

BANKS TOWNSHIP
Ordinance No. 2 of 2023

AN ORDINANCE PURSUANT TO SECTION 726(1) OF ACT 300 OF THE PUBLIC ACTS OF 1949, AS AMENDED, TO PROHIBIT THE OPERATION OF TRUCKS AND TRUCK TRACTORS, WITH OR WITHOUT TRAILERS, ON A PORTION OF BEST ROAD AND COELING ROAD AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF BANKS ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Banks Township Truck Route Ordinance.

Section 2. Definitions. As used in this Ordinance,

"Highway" means the entire width between the boundary lines of a way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel.

"Implement of husbandry" means a vehicle that is a farm tractor, a vehicle designed to be drawn by a farm tractor or by an animal, a vehicle which directly harvests farm products, or a vehicle which directly applies fertilizer, spray, or seeds to a farm field.

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Operate" means to ride in and be in actual physical control of the operation of a motor vehicle.

"Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

"Shoulder" means that portion of the highway contiguous to the roadway generally extending the contour of the roadway, not designed for vehicular travel but maintained for the temporary accommodation of disabled or stopped vehicles otherwise permitted on the roadway.

"Township" means Banks Township, Antrim County, Michigan.

"Trailer" means any wheeled vehicle which is designed for carrying property and for being drawn behind a motor vehicle and which is required to have a currently valid registration to be lawfully operated on a highway.

"Truck" means a motor vehicle which is designed, used, or maintained primarily for the transportation of property in or on the vehicle itself and which has more than three (3) axles.

"Truck tractor" means a motor vehicle designed and used primarily for drawing a trailer and not for carrying a load in or on the vehicle itself.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Section 3. Prohibition.

Except as provided in Section 4 below, no person shall operate or cause to be operated a truck or truck tractor, with or without a trailer, on the roadway or shoulder of Best Road between Atwood Road and Coeling Road and on the roadway or shoulder of Coeling Road between the north boundary of the Village of Ellsworth and Best Road within the Township.

Section 4. Exceptions.

Section 3 above shall not apply to any of the following:

- (a) Firetrucks, ambulances, and other emergency vehicles while being operated to, from, and in the course of an emergency situation.
- (b) A truck or truck tractor, with or without a trailer, that is owned by the Antrim County Road Commission or that is operated by an employee of the Antrim County Road Commission during the course of his or her employment with the Road Commission.
- (c) A truck or truck tractor, with or without a trailer, that is owned by a public or private utility company or that is operated by an employee of the utility company during the course of his or her employment with the utility company, but only when such truck or truck tractor is being used to install, repair, or maintain utility services within or to parcels abutting on that portion of the roads described in Section 3 above.
- (d) A trash or garbage truck, but only when such truck is being used to provide garbage collection services to parcels abutting on that portion of the roads described in Section 3 above.

- (e) A truck or truck tractor, with or without a trailer, that is operated to and from parcels abutting on that portion of the roads described in Section 3 above for the purpose of making a delivery to those parcels.
- (f) Implements of husbandry.

Section 5. Signs.

The Township shall post or have posted appropriate signs along that portion of roads described in Section 3 above for the purpose of providing notice of the requirements of this Ordinance. The signs shall be posted as required by the laws of the State of Michigan.

Section 6. Violations and Penalties.

- (a) Any person who violates any provision of this Ordinance shall be responsible for a civil infraction and shall be subject to the following fines:
 - (1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
 - (2) For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
 - (3) For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b) Each day this Ordinance is violated shall be considered a separate violation.

Section 7. Enforcement Officials.

Deputies of the Antrim County Sheriff are hereby designated as the authorized officials to issue civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 9. Separate Court Action.

In addition to enforcing this Ordinance through the use of a civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 10. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 11. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

Ordinance No. 2 of 2023 was adopted on the 19th day of June, 2023, by the Banks Township Board as follows:

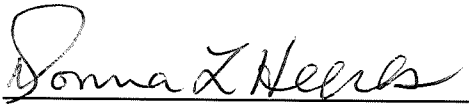
Motion by: Supervisor Alex Busman

Seconded by: Trustee David Rasmussen


Yeas: Rasmussen, Busman, Heeres, Postmus

Nays: None

Absent: Cooper



Donna L. Heeres, Clerk



Alex Busman, Supervisor

I certify that this is a true copy of Ordinance No. 2 of 2023 that was adopted at a regular meeting of the Banks Township Board on Monday, June 19, 2023 and published in the Antrim Review on June 29, 2023. Effective Date: July 29, 2023.

Dated: June 19, 2023



Donna L. Heeres, Clerk