

C.

ORDINANCE NO. _____

TALLMADGE CHARTER TOWNSHIP

RESTATED TRUCK ROUTE ORDINANCE

AN ORDINANCE TO RESTATE REGULATIONS FOR PROHIBITED TRUCK ROUTES WITHIN THE CHARTER TOWNSHIP OF TALLMADGE, OTTAWA COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

Section 1: Short Title

This Ordinance shall be known and may be cited and referred to as the “Tallmadge Charter Township Restated Truck Route Ordinance.”

Section 2: Definitions

The following words and phrases, when used in this Ordinance, shall have the following definitions.

- A. “Implement of Husbandry” means every vehicle which is designed for agricultural purpose and exclusively used in the conduct of agricultural operations.
- B. “Road” means any public street, highway or route within the Township.
- C. “Semi-Trailer” means every vehicle designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and of its load rests upon or is carried by the motor vehicle drawing it.
- D. “Township” means the Charter Township of Tallmadge, Ottawa County, Michigan.
- E. “Trailer” means every vehicle 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 motor vehicle drawing it.
- F. “Truck” means every motor vehicle which is designed and used primarily for the transportation of property, except a pick-up truck, or a van designed to carry loads of no more than one ton.

- G. "Truck Tractor" means every motor vehicle designed and used primarily for drawing a Semi-Trailer or a Trailer.
- H. "Person" includes an agency, company, organization, firm, association, partnership, limited partnership, joint venture, corporation, limited liability company, trust, or equivalent or similar entity, or a combination of any of them, as well as a natural person.

Section 3: Rule of Construction

Any word or term not defined in Section 2 of this Ordinance shall be considered to be defined in accordance with its common or standard definition.

Section 4: Prohibited Truck Routes

No Person may operate a Truck, Truck Tractor, Truck Tractor and Semi-Trailer combination, or Truck Tractor and Trailer combination, on a Prohibited Truck Route. For purposes of this Ordinance, a Prohibited Truck Route includes all Roads in the Township except the following:

- A. M-45 (Lake Michigan Drive) from the Grand River on the west to the Kent County line on the east;
- B. M-11 (Ironwood Drive) from the Kent County line on the northeast through the Township to the north; and
- C. Linden Drive from the 10000 block north to M-45 (Lake Michigan Drive), except from 8 p.m. on Monday through Friday until 6 a.m. on the following day.

Section 5: Permission for Travel on Other than Prohibited Truck Routes

Except for Prohibited Truck Routes identified in Section 4, a Person may operate a Truck, Truck Tractor, Truck Tractor and Semi-Trailer combination, or Truck Tractor and Trailer combination on Roads within the Township.

Section 6: Exemptions

The Prohibited 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;
- B. Implements of Husbandry incidentally moved upon a Prohibited Truck Route;
- C. Repair, construction, or maintenance vehicles while involved in the repair, construction, or maintenance of Roads within the Township;
- D. Garbage service vehicles while involved in the provision of services to residents of the Township.

Section 7: Deliveries and Service Calls

A vehicle which would otherwise be restricted from using Prohibited Truck Routes is excused from that restriction, for the shortest distance possible, when travel on a Prohibited Truck Route is essential to reach the required destination to make a delivery or a service call, and to then leave the required destination.

Section 8: Leaving or Returning to Home or Place of Business

Nothing in this Ordinance shall prevent a Truck, Truck Tractor, Truck Tractor and Semi-Trailer combination, or Truck Tractor and Trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or at a commercial or industrial location in the Township, provided any Prohibited Truck Route is avoided or used no more than is essential to reach and to leave the customary storage location. Thus, no Prohibited Truck Route may be used in any event if an alternate route is available.

Section 9: Special Permits

The Township Supervisor shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Such a permit shall not be given for a longer period than ten days from the date of issue. The permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall establish any fee to be charged for such a permit.

Section 10: Signs

The Township Board shall procure and have posted appropriate signs along any Prohibited Truck Routes as required by the laws of the State of Michigan.

Section 11: Penalties

A violation of this Ordinance constitutes a municipal civil infraction. Any Person who violates any provision of this Ordinance, or any Person who knowingly or intentionally aids or abets another Person in violation of this Ordinance, shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than \$100.00 for the first offense and not less than \$200.00 for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses, and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same Person within 12 months of a previous violation of this Ordinance for which the Person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

Section 12: Severability

This Ordinance and its various parts, sentences, paragraphs, sections, subsections, phrases, and clauses are severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

Section 13: Administrative Liability

No officer, agent, or employee of the Township, or member of the Township Board, shall be 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 duties and responsibilities pursuant to this Ordinance.

Section 14: Repeal

All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance are immediately repealed to the extent of such conflict.

Section 15: Effective Date

This Ordinance was approved and adopted by the Township Board on _____, 2022, after introduction and first reading on _____, 2022, and publication after the first reading as required by Michigan law. This Ordinance shall take effect on _____, 2022, the 31st day after publication of the Ordinance following its adoption.

Mark Bennett, Township Supervisor

Lenore Cook, Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Restated Truck Route Ordinance was adopted at a regular meeting of the Township Board held on _____, 2022. The following members of the Township Board were present at that meeting: _____.

The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor, and _____ members of the Board voting in opposition. The Ordinance or Notice of Adoption was published in the _____ on _____, 2022.

Lenore Cook, Township Clerk