

ERIE TOWNSHIP TRUCKS AND MOTOR CARRIERS ORDINANCE

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended, to regulate motor carriers operating within the Township, including safety and warning equipment, motor carrier safety, motor carrier fuel tax in the operation of said vehicles.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

Section I. STATUTE ADOPTED.

The Township of Erie hereby adopts the following sections of the Motor Carrier Safety Act and the Motor Carrier Fuel Tax Act and regulations and amendments pursuant to said act, as may be amended.

Section II. SHORT TITLE.

This ordinance shall be known as the "Erie Township Motor Carrier Safety Act".

Section III. MOTOR CARRIER SAFETY.

- A. Qualifications of Truck or Truck Tractor Operators. A person shall not drive, and an individual, partnership, association, corporation, or their lessees or receivers appointed by any court shall not employ, engage, hire or contract for hire any person to operate, drive, or maintain any truck, truck tractor or trailer unless the person meets the qualifications set forth by the department of state police. [State Law Ref: MCLA 480.12(a)]

- B. Operator, Equipment Safety Standards. An individual, partnership, association, corporation or their lessees or receivers appointed by any court shall not operate any truck, truck tractor, or trailer or permit any person to drive any truck, truck tractor or trailer which does not meet driver or operator safety standards, safety standards for equipment and devices on trucks, truck tractors or trailers and the loading and unloading thereof as set forth in rules promulgated by the department of state police. [State Law Ref: MCLA 480.12(b)]
- C. Operation and Maintenance of Property Transportation Facilities. An individual, partnership, association, corporation or their lessees or receivers appointed by any court shall not operate or maintain any facility used in connection with transportation of property by any truck, truck tractor or trailer which facility does not meet safety standards for the operation and maintenance of such facility as set forth in the rules and promulgated by the department of state police. [State Law Ref: MCLA 480.12(c)]
- D. Applicability of State Motor Carrier Safety Act. The rules and regulations and amendments thereto promulgated by the department of state police pursuant to the Michigan Motor Carrier Safety Act (P.A. 1963, No. 181, as amended) are incorporated by reference as if fully set forth herein. [State Law Ref: MCLA 480.14]
- E. Violations Generally.
- (a) Any driver or operator who violates this article or a rule promulgated under section (D), or any owner or user of any truck, truck tractor or trailer, or any officer or agent of any individual, partnership, corporation or association or their lessees or receivers appointed by any court which is the owner or user of any vehicle, who requires or permits the driver or operator to operate or drive any truck, truck tractor or trailer in violation of this article or a rule promulgated under section (D), shall be subject to the penalties set forth in the Motor Carrier Safety Act.
 - (b) A peace officer, upon reasonable cause to believe that a motor vehicle is being operated in violation of this article or a rule promulgated pursuant to section (D),

may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation. [State Law Ref: MCLA 480.17]

Section IV. MOTOR CARRIER FUEL TAX.

A. Definitions. As used in this article, the following definitions shall apply:

- (1) “Axle” means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane.
- (2) “Commercial Motor Vehicle” means a road tractor, or a truck tractor or a truck having more than two (2) axles; if the road tractor or truck tractor is propelled by motor fuel.
- (3) “Commercial Motor Vehicle” shall not include a road tractor or truck or truck tractor owned by a farmer and used in connection with the farmer’s farming operation and not used for hire, except if the vehicle bears out of state registration plates from a state that does not give similar treatment to vehicles from the State of Michigan.
- (4) “Commissioner” means the state commissioner of revenue.
- (5) “Department” means the revenue division of the department of treasury.
- (6) “Motor carrier” means a person who operates or causes to be operated a commercial motor vehicle on a public road or highway in this township.
- (7) “Motor fuel” means diesel motor fuel as defined by Act No. 150 of the Public Acts of Michigan 1927 (MCL 207.101, et seq., MSA 7.291, et seq.), as amended.

- (8) "Nonprofit, private, parochial, denominational or public school, college or university" means an elementary, secondary or postsecondary educational facility.
- (9) "Person" means a natural person, partnership, firm, association, joint stock company, syndicate or corporation, and any receiver, trustee, conservator or officer, other than a unit of government, having jurisdiction and control of property by virtue of law or by appointment of a court.
- (10) "Public roads or highways" means a road, street or place maintained by and/or located in this township and generally open to use by the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel restricted for the purpose of construction, maintenance, repair or reconstruction.
- (11) "Road tractor" means a motor vehicle designed and used for drawing other vehicles, but not constructed to carry any load either independently or as part of the weight of the vehicle or load being drawn.
- (12) "Truck" means a motor vehicle designed, used or maintained primarily for the transportation of property.
- (13) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load being drawn. [State Law Ref: MCLA 207.211]

B. Motor Carrier License.

- (1) No person shall act as a motor carrier in this township unless the person is the holder of an unrevoked license issued by the department.
- (2) The license shall be affixed to both sides of the cab of every commercial vehicle while it is being operated in this township by a licensed motor carrier. [State Law Ref: MCLA 207.215]

C. Trip Permit.

- (1) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate one (1) specific commercial motor vehicle in this township for a period of five (5) consecutive days, beginning and ending on the dates specified on the face of the permit.
- (2) The trip permit shall be issued instead of a license only if the motor carrier operates on public roads or highways in this township not more than three (3) times in one (1) calendar year.
- (3) The trip permit may be obtained from the department by application in the same manner as a license, or may be made available by contacting the department by telegram or similar transmission. The cost of a telegram or similar transmission shall be the responsibility of the motor carrier requesting the trip permit. [State Law Ref: MCLA 207.217]

D. Violations; Penalties.

- (1) A person who engages in business in this township as a motor carrier without being a holder of an unrevoked license to engage in this business as provided in this article, or who in any way violates this article, except as specifically provided by this article, shall be punished by the penalties set forth in the Motor Carrier Fuel Tax Act.
- (2) In addition to the penalties imposed by subsection (1), the department shall receive the license of a licensee who has been convicted under this section. [State Law Ref: MCLA 207.225]

Section V. PENALTIES.

The penalties imposed under this Ordinance shall be those set forth in the Michigan Motor

Carrier Safety being Act No. 181 of the Public Acts of 1963, and the Michigan Motor Carrier Fuel Tax Act, except that any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days shall not be enforced.

Section VI. PUBLICATION.

The Erie Township Clerk shall publish this Ordinance in the manner required by law and shall at the same time publish a statement of the purpose of the statute and notification of the fact that a complete copy of the statute as well as the Ordinance is available at the office of the Township Clerk for inspection by the public during normal business hours.

Section VII. SEVERABILITY.

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, 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 provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance in each part, sentence, paragraph, section, subsection, phrase and clause thereof, irrespective of the fact that either one or more parts, sentences, paragraphs, sections, phrases or clauses are declared invalid.

Section VIII. ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Erie, County of Monroe, State of Michigan, at a regular meeting, called and held on November 25, _____, 2002, and ordered to be given publication in the manner prescribed by law.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen,
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 25th day of November, 2002.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

Effective Date December 27, 2002

adopted 11-25-02
published 11-26-02

Member's Last Name

Voting in Favor:

Daniel Bonkoski

Cynthia Baum

Gayle A. Burlen

Denise B. Gordy

Diane LaPlante

Voting Against:

0

Abstained:

0

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen,
Erie Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski,
Erie Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 25 day of November, 2002.

ERIE TOWNSHIP ORDINANCE NO. 109-A

AMENDMENT TO ERIE TOWNSHIP

TRUCKS AND MOTOR CARRIERS ORDINANCE NO. 109

An ordinance enacted pursuant to the authority granted in Act No. 246 of the Public Acts of 1945, as amended, to amend the provisions of Erie Township Ordinance No. 109, which adopts the Motor Carrier Safety Act, Act 181, Public Acts of 1963, as amended, and the Motor Carrier Fuel Tax Act, Act 119, Public Acts of 1963, as amended; to facilitate the local enforcement of the Motor Carrier Safety Act, as amended; to provide for sanctions for violations of the motor carrier safety rules as adopted into this Ordinance; and to generally provide for the public health, safety and general welfare for the persons and property of the Township of Erie, County of Monroe, State of Michigan.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. AMENDMENT TO SECTION V OF ORDINANCE NO. 109.

Ordinance No. 109 is hereby amended by replacing current Section V of the Erie Township Trucks and Motor Carriers Ordinance with a new Section V, such that the new Section V shall hereinafter read as follows:

...SECTION V. PENALTIES.

1. **In General.** The penalties imposed under this Ordinance shall be those set forth in the Michigan Motor Carrier Safety Act, being Act No. 181 of the Public Acts of 1963, and the Michigan Motor Carrier Fuel Tax Act, being Act No. 119 of the Public Acts of 1980.
2. **Motor Carrier Safety.** Any driver or operator who violated the motor carrier safety provisions of this Ordinance, or any owner or user of any bus, truck, truck tractor, or certain other motor vehicles, or any officer or agent of any individual, partnership, corporation, or association, or their lessees or receivers appointed by any court, that is the owner or user of any such vehicle, who requires or permits the driver or operator to operate or drive any truck, truck tractor or trailer in violation of the motor carrier safety provisions of this Ordinance, shall be subject to sanctions and punishment by the Court as follows:

a. Violation. A civil fine of not more than Two Hundred Fifty (\$250.00) Dollars, which may include all expenses, direct or indirect, to which the Township of Erie has been put in connection with the civil infraction up to the entry of Judgment.

b. Serious Safety Defect.

i. Violation. A driver or operator or an owner or user of any bus, truck, truck tractor, or trailer, or certain other motor vehicles or any officer or agent of an individual, partnership, corporation, or association or their lessees or receivers appointed by any court that is the owner or user of any vehicle, who requires or permits the driver or operator to operate a vehicle with a serious safety defect is subject to a civil fine of not more than \$500.00 for each violation.

ii. Fine Allocation. The fine for operating a vehicle with a serious safety defect ordered to be paid under this Ordinance shall be paid to the county treasurer and shall be allocated as follows: seventy percent (70%) to the Township of Erie, and thirty percent (30%) for library purposes as provided by law.

c. Hazardous Materials. A driver or operator or an owner or user of a bus, truck, truck tractor, or trailer, or certain other motor vehicles, or an officer or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of a vehicle, who required or permits the driver or operator to operate or drive a bus, truck, truck tractor, or trailer, or certain other motor vehicles, that violates this ordinance wherein the vehicle is transporting a package required to be marked or labeled under 49 C.F.R. part 100 to 180, regarding hazardous materials, upon conviction, is punishable by a fine of not more than \$500.00 for each violation.

d. Transportation of Hazardous Materials. An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance related to the transportation of hazardous materials, is guilty of a misdemeanor, punishable for not more than 1 year or a fine of not more than \$500.00, or both, for each violation.

SECTION 2. PRIOR AND INCONSISTENT ORDINANCES REPEALED.

All ordinances, or parts thereof, inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after it has been published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Jolene Upchurch
Jolene Upchurch
Erie Township Clerk

AUTHENTICATED:

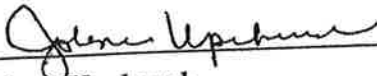
By: William D. Frey
William D. Frey
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting clerk of the Township of Erie, and I do hereby certify in this ordinance that this ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, in the regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan, on the 14th day of November, 2006.

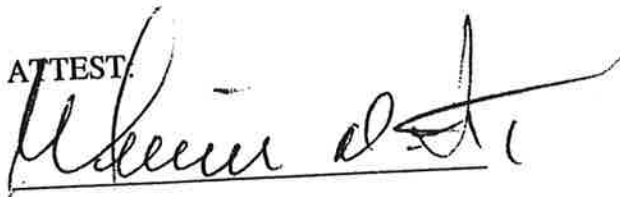
The vote on said Ordinance, 5 members being present and 0 members being absent as follows:

	Member's Last Name	
Voting in Favor:	Frey Kamprath Gordy	Upchurch Cousino
Voting Against:	0	
Abstained:	0	
Absent:	0	

I, Jolene Upchurch, the Township Clerk of the Township of Erie, doe hereby certify that this ordinance or a summary of it, was published on the 27th day of November, 2006 in a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.



Jolene Upchurch,
Erie Township Clerk

ATTEST.


William D. Frey,
Erie Township Supervisor

ADOPTED: November 14, 2006

PUBLISHED: November 27, 2006

EFFECTIVE: December 27, 2006

LDJ

erie\trafficcode.amd