

Ordinance Number # 1 - 6 - 3 - 13 A

AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED GOLF CARTS AND UTILITY-TERRAIN VEHICLES ON STREETS UNDER THE JURISDICTION OF THE CITY OF ORIENT, ILLINOIS

WHEREAS, the City of Orient has determined that the operation of qualified golf carts and utility golf carts and utility-terrain vehicles should be allowed under certain conditions on the streets under the jurisdiction of the City of Orient; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1428(e) authorizes municipalities, by ordinance to permit qualified golf carts to operate in the streets under the jurisdiction of the municipality; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1(d) authorizes municipalities, by ordinance to permit qualified utility-terrain vehicles as defined as "Neighborhood Vehicles" to be operated on the streets under the jurisdiction of the municipality if public safety would not be jeopardized; and

WHEREAS, the City of Orient has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1428(e) and 625 ILCS 5/11-1426.1(d), has determined the qualified golf carts and utility-terrain vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the city.

WHEREAS, the City of Orient shall enact an ordinance which shall allow qualified golf carts and utility –terrain vehicles to operate on municipal streets upon the terms and conditions stated herein.

BE IT ORDAINED BY THE CITY COUNCIL CITY OF ORIENT, ILLINOIS AS FOLLOWS:

- A. Golf carts and utility-terrain vehicles as defined and qualified herein shall be allowed on city streets under conditions stated herein.
- B. Definition:
  - a. A "Golf Cart" is defined as a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than twenty five miles per hour (25 mph) whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver
  - b. "Utility-Terrain Vehicle" shall mean a self-propelled, electrically powered four wheel motor vehicle or a self-propelled gasoline or diesel powered four wheel motor vehicle. "Neighborhood vehicle" includes ATV and ROHC (recreational off highway vehicle) type vehicles for this ordinance.

- C. Requirements: All persons wishing to operate a golf cart or a utility-terrain vehicle on the city streets must ensure compliance with the following requirements:
- a. Proof of current liability insurance
  - b. Must be certified with the city and have the vehicles certified with the city by inspection by the Chief of Police or designated representative.
  - c. Must comply with any published "Rules Concerning Alternative Transportation For the City of Orient" that may be published and updated periodically.
  - d. Must have a current city decal on the "Slow Moving Vehicle" emblem on the rear of the vehicle.
  - e. Must have a current, valid Illinois drivers license.
  - f. All golf cart and utility-terrain vehicles must be equipped as follows:
    - i. Horn;
    - ii. Brakes and Brake Lights;
    - iii. Turn Signals;
    - iv. A steering wheel or apparatus;
    - v. Tires;
    - vi. Rearview Mirror
    - vii. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709)
    - viii. Headlight that emits a white light visible from a distance of 300 feet to the front of which illuminates when in operation
    - ix. Tail Lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation
    - x. Standard muffled exhaust system, no excessive engine noise
    - xi. Any additional requirements which may be amended to 625 ILCS 5/11-1428 or the Illinois Vehicle Code.
  - g. Must obey all traffic laws of the State of Illinois and the City or Orient.
  - h. Must be operated only on city streets, except where prohibited.
  - i. Must not be operated in excess of posted speed limit and may not exceed 25 miles per hour.
  - j. A person operating or in control of a golf cart or utility-terrain vehicle 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)
  - k. Golf carts and utility-terrain vehicles shall not be operated on sidewalks nor on public or private property without permission.
- D. PERMITS:
- a. No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the city clerk as provided herein. Permits shall be granted for a period of one (1) year and be renewed annually. The cost of the permit is \$25. Insurance coverage to be verified by the Police Department when obtaining or renewing a permit.

- b. Every application for a permit shall be made on a form supplied by the city and shall contain the following:
  - i. Name and address of applicant;
  - ii. Name of Liability Insurance carrier;
  - iii. Make, model, serial number and description of golf cart or utility-terrain vehicle;
  - iv. Illinois Drivers License Number
- c. No permit shall be granted unless the following conditions are met.
  - i. The vehicle must be inspected by the City Chief of Police or designee to ensure that the vehicle is safe to operate on city streets and is in compliance with this ordinance and with the State of Illinois Motor Vehicle Code;
  - ii. 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-terrain vehicle on city streets.
  - iii. The applicant must provide evidence of insurance in compliance with 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. The city may suspend or revoke a permit granted hereunder upon finding that the holder has violated any provision of this ordinance or there is evidence that the permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on roadways.

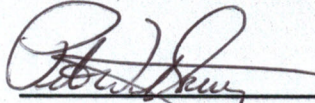
E. Violations:

- a. Vehicles with permits: Any person who violates any provision of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of \$75. Any second or subsequent offense shall result in the revocation or the inability to obtain the permit for a period of not less than three years nor more than five 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.
- b. Vehicles without permits: Golf carts and utility-terrain vehicles operated on Orient city streets without permits are not legal under this ordinance and are subject to the laws and punishments of the Illinois Vehicle Code.

F. MISCELLANEOUS

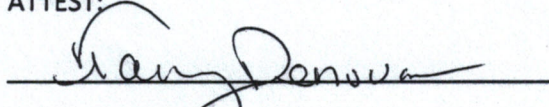
- a. In the event a court of competent jurisdiction declares any particular provision of the ordinance to be invalid or unenforceable, the remaining provisions of this ordinance shall be construed to be valid and enforceable. The invalidity of any part of this ordinance shall not affect any part of parts thereof.
- b. This ordinance shall be in full force and effect from and after passage and approval as provided by law.
- c. Any ordinance, or portion thereof, of the City of Orient which is contrary to this ordinance shall be deemed to be repealed.

Adopted, Ordained and Approved this 1<sup>st</sup> day of June, 2013



Pete Witkewiz City of Orient Mayor

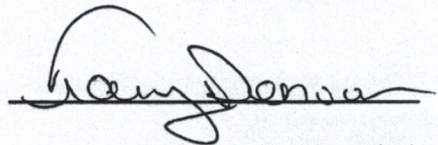
ATTEST:



Tammy Donovan, City Clerk

CERTIFICATION

I Tammy Donovan, City Clerk of the City of Orient, Franklin County, Illinois do hereby certify the foregoing Ordinance # 1-6-3-13<sup>A</sup> is true and correct original ordinance passed and approved by the Orient City Council at the regular meeting duly convened on June 1<sup>st</sup> 2013



Tammy Donovan, Orient City Clerk

