

# Chapter 7

## GOLF CARTS AND UTILITY TERRAIN VEHICLES

### 7-7-1: SHORT TITLE:

This chapter shall be known as the *GOLF CART AND UTILITY TERRAIN VEHICLES ORDINANCE*. (Ord. 2010-32, 8-16-2010)

### 7-7-2: DEFINITIONS:

**GOLF CART:** A motorized vehicle with three (3) or four (4) wheels that is not designed to be operated at a speed of more than twenty five (25) miles per hour whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

**UTILITY TERRAIN VEHICLE:** A self-propelled electrically powered four (4) wheel motor vehicle or a self-propelled gasoline or diesel powered four (4) wheel motor vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters which is capable of attaining in one mile a speed of more than fifteen (15) miles per hour but not more than twenty five (25) miles per hour and which conforms to the federal regulations under title 49 CFR part 571.500.

**VILLAGE STREETS:** Consist of any of the streets within the boundaries of the village of Heyworth. (Ord. 2010-32, 8-16-2010)

### 7-7-3: REQUIREMENTS:

All persons wishing to operate a golf cart or a utility terrain vehicle on the village streets must comply with the following requirements:

- A. Apply for and receive a permit issued by the village.
- B. Have and maintain proof of current liability insurance.
- C. Have the vehicle inspected by the chief of police or his duly authorized designee and receive a certification or permit from the village.

- D. Comply with the published "Rules Concerning Alternate Transportation For The Village", as periodically updated.
  
- E. Have a decal or registration approved by the village on the rear of the vehicle.
  
- F. Have a copy of the permit issued by the village, valid registration, and valid insurance in the golf cart or utility terrain vehicle at all times.
  
- G. Have a current, valid Illinois driver's license.
  
- H. Be at least eighteen (18) years of age.
  
- I. Golf carts must be equipped with a minimum of the following properly operating and appropriate equipment:
  - 1. Horn;
  - 2. Brakes and brake lights;
  - 3. Turn signals on the front and rear of the vehicle;
  - 4. A steering wheel apparatus;
  - 5. Tires;
  - 6. Rearview mirror;
  - 7. Red reflectorized warning devices on the front and rear of the vehicle;
  - 8. Seat belts if the vehicle has manufactured rollover protection;
  - 9. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle<sup>1</sup>;
  - 10. Headlight that emits a white light visible from a distance of five hundred feet (500') to the front which illuminates when in operation;
  - 11. Taillamp that emits red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation; and
  - 12. Any additional requirements which may be required by the Illinois vehicle code.
  
- J. Utility terrain vehicles must be equipped with a minimum of the following properly operating and appropriate equipment:
  - 1. Brakes and brake lights;

2. Turn signals on the front and rear;
3. Steering wheel apparatus;
4. Tires;
5. Rearview mirror;
6. Seat belts if the vehicle has manufactured rollover protection;
7. Red reflectorized warning devices on the front and rear of the vehicle;
8. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle<sup>2</sup>;
9. Headlight that emits a white light visible from a distance of five hundred feet (500') to the front which illuminates when in operation;
10. Taillamp that emits red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation; and (Ord. 2010-32, 8-16-2010)
11. Any additional requirements which may be amended to the Illinois vehicle code. (Ord. 2010-32, 8-16-2010; amd. 2011 Code)

K. Must obey all traffic laws of the state of Illinois and the village of Heyworth.

L. Must be operated only on village streets, except where prohibited.

M. May not be operated on U.S. Highway 136 or any other Illinois department of transportation road except to cross the roadways at any intersection.

N. Must not be operated in excess of posted speed limits and, with respect to utility terrain vehicles, may not exceed twenty five (25) miles per hour.

O. A person operating or is in actual physical control of a golf cart or utility terrain vehicle as described herein on a roadway while under the influence is subject to 625 Illinois Compiled Statutes 5/11-500 through 5/11-502 et al.

P. Golf carts and utility terrain vehicles shall not be operated on sidewalks or in the village parks other than parking areas.

Q. All golf carts and utility terrain vehicles shall be limited to the number of passengers permitted per the manufacturer's requirements.

R. Must comply with all other standards and requirements set forth by the manufacturer. (Ord. 2010-32, 8-16-2010)

#### **7-7-4: PERMIT REQUIREMENTS:**

- A. Permit Required; Term; Renewals; Insurance: No person shall operate a qualified golf cart or utility terrain vehicle without first obtaining a permit from chief of police of the village of Heyworth as provided herein. Permits may be granted for a special event or in monthly intervals up to and including a total of one year. One year permits are required to be annually renewed. Insurance coverage shall be submitted and verified by the police department when obtaining or renewing a permit.
- B. Application For Permit: Every application for a permit shall be made on a form [form](#) supplied by the village and shall contain, at a minimum, the following information:
1. Name and address of applicant;
  2. Name and liability insurance carrier;
  3. The serial number, make, model and description of golf cart or utility terrain vehicle;
  4. Signed waiver of liability by the applicant releasing the village of Heyworth and agreeing to indemnify and hold the village harmless from any and all future claims resulting from operation of their golf cart or utility terrain vehicle on the village of Heyworth streets;
  5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
  6. The name of all operators of the vehicle with no more than four (4) operators being allowed. All operators shall be required to submit all documents and information and meet all the requirements of this chapter; and
  7. Such other information as the village may require.
- C. Restrictions On Issuance: No permit shall be granted unless the following conditions are met:
1. The vehicle must be inspected by the village of Heyworth chief of police or his duly authorized designee to ensure that the vehicle is safe to operate on village streets and is in compliance with this chapter and with the state of Illinois motor vehicle code.
  2. A physically handicapped applicant must submit a certificate signed by a licensed physician certifying that the applicant is able to safely operate a qualified golf cart or utility terrain vehicle on village streets.
  3. 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.

D. Fees: The cost of the permit is as follows:

1. A fee of twenty five dollars (\$25.00) for each month a permit is desired with a total cost not to exceed one hundred dollars (\$100.00) (i.e., a 1 month temporary permit is \$25.00, a 3 month temporary permit is \$75.00).
2. An annual permit is one hundred dollars (\$100.00).
3. A special event temporary permit is twenty five dollars (\$25.00).

E. Exceptions:

1. The permit fee shall be waived for all governmental or recognized not for profit entity.
2. The village may issue a temporary special event permit for use of golf carts or utility terrain vehicles that may not be in compliance with the requirements of this chapter and that are valid and issued only during that event.

F. Suspension Or Revocation Of Permit: The village may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of this chapter or there is evidence that the permittee cannot safely operate a qualified golf cart or utility terrain vehicle on the designated roadways. (Ord. 2013-01, 1-17-2013)

### **7-7-5: VIOLATIONS:**

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

- A. In violation of any requirement of this chapter.
- B. In a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the golf cart or utility terrain vehicle to a stop within the assured clear distance ahead.
- C. In such a manner as to endanger the life, limb or property of any person.
- D. Within any nature preserve as defined in section 3.11 of the Illinois natural areas preservation act<sup>3</sup>.

E. On the tracks or rights of way of an operating railroad.

F. In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.

G. On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating a utility terrain vehicle or off highway motorcycle upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and if requested to do so by the landowner, shall promptly remove the utility terrain vehicle or off highway motorcycle from the premises.

Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others of a utility terrain vehicle or off highway motorcycle, 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 utility terrain vehicle or off highway motorcycle 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 the case of land leased to the state or a subdivision of the state, any consideration received is not valuable consideration within the meaning of this subsection.

Nothing in this subsection limits in any way liability which otherwise exists for wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

H. On publicly owned lands unless such lands are designated for use by utility terrain vehicles or off highway motorcycles. For publicly owned lands to be designated for use by utility terrain vehicles or off highway motorcycles, a public hearing shall be conducted by the governmental entity that has jurisdiction over the proposed land prior to the designation. Nothing in this subsection limits in any way liability which otherwise exists for wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

1. At a rate of speed too fast for conditions, and the fact that the speed of the utility terrain vehicle or off highway motorcycle does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle, or object within legal requirements and the duty of all persons to use due care.

2. On the frozen surface of public waters of this state within one hundred feet (100') of a person, including a skater, not in or upon a utility terrain vehicle or off highway motorcycle; within one hundred feet (100') of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the utility terrain vehicle or off highway motorcycle; or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this state.

3. Within one hundred feet (100') of a dwelling between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. at a speed greater than the minimum required to maintain forward movement of the utility terrain vehicle or off highway motorcycle. This subsection H3 does not apply on private property where verbal or written consent of the owner or lessee has been granted to drive or operate a utility terrain vehicle or off highway motorcycle upon the private property or frozen waters of this state.

I. Other prohibitions are as follows:

1. No person, except persons permitted by law, shall operate or ride any utility terrain vehicle or off highway motorcycle with any firearm in his or her possession unless he or she is in compliance with section 2.33 of the wildlife code<sup>4</sup>.
2. No person shall operate any utility terrain vehicle or off highway motorcycle emitting pollutants in violation of standards established pursuant to the environmental protection act<sup>5</sup>.
3. No person shall deposit from a utility terrain vehicle or off highway motorcycle on the snow, ice or ground surface, any trash, glass, garbage, insoluble material, or other offensive matter. (Ord. 2010-32, 8-16-2010)

**7-7-6: PENALTIES:**

Any person who violates any provision of this chapter shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than seventy five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of this chapter also constitutes a violation of a criminal statute of the state of Illinois, the violator shall also be subject to criminal prosecution. (Ord. 2010-32, 8-16-2010)