

## City of Tuscola- Code of Ordinances

### Ordinance pertaining to Golf Carts

#### 70.18 GOLF CARTS.

(A) Policy statement. The City of Tuscola, in passing this section, 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 do so at their own risk and peril. In passing this section, the city does not accept any level of liability for accidents, collisions, injuries or death, or destruction of property. In passing this section, 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.

(B) Golf carts specifically defined and qualified herein shall be allowed on city streets under the conditions as stated herein.

(C) Definitions. For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“CITY STREETS.” 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, including, but not limited to Tuscola Township, Douglas County, or the State of Illinois.

“GOLF CART.” 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.

“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 four or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment for lawnmowers. (ILCS Ch. 625, Act 5, § 1-168.8) All references to “golf cart(s)” in this § 70.18 shall hereafter be deemed to refer to “golf cart(s) and recreational off-highway vehicle(s)”.

(D) 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 obtain a permit from the City of Tuscola and display it only upon the permitted vehicle.
- (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:
  - (a) Horn;
  - (b) Brakes and brake light;
  - (c) Turn signals;
  - (d) A steering wheel apparatus;
  - (e) Tires;
  - (f) Rearview mirror;
  - (g) Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (ILCS Ch. 625, Act 5 § 12-709);
  - (h) Headlight that emits a white light visible from a distance of 500 feet to the front which must illuminate when in operation;
  - (i) Tail lamp that emits a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
  - (j) Any additional requirements which may be amended to ILCS Ch. 625, Act 5 § 11-1426.1 or the Illinois Motor Vehicle Code.
- (6) Must obey all traffic laws of the State of Illinois.
- (7) Must be 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 90 degrees to said streets and with the use of traffic signals at:
  - (a) Niles Avenue/Egyptian Trail at intersection with US Route 36; and
  - (b) Embarras Avenue at intersection with US Route 36.

(10) Must not be operated in excess of posted speed limit and, regardless, may not exceed 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 ILCS Ch. 625, Act 5, §§ 11-500 through 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.

(E) Permits.

(1) No person shall operate a qualified golf cart without first obtaining a permit from the City of Tuscola. 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 permitted for travel on City streets and feature a City decal as detailed herein.

(2) Permits shall be granted by calendar year only, regardless of the date of issuance. There shall be no proration of the permit fee based on date of issuance.

(3) The cost of the permit is \$25.

(4) Insurance coverage is to be verified to be in effect by the City of Tuscola 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 applicant must certify, in writing on a form to be provided by the City, that the vehicle for which a permit is sought is safe to operate on City streets and is in compliance with this code 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 section 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. Anyone found to operate a golf cart on City of Tuscola streets, operate a golf cart within the city 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 fine for the first violation, a \$100 fine for a second violation within a 365-day period, and a \$500 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 section to recover the aforementioned fines and to seek an injunction against further violations of this section.

(F) 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 section, 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.

*(Ord. 2009-O-13, passed 7-13-09; Am. Ord. 2015-O-6, passed 6-22-05; Am. Ord. 2021-O-4, passed 5-24-21)*