

“TRUCK TRAFFIC ORDINANCE”

ORDINANCE 2005-01-03

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

SECTION 1 - Definitions:

- a) **Implement of Husbandry** - “Implement of Husbandry” means every vehicle, which is designed for agricultural purpose and exclusively used by the owner thereof in the conduct of agricultural operations.
- b) **Road** – “Road” means any street, highway, or route within the Township of Olive.
- c) **Semi-Trailer** – “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 no part of its weight rests upon the towing vehicle.
- d) **Trailer** – “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** – “Truck” means every motor vehicle which is designed, used, or maintained primarily for the transportation of property, except a pick-up truck, or a van designed so as to carry loads of no more than one ton.
- f) **Truck tractor** - “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 vehicle and load so drawn.
- g) **Person** - “Person” includes an agency, company, organization, firm, association, partnership, joint venture, corporation, limited liability company, trust or equivalent entity or a combination of any of them as well as a natural person.

Section 2 - 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 3 - Truck Routes

The following roads in the Township of Olive, to the exclusion of all other roads, are hereby designated as truck routes and classified for truck traffic:

- a) North and Southbound 96th Avenue from Fillmore Street south to New Holland Street.
- b) North and Southbound 120th Avenue from Fillmore Street south to New Holland Street.

- c) East and Westbound Port Sheldon from 96th Avenue to 144th Avenue.
- d) East and Westbound Tyler Street from US 31 east to 13085 Tyler Street.

Section 4 – 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 the Township of Olive on any road other than a designated truck route.

Section 5 – Exemptions

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

- a) Traffic on US-31; or
- b) Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of life or property; or
- c) Implements of husbandry incidentally moved upon a road; or
- d) Road repair, construction or maintenance vehicles while involved in the repair, construction, or maintenance of roads within the Township; or
- e) Garbage service vehicles while involved in the provision of services to residents of the Township.

Section 6 – Pick-ups, Deliveries, Service Calls

A vehicle which 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 route 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 7 – Leaving or Returning to Home or Place of Business

Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township, provided the most direct route to and from a designated truck route is utilized.

Section 8 – Special Permits

The Township Supervisor shall have authority to grant a written permit in special cases, which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one round trip and in no case shall a permit be valid for a longer period of than ten (10) days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall, by resolution, set a fee for special permits.

Section 9 – **Signs**

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

Section 10 – **Penalties**

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not more than five hundred (\$500.00) Dollars, or shall be imprisoned in the Ottawa County jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court.

Section 11 – **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 12 – **Administrative Liability**

No officer, agent, or employee of the Township of Olive, or member of the Township Board shall render himself personally liable for any damage there 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 13 – **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, modify, or otherwise change the definition of any such terms as used in other ordinances of the Township of Olive.

Section 14 – **Appearance of Tickets**

The Township Supervisor, Township Zoning Administrator, and the local law enforcement are hereby authorized to issue appearance tickets for violation of this Ordinance.

Section 15 – **Effective Date**

This ordinance was approved and adopted by the Township Board of the Township of Olive, Ottawa County, Michigan, on the 20th day of January 2005, and is ordered to take effect on the 15th day of March 2005, said date being thirty (30) or more days after publication in a newspaper having general circulation in the Township of olive.

A copy of the foregoing Ordinance may be purchased or inspected any weekday between the hours of 8:00 a.m. and 1:00 p.m. at the Township Office located at 6480 136th Avenue, Holland Michigan 49424.

Beverly Jaarsma, Olive Township Clerk

Arlan B. Meekhof, Olive Township Supervisor