

**KINROSS CHARTER TOWNSHIP
COMMERCIAL TRUCK ROUTE ORDINANCE
ORDINANCE NO. 1.130**

Adopted: December 7, 2009

Published: December 18, 2009

Effective Date: January 19, 2010

**THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN,
ORDAINS:**

Section 1: Title

This Ordinance shall be known and may be cited as the "Kinross Charter Township Commercial 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 Kinross 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 Kinross Charter Township, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

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| A. M-80 also know as Tone Road. | B. Gaines Highway. |
| C. Mackinaw Trail/H-63. | D. W. Thompson Road. |
| E. Bound Road. | F. Tilson Rd. |
| G. W Curtis St. | H. S. Watertower Dr. |
| I. S. Riley St. | J. All roads in the industrial complex. |
| K. S. Johnson Rd. | L. Fair Rd. |
| M. S. Wilson Rd. | N. Ploegstra Rd. |
| O. Kincheloe Dr. from Tone Rd.
to South Watertower Dr. | P. South Hugginin St. |

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 Kinross 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: Special Permits

The Township Supervisor shall have authority to grant a written permit in special cases that would otherwise be in violation of the provisions of this ordinance. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle and a copy of permit shall be given to the Kinross District Police Department. The Township Board shall, by resolution, set a fee and criteria for special permits.

Section 10: 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 11: Enforcement and Penalties.

The Township may enforce any violation of this Ordinance by resort to one of the following:

Criminal Enforcement.

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Chippewa County jail for not more than 90 days or both such fine and imprisonment at the discretion of the court.

Municipal Civil Infraction Citation.

Any person who is found responsible or admits responsibility for violation of this Ordinance shall be subject to a civil fine and costs. The civil fines are set forth in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in any ordinary civil action and may include all expenses, direct and indirect, including attorney fees, that the Township bears in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than \$9.00 nor more than \$500.00 be ordered.

Municipal Civil Infraction Violation Notice.

Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as municipal civil infraction citations, as provided in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.131. Any person who receives a municipal civil infraction violation notice (as opposed to a citation) may choose to dispose of the municipal civil infraction at the Kinross Charter Township Municipal Ordinance Violations Bureau by admitting responsibility and paying the scheduled fine. The bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

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 Kinross 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 14: Repeal

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

Section 15: Effective Date

This ordinance was approved and adopted by the Township Board of Kinross Charter Township, Chippewa County, Michigan, on December 7, 2009, and is ordered to take effect on January 19, 2010, said date being 30 or more days after publication.

ADOPTED BY THE TOWNSHIP BOARD:

Lawrence Palma
Kinross Charter Township Supervisor

December 8, 2009

Soo Evening News

Please post the attached ordinance 1.130 in the legal section of the paper on Friday December 18, 2009. Send proof of publication and invoice to: Marvin Besteman, PO Box 175, Kinross, MI 49752.

Should you have any questions regarding this request contact Sheila Gaines at 906-495-5381 ext 102.

Thank you.

PUBLIC NOTICE

KINROSS CHARTER TOWNSHIP

The Kinross Charter Township Board will consider for adoption the Commercial Truck Route Ordinance #1.130 at a regular meeting on Monday, December 7, 2009, at 7:00 PM, at the Township Hall, 4884 W. Curtis Street, Kincheloe, MI. 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.

The Township Board invites all interested persons to comment on the proposed Truck Route Ordinance. Written comments may be addressed to: Marvin Besteman, Kinross Charter Township, PO Box 175, Kinross, MI 49752 and are encouraged to mail comments six or more days prior to the meeting.

The full text of the Truck Route Ordinance may be viewed at the Administrative Offices of Kinross Charter Township, 4884 W. Curtis St., Kincheloe, MI 49788, between the hours of 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays or on our web site at www.kinross.net.

Marvin Besteman, Clerk

Kinross Charter Township