

ARTICLE NO. 18
WHITEHALL TOWNSHIP
MUSKEGON COUNTY, MICHIGAN

THE TOWNSHIP OF WHITEHALL ORDAINS:

SECTION ONE; TITLE: This ARTICLE shall be known and referred to as the **Whitehall Township Truck Route Ordinance.**"

SECTION TWO; LEGISLATIVE FINDINGS: The Board of Trustees of Whitehall Township hereby finds and determines that it is necessary for the public health, safety and welfare to designate certain streets, or highways located in the Township as appropriate or inappropriate for use by commercial trucks en route to various destinations in the Township or municipalities adjacent to the Township. In recent years the Muskegon area has experienced significant growth or increases in the volume of commercial truck traffic and along with the increases, the Township has noted increased complaints from the residents of certain areas in the Township through which commercial truck traffic passes en route to various industrial or commercial enterprises which are either located in the Township or in municipalities adjacent to the Township. It often appears that such traffic disregards legitimate complaints of residents who are that such traffic causes to those who reside along the routes which the traffic chooses, despite the ready availability of alternative routes for such commercial traffic.

SECTION THREE; It is unlawful for any person, firm or corporation to operate or cause to be operated a commercial truck, as hereinafter defined, on any street, road, public right-of-way or highway has been designated by Ordinance as one on which commercial truck traffic is prohibited.

SECTION FOUR: DEFINITION; Commercial Truck: As used herein, the words "commercial truck" shall mean any motor vehicle constructed or used for the transportation of goods, equipment, wares, merchandise, raw materials or materials which have been processed although the manufacturing process has not been completed or there are other steps to be completed in the manufacturing process. The words "commercial truck" do

not include the following: Bus, school bus, fire truck, road commission maintenance equipment, other emergency vehicles, motor home, or farm equipment

SECTION FIVE; EXCEPTION; Home Deliveries: A commercial truck may use or travel upon a street, road, public right-of-way, or highway even though it has been designated by the Township as one on which commercial traffic is prohibited if the truck is traveling to a residence for the purpose of delivering or picking up goods, wares, or merchandise, or for the purpose of providing services at the residence upon arrival. Provided, however, that in such event the travel along the prohibited route shall be limited to the minimum necessary to accomplish the pick up, delivery or service call, and said vehicle shall be driven in such a manner as to leave the prohibited route as quickly as possible.

SECTION SIX; EXCEPTION: Leaving or returning to home, or place of business. Nothing herein contained shall prevent a commercial truck 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 which is located along a route on which commercial traffic has been prohibited, provided that the most direct route to and from a non prohibited truck route is utilized.

SECTION SEVEN; PROHIBITED ROUTES: Commercial trucks shall not be operated upon the following routes in the Township, by any person, firm or corporation:

Benston Road from Whitehall Road West to City of Whitehall East City Limits.

SECTION EIGHT; SIGNS: Posting. The Township shall, with the approval of the Muskegon County Road Commission cause all routes which are closed to commercial trucks to be posted with the signs that advise the users of the route that trucks are prohibited.

SECTION NINE; SPECIAL PERMITS: The Township Supervisor shall have authority to grant a written permit in the 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 period longer 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 set a fee for such special permits by resolution.

SECTION TEN; VIOLATIONS; Penalty. A person, firm or corporation who violates this Ordinance shall be guilty of a misdemeanor punishable by a fine up to Five Hundred and 0/00 (\$500.00) Dollars, and/or up to ninety (90) days in jail for each violation.

SECTION ELEVEN; 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 adjusted to be unconstitutional or invalid; it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

SECTION TWELVE; ADMINISTRATIVE LIABILITY: No officer, agent, or employee of the Township of Whitehall, or member of the Township Board of Whitehall shall render himself personally liable for any damage that may accrue to any person as a result of any act, omission, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

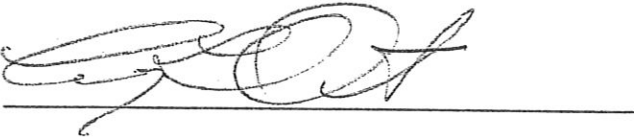
SECTION THIRTEEN; REPEAL: All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance, as of the effective date of this Ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for the purpose of interpretation, administration and enforcement of this Ordinance 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 Whitehall.

SECTION FOURTEEN; VEHICLE CODE: This Ordinance does not negate the existing vehicle size, weight or loading restrictions of the Michigan Vehicle Code.

SECTION FIFTEEN; EFFECTIVE DATE: This Ordinance is ordered to take effect thirty (30) days after its publication in a newspaper of general circulation in the Township, pursuant to the provisions of Act 191 of the Public Acts of 1939, as amended.


_____, Supervisor

Whitehall Township


_____, Clerk

Adopted 2/24/2014
Published 3/02/2014
Effective 4/01/2014