



Village of Downs
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APPLICATION FOR USE OF GOLF CART AND UTILITY-TERRAIN VEHICLE

Owner's Name: _____

Physical Address: _____

Mailing Address: _____

Phone #: _____ **E-mail Address:** _____

Driver's License #: _____

Make of Golf Cart or Utility-Terrain Vehicle: _____

Model: _____ **Serial #:** _____

Color: _____ **Description of Vehicle:** _____

Insurance Company and Agent: _____

Address: _____

Phone #: _____

I hereby release and agree to indemnify and hold the Village of Downs harmless from any and all future claims resulting from operation of the golf cart or utility-terrain vehicle on the Village Streets. All bills, fines, etc owed to the Village of Downs are paid in full.

Signature of Applicant **Date:** _____

MAKE COPY OF DRIVER'S LICENSE & INSURANCE CARD

For Office Use

Service ID: _____

GOLF CART AND UTV INFORMATION/SPECIFICATIONS/REQUIREMENTS DEFINITIONS:

Per Chapter 8 Article X of the Village of Downs Code

Article X. Golf Cart and Utility-Terrain Vehicles

Sec. 1. DEFINITIONS:

The following definitions shall apply to this section and if in conflict with definitions otherwise provided in this Municipal Code, the following definitions shall be deemed to apply rather than those otherwise contained in this Code:

- a. Golf Cart: A “golf cart” is 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.
- b. Utility-Terrain Vehicle: A “utility-terrain vehicle” is a self-propelled electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four wheeled motor vehicles with an engine displacement under 1,200 cubic centimeters which is capable of attaining in one-mile speed of more than fifteen miles per hour (15 m.p.h.) but not more than twenty-five miles per hour (25 m.p.h.) and has a side-by-side seat configuration similar to a golf cart and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.
- c. Village Streets: The “village streets” consist of any of the streets within the boundaries of the Village of Downs.

Sec. 2. REQUIREMENTS FOR OPERATION:

- a. All persons wishing to operate a golf cart or a utility-terrain vehicle on the Village streets must ensure compliance with the following requirements:
 - 1) Apply for and receive a permit issued by the Village of Downs.
 - 2) Have and maintain proof of current liability insurance.
 - 3) Have the vehicle inspected by the Chief of Police or his duly authorized designee and receive a certification or permit from the Village.
 - 4) Must have a decal or registration approved by the Village on the rear of the vehicle.
 - 5) Must have a copy of the permit issued by the Village, valid registration, and valid insurance in the golf cart or utility-terrain vehicle at all times.
 - 6) Must have a current, valid Illinois driver’s license.
 - 7) Must be at least twenty-one (21) years of age.
 - 8) Golf carts must, at a minimum, be equipped with the following properly operating equipment:
 - a. Horn;
 - b. Brakes and brake lights;
 - c. Turn signals;
 - d. A steering wheel apparatus;
 - e. Tires;
 - f. Rearview mirror;
 - g. Seat belts;
 - h. Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - i. Headlight that emits a white light from a distance of 300 feet to the front of which

- illuminate when in operation;
 - j. Tail lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
 - k. Any additional requirements which may be required by the Illinois Vehicle Code. (see 65 ILCS 5/11-1428).
- 9) Utility-terrain vehicles must at a minimum be equipped with the following properly operating equipment:
- a. Horn
 - b. Brakes and brake lights;
 - c. Turn signals on the front and rear;
 - d. Steering wheel apparatus;
 - e. Tires;
 - f. Rearview mirror;
 - g. Seat belts;
 - h. Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (625 ILCS 5/12-709);
 - i. Headlight that emits a white light visible from a distance of 300 feet to the front of which illuminate when in operation;
 - j. Tail lamp that emits red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
 - k. Any additional requirements which may be amended to 65 ILCS 5/11-1426 or the Illinois Vehicle Code.
- 10) Must obey all traffic laws of the State of Illinois and the Village of Downs.
- 11) Must be operated only on Village streets, except where prohibited.
- 12) May not be operated on any county highway or any other Illinois Department of Transportation road except to cross the roadways at any intersection.
- 13) Must not be operated in excess of posted speed limits and, with respect to utility-terrain vehicles, may not exceed twenty-five miles per hour (25 mph).
- 14) 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 of alcohol or drugs is subject to Sections 11-500 through 11-502 et al. of the Illinois Compiled Statutes (625 ILCS 5/11-550 – 625 ILCS 5/11-502).
- 15) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in the Village parks other than parking areas.
- 16) All golf carts and utility vehicles shall be limited to the number of passengers permitted per the manufacturer’s requirements.
- 17) Must comply with all other standards and requirements set forth by the manufacturer.

Sec. 3. PERMIT REQUIRED:

- a. No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Chief of Police of the Village of Downs as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. Insurance coverage shall be submitted and verified by the Chief of Police when obtaining or renewing a permit.
- b. Every application for a permit shall be made on a form supplied by the Village and shall contain at a minimum the following information:

- 1) Name and address of applicant;
 - 2) Name and liability insurance carrier;
 - 3) The serial number, make, model and description of golf-cart or utility-terrain vehicle;
 - 4) Signed Waiver of Liability by applicant releasing the Village of Downs and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from operation of their golf cart or utility-terrain vehicle on the Village of Downs streets;
 - 5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 - 6) The operator shall be required to submit all documents and information and meet all the requirements of this chapter;
 - 7) Such other information as the Village may require.
- c. No permit shall be granted unless the following conditions are met:
- 1) The vehicle must be inspected by the Village of Downs Chief of Police or his duly authorized designee to ensure 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.
 - 2) A physically handicapped applicant must submit a certificate signed by a licensed physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on Village streets.
 - 3) The applicant must provide 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.
- d. The Village may suspend or revoke a permit granted hereunder upon finding that the holder thereof has violated any provision of this ordinance or there is evidence that the permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways.
- e. Fees: The cost of the permit is indicated on the Fee Schedule at www.villageofdowns.org.
- f. Exception:
- 1) The permit fee shall be waived for all governmental or recognized not for profit entity.
 - 2) The Village may issue a temporary special event permit for use of golf carts or utility-terrain vehicles that may not be in compliance with the requirements of this chapter and that are valid and issued only during that event.

Sec. 4. VIOLATIONS:

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

- a. In violation of any requirement of this Ordinance.
- b. Careless Operation: No person shall operate any golf cart or utility-terrain vehicle 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 with the assured clear distance ahead.
- c. Reckless Operation: No person shall operate any golf cart or utility-terrain vehicle in such a manner as to endanger the life, or limb or property of any person.

- d. Within any nature preserve as defined in Section 3.11 of the Illinois Natural Areas Preservation Act. (see 525 ILCS 30/3.11)
- e. On the tracks or right 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 an 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.
- h. 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 entry or use by others for use by an 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 an 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 Section.
- i. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
- j. 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 designation.
- k. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
 - 1) 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.
 - 2) On the frozen surface of public waters of this State within 100 feet of a person, including a skater, not in or upon an utility-terrain vehicle or off-highway motorcycle; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the utility-terrain vehicle or off-highway motorcycle; on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State.
 - 3) Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the utility-terrain vehicle or off-highway motorcycle. This subdivision does not apply on private property where verbal or written consent of the owner or lessee has been granted to drive or operate an utility-terrain vehicle or off-highway motorcycle upon the private property or frozen waters of this State.

1. Other Provisions:

- 1) No persons, except persons by law, shall operate or ride any utility-terrain vehicle or off-highway motorcycle with any firearm in his or her possession unless he or she is in compliance with Section 2.33 of the Wildlife Code. (see 520 ILCS 5/2.33).
- 2) No person shall operate any utility-terrain vehicle or Off-highway motorcycle emitting pollutants in violation of Standards established pursuant to the Environmental Protection Act. (see 415 ILCS 5/1 et seq.).
- 3) No person shall deposit from an utility-terrain vehicle or off-highway motorcycle on the snow, ice or ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

Sec. 5. PENALTIES

Any person who violates this Section shall be guilty of a petty misdemeanor and shall be punished by a minimum fine of Seventy-Five Dollars (\$75.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of this Ordinance also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

**Revised: August 2, 2018
 October 5 2018
 September 5, 2019
 April 15, 2023**