

ORDINANCE NO. 484

AN ORDINANCE TO ADOPT WEIGHT RESTRICTIONS FOR VEHICLE OPERATING ON STREETS AND ROADS UNDER THE JURISDICTION OF THE CITY OF MARYSVILLE

THE CITY OF MARYSVILLE ORDAINS:

Section 1. That Title X, Chapter 126, of the City of Marysville Code of Ordinance is amended to add the following sections:

10.8 Motor Vehicle Axle Weight Ordinance

This Ordinance shall be known as the City of Marysville Commercial Motor Vehicle Axle Weight Ordinance. The purpose of this Ordinance is to protect the safety and welfare of the citizens of this City and to protect property in this City, by establishing limits on the axle weights of commercial motor vehicles operating on roadways under the jurisdiction of the City of Marysville. This Ordinance shall apply only to motor vehicles operating on roadways under the jurisdiction of the City of Marysville. The provisions of this Ordinance are not to be construed as being any more or less restrictive than restrictions adopted pursuant to statute by the State of Michigan, including MCL 257.722 or MCL 257.724. Unless otherwise defined herein, all words and phrases used in Section 10.8 through 10.21 shall have the same meaning as used under the Michigan Motor Vehicle Code.

10.9 Maximum Axle Load

The maximum axle load of a motor vehicle shall not exceed the number of pounds designated in the following provisions that prescribe the distance between axles:

- (a) If the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.
- (b) If the axle spacing is less than 9 feet between 2 axles but more than 3-1/2 feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.
- (c) If the axles are spaced less than 3-1/2 feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.
- (d) Subdivisions (a), (b), and (c) shall be known as the normal loading maximum.

10.10 Normal Loading Maximum

When normal loading is in effect, the restrictions contained in Section 10.9 are subject to any increased weight allowed pursuant to MCL 257.722(2) or other applicable state law.

10.11 Tandem Axle Assemblies

On a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, if there is no

other axle within 9 feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within 9 feet of any axle of the assembly.

10.12 Tandem Axle Exceptions

Notwithstanding Section 10.11, on a combination of truck tractor and semitrailer having not more than 5 axles, 2 consecutive sets of tandem axles may carry a gross permissible weight of not to exceed 17,000 pounds on any axle of the tandem axles if there is no other axle within 9 feet of any axle of the tandem axles and if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This section is not subject to the maximum axle loads of Sections 2, 3, and 4. For purposes of this section, a "tandem axle" means 2 axles spaced more than 40 inches but not more than 96 inches apart or 2 axles spaced more than 3-1/2 feet but less than 9 feet apart. This section does not apply during that period when reduced maximum loads are in effect under Section 10.16.

10.13 Agricultural Exceptions

The seasonal reductions described under Section 10.16 to the loading maximums and gross vehicle weight requirement of Sections 10.18 and 10.19 do not apply to a person hauling agricultural commodities if such person has a valid a permit for the vehicle pursuant to MCL 257.722 (5).

10.14 Public Utility Vehicles

The seasonal reductions described under Section 10.16 to the loading maximums and gross vehicle weight requirements of Section 10.18 do not apply to public utility vehicles under the following circumstances:

- (a) For emergency public utility work on restricted roads, as follows:
 - (i) If required by the State of Michigan, City of Marysville or the St. Clair County Road Commission, the public utility or its subcontractor must notify the City, as soon as practical, of the location of the emergency public utility work as provided in MCL 257.722(6)(a)(i). Further, the public utility vehicle may only travel to and from the site of the emergency public utility work, while on a restricted road, at a speed not greater than 35 miles per hour.
- (b) For nonemergency public utility work on restricted roads, if a permit is issued pursuant to MCL 257.722(6)(b).

10.15 Normal Size of Tires

The normal size of tires on a Commercial Motor Carrier shall be the rated size as published by the manufacturer, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

10.16 Seasonal Reduction of Maximum Axle Load

Except as provided in this section and Section 10.16, during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this Ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified by this Ordinance. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the period seasonal road restrictions are in effect. Subject to Section 10.13, this Section does not apply to vehicles transporting agricultural commodities or, subject to Section 10.14, public utility vehicles.

10.17 Designation of Gross Vehicle Weights and Axle Weights

For the purpose of enforcing this Ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. For purposes of Section 10.18 the overall gross weight on a group of 2 or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

10.18 Designation of Highways for Operation of Certain Vehicles

Nothing in this Ordinance shall be construed to prohibit the State of Michigan, St. Clair County, or any local authority from designating a highway, or a section of a highway, within its jurisdiction, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds that are subject to the following load maximums:

- (a) Twenty thousand pounds on any 1 axle, including all enforcement tolerances.
- (b) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.
- (c) An overall gross weight on a group of 2 or more consecutive axles equaling: $W = 500 / LN + 12N + 36 \sqrt{N-1}$ / where W = overall gross weight on a group of 2 or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semitrailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Sections 9, 10, and 11. As used in this section, "tandem axle weight"

means the total weight transmitted to the road by 2 or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this section.

10.19 Violation

An owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates this Ordinance, is responsible for a municipal civil infraction and shall pay a civil fine in an amount determined as follows:

- (a) If the court determines the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine as follows: equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.
- (b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of Section 10.18.

10.20 Definitions

- (a) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.
- (b) "motor vehicle" or "vehicle" means a commercial motor vehicle as defined by MCL 257.7 as amended or revised. Motor vehicle include "commercial motor vehicles" as defined by MCL 257.7a as amended or revised.

- (c) "Public utility" means a public utility under the jurisdiction of the public service commission or a transmission company.
- (d) "Public utility vehicle" means a vehicle owned or operated by a public utility or operated by a subcontractor on behalf of a public utility.
- (e) "Transmission company" means either an affiliated transmission company or an independent transmission company as those terms are defined in section 2 of the electric transmission line certification act, 1995 PA 30, MCL 460.562.

10.21 Enforcement

This Ordinance shall be enforced by the City of Marysville Police Department

Section 2. Repealer

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are repealed.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. This Ordinance shall take effect ten (10) days after adoption and publication in accordance with law.

Rene' Stoia, City Clerk

Introduced: 6/27/22
Adopted: 7/11/22
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