

ARTICLE XIII. GOLF CARTS

22-13-1. Policy Statement. The City of Arcola, 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 Arcola do so at their own risk and peril. In passing this Ordinance, the City of Arcola 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.

22-13-2. Golf carts on City streets. Golf carts specifically defined and qualified herein shall be allowed on City streets under the conditions as stated herein.

22-13-3. 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 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 and for the purposes of the Article shall include recreational off-highway vehicles

which are defined as 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 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers. (Ordinance 14-C-8, amended Sept. 15, 2014)

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

22-13-4. Requirements. All persons wishing to operate a golf cart on the City Streets must ensure compliance with following requirements:

1. Proof of current liability insurance, a copy of which shall be kept in the golf cart whenever used on City streets.
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 both sides of the vehicle.
4. Must have a current, valid Illinois driver's license.
5. Golf carts must be equipped as follows:
 - (1) Horn;
 - (2) Brakes and brake light;
 - (3) Front and rear turn signals;
 - (4) A steering wheel apparatus;
 - (5) Tires;
 - (6) Rearview mirror;
 - (7) Seat Belts for each passenger;
 - (8) Red reflector warning device on the front and rear;
 - (9) Yellow flashing light visible for at least 100' from the rear of the golf cart. Said lights must be turned on when operated one hour before sunrise or one hour before sunset;
 - (10) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - (11) Headlight that emits a white light visible from a distance of five hundred (500) feet to the front which must illuminate when in operation;

- (12) 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,
- (13) Any additional requirements which may be amended to 625 ILCS 5/11 – 1426.1 of 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 Arcola Township, Douglas County, or the State of Illinois, except to cross said streets, in which case the operator must make a direct crossing in which the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway; at a place where no obstruction prevents a quick and safe crossing; the golf cart is brought to a complete stop before attempting a crossing; the operator of the golf cart yields to the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.
(Ordinance No. 14-C-8, amended Sept. 15, 2014)
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 law shall be followed when children are in golf carts.

14. Whenever being operated on City streets headlights and taillights shall be illuminated.
15. Golf carts may only be operated on City streets from the hours of 6:00 a.m. until 9:00 p.m..
16. No person shall be in possession of or consume alcoholic beverages on or in a golf cart on City streets.
17. No person shall drive or be in control of a golf cart on City streets when an analysis of the person's blood, urine, breath or other bodily substance would disclose an alcohol concentration of more than 0.00 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

22-13-5. Permits.

1. No person shall operate a qualified golf cart without first obtaining a permit from the Chief of Police or his designee. A copy of said permit shall be kept in the golf cart whenever used on City streets. Only an individual with a valid permit shall be allowed to operate a golf cart on the streets with the City of Arcola 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 only year for the date designated on the permit. Renewal date is annually March 1st regardless of when the permit was granted.
3. The cost of the permit is Fifty Dollars (\$50.00).
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.

22-13-6. Penalties.

1. 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 Arcola, Illinois.

2. Anyone found to operate a golf cart on City of Arcola streets, operate a golf cart within the City of Arcola 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 \$75.00 fine for the first violation, a \$150.00 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.

3. Notwithstanding the foregoing, anyone found to operate a golf cart on City of Arcola streets in violation of any other provision of this Ordinance shall be subject to a \$75.00 fine for the first violation, a \$150.00 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.

4. Any person in possession of or consuming alcoholic beverages on or in a golf cart on City streets, in addition to other penalties which may be available under the laws of State of Illinois or other parts of this Ordinance, shall be subjected to revocation of his or her permit to operate a golf cart on City streets.

5. If a person driving or in control of a golf cart on City streets refuses to submit to or submits to a test or analysis of the person's blood, urine, breath or other bodily substance that discloses an alcohol concentration of more than 0.00 grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, in addition to other penalties which may be available under the laws of State of Illinois or other parts of this Ordinance shall be subjected to revocation of his or her permit to operate a golf cart on City streets.

6. Any person receiving a citation under this Article shall pay any monetary fine provided in this section at the police station or City Clerk's office within fourteen days from the date of the citation. If any monetary penalty is not paid within that fourteen-day period, the police department is authorized to file a complaint alleging the violation of this ordinance and issue a notice to appear requiring the offender to appear in the Douglas County Circuit Court to answer to the charge.

22-13-7. Possibility of amendment, suspension, or end of Golf car program.

Individuals are advised that the City of Arcola 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.
(Ordinance 10-C-6, amended Oct. 05, 2010)

ARTICLE XIV. PERSONS SOLICITING CONTRIBUTIONS FROM THE OCCUPANTS OF MOTOR VEHICLES

22-14-1. No person shall stand on a highway within the City of Arcola for the purpose of soliciting a contribution from the occupant of any vehicle unless as provided below and affiliated with or the member of a soliciting agency. The soliciting agency shall be:

(a) registered with the Attorney General as a charitable organization as provided by “An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore,” approved July 26, 1963 [225 ILCS 460/1 et seq.], as amended and

(b) engaged in a Statewide fundraising activity; and

(c) liable for any injuries to any person or property during the solicitation which is casually related to an act or ordinary negligence of the soliciting agent.

22-14-2. Any person engaged in standing on a highway within the City of Arcola for the purpose of soliciting contributions from the occupant of any vehicle shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

22-14-3. In order to ensure the safety of motorists and the safety of solicitors, solicitations may only occur on a highway or any other street within the City of Arcola at intersections where all traffic is required to come to a full stop and solicitation shall only be allowed during daylight hours. The intersection of Main Street and Locust Street shall be the only location not on a highway in the City of Arcola at which solicitations may occur.

22-14-4. At least two full weeks (fourteen days) before any solicitation is to occur, any organization which wishes to stand on a highway within the City of Arcola for the purpose of soliciting a contribution from the occupant of any vehicle shall first seek permission from the Chief of Police of the City of Arcola by submitting the following information:

(a) the name of the organization applying; and

(b) the proposed location of solicitations; and

(c) the proposed dates and times of solicitations; and

(d) proof that the organization is registered with the Attorney General as a charitable organization as provided by “An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore,” approved July 26, 1963 [225 ILCS 460/1 et seq.], as amended; and

(e) a statement that the organization is engaged in a Statewide fundraising activity; and

(f) proof of the organization's liability insurance covering the solicitation on the highway.

The Chief of Police shall have discretion in determining whether or not to grant permission for the solicitation and should consider factors including, but not limited to: other activities taking place in the municipality and County on that day, the frequency of requests by the applicant to solicit on streets or highways in the municipality; the number of times in recent weeks and months that there have been solicitations on the highway, the applicant's prior appropriateness in roadway solicitation, and other factors the Chief of Police may deem relevant.

22-14-5. Nothing in this ordinance shall allow for the interference with the operation of official traffic control devices.

22-14-6. No person shall stand on any street or road within the City of Arcola that is not a highway for the purpose of soliciting a contribution from the occupant of any vehicle unless the person soliciting a contribution is sixteen (16) years of age or more wearing a high visibility vest.

22-14-7. At least two full weeks (fourteen days) before any solicitation is to occur, any organization which wishes to stand on a street or road other than a highway within the City of Arcola for the purpose of soliciting a contribution from the occupant of any vehicle shall first seek permission from the Chief of Police of the City of Arcola by submitting the following information:

- (a) the name of the organization applying; and
- (b) the proposed location of solicitations; and
- (c) the proposed dates and times of solicitations.

(d) proof of the organization's liability insurance covering the solicitation on public streets.

The Chief of Police shall have discretion in determining whether or not to grant permission for the solicitation and should consider factors including, but not limited to: other activities taking place in the municipality and County on that day, the frequency of requests by the applicant to solicit on streets or highways in the municipality; the number of times in recent weeks and months that there have been solicitations on the highway, the applicant's prior appropriateness in roadway solicitation, and other factors the Chief of Police may deem relevant.

(Ordinance 11-C-11, amended November 08, 2011)