

**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 2020-12

**AN ORDINANCE AMENDING THE CITY CODE
OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS**

(SIZE AND WEIGHT OF VEHICLES)

**Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 25th day of February, 2020**

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on February 27, 2020.

**AN ORDINANCE AMENDING THE CITY CODE
OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS**

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City is authorized, pursuant to the Illinois Vehicle Code (625 ILCS 5/15-301; the "*Vehicle Code*"), to issue permits authorizing individuals to operate vehicles and transport loads that exceed the maximum sizes and weights specified within the Vehicle Code; and,

WHEREAS, it is imperative that vehicles operating within the City do so without overburdening the City's infrastructure; and,

WHEREAS, the City desires to control the amount and extent of vehicular traffic that exceeds statutory size and weight limits in order to limit the structural impact on the City's roads; and,

WHEREAS, the Mayor and City Council of the City have determined that good cause exists, and it is in the best interests of the City and its residents, to establish a system of permits for overweight and over-sized vehicles and loads traveling within the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. The recitals in the preambles to this Ordinance are incorporated into this Section 1 as if fully set forth herein.

Section 2. The City Code is amended by adding Chapter 5 to Title 6 of the City Code as follows:

**Chapter 5
Size and Weight of Vehicles**

6-5-1: DEFINITIONS

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.

AXLE LOAD: The total load transmitted to the road by all wheels whose centers may be included between two (2) parallel transverse vertical planes forty inches (40") apart extending across the full width of the vehicle.

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 ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

CONSTRUCTION VEHICLE: Any vehicle over ten thousand (10,000) pounds actual weight, registered gross weight or GVWR that is required to comply with 625 Illinois Compiled Statutes 5/12-712 and 12-713 on identification required to be displayed.

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.

GROSS WEIGHT: The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.

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.

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.

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 chapter, motor vehicles are divided into two (2) divisions:

- A. First division: Those motor vehicles, which are designed for the carrying of not more than ten (10) persons.
- B. Second division: Those motor vehicles which are designed for carrying more than ten (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.

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.

SEMI-TRAILER: 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.

TANDEM AXLES: Any two (2) or more single axles whose centers are more than forty inches (40") and not more than ninety six inches (96") apart, measured to the nearest inch between extreme axles in the series, except as provided in section 15-111¹ for special hauling vehicles.

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.

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.

6-5-2: MAXIMUM SIZE AND WEIGHT OF VEHICLES:

A. Weight and Size Restrictions: It shall be unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any City road or highway, any vehicle or vehicles, unladen or with load, of a size and weight exceeding the limitations stated in the Illinois Vehicle Code, 625 ILCS 5/15-102 (width), 15-103 (height), 15-107 (length), and 15-111 (weight). The maximum weight per axle shall be 20,000 pounds.

B. Exceptions: Size and weight limitations while operating on City streets shall not apply to:

1. Fire apparatus;
2. Vehicles engaged in emergency utility repair or operating under an emergency declaration;
3. Vehicles owned or operated by any governmental body, including vehicles privately owned but performing duties under contract to the Country, State, County, or City;
4. Implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor; and
5. Any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the City under the authority of Section 6-5-2 of this Chapter.

6-5-3: PERMITS FOR OVERWEIGHT AND/OR OVERSIZED VEHICLES:

A. Permit Required: 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 City that exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they be nondesignated or designated roadways.

B. Applications: The Chief of Police or his or her designee is hereby authorized to receive, investigate and determine the propriety of requests to transport or move oversized and overweight vehicles over, upon or across the City roads and highways, to require written application therefor, and to issue permits therefor consistent with the public health, comfort, safety and welfare and the reasonable preservation of the City roads and highways. As a condition of the issuance of any permit, the City, through its Police Department, shall have the power to regulate the date, time, route and conditions, safety equipment and measures to be employed in making any such movement. The Chief of Police or his or her designee shall process all applications within one business day of the receipt of a complete and proper application. Said applications and permits shall be made and granted upon such forms as the Police Department may, from time to time, reasonably provide, which includes electronic application and payment processing using online (internet) services. The applications shall include, at a minimum:

1. The name and address of the owner or lessee of the vehicle
2. The applicants name
3. The 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 (IDT) registration number or classification) of the power unit)The type of vehicle
5. The 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. The maximum gross weight of the vehicle
9. The maximum width, length and height of the vehicle and load
10. The requested route to be taken by the vehicle

C. Issuance: Upon receipt of a completed application and proof of payment of the fee, the Chief of Police or designee may issue a permit, subject to the following conditions:

1. In consideration of seasonal or other time limitations, the Chief of Police or designee may restrict the number or time of daily trips authorized by each permit, as is consistent with public safety.
2. In establishing the routes to be traveled, the Chief of Police or designee may establish the route consistent with public safety, taking into consideration existing traffic, the character of the road or roads, and the configuration of the terrain.
3. All permits shall be nontransferable and shall be valid only for the applicant, or applicant's agent or employee, and the specific vehicle listed on the application.
4. Every permit shall be carried in paper or electronic form in the vehicle to which it refers and shall be open to inspection by any police officer or agent of the City.
5. No refunds of permit fees shall be made to the applicant following the issuance of a permit.
6. The applicant shall comply with all township, City, county, state, and federal statutes, ordinances, regulations, rules, and requirements.
7. Altering or falsifying a permit will revoke the applicant's permit privileges for twelve (12) months.
8. The Chief of Police or designee is authorized to create and amend reasonable provisions for permits.

D. Schedule: Permits may be applied for and granted in accordance with the following schedule:

1. Fees for Oversized and Overweight Vehicles: Fees for special permits to move a vehicle which is oversized and overweight shall be paid by the applicant to the City at the following rates:

	Up to 100,000 lbs.	Between 100,000 and 150,000 lbs.	More than 150,000 lbs.
Single trip (7 days)	\$ 50.00	\$ 75.00	\$ 100.00
Round trip (14 days)	\$ 100.00	\$ 150.00	\$ 200.00

Quarterly (90 days)	\$ 500.00	\$ 500.00	\$ 500.00
Semi-Annual (180 days)	\$ 750.00	\$ 750.00	\$ 750.00
Annual (365 days)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00

2. Fees for Legal Weight but Oversized Vehicles: Fees for special permits to move legal weight, oversized vehicles, shall be paid by the applicant to the City, at the following rates:

Single trip (7 days)	\$ 25.00
Round trip (14 days)	\$ 40.00
Quarterly (90 days)	\$ 500.00
Semi-Annual (180 days)	\$ 750.00
Annual (365 days)	\$ 1,000.00

3. Definitions: For purposes of this section, the following definitions apply:

- a. A single trip (7-day) movement means moves 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.
- b. A round trip (14-day) movement means trips over the same route in opposite directions. Round trip permits are effective for fourteen (14) consecutive days from the date of issuance.
- c. Quarterly (90-day) 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. Quarterly permits when granted by the police department shall be for a

period time not to exceed ninety (90) consecutive days from the date of issuance.

- E. General Provisions: Permits may be issued for a maximum of one year and 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 with expressed written permission by the Chief of Police or designee.
- F. It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking the permit move is deemed prima facia 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 City harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the City for any claim it may be required to pay arising from the movement

6-5-4: VEHICLES PROHIBITED ON CERTAIN STREETS

- A. As provided in the provisions of 6-1-6 Truck and Commercial Vehicle, Loads and Weights are prohibited on certain streets.
- B. It shall be unlawful to operate any “construction vehicle” as defined herein on any street in the City when signs are posted on that street prohibiting “construction vehicles”. Where the Director of Public Works, with the approval of the City Council establishes an established truck route, construction vehicles will utilize only those established routes to service those areas of the City under construction.

6-5-5: GROSS VEHICLE WEIGHT RATING DESIGNATED

- A. **Gross Vehicle Weight Rating Limit:** It shall be unlawful to operate any vehicle with a gross vehicle weight rating, as defined in 625 Illinois Compiled Statutes 5/1-124.5, in excess of twenty thousand (20,000) pounds on any of the streets herein designated.
- B. **Generally:** Whenever the Corporate Authorities designate a street as prohibiting such vehicles, they shall cause to be placed and maintained signs giving notice thereof.
- C. **Portions of Streets Designated:** The following streets are hereby designated as “20,000 pounds’ gross vehicle weight rating limited streets”:
 - 1. E. Main Street (Route 47 to McHugh Road)
 - 2. McHugh Road (E. Main Street to Route 34)
 - 3. Corneils Road
 - 4. Boombah Boulevard (2,150 feet west of Route 47 to Caledonia Drive)
 - 5. Baseline Road
 - 6. River Road Bridge
 - 7. W. Main Street
 - 8. Church Street
 - 9. King Street

6-5-6: VIOLATIONS:

- A. **Suspected Violations:** Any City police officers having reasonable cause to believe that the weight of a vehicle and load is in violation of the provisions of this section shall require the driver to stop and submit to a weighing of the same either by means of portable or stationary scales. If such scales are not available to the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest available scale that has been tested and approved by the Illinois Department of Agriculture.
- B. **Excess Loads:** Whenever a City police officer, upon weighing of vehicle and load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle at a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this section or to the limit permitted under the terms of a permit issued pursuant to this section, and shall forthwith arrest the owner, operator, lessee or driver thereof. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.
- C. **Penalties:** Whenever any vehicle is operated in violation of the provisions of a City 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 either or both the owner or the driver of such vehicle may be prosecuted for such violation. Any person found liable/guilty by a preponderance of the evidence of a violation of this section in an administrative/judicial hearing shall be subject to the fine prescribed in Title 1, Chapter 4 of this Code.

Section 3. This Ordinance shall be in full force and effect immediately from and after its passage and approval according to law.


Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this 25th day of February, 2020.



City Clerk

KEN KOCH	<u>AYE</u>	DAN TRANSIER	<u>AYE</u>
JACKIE MILSCHEWSKI	<u>AYE</u>	ARDEN JOE PLOCHER	<u>AYE</u>
CHRIS FUNKHOUSER	<u>AYE</u>	JOEL FRIEDERS	<u>AYE</u>
SEAVER TARULIS	<u>AYE</u>	JASON PETERSON	<u>AYE</u>

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this 27th day of FEBRUARY, 2020.



Mayor

Attest:



City Clerk