

VILLAGE OF DIVERNON, ILLINOIS
GOLF CART APPLICATION AND INSPECTION REPORT

Applicant Name: _____

Address: _____ Phone #: _____

Serial Number: _____ Make/Model: _____

Vehicle Description: _____

Name, address and policy # of liability insurance carrier: _____

I have read the rules and regulations governing the operation of golf carts as set forth in the Code of the Village of Divernon, Illinois, and agree to abide thereby.

Signature of Applicant

Date

INSPECTION REPORT

To Be Completed by Village Police Department Designated Officer

____ Brakes and Brake Lights

____ Headlights (*as required*)

____ Turn Signals

____ Tail Lamps (*as required*)

____ Steering Wheel

____ Tires

____ Rearview Mirror

____ Proof of Liability Insurance – Copy

____ Approved "Slow Moving Vehicle" Emblem

____ Hold Harmless/Release of Liability Form Signed

____ Red Reflector Warning Devices (front and rear)

____ Valid Driver License – Copy

____ If Physically Handicapped,

____ Horn

Certificate Signed by Physician

The above described vehicle was inspected and is in compliance with regulations set forth by the Code of the Village of Divernon, Illinois.

Date and Time of Inspection: _____, _____ am/pm _____ New _____ Renewal

Inspector Signature: _____

For Office of Village Clerk Only

_____ \$30.00 Fee for One-Year (1) Permit

Permit # _____

Permit Issue Date _____

Permit Expire Date _____

GOLF CARTS

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

This is a legally 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 Village of Divernon, Illinois (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 ON VILLAGE 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 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 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 OR 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 ON VILLAGE STREETS.

I understand that the Village has an Ordinance governing the use of qualified golf carts on Village streets and 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 the Ordinance as well as all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart on Village 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 IN RETURN FOR THE OPPORTUNITY TO OPERATE A GOLF CART ON VILLAGE STREETS, I RELEASE THE VILLAGE (AND THE VILLAGE BOARD, 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 Village that there are no health-related reasons or problems 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 any pay and 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 the Release means I am giving up, among other things, rights to sue the Village, its Village Board employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that the 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.

Operator's signature and date

Witness's signature and date

VILLAGE OF DIVERNON

ORDINANCE NO. 2015-004

AN ORDINANCE ALLOWING THE LIMITED OPERATION OF GOLF CARTS ON
STREETS AND ROADWAYS UNDER THE JURISTITION OF THE VILLAGE OF
DIVERNON, SANGAMON COUNTY ILLINOIS

ADOPTED BY THE
VILLAGE BOARD
OF THE
VILLAGE OF DIVERNON
THIS 13 DAY OF May, 2015

Published in a pamphlet form by authority of the Village Board of the Village of
Divernon, Sangamon County, Illinois, this 19 day of May, 2015

VILLAGE OF DIVERNON, ILLINOIS

ORDINANCE NO. 2015-004

**AN ORDINANCE ALLOWING THE LIMITED OPERATION OF
GOLF CARTS ON STREETS AND ROADWAYS UNDER
THE JURISDICTION OF THE VILLAGE OF DIVERNON
SANGAMON COUNTY, ILLINOIS**

WHEREAS, pursuant to 625 ILCS 5/11-1426.1 the State Legislature prohibits the operation of golf carts on any street, highway, or roadway in the State of Illinois except as otherwise set forth in said statute; and

WHEREAS, 625 ILCS 5/11-1426.1 (d) provides that a municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of government determines that the public safety will not be jeopardized; and

WHEREAS, a Golf Cart as defined by 625 ILCS 5/1-123.9, is deemed to be a “non-highway” vehicle; and

WHEREAS, the Village of Divernon has determined that the public safety would not be jeopardized by allowing the operation of Golf Carts on a limited basis as otherwise set forth herein within the corporate limits of the Village of Divernon, Illinois; and

WHEREAS, the Village of Divernon has considered the volume, speed, and character of traffic on the streets and roadways as otherwise set forth herein, and it has determined that Golf Carts may safely travel on and/or cross the streets and roadways as otherwise set forth in this ordinance.

NOW THEREFORE BE IT ORDAINED BY THE Mayor and the Board of Trustees of the Village of Divernon, Sangamon County, Illinois as follows:

Section 1: The following shall be adopted and incorporated as part of the Village Code of Divernon, Illinois 2013.

TITLE 6
MOTOR VEHICLES AND TRAFFIC

GOLF CARTS – CHAPTER 8

6-8-1 **GENERALLY**

Golf Carts, as defined and qualified herein shall be allowed on village streets under the conditions as stated herein.

6-8-2 **DEFINITIONS**

A. 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 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.

B. “Village Streets” means any of the streets within the boundaries of the Village.

6-8-3 **REQUIREMENTS**

All persons wishing to operate a Golf Cart on the Village streets must ensure compliance with the following requirements:

- A. Proof of current liability insurance.
- B. Must be certified with the Village and have the vehicles certified with the Village by inspection by the Police Chief or designated representative.
- C. Must display Village decal on the vehicle.
- D. Must have a current, valid Illinois drivers license or a valid out-of-state drivers license issued in their name.
- E. Golf carts must be equipped as follows:
 - (1) Horn;
 - (2) Brakes and Brake lights;
 - (3) Turn Signals;
 - (4) A steering wheel apparatus;
 - (5) Tires;
 - (6) Rear view mirror;
 - (7) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;
 - (8) 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;
 - (9) Approved “Slow Moving Vehicle” emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
- F. Must obey all traffic laws of the State of Illinois and the Village of Divernon.
- G. Must be operated only on the Village Streets, except where prohibited.
- H. May not be operated on “Brown Street”, First Street from Brown Street South to Dodds Street also the frontage road (N. Reichert Road) from Brown Street to Village limit, except at specifically designated crossing points as directed by the Police Chief.

- I. May only be operated between sunrise and sunset.
- J. 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**).
- K. Golf Carts shall not be operated on sidewalks or in the Village Square other than parking areas.
- L. Golf Carts may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation or the County Highway Department except to cross at designated streets.
- M. Golf Carts may not be operated on Village Streets when **Rain, Snow, Fog** or other atmospheric conditions hinder safe operations.

6-8-4 PERMITS

- A. No person shall operate a qualified Golf Cart without first obtaining a permit from the Village Chief of Police as provided herein. Permits shall be granted for the current calendar year, January 1st – December 31st and renewed annually. The cost of the permit is **thirty dollars (\$30.00)**. Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.
- B. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
 - (1) Name and address of applicant;
 - (2) Name of liability insurance carrier;
 - (3) The serial number, make, model and description of Golf Cart;
 - (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart on the Village streets.
 - (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 - (6) 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 Chief of Police (or designee) to insure that the vehicle is safe to operate on Village Street and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
 - (2) A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified Golf Cart 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 a finding that the holder thereof has violated any provision of this Article or there is evidence that he/she cannot safely operate a qualified Golf Cart on the designated roadways.

6-8-5 **VIOLATIONS** Any person who violates any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of not less than **Seventy-Five Dollars (\$75.00) and not more than \$750.00**. Any second or subsequent offense shall result in the revocation of the permit for a period of **12 (twelve)** months. To the extent that any violation of this Article also

constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

6-8-6 **MISCELLANEOUS**

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and effect from and after passage and approval as provided by law.

(C) Any Article, or portion thereof, of the Village which is contrary to this Article shall be deemed to be repealed.

Amendments to Golf Cart Ordinances

6-8-3 REQUIREMENTS

- N. The Golf Cart operator or passengers, may not tow a trailer, carts or other similar items
- O. The operator and all passengers shall be seated when the “Golf Cart” is in operation.