

## Chapter 4

# GOLF CARTS AND UTILITY TERRAIN VEHICLES

### 6-4-1: SHORT TITLE:

This chapter shall be known as the *GOLF CART AND UTILITY TERRAIN VEHICLE ORDINANCE*. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

### 6-4-2: SCOPE:

This chapter shall authorize and regulate the use of golf carts and utility terrain vehicles. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

### 6-4-3: 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. Its purpose can include, but not be limited to, the playing of golf, and it is generally designed to carry people.

**UTILITY TERRAIN VEHICLE:** A self-propelled, electrically powered, four (4) wheeled motor vehicle; or a self-propelled, gasoline or diesel powered, four (4) wheeled 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 49 CFR part 571.500.

The vehicle types that the village is intending to register are the "side by side", "side x side", "UTV", "SSV" and similar body designs. This chapter is in no way recognizing the "quad 4 x 4" style ATV vehicle (motorcycle) as a vehicle that will be registered as a utility terrain vehicle.

**VILLAGE STREETS:** The "village streets" consist of any of the streets within the boundaries of the village of Hudson. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

### 6-4-4: PERMIT REQUIREMENTS:

- A. **Permit And Insurance Required; Term Of Permit:** No person shall operate a qualified golf cart or utility terrain vehicle without first obtaining a permit from the village chief of police as provided herein. Permits shall be granted for a period of one year and renewed annually. 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 supplied by the village and shall contain, at a minimum, the following information:
1. Name and address of the applicant.
  2. Name of the liability insurance carrier.
  3. The serial number, make, model and description of the golf cart or utility terrain vehicle.
  4. Signed waiver of liability by the applicant releasing the village and agreeing to indemnify and hold the village harmless from any and all future claims resulting from the operation of his or her golf cart or utility terrain vehicle on the village streets.
  5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit.
  6. Such other information as the village may require.
- C. **Conditions Of Permit:** No permit shall be granted unless the following conditions are met:
1. The vehicle must be inspected by the village chief of police or his duly authorized designee to ensure that the vehicle is safe to operate on the village streets and is in compliance with this chapter and with the state of Illinois motor vehicle code. (Ord. 2011-1258, 10-4-2011)
  2. A physically disabled 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 the village streets. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
  3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois statutes regarding minimum liability insurance for the passenger motor vehicles to be operated on the roads of the state of Illinois. (Ord. 2011-1258, 10-4-2011)
- D. **Permit Fee:** The cost of the permit is fifty dollars (\$50.00). (Ord. 1295, 2-7-2017)
- E. **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.

**F. Exemptions:**

1. The permit fee shall be waived for all governmental or recognized not for profit entities.
2. The village may issue a temporary special event permit for the 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. (Ord. 2011-1258, 10-4-2011)

**6-4-5: ROADWAYS ON WHICH OPERATION PROHIBITED:**

Utility terrain vehicles will not be allowed to be driven upon county owned and maintained roadways. These roadways are currently Franklin and Broadway from Franklin south to the southern boundary of the village. Should the county highway department improve and maintain additional roadways within the village, the new roadways would also be exempt for operation of a utility terrain vehicle. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

**6-4-6: OPERATION 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. Such permit shall be valid only for the calendar year for which it is issued.
- D. Comply with the published "Rules Concerning Alternate Transportation For The Village Of Hudson", 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. (Ord. 2011-1258, 10-4-2011)
- H. Be at least eighteen (18) years of age. (Ord. 1295, 2-7-2017)
- 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; (Ord. 2011-1258, 10-4-2011)
  7. Red reflectorized warning devices on the rear of the vehicle; (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
  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. Headlights that emit a white light visible from a distance of five hundred feet (500') to the front which must be illuminated at all times when in operation;
  11. Taillamp that emits a red light visible from at least one hundred feet (100') from the rear which must be illuminated at all times 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 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; (Ord. 2011-1258, 10-4-2011)
  7. Red reflectorized warning devices on the rear of the vehicle; (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
  8. Seat belts if the vehicle has manufactured rollover protection;
  9. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle<sup>2</sup>;
  10. Headlights that emit a white light visible from a distance of five hundred feet (500') to the front which must be illuminated at all times when in operation;
  11. Taillamp that emits a red light visible from at least one hundred feet (100') from the rear which must be illuminated at all times when in operation; and
  12. Any additional requirements which may be required by the Illinois vehicle code.

- K. Must obey all traffic laws of the state of Illinois and the village of Hudson.
- L. Must be operated only on the village streets, except where prohibited. (Ord. 2011-1258, 10-4-2011)
- M. Must not be operated in excess of the posted speed limits and may not exceed twenty five (25) miles per hour. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
- N. A person operating or in actual physical control of a golf cart or utility terrain vehicle, as described herein, on the roadway while under the influence is subject to the sections 11-500 through 11-502 et al., of the Illinois Compiled Statutes<sup>3</sup>. (Ord. 2011-1258, 10-4-2011)
- O. Shall not be operated on sidewalks or in the village parks other than parking areas.
- P. Shall be limited to the number of passengers permitted per the manufacturer's requirements. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
- Q. Must comply with all other standards and requirements set forth by the manufacturers. (Ord. 2011-1258, 10-4-2011)

#### **6-4-7: PROHIBITED OPERATIONS:**

- A. Unlawful Acts: It is unlawful for any person to drive or operate any golf cart or utility terrain vehicle in the following ways: (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
1. In violation of any requirement of this chapter.
  2. In a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at the 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 with the assured clearance and distance ahead.
  3. In such a manner as to endanger the life, limb or property of any person.
  4. Within any nature preserve as defined in section 3.11 of the Illinois natural areas preservation act. (Ord. 2011-1258, 10-4-2011)

5. On private property without the written or verbal consent of the owner or lessee thereof. Any person operating a utility terrain vehicle or golf cart 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 golf cart from the premises.

Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty to keep the premises safe for entry or use by others for use by a utility terrain vehicle or golf cart, or to give warning of any condition, use, structure or activity on such premises. This subsection A5 does not apply where permission to drive or operate a utility terrain vehicle or golf cart 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 the land leased to the state or a subdivision of the state, any consideration received is not valuable consideration within the meaning of this subsection A5. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

Nothing in this subsection A5 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.

6. On publicly owned lands unless such lands are designated for the use by utility terrain vehicles or golf carts. For publicly owned lands to be designated for the use by utility terrain vehicles or golf carts, 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 A6 limits in any way liability which otherwise exists for the wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. (Ord. 2011-1258, 10-4-2011)
7. At a rate of speed too fast for conditions, and the fact that the speed of the utility terrain vehicle or golf cart 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. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)
8. On the frozen surface of public waters of this state within one hundred feet (100') of a person, including a skater, not in or on a utility terrain vehicle or golf cart, or 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 golf cart. This subsection 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 golf cart upon private property or frozen waters of this state.
9. 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 golf cart. This subsection 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 golf cart upon the private property or frozen waters of this state.

#### B. Other Prohibitions:

1. No person, except persons permitted by law, shall operate or ride any utility terrain vehicle or golf cart with any firearm in his or her possession unless he or she is in compliance with section 2.33 of the wildlife code.
2. No person shall operate any utility terrain vehicle or golf cart emitting pollutants in violation of standards established pursuant to the environmental protection act.
3. No person shall deposit from a utility terrain vehicle or golf cart on the snow, ice or ground surface, trash, glass, garbage, insoluble materials, or other offensive matter. (Ord. 2011-1258, 10-4-2011)
4. No utility terrain vehicles will be allowed on village streets during the months of December, January and February and/or any other time that the village is attempting to remove snow and ice from the village streets. (Ord. 2011-1258, 10-4-2011; amd. 2016 Code)

#### **6-4-8: PENALTIES:**

Any person who violates any provision of this chapter shall be guilty of a petty misdemeanor and shall be punishable by a fine 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 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. 2011-1258, 10-4-2011)