

**CHARTER TOWNSHIP OF MUSKEGON
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

Ordinance No. 18-6

AN ORDINANCE TO AMEND CHAPTER 30 "OFFENSES", AMENDING ARTICLE X AND ADDING
ARTICLE XI TO THE CODE OF ORDINANCES OF THE
CHARTER TOWNSHIP OF MUSKEGON PERTAINING TO TRUCK TRAFFIC

THE CHARTER TOWNSHIP OF MUSKEGON ORDAINS:

Section 1. Purpose.

This ordinance is intended to establish and regulate truck traffic routes within the Charter Township of Muskegon, Muskegon County, Michigan, to prohibit truck traffic on other roads, and to provide penalties for the violation thereof.

Section 2. That Sections 30-269 through Sections 30-274, of Article X, of Chapter 30 of the Code of Ordinances of Muskegon Charter Township is hereby amended to state as follows:

Secs. 30-269—30-274. - Reserved.

Section 3. That Article XI, Sections 30-275 through Section 30-288, of Chapter 30 of the Code of Ordinances of Muskegon Charter Township is hereby added to state as follows:

Article XI – Truck Traffic Regulations

An Ordinance to establish and regulate truck traffic routes within the Charter Township of Muskegon, Muskegon County, Michigan, to prohibit truck traffic on other roads, and to provide penalties for the violation thereof.

Sec. 30-275 - **Definitions:**

- a) **Implement of Husbandry** - "Implement of Husbandry" means every vehicle, which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.
- b) **Road**— "Road" means any street, highway, or route within the Charter Township of Muskegon.
- c) **Semi-Trailer**— "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 no part of its weight rests upon the towing vehicle.
- d) **Trailer** — "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**— "Truck" means every motor vehicle which is designed, used, or maintained

primarily for the transportation of property, except a pick-up truck, or a van designed so as to carry loads of no more than one ton.

- f) **Truck Tractor** - "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 vehicle and load so drawn.
- g) **Person** - "Person" includes an agency, company, organization, firm, association, - partnership, joint venture, corporation, limited liability company, trust or equivalent entity or a combination of any of them as well as a natural person.

Sec. 30-276 - **Rule of Construction**

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

Sec. 30-277 - **Truck Routes**

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

- a) North and Southbound Mill Iron Road from Apple Avenue (M-46) south to the Township's Southern Border.
- b) North and Southbound Walker Road from Apple Avenue (M-46) to Laketon Avenue.
- c) North and Southbound Sheridan Drive from Apple Avenue (M-46) to the Township's Southern Border
- d) East and Westbound Laketon Avenue from Mill Iron Road to Creston Street.
- e) East and Westbound Apple Avenue (M-46)
- f) East and Westbound Evanston Avenue from Mill Iron Road to Brooks Road
- g) North and Southbound Holton Road (M-120)
- h) North and Southbound Whitehall Road
- i) East and Westbound River Road from Whitehall Road east 1000 feet
- j) North and Southbound US 31

Sec. 30-278 - 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 the Charter Township of Muskegon on any road other than a designated truck route.

Sec. 30-279 - Exemptions

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

- a) School busses, public transportation busses, motor homes, fifth-wheel trailers; or
- b) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property; or
- c) Implements of husbandry incidentally moved upon a road; or
- d) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the Township; or
- e) Garbage service vehicles while involved in the provision of services to residents of the Township.

Sec. 30-280 - Pick-ups, Deliveries, Service Calls

A vehicle which 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 route 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.

Sec. 30-281 - Leaving or Returning to 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 commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized.

Sec. 30-282 - Special Permits

The Township Supervisor or designee shall have authority to grant a written permit in special cases, which 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 of 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.

Sec. 30-283 - Signs

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

Sec. 30-284 - Penalties

A law enforcement agency, upon determining that a person has operated a vehicle in violation of this ordinance, as authorized pursuant to section 726 of Act No. 300 of the Public Acts of 1949, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than five hundred (\$500.00) Dollars, or shall be imprisoned in the Muskegon County jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court.

Sec. 30-285 - 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.

Sec. 30-286 - Administrative Liability

No officer, agent, or employee of the Township of Muskegon, or member of the Township Board shall render himself personally liable for any damage there may accrue

to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Sec. 30-287 - 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, modify, or otherwise change the definition of any such terms as used in other ordinances of the Township of Muskegon.

Sec. 30-288 - Appearance of Tickets

The Township Zoning Administrator, and the local law enforcement are hereby authorized to issue appearance tickets for violation of this Ordinance.

Section 3: Severability. The provisions of this Ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

Section 4: Repeal of Conflicting Ordinances: All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

Section 5: Effective Date. This ordinance shall be effective immediately following publication.

Ann D. Oakes, CMC, CMMC
Muskegon Charter Township Clerk

Introduced: 11/19/2018

Adopted: 12/17/2018

Published: 12/29/2018

Effective: 1/8/19