

AN ORDINANCE AMENDING OVERSIZED VEHICLE RESTRICTIONS

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 14-161 of the Downers Grove Municipal Code is hereby amended as follows:

14-161. Size, weight and load limitations.

(a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any street in the Village any vehicle or vehicles of a size, weight or load not in conformance with the limitations and regulations stated in ~~Chapter 625 of the Illinois Compiled Statutes or this Article~~ ILCS Ch. 625, Art. 5, §15-102 (width), ILCS Ch. 625, Art. 5, §15-103 (height), ILCS Ch. 625, Art. 5, §15-107 (length) and ILCS Ch. 625, Art. 5, §15-111 (weight).

(b) Access on Village street within one (1) mile of I-355 and I-88 within the Village limits is permitted, as required by the Illinois Vehicle Code, to those vehicles meeting maximum weights and dimensions and for those purposes, as the Vehicle Code allows.

(c) Size and weight limitations while operating on Village street shall not apply to fire apparatus or equipment for snow or ice removal operations owned by 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 terms of a valid oversize and/or dimension permit issued by the Village issued under its authority. (Ord. No. 2745, § 53.)

SECTION 2. That Section 14-162 of the Downers Grove Municipal Code is hereby amended as follows:

14-162. Permits for excess size and weight.

(a) Upon application to the Village, and upon good cause shown, the Village may, in its discretion, grant a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this article, or otherwise not in conformity with the provisions of this article, upon any roads under the jurisdiction of the Village if such load is composed of a single object that cannot reasonably be dismantled or disassembled. ~~The Village Manager~~ Chief of Police shall designate a Village employee whose duties shall include the issuance of permits hereunder pursuant to such administrative regulations governing the issuance thereof as may be promulgated by the ~~Village Manager~~ Chief of Police from time to time.

(b) The application for a permit shall be on a form provided by the Village and shall contain the following information:

- 1. The name, address and phone number of the applicant; and
- 2. The name address and phone number of the applicant's business; and
- ~~3.~~ 3. Whether the permit is requested for a single trip, round trip or for ~~limited~~ continuous operation; and
- ~~2.~~ 2. Whether the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law⁺ (a copy of the certificate, registration, or permit number issued by the Illinois Commerce Commission must be attached); and
- ~~3.~~ 3. Specifically describe and identify A description of the vehicle or vehicles and load to be operated or moved; and

- ~~45. State~~ The routing, requested including the points of origin and destination; and
- ~~56. State if~~ Whether the vehicles or loads are being transported for hire; and
7. The number of axles of the vehicle or combination of vehicles; and
8. The gross weight of the vehicle and axle weight; and
9. The width, length and height of the vehicle and load.

~~If the load has been issued a permit by the Illinois Department of Transportation or DuPage County for operation on their roads, a copy of such permit shall be forwarded to the Village as the application for a permit under this Section. The Village shall indicate on the copy of the State or County permit whether the load is also approved for operation or movement on Village roads. Any conditions or restrictions for the move on Village roads shall also be noted on the permit. This document will serve as the Village's written permit for operation and movement on its roads of loads which exceed maximum size and weight requirements.~~

~~(c) More than one object may be carried under the permit as long as the carriage of the additional object or objects does not cause the size or weight of the vehicle or load to exceed beyond that required for carriage of the single, indivisible object itself. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No permit shall be issued for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this article. Any permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this article when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise indivisible.~~

~~(d) No permit shall be required from the Village to operate or move a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this article upon any highway under the jurisdiction of the Illinois Department of Transportation or the DuPage County Highway Department, but a special permit from the appropriate transportation authority shall be required for such vehicle operation.~~

~~(e) The Village is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. If the vehicle is found off the route or routes prescribed by the permit, or if it is found in violation of any other condition of the permit, the vehicle shall be deemed as operating without a permit.~~

~~(f) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such permit.~~

~~(g) Notwithstanding any other provision of this Section, the Village may at its discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay. For the purposes of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.~~

^{*}625 ILCS 5/18c-1101 et seq.

(c) The owner or his or her agent shall submit an application fee based on the below chart for a single routing, round trip routing or continuous routings. Permits are valid only for the dates 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 the Chief of Police or his or her designee, and, which must be carried in the vehicle to which the permit applied.

Fee Schedule

		Fee		
<u>Permit size - weight</u>				
<u>(with load)</u>		<u>Single trip</u>	<u>Round Trip</u>	<u>Continuous</u>
Up to 88,000 pounds	\$50		\$75	\$150
88,001 - 100,000		\$75	\$100	\$175
100,001 - 120,000		\$100	\$125	\$225
120,001 - 150,000		\$125	\$150	\$300
Over 150,000		\$125*	\$150*	\$300*

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

<u>Permit size - width</u>				
<u>(with load)</u>		<u>Single trip</u>	<u>Round Trip</u>	<u>Continuous</u>
Up to 12'	\$50		\$75	\$150
12'1" - 13'6"		\$75	\$100	\$175
Over 13'6"		\$75*	\$100*	\$175*

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

<u>Permit size - height</u>				
<u>(with load)</u>		<u>Single trip</u>	<u>Round Trip</u>	<u>Continuous</u>
13'6" - 14'6"		\$50	\$75	\$150
Over 14'6"		\$50*	\$75*	\$150*

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

<u>Permit size - length</u>				
<u>(with load)</u>		<u>Single trip</u>	<u>Round Trip</u>	<u>Continuous</u>
Up to 75'0"		\$50	\$75	\$150
76'0" - 100'0"		\$75	\$100	\$175
Over 100'0"		\$75*	\$100*	\$175*

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

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

(d) Definitions.

For the 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.

(2) Round trip movements means two trips over the same route in opposite direction.

(3) Continuous moves are movements generally to one site over a period of ninety (90) days. Continuous move permits may be issued for a period not to exceed ninety (90) calendar days.

(e) The Chief of Police or his or her designee is authorized to approve the application for routes. Upon approval and payment of all required fees, the Chief of Police or his or her designee 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 single, round or continuous routing.

(4) The description of object or vehicle to be moved.

(5) Authorized gross weight, axle weight, 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 will be maintained by the Police Department for information and compliance.

(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 shall 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, when issued, constitutes an agreement between permittee and the Village that the move described in the application will take place only as described. The permittee has the responsibility to report to the Village any inaccuracies or errors on the part of either the Village or the permittee before starting any move. Undertaking the move is prima facie evidence of acceptance of the permit as issued and its terms

(h) The routing prescribed in the permit constitutes the sole extent of the authority granted by the permit for the use of Village roads, and any vehicle and or load found to be off route will be considered off route and without a permit. Permits shall be carried in the vehicle to which the permit applies at all times unless otherwise directed by the Chief of Police or his or her designee and present upon demand to any and all police officers for the purposes of inspection.

If required, arrangement shall be made by the permittee to have the proper utilities notified, property moved, bridges or highways analysis performed and completed in advance of any permit movement. All movements under the permit shall be made in accordance with all applicable federal, state and local laws, ordinances, rules and regulations.

(i) The permits issued under this Section constitute the grant of a privilege by the Village and may be denied, suspended or revoked for such reasons as the Village may deem rationally related to its governmental interests including but not limited to:

- (1) a permitte's knowingly providing incorrect information on an application for a permit;
- (2) a permittee, its agents or employees acting on a permit which has been altered;
- (3) non-compliance by permittee, its agents or employees with federal, State or local laws pertaining to the transport of goods or operation of a vehicle engaged in the transportation of goods;
- (4) overdue fines or fees due to the Village;
- (5) moving on Village streets without a valid permit as is required under this Section

In addition to other remedies the Village may seek, a permittee, its officers, agents or employees, found guilty of moving an over-dimension or overweight vehicle or load on Village streets on a permit altered or without a valid permit as is required under this Section, shall be subject to a \$750.00 fine.

Suspension or revocation of a current permit shall be for the time determined appropriate for the Chief of Police or his or her designee; however, reinstatement may be made upon conditions determined by the Village and payment of all outstanding settlements or judgments. The charges for reinstatement are:

Denial.....No charge
Suspended...\$50.00
Revoked.....\$75.00

The Chief of Police or his or her designee shall administer and enforce this Section and shall have the authority to grant, deny, suspend, revoke and reinstate permits. Any applicant or permittee denied a permit or who has had a permit suspended or revoked, upon request, shall be given a hearing before the Chief of Police or his or her designee and, if applicant or permittee desires, may appeal the decision of the Chief of Police before the Village Manager.

(j) A drawn down account, or escrow account, can be established by the permit applicant for the purposes of depositing money for use, as needed, to be automatically withdrawn upon request of the applicant for payment of permit fees. It shall be the responsibility of the applicant to maintain a current balance in their drawn down account to cover any and all fees for permit requests.

(k) Whenever any vehicle is operating or has operated in violation of the provisions of a Village permit, whether it be by size, weight or general provisions, either or both the owner or driver of such vehicle shall be deemed guilty, and both the owner or the driver of such vehicle may be prosecuted for such violation. Any operator/owner of a vehicle in violation of this ordinance will be required to conform their vehicle to the applicable weight, height, width and length restrictions and to post bond in accordance with the Illinois Vehicle Code. (Ord. No. 2745, § 2; Ord. No. 3217, § 1.)

NOTE: For similar state law, see Ill. Comp. Stat., ch. 625, § 5/15-301.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

[truck.pmt]