

**CITY OF TUSCOLA POLICE DEPARTMENT
GOLF CART
INSPECTION CHECKLIST**

APPLICANT: _____

PLEASE CHECK ALL OF THE FOLLOWING ITEMS THAT APPLY.

- _____ APPLICATION COMPLETED
- _____ PROOF OF LIABILITY INSURANCE INCLUDED

REQUIRED EQUIPMENT:

- _____ BRAKES
- _____ STEERING APPARATUS
- _____ TIRES
- _____ REARVIEW MIRROR
- _____ SLOW MOVING VEHICLE EMBLEM ATTACHED TO REAR OF VEHICLE
- _____ HEADLIGHTS, WHITE LIGHT
- _____ TAILLIGHTS, RED
- _____ BRAKE LIGHTS
- _____ TURN SIGNALS, FRONT AND REAR
- _____ HORN

- _____ OWNER IN POSSESSION OF COPY OF ORDINANCE
- _____ LICENSE FEE PAID (\$25.00)
- _____ STICKER ISSUED FOR VEHICLE (STICKER # _____)
- _____ EXPIRATION DATE _____
- (OFFICE USE ONLY)

SIGNATURE OF APPLICANT: _____

DATE _____

CITY OF TUSCOLA
214 N. MAIN ST.
TUSCOLA, IL 61953

APPLICATION FOR GOLF CART LICENSE

1. Name of Applicant: _____
2. Address of Applicant: _____ Phone#: _____
3. Is the Applicant the owner of the golf cart? Yes No (check one)
4. Date of Birth of Applicant: _____
5. (A) Does the Applicant have a valid Illinois driver's license? Yes No (check one)
 (B) Driver's license number: _____
6. (A) Does the Applicant have liability insurance on the golf cart? Yes No (check one)
 (B) Name, address and phone of insurance company _____

- (C) Policy number: _____
- (D) Attach photocopy of your insurance card to the application.
7. Applicant, please attach to the application a check in the amount of \$25.00 made to the order of the City of Tuscola as the license fee.

Dated this _____ day of _____, 20_____.

I have received, read and understand an Ordinance Regulating the Use of Golf Carts Within the City of Tuscola (Ordinance 2009-O-13). I acknowledge and agree that I will assume ALL liability, and am fully responsible for the operation of the above vehicle. I also acknowledge and agree that the City of Tuscola, in authorizing and providing regulations, is in no way endorsing said operation, and does not and will not assume any liability in said operation. I AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF TUSCOLA, for any and all liability arising from said operation.

I further acknowledge and agree that the City's interpretation of said Ordinance is final and that I will obey all regulations in said Ordinance.

Signature of Applicant

City of Tuscola Police Department:

Inspected and approved this _____ day of _____, 20_____.

Officer: _____ License Sticker # _____

**UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER,
DISCHARGE AND COVENANT NOT TO SUE**

This is a legally binding UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE, AND COVENANT NOT TO SUE made by me, _____, (hereinafter referred to as Operator) to the City of Tuscola (hereinafter referred to as City.)

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART ON CITY STREETS. THE FOLLOWING IS A DESCRIPTION AND/OR EXAMPLES OF SIGNIFICANT DANGERS AND RISKS ASSOCIATED WITH THIS ACTIVITY: INJURY TO MYSELF OR OTHERS, DAMAGE TO MY PROPERTY OR THAT OF OTHERS, DEATH OF MYSELF OR OTHERS.

IN NO EVENT SHALL THE CITY BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER ARISING IN TORT, CONTRACT OR ANY OTHER LEGAL THEORY, IN CONNECTION WITH OR ARISING OUT OF OPERATOR'S USE OF A GOLF CART ON CITY STREETS.

THE OPERATOR, AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE CITY AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHATSOEVER KIND AND NATURE INCLUDING, WITHOUT BEING LIMITED TO INJURY, DAMAGE, LOSS INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS GOLF CART ON CITY STREETS.

I understand that the City has an Ordinance governing the use of qualified golf carts on City streets and hereby agree to conform with all requirements of the City Ordinance at all times. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance as well as all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart on City streets.

I, THEREFORE, AGREE TO ASSUME AND TAKE ON MYSELF ALL OF THE RISKS AND RESPONSIBILITIES IN ANY WAY ASSOCIATED WITH THIS ACTIVITY. IN CONSIDERATION OF AND RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART ON CITY STREETS, I RELEASE THE CITY (AND THE CITY COUNCIL, EMPLOYEES, AND AGENTS) FROM ANY AND ALL LIABILITY, CLAIMS AND ACTIONS THAT MAY ARISE FROM INJURY OR HARM TO ME OR OTHERS, INCLUDING DEATH, OR FROM DAMAGE TO MY PROPERTY OR PROPERTY OF ANY OTHER IN CONNECTION WITH THIS ACTIVITY. I UNDERSTAND THAT THIS RELEASE ALSO COVERS LIABILITY, CLAIMS AND ACTIONS CAUSED ENTIRELY OR IN PART BY ANY ACTS OR FAILURES TO ACT, INCLUDING BUT NOT LIMITED TO NEGLIGENCE, MISTAKE, OR FAILURE TO ENFORCE, SUPERVISE, OR MAINTAIN.

I assure the City that there are no health-related reasons or problems which preclude or restrict my participation in this activity. I further assure the City that I have adequate health and liability insurance necessary to provide for and pay any medical costs or property damage that may directly or indirectly result from my participation in this activity, and I will indemnify and hold the City harmless for any such medical costs or property damage.

I understand that this Release means I am giving up, among other things, rights to sue the City, its City Council, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

Operator's Signature

Date

CITY OF TUSCOLA

DOUGLAS COUNTY, ILLINOIS

ORDINANCE NO. 2009-0-13

July 13, 2009

**AN ORDINANCE REGULATING THE USE OF GOLF CARTS WITHIN THE
CITY OF TUSCOLA**

PREAMBLE

WHEREAS, the City of Tuscola, Douglas County, Illinois, (hereinafter the "City") is a duly established and functioning home-rule municipal corporation; and

WHEREAS, the City has studied the benefits of allowing the use of golf carts on streets controlled and regulated by the City of Tuscola, Illinois;

WHEREAS, the City Council of the City of Tuscola, Illinois has considered the volume, speed, and character of traffic on City streets; and

WHEREAS, Illinois statute 625 ILCS 5/11-1428 authorizes municipalities to regulate the use of golf carts on municipal streets;

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF TUSCOLA, DOUGLAS COUNTY, ILLINOIS, THAT:**

ARTICLE I
POLICY STATEMENT

The City of Tuscola, in passing this Ordinance, is not advocating or endorsing the use of golf carts on City streets. Other means of travel may be safer than a golf cart. All persons who operate golf carts within the City of Tuscola do so at their own risk and peril. In passing this Ordinance, the City of Tuscola does not accept any level of liability for accidents, collisions, injuries or death, or destruction of property. In passing this Ordinance, the City is merely regulating the use of golf carts on City streets, as invited by the law of the State of Illinois, in an attempt to increase safety on City streets.

ARTICLE II

Golf carts specifically defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

ARTICLE III

DEFINITIONS

1. A "Golf Cart", as defined herein, means a vehicle specifically designed and intended for the purposes of transporting one (1) 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.

2. "City Streets" means any of the streets within the boundaries of the City of Tuscola, Illinois excluding any street which is under the jurisdiction of a unit of government other than the City of Tuscola, Illinois, including, but not limited to Tuscola Township, Douglas County, or the State of Illinois.

ARTICLE IV
REQUIREMENTS

All persons wishing to operate a golf cart on the City Streets must ensure compliance with the following requirements:

1. Proof of current liability insurance.
2. Must be certified with the City and have the vehicles certified with the City by inspection by a designated representative.
3. Must display City decal on the rear of the vehicle.
4. Must have a current, valid Illinois drivers license.
5. Golf carts must be equipped as follows:
 - (1) Horn;
 - (2) Brakes and brake light;
 - (3) Turn signals;
 - (4) A steering wheel apparatus;
 - (5) Tires;
 - (6) Rearview mirror;
 - (7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle
(625 ILCS 5/12-709);
 - (8) Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation;
 - (9) 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;

(10) Any additional requirements which may be amended to 65 ILCS 5/11-1428 or the Illinois Motor Vehicle Code.

6. Must obey all traffic laws of the State of Illinois.
7. Must be **eighteen (18) years** of age.
8. Must be operated only on the City streets, except where prohibited.
9. May not be operated on streets under the jurisdiction of Tuscola Township, Douglas County, or the State of Illinois, except to cross said streets at designated crossing points. Subject to approval by the Illinois Department of Transportation, the designated crossing points shall be a path ninety (90) degrees to said streets and with the use of traffic signals at: 1) Niles Avenue/Egyptian Trail at intersection with US Route 36; and 2) Embarras Avenue at intersection with US Route 36.
10. Must not be operated in excess of posted speed limit and, regardless, may not exceed **thirty-five (35) miles per hour**.
11. A person operating or who is in actual physical control of a golf cart 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**).
12. Each golf cart may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individuals may ride on any other portion of the golf cart.
13. Children must be restrained in a golf cart in the same manner required as if they were in an automobile. Car seat and seatbelts laws shall be followed when children are in golf carts.

14. Whenever being operated on City streets headlights and taillights shall be illuminated.

ARTICLE V

PERMITS

1. No person shall operate a qualified golf cart without first obtaining a permit from the Chief of Police. Only an individual with a valid permit shall be allowed to operate a golf cart on the streets with the City of Tuscola and said individual shall only be allowed to operate golf carts on City streets that have been inspected and approved for travel on City streets and feature a City decal as detailed above.
2. Permits shall be granted for a period of **one year** from the date designated on the permit.
3. The cost of the permit is **Twenty-Five Dollars (\$25.00)**.
4. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.
5. Every application for a permit shall be made on a form supplied by the City and shall contain 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;
 - d. Signed Waiver of Liability by applicant releasing the City and agreeing to defend, indemnify and hold the City harmless from any and all future claims resulting from the operation of their golf carts on City Streets relating to the golf cart owned or operated by the

applicant;

- e. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
- f. Such other information as the City may require;

- 6. 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 City streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
 - b. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance.
- 7. Operating a golf cart on City streets is a privilege and not a right. Any person who has a permit to operate a golf cart on City streets and is found to have violated this Ordinance may have his or her permit suspended or revoked by the Chief of Police. Decisions of the Chief of Police shall only be reversed or modified by a majority vote of the City Council of the City of Tuscola, Illinois.
- 8. Anyone found to operate a golf cart on City of Tuscola streets, operate a golf cart within the City of Tuscola in an area where golf carts are not allowed, or to operate a golf cart that has not been approved by the City for travel on City streets shall be subject to a \$50.00 fine for the first violation, a \$100.00 fine for a second violation within a 365 day period, and a \$500.00 fine for a third violation within a 365 day period. The City Attorney shall have the authority to bring a complaint against an individual violating this Ordinance to recover the aforementioned fines and to seek an injunction against further violations of this Ordinance.

ARTICLE VI

Individuals are advised that the City of Tuscola is permitting the use of golf carts on City streets in limited circumstances and pursuant to current Illinois law. Individuals should view the use of golf carts on City streets as a program which could be suspended, modified, or ended at any time and effective immediately upon a majority vote of the City Council amending this Ordinance, upon a court ruling, or in the event of a change in the laws of the State of Illinois or United States of America. Individuals should consider these factors when making the decision to purchase golf carts or make potentially expensive upgrades to golf carts.

ARTICLE VII

Except as detailed above, all other Ordinances of the City of Tuscola shall retain their current language and remain in full force and effect.

ARTICLE VIII

SEVERABILITY

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE IX

EFFECTIVE DATE

This Ordinance shall become effective thirty days after its passage. The City Clerk shall cause notice to be published in a newspaper of general circulation within the County that this Ordinance has been adopted and that copies are available upon request to the City Clerk. In addition, copies of the ordinance shall be posted in the City Hall and Community Building. The publication shall be made within fifteen (15) days of the adoption of this Ordinance.

Presented, Passed and Approved at a regular meeting of the Mayor and City Council of the City of Tuscola, Douglas County, Illinois, this 13 day of July, 2009.

Upon Motion by HOEY, seconded by SEIP, adopted this 13 day of July, 2009 by roll call vote as follows:

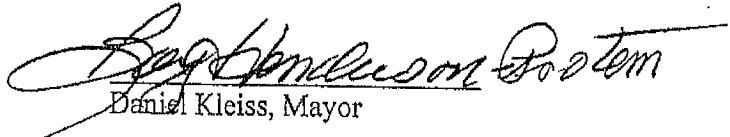
A YES (Names): CLELAND, HOEY, MAXEY, SEIP

NAYS (Names): HENDERSON, SLAUGHTER, TRUITT

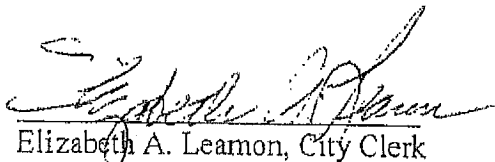
ABSENT (Names): BAILEY

Approved this 13 day of July, 2009.




Daniel Kleiss, Mayor

Attest:


Elizabeth A. Leamon, City Clerk