

Workshop



Memorandum

To: Board of Directors

Date: 8/3/15

From: Rick Paulson

Memo: Workshop

Topic: Golf Cart/UTV Ordinance

Issue:

I was approached by Mr. Ron Beckel in regards to allowing golf carts/UTVs on the township roads. By amending the Illinois Vehicle Code we would eliminate all of the concerns and legal issues regarding these vehicles on the public roads. The legality of driving on the townships roads along with providing access to the trail system has always been an issue at ACL. Recently the Village of Stockton passed an ordinance amending the vehicle code, allowing golf carts on Village streets. Ron, along with Ladon Trost and Dave Hachmeister are willing to give input and assistance regarding this matter. The County Board and the Township Supervisor must agree to an ordinance amending the Vehicle Code. Not knowing specifically which entity had the authorization to amend the code I reached out to Phil Jensen. As it so happens, Phil is currently in the process of amending the vehicle code for the Village of Savanna for the same purpose. Phil has indicated he is willing to work with the county in creating the ordinance to amend the vehicle code.

Attached is a copy of the Stockton ordinance, a copy of the vehicle code that was amended and a copy of the vehicle code that regarding speed limits on ACL roads.

Action

I am looking for direction whether to proceed with Phil Jensen or not.

Rick Paulson

From: Rick Paulson
Sent: Tuesday, July 07, 2015 2:51 PM
To: 'car8192@hotmail.com'
Subject: Speed Limit

Ron,

Below is the 11 Vehicle code that states the speed limit in an urban area is 30mph. Based on the definition of urban area and the vehicle code, ACL interior roads are considered urban unless posted otherwise are 30 mph. The outer road has been specifically posted at 45 mph so that is what applies.

Thanks,

Rick

(625 ILCS 5/1-214.8) (from Ch. 95 1/2, par. 1-214.1)

Sec. 1-214.8. Urban area. An urban area is any incorporated or unincorporated area developed primarily for residential and/or business purposes.
(Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/11-601) (from Ch. 95 1/2, par. 11-601)

(Text of Section from P.A. 98-1126)

Sec. 11-601. General speed restrictions.

(a) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (c), (d), (e), (f) or (g) of this Section, by Section 11-605 or by a regulation or ordinance made under this Chapter.

(c) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is:

1. 30 miles per hour; and
2. 15 miles per hour in an alley.

ORDINANCE NO. 532

**AN ORDINANCE AMENDING
TITLE 5, CHAPTER 5, SECTIONS 3 AND 6C OF THE MUNICIPAL CODE
OF THE VILLAGE OF STOCKTON, JO DAVIESS COUNTY, IL**

SECTION 1:

BE IT ORDAINED by the President and Board of Trustees of the Village of Stockton, Jo Daviess County, IL, that Title 5, Chapter 5, Sections 3 and 6C of the STOCKTON VILLAGE CODE of the Village of Stockton be amended as follows:

5 – 5 – 3: REQUIREMENTS:

All persons age eighteen (18) and older wishing to operate a golf cart on Village streets during daylight hours must comply with the following requirements:

- A. Provide proof of current liability insurance;
- B. Register with the Village and have the vehicle certified by inspection by the Police Chief or his designated representative;
- C. Follow the “Rules Concerning Alternate Transportation for the Village of Stockton”, if any, as periodically updated;
- D. Display Village issued decal or sticker on the rear of the vehicle;
- E. Possess a current, valid driver’s license;
- F. Have a golf cart equipped with the following:
 1. Horn;
 2. Brakes and brake lights;
 3. Turn signals;
 4. A steering wheel apparatus;
 5. Tires;
 6. Rearview mirror;

7. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
 8. Red reflector warning devices in both the front and rear;
 9. Headlights that emit a white light visible from a distance of five hundred feet (500') to the front which must illuminate when in operation;
 10. Tail lamps that emit a red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation;
 11. Seat belts for operator and all passengers; and
 12. Any additional requirements made necessary by amendments to 65 ILCS 5/11-1428 or the Illinois Vehicle Code;
- G. Obey all traffic laws of the State of Illinois and the Village of Stockton;
- H. When the golf cart is in operation the operator and any passenger(s) shall wear a seat belt;
- I. Operate the vehicle only on Village streets, except where prohibited, and not upon a sidewalk;
- J. Obey the posted speed limit or twenty five (25) miles per hour, whichever is less; and *ILLINOIS IS 35MPH OR LESS IF POSTED*
- K. A person operating or in actual physical control of a golf cart as described herein on a street while under the influence of drugs or alcohol is subject to Section 11-500 through 11-502 of the Illinois Vehicle Code [625 ILCS 5/11-500 through 11-502].

5 - 5 - 6: SEVERABILITY; EFFECTIVE DATE:

- C. This chapter shall be in full force and effect from and after its passage and approval until October 31, 2011, unless extended prior to that date.

SECTION 2:

This Ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Board of Trustees of the Village of Stockton, Jo Daviess County, IL on
October 12, 2010.



Introduced: October 12, 2010

Passed: October 12, 2010

Approved: October 12, 2010

RODNEY A. BRANDT
Village President

ATTEST:

SUSANNE YOUNG
Village Clerk

Ayes: Zueger, Douglas, Jackson, Kunz, Perry, Rowe

Nays: None

Absent: None

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Public Act 098-0567

SB1530 Enrolled

LRB098 04216 MLW 34241 b

AN ACT concerning transportation.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Illinois Vehicle Code is amended by changing
Section 11-1426.1 as follows:

(625 ILCS 5/11-1426.1)

Sec. 11-1426.1. Operation of non-highway vehicles on
streets, roads, and highways.

(a) As used in this Section, "non-highway vehicle" means a
motor vehicle not specifically designed to be used on a public
highway, including:

- (1) an all-terrain vehicle, as defined by Section
1-101.8 of this Code;
- (2) a golf cart, as defined by Section 1-123.9;
- (3) an off-highway motorcycle, as defined by Section
1-153.1; and
- (4) a recreational off-highway vehicle, as defined by
Section 1-168.8.

(b) Except as otherwise provided in this Section, it is
unlawful for any person to drive or operate a non-highway
vehicle upon any street, highway, or roadway in this State. If
the operation of a non-highway vehicle is authorized under
subsection (d), the non-highway vehicle may be operated only on
streets where the posted speed limit is 35 miles per hour or
less. This subsection (b) does not prohibit a non-highway
vehicle from crossing a road or street at an intersection where
the road or street has a posted speed limit of more than 35
miles per hour.

(b-5) A person may not operate a non-highway vehicle upon
any street, highway, or roadway in this State unless he or she
has a valid driver's license issued in his or her name by the
Secretary of State or by a foreign jurisdiction.

(c) ~~No Except as otherwise provided in subsection (c-5), no~~
person operating a non-highway vehicle shall make a direct
crossing upon or across any highway under the jurisdiction of
the State, tollroad, interstate highway, or controlled access
highway in this State. No person operating a non-highway
vehicle shall make a direct crossing upon or across any other
highway under the jurisdiction of the State except at an
intersection of the highway with another public street, road,
or highway.

(c-5) (Blank). ~~A person may make a direct crossing at an
intersection controlled by a traffic light or 4 way stop sign
upon or across a highway under the jurisdiction of the State if
the speed limit on the highway is 35 miles per hour or less at
the place of crossing.~~

(d) 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 local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. The unit of local government or the Department may restrict the types of non-highway vehicles that are authorized to be used on its streets.

Before permitting the operation of non-highway vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway vehicles may safely travel on or cross the roadway. Upon determining that non-highway vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(g) Any person who operates a non-highway vehicle on a street, highway, or roadway shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of this Code.

(h) It shall not be unlawful for any person to drive or operate a non-highway vehicle, as defined in paragraphs (1) and (4) of subsection (a) of this Section, on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land.

Non-highway vehicles, as used in this subsection (h), shall not be subject to subsections (e) and (g) of this Section. However, if the non-highway vehicle, as used in this Section, is not covered under a motor vehicle insurance policy pursuant to subsection (g) of this Section, the vehicle must be covered under a farm, home, or non-highway vehicle insurance policy issued with coverage amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code. Non-highway vehicles operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

Non-highway vehicles, as used in this subsection (h), shall not make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State.

Non-highway vehicles, as used in this subsection (h), shall be allowed to cross a State highway, municipal street, county highway, or road district highway if the operator of the non-highway vehicle makes a direct crossing provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the non-highway vehicle is brought to a complete stop before attempting a crossing;

(3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and

(4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

(i) No action taken by a unit of local government under this Section designates the operation of a non-highway vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

(Source: P.A. 96-279, eff. 1-1-10; 96-1434, eff. 8-11-10; 97-144, eff. 7-14-11.)

Section 10. The Boat Registration and Safety Act is amended by changing Section 4-1 as follows:

(625 ILCS 45/4-1) (from Ch. 95 1/2, par. 314-1)

Sec. 4-1. Personal flotation devices.

A. No person may operate a watercraft unless at least one U.S. Coast Guard approved PFD of the following types or their equivalent is on board for each person: Type I, Type II or Type III.

B. No person may operate a personal watercraft or specialty prop-craft unless each person aboard is wearing a Type I, Type II, Type III or Type V PFD approved by the United States Coast Guard.

C. No person may operate a watercraft 16 feet or more in length, except a canoe or kayak, unless at least one Type IV U.S. Coast Guard approved PFD or its equivalent is on board in addition to the PFD's required in paragraph A of this Section.

D. A U.S. Coast Guard approved Type V personal flotation device may be carried in lieu of the Type I, II, III or IV personal flotation device required in this Section, if the Type V personal flotation device is approved for the activity in which it is being used.

E. When assisting a person on waterskis, aquaplane or similar device, there must be one U.S. Coast Guard approved PFD on board the watercraft for each person being assisted or towed or worn by the person being assisted or towed.

F. No person may operate a watercraft unless each device required by this Section is:

1. Readily accessible;
2. In serviceable condition;
3. Of the appropriate size for the person for whom it is intended; and
4. Legibly marked with the U.S. Coast Guard approval

number.

G. Approved personal flotation devices are defined as follows:

Type I - A Type I personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have more than 20 pounds of buoyancy.

Type II - A Type II personal flotation device is an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position and to have at least 15 1/2 pounds of buoyancy.

Type III - A Type III personal flotation device is an approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15 1/2 pounds of buoyancy.

Type IV - A Type IV personal flotation device is an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least 16 1/2 pounds of buoyancy.

Type V - A Type V personal flotation device is an approved device for restricted use and is acceptable only when used in the activity for which it is approved.

H. The provisions of subsections A through G of this Section shall not apply to sailboards.

I. No person may operate a watercraft under 26 feet in length unless a Type I, Type II, Type III, or Type V personal flotation device is being properly worn by each person under the age of 13 on board the watercraft at all times in which the watercraft is underway; however, this requirement shall not apply to persons who are below decks or in totally enclosed cabin spaces. The provisions of this subsection I shall not apply to a person operating a watercraft on private property.

J. Racing shells, rowing sculls, racing canoes, and racing kayaks are exempt from the PFD, of any type, carriage requirements under this Section provided that the racing shell, racing scull, racing canoe, or racing kayak is participating in an event sanctioned by the Department as a PFD optional event. The Department may adopt rules to implement this subsection.
(Source: P.A. 97-801, eff. 1-1-13.)

Effective Date: 1/1/2014