

ORDINANCE NO. 2017-1

AN ORDINANCE AMENDING ¹⁷ORDINANCE ~~846~~ AUTHORIZING THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD VEHICLES ON THE VILLAGE OF ROSEVILLE PUBLIC STREETS, AS AMENDED, TO INCLUDE ALL TERRAIN VEHICLES AND RECREATIONAL OFF-HIGHWAY VEHICLES

WHEREAS, the residents of the Village of Roseville have requested that the Village permit the use of golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles for travel on Village streets; and

WHEREAS, the Board of Trustees of the Village of Roseville has considered the volume, speed and character of traffic on the Village streets, and has determined that the usage authorized by this ordinance will not jeopardize the public safety; and

WHEREAS, Illinois law, 625 ILCS 5/11-1426.1 and 2, authorizes Illinois municipalities to regulate and allow golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle usage on municipal street under certain circumstances and conditions; and

WHEREAS, it is the intent of this ordinance to regulate the use of motorized golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles within the corporate limits of the Village of Roseville as authorized by state statute, 625 ILCS 5/11-1426.1 and 2.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roseville, Illinois as follows:

DEFINITIONS:

“Golf Cart” – means a vehicle specifically designed and intended for the purpose 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.

“Neighborhood Vehicle” – Self-propelled, electronically powered four-wheeled motor vehicle (or a self-propelled, gasoline powered four wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters) which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.R.F. Part 571.5000.

“Village Street” – Any of the streets within the boundaries of the Village of Roseville, Illinois, except for state and county roads.

"All-terrain vehicle" - Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers. (625 ILCS 5/1-101.8)

"Recreational off-highway vehicle" - Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highways tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. (625 ILCS 5/1-168.8)

POLICY STATEMENT:

This ordinance is adopted in the interest of public safety. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles are not designed or manufactured to be used on public streets and the Village of Roseville in no way advocates or endorses their operation on streets. The Village, by regulating such operation, is merely addressing safety issues. This ordinance is not to be relied upon as determination that operation on streets is safe or advisable even if done in accordance with this ordinance. All persons operating golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles must be observant of, and attentive to, the safety of themselves and others, including passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride in golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles on streets inside the Village of Roseville do so at their own risk and peril. The Village of Roseville has no liability under any theory of liability for permitting golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles to be operated on Village streets.

RULES AND REGULATIONS:

Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may only be operated on streets within the Village of Roseville in accordance with the following rules and regulations:

1. Any person who operates a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle in the Village of Roseville takes full responsibility for all liability associated with operating golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles.
2. Any person who operates a golf cart, neighborhood vehicle, all-terrain vehicles and recreational off-highway vehicle must be at least eighteen (18) years of age and possess a valid driver's license to operate a motor vehicle issued by Illinois or any other state.
3. Any person who operates a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle must possess proof of liability insurance, meeting Illinois statutory requirements.

4. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may be driven on streets only from 5 a.m. to 10 p.m.
5. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles shall have headlights and tail lamps lighted at all times when operated on Village streets.
6. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may not be operated when visibility is impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.
7. Golf carts, and neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may not be operated on sidewalks or in Village parks other than parking areas.
8. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may be operated on Village streets which have a posted speed limit of thirty-five (35) miles per hour or less, but golf carts, and neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may never exceed twenty (20) miles per hour.
9. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles may not be operated on the following state highways or county roads except to cross said highways at intersections in a path ninety (90) degrees to said highways: US 67, Illinois 116.
10. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles must be equipped as follows:
 - Horn;
 - Brakes and brake lights;
 - Turn signals;
 - A steering wheel apparatus;
 - Tires;
 - Rearview mirror;
 - Approved "slow moving vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation;
 - 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;
 - The permit number, at least 3" high, shall be displayed in the middle of the slow moving vehicle emblem on rear of said vehicle;
 - Any additional requirements of the Illinois Motor Vehicle Code.
11. Any person who operates a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle on the streets in the Village of Roseville must adhere to all

applicable state laws concerning the possession and use of alcoholic beverages, and all other illegal drugs as well as all other state traffic laws.

12. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles drivers must yield the right-of-way to overtaking vehicles at all times.

13. The maximum occupancy of golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles traveling on Village streets will be one person per bucket seat or two people per bench seat.

14. Children must be properly seated, with seatbelts for children under 6 years of age, while a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle is in motion, and may not be transported in a negligent manner.

15. Golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking sticker.

16. No unsafe modifications may be made to the suspension of a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle operated on Village streets.

17. All golf carts, neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles on the streets must be inspected by the person(s) or entity(s) designated by the Roseville Village Mayor or Village Board of Trustees, and must have valid permit documentation from the Village of Roseville visibly displayed on the back rear of the cart on the driver's side.

18. Neighborhood vehicles with motors in excess of 900 cc shall not be permitted under this ordinance.

PERMITS:

1. No person shall operate a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle without obtaining a permit from the Village of Roseville as provided in this section.

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

- a. Name and address of applicant;
- b. Name of liability insurance carrier;
- c. The serial number, make, model and description of golf cart or neighborhood vehicle;
- d. Signed release and waiver of liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from their operation on Village streets;
- e. Photocopy of applicable liability insurance coverage card specifically for the

vehicle to be operated pursuant to the permit:

- f. A permit application fee of \$25.00 shall be charged to all applicants;
- g. Such other information as the Village may require.

3. Permits shall be granted for a period of one year from the period January 1st to December 31st and may be renewed annually.

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

- a. The vehicle must be inspected by the designated representative to insure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
- b. 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 Village streets;
- c. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.

5. Insurance coverage will be verified as in effect by the Village of Roseville when issuing or renewing a permit.

6. The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this Article or there is evidence that permittee cannot safely operate a qualified golf cart on the designated roadways.

7. The Village Mayor and the Village Clerk shall monitor the administration and enforcement of this ordinance.

ENFORCEMENT:

1. Any violation of this ordinance shall be punishable by a fine of not less than \$75.00 plus applicable court costs nor more than \$150.00 and applicable court costs for each violation.

2. A second violation of this ordinance shall, in addition to being subject to fine, be grounds for the revocation of the vehicle's permit issued for a period of up to one (1) year.

3. Upon investigation by and the recommendation of the corporate authorities, the Village Board may suspend or revoke any permit granted hereunder upon a finding that there is evidence that the permittee cannot safely operate a motorized golf cart, neighborhood vehicle, all-terrain vehicle or recreational off-highway vehicle on the designated streets.

4. The Board of Trustees of the Village of Roseville reserves the right to amend or repeal this ordinance at any time, and if such amendment or repeal affects the rights of permit holders, all permit holders will be notified thereof by the Village by first class mail sent to the address listed on a permittee's application.

5. No person receiving a permit pursuant to the terms of this ordinance shall have any legal right to the continuation of said ordinance regardless of the cost of rendering a golf cart, neighborhood vehicle, all-terrain vehicle and recreational off-highway vehicle in compliance with this ordinance for the purpose of its operation in the Village of Roseville pursuant to this ordinance.

6. The Village of Roseville shall not under any circumstances be liable for any expenses incurred by an applicant or licensee for that application and/or modification of such golf carts, and neighborhood vehicles, all-terrain vehicles and recreational off-highway vehicles to comply with the requirement of this ordinance.

GENERAL:

The Street Superintendent shall post appropriate signs as soon as practical.

This ordinance shall be published in pamphlet form and become effective upon its passage and publication as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Roseville, Illinois, this 1st day of May, 2017.

[Signature]
 President of the Board of Trustees
 Village of Roseville, Illinois

[Signature]
 Village Clerk
 Village of Roseville, Illinois

Roll Call Vote:

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ASSENT

ATTEST:

[Signature]
 Village Clerk
 Village of Roseville, Illinois

(CORPORATE SEAL)