

Ordinance No. 504

ORDINANCE PERMITTING THE USE OF GOLF CARTS AND UTILITY VEHICLES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF OKAWVILLE, WASHINGTON COUNTY, ILLINOIS

WHEREAS, it is deemed to be in the best interest of the people of the Village of Okawville, Washington County, Illinois,, to permit the controlled use of golf carts and utility vehicles; and,

WHEREAS, the Board of Trustees of the Village of Okawville, Washington County, Illinois, has determined that public safety will not be jeopardized or compromised by the use of golf carts or utility vehicles on roadways under the jurisdiction of the Village of Okawville under the terms and conditions hereinafter set forth; and,

WHEREAS, each community has the obligation to provide for the reduction of our national dependence on foreign oils; and,

WHEREAS, golf carts and utility vehicles are consistent with the Village's commitment to a cleaner, quieter, and less congested environment; and,

WHEREAS, golf carts and utility vehicles are an increasingly preferred means for transportation for residents;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Okawville, Washington County, Illinois, as follows:

SECTION 1: Recitals. The foregoing recitals are incorporated herein as the findings of the Village Board of Trustees.

SECTION 2: General. Golf carts and utility vehicles, as defined herein, shall be allowed on Village streets under the conditions as stated herein.

SECTION 3: Definitions.

A. "GOLF CART" shall be defined as 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.

B. "UTILITY VEHICLE" shall be defined as a self-propelled, gas or electronically powered four-wheeled motor vehicle or a vehicle with an engine displacement under Twelve hundred (1200) cubic centimeters which is capable of attaining in One (1) mile a speed of more than Twenty Miles Per Hour (20 MPH)

but not more than Thirty-Five Miles Per Hour (35 MPH) and which is steered and maneuvered with a steering wheel.

C. "VILLAGE STREETS" shall be defined as any streets within the corporate limits of the Village of Okawville.

SECTION 4: Requirements. All persons operating a golf cart or utility vehicle on the Village Streets must ensure compliance with the following:

A. Golf Carts and Utility Vehicles must be equipped with the following:

1. horn;
2. brakes and brake lights;
3. turn signals;
4. steering wheel apparatus;
5. tires;
6. rearview mirror;
7. approved "slow moving vehicle" emblem in the rear of the vehicle;
8. headlights that emit a white light visible from a distance of Five Hundred (500) feet to the front which must illuminate when in operation;
9. tail lamps that emit a red light visible from at least One Hundred (100) feet from the rear which must be illuminated when in operation.
10. seat belts for each driver and passenger seat in the vehicle.

B. Proof of current liability insurance.

C. No motor vehicle title or motor vehicle license is required. However, golf carts and utility vehicles must be certified with the Village by the Police Chief or his designated representative.

D. Must display the Village decal on the rear driver's side of the vehicle.

E. Must be 16 years of age and possess a current valid Illinois driver's license.

SECTION 5: Rules. All persons who operate a golf cart or utility vehicle on Village Streets must ensure compliance with the following rules:

- A. Must obey all traffic laws of the State of Illinois and the Village of Okawville.
- B. Must be operated on Village streets, except where prohibited.
- C. Must protect the eyes of persons in front seats either via a windshield or the wearing of protective eyewear.
- D. May not be operated on streets, highways, and roads under the jurisdiction of the Illinois Department of Transportation (Illinois Routes 177 and 160: High Street, Front Street, and Elm Street) except to cross at designated streets.
- E. May only be operated on streets/roadways that have a posted speed limit of 25 miles per hour or less.
- F. A person who is operating or who is in actual physical control of a golf cart or utility vehicle as described herein on a roadway while under the influence of alcohol or drugs is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500-11-502.)
- G. Golf carts and utility vehicles shall not be operated on sidewalks or in community parks other than parking areas with the following exception:
 - 1) The Village of Okawville will allow golf carts and utility vehicles on the sidewalk along Illinois Route 177 (East High Street) **only** from North Hanover Street to Waterworks Road.
 - 2) Operators of golf carts and utility vehicles acknowledge that the State of Illinois does not allow any motor driven vehicles on sidewalks.
- H. All operators of golf carts and utility vehicles must adhere to child safety restraint laws pursuant to the Illinois Compiled Statutes.
- I. Any operator or passenger in a golf cart or utility vehicle must be in a sitting position and wearing a seatbelt while the vehicle is in motion.
- J. A person is NOT eligible to operate a golf cart or utility vehicle upon any street, roadway, or highway within the corporate limits of the Village of Okawville unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.
- K. Except as otherwise provided for in paragraph L, no person operating a golf cart or utility vehicle shall make a direct crossing upon or across any highway under state jurisdiction.

L. A person may make a direct crossing at an intersection controlled by a two-way STOP sign across a highway under the jurisdiction of the state if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

M. May be operated 24 hours daily without restriction. However, curfew hours are in effect for those operators under the age of Eighteen (18.)

N. Headlights must be illuminated at all times while in operation on Village streets.

SECTION 6: Permits.

A. No person shall operate a qualified golf cart or utility vehicle without first obtaining a permit from the Chief of Police or his designated representative as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. The cost of the permit is Thirty-Five Dollars (\$35.00) annually. Insurance coverage will be verified by the Police Department and in effect when obtaining or renewing a permit.

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

- 1) Name and address of applicant;
- 2) Name of liability insurance carrier and policy number;
- 3) Serial number, make, model, and description of golf cart or utility vehicle;
- 4) Waiver of liability signed by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart or utility vehicle on the Village Streets;
- 5) Photocopy of applicable liability insurance coverage specifically for the vehicle to be operated pursuant to the permit;
- 6) Photocopy of the operators' current driver's license(s); and
- 7) Such other information as the Village may require.

C. No permit shall granted unless the following conditions are met:

- 1) The vehicle must be inspected by the Chief of Police or his designee to ensure that the vehicle is safe to operate on Village streets and is in compliance with this ordinance;

- 2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart or utility vehicle on Village streets;
- 3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Compiled Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.
- 4) The Village may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of the Ordinance or there is evidence that the permittee cannot safely operate a qualified golf cart or utility vehicle on the designated roadways.

SECTION 7: Violations. Any person who violates any provision of this Ordinance shall be punished in accordance with the Section 1-1-20 of the Village Code of the Village of Okawville. Any second (or subsequent violations) 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 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 by the President and Board of Trustees of the Village of Okawville, Illinois, on the 29th day of July 2013, and deposited and filed in the office of the Village Clerk of said Village on that date.

Trustee vote:

Aye:

Nay:

Abstain:

Absent:

(Seal)

Attest:

Approved:

Village Clerk

Village President

ALTERNATIVE TRANSPORTATION PERMIT APPLICATION

PURPOSE: This application is for a permit to operate a golf cart/utility vehicle on Village of Okawville streets in accordance with Village of Okawville Ordinance No. 504

APPLICANT INFORMATION

NAME _____ DATE OF BIRTH _____

ADDRESS _____ TELEPHONE _____

DRIVER'S LICENSE NUMBER _____

STATE ISSUED _____ EXPIRATION DATE _____

LIABILITY INSURANCE CARRIER _____

POLICY NUMBER _____ EXPIRATION DATE _____

GOLF CART/UTILITY VEHICLE INFORMATION

MAKE _____ MODEL _____ COLOR _____

SERIAL NUMBER _____ NUMBER OF SEATS _____

DESCRIPTION OF VEHICLE _____

CHECK ONE: NEW APPLICATION ()

RENEWAL ()

I, (print name) _____ hereby acknowledge receipt of the Village of Okawville's Ordinance No. 504 and affirm that all information provided above to be true and factual. Further, by signing below, I agree to abide by Village Ordinance No. 504.

SIGNATURE _____

DATE _____

ALTERNATIVE TRANSPORTATION INSPECTION REPORT

DATE OF INSPECTION: _____ TIME OF INSPECTION: _____

APPLICANT'S NAME: _____

VEHICLE MAKE/MODEL: _____ SERIAL # _____

PLEASE CHECK (X) FOR COMPLIANCE:

Horn _____ Brakes _____ Turn Signals _____ Steering Wheel _____

Tires _____ Rearview Mirror _____ Headlight _____ Tail Light _____

Brake Lights _____ Slow Moving Vehicle Emblem _____ Seat Belts/Restraints _____

The above described vehicle was inspected and is in compliance with regulations set forth by Village Ordinance for operation within the Village of Okawville, Illinois.

INSPECTOR SIGNATURE : _____

INSPECTION TYPE (check one) : New _____ Renewal _____

RELEASE OF LIABILITY AND HOLD HARMLESS AGREEMENT

Release executed this _____ day of _____, 20 _____, by

_____, whose address is

_____, Okawville, Washington

County, Illinois, hereinafter for convenience referred to as "Releasor".

In consideration of being permitted the use of a golf cart or utility vehicle on streets in the Village of Okawville, Washington County, Illinois, Releasor, for himself/herself and his/her representatives, assigns, heirs, and next of kin, releases, waives discharges, and covenants not to sue the Village of Okawville, Washington County, Illinois, its officers, agents, and employees, all hereinafter for convenience referred to as "Releasees", from all liability to the Releasor, his/her personal representatives, assigns, heirs, and next of kin, for all loss or damage, to any claim to damage therefor, on account of injury to the person or property, or resulting in the death of Releasor, whether caused by the alleged conditions of the Village streets or the negligence of any party resulting from, or occurring by reason of, Releasor's operation of, or occurring while the Releasor is operating, a golf cart or utility vehicle on roadways under the jurisdiction of the Village of Okawville, Washington County, Illinois.

Releasor agrees to indemnify Releasees, and each of them, from any loss, liability, damage, or cost Releasees may incur due to the operation by Releasor of a golf cart or utility vehicle within the corporate limits of the Village of Okawville, Washington County, Illinois.

Releasor agrees that this release, waiver, and indemnity is intended to be as broad and inclusive as permitted by the laws of the State of Illinois, and if any portion of this release is held invalid, it is agreed that the balance will, notwithstanding, continue in full force and effect.

Releasor, being of lawful age, in consideration being permitted to operate a golf cart or utility vehicle on roadways under the jurisdiction of the Village of Okawville, Washington County, Illinois, does for himself/herself, his/her personal representatives, assigns, heirs, and next of kin, hereby release and forever discharge Releasees of and from any and every claim, demand,

action, or right of action, of whatsoever kind or nature, either in law or in equity, arising from or because of any bodily injury or personal injury, known or unknown, death and/or property damage resulting, or to result, from any accident which may occur as the result of Releasor's operation of a golf cart or utility vehicle within the corporate limits of the Village of Okawville, or any activities in connection with such use, whether by negligence or other cause.

Releasor further states that he/she has carefully read the above Release, knows the contents of the Release, and signs this Release as his/her own free act. Releasor further acknowledges that the terms of this Release are contractual and not a mere recital.

Executed the date and year first above written.

Signature of Releasor

NAME: _____

ADDRESS: _____

TELEPHONE: _____

WITNESS: _____