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Of Counsel:
Gina Verticchio

MEMORANDUM

TO: Andy Menard, Chairman of the Board of Supervisors of the County of Macoupin.

FROM: Rick Verticchio

RE: City of Girard Golf Cart Ordinance

DATE: November 8, 2011

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Supplementing our previous memorandum we are attaching a signed copy of the Golf cart Ordinance that has been amended at the request of Brent Cain on behalf of the Road and Bridge Committee. We understand that the Board based upon the recommendations of the Road and Bridge committee will approve the request of the City of Girard to approve the use of a small part of the jointly owned streets between the City of Girard and the County of Macoupin. As you are aware the Ordinance authorizes use of West Center Street as a crossing proceeding north to south at Seventh Street and further grants permission that once Illinois Route 4 is crossed at Center Street onto the west side of the highway the golf cart may operate on West Center Street for one block and then turn either immediately north or south.

The Ordinance was amended to incorporate the provision requested by the Road and Bridge Committee to require the City to post all necessary signage.

We would request written confirmation be provided to our office by the Board at the November meeting being held today November 8, 2011, to approve the requested use of the portion of West Center Street owned by both the City of Girard and the County of Macoupin and the limited manner as set forth in the Ordinance. If you have any questions upon receipt of this memorandum please contact me by my cell phone which is always with me throughout the day at 217-415-8076.

We further intend to be at the meeting at 1:00 p.m., to insure that the request of the Ordinance will be approved. Thank you for your cooperation.

ORDINANCE NO. 2011- 028

AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED GOLF CARTS ON STREETS UNDER THE JURISDICTION OF THE CITY OF GIRARD, ILLINOIS.

WHEREAS, the City of Girard has determined that the operation of qualified golf carts should be allowed under certain conditions on the streets under the jurisdiction of the City of Girard; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 authorizes municipalities, by ordinance to permit qualified golf carts to operate on the streets under the jurisdiction of the municipality; and

WHEREAS, the City of Girard has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1 has determined the qualified golf cart, as defined herein, may safely operate on the streets within the jurisdiction of the City.

THEREFORE, let it be ordained as follows:

- I. Golf carts, as defined and qualified herein shall be allowed on city streets of the City of Girard under the terms and conditions herein stated.

A. This Ordinance shall be in effect five (5) days after its passage and, based upon previous publication by the City of Ordinance No. 2011²-027, which contains almost identical provisions, publication is deemed not to be required.

B. Definitions:

1. A "Golf Cart" is defined as a motorized vehicle with three or four wheels that is not designed to be operated at speed of more than twenty-five miles per hour (25 M.P.H.) whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry two persons including the driver.
2. "City Streets" means any of the streets within the boundaries of the City of Girard except as herein provided.

C. Requirements for licensing of "Golf Cart":

All persons wishing to operate a golf cart within the City of Girard must ensure compliance with the following requirements as part of obtaining a permit issued by the City.

1. Proof of current liability insurance under the same requirements as if the "qualified Golf Cart" was a motor vehicle.
2. Must be certified with the City and have the vehicles certified with the City by an inspection by the Chief of Police or designated representative.
3. Must comply with published "Rules Concerning Alternate Transportation for the City of Girard" as periodically updated.
4. Must have City decal on the rear of the vehicle.

5. Golf carts must be equipped as follows:

- a. Horn;
- b. Brakes and Brake Lights;
- c. Turn Signals;
- d. A Steering Wheel Apparatus;
- e. Tires;
- f. Rearview Mirror;
- g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle
- h. Headlight that emits a white light visible from a distance of 300 feet to the front of the vehicle which is illuminated when in operation,
- i. Tail Lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation,

D. Must obey all traffic laws of the State of Illinois and the City of Girard including, but not limited to, Sections 11-500 through 11-505 of the Illinois Compiled Statutes.

E. Must be operated by a licensed driver within the State of Illinois.

F. The City hereby agrees that any and all road markings or signage as required by the laws of the State of Illinois will be posted by the City of Girard and said markings or signage shall be maintained by the City of Girard. Said signage shall be posted within 10 days of the enactment of this Ordinance.

G. This Ordinance shall supersede an ordinance approved by the City Council on the 12th day of September, 2011, being Ordinance No. 2011-027.

H. Must be operated only on the city streets, except where prohibited.

- I. May not be operated on Illinois Route 4, except for the purpose to cross at the intersection of Center Street, and Illinois Route 4, and must cross in compliance with the Four Way Stop therein located.
- J. May not be operated on West Center Street, which is a Highway owned jointly by the City of Girard and the County of Macoupin except for the following:
 - 1. To cross at the intersection of 7th Street and West Center Street, and that crossing must be in compliance with the Four Way Stop therein located.
 - 2. That upon obtaining permission by the City from the State of Illinois to cross Illinois Route 4 as hereinabove provided in Paragraph F, at Center Street and the Four Way Stop, the "Golf Carts" when heading in a westerly direction may operate for one (1) block on Center Street from the Four Way Stop, which is Third Street; until Fourth Street and must immediately make a turn either northerly or southerly onto 4th Street and continue to operate thereafter within the streets of Girard as provided in this Ordinance.

"Golf Carts" may be operated by approaching the intersection of Center Street and Fourth Street from either the North or South and may turn upon Center Street for one (1) block and upon obtaining permission by the City from the State of Illinois to cross Route 4 as herein provided in Paragraph F, may continue across Center Street and thereafter operate within the streets of the City of Girard as provided in this Ordinance under the terms herein stated.
- K. May not may not be operated in excess of posted speed limit for any City street within the City of Girard and under no circumstances may exceed 25 miles per hour.
- L. Golf carts shall not be operated on sidewalks or in Village parks other than parking areas.

II. APPLICATIONS AND PERMITS:

1. Every application for a permit shall be made on a form supplied by the City and shall contain the following:
 - a. Name and address of applicant;
 - b. Name of liability insurance carrier;
 - c. The serial number, make, model, and description of cart;
 - d. Signed Waiver of Liability by applicant releasing the City of Girard and agreeing to indemnify and hold the City harmless for any and all future claims resulting from the operation of their golf cart on the City of Girard streets.
 - e. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit; and
 - f. Such other information as the City may require.
2. No person shall operate a qualified golf cart without first obtaining a permit from 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 \$50.00. Insurance coverage to be verified by the Police Department when obtaining or renewing a permit.
3. No permit shall be granted unless the following conditions are met:
 - a. The vehicle must be inspected by the City Chief of Police (or designee) to insure that the vehicle is safe to operate on city streets and is in compliance with this Ordinance and with the State of Illinois Motor Vehicle Code;

- b. A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart on city streets.
 - c. The applicant must provide evidence of insurance in compliance with provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- 4. The City may suspend or revoke a permit granted hereunder or there is evidence that holder thereof has violated any provision of this Ordinance if there is evidence that permittee cannot safely operate a qualified golf cart on the designated roadways.

III. VIOLATIONS:

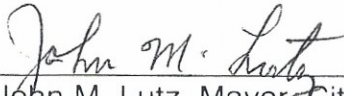
Any person who violates any provisions of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of \$125.00. Any second or subsequent offense within one (1) year by the same driver shall result in the revocation of the driver's rights to operate a Golf Cart within the City of Girard, for a period of one (1) year from the date of conviction for said violation.

IV. MISCELLANEOUS:

- A. This ordinance shall be in force and effect thirty (30) days after its passage and shall be subject to publication by the City in a local newspaper of general circulation during said thirty (30) days for at least two (2) occasions.
- B. Unless and until specific approval is granted by the State of Illinois through the Illinois Department of Transportation vehicles shall not be allowed to cross on Illinois Route 4, and Center Street, as herein provided and upon said authorization being obtained the City Clerk's Office shall notify any person having previously obtained a permit to operate a "Golf Cart" under this Ordinance, notification that the right to cross Illinois Route 4 under the terms herein stated.
- C. Unless and until specific approval is granted by the County of Macoupin vehicles shall not be allowed to cross West Center Street nor operate on West Center Street as herein provided and upon said authorization being obtained the City Clerk's Office shall notify any persons having previously obtained a permit to operate a "Golf Cart" under this ordinance, notification of the right to cross West Center Street and to operate on Center Street between Third Street and Fourth Street under the terms herein stated.
- D. Any ordinance or portion thereof, of the City of Girard which is contrary to the terms and conditions of this Ordinance shall be deemed not to apply to this Ordinance.

- E. The ordinance previously enacted by the City Council at a meeting on November 15, 2010, authorizing the operation of "Golf Carts" within the City as Ordinance Number 2010-010, is revoked and replaced by the enactment of this Ordinance.
- F. In the event that a court of competent jurisdiction declares any particular provision of this Ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect and part of parts thereof.

Adopted, Ordained and Approved this 7th day of November, 2011.



John M. Lutz, Mayor, City of Girard

ATTEST:

Larry Herron, Girard City Clerk

CERTIFICATION

I, Larry Herron, City Clerk of Girard, Macoupin County, Illinois, do hereby certify the foregoing Ordinance No. 2011- 028 is the true and correct original passed and approved by the Girard City Council at a regular meeting duly convened September 12, 2011.

Larry Herron
by.
Michael L. Walto
Larry Herron, Girard City Clerk
acting city clerk for november
meeting