

TOWNSHIP OF WEESAW

Ordinance to Regulate Truck Traffic

Ordinance No. 7-10

An ordinance to establish and regulate truck traffic routes; to prohibit truck traffic on other roads; and to provide penalties for the violation thereof.

THE TOWNSHIP OF WEESAW ("Township"), BERRIEN COUNTY, MICHIGAN, ORDAINS:

Section 1: Definitions

A. "Implement of husbandry" means every vehicle that is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

B. "Road" means any street, highway or route within Weesaw Township.

C. "Semi-trailer" means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by some other vehicle.

D. "Trailer" means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

E. "Truck" means every motor vehicle that is designed, used or maintained primarily for the transportation of property, except a pick-up truck or a van designed to carry loads of no more than one (1) ton.

F. "Truck-tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

G. "Person" includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 2: Rule of Construction

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

Section 3: Truck Routes

The following primary roads in Weesaw Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- A. California Road, from the northern township boundary to Glendora Road
- B. Sawyer Road, from the western township boundary to California Road
- C. Warren Woods Road, from the eastern to western township boundaries
- D. Cleveland Avenue, from the northern to southern township boundaries
- E. Galien-Buchanan Road, from Cleveland Avenue to the eastern township boundary

- F. Hills Road, from the northern township boundary to Glendora Road
- G. Mill Road, from Glendora to Kruger Road
- H. Browntown Road, from the western township boundary to Cleveland Avenue
- I. Kruger Road, from the western township boundary to Pardee Road
- J. Glendora Road, from California Road to the eastern township boundary

Section 4: Prohibition Against Travel on Other than Truck Routes

Except as expressly permitted under this ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination in Weesaw Township on any road other than a designated truck route.

Section 5: Exemptions

The truck route limitations prescribed in this ordinance shall not apply to:

- A. Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property, or
- B. Implements and vehicles of husbandry incidentally moved upon a road, or
- C. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township, or
- D. Garbage service vehicles while involved in the provision of services to residents of the Township.

Section 6: Pick-Ups, Deliveries, Service Calls

A vehicle that would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the Township on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make pick-ups, deliveries or service calls within the Township. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the Township by the most direct route. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the Township by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the Township by other than a truck route.

Section 7: Leaving or Returning to Home or Place of Business

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized.

Section 8: Special Permits

The Township Supervisor or, in the absence of the Township Supervisor, other duly-appointed Township Board of Trustees' member temporarily acting upon the Township Supervisor's behalf, shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this ordinance. Such permits, however, shall not be given for more than one round trip, and in no case shall a permit be valid for a longer period than ten (10) days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall, by resolution, set a fee for special permits.

Section 9: Signs

The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

Section 10: Penalties

Any person who violates any provision of this ordinance shall be guilty of a civil infraction and upon conviction shall be fined not less than \$500.00 or shall be imprisoned in the Berrien County jail for not more than 90 days or both such fine and imprisonment at the discretion of the court. For subsequent offenses, the minimum fine is \$500.00 with a maximum of \$1,000.00.

Section 11: Severability

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this ordinance shall not be affected thereby.

Section 12: Administrative Liability

No officer, agent, or employee of Weesaw Township, or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this ordinance.

Section 13: Repeal

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this ordinance as of the effective date of this ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and enforcement of this ordinance only will in no way, manner or form repeal, notify or otherwise change the definition of any such terms as used in other ordinances of Weesaw Township.

Section 14: Effective Date

This ordinance was approved and adopted by the Township Board of Weesaw Township, Berrien County, Michigan, at a regular meeting of the Weesaw Township Board of Trustees on July 21, 2010, and is ordered to take effect on September 1, 2010, said date being thirty (30) or more days after publication in a newspaper having general circulation in Weesaw Township pursuant to the provisions of the Publication of Notices in Newspapers Act, Public Act 247 of 1963, as amended, (MCL 691.1051).

Moved by Melodie Culverhouse, and supported by Jane Tackitt, that the foregoing ordinance be adopted.

ROLL CALL VOTE:

Ayes: Jane Tackitt, Wanda Green, Irene Oman, Jack Jones and Melodie Culverhouse

Nays: 0

Absent: 0

Clerk’s Signature: Melodie Culverhouse

Date: 07/21/2010

The Township Supervisor declared the Ordinance Adopted.