

**Windsor Charter Township
Eaton County, Michigan
Truck Route Ordinance
First Reading**

Ordinance No. _____

At a meeting of the Township Board of Windsor Charter Township, Eaton County, Michigan, held at the Windsor Charter Township Hall on _____, 2013, at __:___ p.m., Township Board Member _____ moved to introduce the following Ordinance for posting, publication and subsequent final adoption, which motion was seconded by Township Board Member _____:

An Ordinance to promote the health, safety, and welfare of the people of Windsor Charter Township, Eaton County, Michigan, by regulating the routes of certain heavy trucks for travel upon roads within the Township; establishing remedies, providing for enforcement, and fixing penalties for the violation of this Ordinance; and repealing all ordinances or parts of ordinances in conflict with this Ordinance.

THE CHARTER TOWNSHIP OF WINDSOR, EATON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. TITLE OF ORDINANCE. This Ordinance shall be known and may be cited as the Windsor Charter Township Truck Route Ordinance.

SECTION 2. PURPOSE. The purpose of this Ordinance is to establish and regulate truck traffic routes; prohibit truck traffic on other roads; and provide penalties for the violation thereof.

SECTION 3. DEFINITIONS.

- A. *“Implement of husbandry”* means every vehicle that is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.
- B. *“Road”* means any street, highway or route within Windsor Charter Township.
- C. *“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 some part of its weight and that of its load rests upon or is carried by some other vehicle.
- D. *“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*” means 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 (1) ton.
- F. “*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 the vehicle and load so drawn.
- G. “*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.

SECTION 4. RULE OF CONSTRUCTION. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 5. TRUCK ROUTES. The following roads in Windsor Charter Township, to the exclusion of all other roads, are hereby designed as truck routes and classified for truck traffic:

Road Name Segments:

North-South Streets:

East-West Streets:

SECTION 6. 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 Windsor Charter Township on any road other than a designated truck route.

SECTION 7. EXEMPTIONS. The 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. Implements of husbandry incidentally moved upon a road, or

- C. Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township, or
- D. Garbage service vehicles while involved in the provision of services to residents of the Township.

SECTION 8. PICK-UPS, DELIVERIES, SERVICE CALLS. A vehicle that 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 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 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.

SECTION 9. LEAVING OR RETURNING TO HOME OR 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 personal residence, or a commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized.

SECTION 10. SPECIAL PERMITS. The Township Board shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this Ordinance. Such permits, however, 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. 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.

SECTION 11. SIGNS. The Township Board shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Michigan.

SECTION 12. ENFORCEMENT. Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION 13. 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.

SECTION 14. ADMINISTRATIVE LIABILITY. No officer, agent, or employee of Windsor Charter 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 herewith are hereby repealed; provided that this Ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

SECTION 16: EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days following publication or posting after final adoption by the Township Board.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN _____

Sue Butler, Windsor Charter Township Supervisor

AFFIDAVIT OF POSTING AND PUBLICATION

I hereby certify that:

1. The above is a true copy of an Ordinance introduced for publication and subsequent final adoption by the Windsor Charter Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2013, pursuant to the required statutory procedures.
2. The complete text of the proposed Ordinance was posted at the Township Clerk's office and on the Township's website on _____, 2013.
3. The attached Notice of Posting of the Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Windsor Charter Township, on _____, 2013, within not more than seven (7) days after the posting.

ATTESTED:

Linda Towsley, Windsor Charter Township Clerk

**Windsor Charter Township
Eaton County, Michigan
Truck Route Ordinance
Notice of Posting after First Reading**

Ordinance No. _____

At a meeting of the Township Board of Windsor Charter Township, Eaton County, Michigan, held at the Windsor Charter Township Hall on _____, 2013, at __:___ p.m., the Township Board introduced for posting, publication and subsequent final adoption a proposed Truck Route Ordinance, proposed Ordinance No. _____. The proposed Ordinance would regulate the routes of certain heavy trucks for travel upon roads within the Township; establish remedies, providing for enforcement, and fixing penalties for the violation of this Ordinance; and repeal all ordinances or parts of ordinances in conflict with this Ordinance. Copies of the complete text of the proposed Ordinance were posted at the office of the Township Clerk at 300 W. Jefferson Street, Dimondale, MI 48821 and on the Township's website: <http://twp.windsor.mi.us/> .

By Order of the Windsor Charter Township Board

Linda Towsley, Township Clerk
(517) 646-0772