

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2020-10

AN ORDINANCE ESTABLISHING CHAPTER 73: GOLF CARTS & OFF-HIGHWAY VEHICLES

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2020-10, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on July 20, 2020.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 20th day of July, 2020.

Seal



Dawn Reynolds, Village Clerk

ORDINANCE 2020-10

ORDINANCE ADDING CHAPTER 73 TO ARTICLE VII TRAFFIC CODE OF THE CODE OF ORDINANCES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS

WHEREAS, 625 ILCS 5/11-1426.1 prohibits the operation of “Non-Highway Vehicles” on streets, highways and roadways in the state, but also authorizes municipalities to by ordinance permit the operation of such Non-Highway Vehicles on roadways under their jurisdiction and to regulate the use thereof if so permitted; and

WHEREAS, as required by 625 ILCS 5/11-1426.1, the Village Board of Trustees has considered the volume, speed and character of traffic on roadways under the jurisdiction of the Village having a posted speed limit of 35 miles per hour or less and has determined that the public safety will be jeopardized by the operation of properly equipped golf carts on said roadways in accordance with said statute and this Ordinance, but that other Non-Highway Vehicles referred to in said 625 ILCS 5/11-1426.1 namely all-terrain vehicles and off-highway motorcycles, should not be permitted to be operated on said roadways, and

WHEREAS, the Village Board of Trustees has determined that it is in the public interest to allow the operation of properly equipped golf carts on roadways under the jurisdiction of the Village having a posted speed limit of 35 miles per hour or less in accordance with said statute and this Ordinance, and that Chapter 73 shall be added to Article VII Traffic Code of the Code of Ordinances of the Village of Mt. Zion as enacted and adopted by this ordinance as hereinafter provided.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: A new Chapter 73 Golf Carts to Article VII Traffic Code is hereby enacted, adopted and added which shall now read as follows:

Chapter 73 attached

SECTION 2: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or itself, invalid or unconstitutional.

SECTION 3: This Ordinance, following its passage, approval and publication in pamphlet form as provided by law, shall be made effective on and from August 1, 2020.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS ON THE 20th DAY OF JULY 2020.

SIUDYLA yea

RITCHIE yea

MOSE yea

KERNAN yea

SCALES absent

FRITZSCHE yea

Reynolds
Village Clerk

APPROVED:

[Signature]
Village President

ATTEST:

Reynolds
Village Clerk

Chapter 73: Golf Carts & Off-Highway Vehicles

Section

General Provisions

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- 73.03 Definitions
- 73.04 Use Restricted
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General Provisions

S 73.01 Policy Statement.

The Village, in passing this Ordinance, is not advocating or endorsing the use of golf carts or off-highway vehicles on Village streets. Other means of travel may be safer than a golf cart or off-highway vehicle. All persons who operate a golf cart or off-highway vehicle within the Village do so at their own risk and peril. In passing this Ordinance, the Village does not accept any level of liability for accidents, collision, injuries or death, or destruction of property. In passing this Ordinance, the Village is merely regulating the use of golf carts and off-highway vehicles on Village streets, as invited by the law of the State of Illinois, in an attempt to increase safety on Village streets.

S 73.02 Golf Carts & Off-Highway Vehicles on Village streets.

Golf carts and off-highway vehicles defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

S 73.03 Definitions.

(A) "Golf Cart", as defined herein, means a gasoline or electric vehicle specifically designed and intended for the purposes of transporting one (1) or more persons and their golf clubs 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; and such golf cart can attain a speed of at least 20 mph but not more than 30 mph.

(B) "Illinois Vehicle Code" – 625 ILCS 5/1-100 et seq., all amendments hereto.

(C) "Off-highway vehicle", as defined herein, means 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 four (4) or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

(D) "Village Streets", as defined herein, means any of the streets within the boundaries of the Village of Mt. Zion, Illinois, excluding any street which is under the exclusive jurisdiction of a unit of government other than the Village of Mt. Zion, Illinois, including but not limited to Long Creek Township, Mt. Zion Township, Macon County, or the State of Illinois.

S 73.04 Use Restricted.

(A) Except as otherwise specifically provided in this Chapter, it is unlawful for any person to drive or operate a golf cart upon any Village street or roadway.

(B) It is unlawful for any person to drive or operate upon any Village street or roadway any all-terrain vehicle (as defined by Section 1-101.8 of the Illinois Vehicle Code) or any off-highway motorcycle (as defined by Section 1-153.1 of the Illinois Vehicle Code).

(C) It is unlawful to operate a golf cart or off-highway vehicle on any sidewalk or walking/bicycle trail in the Village of Mt. Zion.

S 73.05 Requirements.

All persons wishing to operate a golf cart or off-highway vehicle on Village streets must ensure compliance with the following requirements:

(A) Proof of current liability insurance, a copy of which shall be kept in the golf cart or off-highway vehicle whenever used on Village streets.

(B) Must be certified with the Village of Mt. Zion Police Department and the vehicle must be certified with the Village of Mt. Zion by inspection by a designated representative.

(C) Must display Village decal on the rear of the vehicle.

(D) Driver must be 18 years of age or older and have a valid Illinois driver's license.

(E) Golf Carts and off-highway vehicles must be equipped as follows:

- 1) Horn;
- 2) Brakes and brake lights;
- 3) Front and rear turn signals;
- 4) A steering wheel apparatus;
- 5) Tires;

- 6) Rearview mirror;
- 7) Seat belts for each passenger;
- 8) Red reflector warning device on the front and rear;
- 9) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-799);
- 10) Any golf cart or off-highway vehicle with a maximum speed of 25 mph or less is required to have a triangular orange flag that is at least six feet above ground level;
- 11) Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must be illuminated when in operation;
- 12) Tail lamp that emits a red visible light from at least one hundred (100) feet from the rear which must be illuminated when in operation;
- 13) Any additional requirements which may be amended to 625 ILCS 5/11-1426 of the Illinois Motor Vehicle Code.

(F) Must obey all traffic laws of the State of Illinois.

(G) Must be operated only on Village streets, except where prohibited.

(H) May not be operated on Village streets under the exclusive jurisdiction of Long Creek Township, Mt. Zion Township, Macon County or the State of Illinois, except to cross said streets, in which case the operator must make a direct crossing in which the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway; at a place where no obstruction prevents a quick and safe crossing; the golf cart or off-highway vehicle is brought to a complete stop before attempting a crossing; the operator of the golf cart or off-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and that when crossing a divided highway (I.E. State Route 121), the crossing is made only at an intersection of the highway with another public street, road or highway.

(I) Must not be operated in excess of posted speed limit, regardless, may not exceed thirty-five (35) miles per hour.

(J) A person operating or who is in actual physical control of the golf cart or off-highway vehicle as described herein on a street or roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502). It is unlawful for any person to drive, operate or be in actual physical control of a golf cart or off-highway vehicle on a Village street or roadway in violation of any one or more of said Sections of the Illinois Vehicle Code.

(K) Each golf cart or off-highway vehicle may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individuals may ride on any other portion of the golf cart or off-highway vehicle.

(L) Children must be restrained in a golf cart or off-highway vehicle in the same manner required as if they were in an automobile. Car seat and seatbelt laws shall be followed when children are in golf carts and off-highway vehicles.

(M) Whenever being operated on Village streets, headlights and taillights shall be illuminated.

(N) Golf carts and off-highway vehicles may only be operated on Village streets from dawn to dusk.

(O) No person shall possess alcoholic beverages on or in a golf cart or off-highway vehicle on Village streets unless it is in the original container with the seal unbroken.

S 73.06 Permits.

(A) No person shall operate a qualified golf cart or off-highway vehicle without first obtaining a permit from the Chief of Police or his designee. A copy of said permit shall be kept in the golf cart or off-highway vehicle whenever used on Village streets. Only an individual with a valid permit shall be allowed to operate a golf cart or off-highway vehicle on the streets within the Village and said individual shall only be allowed to operate a golf cart or off-highway vehicle that has been inspected and approved for travel on Village streets and feature a Village decal as detailed above in Section 73.04 (C).

(B) Permits shall be granted for a period of one year for the date designated on the permit. Permits will have a renewal date annually of April 1st regardless of when the permit was granted.

(C) The cost of the permit is One Hundred Dollars (\$100.00). Initial permits issued after April 1st shall be prorated based on the month obtained. All permit renewals are One Hundred Dollars (\$100.00) regardless of the month issued.

(D) Insurance coverage is to be verified to be in effect by the Village Police Department when obtaining and renewing a permit. 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.

(E) Every application for a permit shall be made on a form supplied by the Village of Mt. Zion and shall contain the following information:

- 1) Name and address of applicant;
- 2) Name of liability insurance carrier;
- 3) The serial number, make, model and description of golf cart or off-highway vehicle;
- 4) Signed Waiver of Liability by applicant releasing the Village and agreeing to defend, indemnify and hold the Village harmless from

- any and all future claims resulting from the operation of their golf cart or off-highway vehicle on Village streets relating to the golf cart or off-highway vehicle owned and operated by the applicant;
- 5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit and as required above in Section 73.06 (D).
 - 6) Such information as the Village may require.

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

- 1) The vehicle must be initially inspected by the designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with this Article and the State of Illinois Motor Vehicle Code.
- 2) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance coverage.
- 3) Vehicle inspections may be conducted every other year, after the inspection by the designated representative.

S 73.07 Penalties.

(A) Operating a golf cart or off-highway vehicle on Village streets is a privilege and not a right. Any person who has a permit to operate a golf cart or off-highway vehicle on Village streets and is found to have violated this Ordinance may have his or her permit suspended or revoked by the Chief of Police. Decisions of the Chief of Police shall only be reversed or modified by a majority vote of the Village Board of Trustees.

(B) Anyone found to operate a golf cart or off-highway vehicle on Village streets, within the Village in an area where golf carts and off-highway vehicles are not allowed, or to operate a golf cart or off-highway vehicle that has not been inspected and approved by the Village of Mt. Zion for travel on Village streets shall be subject to a One Hundred Fifty Dollar (\$150.00) fine for the first violation, a Three Hundred Dollar (\$300.00) fine for a second violation and a Five Hundred Dollar (\$500.00) fine for a third violation within a 365 day period. The Village Attorney shall have the authority to bring a complaint against any individual violating this Ordinance to recover the aforementioned fines and to seek an injunction against further violations of this Ordinance.

(C) Notwithstanding the foregoing, anyone found to operate a golf cart or off-highway vehicle on Village streets in violation of any other provision of this Ordinance shall be subject to a One Hundred Fifty Dollar (\$150.00) fine for the first violation, a Three Hundred Dollar (\$300.00) fine for a second violation and a Five Hundred Dollar (\$500.00) fine for a third violation within a 365 day period. The Village Attorney shall have the authority to bring a complaint against any individual violating this Ordinance to recover the aforementioned fines and to seek an injunction against further violations of this Ordinance.

(D) Any person in possession of or consuming alcoholic beverages on or in a golf cart or off-highway vehicle on Village streets, in addition to other penalties which may be available under the laws of the State of Illinois or other parts of this Ordinance, shall be subject to revocation of his or her permit to operate a golf cart or off-highway vehicle on Village streets.

(E) If a person driving or in control of a golf cart or off-highway vehicle on Village streets refuses to submit to a test or analysis of the person's blood, urine, breath or other bodily substance that disclose an alcohol concentration of more than 0.08 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, in addition to other penalties which may be available under the laws of the State of Illinois or other parts of this Ordinance shall be subject to revocation of his or her permit to operate a golf cart or off-highway vehicle on Village streets.

(F) Any person receiving a citation under this Article shall pay any monetary fine provided in this section at the Police Department or Village Clerk's office within fourteen (14) days from the date of the citation. If any monetary penalty is not paid within that fourteen (14) day period, the Police Department is authorized to file a complaint alleging the violation of this Ordinance and issue a notice to appear requiring the offender to appear in the Macon County Circuit Court to answer to the charge.

S 73.08 Possibility of amendment, suspension, or end of Golf Cart/Off-Highway Vehicle Program.

Individuals are advised that the Village is permitting the use of golf carts and off-highway vehicles on Village streets in limited circumstances and pursuant to current Illinois law. Individuals should view the use of golf carts and off-highway vehicles on Village streets as a program which could be suspended, modified, or ended at any time and effective immediately upon a majority of the Village Board of Trustees amending this Ordinance, upon court ruling, or in the event of a change in the laws of the State of Illinois or United States of America. Individuals should consider these factors when making the decision to purchase a golf cart or off-highway vehicle or make potentially expensive upgrades to golf carts or off-highway vehicles.