

**WATERLOO TOWNSHIP, JACKSON COUNTY, MICHIGAN
TRUCK ROUTE ORDINANCE**

Ordinance No. O 17-06-27-02

Adopted: June 27, 2017

Effective: July 27, 2017

An Ordinance to protect and secure the public health, safety and general welfare by regulating truck and commercial motor carrier traffic and by establishing and prohibiting and permitting certain routes for truck and commercial motor carrier traffic within the Township as authorized by law, including Section 726 of the Michigan motor vehicle code; to provide that violation thereof is a civil infraction and to provide civil forfeitures and other remedies therefor.

THE TOWNSHIP OF WATERLOO, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Waterloo Township Truck Route Ordinance.

Section 2. Definition of Terms. As used in this Ordinance, the following words and terms shall have the meanings stated herein:

- A. "Township" means Waterloo Township, Jackson County, Michigan.
- B. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- C. "Commercial Truck" means any self-propelled or towed vehicle designed or used on public highways to transport goods, wares, merchandise or other property having either a Gross Weight, Gross Vehicle Weight or Gross Combination Weight of 12,000 pounds or more. Commercial trucks shall not include vehicles carrying or designated to carry only 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 non-business purposes.
- D. "Gross Combination Weight or 'GCW'" means the combined weight of a combination of vehicles and any load on those vehicles.
- E. "Gross Weight, Gross Vehicle Weight, or 'GVW'" means the combined weight of a motor vehicle and any load on that vehicle and any load towed by that vehicle.
- F. "Person" includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination thereof as well as natural person.

G. "Road" means any public street, highway or route within the Township.

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. Regulation of Commercial Truck Traffic; Prohibited Truck Routes. No person may operate a Commercial Truck on a Prohibited Truck Route. For purposes of this Ordinance, the following Roads or portions of Roads shall be "Prohibited Truck Routes":

All roads not specifically designated as permitted in Section 5 of this ordinance.

Section 5. Permitted Truck Routes. A Person may operate a Commercial Truck on the following Roads within the Township:

- **M-52 Road**
- **M-106 Road**
- **Harvey Road West of Loveland**
- **Clear Lake Road South of Harvey Road**

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; or
- B. 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; or
- C. Refuse Service vehicles while involved in the provision of services to residents of the Township.

Section 7. Pick-Ups, Deliveries and Service Calls. A Commercial Truck that would otherwise be restricted from using Prohibited Truck Routes and that is being used to make pick-ups, deliveries or service calls in the Township may use Prohibited Truck Routes, shall restrict its travel to a minimum and shall not be driven or moved on Prohibited Truck Routes except when being used to make pick-ups, deliveries or service calls within the Township. Said Commercial Truck shall be driven in such a manner as to 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 Commercial Truck 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 Commercial Truck from entering or leaving the Township by other than a permitted truck route. No Prohibited Truck Route may be used for pick-ups, deliveries or service calls in the event an alternate truck route is available or established.

Section 8. Leaving or Returning to Customary Storage Location. Nothing in this Ordinance shall prevent a Commercial Truck 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. No Prohibited Truck Route may be used for access to or from a customary storage location if an alternate truck route is available or established.

Section 9. Special Permits. The Code Enforcement Officer 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 shall not be given for more than one (1) round trip, and in no case shall a permit be valid for a longer period than ten (10) days from the date of issue. The Township Board must be notified in writing when special permits are issued. The special permit shall describe the vehicle, the time and dates of travel, and the route or routes to be taken by the specially permitted vehicle.

Section 10. Signs. The Township Board shall procure and have posted appropriate signs along any Prohibited Truck Routes as required by law.

Section 11. Violations and Fines. Any person that violates this Ordinance shall be issued a municipal civil infraction as follows:

- A. *First and Second Violation.* Any person that is found responsible for a municipal civil infraction for violation of this Ordinance is, for the first and second violations, subject to a civil forfeiture of not more than \$250.00 for each violation, plus costs, which costs may include all direct or indirect fees and expenses the Township has incurred in connection with the violation, including reasonable attorney fees. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.
- B. *Subsequent Violations.* Any person that is found responsible for a municipal civil infraction for violation of this Ordinance is, for each violation after the second violation, subject to a civil forfeiture of not more than \$500.00, plus costs, which may include all direct or indirect fees and expenses the Township has incurred in connection with the violation, including reasonable attorney fees. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.

Section 12. Enforcement. The Township Supervisor, the Township Code Enforcement Officer, their designees and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance.

Section 13. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 14. Administrative Liability. No officer, agent, or employee of the 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 15. Repeal. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 16. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Waterloo, Jackson County, Michigan.


Moved by Lance seconded by Walz, that the foregoing Ordinance be adopted.

Yeas: Kitley, Lance, Morency, McAlister, Walz.

Nays: None

Absent:None

ORDINANCE DECLARED ADOPTED



Doug Lance, Supervisor
Waterloo Township

CERTIFICATION

I hereby certify that:

1. The above is a true copy of the said Ordinance, adopted by the Waterloo Township Board at a duly scheduled and noticed meeting of that Township Board held on June 27, 2017, pursuant to the required statutory procedures.
2. A summary of this Ordinance was duly published in the Sun Times News, a newspaper that circulates within Waterloo Township, on July 12, 2017.
3. Within 1 week after such publication, I recorded this Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of this Ordinance with the Jackson County Clerk on July 7, 2017.



Janice Kitley, Clerk
Waterloo Township