

**AN ORDINANCE AMENDING TITLE 9 (TRAFFIC)
BY ADDING A NEW CHAPTER 13 (FINES AND PERMITS FOR OVERWEIGHT/OVERDIMENSION VEHICLES)
TO THE ORLAND PARK VILLAGE CODE**

WHEREAS, the Village of Orland Park (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 11-1-1 of the Illinois Municipal Code (65 ILCS 5/11-1-1) grants to municipalities the authority to pass and enforce all necessary police ordinances; and

WHEREAS, Section 11-80-2 of the Illinois Municipal Code (65 ILCS 5/11-80-2) grants municipalities the authority to regulate the use of streets within the Village; and

WHEREAS, Chapter 15 of the Illinois Vehicle Code (625 ILCS 5/15-101 *et seq.*) governs the size and weight of vehicles on highways within the State; and

WHEREAS, Section 11-208 of the Illinois Vehicle Code (625 ILCS 5/11-208) authorizes local authorities within the State to restrict the use of highways as authorized in Chapter 15 of the Vehicle Code; and

WHEREAS, the President and Board of Trustees of the Village of Orland Park desire to amend Title 9 (Traffic) of the Orland Park Village Code to add a new Chapter 13 (the previous Chapter 13 having been repealed May 3, 2021, by Ordinance No. 5610) concerning fines for overweight and oversize vehicles, and the issuance of permits for overweight and oversize vehicles (the "Code Amendment"); and

WHEREAS, pursuant to the authority granted under the applicable provisions of the Illinois Municipal Code (65 ILCS 5/11-1-1 and 11-80-2) and the Illinois Vehicle Code (625 ILCS 5/15), the Village President and Board of Trustees find that adopting the Code Amendment set forth below is in the best interests of the Village, the Village residents, business owners, property owners and the public.

BE IT ORDAINED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated by reference into Section 1 of this Ordinance as material terms and provisions.

SECTION 2: A new Chapter 13 (Fines and Permits for Overweight/Overdimension Vehicles), Section 9-13-1 (Overweight and Overdimension Vehicles) and Section 9-13-2 (Permits for Overweight and/or Overdimension Vehicles), is added to Title 9 (Traffic) of the Orland Park Village Code, to read as follows:

"CHAPTER 13: FINES AND PERMITS FOR OVERWEIGHT/OVERDIMENSION VEHICLES.

9-13-1: OVERWEIGHT AND/OR OVERDIMENSION VEHICLES:

- a) Except as specifically allowed by statute or other ordinance, no person shall permit to remain on any public way within the Village of Orland Park any vehicle or combination of vehicles exceeding the size and weight limitations stated in Section 15-102 (width), 15-103 (height), 15-107 (length), and 15-111 (weight) of the Illinois Vehicle Code (625 ILCS 5/15-102, 15-103, 15-107, and 15-111).
- b) Size and weights limitations while operating on Village 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 any vehicle or combination of vehicles operating under the terms of a valid oversize and/or dimension permit issued by the Village under the authority of Section 9-13-2 hereof.
- c) Where lower size and weight limits or other restrictions are imposed by ordinance under authority of Sections 15-111, 15-316 and 15-317 of the Illinois Vehicle Code (625 ILCS 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. Whenever any vehicle or combination of vehicles is operated in violation of this sub-Section c), the owner and/or drivers of such vehicle shall be fined \$50.00 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in sub-Sections (a) or (b) of Section 5-111 of the Illinois Vehicle Code and \$75.00 for every 500 pounds or fractions thereof for any weight exceeding that which is provided for in sub-Sections (a) or (b) of Section 15-111 of the Illinois Vehicle Code.
- d) 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 liable for such violation and either or both the owner and driver of such vehicle may be prosecuted for such violation.
- e) Any violations cited under this Code of the weight limitations stated in the Illinois Vehicle Code Sections cited in 9-13-1(a) shall be subject to the following penalties:

Weight	Fine
Up to and including 2000 pounds overweight	\$100.00
From 2001 through 2500 pounds overweight	\$270.00
From 2501 through 3000 pounds overweight	\$330.00
From 3001 through 3500 pounds overweight	\$520.00
From 3501 through 4000 pounds overweight	\$600.00
From 4001 through 4500 pounds overweight	\$850.00
From 4501 through 5000 pounds overweight	\$950.00

Weight	Fine
5001 or more pounds overweight	See below

For vehicles that are 5001 or more pounds overweight, the fine shall be computed by assessing \$1500 for the first 5000 pounds overweight and \$150.00 for each additional increment of 500 pounds overweight or fraction thereof.

- f) Any person, firm or corporation found liable of four (4) or more violations under subsection 9-13-1(a) within any twelve (12) month period shall be fined an additional amount of \$5,000 for the fourth and each subsequent finding of liability within the 12-month period. With regard to a firm or corporation, a fourth or subsequent finding of liability shall mean a fourth or subsequent finding attributable to any one employee-driver.
- g) Any violations cited under this Code of a width, height or length violation stated in the Illinois Vehicle Code Sections cited in 9-14-1 shall be subject to a fine for the first or second violation of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and for the third and subsequent violations by the same person, firm or corporation within a period of one year after the date of the first offense not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00).
- h) A person issued a notice for a violation of any weight limitations imposed by this Section, or any term or condition of a permit issued under Section 9-13-2, shall, upon issuance of the citation, deposit with the Village a bond in the form of a money order issued by a money transfer service company in an amount equal to the minimum fine established for such violation. The money order shall be made payable to the Village of Orland Park. When from all the circumstances, and for good cause shown, the Chief of Police or his/her designee is of the opinion that the alleged violator will appear for a hearing before the Administrative Adjudication Hearing Officer as required and that the alleged violator will comply with all conditions of bond, which shall include the alleged violator's address with a written admonishment to the alleged violator that he or she must comply with the provisions of Section 9-13-1 sub-Sections i), j), k) and l), and notify the Chief of Police, or his/her designee, regarding any change of address, the alleged violator may be released on his/her own recognizance. A failure to appear at the Administrative Adjudication hearing as required by such recognizance shall constitute a violation subject to a fine twice the amount of the fine otherwise prescribed for the alleged violation.
- i) Within 15 days after the issuance of any citation for a violation of any size or weight limitations imposed by this Section, or any term or condition of a permit issued under Section 9-13-2, the owner or operator may file with the Village Traffic Compliance Administrator a written request for a hearing before the Administrative Adjudication Hearing to challenge whether a violation has occurred. The hearing date must be scheduled no later than 30 days after the request for a hearing is filed.
- j) If, at the hearing, the Hearing Officer determines that the owner or operator violated any size or weight limitations imposed by this Section, or any term or condition of a permit issued under Section 9-13-2, the Hearing Officer shall enter an order finding the owner and/or operator liable to the Village for the amount of the administrative penalty prescribed for such

violation in Sections 9-13-1(e) and 9-13-1(g). Any penalty imposed shall first be satisfied from the proceeds of the deposit required in Section 9-13-1(h).

- k) If, at the hearing, the Hearing Officer determines that the owner or operator did not violate any size or weight limitations imposed by this Chapter, or any term or condition of a permit issued under Section 9-13-2, the Hearing Officer shall enter an order finding the owner and/or operator not liable to the Village and order the return of the proceeds of the deposit.
- l) If the owner or operator fails to request a hearing in a timely manner, or requests a hearing but fails to appear at the hearing, the owner and operator shall be deemed to have waived his or her right to a hearing and, if a money order deposit bond was deposited pursuant to Section 9-13-1(h), the funds so deposited shall be forfeited to the Village.
- m) An administrative penalty shall constitute a debt owing to the Village, which may be collected in accordance with applicable law.
- n) Service of the citation on the operator of the vehicle for a violation of this Section or Section 9-13-2 shall constitute service of notice of the violation on the owner of the vehicle.

9-13-2: PERMITS FOR OVERWEIGHT AND/OR OVERDIMENSION VEHICLES:

- a) A permit shall be required for the operation of any vehicle or combination of vehicles with a non-divisible load on roadways and bridges within the jurisdiction of the Village which exceeds the dimensions and weights permitted for the particular roadways to be traversed whether they be non-designated or designated roadways.
- b) The Village with respect to any street or highway under its jurisdiction may, upon application to the Village Police Department on forms provided by the Police Department and good cause being shown therefor, issue a special permit authorizing the applicant to operate a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Section 9-13-1. The applicant shall furnish the following information in the special permit application and pay a permit fee to the Village as set forth below:

Permit Size- Weight (with load)		Single Trip		Round Trip		Multiple
Up to 88,000		\$50		\$75		\$150
88,001 to 100,000 pounds		\$75		\$100		\$200
100,001 - 120,000		\$100		\$125		\$225
120,001 - 150,000		\$125		\$150		\$250
Over 150,000		\$125		\$150		

Permit Size- Width (with load)		Single Trip		Round Trip		Multiple
Up to 12'		\$50		\$75		\$150
12'1" - 13'6"		\$75		\$100		\$175
Over 13'6" wide		\$75		\$100		

Permit Size- Height (with load)		Single Trip		Round Trip		Multiple
13'6" - 14'6"		\$50		\$75		\$150
Over 14'6"		\$50		\$75		

Permit Size- Length (with load)		Single Trip		Round Trip		Multiple
Up to 75'		\$50		\$75		\$150
75'1 to100'		\$75		\$100		\$175
Over 100'0"		\$75		\$100		

SECTION 3: To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to Sections that need to be amended or deleted within the Orland Park Village Code, as amended, as a consequence of the above Code Amendment, including "Appendix B: Fine Schedule", shall be amended by the Village's codifier so as to be consistent with the terms of this Ordinance.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Code amendment set forth above in this Ordinance, all Chapters and Sections of the Orland Park Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption and publication in pamphlet form as provided by law.

SECTION 8: The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.