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VILLAGE OF MILLINGTON

LaSALLE AND KENDALL COUNTIES, ILLINOIS

ORDINANCE NO. 01-01-05

**AN ORDINANCE LIMITING THE WEIGHT OF VEHICLES ON STREETS AND
ROADWAYS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF
MILLINGTON.**

**ADOPTED BY THE BOARD OF TRUSTEES AND
PRESIDENT OF THE VILLAGE OF MILLINGTON
THIS 3rd DAY OF JANUARY, 2005.**

Published in pamphlet form by Authority
of the Board of Trustees of the
Village of Millington
LaSalle and Kendall County, Illinois,
this 3rd day of January, 2005.

Ordinance No. 01-01-05

AN ORDINANCE LIMITING THE WEIGHT OF VEHICLES ON STREETS AND ROADWAYS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MILLINGTON.

WHEREAS, there exists within the corporate boundaries of the Village of Millington certain streets and roadways which are under the jurisdiction of the Village of Millington; and

WHEREAS, the streets and roadways under the jurisdiction of the Village of Millington have been constructed utilizing funds from the Village of Millington; and

WHEREAS, certain streets and roadways within the corporate boundaries have been constructed by others in accordance with specifications adopted by the Village of Millington; and have subsequently been dedicated to the Village of Millington; and

WHEREAS, the Village of Millington maintains and repairs the streets and roadways under its jurisdiction within the corporate boundaries; and

WHEREAS, excessive weight on streets and roadways within the corporate boundaries of the Village of Millington increases both the frequency of repairs and the cost of repairs; and

WHEREAS, the Village of Millington is desirous of minimizing the cost of maintenance and repair of its streets and roadways; and

WHEREAS, the Illinois Municipal Code authorizes municipalities to regulate vehicles conveying loads within a municipality;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MILLINGTON:

SECTION 1: Vehicles Prohibited. (a) On non-designated streets or roadways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

- (1) when a different limit is established and posted in accordance with Section 15-316 of the Illinois Motor Vehicle Code;
- (2) vehicles for which the Village issues overweight permits under authority of this Ordinance;
- (3) tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000

pounds on a single rear axle or 44,000 pounds on a tandem rear axle;

(4) any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds;

(5) any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;

(6) any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;

(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

SECTION 2: Exceptions. (a) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

(b) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Ordinance, may be operated on a street or roadway in the Village provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Ordinance. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions; and

(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

SECTION 3: Permits. (a) The Village with respect to streets and roadways under its jurisdiction may, in its discretion, upon application and good cause being shown therefor, 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 this Ordinance or otherwise not in conformity with this Ordinance upon any street or roadway under its jurisdiction. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. 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. Any excess size or weight permit issued in violation of the provisions of this Ordinance 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 Ordinance 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 nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles

and load to be operated or moved; (4) state the routing requested including the points of origin and destination; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Village when not inconsistent with traffic safety 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 operations 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. The Village shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute.

(d) The form and content of the permit shall be determined by the Village with respect to streets and roadways under its jurisdiction. Every permit shall be in written form and 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 the Village granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (f). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged

offense.

(e) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(f) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation be guilty of a petty offense and the Village shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

(g) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this Ordinance.

(h) 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 purpose 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.

SECTION 4. Fees. The Village with respect to streets and roadways under its jurisdiction shall

collect a fee from the applicant for the issuance of a permit to operate or move a vehicle or combination of vehicles or load as authorized in this Ordinance. The charge for each permit shall consist of:

- (1) a service charge for special handling of a permit when requested by an applicant;
- (2) fees for any dimension, axle weight or gross weight in excess of the maximum size or weight specified in this Chapter; and
- (3) additional fees for engineering inspections or field investigations.

With respect to overweight fees, the charge shall be sufficient to compensate in part for the cost of the extra wear and tear on the mileage of street or roadway over which the load is to be moved. With respect to over-dimension permits, the fee shall be sufficient to compensate in part for the special privilege of transporting oversize vehicle or vehicle combination and load and to compensate in part for the economic loss of operators of vehicles in regular operation due to inconvenience occasioned by the oversize movements.

Fees to be paid by the applicant are to be at the rates adopted by the board of Trustees of the Village of Millington.

SECTION 5: Penalty. Any person found guilty of violating any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue. This penalty shall be in addition to any civil liability as provided in this ordinance.

SECTION 6: Civil Liability. In addition to any penalty as set forth above, (a) Any person driving any vehicle, object or contrivance upon any street or roadway of the Village of Millington is liable for all damage which the street or roadway may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight specified in this Ordinance but authorized by a special permit issued as provided in this Ordinance. The measure of liability is the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the Village in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged street or roadway.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of such owner, then the owner and driver are jointly and severally liable to the extent provided in paragraph (a) of this Section. (c) Recovery may be had in a civil action brought by the Village.

SECTION 7. Severability. In the event that any portion of this Ordinance shall be adjudged to be unlawful or unenforceable, such action shall not invalidate the remainder fo this ordinance.

SECTION 8. Effective date. This ordinance shall be in full force and effect after adoption as provided by law.

ADOPTED this 3rd day of January, 2005, pursuant to a roll call vote as follows:

Edith Kuklok	<u>Yes</u>	Glen Fuller	<u>absent</u>
Candy Fuller	<u>Yes</u>	Scott Smith	<u>Yes</u>
Brad Pekoc	<u>Yes</u>	Art Figgins	<u>Yes</u>

APPROVED by me as President of the Board of Trustees of the Village of Millington, Kendall and LaSalle Counties, Illinois, this 3rd day of January, 2005.

Janet Blue
VILLAGE PRESIDENT

ATTEST:

Sharon Key
VILLAGE CLERK