

CHAPTER 72: HEAVY TRUCKS

Section

- 72.01 Definitions
- 72.02 Rule of construction
- 72.03 Truck routes
- 72.04 Travel on other than truck routes
- 72.05 Exemptions
- 72.06 Special permits
- 72.07 Signs
- 72.08 Administrative liability
- 72.09 Effective date

- 72.99 Penalty

72.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IMPLEMENT OF HUSBANDRY. Every vehicle that is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.

PERSON. Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

ROAD. Any street, highway or route with the village.

SEMI-TRAILER. 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 some part of its weight and that of its load rests upon or is carried by some other vehicle.

TRAILER. 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.

TRUCK. Every motor vehicle that is designed, used or maintained primarily for the transportation of property, except a pick-up truck or a van designed to carry loads of no more than one ton.

TRUCK-TRACTOR. 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 the vehicle and load so drawn.

(Ord. 208-09, passed 1-20-2010)

' 72.02 RULE OF CONSTRUCTION.

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

(Ord. 208-09, passed 1-20-2010)

' 72.03 TRUCK ROUTES.

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

(A) North/South Union Street from north village limit to south village limit; and

(B) East/West Michigan Avenue from east village limit to west village limit.

(Ord. 208-09, passed 1-20-2010)

' 72.04 TRAVEL ON OTHER THAN TRUCK ROUTES.

Except as expressly permitted under this chapter, 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 village on any road other than a designated truck route.

(Ord. 208-09, passed 1-20-2010) Penalty, see ' 72.99

' 72.05 EXEMPTIONS.

(A) The truck route limitations prescribed in this chapter shall not apply to the following:

(1) Commercial buses;

(2) School buses;

(3) Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property;

(4) Garbage service vehicles while involved in the provision of services to residents of the

village;

(5) Snow removal vehicle or vehicle involved in snow removal activities;

(6) Motor homes;

(7) Implements of husbandry incidentally moved upon a road;

(8) Vehicles owned by the village used in connection with official duties;

(9) Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the village;

(10) Vehicles owned and operated by private individuals and not an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them;

(11) Common courier delivery vehicles, i.e.: U.S. mail vehicles, FedEx, UPS, DHL and similar vehicles; or

(12) Any other vehicle as deemed by the Village Council.

(B) A truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination thereof may use or travel upon a road that is an officially established detour when such vehicle could lawfully operate upon the road for which such detour is established.

(C) A common courier delivery vehicle as defined in division (A)(6) above, or a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination that would otherwise be restricted to truck routes and which is being used to make pick-ups, deliveries or service calls in the village on roads other than designated truck routes 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 services calls within the village. The vehicle shall be driven in a manner so as to leave a permitted truck route and proceed to its destination or destinations in the village 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 village 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 village by other than a truck route.

(D) A truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination shall be allowed to leave or return to its customary storage location at the owner or operator=s personal residence or a commercial location in the village, provided the most direct route to and from a designated truck route is utilized.

(E) A truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination which has been granted a written permit as set forth in ' 72.06 below by the Village Council.

(Ord. 208-09, passed 1-20-2010)

' 72.06 SPECIAL PERMITS.

The Village Council shall have the authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this chapter. The permits shall not be given for more than one round trip, and in no case shall a permit be valid for a period longer 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 village may set a fee for the special permits by resolution. It is the intention of this provision to provide for bona fide use of commercial vehicles and trucks outside of the truck routes as set forth in ' 72.03 above where the necessity and practicality of a situation dictates a proper exception to the application of this chapter.

(Ord. 208-09, passed 1-20-2010)

' 72.07 SIGNS.

The village shall cause signs to be posted along the designated truck routes as set forth in ' 72.03 above as required by the laws of the state.

(Ord. 208-09, passed 1-20-2010)

' 72.08 ADMINISTRATIVE LIABILITY.

No officer, agent or employee of the village, or member of the Village Council shall render himself or herself personally liable for any damage that may accrue to any agency, company, organization, firm, association, partnership, joint, venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this chapter.

(Ord. 208-09, passed 1-20-2010)

' 72.09 EFFECTIVE DATE.

This chapter shall be published in a manner provided by law and shall take effect and be in force from and after the earliest date allowed by law. This chapter shall become effective 20 days after publication in the *County Press*.

(Ord. 208-09, passed 1-20-2010)

72.99 PENALTY.

(A) *Civil infraction.* A person or entity who violates this chapter for which the village has assumed enforcement responsibility is responsible for a municipal civil infraction Class D for each and every day that the violation occurs, punishable by a civil fee determined in Chapter 11.

(B) *Other remedies.* In addition to the foregoing, the village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter, Public Act 230 of 1972, being M.C.L.A. ' ' 125.1501 through 125.1531, 1972, as amended, and/or the aforementioned codes. Each day that a violation exists shall constitute a separate offense. Additionally, the village may request a court of competent jurisdiction to award damages to be paid to the village for any damage done to any road by a person or entity who violates this chapter.

(Ord. 208-09, passed 1-20-2010)