

ORDINANCE NO. 2019 – 4848

AN ORDINANCE TITLE 10, CHAPTER 1, SECTION 6,
VEHICLE WEIGHTS, LIMITED LOAD STREETS,
ESTABLISHING PERMITTING REQUIREMENTS, REGULATIONS AND
ENFORCEMENT PROVISIONS

PASSED BY THE BOARD OF TRUSTEES
NOVEMBER 18, 2019

PRINTED AND PUBLISHED IN PAMPHLET FORM
BY AUTHORITY OF THE
MAYOR AND BOARD OF TRUSTEES

VILLAGE OF LISLE
DUPAGE COUNTY, ILLINOIS

I HEREBY CERTIFY THAT THIS DOCUMENT
WAS PROPERLY PUBLISHED ON:

NOVEMBER 19, 2019



Lorna Turner, Village Clerk
By Karen L. Arnold, Deputy Clerk



ORDINANCE NO. 2019 – 4848

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1, SECTION 6, VEHICLE WEIGHTS, LIMITED LOAD STREETS, ESTABLISHING PERMITTING REQUIREMENTS, REGULATIONS AND ENFORCEMENT PROVISIONS

WHEREAS, the Village of Lisle is an Illinois non-home rule municipality organized and operating under the Illinois Constitution (Ill. Const., Art. VII, Sec. 7) and the Illinois Municipal Code (65 ILCS 5/1 *et seq.*); and

WHEREAS, pursuant to 625 ILCS 5/15 the Village has the authority to develop local ordinances to establish overweight and overdimension vehicle permitting requirements; and

WHEREAS, the Village Board wishes to amend its permitting requirements for overweight and overdimension vehicles as permitted by law; and

WHEREAS, the Village Attorney has reviewed the Village of Lisle's regulations regarding the permitting of overweight and overdimension vehicles; and

WHEREAS, the Mayor and Village of Lisle Board of Trustees have determined it in the best interest of the Village to ensure that the Village Code remains current with the provisions set forth by State of Illinois statutes.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lisle, DuPage County, Illinois, that:

SECTION 1: RECITALS

The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: AMENDMENT TO TITLE 10, CHAPTER 6, Section 1

Title 10, Chapter 1, Section 6 of the Village of Lisle Code is hereby amended as shown on Exhibit 1, attached hereto and, by this reference, incorporated herein (additions in underline, deletions in ~~strike through~~).

SECTION 3: EFFECTIVE DATE

This Ordinance shall be in full force and effect on November 18, 2019 following its passage and approval as required by law.

SECTION 4: CONFLICTING PROVISIONS

Any prior order, resolution, policy or ordinance of the Board of Trustees of the Village of Lisle in conflict with the provisions of this Ordinance, shall be and hereby are, repealed to the extent of such conflict.

SECTION 5: PUBLICATION OF ORDINANCE

The Village Clerk is hereby authorized to publish this ordinance in book or pamphlet form or such other form which is permitted or required pursuant to applicable law.

Passed and approved this 18th day of November, 2019.



CHRISTOPHER R. PECAK, MAYOR

ATTEST:



LORNA TURNER, VILLAGE CLERK



VOTES:

Ayes: Trustees Winz, Sadat, Carballo, Cawiezel, Dixit and Hasse

Nays: None

Absent: None

Abstain None

LIST OF EXHIBITS

EXHIBIT 1 – Title 10, Chapter 1, Section 6 Vehicle Weights, Limited Load Streets,
Establishing Permitting Requirements, Regulations and Enforcement Provisions

CURRENT VILLAGE CODE:

10-1-6: VEHICLE WEIGHTS, LIMITED LOAD STREETS:

(A) Motor vehicles weighing in excess of five (5) tons are hereby prohibited from driving upon or using any street listed hereinafter, unless they qualify as an exemption in subsection (B) of this section:

<u>Street</u>	<u>From</u>	<u>To</u>
Abbeywood Drive	Naper Boulevard	Golfview
Benedictine Parkway	Maple	Abbeywood
Breckenridge Road	Green Trails	Sun Valley
Burlington Avenue	Yackley	Route 53
Center Avenue	Rolling	Maple
Division Street	Main	Kingston
Front Street	Venture	Easterly corporate limits
Green Trails Drive	New Albany	Easterly corporate limits
Hitchcock Avenue	Center	Westview
Kingston Avenue	Front	Maple
Lacey Avenue	Main	Ogden
Lacey Avenue	Yackley	River
Larkspur Lane	Jonquil	Maple
Main Street	Division	Route 53
Middleton Avenue	Center	Ogden
Middleton Avenue	Yender	Schwartz
Ohio Court	Ohio Street	Short Street

Ohio Street	Indiana	Yackley
Riedy Road	Main	East corporate limits
Rolling Drive	Route 53	Larkspur
Schwartz Avenue	Middleton	Burlington
Short Street	Ohio Court	Route 53
Short Street	Route 53	Main
Southport Avenue	Main	Lacey
Sun Valley Road	Telluride	Old College
Westview Lane	Hitchcock	Maple
Yender Avenue	Western Court	Ogden

(Ord. 90-2118, 11-19-1990; amd. Ord. 93-2386, 6-7-1993; Ord. 99-3152, 10-4-1999)

(B) The following vehicles are exempt from this weight limit:

1. Emergency vehicles, including, but not limited to, fire district vehicles, when traveling to or from their destination.
2. School buses and public mass transit buses, when engaged in local service. For the purposes of this section, "local service" is defined as travel between passenger pick up points and passenger destinations.
3. Municipal vehicles, refuse and recycling trucks, and vehicles operated by private utilities, when actively engaged in service in the local area.
4. Vehicles making deliveries or pick ups on any of the various streets named in subsection (A) of this section, or vehicles which cannot reach a pick up or delivery point except by driving upon or using any of said streets, when no alternate means of ingress or egress is available; in which case these vehicles must use the shortest direct route between their destination and the nearest arterial street. For the purposes of this section, "arterial streets" are defined as Naper Boulevard, Yackley Avenue, College Road, Route 53, I-355, I-88, Warrenville Road, Ogden Avenue and Maple Avenue.
5. Construction vehicles and equipment working on or along any of the various streets named in subsection (A) of this section, or

which cannot otherwise reach a construction area except by driving upon or using any of the streets listed in subsection (A) of this section when no alternate means of ingress or egress is available; in which case these vehicles must use the shortest direct route between their destination and the nearest arterial street. For the purposes of this section, arterial streets are defined as Naper Boulevard, Yackley Avenue, College Road, Route 53, I-355, I-88, Warrenville Road, Ogden Avenue and Maple Avenue.

(C) Any person found to have violated any term or provision of this section shall be fined as established by the ~~annual fee ordinance for each violation~~ Illinois vehicle code. (Ord. 96-2776, 5-20-1996)

10-1-6(D) PERMIT REQUIRED FOR OVERWEIGHT AND OVERDIMENSION VEHICLES:

A. Permit Required: It shall be unlawful for any owner, operator, lessee or driver to operate or move any vehicle over, upon or across any village road or highway when the vehicle exceeds any of the limitations and regulations stated in Illinois Compiled Statutes chapter 625, act 5, sections 15-102 (width), 15-103 (height), 15-107 (length) and 15-111 (weight), as such limitations and regulations are amended from time to time, without having first obtained a valid permit to do so from the director of public works.

B. Liability For Damage: The permittee shall assume total liability for any and all damages to streets, bridges, village owned appurtenances and private or public property while engaged in a permit movement. The measure of liability is the cost for all repairs or the cost of replacement of property damaged beyond repair together with all other expenses incurred by the authorities in control of the highway structure 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 highway or highway structure by the permittee.

C. Application For Permit; Authority To Grant And Establish Conditions: The director of public works shall be empowered to receive, investigate and determine the propriety of requests to transport or move overweight and overdimension vehicles over, upon or across village 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 village roads and highways. The application for and issuance of a permit shall be in accordance with Illinois Compiled Statutes chapter 625, act 5, section 15-301, as amended from time to time, and all movements under the permit shall be made in accordance with all applicable federal, state and local laws, ordinances, rules and regulations.

1. Permits shall be issued only in the name of a person, firm, business, or corporation that owns and operates the transporting vehicle or that operates the vehicle under a bona fide lease agreement. The permit is nontransferable and applies only to the permittee. 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 the owner, then the owner and driver are jointly and severally liable to the extent provided herein.
2. The permit, when issued, constitutes an agreement between the 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. Any revisions made at the request of the permittee for purposes of changing weights, dimensions, routes, or load description shall at the discretion of the director of public works. Undertaking the move is prima facie evidence of acceptance of the permit as issued and its terms.
3. The route 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.
4. 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:
 - a. The permittee is in compliance with all operation requirements;
 - b. All dimension and weight limitations specified in the permit shall not be exceeded;
 - c. All operation, registration and license requirements have been complied with;
 - d. All financial responsibilities, obligations and other legal requirements have been met; and
 - e. The permittee, including its officers, agents, or employees, 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.

5. Upon application for a permit(s), the village may require an applicant to provide evidence of a valid comprehensive general liability insurance policy for protection against personal injury or property damage, in the amount of one million dollars (\$1,000,000.00) per occurrence. The village shall be named as an additional, noncontributory coinsured on all policies of insurance. The village shall receive written notice of cancellation or reduction in coverage of any insurance policy thirty (30) days prior to the effective date of cancellation or reduction. The permittee will be responsible for obtaining new insurance coverage in this event. In addition, the permittee shall carry, at its own expense, at least the following insurance coverage:

a. Commercial general liability insurance:

Bodily injury, personal injury, and property damage with limits of not less than one million dollars (\$1,000,000.00) each occurrence/two million dollars (\$2,000,000.00) aggregate.

Contractual insurance - broad form, with limits of not less than one million dollars (\$1,000,000.00) each occurrence/two million dollars (\$2,000,000.00) aggregate.

b. Business automobile liability: One million dollars (\$1,000,000.00) combined single limit per accident for bodily injury and property damage.

6. As a condition of the issuance of any permit, the director of public works shall have the power to regulate the date, time, route and conditions, safety equipment and measures to be employed in making any such movement. This may include the use of Lisle police department escorts, which shall be determined by the village based on density of the area and other safety concerns, at the sole discretion of the village. The expenses for such escort shall be paid for by the permittee with a one hour minimum charge. The director of public works 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 director of public works may, from time to time, reasonably provide.

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:

a. A permittee knowingly providing incorrect information on an application for a permit;

b. A permittee, its agents or employees acting on a permit which has been altered;

c. Noncompliance 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;

d. Overdue fines or fees due to the village;

e. Moving on village streets without a valid permit as is required.

7. Suspension or revocation of a current permit shall be for the time determined appropriate by the director of public works 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 in accordance the annual fee ordinance

The director of public works 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 director of public works or his or her designee and, if applicant or permittee desires, may appeal the decision of the director of public works before the village manager.

D. Permit Fees: Permits may be applied for and granted in accordance with the fees established below, plus necessary and appropriate administrative or engineering fees. In addition to any ordinance violation prosecution or other remedies authorized by law, the Village Manager is hereby authorized to direct the Village Attorney to file suit to recover any and all costs incurred by the Village for any damage to any roadway of the Village as determined by the Public Works Director, including, but not limited to: any repair costs, any Village staff time and equipment including overhead used to repair any damage and any Village payments to contractors for the same.

MULTIPLE MOVES: Those in such close proximity to each other in distance or in time that the village would consider incorporating two (2) or more permit moves as one move. Multiple move permits, when granted by the village, shall be for a period of time not to exceed thirty (30) days from the date of issuance. Multiple moves must be identified prior to obtaining a permit.

ONE-WAY OR SINGLE TRIP MOVEMENT: 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 valid for five (5) consecutive days from date of issuance unless otherwise directed by the village in writing.

ROUND TRIP MOVEMENT: Two (2) trips over the same route in opposite directions. Round trip permits are valid for ten (10)

consecutive days from the date of issuance.

	Single Trip	Round Trip	Continuous
Permit Size -- gross weight (with load)			
Up to 88,000	\$50	\$75	\$150
88,001 - 100,000	\$75	\$100	\$222
100,001 - 120,000	\$100	\$125	\$225
120,001 - 150,000	\$125	\$150	\$300
Over 150,000	\$125	\$150	
Permit Size -- width (with load)			
Up to 12'	\$50	\$75	\$150
12' 1" to 13' 6"	\$75	\$100	\$175
Over 13' 6" wide	\$75	\$100	
Permit Size -- height (with load)			
13' 6" - 14' 6"	\$50	\$75	\$150
Over 14' 6"	\$50	\$75	
Permit Size -- length (with load)			
Up to 75'	\$50	\$75	\$150
75' 1" to 100'	\$75	\$100	\$175
Over 100' 0"	\$75	\$100	

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.

E. Permit Carried In Vehicle: Every such permit issued shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer of the village.

F. Locations Where Permit Is Not Valid: The permit is not valid on any highway or bridge posted for a load limit less than the gross weight of the move, on any highway closed to traffic, and on any highway not under the jurisdiction of the village; provided, however, that whenever a vehicle is operating pursuant to a permit issued hereunder for excess width or length, such vehicle may be moved upon a state highway for a distance not to exceed one-half (1/2) mile without a permit for the purpose of crossing the state highway.

G. Weighing Vehicles; Removal Of Excess Load:

1. Any village police 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 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.

2. Whenever a village 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 title or to the limit permitted under the terms of a permit issued pursuant to subsection A of 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. (Ord. 2005-35, 5-19-2005)