

**TOWNSHIP OF MOTTVILLE  
ST. JOSEPH COUNTY, MICHIGAN**

**ORDINANCE NO. 07-07**

**TRUCK ROUTE ORDINANCE**

Adopted: September 13, 2007

Effective: October 20, 2007

An ordinance to establish and regulate truck traffic routes within the Township of Mottville, St. Joseph County, Michigan, to prohibit truck traffic on certain roads within the Township, and to provide penalties for the violation thereof.

**MOTTVILLE TOWNSHIP**

**ST. JOSEPH COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**DEFINITIONS**

“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.

“Road” means any street, highway or route within the Township of Mottville.

“Semi-Trailer” means every vehicle with or without motor 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.

“Trailer” means every vehicle with or without motor power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no substantial part of its weight rests upon the towing vehicle.

“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 to carry loads of no more than one ton.

“Truck Tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed to carry a load other than a part of the weight of vehicle and load so drawn.

“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.

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

## **SECTION II**

### **TRUCK ROUTES**

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

1. US 12 from the eastern Township limits to the western Township limits.
2. US 131 from the northern Township limits to the southern Township limits.
3. Anderson Road from the west side of US 131 to the railroad tracks.
4. Blue School Road from Anderson Road to Indian Prairie.
5. M-103 from US-12 to the Indiana state line.
6. Riverside Drive from US-12 to the Village limits of Constantine.

## **SECTION III**

### **PROHIBITION AGAINST TRAVEL ON OTHER THAN TRUCK ROUTES**

Except as expressly permitted under this Ordinance, no person shall operate a truck-tractor and semi-trailer, truck-tractor and trailer combination, or truck and trailer combination in the Township on Vistula Road, on Blue School Road from US 12 south to Indian Prairie Road, on Indian Prairie Road, or on any other road other than a designated truck route.

## **SECTION IV**

### **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.
- (b) Implements of husbandry incidentally moved upon a road particularly during the harvesting season.
- (c) Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the Township.
- (d) Garbage and/or rubbish service vehicles while involved in the provision of services to residents of the Township.

- (e) Vehicles involved in the hauling of fuel oil, propane, power utility equipment, and similar type uses.
- (f) Moving vans and vehicles making service calls for household goods.

## **SECTION V**

### **LEAVING OR RETURNING TO HOME OR PLACE OF BUSINESS**

Nothing herein contained shall prevent a truck, truck-tractor and semi-trailer, truck tractor and trailer combinations, 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 VI**

### **SPECIAL PERMITS**

The Township Supervisor shall have authority to grant a written permit in special and/or unusual 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 than ten 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 VII**

### **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 VIII**

### **PROHIBITION OF THE USE OF DYNAMIC BRAKING DEVICES**

It is unlawful for any person to operate any motor vehicle with a Dynamic Braking Device engaged, except for the aversion of imminent danger within Mottville Township. A Dynamic Braking Device (commonly referred to as jake brakes, jacobs brake, engine brake, or compression brake or unmuffled engine brakes) means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

**SECTION IX**

**ENFORCEMENT AND PENALTIES**

The enforcement of this ordinance and regulations established by the Township Board shall be performed by such person or persons as the Township Board shall designate by resolution. Any person, partnership, firm, association or corporation who shall fail to comply with the rules as defined and set forth in this ordinance, shall be deemed responsible for the municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

**Fines**

1 <sup>st</sup> Offense	\$300.00
2 <sup>nd</sup> Offense	\$400.00
3 <sup>rd</sup> Offense	\$500.00

**SECTION X**

**SEVERABILITY**

This Ordinance and the various parts, sections, and subsections are hereby declared to be severable. If any part, sentence, paragraph, section or subsection shall be adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

**SECTION XI**

**REPEAL AND EFFECTIVE DATE**

All ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of such conflict. This Ordinance shall become effective 30 days following publication after adoption in a newspaper of general circulation within the Township.

**MOTTVILLE TOWNSHIP**

Sherry Medford, Clerk  
68596 Thomas Road  
Mottville, MI 49099  
269-483-2120

**CERTIFICATE**

I, Sherry Medford, clerk of Mottville Township hereby certifies that the within ordinance is a true and correct copy of the Truck Route Ordinance adopted by the Mottville Township Board on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Sherry Medford, Clerk

Adopted Date: \_\_\_\_\_

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Newspaper of Publication: \_\_\_\_\_