

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: October 9, 2012**

**AN ORDINANCE AMENDING CHAPTER 94 (“TRAFFIC AND VEHICLES”)  
TO PROVIDE FOR PERMITTING OF OVERWEIGHT TRUCKS AND TO  
ESTABLISH PERMIT FEES**

**WHEREAS**, the City of Rochelle 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**, Section 15-111 of the Illinois Vehicle Code provides maximum total weights for vehicles, and generally provides a maximum weight of 80,000 pounds, with certain exceptions, including an exception for vehicles for which the Illinois Department of Transportation and local authorities have issued overweight permits under the authority of Section 15-301 of the Illinois Vehicle Code; and

**WHEREAS**, under Section 15-301 of the Illinois Vehicle Code, the City has the authority to issue special permits for the travel of overweight vehicles over its roadways, and to collect a fee therefore; and

**WHEREAS**, the Rochelle Municipal Code presently contains no provisions for the issuance of overweight permits under Section 15-301; and

**WHEREAS**, the City Council finds it in the best interest of the City to amend Article VIII of Chapter 94 (Loads) to, among other things, authorize the issuance of special permits for overweight vehicles travelling on roadways within the City, pursuant to the authority of Section 15-301 of the Illinois Vehicle Code;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS**, as follows:

1. Article VIII ("Loads") of Chapter 94 ("Traffic and Vehicles,") of the Rochelle Municipal Code is hereby amended to read, in its entirety, as shown in the form attached as **Exhibit A** hereto, and the table of contents to said Chapter and Article are amended to reflect the new title of Article VIII ("Weight Limits and Overweight Vehicles"), effective May 1, 2013.
2. Section 94-3 ("Penalty") of Chapter 94 ("Traffic and Vehicles") of the Rochelle Municipal Code is hereby amended to read, in its entirety, as shown in the form attached as **Exhibit B** hereto, effective May 1, 2013.
3. Section 94-5 (“Weight Restrictions”) of Chapter 94 (“Traffic and Vehicles”) of the Rochelle Municipal Code is hereby repealed in its entirety, effective May 1, 2013.

4. Effective July 1, 2012 through April 30, 2013, it shall be the policy of the City of Rochelle that the Rochelle Police Department accept, in lieu of city-issued overweight permits, overweight permits issued by Ogle County for county highways or township highways located in Ogle County, overweight permits issued by Flagg Township for Flagg Township highways or overweight permits issued by the Illinois Department of Transportation for state highways for all overweight vehicles, weighing not more than 99,999 pounds, on city designated truck routes.
  
5. If any section, subsection, or other provision of this Ordinance for any reason is held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part not declared invalid.

This ordinance shall become effective after its passage, approval and publication on October 9, 2012 as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 9<sup>th</sup> day of October, 2012.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attested: \_\_\_\_\_  
City Clerk

## EXHIBIT A

### ARTICLE VIII. WEIGHT LIMITS AND OVERWEIGHT VEHICLES

#### Sec. 94-530. Designated truck routes.

- (a) The following streets are designated and shall be posted as routes for trucks and commercial vehicles in excess of 73,280 pounds within, to, or through the city:
1. 1st Ave. from IL. Rt. 38 to Caron Rd.
  2. 2nd Ave. from N. Main St east approximately 1350 feet to termination.
  3. 4th Ave. from N. 15th St. to N. 14th St.
  4. 4th Ave. from N. 8th St. to N. 6th St. -- Class II (State of Illinois Jurisdiction)
  5. 4th Ave. from N. Main St. east to termination at approximately 400 feet east of N. 2nd St.
  6. 6th Ave. from IL. Rt. 251 to N. 2nd St.
  7. 7th Ave. from N. 2nd St. to Caron Rd.
  8. 8th Ave. from 20th St. to N. 14th St.
  9. Americold Dr. from Wiscold Dr. south approximately 428 feet to termination -- Class II
  10. Avenue E from Avenue G to Poplar St.
  11. Avenue G from Wood St. to Avenue E.
  12. Avenue H from Wood St. east approximately 700 feet to termination.
  13. Brush Grove Rd. from Intermodal Drive west approximately 7600 feet to the Rochelle Corporate Limits (approximately 300' north of Kyte River)
  14. Caron Rd. from Steward Rd. to Flagg Rd. -- Class II
  15. Cherry Ave. from N. Main St. east to N. 2nd St.
  16. Creston Rd. from Caron Rd. to Dement Rd. -- Class II
  17. Dement Rd. from Creston Rd. to approximately 615 feet north of Petro Rd. -- Class II

18. Flagg Rd. from IL Rt. 251 to approx. 1400' west of the west line of 20th St. - Class III (Ogle Co. Jurisdiction)
19. Flagg Rd. from IL Rt. 251 to Caron Rd. -- Class II
20. IL. Rt. 251 from Gurler Rd. to Twombly Rd. -- Class II (State Jurisdiction)
21. IL. Rt. 38 (Lincoln Ave.) from west Rochelle Corporate Limits to N. 6th St. -- Class II (State Jurisdiction)
22. IL. Rt. 38 from IL. Rt. 251 to east municipal boundary -- Class II (State Jurisdiction)
23. Intermodal Dr. from IL. Rt. 251 to Global III Intermodal entrance -- Class II
24. N. 2nd St. from Cherry Av. to 7th Av.
25. N. 6th St. from Lincoln Ave. (IL. Rt. 38) to 4th Ave. -- Class II (State Jurisdiction)
26. N. 8th St. from Lincoln Ave. (IL. Rt. 38) to 4th Ave. -- Class II (State Jurisdiction)
27. N. 14th St. from Lincoln Ave. (IL. Rt. 38) to 8th Ave.
28. N. 15th St. from Lincoln Ave. (IL. Rt. 38) to 4th Ave.
29. N. 15th St. from 8th Ave. south approximately 717 feet to termination.
30. N. Main St. from 1st Ave. to 4th Ave.
31. Petro Rd. from approximately 285 west of Dement Rd. to approximately 1150 feet east of Dement Rd. -- Class II
32. Poplar St. from Avenue E to 1st Ave.
33. Quarry Rd. from Standard Oil Rd. to Wood St.
34. Ranger Dr. from Dement Rd west approximately 600' to termination.
35. S. Main St. from Steward Rd. to Veterans Parkway.
36. Standard Oil Rd. from S. Main St. to Quarry Rd.
37. Steam Plant Rd. from S. Main St. to Caron Rd.

- 38. Steward Rd. from IL. Rt. 251 to S. Main St. -- Class III (Ogle Co. Jurisdiction)
- 39. Steward R. from S. Main St. to Ogle / Lee County line
- 40. Timber Ln. from Caron Road east approximately 1100' to termination -- Class II
- 41. Veterans Parkway from IL. Rt. 251 to S. Main St.
- 42. Washington St. from IL. Rt. 251 to 1st Ave.
- 43. Wiscold Dr. from Caron Rd. to Americold Dr. -- Class II
- 44. Wood St. from Quarry Rd. to Avenue G.
- 45. Jack Dame Road
- 46. Ritchie Road from Steward Rd to Ritchie Court
- 47. Ritchie Court from Ritchie Rd north to the terminus
- 48. Centerpoint Drive

(b) All truck routes designated in this section shall be properly signed in accordance with the Illinois Manual on Uniform Traffic Control Devices.

**Sec. 94-531. Weight limitations on Dement Road and Ranger Road.**

- (a) Dement Road and Ranger Road are classified as class II roads and, therefore, the maximum weight limits of vehicles upon the roadways shall be 20,000 pounds on a single axle, 34,000 pounds on a tandem, and up to 80,000 pounds on a five-axle combination, depending upon axle spacings.
- (b) The weight limitations in subsection (a) of this section shall not apply to those vehicles which have received special permits issued by the state to exceed the normal weight restrictions and which have been allowed to travel on Interstate 39.
- (c) Subsection (b) of this Section shall apply to that part of Dement Road extending 750 feet north of IL Route 38 and to that part of Dement Road extending 490 feet south to the south line of Ranger Road. Subsection (b) of this Section shall also apply to the entire roadway known as Ranger Road.

**Sec. 94-532. Gross Weight Limits.**

- (a) It shall be unlawful for any person(s) to operate or cause to be operated a truck or commercial vehicle in excess of 73,280 pounds on any streets within the City, other than those streets identified in Sec. 94-530, except for the purpose of loading, unloading, food, fuel, repairs, and rest, in accordance with the provisions of the Illinois Vehicle Code, 625 ILCS 5/15-111(f-1) and (f-2), unless one of the exceptions listed in Section 94-533 hereunder is applicable to said vehicle(s), or as otherwise permitted pursuant to Section 94-534 or Section 94-535.
- (b) It shall be unlawful for any person(s) to operate or cause to be operated a motor vehicle having a gross weight (including vehicle and maximum load) in excess of 80,000 pounds, or motorized equipment having a gross weight in excess of 80,000 pounds (collectively “Overweight Vehicle”) on any street, road, or highway located within the jurisdiction of the City of Rochelle and designated as a Truck Route under Sec. 94-530, unless one of the exceptions listed in Section 94-533 hereunder is applicable to said vehicle(s), or as otherwise permitted pursuant to the language contained in Sections 94-534 and 94-535.

**Sec. 94-533 Exempt Vehicles.**

The following vehicles are exempt from the gross weight limit restrictions described and set forth in Section 94-532 herein:

- (a) Vehicles owned and operated by government agencies;
- (b) Public utility vehicles owned or operated by the City, other public bodies, public utility companies, or any contractor or material man thereof, while engaged in the repair, maintenance, or construction of streets or utility facilities within the City, or while traveling to or from such street repair or public utility facility sites, where the only access to such repair or utility facility sites is over streets within the City;
- (c) Buses in operation of picking up or dropping off passengers;
- (d) Private snow removal vehicles engaged in snow removal functions on private property within the City;
- (e) Vehicles registered and used as recreational vehicles;
- (f) Tow trucks;
- (g) Implements of husbandry;
- (h) Emergency vehicles;

- (i) Vehicles involving local destination or origination, if necessary, for the conduct of business or service to an occupant or retailer where access thereto or egress therefrom is only available over streets which have not been designated Truck Routes under Sec. 94-530; provided, however, any such vehicle with a gross vehicle weight in excess of 80,000 pounds which travels over any portion of a residential street or any other street not designated as a Truck Route shall be required to obtain a special permit as described in Sec. 94-534 or otherwise be in violation of this Article; or
- (j) Any Overweight Vehicle to which a special permit has been issued under Sec. 94-534.

**Sec. 94-534. Special Permits.**

- (a) Special Permits for Overweight Vehicles Hauling International Shipping Containers.
  1. *Truck Route Permits.* The City Manager, or his designee, (“Permitting Authority”) upon application by a person (“Permittee”) and good cause being shown, may issue a special permit authorizing a vehicle or combination of vehicles not in conformity with the weight regulations of Sec. 94-532 or the wheel and axle load and gross weight provisions of Section 15-11 of the Illinois Vehicle Code, as periodically amended, that is hauling sealed International Shipping Containers, the contents of which are considered by the Illinois Department of Transportation to be indivisible, to be operated or moved upon any street or highway under the jurisdiction of the City which has been designated a Truck Route under Sec. 94-530; provided, however, that no permit shall be issued for any Overweight Vehicle hauling International Shipping Containers that weighs 100,000 pounds or more.
  2. *Sec. 94-533(i) Permits.* The Permitting Authority, upon application by a Permittee and good cause shown, may issue a special permit authorizing a vehicle hauling International Shipping Containers not in conformity with the weight limitations of Sec. 94-532 that is required to obtain a permit under Sec. 94-533(i) to be operated or moved upon any street or highway under the jurisdiction of the City within the limitations of Sec. 94-533(i); provided, however, that no permit shall be issued for any Overweight Vehicle hauling International Shipping Containers that weighs 100,000 pounds or more.
  3. *Fees.* The fees for special permits for overweight trucks hauling International Shipping Containers under this section are as follows:

<b>Permit Type</b>	<b>Weight Class</b>	<b>One-Day Permit</b>	<b>Annual Permit</b>
Truck Route Permits	80,000 – 99,999 pounds	\$25.00	\$350.00

All special permit forms for Overweight Vehicles hauling International Shipping Containers shall be on file at the Permitting Authority's office.

4. *Application Requirements.* The application for any such permit shall:
  - a. specifically describe the vehicle to be operated or moved;
  - b. state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law ("Motor Carrier Law"), and, if so, the certificate, registration or permit number issued by the Illinois Commerce Commission to the applicant;
  - c. include any request for routing to the nearest certified scale in accordance with the Illinois Department of Transportation; and
  - d. state if the vehicle or load is being transported for hire.

The requirements in this section are not exclusive, and the City reserves the right to impose additional requirements thereunder.

(b) Special Permits for All Other Overweight Vehicles

1. *Truck Route Permits.* The Permitting Authority upon application by a person ("Permittee") and good cause being shown, may issue a special permit authorizing a vehicle or combination of vehicles, other than vehicles hauling International Shipping Containers, not in conformity with the weight regulations of Sec. 94-532 or the wheel and axle load and gross weight provisions of Section 15-11 of the Illinois Vehicle Code, as periodically amended, to be operated or moved upon any street or highway under the jurisdiction of the City which has been designated a Truck Route under Sec. 94-530; provided, however, that no permit shall be issued under this Sec. 94-534(b) to any vehicle that weighs 150,000 pounds or more without prior approval of the City Council which shall set the fee.
2. *Sec. 94-533(i) Permits.* The Permitting Authority, upon application by a Permittee and good cause shown, may issue a special permit authorizing a vehicle not in conformity with the weight limitations of Sec. 94-532 that is required to obtain a permit under Sec. 94-533(i) to be operated or moved upon any street or highway under the jurisdiction of the City within the limitations of Sec. 94-533(i); provided, however, that no permit shall be issued under this Sec. 94-534(b) to any vehicle that weighs 150,000 pounds or more without prior approval of the City Council which shall set the fee.

3. *Fees.* The fees for special permits for vehicles other than vehicles hauling International Shipping Containers under this section are as follows:

<b>Permit Type</b>	<b>Weight Class</b>	<b>One-Day Permit</b>
Truck Route Permits (on streets and highways designated as Truck Routes)	80,000 – 99,999 pounds	\$25.00
	100,000 – 119,999 pounds	\$40.00
	120,000 – 149,999 pounds	\$80.00
	150,000 pounds or greater	City Council Approval
Sec. 94-533(i) Permits (on any roads within the City for vehicles meeting the requirements of Sec. 94-533(i))	80,000 – 99,999 pounds	\$20.00
	100,000 – 119,999 pounds	\$40.00
	120,000 – 149,999 pounds	\$80.00
	150,000 pounds or greater	City Council Approval

Fees listed above are per vehicle. All special permit forms shall be on file at the Permitting Authority's office.

4. *Application Requirements.* The application for any such permit shall:
- a. specifically describe the vehicle and load to be operated or moved and the particular streets or highways for which the permit to operate is requested;
  - b. state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law ("Motor Carrier Law"), and, if so, the certificate, registration or permit number issued by the Illinois Commerce Commission to the applicant;
  - c. state the routing requested, including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Illinois Department of Transportation; and
  - d. state if the vehicle or load is being transported for hire.

The requirements in this section are not exclusive, and the City reserves the right to impose additional requirements thereunder.

- (c) *Permits to be Available Online.* Permit applications shall be available online. Applications shall be in a form that may be submitted online, and permits may be issued through electronic communication that the applicant must then print and carry within the vehicle.
- (d) *Fees To Be Deposited in Special Account.* All fee payments under this section, less any costs of administering the permitting process, shall be deposited in an account to be used only for maintenance, repair, and improvement of Truck Routes, as designated in § 94-530, within the jurisdiction of the City. The fees established by this section are deemed by the City Engineer to be sufficient to compensate in part for the cost of the extra wear and tear on the mileage of streets over which the Overweight Vehicle is to be operated.
- (e) *Permits for Vehicles 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 Motor Carrier Law to have a certificate, registration, or permit who does not have such certificate, registration or permit.
- (f) *Special Conditions to Permits.* The Permitting Authority is authorized to withhold any permit at its discretion when consistent with traffic safety or, if such permit is issued, to limit the number of trips, to establish seasonal or other time limitations within which the vehicle described may be operated on the streets or highways indicated, to require appropriate escort vehicles for the vehicle subject to the permit, or otherwise to prescribe conditions of operation of such vehicle, when such action in the judgment of the Permitting Authority is necessary to protect against undue damage to the road foundations, surfaces, or structures.
- (g) *Permits Required to be Carried.* Every permit shall be in written form and carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of the Permitting Authority and no person shall violate any of the terms or conditions of such permit. Violation of the terms and conditions of a permit shall not be deemed a revocation of the permit; provided, 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 or 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 the Permitting Authority to remove the permit from the possession of the Permittee unless the Permittee is charged with a fraudulent permit violation. However, when the Permittee plans to raise the issuance of the permit as a defense against any violation of permit offense, operation without a permit when the vehicle is off route offense, or any size or weight offense under

this Article, the Permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

(h) *Violation of Permits Does Not Void Permit; Off Route Offenses.*

1. Violation of any rule, limitation, 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 both a violation of permit under Sec. 94-534(i) and a violation of any size, weight, or load limitations in excess of those authorized by the permit under Sec. 94-537.
2. 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 is found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load is operating without a permit. An off route movement constitutes a violation for lack of required permit under Sec. 94-534(j) and, if applicable, a violation of any size and weight maximums as determined by the type or class of highway upon which the vehicle and load is being operated under Sec. 94-537.

(i) *Violation of Permits; Fines and Penalties.* 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 violations as stated herein. Any person, firm, or corporation convicted of such violation shall be guilty of a petty offense and shall be fined, in addition to any fine imposed under Sec. 94-537:

1. for the first offense, not more than \$500.00;
2. for the second offense by the same person, firm, or corporation within a period of one year, not less than \$500.00 but not more than \$750; and
3. for the third offense by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than \$750 but not more than \$1,000.00 and the City shall not issue permits to the person, firm, or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(j) *Violation for Lack of Required Permit.* If a vehicle is subject to a permit required by this Section, it shall be unlawful for any person, or any employee or agent of such person, to operate such vehicle without obtaining such permit. Any person charged with a violation of this section may be prosecuted for such violation. Any person convicted of violating this Sec. 94-534(j) shall be fined, in addition to any

fine imposed under Sec. 94-537, not less than \$500.00 but not more than \$1,000.00. In no event shall a person be fined contemporaneously both under this Sec. 94-534(j) and Sec. 94-534(i).

**Sec. 94-535. Appeal for Hardship Exemption.**

The owner of any vehicle which is subject to the gross weight limit restrictions of Sec. 94-532 may submit a written Application for Appeal (“Appeal Application”) for a Hardship Exemption to the City Manager, or his designee.

- (a) Within seven (7) days of the filing of an Appeal Application, the City Manager, or his designee, shall schedule a hearing date thereon. The hearing shall commence within thirty (30) days of the date of the Appeal Application. The rules of evidence applicable in a court of law in the State of Illinois shall be relaxed at this hearing. The City Manager, or his designee, shall make a ruling and mail to each participant a written decision within fourteen (14) days from the date of the conclusion of the hearing.
- (b) If the City Manager, or his designee, determines that a valid hardship does exist, an exemption may be issued to the applicant. If, however, the vehicle weight limit restrictions are affirmed upon review, the administrative review action may be reviewed by a court if the petition for review is filed in the Fifteenth Judicial Circuit, Ogle County, or any other court of competent jurisdiction within thirty five (35) days of the date the ruling was mailed to any party.
- (c) It shall be mandatory for every exemption issued under this Section to be carried in the vehicle to which it refers and it shall be produced for inspection upon request by any police officer or any other municipal officer or employee having police power.
- (d) Hardship exemptions shall be granted only under extraordinary circumstances which are peculiar to the person seeking hardship and which are not generally applicable to others.

**Sec. 94-536. Enforcement.**

- (a) The City Engineer shall keep and maintain an accurate map showing the location of all Truck Routes, as defined in Sec. 94-530, which shall be made available to the public.
- (b) No person shall be charged with violating the provisions of Sec. 94-532 hereof upon any streets where the posting of signs is required under this Article, unless such appropriate signs are currently posted thereon.
- (c) Notwithstanding anything to the contrary contained in this Article, the Permitting Authority, City Prosecutor, and Chief of Police, individually or collectively, or

any other person as determined by the Permitting Authority, shall have the authority to enforce all the provisions contained in this Article.

**Sec. 94-537. Penalty for Violating Sec. 94-532.**

Any person charged with a violation of Sec. 94-532 herein may be prosecuted for such violation. Any person who pleads guilty or is found guilty of violating Sec. 94-532 shall be fined according to the most current Overweight Bond Schedule issued by the Illinois State Police.

**Sec. 94-538. Weighing of Vehicles and Removal of Excess Loads.**

- (a) Any police officer having reason to believe that the gross weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing process either by means of a portable or stationary scale that has been tested and approved at a frequency prescribed by the Illinois Department of Agriculture. If such scale is not available at 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. Notwithstanding any provisions of the Weights and Measures Act or the United States Department of Commerce NIST Handbook 44, either multi draft weighing or single draft weighing is an acceptable method of weighing by law enforcement for determining a violation of this Article. City law enforcement vehicles are exempt from the requirements of commercial weighing established in NIST Handbook 44, as amended from time to time.
- (b) Whenever any police officer, upon weighing a vehicle and the load therewith, determines that said weight is unlawful and in violation of this Article, such officer shall require that the driver stop his vehicle in 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 by this Article. All material so unloaded shall be cared for by the owner or operator of the vehicle at his or her sole risk, and such owner or operator shall indemnify and hold harmless the City, its officers, employees, and affiliates, from any claims or damages incurred therewith.
- (c) Any driver of a vehicle who refuses to stop and submit his vehicle and load to a weighing process after being directed to do so by an officer, or removes or causes the removal of the load or part of it prior to completion of the weighing process, is guilty of a business offense and shall be fined not less than \$500.00 but not more than \$2,000.00. The fines in this Section shall be in addition to any other fees or fines contained in this Article or under statutory law.
- (d) Notwithstanding anything to the contrary contained in this Section, the Permitting Authority may authorize police officers to set up and establish safety or enforcement check points. Any police officer at such check points is authorized to

require a vehicle to stop and submit to a weighing without reason to believe the vehicle is overweight and require the driver to present any City permits it is carrying. The Permitting Authority and all police officers shall comply with applicable Federal and Illinois law governing roadside check points.

**Sec. 94-539. Liability for Damages to Street or Roadway Improvements.**

- (a) Any person driving any vehicle upon any street within the City's corporate limits and the owner of such vehicle shall be jointly and severally liable for any damage which said street or appurtenant roadway improvements may sustain as a result of the illegal operation, driving, or moving of said vehicle exceeding the maximum weight specified in this Article, regardless of whether or not a special permit is obtained in accordance with Sec. 94-534.
- (b) The measure of liability shall be either: (a) the cost of repairing the damaged street or roadway improvements is the street or roadway improvements are partially damaged, or (b) the depreciated replacement cost of said street or roadway improvement if the street or roadway improvements are damaged beyond repair. The measure of liability shall also include all other expenses incurred by the authorities in control of said street or roadway improvements in providing a temporary detour, including without limitation a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged street or roadway improvements.

**Sec. 94-540. Fees for Police Escort.**

When City of Rochelle Police Department escorts are required for the safety of the motoring public pursuant to Sec. 94-534(f), the following fees shall be paid to the Permitting Authority by the applicant: \$40.00 per hour per escort vehicle based upon pre-estimated time of movement to be agreed upon between the Permitting Authority and applicant; provided, however, that a minimum fee of \$80.00 shall be imposed per escort vehicle.

**Sec. 94-541. Vehicle Length, Width, and Height**

Every vehicle that travels on any street within the jurisdiction of the City shall be subject to and comply with all the provisions contained in the Illinois Vehicle Code pertaining to length, width, and height.

**Sec. 94-542. Trucking Advisory Committee**

- (a) A Trucking Advisory Committee is hereby established. The Trucking Advisory Committee shall consist of three (3) members appointed by the Mayor with the consent of the City Council. The members of the Committee shall serve a term of three (3) years. In the event of a vacancy on the Committee, the appointment shall

be made for the remainder of the term of the member whose position has become vacant.

- (b) The purpose of the Trucking Advisory Committee is to provide information to the City Manager, Mayor, and City Council on all issues related to trucking in and about the City of Rochelle, including, without limitation, the appropriateness of any proposed increases in overweight truck permit fees. The City Manager shall meet with the Trucking Advisory Committee from time to time, as circumstances reasonably require.
- (c) The fees established under this Article shall not be increased unless the Trucking Advisory Committee is first consulted on the issue, unless the Chairman of the Trucking Advisory Committee has been notified of the proposed increase at least 30 days in advance of the City Council meeting at which the proposed increase will be voted on and fails to convene a meeting of the Trucking Advisory Committee.

## **EXHIBIT B**

### **Sec. 94-3. Penalty.**

- (a) Unless a penalty is provided by section 94-2(b), any person, firm or corporation violating or failing to comply with any provisions of this chapter, except those sections dealing with municipal motor vehicle licenses, parking regulations, and Article VIII (Weight Limits and Overweight Vehicles) where special penalty provisions are provided, shall be subject to punishment as provided in section 1-15 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
  
- (b) In addition to any other penalty or punishment provided for in this chapter, a sentence including probation or supervision, as set forth in chapter 1 of this Code, may be imposed for the following offenses:
  - 1. Driving under the influence of alcohol, or drug or combination thereof, as set forth in section 11-501 of the Motor Vehicle Code, 625 ILCS 5/11-501;
  
  - 2. Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked as set forth in section 6-303 of the Motor Vehicle Code, 625 ILCS 5/6-303;
  
  - 3. Reckless driving as set forth in section 11-503 of the Motor Vehicle Code, 625 ILCS 5/11-503;
  
  - 4. 625 ILCS 5/6-101, no valid driver's license;
  
  - 5. 625 ILCS 5/11-1414, passing a school bus loading or unloading.