

ORDINANCE NO. 02-06

ORDINANCE REGULATING THE SIZE AND WEIGHT OF VEHICLES

WHEREAS, Section 11-1-1 of the Illinois Municipal Code grants to municipalities the authority to pass and enforce all necessary police ordinances; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code grants municipalities the authority to regulate the use of the streets; and

WHEREAS, Chapter 15 of the Illinois Vehicle Code grants municipalities the authority to regulate the size and weight of vehicles.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois, as follows:

Section One: That a new Chapter 41-15, "**Regulating Size and Weight of Vehicles**," is hereby adopted, which Chapter 41-15 shall read as follows:

Chapter 41-15 Regulating Size and Weight of Vehicles

Section 41-15-01 **DEFINITION OF WORDS AND PHRASES**

Definition of Words and Phrases. The following words and phrases when used in this Code shall, for the purpose of this Code, have the

meanings respectively ascribed to them in this Chapter, except when the context otherwise requires and except where another definition set forth in another Chapter of this Code and applicable to that Chapter or a designated part thereof is applicable.

- (A) **Axle Load.** The total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.
- (B) **Commercial Vehicle.** Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ride sharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.
- (C) **Construction Vehicle** Any vehicle over 10,000 pounds actual weight, registered gross weight or G.V.W.R. that is required to comply with ILCS Chapter 625, Section 5/12-712 and 5/12-713 on identification required to be displayed.
- (D) **Gross Vehicle Weight Rating (GVWR).** The value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.
- (E) **Gross Weight.** The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.
- (F) **Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (G) **Implement of Husbandry.** Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising

operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry

- (H) **Motor Vehicle.** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this Ordinance, motor vehicles are divided into two divisions:

First Division: Those motor vehicles, which are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

- (I) **Permit Route** The route authorized by the issuing authority with proper jurisdiction over the roadway(s) for which permission has been granted to move a vehicle or combination of vehicles that is in itself indivisible or carrying an indivisible load that exceeds normal dimensions or weight or a combination thereof.
- (J) **Semitrailer.** Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle
- (K) **Tandem Axles.** Any two (2) or more single axles whose centers are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between extreme axles in the series, except as provided in Section 15-111 [625 ILCS 5/15-111] for special hauling vehicles.

- (L) **Trailer.** Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
- (M) **Truck Tractor.** Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (N) **Village** is the Village of East Dundee.

Section 41-15-02 OVERWEIGHT AND/OR OVER-DIMENSION VEHICLES

- (A) It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the village, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the ILCS Chapter 625, Section 5/15-102 (width), ILCS Chapter 625, Section 5/15-103 (height), ILCS Chapter 625, Section 5/15-107 (length), and ILCS Chapter 625, Section 5/15-111 (weight).
- (B) Size and weights limitations while operating on village streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned or operated by or for any governmental body or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor and to any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the village under the authority of Section 41-15-03 hereof.
- (C) Where lower size and weight limits or other restrictions are imposed by ordinance under authority of ILCS Chapter 625, Section 5/15-111, 5/15-316 and 5/15-317, and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.

- (D) Whenever any vehicle or combination of vehicles is operated in violation of this section, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner and driver of such vehicle may be prosecuted for such violation.

Section 41-15-03 PERMITS FOR OVERWEIGHT AND/OR OVER-DIMENSION VEHICLES

- (A) A permit shall be required for the movement of any vehicle or combination of vehicles with a nondivisible load on roadways and bridges within the jurisdiction of the Village of East Dundee which exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they be non-designated or designated roadways.

- (B) The Village with respect to any street or highway under its jurisdiction may upon application to the Village Police Department on forms provided by the police department and good cause being shown therefore issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Section 41-15-02. The applicant shall furnish the following information in the special permit application:

1. The name and address of the owner or lessee of the vehicle.
2. Applicant's name.
3. Type of permit request whether it be for a single trip, round trip, or multiple routing.
4. The description and registration (or the Illinois Department of Transportation's (IDT) registration number or classification) of the power unit.
5. Description of the object or vehicle to be moved.
6. The number of axles of the vehicle or combination of vehicles.

7. The maximum axle weights of all single, tandem or series axles.
8. Maximum gross weight of the vehicle.
9. The maximum width, length and height of the vehicle and load.
10. Requested routing over village streets to and from a specific location.

(C) For purposes of this Section, the following definitions apply:

1. A one-way or single trip movement means one move from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are effective for seven (7) consecutive days from the date of issuance unless otherwise directed by the Police Department.
2. Round trip movement means two trips over the same route in opposite directions. Round trip permits are effective for 14 consecutive days from the date of issuance.
3. Multiple moves are those in such close proximity to each other in distance or in time, that the Police Department would consider incorporating two or more permit moves within one permit application. Multiple move permits when granted by the police department shall be for a period time not to exceed 90 days from the date of issuance.

(D) The owner or his or her agent shall submit an application fee based on the below chart for a single routing which will be valid for seven (7) calendar days, round trip routing valid for 14 calendar days and multiple routings valid for a base period of three months. Permits may be issued for a maximum of four (4) consecutive permit periods (365 days) with the permit fee calculated in the appropriate multiples of the base three month multiple trip permit. Permits are valid only for the date periods

specified on the permit and for the specific vehicle, load and routing as established by the Chief of Police or designee. No substitution of vehicle, load or routing is permitted without expressed written permission by Chief of Police or his or her designee and the permit must be carried in the vehicle to which the permit applies.

Fee Schedule

Permit size - weight (with load)	Fee		
	Single trip	Round trip	Multiple
Up to 100,000 pounds	50	75	150
100,001 - 120,000	75	100	200
120,001 - 150,000	100	125	
Over 150,000	100*	125*	

* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - width (with load)	Fee		
	Single trip	Round trip	Multiple
up to 12'	25	40	75
12'1" - 13'-6"	50	75	100
Over 13'6" wide	50*	75*	

* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - height (with load)	Fee		
	Single trip	Round trip	Multiple
13'6" - 14'6"	25	40	75
Over 14'6"	50*	75*	

* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - length (with load)	Fee		
	Single trip	Round trip	Multipl e
up to 100'	25	40	75
Over 100'0"	50*	75*	

* Plus necessary and appropriate administrative, engineering and road damage fees

Note: If a vehicle requires a permit due to multiple weight and/or dimension issues, the total fee will be based on the largest individual weight or dimension factor only.

- (E) The Chief of Police or his or her designee is authorized to approve the application for approved routes. Upon approval and payment of all required fees, the Police Department shall issue a permit allowing passage of the oversize and/or overweight vehicles over village streets. The permit shall be specific and contain:
- (1) Permit number.
 - (2) The dates the permit is valid.
 - (3) Whether the permit is for single, round or multiple trip routing.
 - (4) The description of object or vehicle to be moved.
 - (5) Authorized gross weight, axle weights, width, length and height.
 - (6) The authorized routing over village streets including the origin and termination point within the village.
 - (7) The fee paid.
 - (8) The date and signature of the Chief of Police or his or her designee.

- (9) In addition, the permit will specify general conditions that the permittee must comply with that are consistent and reasonable for the protection of the general public and village streets. A copy of all permits issued will be provided to the Village Administrator for informational purposes.
- (F) It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed prima facie evidence of acceptance of the permit and that:
- (1) The permittee is in compliance with all operation requirements;
 - (2) All dimension and weight limitations specified in the permit will not be exceeded;
 - (3) All operation, registration and license requirements have been complied with;
 - (4) All financial responsibilities, obligations and other legal requirements have been met; and
 - (5) The permittee assumes all responsibility for injury or damage to persons or to public or private property, including his or her own, or to the object being transported, caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit. He or she agrees to hold the village harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the village for any claim it may be required to pay arising from the movement.
- (G) The permit shall be carried in the vehicle to which the permit applies at all times while operating on streets within the village and shall be exhibited upon demand to any law enforcement officer, police officer or authorized official of the village.
- (H) Whenever any vehicle is operated in violation of the provisions of a village permit whether it be by size, weight or general provisions, and either or both the owner or driver of such vehicle shall be deemed guilty and either or both the owner or the driver of such vehicle may be prosecuted for such violation.

Section 41-15-04 VEHICLES PROHIBITED ON CERTAIN STREETS.

- (A) As provided under the authority of ILCS Chapter 625, Section 5/15-111 & 5/15-316, it shall be unlawful to operate any vehicle upon any street where the operation of that vehicle is prohibited by ordinance and where signs of such prohibition are posted. Vehicles operating under the authority of ILCS Chapter 625, Section 5/15-111 or 5/15-316 while utilizing village streets under "reasonable access" rules will be considered in violation of this section if they are not utilizing the most direct route to points of loading and unloading.
- (B) It shall be unlawful to operate any "Construction Vehicle" as defined herein on any street in the village when signs are posted on that street prohibiting "Construction Vehicles.". Where the Chief of Police, with the approval of the Village Board, establishes an established truck route, construction vehicles will utilize only those established routes to service those areas of the Village under construction.
- (C) It shall be unlawful to park a commercial motor vehicle on a residential street while said truck is running between the hours of 10:00 p.m. and 6:00 a.m. the following day.

Section 41-15-05 OVERSIZE VEHICLES PERMITTED ON CERTAIN STREETS.

- (A) As provided under the authority of ILCS Chapter 625, Section 5/15-111(f), The Village has designated the following portions of streets and/or highways as Class II, Length Only designated streets. Vehicles utilizing those as such, can be of a length consistent with ILCS Chapter 625, Section 5/15-107(length).

Class II Designated streets:

- 1. River Street between Illinois State Route 72 and Railroad Street.
 - 2. Railroad Street between River Street and Third Street.
 - 3. Third Street between Railroad Street and the Kane County Bicycle Path.
- (B) The Superintendent of Public Works is authorized and directed to post or cause to be posted, streets designated as Class II Length Only truck routes as governed by Section (A) above.

Section 41-15-06 PENALTY.

Any person, firm or corporation who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this chapter will be fined not less than \$50 nor more than \$750 for each offense. A separate offence shall be deemed committed on each calendar day a violation occurs.

In addition to seeking a fine, as herein above provided, the Village Attorney may institute any proper action in the name of the Village of East Dundee to enjoin the violation of any provision of this chapter.

Section Two: That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section Three: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

Section Five: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees. This ordinance shall be reviewed at the second monthly anniversary after its first passage and every two months thereafter to determine if the over-length Class II Truck Route designation herein is consistent with the public health, safety, and general welfare of the residents of the Village of East Dundee. In the event the Village determine such truck route is no longer in the public interest, it shall not terminate such route except upon 60 days notice of such action.

Adopted this 3rd day of June, 2002, pursuant to a roll call vote as follows:

AYES: Szalka, Zaeske, Arnone, Ruffalo, Bartels, Schock.
NAYES: None.
ABSENT: None.

Approved by me this 3rd day of June, 2002.

Roger W Ahrens
ROGER AHRENS, President

Published in pamphlet form this 11th day of June, 2002, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis

JANE THEIS, Village Clerk

Recorded in the Village Records on June 11th, 2002.

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