

ORDINANCE NO. 2011- 37

**AN ORDINANCE APPROVING AN AMENDMENT TO
ARTICLE I - DEFINITIONS, SEC. 23.101 DEFINITIONS
AND ADDING ARTICLE XII GOLF CARTS TO
CHAPTER XXIII, TRAFFIC
OF THE CITY CODE OF THE CITY OF DELAVAN, ILLINOIS**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELAVAN THIS 18th DAY
OF OCTOBER, 2011.

Published in pamphlet form by authority of the City Council of the
City of Delavan, Tazewell County, Illinois, this 19th day of
October, 2011.

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WHEREAS, 65 ILCS 5 et seq. provides powers and duties possessed by the council and its members not inconsistent with law as the public good and convenience may require; and

WHEREAS, the City Council of the City of Delavan finds that it is in the best interest of the City and appropriate and necessary for the public safety of the citizens of the City of Delavan to regulate and license the use of golf carts and similar modes of transportation as described under this Ordinance; and

WHEREAS, it is the duty of the City Council of the City of Delavan to review the plausibility of allowing for the use of golf carts as fuel efficient transportation in the City; and

WHEREAS, the City Council of the City of Delavan finds that it is in the best interest of the City to specifically amend Chapter XXIII, TRAFFIC.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Delavan, Illinois, as follows:

1. That ARTICLE I, DEFINITIONS, Sec. 23.101 Definitions, be amended by adding a new definition as (10) Golf Cart, renumbering all definitions following from (11) to (37) and amending definition (32) Street or Highway as follows:

CHAPTER XXIII - TRAFFIC

ARTICLE I - DEFINITIONS

Sec. 23.101 Definitions.

- (10) Golf Cart. A golf cart, as defined herein, means a vehicle specifically designed and intended for the purposes of transporting one (1) 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.

- (32) Street or Highway. The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicle traffic within the boundaries of the City of Delavan, Illinois.

2. That ARTICLE XII, GOLF CARTS, CHAPTER XXIII, TRAFFIC, be added in its entirety as a new section as follows:

ARTICLE XII - GOLF CARTS

Sec. 23.1201 Generally. Golf carts specifically defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

Sec. 23.1202 Requirements. All persons wishing to operate a golf cart on the City streets must ensure compliance with the following requirements:

- (1) Proof of current liability insurance.
- (2) Must be certified with the City and have the vehicles certified with the City by inspection by a designated representative.
- (3) Must display City sticker on the rear of the vehicle and which must be displayed on the "slow moving" emblem located at the rear of the golf cart at all times.
- (4) Must have a current, valid Illinois drivers license.

- (5) Golf carts must be equipped as follows:
 - a). Horn;
 - b). Brakes and brake light;
 - 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 (625 ILCS 5/12-709);
 - h). Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
 - i). 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;
 - j). Any additional requirements which may be amended to **65 ILCS 5/11-1428** or the Illinois Motor Vehicle Code.
- (6) Must obey all traffic laws of the State of Illinois.
- (7) Must be sixteen (16) years of age.
- (8) Must be operated only on the City streets, except where prohibited.
- (9) May not be operated on State highways and County roads except at crossing points.
- (10) Must not be operated in excess of posted speed limit and, regardless, may not exceed thirty (30) miles per hour.
- (11) A person operating or who is in actual physical control of a golf cart as described herein on a 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).
- (12) Golf carts shall not be operated on sidewalks or in City parks other than parking areas except when authorized by the Mayor or Chief of Police for special events.
- (13) Golf carts may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Route 122) except to cross the state highway if the operator of the golf cart makes a direct crossing at an angle of

approximately 90 degrees to the direction of the street; the golf cart is brought to a complete stop before attempting a crossing; and the operator yields the right of way to all pedestrians and vehicular traffic which constitutes a hazard.

- (14) Each golf cart 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.
- (15) Golf carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking sticker.

Sec. 23.1203 Permits. No person shall operate a qualified golf cart without first obtaining a permit from the Police Department as provided herein. Permits shall be granted for a period of only one year beginning January 1 of each year. The Police Department may issue such a permit for any date approved of and designated by the City Council. The cost of the permit is Twenty-five Dollars (\$25.00). Such fee will be waived for any applicants who have a disabled parking designation issued by the State of Illinois. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.

Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

- (1) Name and address of applicant.
- (2) Date of birth of applicant.
- (3) Verification of valid driver's license and driver's license number.
- (4) The serial number, make, model and description of golf cart.
- (5) Name of liability insurance carrier.
- (6) Signed Waiver of Liability by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their golf carts on City streets.
- (7) Photocopy of applicable liability insurance coverage and specifically for the vehicle to be operated pursuant to the permit.
- (8) Such other information as the City may require.

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

- (1) The vehicle must be inspected by the designated representative to insure that the vehicle is safe to operate on City streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code.
- (2) A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified golf cart on City streets.
- (3) Required permit application is completed and filed with the police department along with evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance and the required twenty-five dollar (\$25.00) permit fee.

Sec. 23.1203 Violation. The City 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 on the designated roadways. Failure to abide by all provisions of this Ordinance or otherwise secure a permit provided herein when operating a golf cart upon the streets of the City shall result in a fine of \$100.00 with each infraction of this Ordinance constituting a separate offense bearing a separate fine.

3. That the City Clerk is authorized and directed to publish this ordinance in pamphlet form in the time and manner and in accordance with the provisions of 65 ILCS 5/2-4.

4. All ordinances or part of ordinances in conflict herewith are hereby repealed.

PASSED AND ORDAINED this 18th day of October, 2011.

AYES: Gresham, Williams, Mitchell, Shoultz, Hall, Braden

NAYS: None

ABSENT: None

Approved this 18th day of October, A.D. 2011.

/S/ Elizabeth A. Skinner
Mayor

ATTEST:

/S/ Penny L. Bright
City Clerk

(SEAL)

Published in pamphlet form by authority of the City Council of the City of Delavan, Illinois, on 19th day of October, 2011.

Recorded in City Ordinance Record on October 19, A.D., 2011.

STATE OF ILLINOIS)
)SS
COUNTY OF TAZEWELL)

I, Penny L. Bright, certify that I am the duly elected and acting City Clerk of the City of Delavan, Tazewell County, Illinois.

I further certify that on the 18th day of October, 2011, the corporate authorities of such municipality passed and approved Ordinance #2011-37, entitled **AN ORDINANCE APPROVING AN AMENDMENT TO ARTICLE I - DEFINITIONS, SEC. 23.101 DEFINITIONS AND ADDING ARTICLE XII GOLF CARTS TO CHAPTER XXIII, TRAFFIC OF THE CITY CODE OF THE CITY OF DELAVAN, ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance #2011-37, including the Ordinance and cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building at 219 Locust Street, Delavan, Illinois 61734, commencing on the 19th day of October, 2011, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the City Clerk.

 /S/ Penny L. Bright
City Clerk

Dated at Delavan, Illinois this 19th day of October, 2011.