

**AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED
GOLF CARTS AND UTILITY-TERRAIN VEHICLES (NOT INTENDED FOR
4 WHEELERS) ON STREETS UNDER THE JURISDICTION OF THE
VILLAGE OF ASHTON, ILLINOIS**

ORDINANCE NO.: 091012

THE VILLAGE OF ASHTON

COUNTY OF LEE

STATE OF ILLINOIS

DATED THIS 10TH DAY OF SEPTEMBER, 2012

VILLAGE OF ASHTON, STATE OF ILLINOIS

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ADOPTED BY THE VILLAGE BOARD
OF THE VILLAGE OF ASHTON, ILLINOIS
DATED THIS 10TH DAY OF SEPTEMBER, 2012

Published in pamphlet form by the authority of the Village Board of Ashton, Lee County, Illinois, this 10th day of September, 2012

STATE OF ILLINOIS)

) SS. **CERTIFICATE**

COUNTY OF LEE)

I, DORTHY S. VAN DAM, certify that I am duly elected and acting municipal clerk of the Village of Ashton, Lee County, Illinois.

I further certify that on September 10, 2012, the Corporate Authorities of such municipality passed and approved an Ordinance Authorizing the Operation of Qualified Golf Carts and Utility Terrain Vehicles on Streets Under the Jurisdiction of the Village of Ashton, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of the Ordinance, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on _____, 2012, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Ashton, Illinois this ____ day of _____, 2012

DORTHY S. VAN DAM, Municipal Clerk

ORDINANCE NO. 091012

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WHEREAS, the Village of ASHTON has determined that the operation of qualified golf carts and utility golf carts and utility -terrain vehicles (not intended for 4 wheelers) should be allowed under certain conditions on the streets under the jurisdiction Village of ASHTON; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426.1 et seq. authorizes municipalities, by ordinance to permit qualified golf carts to operate in the streets under the jurisdiction of the municipality; and

WHEREAS, the Illinois Vehicle Code Section 625ILCS 5/11-1426.1(d) authorizes municipalities, by ordinance to permit qualified utility-terrain vehicles (not intended for 4 wheelers) as defined therein as "Neighborhood Vehicles" to be operated on the streets under the jurisdiction of the municipality if public safety would not be jeopardized; and

WHEREAS, the Village of ASHTON has considered the volume, speed and character of the traffic on the streets within its jurisdiction and has determined that, subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1426.1 et seq., has determined the qualified golf carts and utility-terrain vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the Village; and

WHEREAS, the Village of ASHTON wishes to enact an ordinance which shall allow qualified golf carts and utility-terrain vehicles (not intended for 4 wheelers) to operate on municipal streets upon the terms and conditions stated herein

BE IT ORDAINED BY THE VILLAGE OF ASHTON BOARD OF TRUSTEES, AS FOLLOWS:

A. Golf carts and utility-terrain vehicles (not intended for 4 wheelers), as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

B. Definitions:

1. A "**Golf Cart**" is defined as a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than twenty five miles per hour (25 m.p.h) whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver .
2. "**Utility-Terrain Vehicle**" (not intended for 4 wheelers) shall mean a self-propelled, electrically powered four wheel motor vehicle or self-propelled gasoline or diesel powered four wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters which is capable of attaining in one mile speed or more than 15 miles per hour and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.
3. "**Village Streets**" means any of the streets or alleys dedicated within the boundaries of the **Village of Ashton** except that Village streets should not include Cartwright Street, upon which there shall be no use of qualified golf carts or utility terrain vehicles.

C. Requirements:

All persons wishing to operate a golf cart or a utility-terrain vehicle on the Village streets must comply with the following requirements:

1. Proof of current liability insurance.
2. Must have the vehicle certified by the Village of Ashton by way of an inspection by the Chief of Police of the Village of Ashton or its designated representative.
3. Must have Village decal on the rear of the vehicle.
4. Must have current, valid Illinois drivers license.
5. Golf carts must be equipped as follows:
 - a. Horn
 - b. Brakes and Brake Lights;
 - 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 (625 ILCS 5/12-709):
 - h. Headlight that emits a white light visible from a distance of 300 feet to the front of which illuminate when in operation;
 - i. Tail Lamp that emits 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 651LCS5/11-1426.1 et seq. or the Illinois Vehicle Code.
7. Utility-terrain Vehicles must be equipped as follows:
 - a. Horn
 - b. Brakes and Brakes Lights;
 - c. Turn Signals on the front and rear;
 - d. A steering wheel apparatus;
 - e. Tires;
 - f. Rearview Minor;
 - f. Approved "**Slow Moving Vehicle**" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - g. Headlight that emits a white light visible from a distance of 300 feet to the front of which illuminate when in operation;
 - h. Tail Lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation
 - i. Any additional requirements which may be amended to 65 ILCS5/11-1426.1 et seq. or the Illinois Vehicle Code
8. Must obey all traffic laws of the State of Illinois and the Village of Ashton.
9. Must be 18 years of age.
10. No such golf cart or utility terrain vehicle shall carry a passenger eight (8) years of age or under.
11. No golf cart or utility terrain vehicle may carry more than two (2) passengers (including operator) per bench seat and no more than one passenger per each bucket seat.
12. Must be operated only on Village streets as defined (no operation on Cartwright Street and where otherwise prohibited).

13. A person operating a golf cart or utility terrain vehicle shall be allowed to cross a State highway, Village streets, County highway, or road district highway, if the operator off the non-highway vehicle makes a direct crossing provided:
 1. The crossing shall not be made on Brown Street.
 2. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;
 3. The non-highway vehicle is brought to a complete stop before attempting a crossing;
 4. The operator of the non-highway vehicle yields the right of way to a pedestrian and vehicular traffic which constitutes a hazard.
14. Must not be operated in excess of posted speed limit and, with respect to utility-terrain vehicles, may not exceed **25 miles per hour**.
15. A person operating or is in actual physical control of a golf cart or utility-terrain vehicle 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)**
16. **Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of Illinois Department of Transportation (Illinois State Route 38)**

D. PERMITS:

1. No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Village of Ashton or its designated representative as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. The **cost** of the permit is **\$50.00**. Insurance coverage to be verified by the Village of Ashton or designated representative when obtaining or renewing a permit.
2. Every application for a permit shall be made on a form supplied by the Village of Ashton and shall contain the following
 - a. Name and address of **applicant/and owner**, if different;
 - b. Name and address of the Liability **insurance carrier and insurance agent**;
 - c. The **serial number, make, model and description of golf cart or utility terrain vehicle**;
 - d. **Signed Waiver of Liability** by applicant releasing the Village of ASHTON and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart or utility terrain vehicle on the **Village of Ashton** streets
 - e. **Photocopy of applicable liability insurance coverage card** specifically for the vehicle to be operated pursuant to the permit;
 - f. Verification by applicant that all information contained in the permit application is true and accurate.
 - g. Such other information as the Village may require.

3. No permit shall be granted unless the following conditions are met:
 - a. The vehicle must be inspected by the "**Village of Ashton Chief of Police or its designated representative**" to insure that the vehicle is safe to operate on Village streets and is in compliance with this ordinance and with the **State of Illinois Motor Vehicle Code**;
 - b. The applicant must provide **evidence of insurance** in compliance with provisions of the Illinois Statutes regarding **minimum liability insurance** for passenger motor vehicle to be operated on the roads of the State of Illinois
4. The **Village of Ashton Chief of Police** may **suspend a permit granted** hereunder upon finding that the holder thereof has violated any provision of this ordinance or there is evidence that permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways. Such suspension shall be in effect until the next scheduled Village of Ashton Board meeting at which time said Board of Trustees shall by majority vote determine to continue such suspension or revoke said permit.
5. The **Village of Ashton Chief of Police** may from time to time restrict access to golf carts or utility terrain vehicles by posting said roads at any time which emergency circumstances require same in his discretion and at any time thereafter or otherwise with the advice and consent of Village Board.

E. VIOLATIONS:

Any person who violates any provisions of this ordinance shall be subject to penalties as set forth in at the Village of Ashton Ordinance number 101209, an Ordinance Amending and Replacing Section 110 Minimum Fine Schedule.

Any second or subsequent offense within one year shall result in the revocation of the permit for a period of not less than one year. Any second such suspension for two or more offenses, shall result in the revocation of the permit for a period of not less than three years. To the extent that any violation also constitutes violation of the criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

F. MISCELLANEOUS

1. In the event that a court of competent jurisdiction declares any particular provision of this ordinance to be invalid or unenforceable, the remaining provisions of this ordinance shall be construed to be valid and enforceable the invalidity of any part of this ordinance shall not affect any part of parts thereof.
2. This ordinance shall be in full force and effect from and after passage and approval as provided by law.
3. Any ordinance, or portion of thereof, of the **Village of Ashton** which is contrary to this ordinance shall be deemed to be repealed.

Adopted, Ordained and Approved this _____ day of _____, 2012

_____ Ayes
_____ Nays
_____ Absent
_____ Abstain

Approved:

JOHN MARTINEZ, Village President

Attested to:

DORTHY S. VAN DAM, Village Clerk

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

This is a legally-binding **UNCONDITIONAL AND FULL TO GENERAL RELEASE OF LIABILITY, WAIVER, DISCHARGE AND COVENANT NOT TO SUE** made by me, _____ (hereinafter referred to as OPERATOR) to the Village of Ashton (hereinafter referred to as "VILLAGE")

I FULLY RECOGNIZE THAT THERE ARE DANGERS AND RISKS TO WHICH I MAY BE EXPOSED BY OPERATING A GOLF CART OR UTILITY VEHICLE ON VILLAGE STREETS OF SESSER. 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 VILLAGE 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 OR UTILITY - TERRAIN VEHICLE ON VILLAGE STREETS

THE OPERATOR AS OF THE DATE BELOW, SHALL HEREINAFTER SAVE, HOLD HARMLESS AND INDEMNIFY THE VILLAGE AGAINST ANY AND ALL LIABILITY, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHAT SOEVER KIND AND NATURE INCLUDING WITHOUT BEING LIMITED, CLAIMS, CAUSES OF ACTION, AND COSTS OF WHAT SOEVER KIND AND NATURE INCLUDING DEATH, RESULTING FROM, ARISING OUT OF, OR OCCURRING IN CONNECTION WITH MY USE OF THIS GOLF CART OR UTILITY -TERRAIN VEHICLE ON VILLAGE STREETS.

I understand that the Village has an ordinance governing the use of qualified golf carts and utility-terrain vehicles on Village streets and I hereby agree to conform with all requirements of the Village 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 and said rules as well as all applicable traffic laws of the State of Illinois at all times when operating this golf cart or utility-terrain vehicle on Village streets.

I therefore, agree to assume and take on myself all the risks and responsibilities in any way associated with this activity. In consideration of and return for the opportunity to operate a golf cart or utility-terrain vehicle on Village streets, I release the Village (and Village Board of Trustees, 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 to 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 acts or failure to act, including but not limited to negligence, mistake or failure to enforce, supervise or maintain.

I assure the Village that there are no health-related reasons or problem which preclude or restrict my participation in this activity. I further assure the Village 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 Village harmless for any such medical costs or property damage.

I understand that this release means I am giving up, among other things, the rights to sue the Village, its Board of Trustees, 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.

WITNESSES: _____ Dated _____
_____ Dated _____

Operator's Signature