

ORDINANCE NO. 2017-05-09-01

SALEM TOWNSHIP TRUCK TRAFFIC ORDINANCE

AN ORDINANCE to establish and regulate truck traffic within the Township of Salem, Washtenaw County, Michigan, to prohibit truck traffic on certain roads, and to provide penalties for the violation thereof for the protection of the health, safety and general welfare of the residents of Salem and the Salem Hamlet.

THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SALEM, COUNTY OF WASHTENAW, STATE OF MICHIGAN, ORDAINS:

This division shall hereafter be known and may be cited as the "Salem Township Truck Traffic Ordinance."

**1. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word, term, or phrase not defined herein shall be defined according to common or standard usage, or as otherwise defined by statute or law.

- a. "Road" means any street, highway or route within the Township of Salem.
- b. "Truck" shall mean "truck", "semi-truck", "truck tractor", "trailer", "semi-trailer", or any combination thereof, and every motor vehicle designed, used, or maintained primarily for the transportation of goods materials or property or as defined in Act 300, Public Acts of Michigan, 1949.
- c. "Person" shall mean every natural person, partnership, association, company, corporation, club or any other entity which may own, operate or control any vehicle or device herein described.
- d. "Gross Vehicle Weight Rating" (GVWR) means the recommended maximum total weight of the vehicle and load as designated by the vehicle manufacturer.
- e. "Gross Combination Weight Rating (GCWR) means the Gross Vehicle Weight rating of the power unit plus the gross weight rating of the trailer(s) or vehicle(s) being towed.
- f. "Semi-truck" means a tractor (power unit) containing a fifth wheel and pulling or towing a semi-trailer or trailers with a gross combination weight rating (GCWR) of 40,000 pounds or more.

**2. Regulation of truck traffic.**

A. The operation of any semi-truck, as defined in this ordinance, by any person is prohibited from operation on the following road in Salem Township, except as otherwise specifically designated in Section 3 of this Ordinance:

East and west Six Mile Road between Currie Road and Chubb Road.

All trucks other than semi-trucks as defined in this ordinance shall be allowed to operate on Six Mile Road between Currie Road and Chubb Road and not prohibited by this section to operate on Six Mile Road.

B. The operation of any truck by any person, including a tractor-trailer and semi-trailer, is prohibited from operation on the following roads in Salem Township, except as otherwise specifically designated herein and Section 3 of this Ordinance:

North and south Gotfredson Road between North Territorial Road and Brookville Road.

East and west Brookville between Gotfredson Road and Salem Road.

North and south Salem Road between Brookville Road and Five Mile Road.

North and south Salem Road between Five Mile Road and Six mile Road, except trucks for local delivery to and from businesses located on Salem Road or Five Mile Road.

East and west Five Mile Road between Chubb Road and Salem Road, except trucks for local delivery to and from businesses located on Salem Road or Five Mile Road.

North and south Chubb Road between Six Mile Road and Seven Mile Road, except for the first 2,000 feet of roadway on Chubb Road north of Six Mile.

North and south Chubb Road between Seven Mile Road and Eight Mile Road.

North and south Napier Road between Five Mile Road and North Territorial Road.

**3. Exemptions.**

The truck route limitations prescribed in this ordinance shall not apply to any of the following:

- a. The operation of authorized emergency vehicles.
- b. Passenger vehicles, such as school buses and other passenger buses, the primary purpose of which is to transport individuals and which are being used for that purpose.
- c. Trucks, equipment, and/or machinery that are used exclusively for agricultural purposes by the owner or lessee thereof or his family, employees or contractors in the conduct of agricultural operations;
- d. Trash/garbage service vehicles while involved in the provision of trash pick-up services only to residents and/or businesses within the township;
- e. Road 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.
- f. Trucks being used in the delivery of packaged beverages, produce, food and other consumable products to a local retail business for the purpose of being sold at retail.
- g. Motor homes or other vehicles used exclusively to transport personal possessions or family members, for non-business purposes.

**4. Variance; Special Permits.**

Any person responsible for a truck or vehicle, which movements are restricted by this Ordinance, may apply to the Township for a variance from the provisions of this Ordinance and for a special permit for the same if compliance with these provisions would impose an undue hardship as determined by the Township Supervisor in his or her discretion. The permit shall be valid for a set period of days from the date of issue to be determined by the Township Supervisor. However, no permit shall be valid for a period longer than one year. Permits may be renewed upon expiration at the discretion of the Township Supervisor. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. Any permit issued under this section must be carried in the vehicle and open to inspection by any law enforcement officer during the trip covered thereby.

**5. Signs.**

The roadways prohibiting truck traffic under this ordinance shall be posted with signs at appropriate intervals in accordance with MCL 257.608. Such signs shall indicate "no trucks" or "no semi-trucks" or "not a truck route" or such other words or symbols indicating the trucks prohibited.

**6. Enforcement & Penalties.**

- a. It shall be the duty of any person who shall be driving or in charge or control of any truck which may at that time be upon any road in the township upon which truck travel is limited or restricted, upon the demand of any law enforcement officer, to stop and answer any questions regarding the truck, its designation, and its point of origin; and such persons shall also present log book, weight slips, delivery slips, and other written evidence of destination or point of origin, for the officer's examination if requested.
- b. The owner, lessee, lessor, and/or driver of any vehicle found in violation of this Ordinance may each be held responsible for any violation. The Township shall, at its option, have the right to prosecute any such person for any violation of this Ordinance or may choose to prosecute all such persons.
- c. A person who violates any of the provisions of this Ordinance shall be responsible for a civil infraction and shall be assessed a civil fine of \$500.00, plus costs, damages, expenses, and other sanctions allowed by law for each violation.

**7. 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 by a court of competent jurisdiction to be unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

**8. Administrative Liability.**

No officer, official, agent, or employee of the Township of Salem or the County of Washtenaw shall be liable for any damage or damages that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of their duties and responsibilities pursuant to this Ordinance or the enforcement of this Ordinance.

**9. Effective Date.**

This Ordinance was approved and adopted by the Township Board of the Township of Salem, Washtenaw County, Michigan, on May 9, 2017, and is ordered to take effect thirty (30) days after publication in a newspaper having general circulation in the Township.