

ORDINANCE No. 121

ERIE TOWNSHIP, MONROE COUNTY, MICHIGAN

TRUCK ROUTE ORDINANCE

An Ordinance to establish and regulate truck traffic routes within the Township of Erie, Monroe County, Michigan, to prohibit truck traffic on other roads, and to provide penalties for the violation thereof.

The Township of Erie, Monroe County, Michigan ordains:

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

Section 2. Definitions: For the purposes of this Ordinance:

- (a) "Implement of Husbandry" means every vehicle and every kind of farm equipment, apparatus and/or machinery which is exclusively used for agricultural purpose by the owner thereof or his family, employees or contractors in the conduct of agricultural operations.
- (b) "Road" means any street, highway or route within the Township of Erie
- (c) "Truck" means every motor vehicle which is designed, used or maintained primarily for the transportation of property, including semi-trailers, truck-tractors, and trailers. "Truck" does not include pickup trucks, and vans designed to carry loads of no more than one ton.
- (d) "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.
- (e) "Township Roads" are all roads not designated as a Truck Route in Section 4 of this Ordinance.

Section 3. 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 4. Truck Routes:

The following roads in the Township of Erie to the exclusion of all other roads, are hereby designated as truck routes, and are classified for truck traffic and will be designated as All-Season, All Weather or Special Designated Routes which are not subject to seasonal weight restrictions according to the Monroe County Road Commission ("MCRC") or Michigan Department of Transportation, as appropriate:

- Lakeside Road from Minx Road to US24
- Luna Pier Road from M125 to I75

- Erie Road from I75 to the Consumers Power Company driveway (a distance of approximately 2500 feet)
- Sterns Road from the Township Line to M125

The attached Exhibit "A" depicts the roads on the above list, but in the event of any inconsistency, the above list supersedes Exhibit A.

Section 5. Prohibition Against Travel on Non-Truck Route Roads:

Except as expressly permitted under this Ordinance, no person shall operate a truck in the Township of Erie on any road other than a designated truck route.

Section 6. Exemptions:

The truck route limitations prescribed in this Ordinance shall not apply to:

- Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property, or
- Implements of husbandry used in the transportation of produce from the field or farmstead to the point of sale or incidentally moved upon a road; provided that, the most direct route to a designated truck route is used, or
- Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of road within Monroe County, or
- The operation of any vehicle while on any officially recognized established detour, or
- Garbage service vehicles while involved in the provision of services to residents of the Township,
- Trucks operated in accordance with the Haul and Maintenance Agreement or the Special Haul Agreement applicable to the truck,
- Delivery and service call vehicles may use township roads while making a delivery, pick-up or service call. This exemption does not apply if any of the following are true:
 - The truck is not using the most direct route to or from the location of the delivery, pick-up or service call and a road on the truck route,
 - The truck is violating a seasonal, posted or special weight restriction,
 - The truck is violating a Haul and Maintenance Agreement, or a Special Haul Route Agreement, or
 - The truck is part of road usage that the County Highway Engineer has determined is "abnormal use."
- Trucks leaving or returning to its customary storage location at the owner's or operator's personal residence location in the Township, provided the most direct route to and from a designated truck route is utilized.
- Trucks leaving or returning to its customary storage location at a commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized and provided that said vehicle is not loaded.

Section 7. Haul and Maintenance Agreements:

When the County Highway Engineer determines that the volume of truck traffic on a township road or roads to or from a specific site is or will likely be "abnormal" for a short or defined period of time, the persons who own the property and the persons generating the truck traffic must obtain a Haul Route and Maintenance Agreement with MCRC. The agreement will specify the following elements:

- The roads on the approved route,
- The financial contribution to be used for routing maintenance, or protection, improvement or restoration of the infrastructure, including but not limited to cold patching, dust control, hand patching with hot mix asphalt, zone patching with hot mix asphalt, grading or paving

- of shoulders, chip sealing, and a final application of a surface treatment upon completion of abnormal truck traffic, and
- c) An expiration date.

Section 8. Special Haul Agreements:

When the County Highway Engineer determines that the volume of truck traffic to or from a specific site is or will likely be "abnormal" for more than one year, the persons who own the property and the persons generating the truck traffic must obtain a Special Haul Agreement with MCRC. In addition to the elements listed in Section 7, the agreement may contain provisions for the following terms:

- a) Performance guarantee or other financial requirements, such as cash bonds or irrevocable letters of credit to guarantee the ongoing maintenance or repairs to the roadway(s),
- b) A description of the trucks using the route,
- c) The time and anticipated dates of travel.

Section 9. Maximum Weight Limit Designated Locations:

Pursuant to Public Act 122 of 2014, MCL 257.726, local authorities and county road commissions with respect to highways under their jurisdiction may "prohibit the operation of trucks or commercial vehicles" and "impose limitations as to the weight of trucks on designated highways or streets." No language within this ordinance supersedes the county road commission's right and ability to post roads at the MCRC's sole discretion.

Section 10. Signs:

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

Section 11. Penalties:

A violation of this Ordinance is a civil infraction, for which the fine, as allowed by law, shall be not less than \$100.00 nor more than \$250.00 for the first offense and not less than \$250.00 nor more than \$500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorneys' fees, damages, expenses, and other 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 twelve (12) months of a previous similar violation. In addition to any other remedies available by law, any violation of this ordinance or violation of language within a Haul and Maintenance Agreement or Special Haul Agreement may void any agreements or permits executed with the MCRC.

Section 12. 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 13. Administrative Liability:

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

Section 14. Repeal:

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and endorsement of this Ordinance only will in no way, manner or form repeal, modify or otherwise change the definition of any such terms as used in other ordinances of the Township of Erie.

Section 15. Effective Date:

This Ordinance shall become effective thirty (30) days after its publication, or publication of a summary thereof, in a newspaper in general circulation within Erie Township.

ERIE TOWNSHIP BOARD
OF TRUSTEES, MONROE COUNTY,
MICHIGAN

AUTHENTICATED:

By: Jolene Upchurch

By: William D. Frey

Erie Township Clerk

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 that this Ordinance was adopted by the Erie Township Board of Trustees, Monroe County, Michigan, at a regular meeting of the Erie Township Board of Trustees held at the Erie Township Hall, Erie Michigan, on the 11th day of October, 2016 and that:

This Ordinance was offered for adoption by B Frey and was seconded by S. Cousins, the vote being as follows:

YEAS: 5

NAYS: 0

ABSENT / ABSTAIN: 0

I, Jolene Upchurch, the Erie Township Clerk, do hereby certify that the foregoing is a true copy of an Ordinance adopted at a regular meeting of the Erie Township Board of Trustees on the 11th day of October, 2016.

Jolene Upchurch
Township Clerk
Erie Township, Michigan

ADOPTED: 10-11-2016

PUBLISHED: 10-21-2016

EFFECTIVE: 11-20-2016

