

Below is a memorandum by Clayton Zamudio regarding driving golf carts on public streets or roads. This does not address the potential liability to the Village for any accidents involving golf carts if they find that allowing them to use public streets and roads does not jeopardize public safety. Please let me know if you have any questions.

My opinion is that the Village has not legally authorized use of golf carts within Village boundaries. That said, this issue really comes down to enforcement. Even though the Village does not have an ordinance expressly allowing golf carts on municipal roadways (as explained below), if there isn't a police department to stop people from driving them on the Village streets, it will likely continue.

Illinois law expressly includes golf carts as a non-highway vehicle and prohibits driving and operating any non-highway vehicles on any street, highway, or roadway in Illinois unless the corporate authorities by ordinance or resolution allows such vehicles, but only after a finding that allowing these types of vehicles does not jeopardize public safety. See 625 ILCS 5/11-1426.1.

The Poplar Grove Board of Trustees has never made a finding that allowing Golf Carts does not jeopardize public safety.

Ordinance 2022-07 excepts golf carts from the Village Code's definition of off highway vehicles but does not effectively permit the lawful use of golf carts. A golf cart is still included within the definition of a non-highway vehicle under state statute. In order to lawfully permit the use of golf carts on Village streets within corporate boundaries, the Board of Trustees must make a finding that allowing golf carts does not jeopardize public safety and adopt an ordinance authorizing the use of golf carts.