

RESOLUTION

**Re: Amending Ordinance Regulating
Will County Department of Highways Oversize-Overweight Permit Procedures**

WHEREAS, Section 5/11-208(a)(7) of the Illinois Vehicle Code authorizes the local authorities to enact restrictions as to the use of their highways concerning size, weight, and load regulations; and

WHEREAS, the Will County Department of Highways has consistently administered the permit process for oversize-overweight vehicles under Resolution 93-15, which set an independent process and fee schedule to cover the administrative costs of processing permits and for continued maintenance of the County Highway system of roads; and

WHEREAS, the County of Will previously adopted the provisions of Chapter 15 of the Illinois Vehicle Code (Violations: Penalties) as its local ordinance, specifically Ordinance Sections 70.12 and 70.13; and

WHEREAS, the Will County Sheriff has aggressively enforces violations of permits and weight limitations by the use of portable scales; and

WHEREAS, the County of Will finds it to be in the best interests of the citizens of Will County to have the Will County Department of Highways adopt the State of Illinois size, weight, load and permits procedures as a local ordinance instead of maintaining an independent process and fee schedule; and

WHEREAS, the said committee determined appropriate the following exceptions to the State of Illinois size, weight, load and permits procedures: application for permit is made by fax, phone, or in person to the Department of Highways; permits are issued by fax or in person; billing and payment are made every 30 days; Will County Department of Highways permit form is used for all permit applications; and

WHEREAS, the County of Will, in order to simplify the administrative procedures for oversize-overweight vehicle permits, finds it appropriate to adopt the provisions of Chapter 15 of the Illinois Vehicle Code, with the above stated exceptions, as its local ordinance, specifically Ordinance Section ____ ; and

WHEREAS, a Public Hearing was properly published and held at the Public Works Committee Meeting on June 11, 2002; and

WHEREAS, the County of Will further specifically identifies the penalty provisions for violations of Ordinance Section _____ (previously adopted by Ordinance Sections 70.12 and 70.13), which states as follows:

Violations; Penalties**(A) Violations; Penalties;**

(1) Whenever any vehicle is operated in violation of the provisions of 625 ILCS 5/15-111 or subsection (d) of 625 ILCS 5/3-401, as enforced by this County, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm or corporation convicted of any violation of 625 ILCS 5/15-111, as enforced by this County, including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph (g) or (h) of 625 ILCS 5/15-111, shall be fined according to the following schedule:

Up to and including 2000 pounds overweight	= \$50
from 2001 through 2500 pounds overweight	= the fine is \$135
from 2501 through 3000 pounds overweight	= the fine is \$165
from 3001 through 3500 pounds overweight	= the fine is \$260
from 3501 through 4000 pounds overweight	= the fine is \$300
from 4001 through 4500 pounds overweight	= the fine is \$425
from 4501 through 5000 pounds overweight	= the fine is \$475

from 5001 or more pounds overweight = the fine shall be computed by assessing \$750 for the first 5000 pounds overweight and \$75 for each additional increment of 500 pounds overweight or fraction thereof.

In addition any person, firm or corporation convicted of 4 or more violations of 625 ILCS 5/15-111 within any 12 month period shall be fined an additional amount of \$2500 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(2) Whenever any vehicle is operated in violation of the provisions of 625 ILCS 5/15-102, 15-103 or 15-107, as enforced by this County, the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm or corporation convicted of any violation of 625 ILCS 5/15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than \$50 nor more than \$500, and for the third and subsequent convictions by the same person, firm or corporation within a period of one year after the date of the first offense, not less than \$500 nor more than \$1,000.

(B). Violations--Sentence of Permit Moves. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of 625 ILCS 5/15-301 through 15-319, as enforced by this County, by operating under a fraudulent permit or under a permit not specifically covering the move, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. When any person, firm or corporation is convicted of such violation, the permit shall be null and void and such person, firm or corporation shall be fined in an amount not less than 10 cents per pound for each pound the gross weight of the vehicle exceeds the gross weight of such vehicles allowable under 625 ILCS 5/15-111. Penalties for violations of this section shall be in addition to any penalties imposed for violation of 625 ILCS 5/15-301(j), as enforced by this County.

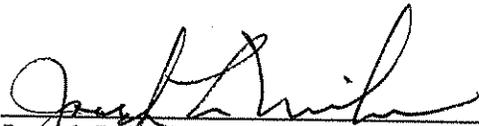
(C) Violations – Sentence of Permit Moves Exceeding Axle Weights. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of 625 ILCS 15-301 through 15-319, as enforced by this County, by operating with axle weights in excess of those authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight on such axle or tandem axle in excess of the weight authorized in the permit when the excess is 1,000 pounds or less; not less than 5 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; and not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds. Penalties for violations of this section shall be in addition to any penalties imposed for violation of 625 ILCS 5/15-301(j), as enforced by this County.

(D) Violations; Sentence of Permit Moves Exceeding Gross Weight. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of 625 ILCS 15-301 through 15-319, as enforced by this County, by operating with the gross weight in excess of that authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight in excess of the gross weight authorized in the permit when the excess is 1,000 pounds or less; not less than 4 cents nor more than 7 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 7 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds and is 4,000 pounds or less; not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 4,000 pounds and is 5,000 pounds or less; and not less than 17 cents nor more than 25 cents per pound for each pound of excess weight when the excess exceeds 5,000 pounds. Penalties for violations of this section shall be in addition to any penalties imposed for violation of 625 ILCS 15-301(j), as enforced by this County.

NOW THEREFORE BE IT RESOLVED, that the County of Will, pursuant to 625 ILCS 5/11-208(a) 7, adopts Article 15 of the Illinois Vehicle Code in its entirety, 625 ILCS 5/15 et seq., including its numbering system, as its local ordinance concerning size, weight, load and permits regulations, with the above stated exceptions, and further adopts the aforementioned sections as Ordinance Code Section _____.

BE IT FURTHER RESOLVED, that the provisions of County Board Resolution 93-15 is hereby amended.

DATED THIS 20th DAY OF JUNE, 2002.



Joseph L. Mikan
Will County Executive

ATTEST:



Jan Gould
Will County Clerk

VOTE:
YES 24 _____
NO 0 _____
PASSED 0 _____