

VILLAGE OF MIDDLETOWN, IL  
ORDINANCE NO. 2019-004

AN ORDINANCE ALLOWING THE LIMITED OPERATION  
OF NON-HIGHWAY VEHICLES SPECIFICALLY GOLF CARTS  
AND RECREATIONAL OFF-HIGHWAY VEHICLES  
(NOT INTENDED FOR FOUR WHEELERS)  
ON STREETS AND ROADWAYS  
UNDER THE JURISDICTION OF THE VILLAGE OF MIDDLETOWN  
LOGAN COUNTY, ILLINOIS

ADOPTED BY THE  
BOARD OF TRUSTEES  
OF THE VILLAGE OF MIDDLETOWN  
THIS 7th DAY OF August, 2018

PUBLISHED IN PAMPHLET FORM BY AUTHORITY  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MIDDLETOWN  
LOGAN COUNTY, ILLINOIS  
THIS 7th DAY OF August, 2018

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ORDINANCE NO. 2019-004

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OF NON-HIGHWAY VEHICLES SPECIFICALLY GOLF CARTS  
AND RECREATIONAL OFF-HIGHWAY VEHICLES (NOT INTENDED FOR FOUR WHEELERS) ON  
STREETS AND ROADWAYS  
UNDER THE JURISDICTION OF THE VILLAGE OF MIDDLETOWN,  
LOGAN COUNTY, ILLINOIS

WHEREAS, pursuant to 625 ILCS 5/11-1426.1, the State Legislature prohibits the operation of golf carts and recreational off-highway vehicles (not intended for four wheelers) as defined therein "as non-highway vehicles" 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, and a recreational off-highway vehicle as defined by 625 ILCS 5/11-168.8, are deemed to be a "non-highway vehicle" pursuant to 625 ILCS 5/11-1426.1; and

WHEREAS, the Village of Middletown 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 Middletown, Illinois; and

WHEREAS, the Village of Middletown 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 Middletown, Logan County, Illinois as follows:

SECTION 1: The following shall be adopted and incorporated as part of the Village of Middletown, Illinois Municipal Code:

**A. Definitions:**

For the purpose of this Ordinance, the following words and terms used in this Ordinance shall have the meanings respectively ascribed to them in this Section:

Village: The Village of Middletown, Logan County, Illinois

Streets and Roadways under the Jurisdiction of Village of Middletown:

All those streets and roadways located within the corporate boundaries of the Village of Middletown, Illinois and under the jurisdiction of the Village of Middletown, Logan County, Illinois.

Golf Cart: A vehicle specifically designed and intended for the purposes of transporting one 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. (625 ILCS 5/1-123.9) A golf cart is further defined as a "non-highway vehicle", as set forth in 625 ILCS 5/11-1426.1.

Recreational Off -Highway Vehicle (not intended for four wheelers):

Shall mean 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 control, except equipment such as lawn mowers.

**B. Prohibition of Use of Golf Carts and Recreational Off -Highway Vehicles:**

No person shall ride, drive or operate any golf cart on any roadway or street located within the corporate limit of the Village of Middletown, Illinois, except as specifically

set forth herein.

**C. Golf Cart and Recreational Off-Highway Vehicle Permit:**

No golf cart or recreational off-highway vehicle shall be operated on the Village of Middletown streets or roadways unless it is inspected and issued a permit from the Village of Middletown. The Mayor, and/or his designee, shall be in charge of the inspection. The golf cart or recreational off-highway vehicle inspected must meet the specifications as set forth in 625 ILCS 5/11-1426.1(e). Those requirements are as follows:

No "non-highway vehicle" (golf cart or recreational off-highway vehicle) may be operated on a roadway unless, at a minimum, it has the following: Brakes, a steering apparatus, tires, a rear view 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) a head light that emit's 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 street or roadway within the Village of Middletown, golf cart or recreational off-highway vehicle shall have its headlights and tail lamps lighted as required by 625 ILCS 5/12-201 entitled "When Lighted Lamps are Required." Provided the golf cart or recreational off-highway vehicle passes inspection and proof of insurance is provided a permit shall be issued. Permits shall be issued for a period of one year and will renew annually. The cost of the permit will be \$25.00.

The permit must be carried within the golf cart or recreational off-highway vehicle at all times and available for production at anytime as requested by any policing agency.

**D. Driving Under the Influence:**

Any person who drives or is in actual physical control of a golf cart or recreational off-highway vehicle on a roadway as otherwise set forth herein while under the influence is subject to 625 ILCS 5/11-501 through 625 ILCS 5/11-502 of the Illinois Vehicle Code.

E. Any person who drives or is in actual physical control of a golf cart or recreational off-highway vehicle on a roadway as otherwise set forth herein who transports alcohol in said golf cart or recreational off-highway vehicle is subject to 625 ILCS 5/11-502 of the Illinois Vehicle Code.

**F. Compliance with State of Illinois Traffic Code:**

Every golf cart or recreational off-highway vehicle operated as authorized in this Ordinance shall comply with any and all traffic regulations found in Chapter 625 ILCS 5/1-1 et seq. of the Illinois Vehicle Code.

**G. Mandatory Insurance:**

Any person who operates a golf cart or recreational off-highway vehicle as otherwise set forth herein shall be subject to the mandatory insurance requirements under Article 6 of Chapter 7 of the Illinois Vehicle Code (625 ILCS 5/7-601 et seq.), and shall provide proof of such insurance at the time the permit is requested and at the time of each annual renewal.

**H. Permitted Streets and Roadways:**

Golf carts or recreational off-highway vehicles shall only be allowed to be operated on those streets and roadways located within the corporate jurisdiction of the Village of Middletown and upon which the Village of Middletown has jurisdiction of those streets

and roadways.

**I. Prohibited Non-Highway Vehicles:**

This Chapter shall not be deemed to authorize any other non-highway vehicles as defined in 625 ILCS 5/11-1426.1, to be operated on any street or roadways within the corporate boundaries of the Village of Middletown upon which the Village of Middletown has jurisdiction. (All-terrain vehicles or off-highway motorcycle).

**J. Posted Signs: must post signs only on streets with 35 mph or less:**

The Street Superintendent shall cause appropriate signs to be posted on those streets and roadways where golf carts or recreational off-highway vehicles are authorized to be operated pursuant to this Ordinance and the State Statute referenced herein.

**K. Operation on Sidewalks/Village Park/Daylight Hours:**

No person shall operate golf cart or recreational off-highway vehicle upon any sidewalk located within the jurisdictional limits of the Village of Middletown. No person shall operate a golf cart or recreational off-highway vehicle within the Village Park.

Furthermore, no person shall operate a golf cart or recreational off-highway vehicle after dark. Authorization to operate a golf cart or recreational off-highway vehicle on streets and roadways under the jurisdiction of the Village of Middletown as otherwise set forth herein will be allowed only from dawn to dusk daily.

**L.** Any operator or passenger of a golf cart or recreational off-highway vehicle shall be in a sitting position and wearing a seat belt.

**M. Prohibited Crossings:**

Golf carts or recreational off-highway vehicles as used in this section shall not make a direct crossing upon or across any toll road, interstate highway, or controlled access highway in the street. Notwithstanding the above, golf carts or recreational off-highway vehicles as stated in this Ordinance shall be allowed to cross the municipal street, county highway, or road district highway if the operator of the golf cart 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; and golf carts and recreational off-highway vehicles as stated in this Ordinance shall be allowed to cross a state highway if the operator of the golf cart or recreational off-highway vehicle makes a direct crossing provided the crossing is made at an intersection where the municipal street directly intersects and crosses the state highway and continues on the opposite side of the state highway; and
2. The golf cart or recreational off-highway vehicle is brought to a complete stop before attempting a crossing; and
3. The operator of the non-highway vehicle yields the right of way to all pedestrians and vehicular traffic which constitutes a hazard; and
4. When crossing a divided highway, the cross is made only at an intersection of the highway with another public street, road, or highway.

**N. Local Governmental and Governmental Employees Tort Immunity Act:**

No action by the Village of Middletown under this Ordinance or 625 ILCS 5/11-1426.1 designates the operation of a golf cart or recreational off-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.

**O. A Valid Driver's License:**

A person may not operate a golf cart or recreational off-highway vehicle as otherwise set forth in this Ordinance upon the street and roadways as otherwise set forth herein unless he/she has a valid Illinois driver's license issued in his/her name by the Illinois Secretary of State, or a valid out of state driver's license issued in his/her name by the appropriate department/agency of the state responsible for issuing driver's license and is at least 18 years of age.

**P. Violation/Penalties:**

Any person who violates any terms or provisions of this Ordinance shall be subject to a fine, upon conviction, in an amount not less than Seventy Five Dollars (\$75.00) nor more than Seven Hundred and Fifty Dollars (\$750.00) for each separate offense.

SECTION 2: The provisions of other Village of Middletown Ordinances to the extent they duplicate, conflict with, or otherwise affect the validity thereof, shall be disregarded, and otherwise, all of the provisions of all other Village of Middletown Ordinances shall remain in full force and effect.

SECTION 3: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of contempt jurisdiction, such holdings shall not affect or otherwise impair any other section, clause, provision, or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

SECTION 4: This ordinance shall become effective upon its passage, approval, adoption, and publication in pamphlet form as provided by law.




ON MOTION DULY MADE AND SECONDED, and pursuant to roll call vote, this Ordinance was passed, approved, and adopted this 7th day of August, 2018.

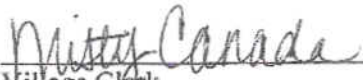
AYES: Amanda Lawrence, Craig Fulscher, Joseph Bailey, Teresa Tripplett

NAYES: \_\_\_\_\_

ABSENT: Jimmie Frances, Paul Johnson

  
\_\_\_\_\_  
Kevin Skelton,  
President of The Village of Middletown

ATTEST:

  
\_\_\_\_\_  
Village Clerk

FILED IN THE OFFICE OF THE VILLAGE CLERK,

VILLAGE OF MIDDLETOWN,

ON THE 7th DAY OF August, 2018

PUBLISHED IN PAMPHLET FORM

ON August 7, 2018

CERTIFICATE

STATE OF ILLINOIS )

: SS

COUNTY OF LOGAN )

I, MISTY CANADA, certify that I am the duly appointed and acting Village Clerk of the Village of Middletown, Logan County, Illinois.

I further certify that on August 7, 2018, the Board of Trustees of said Village passed and approved Ordinance No. 2019-004 entitled **“AN ORDINANCE ALLOWING THE LIMITED OPERATION OF GOLF CARTS AND RECREATIONAL OFF-HIGHWAY VEHICLES ON STREETS AND ROADWAYS UNDER THE JURISDICTION OF THE VILLAGE OF MIDDLETOWN, LOGAN COUNTY, ILLINOIS.”**

The pamphlet form of Ordinance No. 2019-004, including the Ordinance and cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on August 7, 2018, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Middletown, Illinois, this 7th day of August, 2018.



Misty Canada  
Misty Canada, Village Clerk