

VILLAGE OF BETHANY
MOULTRIE COUNTY, ILLINOIS

ORDINANCE NO. 17-747

AN ORDINANCE AMENDING
TITLE 24, CHAPTER 10, SECTIONS 1 - 6
OF THE BETHANY VILLAGE CODE

PASSED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF BETHANY, ILLINOIS
ON THE 12 DAY OF October, 2017

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF BETHANY, MOULTRIE COUNTY, ILLINOIS
THE 12 DAY OF October, 2017.

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TITLE 24, CHAPTER 10, SECTIONS 1 - 6
OF THE BETHANY VILLAGE CODE

WHEREAS, Title 24, Chapter 10, Sections 1-6, of the Village Code of the Village of Bethany, Moultrie County, Illinois, currently sets forth regulation for the operation of golf carts within the Village of Bethany; and

WHEREAS, it has been determined that it is in the best interest of the public to amend Title 24, Chapter 10, Sections 1-6, of the Village Code of the Village of Bethany to permit and set forth regulations for the operation of recreational off-highway vehicles within the Village of Bethany

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Bethany, Moultrie County, Illinois:

SECTION 1: That Title 24, Chapter 10 of the Village Code of the Village of Bethany shall be amended to state as follows:

24-10-1 POLICY STATEMENT. This Article is adopted in the interest of public safety, golf carts and recreational off-highway vehicles are not designed or manufactured to be used on public streets and roads, (hereinafter "street(s)"), and the Village in no way advocates or endorses their operation on streets. The Village, by regulating such operation, is merely addressing safety issues. This Article is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this Article. All persons operating golf carts and recreational off-highway vehicles must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Village has no liability under any theory of liability, for permitting golf carts and recreational off-highway vehicles to be operated on Village streets.

24-10-2 DEFINITIONS.

(A) **Golf Carts:** A vehicle specifically designed and intended for the purpose 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.

(B) **Recreational Off-Highway Vehicles (ROHV):** 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.

24-10-3 RULES AND REGULATIONS. Golf carts and recreational off-highway vehicles may only be operated on streets, public parking lots, and Public Park trails within the Village in accordance with the following rules and regulations:

(A) Any person who operates a golf cart or recreational off-highway vehicle in the Village takes full responsibility for all liability associated with operating a golf cart or recreational off-highway vehicle.

(B) Any person who operates a golf cart or recreational off-highway 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) No person shall operate, and no owner shall permit another person to operate a golf cart or recreational off-highway vehicle on a Village street, public parking lot, and Public Park trail unless:

(1) the golf cart or recreational off-highway vehicle is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code (**625 ILCS 5/7-601**); and

(2) the operator of the golf cart or recreational off-highway vehicle carries with him proof of liability insurance as required by Section 7-602 of the Illinois Vehicle Code (**625 ILCS 5/7-602**).

(D) Golf carts and recreational off-highway vehicles shall only be allowed to be operated on Village Streets, public parking lots, and Public Park trails between **one-half (1/2) hour** before sunrise and **one-half (1/2) hour** after sunset and/or until **ten-thirty (10:30) P.M. CST** if equipped with proper lighting as required by this Article.

(E) No person shall operate a golf cart or recreational off-highway vehicle on a Village street in excess of the posted speed limits.

(F) Golf carts and recreational off-highway vehicles may not be operated on sidewalks, private property (without express consent of the property owner), and Main Street from Washington Street to Edwards Street, Edwards Street from Mai Street to North Water Street, North Water Street to westerly most Village of Bethany limits, St. John Street from Main Street to southerly most Village of Bethany limits and State Highway 121 except to cross said State or County highways at intersections in a path **ninety (90) degrees** to said State or County highways and only at intersections containing traffic control devices meeting the requirements and approved by the Illinois Department of Transportation.

(G) Golf carts and recreational off-highway 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 **five hundred (500) feet**.

(H) Golf carts and recreational off-highway vehicle drivers must yield the right-of-way to overtaking vehicles at all times.

(I) Any person who operates a golf cart or recreational off-highway vehicle on the streets of the Village must adhere to all applicable state laws concerning the possession and use of alcoholic beverages and all illegal drugs, as well as all other state traffic laws.

(J) The maximum occupancy of golf carts and recreational off-highway vehicles traveling on Village streets, public parking lots, and Public Park trails shall be **one (1) person** per bucket seat or **two (2) people** per bench seat.

(K) Golf carts and recreational off-highway vehicles are only allowed to park in handicapped parking spaces if the driver or at least **one (1)** passenger has a valid handicapped parking sticker.

(L) The operator of a golf cart or recreational off-highway vehicle shall obey all ordinances of the Village and all provisions of the Illinois Vehicle Code, as amended from time to time.

(M) Children **eight (8) years** and younger must be equipped with a properly sized crash helmet. An open face or **three-quarter (3/4)** style DOT approved helmet, shall be the minimum coverage allowed hereunder.

24-10-4 REQUIRED EQUIPMENT. A golf cart or recreational off-highway vehicle operated on Village streets, public parking lots, and Public Park trails shall have the following equipment in good working condition at all times:

- (A) Brakes
- (B) Steering apparatus
- (C) Tires
- (D) Rearview mirror
- (E) A slow moving emblem as required by **625 ILCS 5/12-709** attached to the rear
- (F) An orange colored - nylon flag attached to a flagstaff on a height visible over the top of parked cars

The operation of a golf cart or recreational off-highway vehicle operated on Village streets, public parking lots, and Public Parks trails from **one-half (1/2) hour** after dusk and no later than **ten-thirty (10:30) P.M. CST** shall have the additional equipment in good working condition at all times.

(A) **Two (2)** light head lamps, with at least one on each side of the front of the vehicle, which satisfy United States Department of Transportation requirements, showing white light, and be visible for at least **five hundred (500) feet**.

(B) **Two (2)** tail lamps, which shall be mounded on the left rear and right rear of the vehicle so as to throw a red light visible for at least **five hundred (500) feet** in the reverse direction.

(C) **Four (4)** turn signals, which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The maps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light and must be visible from a distance of not less than **three hundred (300) feet** in normal sunlight.

(D) **Two (2)** brake lamps, which be equipped with stop lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and on the rear of the vehicle that display a red light, visible from a distance of not less than **five hundred (500) feet** to the rear in normal sunlight, that flashes and becomes steady only when the brake is actuated.

(E) **One (1)** oscillating, rotating or flashing amber light mounted upright to the highest upmost point of the golf cart or recreational off-highway vehicle and shall be visible **three hundred sixty (360) degrees** and be visible for at least **five hundred (500) feet**.

24-10-5 PERMITS.

(A) No person shall operate a motorized golf cart or recreational off-highway vehicle without obtaining a permit from the Police Department as provided in this Section.

(B) Permits shall be granted for a period of **one (1) year** from **April 1** to **March 31** and may be renewed annually. There shall be no proration of the cost of said permit.

(C) The annual cost of a permit is **Fifty Dollars (\$50.00)** per golf cart or recreational off-highway vehicle, to cover the costs of implementing and maintaining this Article, and shall be paid to the Village Clerk by the applicant. Insurance coverage shall be verified as in effect by the Police Department when issuing or renewing a permit.

(D) After completion of the application and payment of the requisite fee, the applicant shall present the golf cart or recreational off-highway vehicle to the Chief of Police, or his designee, for an inspection to determine whether the golf cart or recreational off-highway vehicle may be operated on a Village street, public parking lot, and Public Parks trail. If the applicant and golf cart or recreational off-highway vehicle are qualified under the terms and conditions of this Article, a license shall be issued to the applicant which must be kept on the vehicle at all times. The Police Department shall issue a sticker as visible proof of compliance and it must be displayed on the front uppermost part of the body of the driver's side of the vehicle at all times.

(E) Golf cart and recreational off-highway vehicle owners must complete the attached permit application form as shown on **Exhibit A** attached hereto. The completed forms will be maintained by the Village Clerk.

(F) The license of an operator of a golf cart or recreational off-highway vehicle issued pursuant to this Article may be revoked by the Chief of Police, or his/her designee, if:

- (1) there is any material misrepresentation made by the applicant on the application or
- (2) the required liability insurance is no longer in full force and effect or
- (3) there is evidence that the license holder can no longer safely operate the golf cart or recreational off-highway vehicle or
- (4) for any reason that he/she feels is appropriate to insure the safety and well-being of the citizens of the Village.

(G) The Chief of Police, or his/her designee, shall issue a notice of revocation of a license in writing and either hand deliver the notice to the license holder or send the notice by certified mail to the license holder at the address on the application. The revocation of a license shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt.

24-10-6 ENFORCEMENT.

(A) Penalty

- (1) The failure of a person operating a golf cart or recreational off-highway vehicle on Village streets, public parking lots, and Public Park trails to have the insurance required under **Section 24-10-3(C)** shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** for any one offense.
- (2) A person convicted of a violation of any other section of this Article shall be fined not less than **Twenty-Five Dollars (\$25.00)** for a first offense, if paid under the provisions of **Section 1-1-21 Cafeteria Court for Minor Violations** of the Revised Code of Ordinance of the Village. A fine of **Fifty Dollars (\$50.00)** shall be assessed for a third offense. A subsequent offense committed within **one(1) year** of the initial offense shall not be permitted to be disposed of under the terms and conditions of **Section 1-1-21**. Fines shall be imposed under the provisions of **Section 1-1-20**.
- (3) In addition to the fines assessed above, the permit allowed under this Article shall be revoked and said persons shall not be allowed to drive a golf cart or recreational off-highway vehicle on the streets, public parking lots, and Public Park trails of the Village until the fine assessed above shall be paid if said fine has not been paid within **thirty (30) days** of the issuance of the citation.

(B) Upon investigation by and the recommendation of the Police Department, the Board of Trustees may suspend or revoke a permit granted hereunder upon a finding that there is