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AGENDA OF MATTERS TO BE CONSIDERED  
BY THE  
COMMITTEE ON LICENSE AND CONSUMER PROTECTION  
TUESDAY JULY 5, 2011  
11:00 A.M.  
CITY HALL, ROOM 201 A

An ordinance amending Title 9 of the Municipal Code of Chicago regarding truck size and weight limitations. (Department of Business Affairs and Consumer Protection, Department of Administrative Hearings)

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## ORDINANCE

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** Section 9-4-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

**9-4-010 Definitions.**

Whenever the following words and phrases are used in Chapter 9-4 through 9-103, they shall have the meanings respectively ascribed to them in this section.

“Abandoned vehicle” means any vehicle that: (a) is in such a state of disrepair as to render the vehicle incapable of being driven in its present condition or (b) has not been moved or used for seven consecutive days and is apparently deserted.

*(Omitted text is unaffected by this ordinance)*

“Traffic violation” means a violation of the provisions of Chapter 9-4 through 9-100, other than a standing or parking violation, or a violation of chapter 9-72. A compliance violation observed on a vehicle operated on the public way may be treated as a traffic violation, if the operator of the vehicle is also charged with a criminal offense. The superintendent of police shall issue standards for the treatment of a compliance violation as a traffic violation.

*(Omitted text is unaffected by this ordinance)*

**SECTION 2.** Chapter 9-72 of the Municipal Code of Chicago is hereby amended by adding the language underscored and by deleting the language struck through, as follows:

**9-72-005 Definitions.**

For purposes of this chapter only, the following definitions apply:

“Executive director” means the executive director of the office of emergency management and communications.

“Operate” or “operation” means to have custody or physical control over a vehicle.

“Operator” means any person who has custody or physical control of a vehicle.

**9-72-010 Load restrictions in downtown district.**

(a) No operator of a bus or vehicle designed and used for pulling or carrying freight or merchandise shall ~~drive~~ operate such vehicle ~~into~~ in the district bounded on the north by the south line of Lake Street, on the east by the east line of Wabash Avenue, on the south by the north line of Congress Street and on the west by the east line of Franklin Street, unless the operator has deliveries or pick-ups of materials or persons to make in the district.

(b) No operator of a vehicle designed and used for pulling or carrying freight or merchandise whose length, including load, is in excess of 33 feet shall ~~drive~~ operate such vehicle for the purpose of delivering or picking up freight or merchandise in the district bounded on the east by the west line of Michigan Avenue, on the south by the south line of Harrison Street, on the west

by the east line of Halsted Street, and on the north by the south line of Chicago Avenue during the hours from 8:00 a.m. to 6:00 p.m., except on Sundays and holidays; provided, however, that such vehicles may enter the district for the express purpose of making deliveries or pick-ups at loading platforms or docks located wholly within areas not dedicated as public ways and arranged so that the vehicles do not obstruct movement of vehicular traffic on any public way.

**9-72-030 Designation of streets with size and weight limitations.**

(a) The executive director is authorized, subject to the approval of the city council, to determine and designate those streets or parts of streets upon which the operation of trucks or other commercial vehicles shall be prohibited or upon which the use operation of such vehicles shall be restricted by imposing limitations as to the weight of such vehicles, and he shall erect and maintain appropriate signs on such streets or parts of streets giving notice thereof.

(b) Whenever official signs are erected prohibiting the use of operation on any street or part of a street by trucks or other commercial vehicles or imposing weight and size limitations upon such vehicles using operating on the street, no person shall drive operate a truck or other commercial vehicle in violation of any such signs except for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter. The word "load" when used on official signs erected by authority of this section shall mean the gross weight of the vehicle and its load, if any.

**9-72-070 Special permits.**

(a) (1) The executive director may, upon application in writing and good cause being shown, issue a special permit authorizing a vehicle or combination of vehicles not in conformity with the size regulations of this chapter or the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code, to be operated ~~or moved~~ upon any street or highway under the jurisdiction of the city. The fees for permits under this section shall be as provided in Table 9-72-070. All fee payments under this section shall be deposited in an account to be used only for maintenance, repair and upgrading of streets and highways within the city designated under Section 9-72-035.

(2) The executive director may, upon application in writing and good cause being shown, issue a special annual permit authorizing a vehicle or combination of vehicles not in conformity with the size regulations of this chapter or the wheel and axle load and gross weight provisions of Section 15-111 of the Illinois Vehicle Code to operate in the following designated industrial truck corridor:

*(Omitted text is unaffected by this ordinance)*

The permit shall authorize the operation of a vehicle, whose total gross weight is equal to or less than 160,000 pounds, within the designated industrial truck corridor for the purpose of delivery or pick up of materials. The ~~movement and~~ operation of any vehicle within the designated truck corridor whose: (i) total gross weight is greater than 160,000 pounds; or (ii) ~~movement and~~ operation is for purposes other than for delivery or pick up of materials or merchandise within the designated industrial truck corridor shall be subject to the provisions of subsection (a)(1) of this section.

The annual fee shall be \$100.00. The annual permit period shall begin on January 1st and end on December 31st of each year. All fee payments under this subsection shall be deposited in an account to be used only for maintenance, repair and upgrading of streets and highways within the city designated under Section 9-72-035.

(b) The application for any permit shall specifically describe the vehicle or vehicles and load to be operated ~~or moved~~ and the particular streets or highways for which the permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

*(Omitted text is unaffected by this ordinance)*

(d) (1) The executive director shall not issue any permit unless the applicant has furnished a certificate of insurance naming the city as additional insured for the amount of \$1,000,000.00 so as to save the city harmless from any claim, loss or damage that may result from the granting of the permit or that may arise from or on account of any work done thereunder.

(2) As a condition of the permit the grantee shall: (i) agree to assume all responsibility for any injury to persons or damage to public or private property; (ii) agree to indemnify and hold the city harmless from all suits, claims, damages, or proceeding of any kind for injury to persons or damage to public or private property caused, in whole or part, by the operation of the vehicle in violation of any term or condition of the permit; and (iii) restore at his own cost, to a condition satisfactory to the executive director, any pavement, subway, tunnel, sewer, pipe, conduits, public utility, or any other public property that may be injured by reason of ~~the transportation of such article~~ the operation of the vehicle under such permit.

*(Omitted text is unaffected by this ordinance)*

(f) It shall be unlawful for any person issued a permit under this section, or any employee or agent of such person, to violate any of the terms or conditions of the permit. The penalty for any such violation shall be a fine of \$500.00. Penalties for any violation of this section shall be in addition to any penalties imposed for the violation of any other section of this chapter.

*(Omitted text is unaffected by this ordinance)*

Fees listed above are per vehicle. An applicant who owns or leases a fleet of 20 or more vehicles may obtain a monthly fleet permit, authorizing the ~~use~~ operation of all the vehicles in the fleet in accordance with Section 9-72-070, subject to all the conditions of Section 9-72-070. The fee for a fleet permit shall be 80 percent of the combined monthly permit fees for individual vehicles in the fleet.

The fee for an annual permit issued under subsection (a)(2) shall be as set forth in that subsection.

#### **9-72-080 Weight limitations – Violation – Penalties.**

(a) Except as specifically allowed by statute or other ordinance, no ~~person~~ operator shall ~~operate~~ permit to remain on any public way within the city any motor vehicle whose gross weight exceeds the limits described in Section 15-111 of the Illinois Motor Vehicle Code. The weight limitations and formulae contained in Section 15-111 of the Illinois Motor Vehicle Code are hereby incorporated by reference for purposes of calculating permissible weights under this section.

(b) Any person who refuses or fails to stop and submit his or her vehicle and load after being directed to do so by an authorized agent of the city, or who removes or causes the removal of any portion of the load prior to weighing, shall be fined not less than \$500.00 and not more than \$2,000.00.

*(Omitted text is unaffected by this ordinance)*

(d) Whenever any vehicle is ~~operated~~ found to be in violation of the provisions of this section, the owner ~~or driver~~ and operator of the vehicle shall be jointly and severally liable for the violation.

*(Omitted text is unaffected by this ordinance)*

**SECTION 3.** This ordinance takes effect after its passage and approval.