

**CITY OF MOMENCE**

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**ORDINANCE NO. 796**

**ORDINANCE REGULATING THE  
SIZE AND WEIGHT OF VEHICLES**

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**ADOPTED BY  
THE CITY COUNCIL  
OF THE  
CITY OF MOMENCE**

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Published by authority of the City Council  
of the City of Momence, Kankakee County, Illinois  
this 22<sup>nd</sup> day of July, 2015.

## **ORDINANCE REGULATING THE SIZE AND WEIGHT OF VEHICLES**

**WHEREAS**, Section 11-1-1 of the Illinois Municipal Code grants to municipalities the authority to pass and enforce all necessary police ordinances; and

**WHEREAS**, Section 11-80-2 of the Illinois Municipal Code grants municipalities the authority to regulate the use of the streets; and

**WHEREAS**, Section 15 of the Illinois Vehicle Code grants municipalities the authority to regulate the size and weight of vehicles.

**THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Momence, Kankakee County, Illinois, as follows:

**Section One**: That Title 7, Chapter 1, Section 10, “Weight Restrictions” of the Codified Ordinances of the City of Momence is hereby repealed in its entirety.

**Section Two**: That a new Title 7, Chapter 1, Section 10, entitled “Regulating Size and Weight of Vehicles,” is hereby adopted, which Title 7, Chapter 1, Section 10, shall read as follows:

### **Chapter 7-1-10 Regulating Size and Weight of Vehicles**

**(A) DEFINITION OF WORDS AND PHRASES**

**Definition of words and phrases.** 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 2 parallel transverse vertical planes 40 inches 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 10,000 pounds actual weight, registered gross weight or G.V.W.R. that is required to comply with ILCS Ch. 625, Act 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 as defined in the Illinois Vehicle Code and 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 Act, motor vehicles are divided into two divisions:

First Division: Those motor vehicles, which are designed for the carrying of not more than 10 persons.

Second Division: Those motor vehicles which are designed for carrying more than 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.

### **Nondivisible load or vehicles**

Permit loads are deemed to be reasonably dismantled (nondivisible) if, when separated into smaller loads or vehicles, further dismantling would:

- a. Compromise the intended use of the load or vehicle; that is, make it unable to perform the function for which it was intended;
- b. Destroy the value of the load or vehicle; that is, make it unusable for its intended purpose; or
- c. Require more than 8 work hours to dismantle using appropriate equipment. The applicant for a nondivisible load has the burden of proof as to the number of workhours required to dismantle the load.

**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.

**Semitrailer.** 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 2 or more single axles whose centers are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between extreme axles in the series, except as provided in Section 15-111 [625 ILCS 5/15-111] 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.

**City** is the City of Mokenca

**(B) OVERWEIGHT AND/OR OVERDIMENSION VEHICLES.**

1. It shall be unlawful for any person to be in control of, to drive, to park, or move on, upon or across or for the owner to cause or knowingly permit to be parked, driven, or moved upon or across, any street or highway under the jurisdiction of the City, any vehicle or combination of vehicles exceeding the size and weight limitations stated in the ILCS Ch. 625, Act 5, § 15-102 (width), ILCS Ch. 625, Act 5, § 15-103 (height), ILCS Ch. 625, Act 5, § 15-107 (length), ILCS Ch. 625, Act 5, § 15-111 (weight) and ILCS Ch. 625, Act 5, § 15-316 (Local Restrictions).
2. Size and weights limitations while operating on City streets shall not apply to fire apparatus or equipment for snow or ice removal operations owned or operated by or for any governmental body or private snow and ice removal operations per 625 ILCS 5/15-101c or to implements of husbandry temporarily operated or towed in a combination in the furtherance of a farm or agricultural endeavor and to any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the City. These exceptions do not include operation over a posted weight restricted elevated structure.
3. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of ILCS Ch. 625, Act 5, §§ 15-102, 15-103, 15-107 & 15-111, 15-316 and 15-317, and signs indicating such limitations or restrictions are posted, it shall be unlawful to operate any vehicle or combination of vehicles in excess of such size or weight limitations or in violation of such restrictions.
4. Whenever any vehicle or combination of vehicles is operated in violation of this section, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner and driver of such vehicle may be prosecuted for such violation.

**(C) PERMITS FOR OVERWEIGHT AND/OR OVERDIMENSION VEHICLES.**

1. A permit shall be required for the movement of any vehicle or combination of vehicles with a non-divisible load on roadways and bridges within the jurisdiction of the City of Mokenca which exceeds the dimensions and weights permitted for the particular roadways to be traversed.

For a shipping container to be considered a non-divisible load and eligible to be hauled under an Oversize/Overweight permit issued by the City of Mokenca, it must be in a

sealed shipping container for international shipment and in route for import or export to/from a foreign country. Upon request from law enforcement or City of Mokenca officials, the driver must present documentation, such as a bill of lading or manifest that specifically ties the sealed container being moved to the container listed in the documentation through the unique container number (consists of 4 letters and 7 numbers). The documentation must also clearly state the foreign country destination or origin of that container. Failure to produce such documentation shall result in the load being considered a divisible load and ineligible to be permitted.

Furthermore, Intermodal Oversea Container Permits must comply with the same axle spacing requirement as the Illinois Department of Transportation.

**Axle Spacing Requirements:**

The spacing requirements for all overweight loaded routine and LCO permits, as well as all towed routine permits, are as follows:

- a. The spacing between the steer axle and the first axle on the tractor tandem may not be less than 8 feet 1 inch;
- b. The spacing between the last axle on the tractor and the first axle of the trailer may not be less than 18 feet 6 inches; and
- c. The sum of all axle spacing's must be at least 43 feet 6 inches

As a result, failure to comply with these requirements for the load may be considered to be operating without a permit and subject to be fined back to legal weight.

2. The City with respect to any street or highway under its jurisdiction may upon application to the Mokenca Police Department on forms provided by the police department and good cause being shown therefore issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum. The applicant shall furnish the following information in the special permit application:

- a. The name and address of the owner or lessee of the vehicle.
- b. Applicant's name.
- c. Type of permit request whether it be for a single trip, round trip, multiple routing or Limited Continuous Operation Permit (LCO).
- d. The description and registration number of the power unit.
- e. Description of the object or vehicle to be moved.
- f. The number of axles of the vehicle or combination of vehicles.
- g. The maximum axle weights of all single, tandem or series axles.
- h. Maximum gross weight of the vehicle.
- i. The maximum width, length and height of the vehicle and load.
- j. Requested routing over City streets to and from a specific location.

3. For purposes of this Section, the following definitions apply:
- a. A one-way or single trip movement means one move from the point of origin to the point of destination. Any additional stops between the point of origin and the point of destination are expressly prohibited. Single trip permits are effective for seven (7) consecutive days from the date of issuance unless otherwise directed by the Momence Police Department.
  - b. Round trip movement means two trips over the same route in opposite directions with the same vehicle and load. Round trip permits are effective for fourteen (14) consecutive days from the date of issuance.
  - c. Multiple 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. Multiple move permits, when granted by the police department, shall be for a period time not to exceed ninety (90) days from issuance.
  - d. Limited Continuous Operation (LCO) Permits may be issued to a vehicle and load in a like manner as the Illinois Department of Transportation upon presentation of a valid copy of the IDOT, Kankakee County, Momence Township and Ganer Township issued LCO permit, (should any of these be necessary for access to/from City of Momence maintained highways) and payment of the appropriate fees established in the accompanying fee schedule.
4. The owner or his or her agent shall submit an application fee based on the below chart for a single routing which will be valid for seven calendar days (single issue), round trip routing valid for 14 calendar days (single issue) and multiple and LCO routings (valid for a base period of one week, one calendar month or quarter (3 months). Multiple and LCO Permits may be issued for a maximum of four consecutive permit periods with the permit fee calculated in the appropriate multiples of the base week, month or quarter permit. Permits are valid only for the date periods specified on the permit and for the specific vehicle, load and routing as established by the Momence Chief of Police or designee. No substitution of vehicle, load or routing is permitted without expressed written permission by the Chief of Police or his/her designee and the permit must be carried physically or electronically in the power unit to which the permit applies.

**(D) Fee Schedule – Regular Permits**

(Does not include Limited Continuous Operation International Intermodal shipments)

Permit size - weight (with load)	Fee			
	Single trip	Round trip	Multiple (per qtr.)	LCO (per qtr.) (Non-Intermodal)
Up to 100,000 pounds	50	75	150	150
100,001 - 120,000	75	100	200	200
120,001 - 150,000	100*	125*		
Over 150,000	100*	125*		

\* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - width (with load)	Fee			
	Single trip	Round trip	Multiple (per qtr.)	LCO (per qtr.)
up to 12'	25	40	75	75
12'1" - 13'-6"	50	75	100	100

Over 13'6" wide	50*	75*		
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\* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - height (with load)	Fee			
	Single trip	Round trip	Multiple (per qtr.)	LCO (per qtr.)
13'6" - 14'6"	25	40	75	75
Over 14'6"	50*	75*		

\* Plus necessary and appropriate administrative, engineering and road damage fees

Permit size - length (with load)	Fee			
	Single trip	Round trip	Multiple (per qtr.)	LCO (per qtr.)
up to 100'	25	40	75	75
Over 100'0"	50*	75*		

\* Plus necessary and appropriate administrative, engineering and road damage fees

**Note: If a vehicle requires a permit due to multiple weight and/or dimension issues, the total fee will be based on the largest individual weight or dimension factor only.**

### (E) Fee Schedule – Limited Continuous Operation International Intermodal shipments

Permit size – weight (with Intermodal container)	Fee		
	Week Monday - Sunday	Calendar Month	Quarter January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31
Up to 100,000 pounds	100	300	750
100,001 - 120,000	150	450	1000
Spotter Semi-Tractors (Within the permitted route. No axle spacing requirements or International paperwork required to be carried in vehicle)			750

### (F) Permit Provisions.

1. The Chief of Police or his or her designee is authorized to approve the application for approved routes. Upon approval and payment of all required fees, the Momence Police Department shall issue a permit allowing passage of the oversize and/or overweight vehicles over City streets. The permit shall be specific and contain:
  - a. Permit number.
  - b. The dates the permit is valid.
  - c. Whether the permit is for single, round, multiple or LCO trip routing.
  - d. The description of object or vehicle to be moved.
  - e. Authorized gross weight, axle weights, width, length and height.

- f. The authorized routing over City streets including the origin and termination point within the City.
  - g. The fee paid.
  - h. The date and signature of the Chief of Police or his or her designee.
  - i. In addition, the permit will specify general conditions that the permittee must comply with that are consistent and reasonable for the protection of the general public and City streets.
2. 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 operational and provision requirements; and
  - b. All dimension, axle spacing and weight limitations specified in the permit will not be exceeded; and
    - 1. the spacing between the steer axle and the first axle on the tractor tandem may not be less than 8 feet 1 inch; and
    - 2. the spacing between the last axle on the tractor and the first axle of the trailer may not be less than 18 feet 6 inches; and
    - 3. the sum of all axle spacing's must be at least 43 feet 6 inches
  - c. All operation, registration and license requirements have been complied with; and
  - d. All financial responsibilities, obligations and other legal requirements have been met; and
  - e. 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.
3. The permit shall be carried in the vehicle (either physically or electronically) to which the permit applies at all times while operating on streets within the City and shall be exhibited upon demand to any law enforcement officer, police officer or authorized official of the City.
4. Whenever any vehicle is operated in violation of the provisions of a City permit whether it be by size, weight or general/special provisions, and 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.

**(G) VEHICLES PROHIBITED ON CERTAIN STREETS.**



1. As provided under the authority of ILCS Ch. 625, Act 5, § 15-101, 15-111 & 15-316, it shall be unlawful to operate any vehicle upon any street where the operation of that vehicle is prohibited by ordinance and where signs of such prohibition are posted. Vehicles operating under the authority of ILCS Ch. 625, Act 5, § 15-101, 15-111 or 15-316 while utilizing City streets under “reasonable access” rules will be considered in violation of this section if they are not utilizing the most direct route to points of loading and unloading.
  
2. The following streets are restricted to a 6 Ton (12,000 pounds) weight limit as determined by Registered Weight, Gross Vehicle Weight Rating (GVWR), Gross Combination Vehicle Weight Rating (GCWR) or actual weight:
 

a. Washington Street	From: Range Street (State Rt. #1) to Railroad Avenue
b. River Street	From: Range Street (State Rt. #1) to Chocolate Street
c. 2nd Street	From: Range Street (State Rt. #1) to Railroad Avenue
d. 3rd Street	From: Range Street (State Rt. #1) to Railroad Avenue
e. 4 <sup>th</sup> Street	From: Range Street (State Rt. #1) to Railroad Avenue
f. 5th Street	From: Range Street (State Rt. #1) to Railroad Avenue
g. 6th Street	From: Range Street (State Rt. #1) to Railroad Avenue
h. 7th Street	From: Range Street (State Rt. #1) to Railroad Avenue
i. Locust Street	From: River Street to 7th Street
j. Chocolate Street	From River Street to Washington Street
k. Walnut Street	From: Washington Street to 7th Street
l. Maple Street	From: Washington Street to 7th Street
m. Ash Street	From: 2nd Street to 7th Street
n. Chestnut Street	From: 4th Street to 7th Street
o. Railroad Avenue	From: Washington Street to 3rd Street
p. Keyser Street	From: Oak Street to Railroad Right of Way
q. Indiana Street	From State of Illinois Rt. 1 to State of Illinois Rt. 17
r. Mill Street	From State of Illinois Rt. 1 to the east end
  
3. The Superintendent of Public Works is authorized and directed to post or cause to be posted, streets designated as restricted weight and/or dimension routes as governed by Subsection G, Paragraph 2, of this Chapter.

**(H) OVERSIZE VEHICLES PERMITTED ON CERTAIN STREETS.**

1. As provided under the authority of ILCS Ch. 625, Act 5, § 15-111, The City has designated the following portions of streets and/or highways as Class II designated streets. Vehicles utilizing those as such, can be of a length consistent with ILCS Ch. 625, Act 5, § 15-107.

Class II Designated streets:

Railroad Avenue	From: Industrial Dr. to 3 <sup>rd</sup> St.
Mechanic Street	From: Range Street (State of Illinois Route #1) to the western most end.

2. The Superintendent of Public Works is authorized and directed to post or cause to be posted, streets designated as Class II truck routes as governed by Subsection H, Paragraph 1, of this Chapter.

(I) **PENALTY**

1. Any violation of the weight limitations set forth in this Chapter, any person, firm or corporation who or which violates, disobeys, neglects, fails to comply with, or resists enforcement of, the provisions of this chapter shall be fined not less than \$50.00 nor more than \$750.00 for each offense. A separate offense shall be deemed committed on each calendar day a violation occurs.

or

2. For any violation of 625 ILCS 5/ 15-316, any person firm or corporation convicted of such violation shall be fined an amount as provided in ILCS Ch. 625, Act 5, §15-316(e) as now in effect or as hereafter amended and in effect as of the date of such violation.

and/or

3. For any violation of the dimension and weight limitations set forth in 625 ILCS 5/15-102, 103, 107 & 111, any person, firm or corporation convicted of such violation shall be additionally fined an amount as provided in ILCS Ch. 625, Act 5, §15-113 as now in effect or as hereafter amended and in effect as of the date of the such violation.
4. In addition to seeking a fine, as herein above provided, the City Attorney may institute any proper action in the name of the City of Momence to enjoin the violation of any provision of this Chapter or to collect any damages allowed by law, including but not limited to liability for damages as provided in ILCS Ch. 625, Act 5, §15-318 as now in effect or as hereafter amended and in effect as of the date of the underlying violation.
5. Whenever any vehicle or combination of vehicles is operated in violation of this section, the owner and/or driver of such vehicle shall be deemed guilty of such violation and either or both the owner and driver of such vehicle may be prosecuted for such violation.

**Section Three:** That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

**Section Four:** That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the

remainder of this ordinance.

**Section Five:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the Mayor and City Council.

Passed by the Mayor and the City Council of the City of Mokenca, Illinois, this 20<sup>th</sup> day of July, 2015.

Alderman Denton	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman Navratil	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman N Metz	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman Steele	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman Kupferer	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman Cook	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman Lesyna	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
Alderman J Metz	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____
TOTALS	Electronic____ Attendance	Aye____	Nay____	Absent____	Pass/Abstain____

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**Mick Porter**, Mayor of the City of Mokenca, Illinois

ATTEST:

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**Jenene Henson**, City Clerk, City of Mokenca, Illinois

STATE OF ILLINOIS        )  
  )SS  
COUNTY OF KANKAKEE )

PUBLICATION CERTIFICATE

I, Jenene Henson, certify that I am the City Clerk of the City of Momence, Kankakee County, Illinois, and as such officer, I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 796, adopted by the corporate authorities on July 20, 2015, entitled "ORDINANCE REGULATING THE SIZE AND WEIGHT OF VEHICLES" has been duly published in accordance with Section 1-2-4 of the Illinois Municipal Code.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 20<sup>th</sup> day of July, 2015.

(SEAL)

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City Clerk