

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Council member _____, supported by Council member _____, moved the adoption of the following ordinance:

ORDINANCE NO. 2005-9

AN ORDINANCE TO AMEND THE VILLAGE CODE BY ADDING A NEW CHAPTER 163, ENTITLED "TRUCK ROUTES," WHICH NEW SECTIONS SHALL BE DESIGNATED AS SECTIONS 163.01 THROUGH 163.09 OF CHAPTER 163 OF SAID CODE

THE VILLAGE OF HOWARD CITY ORDAINS:

Section 1. Addition of Chapter 163

Chapter 163 is hereby added to the Code of Ordinances, Village of Howard City, immediately following Chapter 162, to read in its entirety as follows:

Chapter 163. Truck Routes

Sec. 163.01. Purpose.

The purpose of this article is to regulate the orderly operation of trucks on the streets of the Village. The primary objectives are to facilitate the transfer of goods and services by trucks to businesses and to preserve the quality of life of neighborhoods. Prime considerations involved with the purpose of this article are:

- (a) The safety of our citizens;
- (b) Avoidance of unreasonable or unnecessary disturbance or reduction in property values due to truck noise, vibrations, and/or air pollution;
- (c) Protection against the deterioration of those streets not designated for truck traffic; and
- (d) Adequate truck service to businesses and residences in an expeditious manner, having due regard for economical vehicle operation.

Sec. 163.02. Traffic Control Signs.

Where density of traffic, protection of life and property, construction and condition of the roadway, or any hazardous condition make it advisable, the direction of traffic flow, and routing of buses, trucks, and heavy vehicles, will be made by this article by duly posting traffic control signs and it shall be unlawful to drive or cause to be driven, any vehicle in violation of such direction and routing.

Sec. 163.03. Truck Routes Map.

The streets designated as forming the truck route system are indicated upon the Truck Route Map attached as Appendix A, and all notations, references or other information located thereon, are made a part of this article and shall have the same force and effect as if there were fully set forth or described herein. The map shall be properly attested by the Chief of Police and shall be on file with the Village Clerk.

Sec. 163.04. Street Designations.

The streets of the Village are hereby designated for purposes of this article as follows:

- (a) Truck Routes: Those streets or portions of streets specifically designated as Truck Routes in section 163.05.

Sec. 163.05. Truck Routes.

The following roadways, or portions of roadways, in the Village of Howard City, are hereby designated as Truck Routes for purposes of this article:

| <u>STREET</u> | <u>LOCATION</u> |
|-----------------|---|
| Ensley Street | From Shaw Street South to Henkel Road |
| Ensley Street | From North Village Limit South to Zylstra Drive |
| Shaw Street | From West Village limit East to Ensley Street |
| Washburn Street | From Ensley Street East 1450 Feet |
| White Street | From Zylstra Drive South 400 Feet |
| Zylstra Drive | From Ensley Street East to White Street |

Sec. 163.06. Motor Vehicles of Restricted Class.

Motor vehicles of the restricted class as used in this article are defined as all motor vehicles having a weight of 10,000 pounds or more including the load therein, except vehicles carrying or designated to carry passengers, all governmentally-owned or leased vehicles, public utility vehicles and vehicles used for private refuse handling.

Sec. 163.07. Travel Into or Out of Village.

Motor vehicles of the restricted class, which do not have a pick-up, delivery, or service within the Village, shall enter and exit the Village on Truck Routes only.

Sec. 163.08. Travel Within the Village; Truck Routes; Exceptions.

Motor vehicles of the restricted class, while, in the Village of Howard City, shall travel on Truck Routes only, except as follows:

- (a) The operation of authorized emergency vehicles may occur on any roadway in the Village.
- (b) The operation of recreational vehicles as defined by State law, which are of the restricted class, may use any roadway in the Village.
- (c) The operation of motor vehicles of the restricted class is permitted on any roadway in the Village for pick-up, delivery, or service where the destination is not on a Truck Route, provided that ingress and egress thereto or therefrom is accomplished in the following manner:
 - (1) Vehicles of the restricted class shall utilize designated Truck Routes to the point closest to delivery, pick-up or service.
 - (2) Upon leaving or returning to the Truck Route, vehicles of the restricted class shall utilize the shortest route available to reach the delivery, pick-up or service destination.
 - (3) In making consecutive deliveries, pick-ups or services to destinations not on Truck Routes, motor vehicles of the restricted class shall proceed on roadways other than Truck Routes only if the distance traveled on non-Truck Routes as a result of this routing would be less than the distance traveled on non-Truck Routes if the vehicle had returned to a Truck Route as in (2) above and then proceeded to the next delivery points in (1) and (2) above.
- (d) The roadways designated as Truck Routes in Section 163.05 shall be posted with signs at appropriate intervals. Such signs shall consist of the words "Truck Route" below which shall be placed an arrow indicating the direction of the Truck Route.
- (e) Non-Truck Route streets may be posted with signs at reasonable intervals where appropriate. Such signs shall indicate "No Trucks" or "Not a Truck Route".
- (f) It shall be the duty of any person driving or in charge or control of any buses, trucks, or heavy vehicles, other than vehicles carrying or designed by carry passengers upon any roadway not a designated Truck Route upon the request of a police officer to stop and answer any questions regarding the weight of the truck, its destination, 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.
- (g) If any designated Truck Route or portion thereof shall be under repair or otherwise temporarily out of use, motor vehicles of the restricted class shall use such other temporary Truck Routes as may be designated by the Village Manager, or designee.
- (h) In case of an emergency, a temporary permit allowing exceptions to this article may be issued by the Village Manager or designee.

Sec. 163.09. Municipal Civil Infraction.

- (a) A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction.
- (b) Repeat offenses shall be subject to increased civil fines as provided by section 3.008(a) of this Code.

Section 2. Amendment of Section 3.008(a).

Section 3.008(a) of the Code of Ordinances is amended by the addition of the following in its entirety:

| <u>Ordinance</u> | <u>Fine for 1st Violation</u> | <u>Fine for 2nd Violation</u> | <u>Fine for 3rd or any subsequent violation</u> |
|------------------|-------------------------------|-------------------------------|--|
| Ch. 163 | \$250.00 | \$500.00 | \$750.00 |

Section 3. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4. Effective Date. By publishing as required by law this ordinance shall become effective twenty (20) days after its adoption.

Yeas: _____

Nays: _____

Absent: _____

ORDINANCE NO. 2005-8 DECLARED ADOPTED

S. Michael Scott, President

Kim Alexander, Clerk

I hereby certify the foregoing to be a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Howard City held on _____, 2005.

Introduced: _____
 Adopted: _____
 Published: _____
 Effective: _____