

ORDINANCE NO. 1406-15
An Ordinance Authorizing the Operation of Golf Carts and
Neighborhood Vehicles on the City of Auburn Public Streets

WHEREAS, residents of the City of Auburn, Illinois have requested that the City permit the use of golf carts and neighborhood vehicles for travel on city streets; and

WHEREAS, the City Council of the City of Auburn has considered the volume, speed and character of traffic on the city streets, and has determined that the usage authorized by this Ordinance will not jeopardize the public safety; and,

WHEREAS, 625 ILCS 5/11-1426.1 and 625 ILCS 5/11-1426.2 authorizes Illinois municipalities to regulate and allow golf cart 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 within the corporate limits of the City of Auburn as authorized by state statute, 625 ILCS 5/11-1426.1 and 625 ILCS 5/11-1426.2.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Mayor and the City Council of the City of Auburn, Sangamon County, Illinois, that the Auburn Code of Ordinances be amended to add the following Chapter 17, Article X, Sec. 17-178 through Sec. 17-199 pertaining to the operation of golf carts on City streets, which shall read as follows:

Sec. 17-178 – Definitions.

"**Golf Cart**" means 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.

"**Neighborhood Vehicle**" means a self-propelled, electronically powered fourth-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.F.R. Part 571.500.

"**City Streets**" means any of the streets within the boundaries of the City of Auburn, Illinois, except for state and county roads.

"**Utility Terrain Vehicle**" means a self-propelled electrically powered four (4) wheel motor vehicle or a self-propelled gasoline or diesel powered four (4) wheel motor vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters which is cable of attaining in one mile a speed of more than fifteen (15) miles per hour but not more than twenty-five (25) files per hour and which conforms to the federal regulations under Title 49 CFR part 571.500.

"**All-Terrain Vehicles**" (ATV), also known as a **quad, quad bike, three-wheeler, or four-wheeler**, is defined by the American National Standards Institute (ANSI) as a vehicle that travels on low-pressure tires, with seats that is straddled by the operator, along with handlebars for steering control are not

allowed. It is designed to handle a wider variety of terrain than most other vehicles.

"Utility Terrain Vehicle" or "Implements of Husbandry" are accepted as long as they are placard properly and comply with the laws of the state of Illinois.

Sec. 17-179 -- 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, hereinafter "street(s)," and the City of Auburn in no way advocates or endorses their operation on streets. The City, 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 and neighborhood vehicles must be observant or, 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 City of Auburn do so at their own risk and peril. The City of Auburn has no liability under any theory of liability for permitting golf carts to be operated on city streets.

Sec. 17-180 -- Rules and Regulations.

Golf carts and neighborhood vehicles may only be operated on streets within the City of Auburn in accordance with the following rules and regulations:

- (a) Any person who operates a golf cart and neighborhood vehicle in the City of Auburn 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 must possess proof of liability insurance, meeting Illinois statute requirements.
- (d) Golf carts and neighborhood vehicles may be driven on streets only from sunrise to sunset.
- (e) A golf cart or neighborhood vehicle shall have its headlight and tail lamps lighted at all times when operated on city streets.
- (f) Golf carts or neighborhood 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.

- (g) Golf carts or neighborhood vehicles may be operated on city streets which have a posted speed limit of thirty-five (35) miles per hour or less, but golf carts may never exceed twenty (20) miles per hour.
- (h) Golf carts or neighborhood 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:
- Auburn Road West of Route 4
 - State Route 104 (Jackson Street)
 - State Route 4 (to cross Route 4, must cross at a controlled intersection, e.g., Trojan Road)
 - Divernon Road East of White Post Road
 - Divernon Road West of Auburn Shooting Complex
- (i) Golf carts and utility terrains shall not be operated on sidewalks or in the City parks other than parking areas.
- (j) Golf carts and neighborhood vehicles must be equipped with the following:
- Functioning Horn;
 - Functioning brakes and brake lights;
 - Functioning turn signals;
 - Rear view mirror;
 - Approved "Slow Moving Vehicle" emblem on the rear of the vehicle pursuant to 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 on the rear of said vehicle; and
 - 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 City of Auburn 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 city streets will be one person per bucket seat or two 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) Golf carts or neighborhood vehicles are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.
- (p) No unsafe modifications may be made to the vehicle's suspension.
- (q) All golf carts and neighborhood vehicles on the streets must be inspected by the person(s) or entity(s) designated by the Mayor or City Council of the City of Auburn, and must have valid permit documentation from the City of Auburn visibly displayed on the back rear of the cart on the driver's side.
- (r) Have a copy of the permit issued by the City, valid registration and valid insurance in the golf cart at all times.
- (s) Neighborhood vehicles with motors in excess of 1,200 cc shall not be permitted under this Ordinance.

Sec. 17-181. Utility Terrain Vehicles must be equipped with a minimum of the following properly operating and appropriate equipment:

- Functioning brakes and functioning brake lights;
- Functioning turn signals on the front and rear;
- Rearview mirror;
- Seat belts if the vehicle has manufactured rollover protection;
- Red reflectorized warning devices on the front and rear of the vehicle;
- Approved "slow moving vehicle" emblem on the rear of the vehicle;
- 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 on the rear of said vehicle; and
- Any additional requirements of the Illinois Motor Vehicle Code.

Sec. 17-183. Cost of Permit

There shall be an annual fee of \$75.00 payable upon completion of the application.

A special event temporary permit fee is \$25.00 payable upon completion of the application.

The City may issue a temporary special permit for use of golf carts or utility terrain vehicles that may not be in compliance with the requirements of this chapter and are valid and issued only during the special event. In all circumstances the applicant must provide and maintain evidence of insurance in compliance with the provisions of the Illinois statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

Sec. 17-184. Violations

It is unlawful for any person to drive or operate any golf cart or utility terrain vehicle in the following ways:

- (a) In violation of any requirement of this chapter
- (b) In a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the golf cart or utility terrain vehicle to a stop within the assured clear distance ahead
- (c) In such a manner as to endanger the life, limb or property of any person
- (d) Within any nature preserve as defined in Section 3.11 of the Illinois Natural Areas Preservation Act
- (e) On the tracks or rights-of-way of an operating railroad
- (f) In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto
- (g) On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating a utility terrain vehicle or off-highway motorcycle upon lands or another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and if requested to do so by the landowner, shall promptly remove the utility terrain vehicle or off-highway motorcycle from the premises
 - Notwithstanding any other law to the contrary, an owner, lessee or occupant of premises owes no duty of care to keep the premises safe for the entry or use by others of a utility terrain vehicle or off-highway motorcycle, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to drive or operate a utility terrain vehicle or off-highway motorcycle is

given for a valuable consideration other than to this state, any political subdivision or municipality of this state, or any landowner who is paid with funds from the off-highway vehicle trails fund. In the case of land leased to the state or a subdivision of the state, any consideration received is not valuable consideration within the meaning of this subsection.

- (h) Nothing in this subsection limits in any way liability which otherwise exists for wilful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.
- (i) On publicly owned lands, unless such lands are designated for use by utility terrain vehicles or off-highway motorcycles. For publicly owned lands to be designated for use by utility terrain vehicles or off-highway motorcycles, a public hearing shall be conducted by the governmental entity that has jurisdiction over the proposed land prior to the designation. Nothing in this subsection limits in any way liability which otherwise exists for wilful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.
- (j) At a rate of speed too fast for conditions, and the fact that the speed of the utility terrain vehicle or off-highway motorcycle does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle, or object within legal requirements and the duty of all persons to use due care.

Sec. 17-185. Enforcement.

- (a) Any violation of this Ordinance shall be punishable by a fine of \$150.00 for each violation.
- (b) A second violation of this Ordinance shall, in addition to being subject to time, be grounds for the revocation of the vehicle's permit issued for a period up to one (1) year.
- (c) Upon investigation by and the recommendation of the City of Auburn, the City Council may suspend or revoke a permit granted hereunder upon a finding that there is evidence that the permittee cannot safely operate the motorized golf cart or neighborhood vehicles on the designated streets.
- (d) The City Council of the City of Auburn 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 City by certified mail.
- (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 City of Auburn pursuant to this Ordinance.

- (f) The City of Auburn shall not, under any circumstances, be liable for any expenses incurred by an applicant or licensee for that applicant or licensee's cost for the acquisition and/or modification of such golf cart or neighborhood vehicle to comply with the requirements of this Ordinance.
- (g) All persons operating or who is in actual physical possession of a golf cart or a utility terrain vehicle as described herein on a roadway while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof is subject to the provisions of 625 ILCS 5/11-500 – 625 ILCS 5/502, *et. al.* (Driving Under the Influence)

Sec. 17-186 –Sec. 17-199 reserved

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

The Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance, are hereby repealed. This Ordinance shall be in full force and effect in accordance with the provisions set forth in Section 2-48(b) of the Code.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

If any part or portion of this Ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this Ordinance.

Passed this _____ day of September, 2015.

Ayes: _____

Nays: _____

Absent: _____

BARBARA STAMER
Mayor of the City of Auburn, Illinois

Attest: _____
Clerk of the City of Auburn, Illinois

CITY OF AUBURN
324 WEST JEFFERSON STREET
AUBURN, ILLINOIS 62615

APPLICATION FOR GOLF CART PERMIT

1. Name of Applicant: _____

2. Address of Applicant: _____

3. Is the Applicant the owner of the golf cart? Yes No (check one)

4. Date of Birth of Applicant: _____

5. Does the Applicant have a valid Illinois driver's license? Yes No (check one)

Driver's License Number: _____

6. *Does the Applicant have liability insurance on the golf cart? Yes No (check one)

Name, address and phone number of insurance company:

Policy Number: _____

*Attach photocopy of your insurance card to the application.

7. Applicant, please attach to the application a check in the amount of \$75.00 made payable to the City of Auburn for the permit fee.

Dated this _____ day of _____, 20 ____.

I have received, read and understand an Ordinance Regulating the Use of Golf Carts within the City of Auburn (Ordinance 1406-15). 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 Auburn, 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 AUBURN 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 Auburn Police Department

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

Officer: _____ License Sticker # _____

CITY OF AUBURN POLICE DEPARTMENT
GOLF CART
INSPECTION CHECKLIST

APPLICANT: _____

_____ APPLICATION COMPLETED

_____ LIABILITY INSURANCE ON FILE

REQUIRED EQUIPMENT:

_____ BRAKES

_____ STEERING APPARATUS

_____ TIRES

_____ REAR VIEW 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 (\$75.00)

_____ STICKER ISSUED FOR VEHICLE

STICKER # _____

EXPIRATION DATE: _____

INSPECTED BY: _____

DATE/TIME: _____

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

This is a legal 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 Auburn (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/UTV 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/UTV 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/UTV ON CITY STREETS.

I understand that the City has an Ordinance governing the use of qualified golf carts/UTVs 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/UTV 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/UTV 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.

Date

Operator's Signature

Print name