

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 06-45**

**AMENDING TITLE 6 OF THE CITY OF BATAVIA MUNICIPAL  
CODE RELATING TO MOTOR VEHICLES AND TRAFFIC**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2006**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 21<sup>st</sup> day of November, 2006

Prepared by:

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**AMENDING TITLE 6 OF THE CITY OF BATAVIA MUNICIPAL  
CODE RELATING TO MOTOR VEHICLES AND TRAFFIC**

**WHEREAS**, the City of Batavia has reviewed the existing provisions of Title 6 of the City's Municipal Code relating to motor vehicles and traffic; and

**WHEREAS**, it has been determined that it is necessary and appropriate to make certain revisions to said Code Section in order to reflect new considerations affecting, in particular, regulation of the size and weight of vehicles; and

**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; and

**WHEREAS**, it is in the best interests of the City of Batavia that Title 6 of the Batavia Municipal Code be revised, as set forth below;

**NOW THEREFORE**, be it hereby ordained by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1:** That Title 6, Chapter 7, Section 5, "Projecting Loads, Width and Height", of the Batavia Municipal Code is hereby repealed in its entirety.

**SECTION 2:** That Title 6, Chapter 7, Section 6, "Weight Restrictions", of the Batavia Municipal Code is hereby repealed in its entirety.

**SECTION 3:** That Title 6, Chapter 10, Section 5, "Schedule V, Weight Limitations," of the Batavia Municipal Code is hereby replaced in its entirety, to provide as follows:

**“6-10-5: REGULATING SIZE AND WEIGHT OF VEHICLES:**

- A. 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 two parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

**City** is the City of Batavia.

**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 a combination) without load, plus the weight of the load thereon.

**Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Implement of Husbandry.** Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry.

**Motor Vehicle.** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For this Act, motor vehicles are divided into two divisions:

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

Second Division: Those motor vehicles which are designed for carrying more than ten persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division.

**Permit Route.** The route authorized by the issuing authority with proper jurisdiction over the roadway(s) for which permission has been granted to move a vehicle or combination of vehicles that is in itself indivisible or carrying an indivisible load that exceeds normal dimensions or weight or a combination thereof.

**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 two 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.

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), and ILCS Ch. 625, Act 5, §15-111 (weight).
2. Size and weight 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 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 under the authority of Section C hereof.
3. Where lower size and weight limits or other restrictions are imposed by ordinance under authority of ILCS Ch. 625, Act 5, §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 Batavia which exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they be non-designated or designated roadways.
2. The City, with respect to any street or highway under its jurisdiction, may (upon application to the City 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 specified in Section B hereinabove. 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 or multiple routing.
- d. The description and registration (or the Illinois Department of Transportation's (IDT) registration number or classification) 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 Police Department.
- b. Round trip movement means two trips over the same route in opposite directions. 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 of time not to exceed ninety (90) days from the date of issuance.

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, round trip routing valid for 14 calendar days and multiple routings valid for a base period of three months. Permits may be issued for a maximum of four consecutive permit periods (365 days) with the permit fee calculated in the appropriate multiples of the base three month

multiple trip 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 Chief of Police or designee. No substitution of vehicle, load or routing is permitted without expressed written permission by Chief of Police or his or her designee and the permit must be carried in the vehicle to which the permit applies.

**Fee Schedule**

| Permit Size–Weight (With Load) | Fee         |            |          |
|--------------------------------|-------------|------------|----------|
|                                | Single Trip | Round Trip | Multiple |
| Up to 100,000 Pounds           | 50          | 75         | 150      |
| 100,001 – 120,000              | 75          | 100        | 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 |
| Up to 12’                     | 25          | 40         | 75       |
| 12’1” – 13’6”                 | 50          | 75         | 100      |
| Over 13’6” Wide               | 50*         | 75*        |          |

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

| Permit Size–Height (With Load) | Fee         |            |          |
|--------------------------------|-------------|------------|----------|
|                                | Single Trip | Round Trip | Multiple |
| 13’6”- 14’6”                   | 25          | 40         | 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 |
| Up to 100’                     | 25          | 40         | 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.**

5. 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 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 or multiple 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. A copy of all permits issued will be provided to the City Administrator for informational purposes.
6. It is the duty of the permittee to read and familiarize himself or herself with the permit provisions upon receipt. Undertaking of the permit move is deemed prima facie evidence of acceptance of the permit and that:
  - a. The permittee is in compliance with all operation requirements.
  - b. All dimension and weight limitations specified in the permit will not be exceeded.
  - c. All operation, registration and license requirements have been complied with.
  - d. All financial responsibilities, obligations and other legal requirements have been met.
  - 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.

7. The permit shall be carried in the vehicle 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.
8. Whenever any vehicle is operated in violation of the provisions of a city permit (whether it be by size, weight or general provisions), and either or both the owner or driver of such vehicle shall be deemed guilty – either or both the owner or the driver of such vehicle may be prosecuted for such violation.

D. VEHICLES PROHIBITED ON CERTAIN STREETS.

1. As provided under the authority of ILCS Ch. 625, Act 5, §15-111 and §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, §15-111 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. It shall be unlawful to operate any “Construction Vehicle” above a Class D license plate (in excess of 12,000 lbs.) on any street in the city when signs are posted on the street prohibiting “Construction Vehicles.” Where the Chief of Police, with the approval of the City Council, establishes a truck route, construction vehicles will utilize only those established routes to service those areas of the City under construction.
3. It shall be unlawful to park a commercial motor vehicle on a residential street while said truck is running between the hours of 10:00 p.m. and 6:00 a.m. the following day.

E. OVERSIZE/WEIGHT VEHICLES PERMITTED ON CERTAIN STREETS.

1. As provided under the authority of ILCS Ch. 625, Act 5, §15-111(f), 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 weight, length and width consistent with ILCS Ch. 625, Act 5, §15-102 (width), ILCS Ch. 625, Act 5, §15-107 (length) and ILCS Ch. 625, Act 5, §15-111 (weight).

Class II Designated Streets:

Wilson Street, between Raddant Road and Fermi-Lab.

Hubbard Avenue, between Kirk Road and Pierson Drive.

Hunter Drive, from Lathem Street to Hubbard Avenue.

Lathem Street, between Kirk Road and Hunter Drive.  
Hageman Drive, between Pierson Drive and James Drive.  
James Drive, between Hageman Drive and Phelps Drive.  
Phelps Drive, between James Drive and Pierson Drive  
Pierson Drive, between Hubbard Avenue and Suncast Lane.  
Suncast Lane, between Pierson Drive and Louis Bork Drive.  
Louis Bork Drive, between Suncast Lane and Fabyan Parkway.  
Kingsland Drive South, from Fabyan Parkway to Swanson Drive.  
Swanson Drive, between Raddant Road and Kingsland Drive.  
Douglas Road, between Raddant Road and Kirk Road.  
Lyon Road, between Kingsland Drive and Holister Road.  
Holister Road North, from Lyon Road to dead end.  
Nagel Boulevard, South of Fabyan Parkway to dead end.  
Island Avenue from Wilson Street, North one block and South two blocks.  
Olympic Drive, from Kingsland Drive to dead end.  
Paramount Parkway, between Fabyan Parkway and Hubbard Avenue.  
Shuher Drive, east of Paramount Parkway to dead end.  
Raddant Road South, from Fabyan Parkway to Wilson Street.  
Union Street East, from Route 31 to Water Street.  
Wilson Street East, from the 1000 block of West Wilson Street to Island Avenue (Ordinance 84-24, 7-2-1984).

2. The weight limitations of vehicles on the following streets shall be restricted as follows:  
Alleys running Westerly from Jefferson Street, between First Street and Main Street (Ordinance 92-07, 1-6-1992) limited to 4 tons.
3. The Director of Public Works or his/her designee, is authorized and directed, to post (or cause to be posted) streets designated as Class II truck routes and all other streets and roadways that have reduced weight limits as governed by paragraph 1 and 2 of this section.

F. PENALTY.

1. Any person who violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this chapter (except for Section B herein) shall be fined not less than Fifty Dollars (\$50.00), nor more than Seven Hundred Fifty Dollars (\$750.00), for each offense. A separate

offense shall be deemed committed on each separate incident that a violation occurs.

2. The driver of any vehicle in violation of Section B, or any other Section of the Illinois Vehicle Code relating to overweight or overdimension vehicles, shall be subject to any and all applicable fines and penalties under the Illinois Vehicle Code (625 ILCS 5/1-100, *et. seq.*).
3. In addition to seeking applicable fines (as herein provided), the City Attorney may institute any proper action in the name of the City of Batavia to enjoin the violation of any provision of this Chapter.”

**SECTION 4:** 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 5:** 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 6:** This Ordinance shall be in full force and effect upon its passage, presentation and approval according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 06-45

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**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 20<sup>th</sup> day of November, 2006

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 20<sup>th</sup> day of November, 2006.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

| Ward           | Aldermen   | Ayes    | Nays   | Absent   | Abstain       | Aldermen | Ayes | Nays | Absent | Abstain |
|----------------|------------|---------|--------|----------|---------------|----------|------|------|--------|---------|
| 1              | Wollnik    | X       |        |          |               | Sparks   | X    |      |        |         |
| 2              | Dietz      | X       |        |          |               | Wolff    | X    |      |        |         |
| 3              | Miller     |         |        | X        |               | Barnard  | X    |      |        |         |
| 4              | Volk       | X       |        |          |               | Schmitz  | X    |      |        |         |
| 5              | Frydendall | X       |        |          |               | Nelson   | X    |      |        |         |
| 6              | Liva       | X       |        |          |               | Clark    | X    |      |        |         |
| 7              | Vance      | X       |        |          |               | Brown    | X    |      |        |         |
| COUNT          |            | 6       |        | 1        |               |          | 7    |      |        |         |
| Mayor Schielke |            |         |        | Optional |               |          |      |      |        |         |
| VOTE:          |            | 13 Ayes | 0 Nays | 1 Absent | 0 Abstentions |          |      |      |        |         |

ATTEST:

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Maude Hannah Volk, City Clerk