

An Ordinance Adopting Weight Limitations and Restrictions for Certain streets Located in Milton Township.

Be, And is Hereby Ordained by the duly elected Trustees and Superintendent of Milton Township in regular session assembled and the consent and approval of the Milton Township Highway Commissioner.

Section 1. That this Ordinance, consisting of twelve (12) Sections, inclusive, is hereby adopted and enacted, shall be treated and considered as superseding all other Ordinances passed heretofore, except such as by reference herein, are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of this Ordinance shall be in full force and effect from and after the 10th day of May, 1994.

Section 3. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of Five tons upon any of the streets or parts of streets listed below:

- A) Forest Avenue between 1st Street and Route 64 (North Avenue);
- B) Park Boulevard between 1st Street and Route 64 (North Avenue);
- C) Goodrich Avenue between 1st Street and Route 64 (North Avenue);
- D) Glenrise Avenue between 1st Street and Route 64 (North Avenue);
- E) Riford Road between 1st Street and Busch Road;
- F) River Drive between 2nd Street and Route 64 (North Avenue);
- G) Busch Road between Main Street, Glen Ellyn and River Drive;
- H) Valley View Drive between Goodrich Avenue and River Drive;
- I) Second Street between Main Street, Glen Ellyn and River Drive; and

J) First Street between Main Street, Glen Eilyn and Riford Road.

Section 4. When signs are erected giving notice thereof, no person shall operate any vehicle exceeding posted gross weight at any time upon any of said streets or parts of streets, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no further than the nearest intersection thereafter.

Section 5. The foregoing provisions shall not apply to any motor vehicle owned by or contracted by the Milton Township Highway Commissioner in the performance of the duties and responsibilities of that position.

Section 6. Whenever any motor vehicle is in violation of any of the restrictions imposed by this ordinance, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall issue a traffic citation for the driver to answer to the charge against him within five (5) days during the hours and at a place specified in the citation.

Section 7. If a violator of the restrictions under this Ordinance does not appear in response to a traffic citation issue to such motor vehicle with a period of five (5) days, the Clerk of the Township shall send to the owner of the motor vehicle to which the traffic citation was issued a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five (5) days, a warrant of arrest will be issued for the owner.

Section 8.

(a) In any prosecution charge in a violation of this Ordinance, proof that the particular vehicle described in the complaint was operated in violation of such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the

registered owner of such vehicle was the person who is responsible for the operation of such vehicle at the time during which, such violation occurred.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 7 and 8 has been followed.

Section 9.

(a) Law enforcement officers are hereby authorized to cause to be removed any vehicle from a street or highway to the nearest weigh station or to a garage designated or maintained by the police, or otherwise maintained for purposes of weighing said vehicle.

Section 10. Violators of this ordinance may be assessed a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00) per violation. The payment of fines for violations shall be as follows:

(a) In the event the violator elects to pay a fine within five (5) days of the date of the citation, then the fine shall be Two Hundred Fifty DOLLARS (\$250.00).

(b) In the event the violator elects to pay a fine after the first five (5) day period, but prior to the issuance of an arrest warrant, then the fine shall be Three Hundred Fifty DOLLARS (\$350.00).

(c) In the event the violator elects to pay a fine after an arrest warrant has issued, then the fine shall be Five Hundred DOLLARS (\$500.00), plus costs of court.

Section 11. That all Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

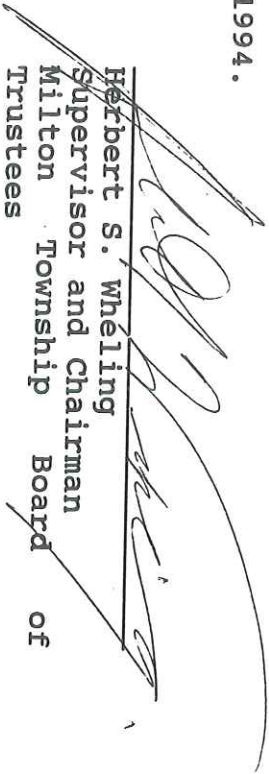
Section 12. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED: May 10, 1994

Trustee J. Garrow:
Trustee M. Kelly:
Trustee K. McNatt:
Trustee B. Murphy:

AYE NAY
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X
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X

Approved this 10th day of May, 1994.


Herbert S. Whelting
Supervisor and Chairman
Milton Township Board of
Trustees

ATTESTED:


A. Ariene Demotte, Town Clerk
(SEAL)

Published: June 3, 1, 1994