

8/31/2011

37-O-11

AN ORDINANCE

**Amending Various Portions of Title 10, "Motor Vehicles and Traffic",
related to Vehicles of Excessive Weight**

WHEREAS, Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15 et al., authorizes local municipalities to regulate the size and weight of vehicles upon its roadways; and

WHEREAS, Title 10 of the Evanston City Code (the "City Code") sets forth standards and restrictions on the size, weight, and use of vehicles within the City; and

WHEREAS, the City finds it to be in the best interests of persons traversing the City roadways to adopt the following ordinance to limit the weight of vehicles to 8,000 pounds or less on certain roadways in the City and to further regulate the use of City truck routes for vehicles exceeding said limit.

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That Section 10-1-3 of the City Code, as amended is hereby further amended to add the following definition:

"LOCAL PICKUP OR DELIVERY: The delivery of goods, wares and services leaving a city, State of Illinois or other jurisdictional truck route and using a non-truck route for no more than one-half mile to complete the delivery or pickup."

SECTION 2: That Subsection 10-1-9-2 of the City Code is hereby deleted in its entirety and replaced with the following:

"COMMERCIAL VEHICLES OF EXCESSIVE WEIGHT PROHIBITED ON CERTAIN
STREETS:

(A) No motor vehicle having a total gross weight in excess of eight thousand (8,000)

pounds shall travel and operate on any city street except as further provided for in this ordinance.

1. Exempt Vehicles: The following vehicles are exempt from the provisions of this Subsection:
 - a. Vehicles owned and operated by governmental agencies;
 - b. Vehicles owned and operated by private utilities, emergency services vehicles, and fire apparatus vehicles;
 - c. Buses;
 - d. Vehicles engaged in the collection and removal of garbage or refuse;
 - e. Snow and ice removal vehicles engaged in snow removal functions on any right-of-way; or
 - f. Detoured vehicles.
2. Pickups and Deliveries: The operation of said motor vehicles having a total gross weight in excess of eight thousand pounds (8,000 pounds) is permitted on any roadway in the City for local pickup or delivery, where the destination is not on a Truck Route (as designated in Section 10-11-16, Schedule XVI(A)), provided that ingress and egress thereto or therefrom is accomplished in the following manner:
 - a. Said vehicles shall utilize the designated Truck Routes to the point closest to the local delivery or pickup.
 - b. Upon leaving or returning to the Truck Route, said vehicles shall utilize the shortest route available on non-Truck Routes when necessary for the completion of the local delivery or pickup, said distance traveled on non-Truck Route shall be within one-half mile of leaving the Truck Route.
 - c. In making consecutive local deliveries or pickups to points not on Truck Routes, said vehicles may proceed on roadways other than Truck Routes only if: the distance traveled on non-Truck Routes as a result of this routing would be less than if the vehicle had returned to a Truck Route and then proceeded to the next delivery point, as specified above.
3. Operational constraints: Vehicles may use the non-truck routes when physical characteristics of the street, intersection, or viaduct cause operational or safety problems to reach the final destination within the parameters set forth in this Subsection.
4. Posting of Truck Routes: The City Manager or his or her designee shall cause all of the truck routes designated in Section 10-11-16, Schedule XVI(A), which are within the jurisdiction of the City, to be posted by the erection and maintenance of appropriate signs. With respect to truck routes within the jurisdiction of any authority other than the City, the City may erect signs at the direction of the proper authority.

5. Other Jurisdictions, Conflict: Nothing in this Section shall be construed as permitting the operation of trucks over routes within the jurisdiction of the State of Illinois, Cook County or any other unit of government to the extent that such operation is otherwise regulated by the ordinances, resolutions, rules or regulations of such authority.

SECTION 3: That Schedule XIII, "Commercial Vehicles of Excessive Weight Prohibited From Using Certain Streets," found in Section 10-11-13 of the City Code is hereby deleted in its entirety.

SECTION 4: That ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: That this Ordinance 37-O-11 shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 6: That if any provision of this Ordinance 37-O-11 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance 37-O-11 that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

SECTION 7: That the findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

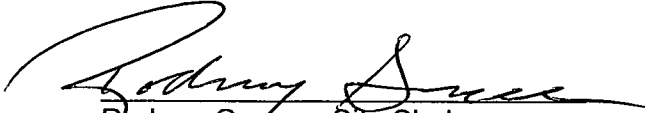
Introduced: September 12, 2011 Approved:

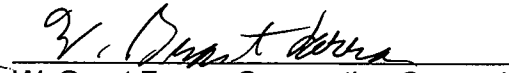
Adopted: September 26, 2011 September 28, 2011

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel