

ORDINANCE NO. 2, SERIES 2021

AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2019, ALLOWING AND REGULATING THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD VEHICLES IN THE VILLAGE OF JOY, MERCER COUNTY, ILLINOIS

WHEREAS, Illinois law, 625 ILCS 5/11-1426.1 and 2 authorizes Illinois municipalities to regulate and allow golf carts and neighborhood vehicles usage on municipal streets under certain circumstances and conditions; and

WHEREAS, it is the intent of this Ordinance to regulate the use of motorized golf carts and neighborhood vehicles within the corporate limits of the **Village of Joy** as authorized by state statute, 625 ILCS 5/11-1426.1 and 2; and

WHEREAS, the **Village of Joy**, Mercer County, Illinois is charged with the health, safety, and welfare of its citizens which extends to public safety on the Village roadways, and the Board of Trustees at a duly held public meeting has determined that it is appropriate and necessary, for the public safety of the citizens of the Village of Joy, to regulate and license the use of Golf Carts and Neighborhood Vehicles as fuel efficient transportation in the Village, the Village desires to provide for by this Ordinance.

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF JOY, MERCER COUNTY, ILLINOIS:

SECTION 1

DEFINITIONS: Unless otherwise specified, the words and phrases herein defined are to be used in this ordinance in the sense given them as follows:

- A. **Village Official:** Village President or anyone designated by the Village President.
- B. **Village Street:** Any of the streets within the boundaries of the **Village of Joy**, except for Illinois Route 17.
- C. **State Roads:** Illinois Route 17
- D. **Golf Cart:** 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.

- E. **Neighborhood Vehicle:** A self-propelled, electronically powered four-wheeled motor vehicle (or a self-propelled, gasoline powered four-wheeled motor vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters) which is capable of attaining in one (1) mile a speed of more than twenty (20) miles per hour, but not more than twenty-five (25) miles per hour, and which conforms to federal regulations under Title 49 C.R.F. Part 571,500.

SECTION 2

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

SECTION 3

RULES AND REGULATIONS: Golf carts and neighborhood vehicles may only be operated on streets within the **Village of Joy** in accordance with the following rules and regulations.

- A. Any person who operates a golf cart or neighborhood vehicle in the **Village of Joy** takes full responsibility for all liability associated with operating the golf cart or neighborhood vehicle.
- B. Any person who operates a golf cart or neighborhood 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.
- C. Any person who operates a golf cart or neighborhood vehicle must possess proof of liability insurance, meeting Illinois statutes requirements.
- D. A golf cart or neighborhood vehicles may be driven on **Village** streets only from sunrise to ten o'clock P.M.
- E. A golf cart or neighborhood vehicle shall have its headlight and tail lamps lighted at all times when operated on **Village** streets.
- F. A golf cart or neighborhood vehicle may not be operated on **Village** streets 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 five hundred (500) feet.

- G. A golf cart or neighborhood vehicle may not be operated on sidewalks or in **Village** parks other than parking areas.
- H. A golf cart or neighborhood vehicle may be operated on **Village** streets which have a posted speed limit of thirty-five (35) miles per hour or less, but may never exceed twenty (20) miles per hour.
- I. A golf cart or neighborhood vehicle may not be operated on the following state highways, county roads, or Village streets except to cross said highways, roads, or streets at intersections in a path ninety (90) degrees to said highways, roads, or streets:
 - a. Illinois Route 17
 - b. Washington Street (County Road 110th Street)
- J. Golf carts and neighborhood vehicles must be equipped as follows:
 - a. Horn
 - b. Brakes and brake lights
 - c. Turn signals if operated after sunset
 - d. A steering wheel apparatus
 - e. Tires
 - f. Rearview mirror
 - g. Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must be illuminated when in operation
 - h. 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
 - i. Orange flag, attached so as to be between seven (7) and eight (8) feet above the ground
 - j. Any additional requirements of the Illinois Motor Vehicle Code.
- K. Any person who operates a golf cart or neighborhood vehicle on the streets in the **Village of Joy** 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.
- L. Golf cart or neighborhood vehicle drivers must yield the right-of-way to overtaking vehicles at all times.
- M. The maximum occupancy of golf carts or neighborhood vehicles traveling on **Village** streets shall be one (1) person per bucket seat or two (2) people per bench seat.
- N. Children must be properly seated, with seatbelts for children under six (6) years of age, while said golf cart or neighborhood vehicle is in motion, and may not be transported in a negligent manner.
- O. A golf cart or neighborhood vehicle may park in a handicapped parking space only if the driver or at least one passenger has a valid handicap parking sticker.

- P. No unsafe modifications may be made to the golf cart or neighborhood vehicle.
- Q. All golf carts and neighborhood vehicles on **Village** streets must be inspected by the person(s) or entity(s) designated by the Village President or Village Board of Trustees, and must have valid permit documentation from the **Village of Joy** visibly displayed on the back rear of the vehicle on the driver's side.

SECTION 4

PERMITS: No golf cart or neighborhood vehicle shall operate on **Village of Joy** streets unless furnished with a permit from the **Village** as provided in this section.

- A. 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 owner / 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 owner / 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. Photocopy of applicant's Illinois driver's license
 - g. A permit application fee of ten (\$10.00) dollars
 - h. Such other information as the **Village** may require
- B. Permits shall be granted for a period of one (1) year and may be renewed annually, thirty (30) days before or fifteen (15) days after the original date of permit issuance.
- C. 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 or neighborhood vehicle on **Village** streets
 - c. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.
- D. Insurance coverage will be verified as in effect by the **Village of Joy** when issuing or renewing a permit.

- E. 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 or neighborhood vehicle on the designated streets.
- F. The Village President and Village Board of Trustees shall monitor the administration and enforcement of this Ordinance.

SECTION 5

ENFORCEMENT:

- A. Any violation of this Ordinance shall be punishable by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each violation.
- B. A second violation of this Ordinance shall, in addition to being subject to fine, be grounds for the revocation of the vehicle permit issued for a period up to one (1) year.
- C. Upon investigation by and the recommendation of the Village President, the Village Board of Trustees may suspend or revoke a permit granted hereunder upon a finding that there is evidence that the permittee cannot safely operate the golf cart or neighborhood vehicle on the designated streets.
- D. The Board of Trustees of the **Village of Joy** 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 certified mail or direct contact.
- E. 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 or neighborhood vehicle in compliance with this Ordinance for the purpose of its operation in the **Village** pursuant to this Ordinance.
- F. The **Village of Joy** shall not under any circumstances be liable for any expenses incurred by an applicant or licensee for the acquisition and / or modification of such golf cart or neighborhood vehicle to comply with the requirements of this ordinance.

SECTION 6

This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 21st day of April, 2021 and approved by the President of the Village of Joy, Mercer County, Illinois this 21st day of April, 2021.

Mark Heater, Village President

ATTEST:

Gwen Pritchett, Village Clerk

STATE OF ILLINOIS)
)
County of Mercer)

I, Gwen Pritchett, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **“ORDINANCE NO. 2, SERIES 2021, AN ORDINANCE AMENDING ORDINANCE NO. 9, SERIES 2019, ALLOWING AND REGULATING THE OPERATION OF GOLF CARTS AND NEIGHBORHOOD VEHICLES IN THE VILLAGE OF JOY, MERCER COUNTY, ILLINOIS”**, which was adopted by the President and Board of Trustees of said Village on the 21st day of April, 2021 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 21st day of April, 2021.

Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)