advised the oil and chip dates have been set for August 27<sup>th</sup> and 28<sup>th</sup> with a rain date of August 29<sup>th</sup>.

6. Phone System: Tony advised we are done with the phone system. Item can be taken off the agenda.

7. POW-MIA City Designation: Zoning Administrator Matt Trout said Freeburg Care Center only had one resident for this and he recently passed away. He is waiting to hear back from Sheila. Trustee Matchett's son is a Purple Heart recipient.

John advised the preparation work is being done in Meadowbrook, we will be going out for bid and the work will be done in September.

**B. NEW BUSINESS:**

1. Resident Concern over Cemetery Road Parking: The committee agreed to install more no parking signs.
1. Resolution #19-11: A Resolution for the Freeburg Park District to Sponsor a Homecoming Parade in the Village of Freeburg: Julie advised this is the yearly request to IDOT to close State Street for the parade.

*Trustee Denise Albers motioned to recommend to the full Board Resolution 19-11 for approval and Trustee Bob Kaiser seconded the motion. All voting yea, the motion carried.*

Zoning Administrator Matt Trout received a request for a block party on Edison Street. He discussed this with Officer Ruhmann. Matt does not believe we have anything in our code to address a block party. The committee discussed setting parameters such as no alcohol in the streets, not after dark and having the streets barricaded off.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** Tabitha Amann was present to discuss her request for additional stop signs in Evergreen Acres. Mayor Speiser stated Chief Schutzenhofer has been on vacation. It will be discussed in the next Personnel/Police committee meeting. Mrs. Amann commented anything that can be done to make it safer for the kids would be appreciated. They have talked to everyone in the neighborhood, and they all agree with the additional stop signs.

**E. ADJOURN:** *Trustee Denise Albers motioned to adjourn the meeting at 6:30 p.m. and Trustee Mike Heap seconded the motion. All voting yea, the motion carried.*



Julie Polson  
Office Manager

**Invoice**

**Thouvenot, Wade, & Moerchen Inc.**  
**Exceptional Service.**  
**Nothing Less.**



Tony Funderburg  
Village of Freeburg, IL  
14 Southgate Center  
Freeburg, IL 62243

July 31, 2019  
Project No: T32180733  
Invoice No: 63707

Project T32180733 2019 MFT Program - Freeburg

For professional services rendered including:

- Site visit with Village to determine patching in Meadow Brook
- Create estimate of cost for HMA overlay
- Work on bid booklet for street overlay project
- Work on closing out 2018 MFT Program

**Consulting Services through July 31, 2019**

**Fee**

Total Fee	27,511.73		
Percent Complete	34.1766	Total Earned	9,402.57
		Previous Fee Billing	5,967.32
		Current Fee Billing	3,435.25
		<b>Total Fee</b>	<b>3,435.25</b>
		<b>Total this Invoice</b>	<b>\$3,435.25</b>

**RECEIVED**

AUG - 5 2019

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Please Remit Payment to: Thouvenot, Wade, and Moerchen Inc.- 4940 Old Collinsville Road - Swansea IL 62226 - Customer agrees to pay service charge of 1 1/2% (18% annual) against accounts more than 30 days past due. - Please return a copy of this invoice with payment. - Telephone 618.624.4488 - Fax 618.624.6688



CONSULTING ENGINEERING  
GEOSPATIAL SERVICES

**Thouvenot, Wade & Moerchen, Inc.**  
Swansea Corporate Office  
4940 Old Collinsville Road  
Swansea, Illinois 62226  
Tel. No. 618.624.4488  
www.twm-hbc.com

**Contract Bid Tabulation Analysis**

**Project:** Village of Freeburg - HMA Overlay Project  
**Project No.:** T32-18-0733  
**Date of Bid:** Tuesday, August 6, 2019  
**Client:** Village of Freeburg

ILLINOIS • MISSOURI • TENNESSEE

Item No.	Item Description	Quantity	ENGINEER'S ESTIMATE			APPARENT LOW BIDDER			Chitka Brothers Asphalt			Byrne and Jones Construction		
			Unit Price	Unit	Item Price	Unit Price	Unit	Item Price	Unit Price	Unit	Item Price	Unit Price	Unit	Item Price
1	LEV BIND MM N50	374 TON			\$ 33,660.00	\$ 95.00	TON	\$ 35,530.00	\$ 104.73	TON	\$ 39,169.02	\$ 112.55	TON	\$ 42,093.70
2	HMA 5C 1C N50	1196 TON			\$ 101,660.00	\$ 85.00	TON	\$ 107,640.00	\$ 104.73	TON	\$ 125,257.08	\$ 107.85	TON	\$ 128,988.60
3	BIT MATLS TACK CT	5658 POUND			\$ 4,245.50	\$ 0.75	POUND	\$ 4,245.50	\$ 0.00	POUND	\$ 0.00	\$ 0.01	POUND	\$ 56.58
4	HMA SURF REM 2	3893 SQ YD			\$ 11,679.00	\$ 3.00	SQ YD	\$ 11,679.00	\$ 3.34	SQ YD	\$ 13,002.62	\$ 3.30	SQ YD	\$ 12,846.90
5	HMA SURF REM VAR DEPTH	6680 SQ YD			\$ 26,040.00	\$ 3.90	SQ YD	\$ 31,248.00	\$ 3.34	SQ YD	\$ 28,991.20	\$ 3.30	SQ YD	\$ 28,644.00
6	AREA REF CR CON TREAT	6680 SQ YD			\$ 30,380.00	\$ 4.55	SQ YD	\$ 42,865.00	\$ 2.46	SQ YD	\$ 21,352.80	\$ 4.95	SQ YD	\$ 42,966.00
7	TRAF CONT & PROT 701501	1 L SUM			\$ 7,500.00	\$ 7,500.00	L SUM	\$ 7,400.00	\$ 19,473.00	L SUM	\$ 15,450.00	\$ 15,450.00	L SUM	\$ 15,450.00
8	CLASS D PATCHES, SPECIAL	544 SQ YD			\$ 13,600.00	\$ 25.00	SQ YD	\$ 13,600.00	\$ 45.38	SQ YD	\$ 24,686.72	\$ 37.46	SQ YD	\$ 20,372.80
					<b>\$ 228,762.50</b>			<b>\$ 257,947.80</b>			<b>\$ 271,932.44</b>			<b>\$ 291,418.58</b>
<b>Total Base Bid</b>					<b>\$</b>			<b>\$</b>			<b>\$</b>			<b>\$</b>



PROPOSAL SUBMITTED BY		
Gleeson Asphalt, Inc.		
Contractor's Name		
2800 West Main Street		
Street		
Belleville		P.O. Box
IL		62226
City	State	Zip Code

STATE OF ILLINOIS

COUNTY St. Clair  
Village of Freeburg  
 (Name of City, Village, Town or Road District)

FOR THE IMPROVEMENT OF  
 STREET NAME OR ROUTE Various  
 SECTION NO. 19-00000-01-GM  
 TYPES OF FUNDS MFT

- SPECIFICATIONS (required)       PLANS (required)       CONTRACT BOND (when required)

**For Municipal Projects**  
 Submitted/Approved/Passed

Mayor  President of Board of Trustees  Municipal Official

\_\_\_\_\_

Date

**Department of Transportation**

Concurrence in approval of award

\_\_\_\_\_

Regional Engineer

\_\_\_\_\_

Date

**For County and Road District Projects**  
 Submitted/Approved

\_\_\_\_\_

Highway Commissioner

\_\_\_\_\_

Date

Submitted/Approved

\_\_\_\_\_

County Engineer/Superintendent of Highways

\_\_\_\_\_

Date

County St. Clair  
Local Public Agency Freeburg  
Section Number 19-00000-01-GM  
Route Various

1. THIS AGREEMENT, made and concluded the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
Month and Year  
between the Village of Freeburg  
acting by and through its Board of Trustees known as the party of the first part, and  
Gleeson Asphalt, Inc. his/their executors, administrators, successors or assigns,  
known as the party of the second part.

2. Witnesseth: That for and in consideration of the payments and agreements mentioned in the Proposal hereto attached, to be made and performed by the party of the first part, and according to the terms expressed in the Bond referring to these presents, the party of the second part agrees with said party of the first part at his/their own proper cost and expense to do all the work, furnish all materials and all labor necessary to complete the work in accordance with the plans and specifications hereinafter described, and in full compliance with all of the terms of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed that the LPA Formal Contract Proposal, Special Provisions, Affidavit of Illinois Business Office, Apprenticeship or Training Program Certification, and Contract Bond hereto attached, and the Plans for Section 19-00000-01-GM, in Freeburg, approved by the Illinois Department of Transportation on July 16, 2019, are essential documents of this contract and are a part hereof.  
Date

4. IN WITNESS WHEREOF, The said parties have executed these presents on the date above mentioned.

Attest: \_\_\_\_\_ The Village of Freeburg  
Clerk By \_\_\_\_\_  
(Seal) \_\_\_\_\_  
Party of the First Part  
*(If a Corporation)*

Corporate Name \_\_\_\_\_  
By \_\_\_\_\_  
President Party of the Second Part  
*(If a Co-Partnership)*

Attest: \_\_\_\_\_  
Secretary

Partners doing Business under the firm name of \_\_\_\_\_  
Party of the Second Part  
*(If an individual)*  
Party of the Second Part

Route Various  
County St. Clair  
Local Agency Freeburg  
Section 19-00000-01-GM

We , \_\_\_\_\_

a/an)  Individual  Co-partnership  Corporation organized under the laws of the State of \_\_\_\_\_ ,  
as PRINCIPAL, and \_\_\_\_\_

\_\_\_\_\_ as SURETY,

are held and firmly bound unto the above Local Agency (hereafter referred to as "LA") in the penal sum of \_\_\_\_\_

\_\_\_\_\_ Dollars ( \_\_\_\_\_ ), lawful money of the  
United States, well and truly to be paid unto said LA, for the payment of which we bind ourselves, our heirs, executors,  
administrators, successors, jointly to pay to the LA this sum under the conditions of this instrument.

WHEREAS THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH that, the said Principal has entered into a written contract with the LA acting through its awarding authority for the construction of work on the above section, which contract is hereby referred to and made a part hereof, as if written herein at length, and whereby the said Principal has promised and agreed to perform said work in accordance with the terms of said contract, and has promised to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery furnished to such Principal for the purpose of performing such work and has further agreed to pay all direct and indirect damages to any person, firm, company or corporation suffered or sustained on account of the performance of such work during the time thereof and until such work is completed and accepted; and has further agreed that this bond shall inure to the benefit of any person, firm, company or corporation to whom any money may be due from the Principal, subcontractor or otherwise for any such labor, materials, apparatus, fixtures or machinery so furnished and that suit may be maintained on such bond by any such person, firm, company or corporation for the recovery of any such money.

NOW THEREFORE, if the said Principal shall well and truly perform said work in accordance with the terms of said contract, and shall pay all sums of money due or to become due for any labor, materials, apparatus, fixtures or machinery furnished to him for the purpose of constructing such work, and shall commence and complete the work within the time prescribed in said contract, and shall pay and discharge all damages, direct and indirect, that may be suffered or sustained on account of such work during the time of the performance thereof and until the said work shall have been accepted, and shall hold the LA and its awarding authority harmless on account of any such damages and shall in all respects fully and faithfully comply with all the provisions, conditions and requirements of said contract, then this obligation to be void; otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF, the said PRINCIPAL and the said SURETY have caused this instrument to be signed by their respective officers this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

**PRINCIPAL**

\_\_\_\_\_  
(Company Name) \_\_\_\_\_  
By: \_\_\_\_\_  
(Signature & Title) \_\_\_\_\_  
Attest: \_\_\_\_\_  
(Signature & Title) \_\_\_\_\_

(If PRINCIPAL is a joint venture of two or more contractors, the company names and authorized signature of each contractor must be affixed.)

STATE OF ILLINOIS,  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said county, do hereby certify that

\_\_\_\_\_  
(Insert names of individuals signing on behalf or PRINCIPAL)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of PRINCIPAL, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public (SEAL)

**SURETY**

\_\_\_\_\_  
(Name of Surety) \_\_\_\_\_  
By: \_\_\_\_\_  
(Signature of Attorney-in-Fact)

STATE OF ILLINOIS, (SEAL)  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said county, do hereby certify that

\_\_\_\_\_  
(Insert names of individuals signing on behalf or SURETY)

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument on behalf of SURETY, appeared before me this day in person and acknowledged respectively, that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public (SEAL)

Approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D. \_\_\_\_\_

Attest: \_\_\_\_\_  
\_\_\_\_\_  
Clerk \_\_\_\_\_  
(Awarding Authority)  
\_\_\_\_\_  
(Chairman/Mayor/President)

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE ENACTING CHAPTER 33, ARTICLE 10, OF THE REVISED CODE OF ORDINANCES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, TO REGULATE AND IMPLEMENT THE PERMITTED USE OF NON-HIGHWAY VEHICLES**

WHEREAS, residents of the Village of Freeburg have requested that the Village permit the use of non-highway vehicles for transportation within the Village; and,

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/11-1426.1, authorizes Illinois municipalities to regulate and allow non-highway vehicle usage within Illinois municipalities under certain circumstances and upon certain conditions; and

WHEREAS, the Mayor and the Board of Trustees of the Village of Freeburg have considered the volume, speed and character of traffic on the Village streets, and have determined that the usage authorized by this ordinance will not jeopardize public safety; and,

WHEREAS, the Mayor and the Board of Trustees of the Village of Freeburg have determined that non-highway vehicles may safely operate within the Village of Freeburg under certain circumstances and conditions; and,

WHEREAS, it is the intent of this ordinance to regulate the use of non-highway vehicles within the corporate limits of the Village as provided by law.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Freeburg, St. Clair County, Illinois as follows.

Section 1: The recitals set forth above are true and correct and are hereby incorporated herein.

Section 2: That the Village of Freeburg Revised Code of Ordinances CHAPTER 33: STREET REGULATIONS, ARTICLE X – NON-HIGHWAY VEHICLES is enacted as set forth in Exhibit “A” attached hereto and incorporated herein.

Section 3: That the Non-Highway Vehicle Permit Application form attached as Exhibit “B” is accepted and approved.

Section 4: That the Unconditional and Full General Release of Liability, Waiver, Discharge, and Covenant Not to Sue form attached as Exhibit “C” is accepted and approved.

Section 5: That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 6: The Non-Highway Vehicle Application Equipment Checklist for inspection and the Non-Highway Vehicle Permit forms is attached hereto as Exhibit “D.”

Section 7: That it is the intention of the Board of Trustees of the Village of Freeburg that

this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section 8: This Ordinance shall be effective upon its passage, execution by the Mayor and Village Clerk and publication as required by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,  
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

Vote Recorded:

Ayes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent \_\_\_\_\_  
\_\_\_\_\_

Abstain \_\_\_\_\_  
\_\_\_\_\_

Vote Recorded by:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Seth Speiser, Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approval as to Legal Form: \_\_\_\_\_  
Fred Keck, Village Attorney

**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 with parking break,
- b. Steering wheel apparatus,
- c. Tires,
- d. A driver's side outside mirror and either an interior rearview mirror or a passenger side outside mirror,
- e. Red reflectorized warning devices in the front and rear,
- 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 which is audible from a distance of two hundred (200) feet.

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 sunrise until sunset.
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 and any permitted operators of the vehicle,
2. 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,
3. Signed & notarized waiver of liability by applicant and any permitted operators 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
4. 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.
5. 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 1<sup>st</sup> to March 31<sup>st</sup> 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)
  - Urbanna 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 \_\_\_\_\_, 2019.

EXHIBIT B

## 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 \_\_\_\_\_

Authorized Operators: \_\_\_\_\_

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 for each authorized operator.**

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

EXHIBIT D

**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 with Parking Brake
<input type="checkbox"/>	Steering Wheel Apparatus
<input type="checkbox"/>	Tires
<input type="checkbox"/>	Drivers Side Outside Mirror
<input type="checkbox"/>	Interior Rearview Mirror or Passengers Side Outside Mirror
<input type="checkbox"/>	Red Reflectorized Warning Devices in the Front and Rear
<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 #:	
<b>*****Description of Non Highway Vehicle *****</b>	
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: \_\_\_\_\_



# Freeburg Fire Company No. 1

410 West High Street

FREEBURG, ILLINOIS 62243

Ofc: (618) 539-3288 Fax: (618) 539-5758

RECEIVED

AUG 12 2019

To the Honorable Mayor Speiser,

This year, the Freeburg Fire Department will be collecting donations for the Muscular Dystrophy Association on Saturday, August 31, 2019 from 1000 to 1300 hours. Should inclement weather occur on this date, our efforts will be rescheduled for Sunday, September 1, 2019 from 1000 to 1300 hours. Fire departments across the nation have taken a prominent position in collecting for the Muscular Dystrophy Association for many years as can be witnessed on the MDA website. We at the Freeburg Fire Department believe that this is a very worthwhile cause as it benefits several families in the Freeburg Community.

The Freeburg Fire Department is once again asking for permission from the Village of Freeburg for use of the intersection of Apple and State streets for the purpose of accepting donations. We realize that traffic through town is relatively heavy during this time. Personal safety will be our primary consideration. In order to increase visibility, all personnel will be required to wear traffic safety vests. The unrestricted flow of traffic through the village will also be a top priority. We thank you for your consideration on this matter and all of your past cooperation.

Sincerely,

A handwritten signature in black ink that reads "James Wilderman".

Firefighter James Wilderman  
MDA Chairman  
Freeburg Fire Company #1