

ORDINANCE NO. _____
Date Passed: September 25, 2017

AN ORDINANCE AMENDING AND UPDATING ARTICLE VIII OF CHAPTER 94 (TRAFFIC AND VEHICLES) OF THE MUNICIPAL CODE OF THE CITY OF ROCHELLE

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, 625 ILCS 5/15-111 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 or local authorities have issued overweight permits under the authority of Section 15-301 of the Illinois Vehicle Code; and

WHEREAS, 625 ILCS 5/15-102 (width), 15-103 (height), and 15-107 (length) provide maximum size dimensions for vehicles, with certain exceptions, including an exception for vehicles for which the Illinois Department of Transportation or local authorities have issued special 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 of Rochelle is a local authority authorized to issue special permits for the travel of overweight and oversize vehicles over its highways, and to collect a fee thereon; and

WHEREAS, Chapter 94, Article VIII (Loads) of the Rochelle Municipal Code sets forth the rules and regulations regarding overweight and oversize vehicles within the jurisdiction of the City of Rochelle; and

WHEREAS, Section 94-534 of Rochelle Municipal Code presently contains provisions for the issuance of, and fee structure for, overweight and oversize permits; and

WHEREAS, the City Council believes it is in the best interest of the residents, businesses, and institutions for the City to periodically review and update the Rochelle Municipal Code; and

WHEREAS, the City Council has not reviewed or updated the city's permit classification system, special permit fee structure, or performed a general review of Article VIII (Loads) of Chapter 94 (Traffic and Vehicles) of the Rochelle Municipal Code in several years; and

WHEREAS, City staff have made certain recommendations to the City Council to amend Article VIII of Chapter 94 of the Rochelle Municipal Code; and

WHEREAS, the City Council deems it appropriate to amend Article VIII of Chapter 94 of the Rochelle Municipal Code to, among other things, update the provisions regarding the issuance of special permits for overweight and oversize vehicles traveling on highways within the jurisdiction of the City of Rochelle pursuant to the authority of Section 15-301 of the Illinois Vehicle Code and to retitle Article VIII (Loads) as “Article VIII (Weight Limits, Overweight and Oversize Vehicles)”; and

WHEREAS, all other necessary findings have been made.

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

1. Article VIII 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, Overweight and Oversize Vehicles), effective January 1, 2018.
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 January 1, 2018.
3. 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 January 1, 2018 after its passage, approval and publication as provided by law and shall modify any inconsistent provisions in the municipal code prior to this date.

PASSED AND APPROVED this 25th day of September, 2017.

Ayes: _____ Nays: _____ Abstain: _____

Mayor

Attested: _____
City Clerk

EXHIBIT A

ARTICLE VIII. - WEIGHT LIMITS, OVERWEIGHT AND OVERSIZE VEHICLES

Comment [BB1]: Add oversize vehicles to title

- [Sec. 94-530 – Designated Truck Routes.](#)
- [Sec. 94-531. - Weight limitations on Dement Road and Ranger Road.](#)
- [Sec. 94-532. – Size and Weight Limits.](#)
- [Sec. 94-533 – Exempt Vehicles](#)
- [Sec. 94-534 – Special Permits](#)
- [Sec. 94-535 – Appeal for Hardship Exemption](#)
- [Sec. 94-536 – Enforcement](#)
- [Sec. 94-537 – Penalty for Violating Sec. 94-532](#)
- [Sec. 94-538 – Weighing of Vehicles and Removal of Excess Loads](#)
- [Sec. 94-539 – Liability for Damages to Street or Roadway Improvements](#)
- [Sec. 94-540 – Fees for Police Escort](#)
- [Sec. 94-541 – Reserved](#)
- [Sec. 94-542 – Trucking Advisory Committee.](#)
- [Secs. 94-543 – 94-549 Reserved](#)

Sec. 94-530. Designated truck routes.

- a. The following streets are designated and shall be posted as routes for trucks and commercial vehicles 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
 39. Steward Rd. 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
 49. Caron Court north of Steward Rd.
- 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 highways and, therefore, the maximum weight limits of vehicles upon the highways shall be 20,000 pounds on a single axle, 34,000 pounds on a tandem, and up to 80,000 pounds on any vehicle, depending upon axle spacings in accordance with 625 ILCS 5/15-111 (Wheel and axle loads and gross weights).
- b. The weight limitations in subsection (a) of this section shall not apply to those vehicles which have received special permits issued by the Illinois Department of Transportation to exceed legal weight limits 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.

Comment [BB2]: Language cleanup and define "State" as IDOT

Sec. 94-532. Size and Weight Limits.

- a. It shall be unlawful for any person(s) to operate or cause to be operated a vehicle (including vehicle and load) in excess of the limitations described in 625 ILCS 5/15-111(a) of the Illinois Vehicle Code (collectively "Overweight Vehicle") and the size limitations as described in 625 ILCS 5/15-102 (width), 15-103 (height) and 15-107 (length) (collectively "Oversize Vehicle") on any highway located within the jurisdiction of the City of Rochelle.
- b. It shall be unlawful for any person(s) to operate or cause to be operated a vehicle on any highways within the City, other than those highways identified in Sec. 94-530, and to operate or cause to be operated a truck or commercial vehicle in excess of any other local weight restriction, established under 625 ILCS 5/15-316 of the Illinois Vehicle Code, on any highway within the City where appropriate signs stating the weight restriction have been erected, unless one of the exceptions listed in Section 94-533 hereunder is applicable to said vehicle(s).

Comment [BB3]: Add oversize to title

Comment [BB4]: 1. Add language to show size and weight limits which exceed legal per the IVC.
2. Create definition of "Oversize Vehicle"
3. Extend the IVC weight limits to all highways within the City.

Comment [BB5]: Clarify this section is authorizing the City to establish local weight restrictions, the authority to do so and erect appropriate signage.

Sec. 94-533 Exempt Vehicles.

The following vehicles are exempt from the local weight restrictions described and set forth in Section 94-532(b) 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 highways or utility facilities within the

Comment [BB6]: Clarifying the City is only exempting certain vehicles from its local weight restrictions, not from IVC weight limits which would be in contradiction to statute.

City, or while traveling to or from such highway repair or public utility facility sites, where the only access to such repair or utility facility sites is over highways 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 highways which have not been designated Truck Routes under Sec. 94-530; provided, however, any Overweight Vehicle or Oversize Vehicle which travels over any portion of a highway 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 or Oversize 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. 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(a), that is hauling sealed International Shipping Containers, the contents of which are considered by the Illinois Department of Transportation to be non-divisible, to be operated or moved upon any highway owned and maintained 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 greater than 100,000 pounds. All vehicles operating under the authority of this special permit shall be of legal dimension as described in 625 ILCS 5/15-102 (width), 15-103 (height) and 15-107 (length).
- 2. Fees. The fees for special permits for overweight trucks hauling International Shipping Containers under this section are as follows:

Permit Type	Weight Class	One-day Permit	Annual Permit
Truck Route Permits	100,000 pounds or less	\$27.00	\$371.00

Comment [BB7]: This can be deleted because the authority to operate ISC permit loads on Truck Routes only is defined later in the paragraph.

Comment [BB8]: This sentence incorrectly describes the IVC citation. The added language refers to a previous definition to keep text consistent.

Comment [BB9]: IVC harmonization

Comment [BB10]: Permit authority clarification

Comment [BB11]: Weight limit harmonization

Comment [BB12]: ISC permits must be legal dimension

Comment [BB13]: This authority has previously been granted in the ordinance.

Comment [BB14]: Ord reference correction and weight limit harmonization

4. *Application Requirements.* The application for any such permit shall:
- specifically describe the vehicle to be operated or moved;
 - include any request for routing to the nearest certified scale in accordance with the Illinois Department of Transportation.

Comment [BB15]: IDOT no local requires this.

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

b. Special Permits for All Other Oversize and Overweight Vehicles

1. The Permitting Authority upon application by a 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 size and weight regulations of Sec. 94-532(a) 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.

Comment [BB16]: Allow permits for City highways not designated as Truck Routes

Comment [BB17]: Include size as a requirement for permits on non-Truck Routes

Comment [BB18]: This sentence incorrectly describes the IVC citation. The added language refers to a previous definition to keep text consistent.

Comment [BB19]: Fees for weights in excess of 150,000 are now included in the table below

2. For purposes of this section, a single trip permit is valid for five (5) days and defined as one movement of an Overweight Vehicle or Oversize Vehicle and load between the effective and expiration date and time listed on the permit. A round trip permit is valid for ten (10) days and defined as one movement of an Overweight Vehicle or Oversize Vehicle and load, and a return movement of the same vehicle and load between the effective and expiration dates and times.

Comment [BB20]: Add definitions of single & round trip permits.

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

Permit Type	Size & Weight Class	Single Trip Permit	Round Trip Permit
On any highways owned and maintained by the City.	Oversize only (legal weights)	\$27.00	\$54.00
	100,000 pounds or less	\$27.00	\$54.00
	100,001-120,000 pounds	\$43.00	\$86.00
	120,001-150,000 pounds	\$85.00	\$170.00
	150,001- 175,000 pounds	\$125.00	\$250.00
	175,001 – 200,000 pounds	\$175.00	\$350.00
	200,001 – 225,000 pounds	\$225.00	\$450.00
	225,001 – 250,000 pounds	\$300.00	\$600.00

Comment [BB21]: Add size to the table and include single and round trip permits, suggested fees.

Comment [BB22]: Jurisdiction clarification

Comment [BB23]: Adjust all weights by 1 pound to harmonize with customary weight tables.

	250,001 – 300,000 pounds	\$400.00	\$800.00
	Greater than 300,000 pounds	To Be Determined by the City Manager	To Be Determined by the City Manager

Fees listed above are per vehicle. The permit is non-transferable between vehicles. All special permit forms shall be on file at the Permitting Authority's office.

Comment [BB24]: Add clarification statement

4. *Application Requirements.* The application for any such permit shall:
- specifically describe the vehicle and load to be operated or moved and the particular highways for which the permit to operate is requested;
 - 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.

Comment [BB25]: IDOT no longer requires this

Comment [BB26]: IDOT only requires routing to scales if the carrier is moving on a state highway, not local highways.

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

Comment [BB27]: Allows City staff to create and amend reasonable provisions

- 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. Other fees, in addition to City permit fees, may be incurred to process permits online.
- 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.
- Special Provisions 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 highways indicated, to require appropriate escort vehicles for the vehicle subject to the permit, or otherwise to prescribe provisions 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.
- Permits Required to be Carried.* Every permit shall be in written or electronic 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;

Comment [BB28]: This requirement is stated in greater detail later in the ordinance.

Comment [BB29]: Authorization for online processing fees.

Comment [BB30]: OS/OW vehicles not for hire are required to have permits.

Comment [BB31]: Language harmonization. "Provisions" is the industry standard language.

Comment [BB32]: Allows drivers to carry the permit on their devices as opposed to paper only. IDOT harmonization.

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.

g. *Violation of Permits Does Not Void Permit; Off Route Offenses.*

4. 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(h) and a violation of any size, weight, or load limitations in excess of those authorized by the permit under Sec. 94-537.

5. The route or routes allowed 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 allowed 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(h) 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.

h. *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, shall be subject to the same penalties as set forth in 625 ILCS 5/15-301(j), as amended.

Comment [BB33]: Language clean-up

Comment [BB34]: The IVC statute will prevail.

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

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

Comment [BB35]: Add size

- 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 of fees may be issued to the applicant, however the applicant is still required to carry a permit in the vehicle. 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 permit 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.

Comment [BB36]: Allow free permits if needed, but require the free permit to be issued/carried to be compliant with the law.

Comment [BB37]: Language harmonization

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 the 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. The Permitting Authority and all police officers shall comply with applicable Federal and Illinois statutes and case law governing roadside check points.

Comment [BB38]: A police officer with reason to believe a vehicle is overweight (gross, axle, bridge formula, registration) can make a stop. It does not need to be for suspicion of gross weight only.

Comment [BB39]: This contradicts the IVC. Only the Illinois State Police have authority to stop any vehicle. All other police officers must have reason to believe.

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 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 if 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(e), 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.

Comment [BB40]: This is now included earlier in the ordinance.

Sec. 94-541. Reserved

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 prior to the City Council meeting.

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, Overweight and Oversize 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.

Comment [BB41]: Language harmonization.