

AN ORDINANCE ADOPTING PROCEDURES WHICH WILL ALLOW GOLF CARTS AND UTILITY TERRAIN VEHICLES (UTV'S) ON THE VILLAGE OF ARROWSMITH STREETS.

WHEREAS, the Village of Arrowsmith (hereinafter referred to as the "Village") of Mclean County Illinois is an Illinois municipal corporation; and

WHEREAS, residents of the Village of Arrowsmith have requested that the Village permit the use of golf carts and UTV's for travel on Village streets, and

WHEREAS, the Village Board of Trustees of the Village of Arrowsmith has considered the volume, speed and character of traffic on the village streets, and has determined that the usage authorized by this ordinance will NOT jeopardize the public safety, and

WHEREAS, Illinois law, 625 ILCS 5/11-14.1 and .2 authorizes Illinois municipalities to regulate and allow golf cart and UTV's on municipal streets under certain circumstances and conditions and

WHEREAS, it is the intent of this ordinance to regulate the use of motorized golf carts and UTV's within the corporate limits of the Village of Arrowsmith as authorized by state statute 625 ILCS 5/11-1426.1 and 2.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF ARROWSMITH, MCLEAN COUNTY ILLINOIS AS FOLLOWS:

DEFINITIONS

"Golf Cart"- means 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.

"Utility Terrain Vehicle"- A utility terrain vehicle or UTV is a self-propelled electrically powered four-wheel motor vehicle or self-propelled gasoline or diesel powered four wheeled motor vehicle with an engine displacement under 1200 cubic centimeters which is capable of attaining in one mile speed of more than fifteen miles per hour (15 mph) but not more than twenty-five miles per hour (25 mph) and which conforms to the federal regulation under Title 49 C.F.R. Part 571.500

"Village Streets"- The "village streets" consist of any of the streets within the boundaries of the Village of Arrowsmith **except for county roads**.

POLICY STATEMENT

This ordinance is adopted in the interest of public safety. Golf carts and UTV's are NOT designed or manufactured to be used on public streets and roads, hereinafter "street(s)" and the Village of Arrowsmith in no way advocates or endorses their operation on streets. The Village by regulating such operation is merely addressing safety issues. The Ordinance is not to be relied upon as determination that operation on streets is safe or advisable even if done in accordance with this Ordinance. All persons operating golf carts and UTV's must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. All persons who operate or ride golf carts and UTV's on streets inside the Village of Arrowsmith do so at their own risk and peril. The Village of Arrowsmith has no liability under any theory of liability for permitting golf carts and UTV's to be operated on Village streets.

REQUIREMENTS

Golf carts and UTV's may only be operated on streets within the Village of Arrowsmith in accordance with the following rules and regulations.

- Any person who operates a golf cart or UTV in the Village of Arrowsmith takes full responsibility for all liability associated with operating the golf cart or UTV.
- Any person who operates a golf cart or UTV must be at least eighteen (18) years of age and must possess a valid driver's license to operate a motor vehicle issued to Illinois or any other state.
- Any person who operates a golf cart or UTV must possess proof of liability insurance, meeting Illinois statutes and requirements.
- Golf carts and UTV's may not be driven on streets before sunrise and after sunset.
- A golf cart or UTV shall have its headlights and tail lamps lighted at all times when operated on Village streets.
- Golf carts or UTV's may not be operated 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 500 feet or less.
- Golf carts or UTV's may not be operated on sidewalks or Village parks other than parking areas.
- Golf carts or UTV's may not operate at a speed above the 30 mph speed limit on village streets.
- ***Golf carts or UTV's may not operate on the following county road within the village except to cross said road at intersections in a path ninety (90) degrees to said roadway.***
 - **Mclean County Road 3300**
- Golf carts and UTV's MUST be equipped as follows and have all listed equipment in good working condition at all times:
 - Horn
 - Brakes and Brake lights
 - A steering wheel apparatus (vehicles with handlebars are prohibited from this ordinance)
 - Tires
 - Rearview mirror
 - Red reflective warning device on the front and rear of vehicle

- Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (ILCS 5/12-709)
- Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation
- Tail lamp that emits a red light visible from at least one hundred (100) feet from the rear which must be illuminated when in operation
- Any additional requirements which may be required by the Illinois Vehicle Code
- Any person who operates a golf cart or UTV on the streets in the Village of Arrowsmith MUST adhere to ALL applicable Illinois State laws concerning the possession and use of alcoholic beverages and all other illegal drugs as well as other state traffic laws.
- Golf cart and UTV drivers must yield the right of way to overtaking vehicles at all times
- The maximum occupancy of golf carts or UTV’s traveling on Village streets will be one person per bucket seat or two people per bench seat.
- Children must be properly seated with seatbelts for children under 5 years of age, while said golf cart or UTV is in motion and may not be transported in a negligent manner.
- No unsafe modifications may be mad to the vehicles suspension
- All golf carts and UTV’s on Village streets must be inspected annually by the person or entity(s) designated by the Arrowsmith Village President or Village board of Trustees, and must have a valid permit documentation from the Village of Arrowsmith visibly displayed on the front or rear of the vehicle on the driver’s side
- UTV’s with motors in excess of 1200 cubic centimeters shall not be permitted under this ordinance

PERMITS

- No person shall operate a motorized Golf Cart or UTV without obtaining a permit from the Village of Arrowsmith as provided in this section
- Every application for a permit shall be made on a form supplied by the Village and shall include the following information:
 - Name, address and phone number of applicant
 - Name address and phone number of owner of golf cart or UTV is different from applicant
 - Name of liability insurance carrier
 - The year, make, model, serial number and description of the golf cart or UTV
 - Signed Release and Waiver of Liability by applicant releasing the Village of Arrowsmith and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from their operation on Village streets
- No permit shall be granted unless the following conditions are met:
 - The vehicle must be inspected by the Village of Arrowsmith President or a duly authorized designee by the Village Board of Trustees, to insure that the vehicle is safe to operate on Village streets and is in compliance with this ordinance and with the State of Illinois Motor Vehicle Code.

- The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois
- A physically handicapped applicant must submit a certified signed by their physician, certifying that the applicant is able to safely operate a qualified golf cart or UTV on Village streets
- The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provisions of this Article or there is evidence that the permittee cannot safely operate a qualified golf cart or UTV on the village streets
- The Village President and Village Board of Trustees shall monitor the administration and enforcement of the Ordinance
- Each golf cart or UTV will require a separate permit
- The cost of a permit will be **fifty dollars (\$50.00)** per year except for those applicants over the age of sixty five (65) and then the permit fee will be twenty five (\$25.00) per year
- Permit fee exceptions:
 - The permit fee shall be waived for all government entities
 - The village may issue a temporary special event permit for use of golf carts or UTV's that may not be in compliance with the requirements of this chapter and that are valid and issued only for that specific event
 - The village may issue a moratorium on permits for use of golf carts or UTV's that may not be in compliance during special events for non-residents

VIOLATION AND ENFORCEMENT

Any violation of this ordinance shall be punishable by a fine of not less than One Hundred dollars (\$100.00) nor more than Seven Hundred and Fifty dollars (\$750.00) for each violation

It is unlawful for any person to drive or operate any golf cart or UTV in the following ways:

- In violation of any requirements of this chapter
- Careless operation: no person shall operate any golf cart or UTV in a careless or heedless manner so as to be grossly indifferent to the person or property of the other persons, or at a rate of speed greater than will permit them in an exercise for them to reasonably be able to bring the golf cart or UTV to a stop with the assured clear distance needed
- In such a manner as to endanger the life, limb or property of any person
- On the track or right of way of an operating railroad
- On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating a golf cart or UTV upon lands of another shall stop and identify themselves upon the request of the landowner or their duly authorized representative and, if requested to do so by the landowner shall promptly remove the vehicle from the premises
- Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes not duty of care to keep premises safe for entry or use by others for use of golf carts or UTV's, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to drive or operate a golf cart or UTV vehicle is given for a valuable consideration other than to this State, any political subdivision or municipality of this State, or any landowner who is paid with funds from the Off-Highway Vehicle Trails Fund. In this

case of land leased to the State or a subdivision of the State any consideration received is not valuable consideration with the meaning of this Section

- Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity
- On publicly owned lands unless such lands are designated for use by golf carts or UTV's. For public owned lands to be designated for use by golf carts or UTV's a public hearing shall be conducted by the Village of Arrowsmith prior to its designation

Other Prohibitions

- No person except person permitted by law, shall operate or ride any golf cart or UTV with any firearm in his or her possession
- No person shall operate any golf cart or UTV emitting pollutants in violation of standards established pursuant to the Illinois Environmental Protection Agency
- No person shall deposit from a golf cart or UTV on snow, ice or ground surfaces trash, garbage, insoluble material, or other offensive material.
- No other motorized or electronically driven vehicles of any kind except for conveyances such as automobiles, trucks, buses and motorcycles may be operated on village streets

Penalties

- Any person who violates any provisions of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than One hundred dollars (\$100.00) and not more than Seven hundred and fifty (\$750.00). Any second or subsequent offense shall result in the revocation of the permit for not less than three (3) years and not more than five (5) years. The extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

PASSED THIS 3rd DAY OF August 2015

AYES: 5

NAYS: 0

ABSTAIN: 0

APPROVED THIS 3rd DAY OF August 2015

VILLAGE OF ARROWSMITH, ILLINOIS

By: _____

Village President

Chad Walden

By: _____

Village Clerk

Megan Lopez