

CITY OF O'FALLON

GARY L. GRAHAM

Mayor

PHILIP A. GOODWIN

City Clerk

Walter Denton
City Administrator

DAVID H. HURSEY

City Treasurer

ALDERMAN

Gene McCoskey Ward 1 John Drolet Ward 4

Richie Meile Ward 1 Michael Bennett Ward 5

Ed True Ward 2 Courtney Cardona Ward 5

Jerry Albrecht Ward 2 Jim Hursey Ward 6

Jerry Mouser Ward 3 Ray Holden Ward 6

Kevin Hagarty Ward 3 David Cozad Ward 7

Herb Roach Ward 4 Harlan Gerrish Ward 7

CITY COUNCIL MEETING

A G E N D A

Monday, May 19, 2014

7:00 P.M. – Council Chambers

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES – [May 5, 2014](#)

V. PUBLIC HEARING –

VI. REPORTS

A. Residents of O'Fallon – This portion of the City Council meeting is reserved for any resident wishing to address Council. The Illinois Open Meetings Act (5 ILCS 120/1) mandates NO action shall be taken on matters not listed on this agenda, but Council may direct staff to address the topic or refer the matter to a committee. Please provide City Clerk with name & address; speak into microphone; limit presentation to 3 minutes; and avoid repetitious comments. Thank you.

B. Clerk's Report

1. Request from St. Clare Altar Sodality to conduct a raffle for a quilt and gift cards from June 1 – October 13, 2014

C. Mayor's Report

1. Introduction of Jack Schreiber as Mayor of the Day
2. Recognition of Paul and Trish Earnhart for their continual support of OPD and a recent donation of two thermal imaging devices, as well as presentation of a Life Saving Award to PTL Adam Taulbee
3. Proclamation declaring the week of May 18 – May 24, 2014 as National Public Works Week”
4. Proclamation declaring the week of May 18 – May 24, 2014 as EMS Week
5. Proclamation declaring May 19, 2014 as O'Fallon Township High School Junior Air Force ROTC Drill Team Day
6. This month's Southwestern Illinois Council of Mayors meeting will be held May 22nd at the Carpenters Hall in Freeburg. Please contact Jamie to make reservations by Friday, May 16th.

VII. RESOLUTIONS –

ITEM 1 – Resolution authorizing the Mayor to enter into an intergovernmental agreement between the City of O’Fallon and Central School District #104 relating to the shared use of park facilities ([Click](#) here to view the staff report)

VIII. ORDINANCES

A. 1st reading –

ITEM 2 – Ord. amending Ord. 3483 and 3643, Planned Uses, Chapter 158, Section 116 ([Click](#) here to view the staff report)

C. 2ND Reading –

ITEM 3 – Ord. amending Ord. 623, Zoning, Development known as DZ Trucking to be at 97 Betty Lane – 04-29.0-406-048 (Amended) ([Click](#) here to view the staff report, [truck](#) routes and [Exhibit A](#))

(The following Ordinances can be viewed on the May 5th agenda - <http://www.ofallon.org/city-council/agenda/city-council-4>)

4. Ord. amending Ord. 623, Zoning, Development known as Sunrise Center II to be located at 1334 Central Park Drive – 03-25.0-301-009

5. Ord. amending Ord. 623, Zoning, Development known as Twin Peaks to be at 1180 Central Park Drive – 03-36.0-402-009

6. Ord. Approving the Franchise Agreement (On Hold)

IX. STANDING COMMITTEES

1. Community Development – [Minutes Attached](#) – [Motion](#) to approve the Special Event Permit request from Sakura BBQ to hold an outdoor BBQ from May through September
2. Public Works
3. Public Safety – [Minutes Attached](#)
4. Finance/Administration
5. Parks/Environment – [Minutes Attached](#)

X. EXECUTIVE SESSION – Occasionally, the Council may go into closed session in order to discuss such items covered under 5 ILCS 120/2 (b) which are as follows: Legal Matters; Purchase, Lease or Sale of Real Estate; Employment/appointment matters; Business matters or Security/criminal matters and may possibly vote on such items after coming out of closed session.

XI. ACTION TAKEN ON EXECUTIVE SESSION ITEMS

XII. ADJOURNMENT

**O’FALLON CITY COUNCIL
MINUTES OF THE REGULAR COUNCIL MEETING
Draft May 5, 2014**

The regular meeting was called to order at 7:00 p.m. by Mayor Graham who led the Council in “The Pledge of Allegiance to the Flag.”

Philip Goodwin, City Clerk, called the roll: Gene McCoskey, present; Richie Meile, present; Ed True, present; Jerry Albrecht, present; Jerry Mouser, present; Kevin Hagarty, present; John Drolet, present; Herb Roach, present; Michael Bennett, present; Courtney Cardona, present; Jim Hursey, present; Ray Holden, present; David Cozad, present; Harlan Gerrish, present. A quorum was declared present.

Mayor Graham asked for approval of the minutes. Motion was made by J. Mouser and seconded by E. True to approve the minutes of April 21, 2014. All ayes. Motion carried.

PUBLIC HEARING – None scheduled.

RESIDENTS: Nancy Chase, spokesperson for St. Clair Bowl, spoke to the Council regarding video gaming. They are trying to gather 25% of signatures to place petition on the ballot in November.

REPORTS:

Clerk’s Report: City Clerk Goodwin read a request from the OTHS Marching Band to conduct a roadblock on Friday, August 8 and Saturday, August 9, 2014 from 8:00 a.m. – 12:00 p.m. each day at the intersections of State and Lincoln and State and Smiley (Pending submission of insurance).

Motion by E. True and seconded by M. Bennett to approve the request. All ayes. Motion carried.

Mayor’s Report: Mayor Graham introduced the Mayor of the Day, Ellie Harris who attends Marie Schaefer School.

Mayor Graham asked Chief Van Hook to introduce the Fire and Police Commissioners (Horace Humphries, Russ Thoman and Richard Reckamp) to swear in the following and announce the Police Department Promotions:

Lt. Reginald “Mick” Hunter to Captain
Sgt. Kerry Andrews to Lieutenant
Ptl. Patrick Feldhake to Sergeant

Chief Van Hook also introduced the two new officers: John Davis and Christopher Gottschall. He also mentioned that Jeff Wild has retired after 27 years of service.

Mayor Graham thanked the commissioners for their hard work. He announced we have 44 police officers.

Mayor Graham announced that Chief Brent Saunders was selected Illinois Chief of the Year by the Illinois Fire Chief's Association.

RESOLUTIONS: Motion by J. Albrecht and seconded by J. Mouser to consider Resolution items 1 – 6 under the Omnibus Agreement. All ayes. Motion carried. Mayor Graham read the following aloud:

Item 1 – Resolution authorizing the Mayor to execute an agreement with DeMond Signs for installation and storage of holiday decorations

Item 2 – Resolution authorizing the Mayor to execute an agreement with Thouvenot, Wade & Moerchen, Inc. (TWM) for the Misty Valley replacement lift station; area water and wastewater improvements in the amount of \$95,600

Item 3 – Resolution authorizing the Mayor to execute an agreement with CSX Transportation, Inc. for the State Street Crossing, CSXT Railroad milepost BC 320.74, in an amount not to exceed \$268,305

Item 4 – Resolution authorizing the Mayor to execute an agreement with Bernardin, Lochmueller & Associates (BLA) for land acquisition and easements related to the Highway 50 Turn Lane and intersection improvements project

Item 5 – Resolution authorizing the Mayor to execute an agreement with Hank's Excavating & Landscaping, Inc. for the calendar year 2014 Concrete Replacement Program in the amount of \$123,234.75 based on unit prices submitted

Item 6 – Resolution authorizing the Mayor to execute an agreement with Christ Brother's Asphalt for Street Resurfacing – CY2014 in the amount of \$592,991.06, based on unit prices submitted

Motion by J. Albrecht and seconded by J. Mouser to approve Resolution items 1 - 6 under the previous Omnibus Agreement.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

ORDINANCES:

1st Reading - Motion by J. Albrecht and seconded by M. Bennett to consider on 1st reading Item 8, an Ordinance amending Ord. 623, Zoning, Development known as Sunrise Center II to be located at 1334 Central Park Drive – 03-25.0-301-009.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

Motion by J. Albrecht and seconded by E. True to consider on 1st reading Item 9, an Ordinance amending Ord. 623, Zoning, Development known as DZ Trucking to be at 97 Betty Lane – 04-29.0-406-048.

J. Drolet voiced his concern about the crumbling road conditions on Betty Lane. He asked that the weight limits for the road be addressed.

T. Shekell responded that the staff is researching the situation. Mayor Graham said he will have it checked before the 2nd reading. H. Roach added that First Street is another road that raises concern.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, present; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 13; Present – 1; Nos – 0. Motion carried.

Motion by J. Albrecht and seconded by E. True to consider on 1st reading Item 10, an Ordinance amending Ord. 623, Zoning, Development known as Twin Peaks to be at 1180 Central Park Drive – 03-36.0-402-009.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

2nd Readings – Ord. Approving the Franchise Agreement (On Hold)

STANDING COMMITTEES –

Community Development: J. Albrecht announced that the next meeting will be next Monday.

Public Works: R. Meile stated they will meet Tuesday, May 27th at 7:00 p.m. in the Mayor's Conference Room.

Public Safety: K. Hagarty announced they will meet May 12th at 5:00 p.m. in the Mayor's Conference Room.

Finance/Administration: Motion by M. Bennett and seconded by J. Mouser to approve Warrant #300, in the amount of \$697,644.57.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

Parks and Environment: E. True stated they will meet May 12th at 5:30 p.m.

EXECUTIVE SESSION: Mayor Graham said we will have closed session. Motion by J. Albrecht and seconded by G. McCoskey to go into Closed Session to discuss pending litigation and property disposition and acquisition.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

The Council went into closed session at 7:35 p.m. and returned at 8:44 p.m.

Motion by J. Albrecht and seconded J. Mouser to approve Resolution, Item 7, A Resolution authorizing the Mayor to sign a collective bargaining agreement between the City of O'Fallon and Local 670, Laborers' International Union of America, AFL-CIO.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

ADJOURNMENT: Motion by J. Albrecht and seconded by R. Holden to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:45 p.m.

Submitted by,

Philip A. Goodwin
City Clerk

Minutes recorded by
Maryanne Fair, Deputy City Clerk
Proper notice having been duly given

RESOLUTION 2014 -

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENT AGREEMENT BETWEEN THE CITY OF O'FALLON AND CENTRAL SCHOOL DISTRICT #104 RELATING TO THE SHARED USE OF PARK FACILITIES

WHEREAS, the City of O'Fallon and O'Fallon Central School District #104, District #104 is authorized and empowered by Article VII, Section 10 of the Constitution of the State of Illinois and 5 ILCS 220/1 et seq., to enter into intergovernmental agreements, for any purpose, not prohibited by law; and

NOW, THEREFORE, Be it resolved by the Mayor and City Council of the City of O'Fallon, St. Clair County, Illinois as follows:

That the City of O'Fallon authorized its appropriate representatives to sign the intergovernmental agreement with the Central School District #104,

This Resolution shall become effective immediately upon its adoption by City Council.

Passed by the City Council this 19th day of May 2014.

ATTEST:

Approved by the Mayor this ____ day
of _____ 2014.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: MJ Hutchison, Parks & Recreation Director &
Walter Denton, City Administrator
Date: May 19, 2014
Subject: Resolution Intergovernmental Agreement with O'Fallon Central School District #104

List of committees that have reviewed: Parks & Environment reviewed May 12, 2014

Background: The City of O'Fallon and Central School District has mutually agreed to share joint use of facilities on a rental-free basis as available with adequate supervision. Each party shall maintain liability insurance and have first priority for its own activities. This agreement minimizes the costs of government by use of common areas and striving to develop mutually beneficial new programs. OPRD has similar agreements with District 90 and OTHS. The "Schools & Parks" Project is again always win, win for all the residents of O'Fallon.

Legal Considerations, if any:

Budget Impact: None

Staff recommendation: Staff recommends approval.

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO.

**ORDINANCE AMENDING ORD. 3483
AND 3643, PLANNED USES,
CHAPTER 158, SECTION 116**

WHEREAS, the Staff of the Community Development Department of the City have made the following recommendation to the City Council and believes such recommended regulations would be beneficial to the health, safety and welfare of the citizens of the City of O'Fallon; and

WHEREAS, the Planning Commission held a public hearing on January 14, 2014, and recommended to approve the proposed text amendments with a vote of 6 ayes to 0 nays; and

WHEREAS, the Community Development Committee reviewed the proposed text amendments at a meeting on January 27, 2014 and recommended approval with a vote of 5 ayes to 0 nays; and

WHEREAS, the City desires to achieve goals set forth in the Comprehensive Plan by creating a Rural Residential District and preserving natural areas and certain types of agricultural uses; and

WHEREAS, the City seeks to ensure zoning regulations are consistent and reasonable; and

WHEREAS, the City Council, after careful and due deliberation, and duly noticed public hearings as may be required for changes in zoning regulations, has concluded that adoption of the proposed amendments to the zoning regulations of the City's Code of Ordinances would be in the interests of the health, safety and welfare of the citizens of the City of O'Fallon.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1: Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and the corresponding Official Zoning Map are hereby amended by adding Section 158.116 (E) to the Planned Use; When Required section as follows:

§ 158.116 PLANNED USE; WHEN REQUIRED.

(E) Planned Use *Exemption: Regency Park and Central Park Commercial area.* For property zoned B-1 or B-1(p) having frontage along the Regency Park Drive, Central Park Drive, Central Park Circle or Park Plaza Drive, the following use(s) shall not be subject to planned use requirement, and may be approved administratively by Site Plan, unless a planned use is required by other aspects of the use:

- (a) Restaurants, including liquor sales and consumption on premise, not having a drive through;

Any exempt use shall conform with the Commercial Design Handbook and all other code requirements to qualify for the exemption. Where the Director reasonably believes a use exempted under this provision is not fully compliant with all applicable requirements and standards or creates a risk to safety or property, the Director may require the use to be submitted as a planned use notwithstanding this exemption. Otherwise, where the Director determines that the Site Plan is also fully compliant, the Site Plan shall be submitted to the City Council for administrative approval, denial or condition by resolution or motion. Additional information as may be required by the Director including, but not limited to, traffic impact study, access management plan, geologic hazard study, environmental impact report, historic inventory study and data which estimates and document how the project will affect population, employment, schools, parks streets, utilities, public safety and other city services.

Section 2: Except as expressly amended herein, all other provisions of Title IX General Regulations and Title XV, Land Usage, Chapter 158 of the City Code of Ordinances (previously Chapter 42 thereof) and corresponding Official Zoning Map shall remain in full force and effect.

Section 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof or any portion adopted by reference therein is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof or any portion adopted by reference therein. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST: Approved by the Mayor this _____ day
 (seal) of _____ 2014.

 Philip A. Goodwin, City Clerk

 Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	True	Albrecht	Mouser	Hagarty	Drolet, J.	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Roach	Bennett	Cardona	Hursey	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: May 19, 2014
Subject: P2014-04: Proposed Text Amendment to Chapter 158 of the City's Code of Ordinances – 1st Reading

List of committees that have reviewed: The Planning Commission reviewed this application at its April 22, 2014 meeting and unanimously recommended it for approval. The Community Development Committee reviewed this application at its May 12, 2014 meeting and unanimously recommended it for approval.

Background

The proposed text amendment would allow for an exemption for the Regency Park and Central Park Commercial areas from the Planned Use process (see attached map of Affected Properties). The text amendment proposes to allow a restaurant, including liquor sales, consumption on premise and outdoor seating, not having a drive through to be approved administratively if the proposed site plan meets the following requirements:

1. The property must have frontage along Regency Park Drive, Central Park Drive, Central Park Circle or Park Plaza drive;
2. The project conforms with the Commercial Design Handbook and all other code requirements.

The exemption has a clause to allow the Director to require the planned use process for a project if the project is deemed to not meet the regulations or creates a risk to safety or property.

Once the Director determines the Site Plan is fully compliant, the Site Plan shall be submitted to the City Council for administrative approval, denial or conditioned by resolution or motion.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation

Staff recommends approval of the text amendments.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
ORDINANCE 623, ZONING
DISTRICTS OF THE CITY OF
O’FALLON, ILLINOIS
(DEVELOPMENT KNOWN AS
“DZ TRUCKING”) TO BE AT
97 BETTY LANE ON PARCEL
NUMBER: 04-29.0-406-048**

WHEREAS, the applicant, Kevin and Melinda Dall with DZ Trucking, has filed an application requesting approval of a planned use rezoning to authorize an existing trucking dispatch facility located on Parcel 04-29.0-406-048 at 97 Betty Lane in O’Fallon; and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 3471, “Planned Uses”; and

WHEREAS, the Planning Commission of the City of O’Fallon, Illinois held a public hearing on April 22, 2014, in accordance with state statute, and recommended to approve the petitioner’s request to obtain a B-2(P) Planned General Business District zoning for the property with a vote of 4 ayes to 0 nay as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A); and

WHEREAS, on April 28, 2014 the Community Development Committee of the City Council reviewed the rezoning and recommended approval with a vote of 4 ayes to 0 nays.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. That upon the effective date of this Ordinance, the described property, known as “DZ Trucking”, be henceforth classified as zoning district B-2(P) Planned General Business District, with the following conditions shall be satisfied, in addition to all other applicable requirements, as a condition of authority for the zoning approval granted under this Ordinance:

1. Not later than at the time of any change in use or occupancy of the property or 24 months from the date of approval of the ordinance, continued operation shall require: (1) an approved revised site plan specifying required improvement locations and specifications, and (2) installation and maintenance of a 6-foot wood or vinyl sight-proof privacy fence with evergreen trees planted every 25 feet on the outside of the

fencing would need to be installed along the northern, eastern and southern property line to meet current code requirements.

2. Any change in use to another permitted B-2 use shall require Community Development Department review and approval, and new site plan approval if deemed required.
3. No expansion of the existing trucking dispatch facility or other business enterprise shall be authorized that increases the frequency, turning movements or intensity of truck or other vehicle traffic on, from or to the property, without amendment of this Planned Use. The existing trucking operation consists of 5-15 trucks leaving or entering the property, with a majority of all truck trailers to and from the site being empty.
4. Improvements to the previously approved detention area must be completed within 6 months of approval of the ordinance.
5. An accessible space designed in accordance with Section 158.145 is required for the site and must be provided.
6. Normal hours of outdoor activities on the site shall be limited to 6:00 am to 10:00 pm.
7. No excessive noise, or other impacts from the site activities, not normally associated with residential districts shall be permitted to impact neighboring properties.
8. The use of the property shall not be authorized for an operating refrigerated (reefer) trailer trucking facility.

Section 2. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk's office of the City of O'Fallon, Illinois.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST:

Approved by the Mayor this ____ day

(seal)

of _____ 2014.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	True	Albrecht	Mouser	Hagarty	Drolet	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Roach	Bennett	Cardona	Hursey	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Community Development Director
Walter Denton, City Administrator

Date: May 19, 2014

Subject: P2014-01: DZ Trucking, Planned Use – 2nd Reading

List of committees that have reviewed:

The Planning Commission reviewed this application at its April 22, 2014 meeting and unanimously recommended it for approval, subject to conditions recommended by staff. The Community Development Committee reviewed this application at its April 28, 2014 and May 12, 2014 meetings.

The committee raised concerns over the use of First Street and Betty Lane for truck traffic. In order to address the concerns of the committee over heavy truck traffic, staff recommended at that time placing Condition #5 on the planned use rezoning: "All tractor-trailers, present and future, entering and exiting the site shall not contain cargo."

During the May 12, 2014 meeting, the petitioner informed the committee that the condition requiring all trailers to be empty when entering and exiting the site would not allow the current owner to continue the current operation without being in violation of the condition. Mr. Kevin Dall (petitioner) indicated 60% of the time the trucks are empty. The committee discussed the condition of the roads in the area and expressed concern over loaded trucks going in and out of the site. The committee requested staff and the petitioner to discuss a set of conditions allowing the current operation to continue, but not allow for a more intense use of the property.

After internal discussions and consulting with zoning legal counsel Dan Vogel, it has been determined that weight limit and truck route issues should be addressed separately and through a different ordinance than the rezoning of DZ Trucking. *It should also be noted that existing city ordinance has previously established E First Street east of Smiley, which provides access to this site, as a Truck Route (a copy of which is attached).*

Mitigating noise from the site is an important part of the approval, consequently, issues such as hours of operation, use of "reefers" on-site, etc, become important to address. Normal hours of operation are being recommended at 6am-10pm, consistent with existing city ordinances regarding noise, however, incidental use of the facility during "off" hours might occasionally occur. It should be noted that the conditions also prohibit the site from being used as an "operating refrigerated (reefer) trailer facility", which means that although incidental location of a reefer may occur, it is to be occasional and atypical to the primary use of the site, and may not constitute a nuisance to surrounding residential properties.

Background:

Kevin and Melinda Dall, of DZ Trucking have filed an application requesting rezoning a parcel of land at 97 Betty Lane from SR-3, Single-Family Residential Dwelling District to B-2(P), Planned General Business District. The applicant requested the rezoning to bring the site into conformance with the zoning regulations for the existing trucking dispatch facility and potential sale of the property for other B-2 uses. Please see the attached Plan Commission Project Report for more detailed information on the proposal.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation:

Staff recommends approval of the project with the following conditions:

1. Not later than at the time of any change in use or occupancy of the property or 24 months from the date of approval of the ordinance, continued operation shall require: (1) an approved revised site plan specifying required improvement locations and specifications, and (2) installation and maintenance of a 6-foot wood or vinyl sight-proof privacy fence with evergreen trees planted every 25 feet on the outside of the fencing would need to be installed along the northern, eastern and southern property line to meet current code requirements.
2. Any change in use to another permitted B-2 use shall require Community Development Department review and approval, and new site plan approval if deemed required.
3. No expansion of the existing trucking dispatch facility or other business enterprise shall be authorized that increases the frequency, turning movements or intensity of truck or other vehicle traffic on, from or to the property, without amendment of this Planned Use. The existing trucking operation consists of 5-15 trucks leaving or entering the property, with a majority of all truck trailers to and from the site being empty.
4. Improvements to the previously approved detention area must be completed within 6 months of approval of the ordinance.
5. An accessible space designed in accordance with Section 158.145 is required for the site and must be provided.
6. Normal hours of outdoor activities on the site shall be limited to 6:00 am to 10:00 pm.
7. No excessive noise, or other impacts from the site activities, not normally associated with residential districts shall be permitted to impact neighboring properties.
8. The use of the property shall not be authorized for an operating refrigerated (reefer) trailer trucking facility.

SCHEDULE VI. TRUCK ROUTES.

(A) In order to establish a truck route system within the city, the following streets shall be designated, by proper sign approved by the State Department of Transportation, to allow the same rights and privileges as non-designated state highways regarding weight, width and length as is set forth in ILCS Ch. 625, Act 5, §§ 15-102, 15-107 and 15-111, commonly referred to as the Illinois Vehicle Code.

(B) The streets to be designated as city truck routes are:

<i>Truck Routes</i>	
<i>Street</i>	<i>Location</i>
First Street, East	East of South Smiley Street
Oak Street, South	From West Third Street to West Second Street
Second Street, West	From South Oak Street to Westwood Drive
Smiley Street, South	
State Street, East	
State Street, West	
Third Street, West	From Old U.S. 50 to South Oak Street
Westwood Drive	

(1999 Code, Ch. 77, Sch. VI) (Ord. 1665, passed 1-3-1994; Ord. 1675, passed 2-7-1994)



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
 Ted Shekell, Planning Director
DATE: April 22, 2014
PROJECT: P2014-01: DZ Trucking, Planned Use

Location: 97 Betty Lane
Ward: 4
Owner: Kevin & Melinda Dall
 DZ Trucking
 PO Box 785
 O'Fallon, IL 62269
 (618) 628-7130
Submitted: March 17, 2014

Introduction

Kevin and Melinda Dall, of DZ Trucking have filed an application requesting rezoning a parcel of land at 97 Betty Lane from SR-3, Single-Family Residential Dwelling District to B-2(P), Planned General Business District. The applicant requested the rezoning to bring the site into conformance with the zoning regulations for the existing trucking dispatch facility and potential sale of the property for other B-2 uses.

History of Site

The property is currently used by DZ Trucking, which is a trucking dispatch facility and office. The site was a part of a larger annexation into the City of O'Fallon in December of 2001. At the time of the annexation, St. Clair County's zoning classification for the area was SR-3, so according when the annexation was processed the property was zoned SR-3 in the City of O'Fallon. The site has operated as a trucking dispatch facility at this location since 1992 and is considered a grandfathered business within the SR-3 zone district.

Existing Conditions

Surrounding Zoning:

North: SR-3
 East: SR-3 & MR-2
 South: MR-2
 West: SR-3 & I

Surrounding Land Use

North: DeMond Signs and single-family residential
 East: Single-family residential
 South: Multi-family residential
 West: DeMond Signs and Discount Storage

Please see the attached maps for more detailed information on surrounding zoning and land uses.

Community Development Department

255 South Lincoln Avenue, O'Fallon, IL 62269 • P: 618.624.4500 x 4 • F: 618.624.4534

Applicable Ordinance, Documents and Reports

O'Fallon Comprehensive Plan: The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as Heavy Commercial, which is consistent with the existing use and the B-2 General Commercial District land uses.

Code of Ordinances: In order to bring the existing trucking facility into conformance with the City's zoning and development codes, the property is subject to Article 6 Planned Uses of Chapter 158: Zoning of the Code of Ordinance and requires a development plan. The property is also subject to the B-2, General Business District requirements.

Public Notice: Public Notice of this project has been fulfilled in accordance with Section 158.255 and 158.256 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

Discussion Points/Issues

Land Use

The subject property is identified as *Heavy Commercial* in the Comprehensive Plan, which is consistent with the existing use of the property and uses permitted in the B-2 General Business District. The subject property is located on Betty Lane, just west of Seven Hills Road. The site plan shows an approximate 4,000 square foot building for the office and storage for the trucking company. The northern portion of the property has been chip and sealed to create a hard dust-free entrance and parking for 10 vehicles. The remainder of the property is covered in gravel and is used for storage of semi-trailers. There is a 6-foot wood fence along the northern portion of the property along the parking area. The remainder of the lot is open without much screening provided. The southern property line has had a line of evergreen trees planted, however many have died and need to be replaced.

Traffic Circulation/Parking

Ingress and Egress: The site is accessed via an undefined entrance of Betty Lane.

Parking: The parking area is already paved, as required by code. Section 158.136 lists specific parking requirements for transfer and storage uses with the following ratios: 2.5 spaces per 1,000 square feet of office space, plus 1 per employee. The site provides 10 spaces, which provides enough parking for the existing use and other types of General Business District allowed land uses. However, one space will need to meet the requirements of the accessible parking requirements.

On-site circulation: The site has ample room for the movement of semi-trailers and provides for effective on-site circulation.

Landscaping and Buffer Requirements

Section 158.186 of the Code of Ordinances lists the requirements for buffers between various zoning districts. For this particular project, a structural buffer is required to north, east and south, since the site abuts residential land uses. The required buffer is to consist of a six foot tall fence on the property line and additional landscaping to screen the site. Section 158.056 of the code requires fences for buffering to be a "durable, maintenance free material such as vinyl or masonry." However, staff believes a wooden fence will be adequate for the existing site. The landscaping requirements for new construction are rather extensive. In a case such as this involving reuse of an existing property, staff feels requiring only evergreen trees spaced at 25 feet would be adequate.

Code requires a fence to enclose all areas used for outdoor storage. The gravel lot is currently used for outdoor storage or any future uses that would locate on the site. The site is currently grandfather and could remain as a truck

dispatching facility without any improvements. Because of the existing grandfathered use, staff does not recommend requiring the fencing and trees to be placed at the time of approval. However, the owner has initiated the rezoning to the B-2 for the potential to sale the property, therefore staff would recommend a condition that any change in use of the property or 24 months from the date of approval, a 6-foot wood or vinyl privacy fence with evergreen trees planted ever 25 feet on the outside of the fencing would need to be installed along the northern and eastern property lines. Staff would also recommend on the southern property line requiring the fence and the replacement of dead trees.

Outdoor Storage & Noise

The site plan submitted shows an area of the gravel lot to be used to storage semi-trailers. This is permitted by code, but outdoor storage needs to be fenced along the property lines adjoining residential land uses. The noise associated with the outdoor storage of semi-trailers could adversely affect neighboring residential use. While in the future some of the noise may be reduced by the fence and trees, the owner should attempt to minimize the impact of the business by limiting the hours of operation of heavy truck traffic onto the site.

Utilities and Drainage

Public water and sewer is available to serve the subject property. No impervious surfaces are being added however there has been drainage issues with this area for a number of years. The City worked with the owner to assist homeowners to the east to address stormwater issues. The owner created a berm to collect water and release out a small pipe to the downstream properties. The existing detention area has become silted in and may not be functioning properly. Staff would recommend the area be re-graded and measures taken to reduce the silting in of the detention area.

Signage

At this time, the applicant has not submitted any information about signs and will be bound to the requirements of the current codes when and if permits are submitted.

Review and Approval Criteria

Section 158.119 of Article VI "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
The project does not meet all applicable zoning standards. It is an existing grandfathered site. The changes made by the owner and those recommended in this report will bring the site more closely into compliance with current regulations.
2. The physical design of the proposed plan and the manner in which said design makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and park dedication, and furthers the amenities of light, air, recreation and visual enjoyment.
The proposed development will not have a significant impact on traffic.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
The continued use and potential reuse of the existing building and site will not negatively affect adjacent properties as long as appropriate buffering and fencing is provided.
4. The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. (Ord 3665; passed 5-3-10)
The proposal is consistent with the Comprehensive Plan. The Commercial Design Handbook does not apply.
5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
The proposed development is designed to be operated to protect the public health, safety and welfare.

6. An identified community need exists for the proposed use.
Yes, a community need exists for the proposed use.
7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.
The proposed use will not negatively impact surrounding properties as long as appropriate buffering and fencing is provided. The changes proposed in this report will improve conditions with the surrounding properties compared to the current use.
8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.
The existing building is similar to and will not detract from many of the structures surrounding the property. Appropriate buffering and fencing will mitigate any impacts to other nearby properties and limit views of outdoor storage of materials.
9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.
The proposed development meets the area-bulk requirements set forth in the B-2 General Business District.

Staff Recommendation

Staff recommends approval of the project with the following conditions:

1. Any change in use of the property or 24 months from the date of approval of the ordinance, a 6-foot wood or vinyl privacy fence with evergreen trees planted ever 25 feet on the outside of the fencing would need to be installed along the northern, eastern and southern property line to meet current code requirements.
2. Any change in use to another B-2 use will require Community Development Department review and approval.
3. Improvements to the previously approved detention area must be completed with 6 months of approval of the ordinance.
4. An accessible space designed in accordance with Section 158.145 is required for the site.

Attachments

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map

Attachment 4 – Site Plan

CITY OF O'FALLON

MAR 17 2014

DATE PAID



Planned Use / Re-Zoning Application

NAME OF PROJECT: DZ Trucking Rezoning

ADDRESS/GENERAL LOCATION: 97 Betty Lane

SUBDIVISION NAME & LOT NUMBER(S): _____

PARCEL NUMBER(S): 04-29-0-406-048

PLEASE CHECK THE TYPE OF APPLICATION (PLEASE CHECK ONE):

- PLANNED USE
- RE-ZONING (STANDARD MAP AMENDMENT)

SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: SR3

PROPOSED NUMBER OF BUILDINGS: 1 Existing

PROPOSED ZONING: B2-P

PROPOSED GROSS FLOOR AREA: 3950 sf

PROPOSED # OF LOTS: 1

AREA IN ACRES: 1.73 acres

PROPOSED # OF DWELLING UNITS: 0

PRESENT USE: Trucking Dispatch Facility

APPLICANT INFORMATION:

NAME: Kevin Dall + Melinda Dall

COMPANY: DZ Trucking

ADDRESS: 97 Betty Lane PO Box 785
O'Fallon IL 62269

PHONE: 628-7130

FAX: n/a

EMAIL: n/a

DESIGN PROFESSIONAL INFORMATION:

NAME: Marsha Maller

COMPANY: TWM Inc

ADDRESS: 4940 Old Collinsville
Swansea IL 62226

PHONE: 624-4488

FAX: 624-6688

EMAIL: maller@charter.net

Kevin Dall
SIGNATURE OF APPLICANT

Marsha Maller
SIGNATURE OF DESIGN PROFESSIONAL

RECEIVED MAR 17 2014	
<small>STAFF USE ONLY</small>	
DATE RECEIVED: <u>3-17-14</u>	PROJECT ID #: <u>P2014-01</u>
APPLICATION RECEIVED BY: _____	STAFF ASSIGNED: _____
APPLICATION FEE: _____	PLAN REVIEW FEE DEPOSIT REC'D: _____

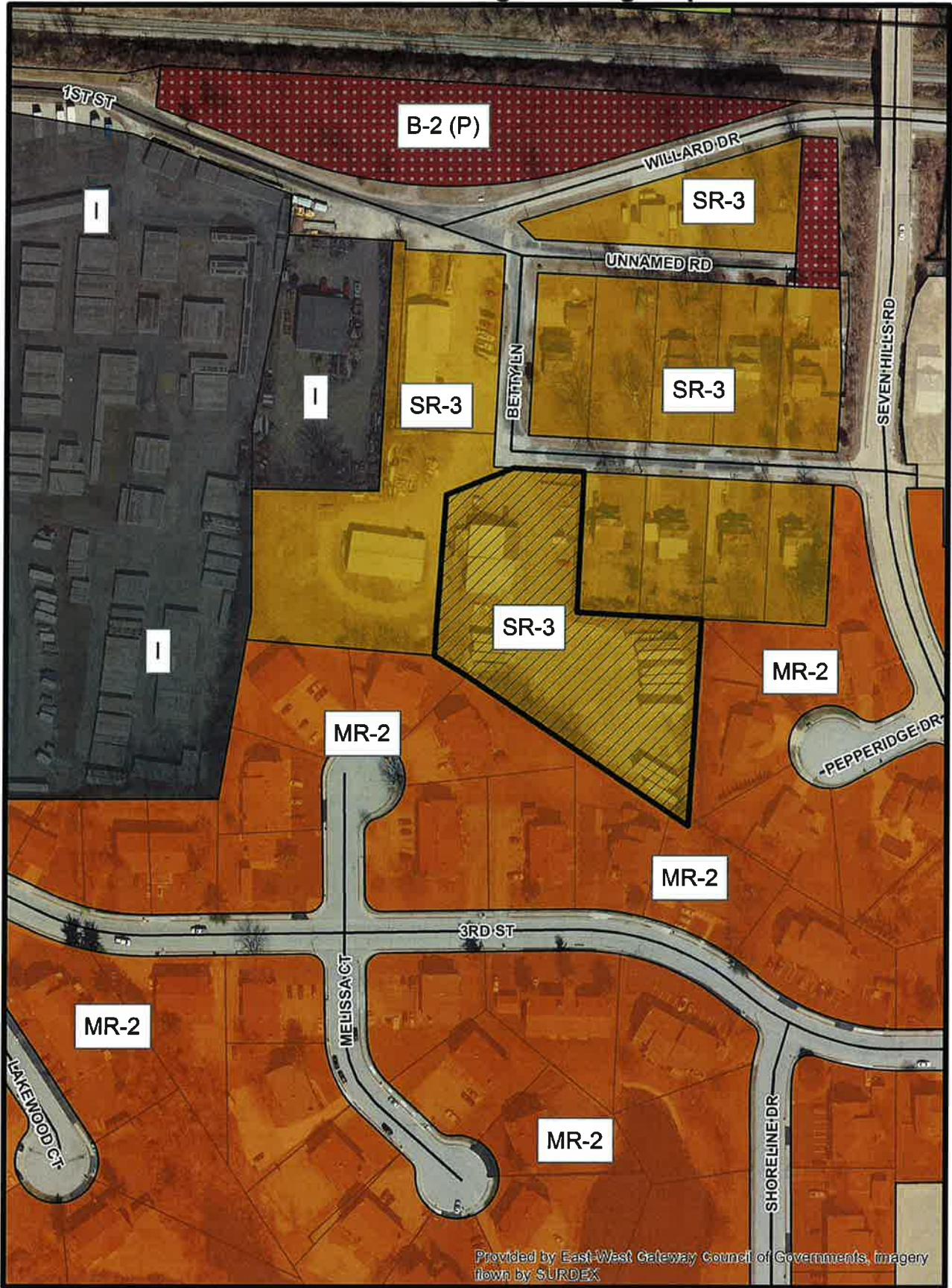
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D-Z TRUCKING REZONING PROJECT NARRATIVE

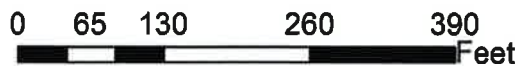
The owners of 97 Betty Lane are seeking a rezoning of their 1.73 acres from SR3 single family residential to B2 heavy commercial. The subject property was annexed into the City of O'Fallon before it was zoned correctly in the County. The City's comprehensive plan indicates that this property should be annexed as heavy commercial. The County is currently assessing the property as commercial requiring substantially more taxes.

On behalf of D-Z Trucking we are requesting a rezoning of the property so the current use is a conforming use in the correct zone district. This will give the owners flexibility to refinance the property or sell the property.

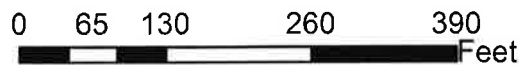
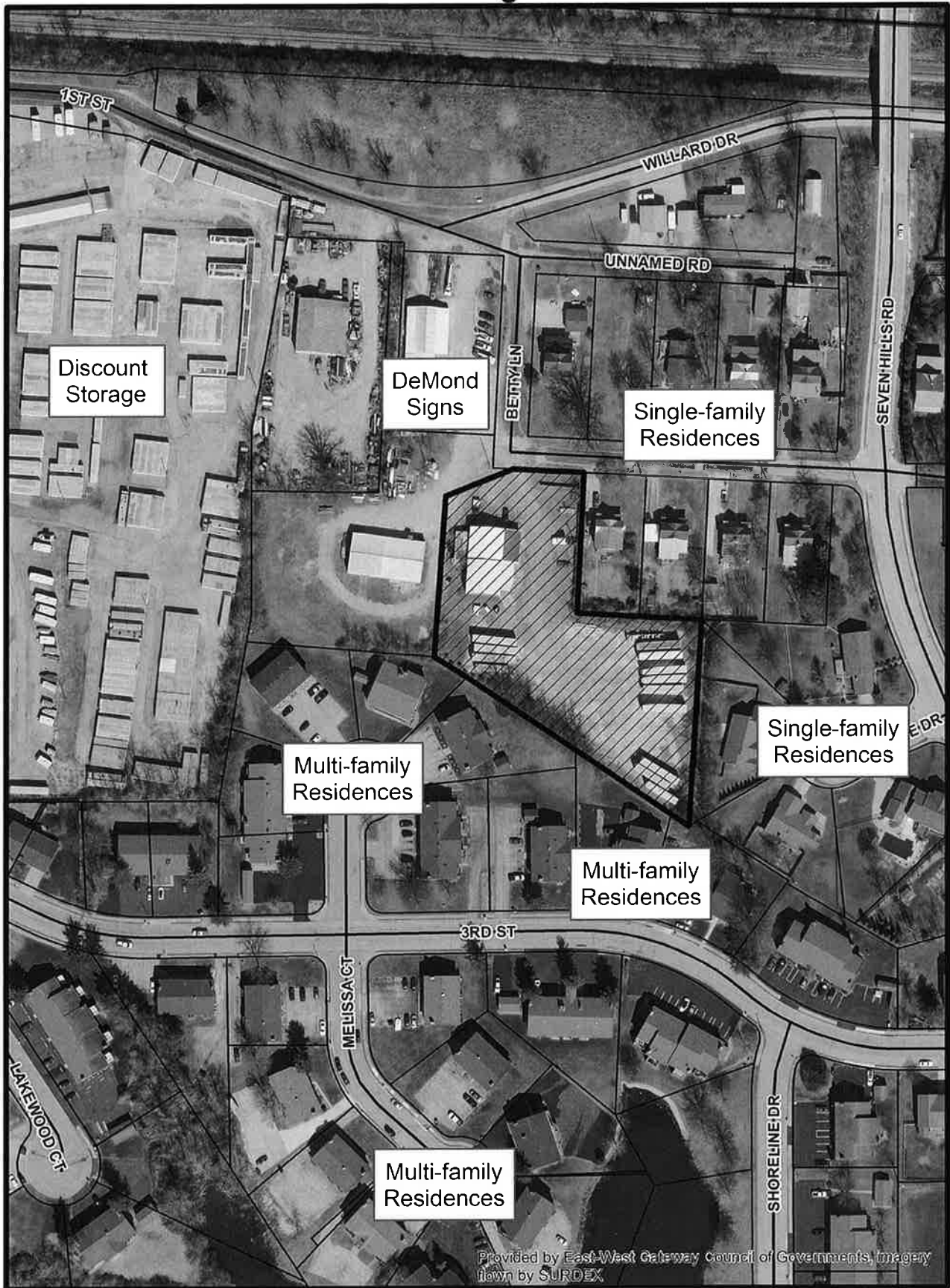
P2014-01: DZ Trucking - Zoning Map



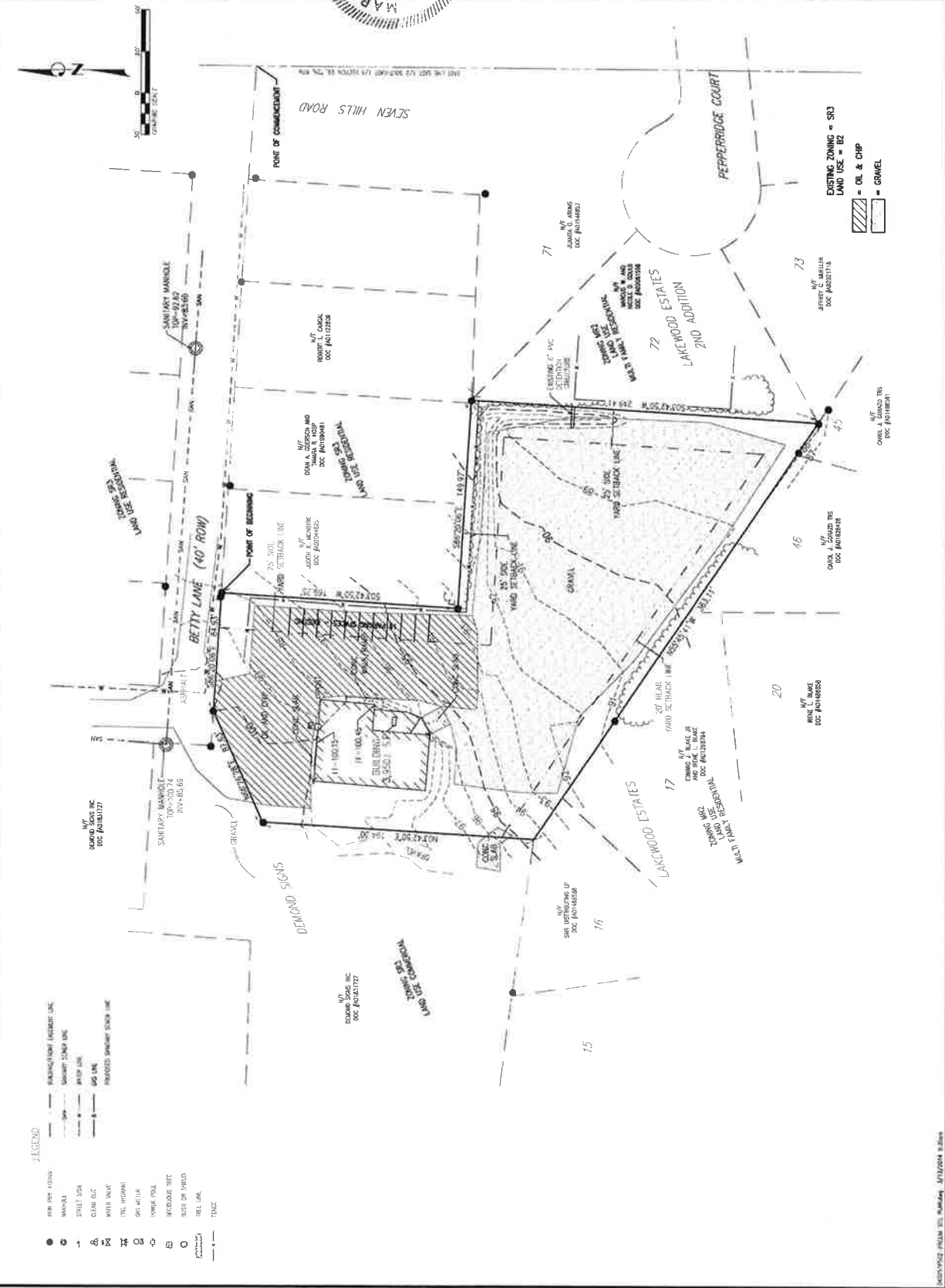
Subject Property



P2014-01: DZ Trucking - Land Uses



<p>PRELIMINARY SITE PLAN</p> <p>D2 TRUCKING CITY OF FALLON ST. CLAIR COUNTY, ILLINOIS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">NO. DATE</td> <td style="width: 70%;">DESCRIPTION</td> </tr> <tr> <td>1</td> <td> </td> </tr> <tr> <td>2</td> <td> </td> </tr> <tr> <td>3</td> <td> </td> </tr> <tr> <td>4</td> <td> </td> </tr> <tr> <td>5</td> <td> </td> </tr> <tr> <td>6</td> <td> </td> </tr> <tr> <td>7</td> <td> </td> </tr> <tr> <td>8</td> <td> </td> </tr> <tr> <td>9</td> <td> </td> </tr> <tr> <td>10</td> <td> </td> </tr> <tr> <td>11</td> <td> </td> </tr> <tr> <td>12</td> <td> </td> </tr> <tr> <td>13</td> <td> </td> </tr> <tr> <td>14</td> <td> </td> </tr> <tr> <td>15</td> <td> </td> </tr> <tr> <td>16</td> <td> </td> </tr> <tr> <td>17</td> <td> </td> </tr> <tr> <td>18</td> <td> </td> </tr> <tr> <td>19</td> <td> </td> </tr> <tr> <td>20</td> <td> </td> </tr> <tr> <td>21</td> <td> </td> </tr> <tr> <td>22</td> <td> </td> </tr> <tr> <td>23</td> <td> </td> </tr> <tr> <td>24</td> <td> </td> </tr> <tr> <td>25</td> <td> </td> </tr> <tr> <td>26</td> <td> </td> </tr> <tr> <td>27</td> <td> </td> </tr> <tr> <td>28</td> <td> </td> </tr> <tr> <td>29</td> <td> </td> </tr> <tr> <td>30</td> <td> </td> </tr> <tr> <td>31</td> <td> </td> </tr> <tr> <td>32</td> <td> </td> </tr> <tr> <td>33</td> <td> </td> </tr> <tr> <td>34</td> <td> </td> </tr> <tr> <td>35</td> <td> </td> </tr> <tr> <td>36</td> <td> </td> </tr> <tr> <td>37</td> <td> </td> </tr> <tr> <td>38</td> <td> </td> </tr> <tr> <td>39</td> <td> </td> </tr> <tr> <td>40</td> <td> </td> </tr> <tr> <td>41</td> <td> </td> </tr> <tr> <td>42</td> <td> </td> </tr> <tr> <td>43</td> <td> </td> </tr> <tr> <td>44</td> <td> </td> </tr> <tr> <td>45</td> <td> </td> </tr> <tr> <td>46</td> <td> </td> </tr> <tr> <td>47</td> <td> </td> </tr> <tr> <td>48</td> <td> </td> </tr> <tr> <td>49</td> <td> </td> </tr> <tr> <td>50</td> <td> </td> </tr> <tr> <td>51</td> <td> </td> </tr> <tr> <td>52</td> <td> </td> </tr> <tr> <td>53</td> <td> </td> </tr> <tr> <td>54</td> <td> </td> </tr> <tr> <td>55</td> <td> </td> </tr> <tr> <td>56</td> <td> </td> </tr> <tr> <td>57</td> <td> </td> </tr> <tr> <td>58</td> <td> </td> </tr> <tr> <td>59</td> <td> </td> </tr> <tr> <td>60</td> <td> </td> </tr> <tr> <td>61</td> <td> </td> </tr> <tr> <td>62</td> <td> </td> </tr> <tr> <td>63</td> <td> </td> </tr> <tr> <td>64</td> <td> </td> </tr> <tr> <td>65</td> <td> </td> </tr> <tr> <td>66</td> <td> </td> </tr> <tr> <td>67</td> <td> </td> </tr> <tr> <td>68</td> <td> </td> </tr> <tr> <td>69</td> <td> </td> </tr> <tr> <td>70</td> <td> </td> </tr> <tr> <td>71</td> <td> </td> </tr> <tr> <td>72</td> <td> </td> </tr> <tr> <td>73</td> <td> </td> </tr> <tr> <td>74</td> <td> </td> </tr> <tr> <td>75</td> <td> </td> </tr> <tr> <td>76</td> <td> </td> </tr> <tr> <td>77</td> <td> </td> </tr> <tr> <td>78</td> <td> </td> </tr> <tr> <td>79</td> <td> </td> </tr> <tr> <td>80</td> <td> </td> </tr> <tr> <td>81</td> <td> </td> </tr> <tr> <td>82</td> <td> </td> </tr> <tr> <td>83</td> <td> </td> </tr> <tr> <td>84</td> <td> </td> </tr> <tr> <td>85</td> <td> </td> </tr> <tr> <td>86</td> <td> </td> </tr> <tr> <td>87</td> <td> </td> </tr> <tr> <td>88</td> <td> </td> </tr> <tr> <td>89</td> <td> </td> </tr> <tr> <td>90</td> <td> </td> </tr> <tr> <td>91</td> <td> </td> </tr> <tr> <td>92</td> <td> </td> </tr> <tr> <td>93</td> <td> </td> </tr> <tr> <td>94</td> <td> </td> </tr> <tr> <td>95</td> <td> </td> </tr> <tr> <td>96</td> <td> </td> </tr> <tr> <td>97</td> <td> </td> </tr> <tr> <td>98</td> <td> </td> </tr> <tr> <td>99</td> <td> </td> </tr> <tr> <td>100</td> <td> </td> </tr> </table>	NO. DATE	DESCRIPTION	1		2		3		4		5		6		7		8		9		10		11		12		13		14		15		16		17		18		19		20		21		22		23		24		25		26		27		28		29		30		31		32		33		34		35		36		37		38		39		40		41		42		43		44		45		46		47		48		49		50		51		52		53		54		55		56		57		58		59		60		61		62		63		64		65		66		67		68		69		70		71		72		73		74		75		76		77		78		79		80		81		82		83		84		85		86		87		88		89		90		91		92		93		94		95		96		97		98		99		100	
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THOLEVNOT, WADE & MOERCHEN, INC.
PLANNERS & SURVEYORS & ENGINEERS

TWM

51334 REGISTERED PROFESSIONAL ENGINEER

MARSHALL KASPER

ST. CLAIR COUNTY, ILLINOIS

DATE: 08/22/2017

PROJECT: D2 TRUCKING

NO. DATE DESCRIPTION

1 08/22/2017 PRELIMINARY SITE PLAN

2 08/22/2017 PRELIMINARY SITE PLAN

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MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
6:00 PM Monday, May 12, 2014

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held in the Mayor's Conference Room, 255 S. Lincoln, O'Fallon, Illinois.

CALL TO ORDER: 6:00 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey (vice chair), Jerry Mouser, David Cozad, Ray Holden and Harlen Gerrish. *Other Elected Officials Present:* Jim Hursey, Herb Roach, Kevin Hagarty, Richie Meile, Courtney Cardona, John Drolet, Ed True and Michael Bennett. *Staff:* Walter Denton, Ted Shekell, Jeff Stehman and Justin Randall. *Visitors:* Kevin Dall, Melinda Dall, Marsha Maller, Stu Kosten and Vern Malare.
- II) Approval of Minutes from Previous Meeting**– All ayes. Motion carried.
- III) Items Requiring Council Action**
- A. SEPA – Sakura BBQ (Motion) – Justin Randall briefed the committee on the proposed special event request at Sakura restaurant. The restaurant proposed cooking overnight on every other Sunday and serving the food inside the restaurant during normal business hours. The committee recommended approval of the Special Event Permit with a vote of 6-0.
 - B. General text Amendments (1st Reading) – Justin Randall provided a quick overview of the proposed text amendment to streamline the review process for restaurants along Regency Park and Central Park commercial areas. Randall updated the committee on the proposed process for the review process including the review by the Community Development Committee and City Council. The committee recommended approval of the text amendment with a vote of 6-0.
 - C. Sunrise Center II – Planned Use (2nd Reading) – Justin Randall informed the committee there had been no changes to the petition. The committee recommended approval of the Sunrise Center II – Planned Use with a vote of 6-0.
 - D. DZ Trucking – Planned Use (2nd Reading) – Justin Randall informed the committee there had been no changes to the petition. Shekell informed the committee that the condition requiring all trailers to be empty when entering and exiting the site would not allow the current owner to continue the current operation without being in violation of the condition. Mr. Kevin Dall (petitioner) indicated 60% of the time the trucks are empty. The committee discussed the condition of the roads in the area and expressed concern over loaded trucks going in and out of the site. The committee requested staff and the petitioner to discuss a set of conditions allowing the current operation to continue, but not allow for a more intense use of the property. Shekell indicated staff would provide a set of conditions for the Council meeting to which to vote on. The committee recommended approval of the DZ Trucking – Planned Use with a vote of 6-0, requesting staff to provide additional conditions.
 - E. Twin Peaks – Planned Use (2nd Reading) – Justin Randall informed the committee there had been no changes to the petition. The committee recommended approval of the Twin Peaks – Planned Use with a vote of 6-0.
- IV) Other Business - None**

MEETING ADJOURNED: 6:45 PM

NEXT MEETING: TBA – Mayor's Conference Room

Prepared by: Justin Randall, Senior City Planner



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: May 19, 2014
Subject: Special Event Permit – Sakura BBQ (MOTION)

List of committees that have reviewed: The Community Development Committee reviewed these applications at its May 12, 2014 meeting and recommended approval with a vote of 6-0.

Background:

- Applicant: Duong Vo of Sakura Japanese Restaurant and Sushi Bar
- Location: 1334 Central Park Drive
- Outdoor cooking overnight (12am to 10am), every other Sunday from May through September.
 - Cooking BBQ in the rear parking lot overnight, serving food inside during normal business hours. Outdoor cooking occurs during non-peak hours and should not affect the operations of the businesses located in the shopping center.
 - Approximately 4 parking spaces in the rear of the store will be used.
 - BBQ equipment will be removed from the parking lot when cooking is finished.
 - 2' x 5' sign in window requested for the first weekend of BBQ.

Legal Considerations, if any: None

Budget Impact: None

Staff Review: The Fire and Police Departments have reviewed the Special Event Permit request and have no issues. Staff recommends approval of the Special Event Permit.

CITY OF O'FALLON

APR 28 2014

DATE PAID



COMMUNITY DEVELOPMENT DEPARTMENT
255 S. Lincoln Avenue, 2nd Floor
O'Fallon, IL 62269
Ph: (618) 624-4500 x4
Fax: (618) 624-4534

CC

Form with checkboxes: Attach proof of not-for-profit status with application OR Provide \$50.00 application fee with application

APPLICATION FOR A SPECIAL EVENT PERMIT

Event Name: Sakura Japanese Restaurant and sushi Bar Corp.
Location of Event: 1334 Central park Dr. suite G, O'Fallon, IL 62269
Name of Event Organization:
Name of person in charge of event (applicant) and mailing address: DUONG VO
1334 Central Park Dr. suite G, O'Fallon, IL, 62269
Phone: 618-622-8886 E-Mail: sakuraofallon@yahoo.com
Secondary Contact Person: Thuyan VO
Phone: 618-409-2646 E-Mail: leloi79@yahoo.com
* Beginning Date / Times: Every other Sundays May - Sept 12am - 10am * Ending Date / Times:

THE FOLLOWING INFORMATION (WHERE APPLICABLE) MUST BE PROVIDED IN WRITTEN FORM BEFORE APPLICATION WILL BE PROCESSED.

1. NARRATIVE (Including hours of operation; activities provided; signage including dimensions, quantity, location, etc...; traffic/parking plan; contingency plans for rain; plans for toilet facilities; security plan; expected attendance; etc...).

[X] ATTACHED

2. Sketch plan of site.

[] ATTACHED

3. Permission letter from property owner, if applicant is not the property owner.

[X] ATTACHED

[X] NOT APPLICABLE

4. Proof of not-for-profit status (so that application fee can be waived.)

[] ATTACHED

[X] NOT APPLICABLE

5. Proof of Liability Insurance should be provided and if event is held City property, City of O'Fallon, should be named as an additional insured in the amount of One Million Dollars (\$1,000,000).

[] ATTACHED

[X] NOT APPLICABLE

6. Damage bonds or cash deposit to protect City facilities (this would be mainly for out-of-town sponsors) in the amount of \$300,000. [] PAID

[X] NOT APPLICABLE

7. Liquor license information for beer sales (including hours of sale): No Liquor
(Attach release/indemnification forms and a copy of the liquor license and certificate of liquor liability)

8. List for profit vendors and sales tax numbers (to verify that sales tax is collected and remitted) to be provided prior to event: No vendors

9. Special consideration requests such, as City provided assistance. (Fees may be charged for these Services.) **Please include specific considerations requested in narrative or as an attachment.**

NONE REQUESTED

Street Department, IDOT (for street closings, signalization, and detour routes)

Parks Department

Police Department

Fire and EMS Department

10. Coordinate all food concessions with St. Clair County Health Department at (618)233-7769.

PERMIT REQUIRED (please attach copy)

NOT APPLICABLE

11. American Disability Compliance

ATTACHED

NOT APPLICABLE

As part of the approval of this Special Event Permit, temporary signs for said Special Event shall be permitted as provided for in the City Sign Ordinance or as otherwise approved by the City Council.

Electrical inspections are required for all new exterior electrical connections. The City electrical inspector must be contacted a minimum of twenty-four (24) hours prior to inspection.

* D. Montre
Signature of Applicant/ person in charge of event

* 4-28-14
Date of Submission

FOR OFFICE USE ONLY

ELIGIBLE FOR ADMINISTRATIVE APPROVAL? () YES (X) NO

JML 4.28.14

ADMINISTRATIVE APPROVAL CONDITIONS:

APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR & DATE _____

All other requests for "Special Events Permits" not approved by the Community Development Director shall go before the Community Development Committee and the City Council for their approval.

APPROVED: CITY COUNCIL _____ (DATE)

NARRATIVE

Please include:

- hours of operation
- activities provided
- signage
 - dimensions,
 - quantity,
 - location, etc...
- traffic/parking plan
- contingency plans for rain
- plans for toilet facilities
- security plan
- expected attendance
- Any additional helpful information

Narrative:

Preparing BBQ outside and Serving it inside
cooking will begin at midnight the night
before. every other sunday BBQ cooking in back
building

Signage placed on window for first weekend of
BBQ. one sign ~~2' x 5'~~ 2' x 5'

Special Event Approval Letter

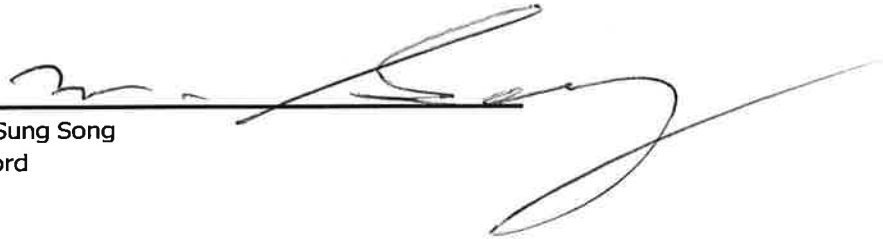
Moonsung Song
1334 Central Park Dr. STE 5
O'Fallon, IL 62269
(618) 624-4498

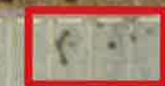
To whom it may concern,

I, MoonSung Song give Duong Vo, the individual in charge of the event at Sakura Japanese Restaurant and Sushi Bar permission to prepare food outside during at 1334 Central Park Dr. Suite 6, O'Fallon, Illinois 62269.

X

MoonSung Song
Landlord

A handwritten signature in black ink, appearing to read 'MoonSung Song', written over a horizontal line. The signature is fluid and cursive, extending to the right of the line.



COOKING AREA

CENTRAL-PARK-DR



Public Safety Committee Minutes
May 12, 2014, 5:00 p.m.

Minutes of a regular meeting of the Public Safety Committee of the City of O'Fallon, held in the Mayor's Conference Room, City Hall, 255 S. Lincoln, O'Fallon, Illinois, May 12, 2014. Call to order 5:00 p.m.

ROLL CALL:

Members Present: Hagarty, Hursey, Roach, Cardona
Members Not Present:
Staff Liaison: Chief Van Hook - OPD, Chief Saunders - OFD
Other Aldermen Present Albrecht, Bennett, Gerrish, Holden, McCoskey, Meile, True
Other Persons Present Walter Denton, City Adm.; Captain Mark Berry – OPD;
Ptlm. Kirk Hancock – OPD; Ptlm. Brad Thomas – OPD;
Kevin Dall - Resident; Melinda Dall – Resident; Vern
Malane – Resident; Marsha Maller – TWM Inc.; Misty
McDonald, OPD;
Media Persons Present: None

Chairman Hagarty declared a quorum present and requested a Motion to approve the Minutes of March 10, 2013, Alderman Cardona made a Motion to accept the minutes of March 10, 2013 as presented and Alderman Hursey seconded the Motion. All Ayes.

Old Business

None

New Business

Item 1. Solicitors Permits/ Panhandling – Chief Van Hook provided a copy of the ordinances for solicitation as well as a picture of the actual permit.

Chief Van Hook discussed the ordinance and explained that the city is experiencing many solicitors that are not following proper channel to acquire their permits. The Police Department will be handling these as "Zero Tolerance". If any citizen is experiencing solicitations in which they are not wearing a badge, or they are on the No Knock List and are being solicited they need to call OPD in order for us to enforce the policy. Chief Van Hook then asked Captain Berry to cover information on panhandling. Captain Berry discussed that we do not have a city ordinance that would cover panhandling on private property. This would include parking lots (examples are Wal-Mart and Home Depot). He has requested that we add regulations and prohibitions under the solicitors permits city ordinance to include the panhandling. This will allow OPD to enforce policy and better control the situations.

Action: None

Motion: None

Disposition: Prepare ordinance and bring to Public Safety Meeting June 9, 2014.

Item 2. Truck Weight Ordinances – Chief Van Hook provided a copy of the permit application for Overweight/ Oversized Vehicles as well as the city ordinances pertaining to truck weights and sizes.

Chief Van Hook introduced Officer Kirk Hancock and Officer Brad Thomas. Officer Hancock discussed that we need to revise our city ordinance to be in-line with state laws. This will bring consistency within the state and will allow the OPD to enforce the ordinance. Since these regulations involve street size as well as weight limits for the streets it is also necessary to involve the Planning and Zoning Committee on any ordinances that be revised or written.

Action: None

Motion: None

Disposition: Prepare ordinance with the collaboration of Planning and Zoning. When the ordinance is completed, bring to Public Safety Meeting June 9, 2014

Chairman Hagarty asked if anyone had any other New Business not on the Agenda, hearing no New Business, Chairman Hagarty called for a Motion to adjourn. A Motion to adjourn was made by Alderman Cardona and Alderman Hursey seconded the Motion. All ayes.

Meeting Adjourned:	5:32 p.m.
Next PS Meeting:	June 9, 2014, 5:00 p.m.
Minutes Taken By:	Misty McDonald

111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CANVASSER. Any person, firm, corporation or entity including agents and employees of any firm, corporation or entity whether a resident of the city or not, who engages in canvassing.

CANVASSING. Includes the act of any person, whether a resident of the city or not, traveling by foot, vehicle or other type of conveyance to go from place to place, from house to house or street to street by:

(1) Conducting a poll, survey or petition drive;

(2) Sharing, communicating or otherwise conveying ideas, views or beliefs; or

(3) Disseminating oral or written information to a person willing to directly receive such information, for the political, religious, charitable purposes or otherwise.

CHARITABLE. Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

COMMERCIAL BUILDING. Any place of business within the city or any structure used by any firm, corporation or entity for the purpose of sale of any items on a commercial basis.

HANDBILLS. Include any commercial or non-commercial handbill, pamphlet, circular, newspaper, paper, newsletter, booklet, poster, leaflet, brochure or other printed or written materials that have been cast, deposited, placed, scattered or thrown onto the property of a business or residence in the absence of a subscription agreement.

HEARING OFFICER. The person designated or responsible for hearing and deciding any appeal relating to or regarding the denial or revocation of a solicitors permit and issuing a decision as required by this chapter.

PANHANDLER. A person who panhandles.

PANHANDLING. Any individual who accosts/engages or begs persons for money, goods or food.

PEDDLER. Any individual, firm, partnership, joint venture, association corporation, limited liability company, estate, trust, receiver, trustee, syndicate or other lawful entity, organization, society or association who or which engages in peddling.

PEDDLING. The selling, bartering or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways or public places of the city or from house to house, whether at one place thereon or from place to place, from any wagon, truck, pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery routes where the purchaser has previously requested the seller to stop and exhibit his or her items.

RESIDENCE. Any separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

SOLICITATION. Occurs when a solicitor travels by foot, vehicle or any other type of conveyance, from place to place, house to house or from street to street while engaging in one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, personal property or services of any kind, character or description for any kind of remuneration or consideration regardless of advance payment of sought;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type;
- (3) Seeking to obtain prospective customers or clients for application or purchase of stocks, bonds, mutual funds or other investments;
- (4) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;
- (5) Seeking to obtain gifts or contributions of money, clothing or other property of value for the support or benefit, in whole or in part, of any charitable or non-profit association, organization, corporation or project;
- (6) Delivery of handbills;
- (7) Seeking to engage an individual in conversation at a residence or commercial building for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position or charitable conduct;
- (8) Activities falling within the definition of canvassing; and/or
- (9) Activities falling within the definition of peddling.

SOLICITOR. Any individual, firm, partnership, joint venture, association corporation, limited liability company, estate, trust, receiver, trustee, syndicate or other lawful entity, organization, society or association who or which engages in solicitation.

111.03 PERMIT REQUIRED.

Unless otherwise authorized, permitted or exempted, pursuant to the terms and provisions of this chapter, being in or upon a private residence or commercial property or on a public street within the city by a solicitor for the purpose of solicitation is prohibited and is punishable as set forth in this chapter.

111.09 REGULATIONS AND PROHIBITIONS.

Unless otherwise noted herein, the following shall apply to all **solicitors and panhandlers**, including those exempt from obtaining a solicitor's permit or from registering with the city.

(A) Any solicitor who has gained entrance to any residence or commercial building, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(B) It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether issued a permit under this chapter or not, to solicit on a public street or to go upon any premises and ring the doorbell upon or near any door of a residence or commercial building located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract attention of the occupant of such residence or commercial building for the purpose of securing an audience with the occupant thereof, and engage in soliciting as herein defined, at any time less than 30 minutes after sunrise or 30 minutes before sunset. Further, it shall be unlawful to engage in soliciting at any time Sunday or any state or nation holiday. This provision shall not apply to solicitation on streets by charitable organizations, as provided in § [111.14](#) of this chapter. Further canvassing may take place between the hours of 9:00 a.m. and 8:00 p.m. central time on any day.

(C) Except as provided in § [111.14](#) of this chapter, no solicitor shall solicit in a city street or highway located within the city.

(D) No solicitor shall represent in any manner that the city or its departments or officers have indorsed the permit holder or the products, services or causes on behalf of which individuals are being solicited without the written consent of the Director of Public Safety.

(E) No solicitor shall willfully obstruct the movement of any person on any street, sidewalk or other public place.

(F) No solicitor shall solicit any person that has objected by words or conduct to such soliciting.

(G) No solicitor shall refuse to identify the entity on whose behalf the soliciting is being conducted when requested to do so by any person contacted by the solicitor or fail to truthfully state the use(s) to which any solicited item(s) will be put when requested to do so by any person being solicited.

(H) No solicitor shall threaten any injury or damage to any individual who declines to be subject to any soliciting or who declines to make a purchase, donation or contribution.

(I) No solicitor shall directly or indirectly solicit for any purpose by misrepresentation of his or her name, occupation, financial conditions, social condition, physical or mental health or residence and no person shall make or perpetrate any misstatement, deception or fraud in connection with any soliciting for any purpose.

(J) No more than two solicitors shall solicit at a residence or commercial building at any one time.

(K) It shall be unlawful for any solicitor, other than the permit holder, to use any permit issued under the provisions of this chapter.

(I) It shall be unlawful for any person to conduct panhandling at any public location or where the owner of the property prohibits panhandling.

(Ord. 3775, passed 9-4-2012) Penalty, see § [111.99](#)

SOLICITOR

	O'Fallon Permit: 1234567
	DOB: 01/01/1901
	Race: White
	Sex: Male
	Height: 5'11"
	Weight: 209lbs
Name: Police, O'Fallon IL	
Wednesday, December 11, 2013	



O'Fallon Police Department
285 N. Seven Hills Rd., O'Fallon, IL 62269



Overweight/Oversize Vehicle Permit Application

Date of Application:		Date(s) Move Requested:	
Permittee (Owner or lessee of vehicle)		Phone Number:	Fax Number:
Address:			
Applicant's Name:		Account Number:	IDOT Permit Number:
Contact Number:			
Power Unit Description (Make, Model, Year):		License No.	Type of Permit
		License State:	<input type="checkbox"/> Single Trip
		License Year:	<input type="checkbox"/> Round Trip <input type="checkbox"/> Quarterly <input type="checkbox"/> Annual
Description of Object, Equipment, or Vehicle to be moved:			
Number of Axles	Gross Weight Legal <input type="checkbox"/> Overweight <input type="checkbox"/>	Gross Weight Requested	Maximum Single Axle Weight
Vehicle Dimension Legal <input type="checkbox"/> Oversize <input type="checkbox"/>	Maximum Tandem Axle Wt.	Maximum 3-Axle Group	Maximum 4-Axle Group
Width	Length	Height	From:
Over Routes:			
To (Specific Destination):			
Do Not Write Below This Line – Official Use Only			
CITY OF O'FALLON PERMIT			
Date	Permit Number	Authorized Movement as Described Above with the Following Exceptions and Conditions:	
Effective (Date and Time)	Expires (Date and Time)		
Category	Fee		
<p>This permit MUST be carried in the vehicle listed above and must be available for inspection by police or City officials. If you find that this permit does not cover the move, the Permittee must contact the O'Fallon Police Department and have the permit corrected prior to starting the move. Undertaking the move is prima facie evidence of acceptance of the permit. Permittee has agreed to abide by City ordinances related to movement of overweight and oversized vehicles on City streets including General Provisions, Special Provisions, and provisions regarding liability for damage to City streets, bridges, and City owned appurtenances thereto and holds the City harmless of any acts of the driver or owner taken under this permit which results in injury or loss to persons or property resulting from such movement. Permit valid ONLY on routes under City of O'Fallon jurisdiction. This permit is only valid for the specified vehicle and is non-transferable.</p>			
Authorizing Signature			

GENERAL PERMIT PROVISIONS

AGREEMENT: The acceptance of the permit by the grantee constitutes an agreement that the movement will be made strictly in compliance with the terms set forth in the permit.

JURISDICTION: The permit is effective only insofar as the City has jurisdiction and does not release the grantee from complying with other existing laws that may apply to the movement.

THIS FORM IS PART OF YOUR PERMIT: The conditions and restrictions listed in this form govern the movement of vehicles or objects authorized by a written permit issued by the O'Fallon Police in accordance with 625 ILCS 5/15-301, and as provided for by City of O'Fallon ordinance. The conditions and restrictions specified are a part of the permit as though written in detail in the transmittal.

LOCATIONS WHERE PERMIT IS NOT VALID: The permit is not valid on any highway or bridge posted for a load limit less than the gross weight of the move, on any highway closed to traffic, and on any highway not maintained by the City of O'Fallon. The right to use highways other than those specified is neither implied nor granted for non-City maintained highways or property.

AUTHORIZED TIMES OF MOVEMENT: Movements are authorized from one half hour before sunrise to one half hour after sunset, Monday through Friday, and from one half hour before sunrise until noon, Saturday. Movements are further restricted on specified holidays, beginning at noon the day preceding the holiday or the holiday weekend. The specified holidays are: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

DISCLAIMER: Due to variations in length of vehicles, inclines, curve radii, and other road conditions and factors, the City/Police Department does not guarantee and the permittee cannot assume the posted height or width is adequate for the movement.

DUE CARE: All permit holders are expected to use due care and caution while operating under the authority of this permit. This includes driving at safe speeds and making safe maneuvers in an effort to protect life and property. At any time a situation arises where the operator deems conditions are unsafe to further continue the movement, he shall stop and contact the O'Fallon Police Department immediately for assistance.

HIGHWAY CONDITIONS IN INCLEMENT WEATHER: Movements shall not be made when highway is covered with snow or ice, or when visibility is unduly impaired by rain, snow, fog, smog, or at any time travel conditions are considered to be unsafe by the O'Fallon Police Department.

LEGAL HEIGHT MOVEMENTS: Permit authority is not required for the movement of vehicle(s), inclusive of load, not exceeding the legal height limitation of 13 feet 6 inches as established in Chapter 15 of the Illinois Vehicle Code. Therefore, no action is taken by the City, either separately or in conjunction with authorizing an otherwise oversize or overweight movement, to ensure adequate clearance of structures for a vehicle(s), inclusive of load, not exceeding 13 feet 6 inches overall height.

LIABILITY INSURANCE: Permit holders are responsible to provide the O'Fallon Police Department valid insurance/indemnification policies in the amount of \$1,000,000 per occurrence combined bodily injury and property damage. Failure to update the Department with a valid policy will render the permit invalid.

LIGHTING: All loads must display an operable oscillating, rotating or flashing amber light(s) when moving under oversize/overweight permit authority. If the load blocks visibility of the amber light(s) from the rear, a light must be displayed at the rear of the vehicle.

NON-DIVISIBLE LOADS: Permits are only valid for non-divisible loads or vehicles, as defined in the Code. Multiple objects shall not be loaded in such a way that causes the legal weight, height, width, and length laws to be exceeded.

OVERLENGTH OBJECTS: Movements of objects over 80 feet in length shall be equipped with two operating flashing amber lights – one over the cab of the vehicle; the other within 10 feet of the rear of the object, mounted as high as practical over it.

OVERSIZE LOAD SIGNS: OVERSIZE LOAD signs are mandatory on the front and rear of vehicles for loads over 10 feet wide, 14 feet 6 inches high, or 75 feet long.

OVERWEIGHT MOVEMENTS: An overweight permit authorizes the movement of a vehicle or a reasonably disassembled single object loaded on a vehicle combination. If stated in the permit, the object may include an attachment, however, it must be securely mounted on the object being moved. The attachment may not be hauled as a separate object on the vehicle combination.

PUBLIC AND PRIVATE LIABILITY: The grantee assumes all responsibility for injury to person or damage to public or private property, including his own, caused directly or indirectly by the transportation of vehicle or vehicles and objects authorized under this permit. The grantee agrees to hold the City of O'Fallon harmless from all suits, claims, damages, or proceedings of any kind and to indemnify the City of O'Fallon for any claim it may be required to pay arising from the movement.

RED FLAGS: The extremities of all oversize vehicles, vehicle combinations or loads, and all protruding objects shall be marked with clean red flags not less than 18 inches square.

RESTRICTIONS ON MOVEMENTS: All movements made under authority of permits not specifying routes shall exercise due caution to prevent unauthorized use of any structure, highway, temporary route detour, runaround or turnaround. Posted max width, height, speed, gross weight or other restrictions shall be observed.

RIGHT-OF-WAY DURING MOVEMENT: Insofar as practicable, movements shall be confined to a single traffic lane and shall be made in such a manner that the rest of the roadway will be open at all times so the flow of other traffic will not unnecessarily be obstructed. Also, insofar as practicable, other traffic will be given the right-of-way over this movement. The driver shall remove the vehicle from the roadway when necessary to allow an accumulation of traffic to pass or when so directed by a police officer.

SPEED: Maximum speed shall be 5 m.p.h. below the posted speed limit on roadways with a posted speed limit of 30 m.p.h. or more, EXCEPT when otherwise specified in the permit. Legal weight, legal height movements up to and including 10 feet wide are allowed to travel at the legal maximum speed limit.

ESCORT VEHICLES:

- One escort vehicle will be required on all moves that exceed 12 feet wide, or exceed 14 feet 6 inches high, or exceed 100 feet long.
- Two escort vehicles, one in front of the load and one behind, are required for all moves that have a combination of two or more of the following dimensions: exceed 12 feet wide, or exceed 14 feet 6 inches high, or exceed 100 feet long.

Escort vehicles shall display red flags at the extremities, display "OVERSIZE LOAD" signs, be equipped with an operating rotating or flashing amber light mounted on top, and be operated by properly licensed operators at least 18 years of age. A pole for measuring vertical clearances shall be mounted on the lead escort vehicle for moves in excess of 14 feet 6 inches in height. The driver of the escort vehicle must be in radio contact with the driver of the permit vehicle.

SPECIAL PROVISIONS

1. Check heights of structures prior to move to ensure adequate clearance. The permittee is responsible for assuring adequate clearance of all span wires, mast arms, and utility lines.
2. Specifically check overhead structures located at:
3. To ensure the safety of other traffic: (a) One escort vehicle shall be provided; (b) Two escort vehicles shall be provided, a height pole shall be mounted on the lead vehicle.
4. Booms and counter weights on cranes and similar construction equipment shall be adequately secured to prevent movement while in transit.
5. The permittee assumes sole responsibility for all damages to any overhead utility facility as a result of this movement.

§ 70.01 DEFINITIONS

Axle load. The total load transmitted to the road by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle. (ILCS Ch. 625, Act 5, § 1-105.6)

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. (ILCS Ch. 625, Act 5, § 1-124.5)

§ 71.112 TRUCKS.

It shall be unlawful to operate a truck upon any street where truck operation is prohibited by law and where such signs of prohibition are posted; except that, a truck may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

(1999 Code, § 71.112) Penalty, see § 71.999

Cross-reference:

Preferred Truck routes, see Ch. 77, Schd. VI

THIS ORDINANCE COULD POSSIBLY BE COMBINED WITH
75.15. THEY ARE VERY SIMILAR.

§ 72.14 ON-STREET PARKING.

- (A) *Street cleaning.* It shall be unlawful to park any vehicle on any public street or portion thereof in the city at any time when such street is being cleaned. Signs indicating such cleaning shall be posted before the work is done.
- (B) *Snow removal.* Refer to Chapter 72, §§ 72.35, 72.36, and 72.37 of the Code of Ordinances of the city.
- (C) *Parking of certain vehicles restricted.* It shall be unlawful to park any commercial vehicle, truck, except those commonly referred to as "pick-up" trucks, any motor vehicle having a gross vehicle weight of more than 10,000 pounds or GVWR of more than 12,000 pounds and/or an overall length of more than 21 feet, trailer, semitrailer, travel trailers, or boats attached or unattached to vehicles or hauling trailers on any residential street, except during loading and unloading, and that any commercial vehicle parked or stopped for the purpose of pick-up or delivery of residents and/or personal property for a period not to exceed eight hours shall be exempt. Fire Department vehicles, ambulances, and vehicles owned or used by the city are exempt.

(73 Code, § 24-6.02) (Ord. 831, passed 11-7-77; Am. Ord. 1048, passed 2-23-83; Am. Ord. 1799, passed 11-20-95; Am. Ord. 3041, passed 1-16-01) Penalty, see § 72.99

§ 72.21 REPEALED PARKING OF CERTAIN VEHICLES RESTRICTED.

~~—(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—**MOTOR VEHICLE.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public thoroughfare, which is self-propelled, except those operated on rails.~~

~~—**TRAILER.** Every vehicle without motive power in operation, designed for carrying persons or property and for being drawn by a motor vehicle.~~

~~—(B) *Prohibited vehicles.* No trailer, commercial vehicle, truck, except those commonly referred to as “pick-up” trucks, or any motor vehicle having a gross vehicle weight of more than three tons and/or an overall length of 21 feet or more, shall be parked on any street within the city, except during loading and unloading. Fire Department vehicles, ambulances, and vehicles owned or used by the city are exempt.~~

(’73 Code, § 24-6.13) (Ord. 925, passed 7-16-79; Am. Ord. 3314, passed 1-18-05; Am. Ord. 3361, passed 8-1-05) Penalty, see § 72.99

SCHEDULE VI. PREFERRED TRUCK ROUTES.

(A) In order to establish a preferred truck route system within the city, the following streets shall be designated, by proper sign approved by the Illinois Department of Transportation, to allow the same rights and privileges as nondesignated state highways regarding weight, width, and length as is set forth in ILCS Ch. 625, Act 5, §§ 15-102, 15-107, and 15-111, commonly referred to as the Illinois Vehicle Code.

(B) The streets to be designated as city preferred truck routes are:

<u>PREFERRED TRUCK ROUTES</u>			
Street	Location	Ord. No.	Date Passed
First Street, East	East of South Smiley Street		
<u>Lincoln Avenue, South</u>	<u>From Highway 50 to Second Street</u>		
Oak Street, South	From West Third Street to West Second Street		
<u>Old Vincennes Trail</u>			
Second Street, West	From South Oak Street to Westwood Drive		
Smiley Street, South			
<u>Smiley Street, North</u>	<u>From East State St to East Adams Street</u>		
State Street, East			
State Street, West			
Third Street, West	From Old U.S. 50 to South Oak Street <u>Lincoln Avenue</u>		
Westwood Drive			

('73 Code, § 24-3.02) (Ord. 1665, passed 1-3-94; Am. Ord. 1675, passed 2-7-94)

CHAPTER 75: VEHICLE CONDITIONS, EQUIPMENT, AND LOADS

Section

Condition and Equipment of Vehicles

75.01 Scope and effect of equipment requirements

75.02 Gas and smoke

75.03 Noise

75.04 Mufflers, prevention of noise

75.05 Excessive engine braking noise prohibited

Size, Weight and Loads

75.10 Scope and effect of size, weight, and load regulations

75.11 Projecting loads on passenger vehicles

75.12 Protruding members of vehicles

75.13 Spilling loads prohibited

75.13A Covers or tarpaulins required for certain loads

75.14 Pushing of disabled vehicles

75.15 Limited load streets

Overweight and Oversized Vehicle Permits

75.20 Definitions

75.21 Permits

75.22 Applications for and Issuance of Permit

75.23 Police Escorts

75.24 Bonds, Indemnification and Insurance

75.25 Suspension and Reinstatement

75.26 Permit Fee Schedules

CONDITION AND EQUIPMENT OF VEHICLES

§ 75.01 SCOPE AND EFFECT OF EQUIPMENT REQUIREMENTS.

(A) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in an unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with the lamps and other equipment in proper condition and adjustment as required in ILCS Ch. 625, Act 5, §§ 12-101 et seq., or which is equipped in any manner in violation of ILCS Ch. 625, Act 5, §§ 12-101 et seq., or for any person to do any act forbidden or fail to perform any act required under ILCS Ch. 625, Act 5, §§ 12-101 et seq.

(B) The provisions of ILCS Ch. 625, Act 5, §§ 12-101 et seq., with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and used only for the transportation of bulk fertilizer, or to farm-wagon type tank trailers of not to exceed 2,000 gallons capacity, used during the liquid fertilizer season as field-storage "nurse tanks," supplying the fertilizer to a field applicator and highways only for bringing the fertilizer to a field applicator from a local source of supply to the farm or field or from one farm or field to another.

(ILCS Ch. 625, Act 5, § 12-101) Penalty, see § 70.99

§ 75.02 GAS AND SMOKE.

It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or to endanger the drivers of other vehicles.

('73 Code, § 24-7.02) Penalty, see § 70.99

§ 75.03 NOISE.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

('73 Code, § 24-7.03) Penalty, see § 70.99

§ 75.04 MUFFLERS, PREVENTION OF NOISE

Every motor vehicle driven or operated upon the highways of this City shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.

(ILCS Ch. 625, Act 5, § 12-602) Penalty, see § 70.99

§ 75.05 EXCESSIVE ENGINE BRAKING NOISE PROHIBITED

- (A) The driver of a commercial vehicle, as defined in § 70.01 of this Code, is prohibited from operating or actuating any engine braking system that emits excessive noise. Signs shall be posted indicating the prohibition.
- (B) The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED". The state Department of Transportation shall adopt rules providing for the erection and placement of these signs.
- (C) This Section does not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.
- (D) It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the highway.
- (E) A violation of this Section is an equipment violation punishable as provided in § 70.99.

(ILCS Ch. 625, Act 5, § 12-602.1) Penalty, see § 70.99

SIZE, WEIGHT AND LOADS

§ 75.10 SCOPE AND EFFECT OF SIZE, WEIGHT, AND LOAD REGULATIONS.

(A) It is 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 to knowingly permit to be parked, driven or moved on, upon, or across any highway any vehicle or combination of vehicles of a size and weight exceeding the limitations stated in ILCS Ch. 625, Act 5, §§ 15-101 et seq., or otherwise in violation of ILCS Ch. 625, Act 5, §§ 15-101 et seq.

(B) The provisions of ILCS Ch. 625, Act 5, §§ 15-101 et seq. governing size, weight, and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by the city, or to implements of husbandry, as defined in § 70.01, temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than three vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than three wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit.

(C) (1) The provisions of ~~this~~ ILCS Ch. 625, Act 5, §§ 15-101 et seq. governing size, weight, and load do not apply to any snow and ice removal equipment that is no more than 12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow.

(2) These vehicles must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.

(ILCS Ch. 625, Act 5, § 15-101)

(D) No person shall use the highways under ~~the jurisdiction~~ the jurisdiction of the city in violation of weight ~~and location~~ and location restrictions and commercial vehicle restrictions set forth in any applicable ordinance.

Penalty, see § 70.99

Statutory reference:

Power of city to regulate loads, see ILCS Ch. 65, Act 5, § 11-40-1

§ 75.11 PROJECTING LOADS ON PASSENGER VEHICLES.

No passenger-type vehicle shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches beyond the line of the fenders on the right side thereof.

(ILCS Ch. 625, Act 5, § 15-105) Penalty, see § 70.99

§ 75.12 PROTRUDING MEMBERS OF VEHICLES.

No vehicle with boom, arm, drill rig, or other protruding component shall be operated upon any highway in this city unless the protruding component is fastened so as to prevent shifting, bouncing, or moving in any manner.

(ILCS Ch. 625, Act 5, § 15-106) Penalty, see § 70.99

§ 75.13 SPILLING LOADS PROHIBITED.

(A) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(C) The state Department of Transportation shall adopt those rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the state Department of Transportation under this division shall be punished as provided in § 70.99.

(ILCS Ch. 625, Act 5, § 15-109) Penalty, see § 70.99

§ 75.13A COVERS OR TARPAULINS REQUIRED FOR CERTAIN LOADS

(A) No person shall operate or cause to be operated, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material, when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle.

(B) No person shall operate or cause to be operated, on a highway, any second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue, or other material from escaping.

(C) This Section shall not apply to the operation of highway maintenance vehicles engaged in removing snow and ice from the roadway, nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.

(D) For the purpose of this Section "aggregate" shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral which may be mined.

(E) Notwithstanding any other penalty, whenever a police officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a citation for a violation of § 75.14 of this Code, or where a police officer determines that a dangerous condition exists whereby any portion of the load may fall, sift, blow, drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

(F) Any violation of the provisions of this Section shall be a petty offense punishable as provided in § 70.99.

(ILCS Ch. 625, Act 5, § 15-109.1) Penalty, see § 70.99

§ 75.14 PUSHING OF DISABLED VEHICLES.

It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this city, except in an extreme emergency, and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate hazard that exists.

(ILCS Ch. 625, Act 5, § 15-114) Penalty, see § 70.99

§ 75.15 LIMITED LOAD STREETS.

It shall be unlawful to operate any vehicle on any street in the city when the gross weight on the surface of the road through any axle of such vehicles exceeds 16,000 pounds. Where lower limits are

imposed by law and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose.

('73 Code, § 24-4.38) Penalty, see § 70.99

Cross-reference:

Preferred Truck routes, see Ch. 77, Sched. VI

OVERWEIGHT AND OVERSIZED VEHICLE PERMITS

§ 75.20 DEFINITIONS.

For purposes of §§ 75.20 et seq., the following definitions apply:

(A) One-way or single trip permit: 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 valid for 5 consecutive days from the date of issuance unless otherwise directed by the Police Department.

(B) Round-trip movement: two trips over the same route in opposite directions. Round-trip permits are valid for 10 consecutive days from the date of issuance.

(C) Quarterly permit: a permit issued to a single truck, truck-tractor power unit, or piece of special mobile equipment which is valid for unlimited moves for a period not to exceed three months from the date of issuance.

(D) Annual permit: a permit issued to a single truck, truck-tractor power unit, or piece of special mobile equipment which is valid for unlimited moves for a period not to exceed one-year from the date of issuance.

(E) Non-divisible: a vehicle and load will be considered non-divisible when further separating or dismantling the vehicle or load:

(1) Would require more than 8 work hours to dismantle using appropriate equipment. The applicant has the burden of proof as to the number of work hours required to dismantle the load.

- (2) Will compromise or destroy the intended use of the load only. A load can be either permanently mounted or temporarily secured equipment. Any parts, fluids, or material necessary to the operation of only the power unit portion of the vehicle shall be deemed non-divisible.
- (3) Would prohibit the vehicle from hauling one attachment that is necessary to the operation of the load. To be considered non-divisible, the attachment must be securely mounted to the load in the manner it is to be used and not carried as a separate object on the hauling vehicle. It is the duty of the applicant to declare such an attachment in the permit application.

§ 75.21 PERMITS

(A) A permit shall be required for the movement of any vehicle or combinations of vehicles, that is non-divisible or is carrying a load that is non-divisible, while operating on roadways and bridges within the jurisdiction of the City which exceeds the following limits:

- (1) Maximum gross weight of more than 80,000 pounds;
- (2) Maximum single axle weight of more than 20,000 pounds;
- (3) Maximum tandem axle weight of more than 34,000 pounds.
- (4) Axle weights or series of axle weights that exceed the maximum limits set forth in 625 ILCS 15-111(a).
- (5) Maximum gross length of 42 feet for single vehicles;
- (6) Maximum gross length of more than 55 feet for tractor-semitrailer combinations;
- (7) Maximum gross length of more than 60 feet for all other combinations;
- (8) Maximum gross width of more than 8 feet, 6 inches;
- (9) Maximum gross height of more than 13 feet, 6 inches;

Exempt from permits are the following:

- (1) Fire department vehicles;
- (2) Those vehicles operating under an emergency declaration;
- (3) City owned vehicles engaged in emergency utility repair;
- (4) Equipment used for snow and ice removal, owned or operated by any governmental body.

(B) Permits shall be issued only in the name of a person, firm, business, or corporation that owns and operates the transporting vehicle or that operates the vehicle under a bona fide lease agreement.

- (C) Permits for vehicles that are both overweight and/or oversize are valid only a half hour before sunrise until a half hour after sunset, on any day which a permit issued by the Illinois Department of Transportation is valid.
- (D) Permits are non-transferable and apply only to the permittee.
- (E) The City may issue revisions to permits:
- (1) To correct an error attributed to the City;
 - (2) To correct an error attributed to the applicant, discovered before the move.
 - (3) To adjust weights, dimension or routes as issued on the permit, before the move is made.
- (F) The permit, when issued, constitutes an agreement between the permittee and the City that the move described in the application will take place only as described. The permittee has the responsibility to report to the Police Department any inaccuracies or errors on the part of either the City or the permittee before starting any move. Undertaking the move is prima facie evidence of acceptance of the permit as issued and its terms.
- (G) The routing prescribed in the permit constitutes the sole extent of the authority granted by the permit for the use of roads under the jurisdiction of the City, and any vehicle and/or load found to be off route will be considered off route and without a permit. Permits shall be in the drivers possession at all times unless otherwise directed by the Police Department and presented upon demand to any and all police officers for the purpose of inspection.
- (H) Any vehicle(s) and/or load found to be divisible will render the permit null and void. The entire gross weight and axles weights of the vehicle(s) with the load are subject to legal weights. It is the duty of the applicant to verify the non-divisibility of the vehicle(s) before making application for the permit. The permit application itself is prima facie evidence that the applicant confirmed the vehicle(s) and/or load were non-divisible.
- (I) If required, arrangement shall be made by the permittee to have the proper utilities notified, property moved, bridge or highway analysis performed and completed in advance of any permit movement.
- (J) All movements under the permit shall be made in accordance with all applicable federal, State and local laws, ordinances, rules and regulations.
- (K) Permits are null and void if altered for the purpose of deception. The permits issued under this section constitute the grant of a privilege by the City and may be denied or suspended for such

reasons as the City may deem rationally related to its governmental interests including, but not limited to:

- (1) A permittee knowingly providing incorrect information in an application for a permit;
- (2) A permittee, its agents, or employees operating on a permit which has been altered for purposes of deception;
- (3) Non-compliance by permittee, its agents or employees with federal, State, or local ordinances pertaining to the transport of goods or operation of a vehicle engaged in the transport of goods;
- (4) Moving on City streets without a valid permit as required under this section.

(L) All single-trip or round-trip permits are limited to movements on assigned routes only.

(M) All quarterly or annual overweight permits are restricted to the following maximum limitations and routing:

- (1) 12 ft. in width
- (2) 13 ft. 6 in. in height
- (3) 115 ft. in length
- (4) May not move across bridges or structures that are posted or listed as such on the City truck route map.
- (5) May not move on a "no-truck" route that is posted or listed as such on the City truck route map, without written permission from a member of the Police Department.
- (6) May not use any City street as a cut-thru to avoid using a State, County, or Township highway.

These permits are subject to all standards of application set forth in § 75.22, except that the load may be interchanged provided none of the above listed maximum weight and size dimensions are exceeded. Quarterly and annual permits shall list the registration number and state for the power unit, and vehicle identification number (VIN). The serial number of the power unit, and/or owner applied number shall also be listed, if applicable.

Any violation of these terms will render the certificate null and void, and subject the driver, firm, business, or corporation that owns the vehicle to legal weight and dimension laws. The arresting police officer will immediately confiscate the permit.

§ 75.22 APPLICATIONS FOR AND ISSUANCE OF PERMIT

(A) The City with respect to any roadway under its jurisdiction may upon application to the Police Department issue a permit to move an oversized and/or overweight vehicle, and/or load. All applications for permits shall be given full consideration. Permits for proposed moves may be issued:

- (1) When the City roadways and bridges will not be unduly damaged; and
- (2) When the safety of the traveling public will be adequately protected.

(B) The following information shall be included on the permit:

- (1) Company name, address, fax and telephone numbers.
- (2) Applicant name and contact number.
- (3) Whether the permit is for a single trip, round trip, or for multiple moves.
- (4) Description of hauling vehicle or power unit, including registration number, state and year.
- (5) Description of load to be moved and if the load is carrying an attachment.
- (6) Maximum dimensions, gross weight, and axle weights of vehicle including load.
- (7) Roads under the jurisdiction of the City to be traveled, including points of origin and destination
- (8) Any special conditions
- (9) Permit number

§ 75.23 POLICE ESCORTS

Police escorts are required for certain vehicles and loads as indicated in subsection herein. The total number of officers necessary to provide for a safe move shall be determined by the Police Department, based upon the size and weight of the permit move. Fees for escorts shall be in addition to the permit fees set forth herein. Escort fees shall provide for a minimum of 2 hours of service calculated by the most current overtime rate established by the Police Department.

§ 75.24 BONDS, INDEMNIFICATION AND INSURANCE

- (A) The permittee shall assume total liability for any and all damages to streets, bridges, City owned appurtenances and private or public property while engaged in a permit move. The measure of liability is the cost for all repairs or replacement of property damaged by the permittee.
- (B) The permittee shall indemnify and hold harmless the City or members of the Police Department from any costs, judgments or settlements, including attorneys' fees, arising from physical injuries, including loss of life, or damage to or loss of property related to acts or omissions by permittee, its officers, agents, or employees pursuant to the permit.
- (C) Upon application for a permit each applicant shall provide evidence of a valid comprehensive general liability insurance policy, with an insurance company approved by the City, for

protection against personal injury or property damage in the amount of \$1,000,000.00 per occurrence. The City shall be listed as a certificate holder on the policy.

§ 75.25 DENIAL, SUSPENSION AND REINSTATEMENT

- (A) Suspension of a current permit shall be for the time determined appropriate by the Police Department; however, reinstatement may be made upon conditions determined by the City and payment of all outstanding settlements or judgments.
- (B) The Director of Public Safety or their designee shall administer and enforce §§ 75.20 et seq. and shall have the authority to grant, deny, suspend, or reinstate Permits. Any applicant or permittee denied a permit or who has had a permit suspended, upon request, shall be given a hearing before the Director of Public Safety and, if applicant or permittee desires, may appeal the decision to the Hearing Officer.
- (C) No permits shall be issued to an applicant or company who has outstanding fees or payments due to the City.

§ 75.26 PERMIT FEE SCHEDULES

- (A) The City with respect to highways under its jurisdiction shall collect a fee as shown herein from applicants for the issuance of a permit to operate or move a vehicle or combination of vehicle(s), and/or loads, which fit the categories shown. Any axle or gross weight greater than the maximum weights set forth in this ordinance are subject to special assessment and investigation to determine appropriate fees.
- (B) The Police Department is responsible for the billing, invoicing, and collection of permit fees. The Police Department, in their discretion, may make rules and regulations as to acceptable methods of payment and due dates. Any unpaid permit fees will be turned over to a collection agency under contract of the City.
- (C) Fee Schedule

- (1) The fee schedule for single vehicles shall be as follows:

<u>CATEGORY</u>	<u>AXLES</u>	<u>MAX WEIGHTS</u>	<u>AXLES</u>	<u>SINGLE TRIP</u>	<u>ROUND TRIP</u>	<u>QUARTERLY</u>	<u>ANNUAL</u>
<u>1A</u>	<u>2</u>	<u>48,000</u> <u>25,000</u>	<u>GROSS ANY SINGLE AXLE</u>	<u>\$15.00</u>	<u>\$25.00</u>	<u>\$85.00</u>	<u>\$340.00</u>
<u>2A</u>	<u>2</u>	<u>54,000</u> <u>28,000</u>	<u>GROSS ANY SINGLE AXLE</u>	<u>\$20.00</u>	<u>\$35.00</u>	<u>\$100.00</u>	<u>\$400.00</u>
<u>3A</u>	<u>3+</u>	<u>60,000</u> <u>21,000</u> <u>40,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$25.00</u>	<u>\$45.00</u>	<u>\$115.00</u>	<u>\$460.00</u>
<u>4A</u>	<u>3+</u>	<u>68,000</u> <u>25,000</u> <u>48,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$30.00</u>	<u>\$55.00</u>	<u>\$130.00</u>	<u>\$520.00</u>
<u>5A</u>	<u>3+</u>	<u>72,000</u> <u>25,000</u> <u>48,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$60.00</u>	<u>\$115.00</u>	<u>\$270.00</u>	<u>\$1080.00</u>
<u>6A</u>	<u>3+</u>	<u>80,000</u> <u>27,000</u> <u>54,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$70.00</u>	<u>\$135.00</u>	<u>\$285.00</u>	<u>\$1140.00</u>
<u>7A</u>	<u>4+</u>	<u>72,000</u> <u>21,000</u> <u>40,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$35.00</u>	<u>\$65.00</u>	<u>\$145.00</u>	<u>\$580.00</u>
<u>8A</u>	<u>4+</u>	<u>76,000</u> <u>23,000</u> <u>44,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u>	<u>\$40.00</u>	<u>\$75.00</u>	<u>\$160.00</u>	<u>\$640.00</u>
<u>9A</u>	<u>4+</u>	<u>80,000</u> <u>27,000</u> <u>54,000</u> <u>60,000</u>	<u>GROSS ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u> <u>3 OR 4 AXLE GROUP</u>	<u>\$60.00</u>	<u>\$100.00</u>	<u>\$225.00</u>	<u>\$900.00</u>

(2) The fee schedule for combination vehicles shall be as follows:

<u>CATEGORY</u>	<u>AXLES</u>	<u>MAX WEIGHTS</u>	<u>AXLES</u>	<u>SINGLE TRIP</u>	<u>ROUND TRIP</u>	<u>QUARTERLY</u>	<u>ANNUAL</u>
<u>1B</u>	<u>5+</u>	<u>88,000</u> <u>23,000</u> <u>44,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM or</u> <u>3 OR 4 AXLE GROUP</u>	<u>\$30.00</u>	<u>\$55.00</u>	<u>\$190.00</u>	<u>\$760.00</u>
<u>2B</u>	<u>5+</u>	<u>100,000</u> <u>25,000</u> <u>48,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM or</u> <u>3 OR 4 AXLE GROUP</u>	<u>\$40.00</u>	<u>\$75.00</u>	<u>\$220.00</u>	<u>\$880.00</u>
<u>3B</u>	<u>6+</u>	<u>110,000</u> <u>23,000</u> <u>44,000</u> <u>54,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u> <u>3 or 4 AXLE GROUP</u>	<u>\$45.00</u>	<u>\$85.00</u>	<u>\$235.00</u>	<u>\$940.00</u>
<u>4B</u>	<u>6+</u>	<u>120,000</u> <u>25,000</u> <u>48,000</u> <u>60,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u> <u>3 or 4 AXLE GROUP</u>	<u>\$50.00</u>	<u>\$95.00</u>	<u>\$250.00</u>	<u>\$1000.00</u>
<u>5B</u>	<u>6+</u>	<u>143,000</u> <u>27,000</u> <u>54,000</u> <u>78,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u> <u>3 or 4 AXLE GROUP</u>	<u>\$60.00</u>	<u>\$115.00</u>	<u>\$325.00</u>	<u>\$1300.00</u>
<u>6B</u>	<u>7+</u>	<u>162,000</u> <u>25,000</u> <u>50,000</u> <u>75,000</u> <u>100,000</u>	<u>GROSS</u> <u>ANY SINGLE AXLE</u> <u>2 AXLE TANDEM</u> <u>3 AXLE GROUP</u> <u>4 AXLE GROUP</u>	<u>\$70.00</u>	<u>\$135.00</u>	<u>\$400.00</u>	<u>\$1600.00</u>
<u>7B</u>	<u>8+</u>	<u>187,000</u>	<u>GROSS</u> <u>SAME AXLE</u> <u>WEIGHTS AS 6B</u>	<u>\$80.00</u>	<u>\$155.00</u>	<u>\$500.00</u>	<u>\$2000.00</u>

(3) The fee schedule for overdimension (oversized vehicles) shall be as follows:

<u>CATEGORY</u>	<u>MAX SIZE</u>	<u>POLICE ESCORT</u>	<u>SINGLE TRIP</u>	<u>ROUND TRIP</u>	<u>QUARTERLY</u>	<u>ANNUAL</u>
<u>1C</u>	<u>WIDTH: 10'</u> <u>HEIGHT: 13'6"</u> <u>LENGTH: 115'</u>	<u>NO</u>	<u>\$15.00</u>	<u>\$25.00</u>	<u>\$75.00</u>	<u>\$300.00</u>
<u>2C</u>	<u>WIDTH: 12'</u> <u>HEIGHT: 13'6"</u> <u>LENGTH: 115'</u>	<u>NO</u>	<u>\$20.00</u>	<u>\$40.00</u>	<u>\$120.00</u>	<u>\$480.00</u>
<u>3C</u>	<u>WIDTH: 14'</u> <u>HEIGHT: 13'6"</u> <u>LENGTH: 115'</u>	<u>NO</u>	<u>\$30.00</u>	<u>\$55.00</u>	<u>\$165.00</u>	<u>\$660.00</u>
<u>4C</u>	<u>WIDTH: 18'</u> <u>HEIGHT: 16'</u> <u>LENGTH: 135'</u>	<u>YES</u>	<u>\$50.00</u>	<u>\$95.00</u>	<u>X</u>	<u>X</u>
<u>5C</u>	<u>WIDTH: >18'</u> <u>HEIGHT: >16'</u> <u>LENGTH: >135'</u>	<u>YES</u>	<u>\$100.00</u>	<u>\$195.00</u>	<u>X</u>	<u>X</u>

CITY OF O'FALLON
Park & Environment Committee
May 12, 2014
5:30 P.M

Mayor's Conference Room

Minutes of a regular meeting of the Parks & Environment Committee of the City of O'Fallon, held in the Mayor's Conference Room, City Hall, 255 S. Lincoln, O'Fallon, Illinois May 12, 2014

- I. Attendance:** MEMBERS X True, Chair (2)
 X Mouser, Vice Chair (3)
 X Meile (1)
 X Hagarty (3)
 X Cardona (5)
 X Holden (6)
- II. Council:** Albrecht; Bennett; Drolet; Garrish; McCoskey; Roach
Park: Kasten
Guests: Rheaume; Malare
Staff: Denton; Hutchison
 Meeting called to order at 5:36 p.m.

- III. Minutes: April 14, 2014**
Motion Mouser motion to approve the minutes April 14, 2014 Meeting
Second: Meile
Approved: All

- IV. Items:**
- A. Central School District #104 Intergovernmental Agreement: This intergovernmental agreement is a standard agreement that the City has with District #90 and #203. This will allow OPRD use of facilities on a first-come, no cost process. The agreement will allow OPRD to expand programming while providing Central #104 use of Parks & Recreation facilities.
Motion: Mouser
Second: Cardona
Approved: All
- B. Veteran's Monument Update:
Light levels were taken and reviewed at the property line at 816 Alexander Drive. No location along the boundary exceeds the regulations of the City of O'Fallon. The Veteran's Committee was asked to review the uplighting at the site for any direction issues. Staff recommends the resident to contact them directly. Uplighting levels also, did not exceed regulation limits.

ADJOURN Motion: Mouser
Second: Cardona
Approved: All
PREPARED BY: MJ Hutchison
Next Meeting: June 9, 2014