



AGENDA ITEM # 11B

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
August 24, 2020**

Item Title: **Size, Weight, Load and Permits Ordinance**

Staff Contact: Brian Joanis, Management Analyst

VILLAGE BOARD ACTION

Pass an ordinance repealing and replacing Article XXI, “Truck Routes” of Chapter 10 “Traffic Code” of the Code of Ordinances of the Village of Roselle.

Executive Summary:

At its July 27, 2020 Village Board meeting the Board directed staff to prepare an ordinance repealing and replacing Article XXI, “Truck Routes” of Chapter 10 “Traffic Code” of the Code of Ordinances of the Village of Roselle. The new ordinance better defines the local truck routes of the Village and establishes a local permitting process for overweight and oversized vehicles.

Staff has begun the registration process with Oxcart Permit Systems who will administer all permits through a web-based solution at no cost to the Village. Typically the registration process takes two weeks for Oxcart to build the account and for the landing page to go live. Staff will begin to develop a new webpage on the Police Department website that provides permit submitters instructions and the link to the Oxcart permit portal. The earliest the program can go live is September 1, 2020.

The COVID-19 pandemic has impacted the availability for police personnel to enroll and complete the required training courses needed to enforce the ordinance in the field. Staff will continue to monitor the status of the training courses and enroll personnel when they become readily available. As previously stated the Bloomindale Police Department has verbally agreed to lease a scale needed for enforcement at an annual rate of \$400.

Implications:

Is this item budgeted? N/A

Any other implications to be considered? None

Attachments:

Ordinance

ORDINANCE NO. 2020-

**AN ORDINANCE REPEALING AND REPLACING ARTICLE XXI,
"TRUCK ROUTES" OF CHAPTER 10 "TRAFFIC CODE"
OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROSELLE**

WHEREAS, the Village of Roselle is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, et seq.; and

WHEREAS, the Village President and the Village Board of Trustees have determined that, in the best interests of promoting the health, safety, and welfare of the Village and its residents, it is necessary and desirable to repeal Chapter 10, Article XXI of the Village of Roselle's Code of Ordinances in its entirety, and replace it with a new Chapter 10, Article XXI to be entitled "Truck Restrictions, Sections 21-101 through 21-107, as is set forth in Section 2 below, to comprehensively regulate the transportation of over dimension, overweight, and improperly loaded or secured vehicles on Village Streets; and

WHEREAS, the Mayor and the Village Board of Trustees specifically find that the passage of this Ordinance will promote the health, safety, and welfare of the Village of Roselle and protect its streets from improper damage.

NOW THEREFORE BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois as follows:

SECTION 1: That the Preamble to this Ordinance is adopted by reference as if fully set forth herein.

SECTION 2: That Chapter 10, Article XXI entitled "Truck Routes" of the Roselle Village Code is hereby repealed and rescinded in its entirety and replaced with a new Article XXI, "Truck Restrictions", Sections 21-101 through 21-107, which shall read as follows:

ARTICLE XXI. – SIZE, WEIGHT, LOAD AND PERMITS

Sec. 21-101. – Size and weight limits on village streets.

A. It is unlawful for any person or for the owner, to cause or permit, any vehicle or combination of vehicles of a size and weight exceeding the limitations set forth in this Article XXI, or as otherwise prohibited by Chapter 15 of the Illinois Vehicle Code (625 ILCS 5/15-101 et seq.), to be driven, parked or moved on, upon or across, any street under the jurisdiction of the Village

B. For purposes of this Article, the term "Village Street" shall mean any street, road, highway or other public right-of-way that is subject to the jurisdiction of the Village of

Roselle. All other terms not defined herein shall have the definitions attributed thereto by the Illinois Vehicle Code (625 ILCS 5/1-101 et seq.).

C. Size and weight limitations while operating on Village Streets shall not apply to the following vehicles or equipment:

- (1) Fire Department Vehicles;
- (2) Police Vehicles;
- (3) Those vehicles operating under an emergency declaration;
- (4) Village owned vehicles;
- (5) Vehicles engaged in emergency utility repair;
- (6) Vehicles or equipment used for snow and ice removal, owned and operated by any government body;
- (7) Implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor;
- (8) Any vehicle or combination of vehicles operating under the terms of a valid overweight and/or over dimension permit issued by the Village under the authority of Section 10.21-102.

D. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of 625 ILCS 5/15-316 and 625 ICLS 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.

E. It shall be unlawful to operate any "construction vehicle" as defined herein on any Village Street when signs are posted on that street prohibiting "construction vehicle." The term "construction vehicle" for purposes of this Article shall be defined as any vehicle over 10,000 pounds actual weight, registered weight or gross vehicle weight rating that is required to comply with 625 ILCS 5/12-712 and 625 ILCS 5/12-713 on identification required to be displayed.

F. Vehicles subject to this Article shall be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at five hundred (500) feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle shall also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber

strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

Sec. 21-102. – Designated truck routes.

A. The following Village Streets shall be designated and posted as truck routes, these routes have the weight, length and with limitations of a Class II highway, as described in 625 ILCS 5/15-102(e), 625 ILCS 5-15-107 (e) and 625 ILCS 5-15-111(g):

- (1) Central Avenue.
- (2) Garden Avenue, North of Central Avenue only.
- (3) Stevenson Court.
- (4) Rodenburg Road North of Central Avenue only.

B. Through truck traffic shall only be allowed on those Village Streets designated and posted as truck routes. If a truck is required to make a delivery or pick up a load on a non-designated street, such vehicle shall not be driven more than the minimum distance necessary for the purpose.

C. All streets not designated as a truck route shall be subject to a maximum five-ton weight limit. This weight limit shall apply to all vehicles with the exception of school buses, emergency vehicles, village owned snow removal equipment, other village owned road maintenance vehicles, vehicles used for Village contracted construction projects, and garbage trucks making pick-ups.

Sec. 21-103. – Permits for overweight and/or over-dimension vehicles.

A., The Chief of Police, or his or her designee, may, upon application on forms provided by the Village and for good cause shown therefore, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight or load exceeding the maximum specified in Section 10.23-101 on any Village Street. In the event that an applicant fails to comply with the requirements of this Article, the Chief of Police, or his or her designee, is hereby authorized to deny the issuance of a special permit.

B. There shall be four (4) types of permits:

- (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 and after 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 fourteen (14) consecutive days from and after the date of issuance unless otherwise directed by the Police Department.

(3) Multiple trips are those in such close proximity to each other in distance or in time that the Police Department would consider incorporating two (2) or more permit moves within one (1) permit application. Multiple move permits when granted by the Police Department shall be for a period of time not to exceed thirty (30) days from and after the date of issuance unless otherwise directed by the Police Department.

(4) Unlimited company permits shall be granted to an applicant for a one-time fee of \$2,500. All permit requirements in this Article still apply. A permit shall be obtained for every vehicle with every move. Unlimited company permits are effective for ninety (90) consecutive days from and after the date of issuance unless otherwise directed by the Police Department.

C. Applications for special permits shall include the following information:

- (1) The name and address of the applicant owner or lessee of the vehicle;
- (2) Type of permit requested, whether it be for a single trip, round trip, multiple trips or unlimited;
- (3) The description and registration (or the Illinois Department of Transportation's (IDOT) registration number or classification) of the power unit;
- (4) Description of the object or vehicle to be moved;
- (5) The number of axles of the vehicle or combination of vehicles;
- (6) The maximum weights of all single, tandem or series of axles;
- (7) The gross weight of the vehicle;
- (8) The width, length and height of the vehicle and load;
- (9) The origin of the load within Illinois or state line if the origin is outside the jurisdiction of the Village, copies of all county and/or State of Illinois permits must be attached to the application prior to approval and issuance of a village special permit;
- (10) A fully executed hold harmless and indemnification agreement in a form approved by the Village Attorney; and,
- (11) The requested routing over village streets and to specific location(s).

D. The Chief of Police, or his or her designee is authorized to review, authorize, modify or reject all permit applications. Routes may be modified prior to authorization as determined by the Chief of Police, or his or her designee.

E. Upon application for a permit(s), each applicant shall provide evidence of a valid comprehensive general liability insurance policy with an insurance company approved by the Village, for protection in the event of personal injury or property damage, in the amount no less than one million dollars (\$1,000,000) per occurrence.

F. Permits are void if altered for the purpose of deception or if incorrect information has knowingly been provided. Moving on Village Streets with a void permit shall be an offense punishable by a fine provided in Section 23-107.

G. The permits issues 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 to its governmental interest, including but not limited to:

(1) A permittee’s knowingly providing incorrect information in an application for a permit;

(2) A permittee, its agent or employee acting on a permit that has been altered for purposes of deception; or

(3) Noncompliance by permittee, its agent or employee with federal, state or local laws pertaining to the transport of goods or operation of a vehicle engaged in the transport of goods.

Suspension or revocation of a current permit shall be for time determined by the Police Chief; however, reinstatement may be made upon conditions determined by the Village Police Chief, including payment of all outstanding fines, settlements or judgements. The charges for reinstatement exclusive of fines, settlement, or judgment shall be:

Denial..... No charge

Reinstatement..... \$500

H. At the time of application, the applicant shall submit a fee to the Village in the amount set forth in the chart below.

Permit size – Weight (with load)	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)	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)	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)	Single Trip	Round Trip	Multiple
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.

I. Additional fees required. In addition to the fees required in this Section, the applicant shall be required to submit additional fees to the Village for necessary services including, but not limited to, police escorts, Village Street and bridge closures when deemed appropriate by the Chief of Police or his or her designee. All additional fees will be submitted to the Village upon time of application.

J. The Chief of Police, or his or her designee, upon approval and payment of all required fees, shall issue a permit allowing passage of the oversize and/or overweight vehicle(s) over Village Streets. The permit shall be specific and contain:

- (1) The permit number and type (single trip, round trip, multiple trip, unlimited);
- (2) The date(s) upon which the permit is valid;
- (3) Description of the vehicle or load to be moved;
- (4) Authorized gross and axle weight, length, and height;

(5) The authorized routing over village streets including the origin and termination point within the Village;

(6) The fees paid;

(7) The date and signature of the Chief of Police, or his or her designee; and

(8) Any 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 Records Section of the Roselle Police Department for information and enforcement purposes.

K. Permits may be renewed for a maximum of four (4) consecutive permit periods with the permit fee equal to the appropriate multiple of each permit period. Permits are valid only for the date periods specified in the permit and for the specific vehicle, load and routing as depicted in said permit. No substitution of vehicle, load or routing is permitted without express written permission by the Chief of Police, or his or her designee.

L. 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 acceptance of the permit and that:

(1) The permittee is in compliance with all operational requirements;

(2) All dimension and weight limitations specified in the permit shall not be exceeded;

(3) All operation, registration, and license requirements have been satisfied;

(4) All financial responsibilities, obligations, and other legal requirements have been satisfied; and

(5) The permittee assumes all responsibility for injury, or damage to persons or to public or private property, including its own, or to the object being transported, caused directly or indirectly by the transportation or movement of vehicles and objects authorized under the permit.

M. The routing prescribed in the permit constitutes the sole extent of the authority granted by the permit for the use of Village Streets, and any vehicle and or load found to be off route will be considered off route and without permit. The permit shall be carried in the vehicle(s) to which the permit applies at all times while operating on Village Streets and shall be exhibited upon demand to any authorized enforcement official of the village.

N. Permits for oversized and/or overweight vehicle(s) are only valid a half hour before sunrise until a half hour after sunset, on any day for which a permit issued by the Illinois Department of Transportation is valid.

Sec. 21-104. – Spilling loads on village streets; covering loads.

A. No vehicle shall be driven on or moved on any Village Street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom; except, that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. No person shall operate on any Village Street any vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the Village Street.

C. Notwithstanding any other penalty, whenever a police officer determines that the operator of the vehicle is in violation of this Section, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

Sec. 21-105. – Authority to weigh vehicles, require removal of excess loads, etc.

A. Any police officer, or any authorized officer, having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same, either by means of a portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require such vehicle to be driven to the nearest convenient State of Illinois certified public or private scale.

B. Whenever an officer, upon weighing a vehicle and load as provided in this Section determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such limit as permitted under this Article and shall forthwith arrest the driver. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

C. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to weighing, or who fails or refuses, when directed by an officer upon weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this Section, shall be guilty of a Class A misdemeanor.

Sec. 21-106. – Liability of owner and operator for violation.

A. Whenever a vehicle or combination of vehicles is operated in violation of this Article, the owner and/or operator of such vehicle shall be deemed guilty of such violation and either the owner or operator may be prosecuted for such violation.

Sec. 21-107. - Penalty.

A. Any person, firm or corporation who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this Article shall be fined not less than \$100 nor more than \$950 for each separate offense except a violation of Section 21-105 C which shall carry a fine of not less than \$250 nor more than \$1,000, for each separate offence. A separate offense shall be deemed committed on each calendar day on which a violation occurs.

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

SECTION 3: That any Village Ordinance or Resolution, or part thereof, in conflict with the provisions of this Ordinance is, to the extent of such conflict, expressly repealed.

SECTION 4: If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be stricken and shall not affect any other provision of this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form as provided by law.

Mayor, Village of Roselle

ATTEST:

Village Clerk