

VILLAGE OF HOMER  
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE AMENDING TITLE 9, CHAPTER 2 OF THE VILLAGE OF HOMER,  
ILLINOIS CODE OF ORDINANCES AS IT RELATES TO GOLF CARTS AND  
NEIGHBORHOOD VEHICLES

ADOPTED THIS  
14<sup>th</sup> DAY OF AUGUST 2023

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Published by authority of the Board of Trustees of the Village of Homer, Champaign County,  
Illinois, this 14th day of August 2023.

ORDINANCE NO. 2023-\_\_\_

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4 OF THE VILLAGE OF HOMER,  
ILLINOIS CODE OF ORDINANCES AS IT RELATES TO GOLF CARTS AND  
NEIGHBORHOOD VEHICLES

WHEREAS, the Village of Homer Champaign County, State of Illinois (the "Village") is duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, 625 ILCS 5/11-1426.1, 625 ILCS 5/11-1426.2 and other provisions authorize the Village to regulate the public right of ways and provide for certain licensing; and

WHEREAS, the Village Board of Trustees and President previously adopted Ordinances Numbers 080811, 091012, and 101722A relating to Golf Carts and Neighborhood Vehicles; and

WHEREAS, at prior public meetings and at a duly held public meeting held this date, the President and Board of Trustees of the Village of Homer, Champaign County, Illinois has determined that it is appropriate and necessary for the public safety for the citizens of the Village to revise its regulations and licensing of Golf Carts, Neighborhood Vehicles, Utility Vehicles and similar modes of transportation as described under this ordinance.

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of Homer, Illinois, as follows:

Section 1. Incorporation Clause.

The President and Board of Trustees of the Village hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 2. Purpose.

This Ordinance is to rescind Ordinances Numbers 080811, 091012 and 101722A to replace them with the within Ordinance all as they relate to Golf Carts and Neighborhood Vehicles.

Section 3. Homer Ordinances Amended.

Ordinances Numbers 080811, 091012 and 101722A are hereby rescinded and hereby replaced with the Ordinance language appearing on Exhibit A attached hereto and by reference incorporated herein.

Section 4.

All other portions of the Village of Homer ordinances not otherwise amended herein shall be in full force and effect.

Section 5. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 6. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and of construction of any substantive provisions of this Ordinance.

Section 7. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 8. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended.

Section 9. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

Motioned for approval by Village Trustee \_\_\_\_\_  
with a second by Village Trustee \_\_\_\_\_.  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

PRESENTED, PASSED APPROVED, AND ADOPTED by the President and Board of Trustees  
of Homer, Illinois, at a duly conducted meeting thereof this 14<sup>th</sup> day of August, 2023.

APPROVED:

\_\_\_\_\_  
Jim White, Village President

ATTEST:

\_\_\_\_\_  
Sharon, Jeffers, Village Clerk

(SEAL)

Recorded in the Municipal Records: August 14, 2023  
Published in pamphlet form: August 14, 2023

## Exhibit A

### GOLF CARTS

#### (I) DEFINITIONS:

(A) Village Streets. Any of the streets within the boundaries of the Village of Homer, Illinois (hereinafter "Village") except for interstates, State and County roads.

(B) County Roads. Include any roads outside the boundaries of the Village limits.

(C) 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. (625 ILCS 5/1-123.9)

(D) Neighborhood Vehicle. A self-propelled, electronically powered four (4) wheeled vehicle; or a self-propelled, gasoline powered, four (4) wheeled 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 federal regulations under title 49 CFR part 571.500.

(E) Utility Task (Side by Side) Vehicle (UTV). A self-propelled, electronically powered four (4) wheeled vehicle; or a self-propelled, gasoline powered four (4) wheeled motor vehicle with bench or bucket seats, 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 fifty (50) miles per hour, which is steered and maneuvered with a steering wheel.

#### (II) OPERATIONS ON STREETS:

(A) It shall be unlawful to operate an all-terrain vehicle as defined by 625 ILCS 5/1-101.8

(B) It shall be lawful for a qualified person to operate a Golf Cart, Neighborhood Vehicle and Utility Task Vehicle (UTV) on designated streets within the Village, subject to the provisions of this Article.

(C) It shall be unlawful for any person to operate a Golf Cart, Neighborhood Vehicle and Utility Task Vehicle (UTV) on any street in the Village, unless:

(1) The driver is at least EIGHTEEN (18) years of age and has a valid driver's license, and

(2) The vehicle is properly titled with the Illinois Secretary of State, if required, and

(3) Has the minimum required liability insurance as set out in 65 ILCS 5/7-601 et seq., and maintains proof of said insurance specifically for the Golf Cart, Neighborhood Vehicle and Utility Task Vehicle (UTV) to be operated on Village streets within the permitted vehicle, and

(4) Has been properly registered with the Village and must display such registration as required in this Ordinance, and

(5) Has the following required, operable equipment:

(a) Brakes.

(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 reflector 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 (500) feet 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 (100) feet 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 (100) feet from the rear.

(j) Turn signals mounted to the front and rear of the vehicle.

(k) Windshield.

(l) Horn which is audible from a distance of two hundred (200) feet.

(D) All persons eligible to operate a Golf Cart, Neighborhood Vehicle and Utility Task Vehicle on designated streets of the Village must comply with the following requirements:

(1) Must not exceed the lower of the posted speed limit or twenty-five (25) miles per hour.

(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 (500) feet.

(4) Each driver and passenger of a Golf Cart, Neighborhood Vehicle and Utility Task 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 and Utility Task Vehicle on a roadway while under the influence of alcohol or drugs is subject to 625 ILCS 11- 500 through 11-502.

(6) Golf Carts, Neighborhood Vehicles and Utility Task Vehicles may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic.

(7) Golf Carts, Neighborhood Vehicles and Utility Task Vehicles may not be operated on streets, highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 4 and 108) or the County Highway Department.

(8) Golf Carts, Neighborhood Vehicles and Utility Task Vehicles may not be operated on Village streets with a posted speed limit in excess of thirty (30) miles per hour.

(9) Nothing in this Article shall permit the use of recreational off-highway vehicles as defined and provided in 625 ILCS 5/1-168.8 or all-terrain vehicles, off-highway motorcycles and any other vehicle which is not described within the foregoing definitions of "Golf Carts", or "Neighborhood Vehicles" or "Utility Task Vehicle".

### (III) REGISTRATION OF GOLF CARTS, NEIGHBORHOOD VEHICLES AND UTILITY TASK VEHICLES.

(A) Permit. A permit shall be issued within seven (7) days upon the approval of an application from an owner of a Golf Cart, Neighborhood Vehicle and Utility Task Vehicle to operate a Golf Cart, Neighborhood Vehicle and Utility Task Vehicle upon the streets and roadways within the jurisdiction of the Village, except where expressly prohibited.

(B) Application. Any person requesting a permit shall submit to the Village Administrator or his/her designee on a form supplied by the Village which shall contain, at a minimum, the following:

(1) An application which contains the owner's name, address, phone number, driver's license number, vehicle identification number (VIN), make and model of 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 and Utility Task Vehicle to be operated on Village streets.

(3) Signed and notarized waiver of liability by applicant releasing the Village from any and all future claims resulting from the operation of their Golf Cart, Neighborhood Vehicle and Utility Task Vehicle pursuant to this Chapter or any other ordinance of the Village.

(4) Present the vehicle for physical inspection to ensure that the vehicle is safe to operate on Village streets and is in compliance with the requirements of this Article. A Golf Cart, Neighborhood Vehicle and Utility Task Vehicle will be allowed to be driven to the Village Hall to have the vehicle inspected and permitted, if the requester has called ahead and arranged with the Village Administrator (or designee) a specific meeting time.

(C) Fee. An annual registration effective May 1<sup>st</sup> through April 30<sup>th</sup> each year and permit fee of Fifteen Dollars (\$15.00) for applicants age sixty-five (65) or older and Thirty Dollars (\$30.00) per year for all other applicants shall be submitted at the time of the application for the permit, and subject to renewal thereafter.

(D) Permit Renewal. A permit shall be valid for the period of one (1) year from May 1<sup>st</sup> through April 30<sup>th</sup> the following calendar year may be renewed upon application of the owner, in compliance with paragraph (B) of this Section.

(E) Transferability. A permit is nontransferable.

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

(G) Denial of Permit. A permit shall be denied only for 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 vehicle is otherwise precluded from public roadways by applicable law.

(H) False Information. It shall be unlawful for anyone to provide false information in the application for a permit to operate a Golf Cart, Utility Task Vehicle (UTV) and/or Neighborhood Vehicle.

#### (IV) OPERATION ON CERTAIN STREETS AND ROADS PROHIBITED.

Golf Carts may not be operated on sidewalks, Village parks or other Village property other than parking areas, and streets as provided herein.

(A) Golf Carts may be operated on Village streets, except as provided herein, which have a posted speed limit of thirty five (35) miles per hour or less, but Golf Carts are not authorized to exceed a speed of twenty five (25) miles per hour. Persons driving a Golf Cart are to pull over to the right side of the road and stop, yielding the right-of-way to approaching traffic from behind.

(B) Golf Carts, Utility Task Vehicles (UTV) and/or Neighborhood Vehicles are not authorized to be operated on the following national, State or County highways or Village streets except to cross said highways/streets at intersections with another public street authorized herein, in a path approximately ninety degrees (90°) to said highways/streets, after said Golf Cart comes to a complete stop, yielding the right-of-way to all pedestrian and vehicular traffic which constitutes a hazard, as provided except to cross State Route 49 and County Road 15 at Second Street from Church Street east to Village limits and First Street from Josephine Street west to Village limits. Such vehicles shall additionally be allowed to utilize the pedestrian sidewalk that exists on East Second Street from North Church to the to the



Village Hall, located at 500 East Second Street, Homer, Illinois so long as they utilize said sidewalk in a safe manner giving priority to pedestrians.

(V) OBEDIENCE TO VEHICLE CODE.

(A) Every operator of a Golf Cart, Neighborhood Vehicle and Utility Task 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 motorized Golf Cart, Neighborhood Vehicle or Utility Task Vehicle on the designated roadways.

(C) Every person operating a Golf Cart, Neighborhood Vehicle or Utility Task Vehicle pursuant to a 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 motorized Golf Carts, Neighborhood Vehicles or Utility Task Vehicle.

(VI) PENALTIES.

(A) A violation of this Article shall be punishable by a fine of Three Hundred Dollars (\$300.00) which, if paid at the Village Hall, within 30 days of issuance shall be discounted to Two Hundred Dollars (\$200.00). Any violation tied to lack of permit shall have the relevant fine reduced by the amount of the registration fee paid if a permit has been secured after the issuance of the notice of violation.

(B) A second conviction for a violation of this Article within one (1) year of the date of a prior conviction shall result in suspension of permit, to be reinstated only by the President.

(C) Upon conviction of operating a Golf Cart, Neighborhood Vehicle or Utility Task Vehicle or on a state highway, other than crossing at the designated locations, shall result in a fine no less than Seven Hundred Fifty Dollars (\$750.00) and the suspension of permit for one (1) year."