

**LIMA TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN  
Ordinance No. 28**

[AN ORDINANCE TO REGULATE TRUCK AND COMMERCIAL MOTOR CARRIER TRAFFIC AND ROUTES WITHIN THE BOUNDARIES OF LIMA TOWNSHIP PURSUANT TO AUTHORITY IN ARTICLE VII, SECTION 29, MICHIGAN CONSTITUTION OF 1963, AND SECTION 726 OF THE MICHIGAN VEHICLE CODE, BEING MCL §257.726, AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE UNDER THE AUTHORITY OF PUBLIC ACT 246 OF 1945, AS AMENDED, BY PROHIBITING THE OPERATION OF COMMERCIAL TRUCK TRAFFIC ON DESIGNATED HIGHWAYS AND STREETS WITHIN LIMA TOWNSHIP, AND TO PROVIDE THAT ONLY CERTAIN HIGHWAYS BE USED FOR COMMERCIAL MOTOR CARRIER AND TRUCK TRAFFIC ROUTES]

**Section 1. Name**

This Ordinance shall hereafter be known and may be cited as the Lima Township “*Truck Route Ordinance*”.

**Section 2. Definitions**

The following words and terms are defined for purposes of their use in this Ordinance. Any word or term not defined herein shall be defined according to common or standard usage, or as otherwise defined by statute or law.

- A. **Commercial Truck:** Any self-propelled or towed vehicle designed or used on public highways to transport goods, wares, merchandise, or other property having either a gross vehicle weight rating or an actual gross weight, or a gross combination weight, of 10,001 pounds or more. Commercial trucks shall not include vehicles carrying or designated to carry passengers, all governmentally owned or leased vehicles, public utility vehicles, motor homes or recreational vehicles, or vehicles used exclusively to transport personal possessions or family members for non-business purposes.
- B. **Gross Combination Weight or “GCW”:** The combined weight of a combination of vehicles and any load on those vehicles.
- C. **Gross Weight, Gross Vehicle Weight, or “GVW”:** The combined weight of a motor vehicle and any load on that vehicle.
- D. **Person:** Includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or entity of any type or combination thereof as well as natural person.

- E. **Implement of Husbandry:** Every truck and every kind of farm equipment, apparatus and/or machinery which is used for agricultural purpose by the owner thereof or his family, employees or contractors in the conduct of agricultural operations.

### **Section 3. Regulation of Commercial Truck Traffic.**

Except as expressly permitted under this, no person shall operate a commercial truck on any road or highway within the boundaries of Lima Township. The Township shall post or have posted appropriate signs for no truck or no thru truck in accordance with the Michigan Manual of Uniform Traffic Control Devices. Any person who operates a commercial truck in violation of posted no trucks allowed signs shall be subject to penalties provided herein, or as otherwise provided by law.

### **Section 4. Commercial truck routes within Lima Township.**

The following roads in Lima Township, to the exclusion of all other roads, are hereby designated as commercial truck routes.

- A. Dexter-Chelsea Road
- B. Jackson/Old U.S. 12
- C. Fletcher Rd. from I-94 south to the Lima Township boundary
- D. Dancer Rd from Jackson Rd. north to Dexter-Chelsea Road
- E. Fletcher Rd. north from I-94 to Dexter-Chelsea Road

The commercial truck routes are shown on attached Exhibit "A".

### **Section 5. Exemptions**

The following activities are exempt from the provisions of this Ordinance:

- A. Fire trucks or other emergency vehicles or vehicles on emergency business involved in the saving of lives or property;
- B. Implements of husbandry moved on a road;
- C. 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; and
- D. Trash/garbage services vehicles while involved in the provision of services to residents and business within the Township.

## **Section 6. Exceptions**

The following activities shall be exceptions to the provisions of this Ordinance:

- A. The operation of commercial vehicles or trucks involved in the routine local pickup, delivery, or service where the destination is on a designated No Truck Route, but only so long as such operation is limited to the most direct route to and from a designated truck route as provided for in this Ordinance;
- B. Operation of a commercial truck or vehicle while leaving from or returning to its customary storage location at a commercial or industrial location in the Township so long as such operation is limited to the most direct route to and from a designated truck route as provided for in this Ordinance;
- C. Operation of a commercial truck or vehicle at the request of a public official pursuant to or in accordance with an emergency so declared by a public official or public act, or as otherwise permitted under MCL §257.725.

## **Section 7. Penalty**

A person who violates any of provisions of this Ordinance shall be responsible for a civil infraction, and upon a conviction thereof, shall be assessed a civil fine of not less than Four Hundred (\$400.00) Dollars and not more than Eight Hundred(\$800.00) Dollars, plus costs, damages, expenses, and other sanctions allowed by law.

## **Section 8. Repeal**

All ordinances or parts thereof which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance shall not act to modify, repeal or otherwise change the definition of any such term as used in other ordinances or laws.

## **Section 9. Savings Clause**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, by any court, it shall not affect any other part or portion hereof other than the part declared void or inoperable.

## **Section 10. Publication and Effective Date**

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective thirty (30) days after the date of the publication of the Ordinance.

## **CLERK'S CERTIFICATION**

I, Arlene Bareis, being the duly elected Clerk for Lima Township, Washtenaw County, Michigan, state that on Monday, June 13, 2011, at a regular meeting of the Lima Township Board of Trustees, member McKenzie offered and member Laier supported a Resolution #2011-005 to adopt the Lima Township Truck Route Ordinance.

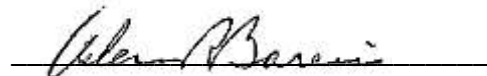
The following members voted:

Ayes: Havens, McKenzie, Bareis, Laier and Unterbrink.

Nays: None.

Absent or abstain: None.

The Ordinance was declared adopted and published in the Chelsea Standard/Dexter Leader, on June 23, 2011 and became effective thirty (30) days following publication.



Arlene Bareis  
Lima Township Clerk