

Ordinance No. 23

TRUCK ROUTE ORDINANCE

**TOWNSHIP OF CLINTON
LENAWEE COUNTY**

AN ORDINANCE TO REGULATE TRUCK AND COMMERCIAL MOTOR CARRIER TRAFFIC AND ROUTES WITHIN THE BOUNDARIES OF CLINTON TOWNSHIP PURSUANT TO AUTHORITY IN ARTICLE VII, SECTION 29, MICHIGAN CONSTITUTION OF 1963, AND SECTION 726 OF THE MICHIGAN VEHICLE CODE, BEING MCL 257.726, AND TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACT 359 OF 1947, AS AMENDED, BY PROHIBITING THE OPERATION OF COMMERCIAL TRUCK TRAFFIC ON DESIGNATED HIGHWAYS AND STREETS WITHIN CLINTON TOWNSHIP, AND TO PROVIDE THAT ONLY CERTAIN HIGHWAYS BE USED FOR COMMERCIAL MOTOR CARRIER AND TRUCK TRAFFIC ROUTES

THE TOWNSHIP OF CLINTON ORDAINS:

Section 1. Title

This ordinance shall hereafter be known and may be cited as the Clinton Township "Truck Route Ordinance".

Section 2. Definitions

The following words and terms are defined for purposes of their use in this Ordinance. Any word or term not defined herein shall be defined according to common or standard usage, or as otherwise defined by statute or law.

- 2.1. *Commercial Truck*: Any self-propelled or towed vehicle designed or used on public highways-to transport goods, wares, merchandise, or other property having either a gross vehicle weight rating or an actual gross weight, or a gross combination weight rating or an actual gross combination weight, of 10,001 pounds or more. Commercial trucks shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes or recreational vehicles, or vehicles used exclusively to transport personal possessions or family members for nonbusiness purposes.
- 2.2. *Gross Combination Weight or "GCW"*: The combined weight of a combination of vehicles and any load on those vehicles.
- 2.3. *Gross Weight, Gross Vehicle Weight, or "GVW"*: The combined weight of a motor vehicle

and any load on that vehicle.

- 2.4. *Person*: Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination thereof as well as a natural person.
- 2.5. *Implement of Husbandry*: Every truck and every kind of farm equipment, apparatus and/or machinery which is used for agricultural purposes by the owner thereof or his family, employees, or contractors in the conduct of agricultural operations.

Section 3. Regulation of Commercial Truck Traffic.

Except as expressly permitted under this Ordinance, no person shall operate a commercial truck on the following roads or highway within the boundaries of Clinton Township which roads or highways shall be posted with appropriate signs designating no trucks allowed as required by the laws of this State. Any person who operates a commercial truck in violation of posted no trucks allowed signs shall be subject to the penalties provided herein.

- 3.1. Pennington Road
- 3.2. Billmeyer Highway

Section 4. Exemptions.

The following activities shall be exempt from the provisions of this Ordinance:

- 4.1. Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of lives or property;
- 4.2. Implements of husbandry moved on a road;
- 4.3. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads, public and private utilities, cable television and drains within the Township;
- 4.4. Trash/garbage service vehicles while involved in the provision of services to residents and businesses within the Township.

Section 5. Exceptions.

The following activities shall be exceptions from the provisions of this Ordinance:

- 5.1. The operation of commercial vehicles or trucks involved in the routine local pickup, delivery, or service where the destination is on a designated No Truck Road, but only so long as such operation is limited to the most direct route to and from a designated truck

route as provided for in this Ordinance.

5.2. Operation of a commercial truck or vehicle while leaving from or returning to its customary storage location at the owner's or operator's personal residence, or a commercial or industrial location in the Township so long as such operation is limited to the most direct route to and from a designated truck route as provided for in this Ordinance.

5.3. Operation of a commercial truck or vehicle at the request of a public official pursuant to or in accordance with an emergency so declared by public official of public act.

Section 6. Penalty.

A person who violates any of the provisions of this Ordinance shall be responsible for a civil infraction, and upon a conviction thereof, shall be assessed a civil fine of not less than \$250.00 and not more than \$500.00, plus costs, damages, expenses, and other sanctions allowed by law.

Section 7. Repeal.

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

Section 8. Savings Clause.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

Section 9. Publication and Effective Date.

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective as of the date of final publication of the ordinance.

Section 10. Effective Date

This ordinance shall take effect upon publication following its adoption.

YEAS: (5) _____
NAYS: (0) _____
ABSENT: (0) _____

ORDINANCE DECLARED ADOPTED ON SEPTEMBER 13, 2021.

Basil Greenleaf
Township Supervisor

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Joann Steffens, the duly elected Clerk of the Township of Clinton certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Clinton on September 13, 2021 and published in The Clinton Local, a newspaper circulated in the Township of Clinton on September 16, 2021.

Joann Steffens
Township Clerk