

ORDINANCE NO. 5-600

AN ORDINANCE TO REGULATE COMMERCIAL VEHICLE TRAFFIC

Section 1. Definitions. All words used in this ordinance shall have the same meaning as defined in the Uniform Traffic Code, except that the term "commercial vehicle" shall be defined as follows, to wit:

A commercial vehicle includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares, or merchandise, and all motor vehicles used for drawing other vehicles, as well as to vehicles being so drawn. A commercial vehicle shall not include:

- (a) School buses;
- (b) Any vehicle operated by the City of Ishpeming;
- (c) Authorized emergency vehicles;
- (d) Vehicles operated by a public utility while in the course of rendering service to the inhabitants of the City of Ishpeming; and
- (e) Buses, mini-buses, vans or other public transportation vehicles operated by the Ishpeming Transportation Authority or by any other publicly owned transportation system.

Section 2. Streets Designated as Commercial Vehicle Routes. It shall be unlawful for any commercial vehicle weighing more than 6,000 pounds to be operated or parked on any street in the City of Ishpeming except those streets hereinafter designated as "commercial vehicle routes"; provided, however, that the provisions of this section shall not apply to:

- (a) Commercial vehicles in excess of the weight limit herein specified when the operation of such vehicle is necessary for the purpose of making one or more deliveries or pickups of materials, products, goods, wares or merchandise in the City of Ishpeming, or necessary travel incident thereto; provided, further, however, that such deliveries or pickups shall be permitted only for the shortest possible distance when necessary to effectuate such deliveries or pickups.
- (b) Commercial vehicles in excess of the weight limit herein specified when such vehicles are owned by a resident or a business located within the City of Ishpeming and are being driven to or from such property for the purpose of overnight parking, provided that the owner of such vehicle has applied for and has received a permit from the City Traffic Engineer permitting such use. The exemption and permit authorized by this Section 2(b) shall not allow the loading or unloading of any goods, wares, merchandise, or supplies in any area of the City zoned SR, GR, or MR.

In the event that any commercial vehicle is being operated within the provisions of sub-paragraph 2(a) or 2(b) above, on streets other than those designated as commercial vehicle routes, such vehicles shall not be operated at a speed in excess of 25 miles per hour while on streets other than the designated commercial vehicle routes.

Section 3. List of Streets. The streets hereinabove referred to as commercial vehicle routes are hereby designated as follows:

Highway U. S. 41
Business Route M-28

Washington Street
Lake Shore Drive
Euclid Street from Highway U. S. 41 and Lake Shore Drive
Saginaw Street from Washington Street to south City limits

Section 4. Posting. The streets designated as commercial vehicle routes in Section 3 herein shall be posted in a conspicuous place upon or at the entrance to the street or part thereof affected with suitable signs giving notice of the restrictions imposed by this ordinance.

Section 5. Special Exceptions. In the case of construction projects within the City, or if such other special circumstances exist that make it impracticable or unusually difficult for a commercial vehicle to be operated only on a designated commercial vehicle route, the Traffic Engineer may designate any special route for operation deemed appropriate, by the issuance of a special permit, but only upon application therefor by the owner, lessee or operator of such commercial vehicle. The permit issued by the Traffic Engineer shall be in writing, shall be prominently displayed on such vehicle over such special route, and shall only be valid for the trip or trips or date or dates specified therein. The Traffic Engineer shall also have authority to issue a standing special permit to any bus service or bus company operating regularly within the City of Ishpeming, provided that this special permit need not be displayed on any such bus.

Section 6. Parking and Operation Prohibited on Public Parking Lots.

- (a) It shall be unlawful for any commercial vehicle weighing more than 6,000 pounds to be operated upon, parked, placed, or be allowed to stand upon any public parking lot or any off-street public parking area within the City of Ishpeming, where such parking and operation have been prohibited by resolution or other action taken by the City Council.
- (b) The Ishpeming City Council shall determine, by resolution, all public parking lots and all public parking areas to which the prohibitions set forth in subsection (a) above shall apply, and appropriate signs shall be erected at said areas giving notice of the prohibitions aforesaid.

Section 7.

- (a) Anything to the contrary notwithstanding in the above provisions of this ordinance, no truck tractor pulling a semi-trailer and trailer combination or truck tractor pulling two (2) semi-trailers, shall be operated or parked upon Washington Street between the Saginaw/Washington Street intersection and the Washington Street/Lake Shore Drive intersection, except for the purpose of making one or more deliveries or pickups of materials, products, goods, wares, or merchandise in the City of Ishpeming, or necessary travel incident thereto, or except for the purpose of taking such vehicles to or from an existing yard, loading, or maintenance area within the City.
- (b) For purposes of this Section 7, the following definitions shall apply:
 - i) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
 - ii) "Semi-trailer" means every vehicle with or without motive power, other than a pole-trailer, 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 another vehicle.

iii) "Trailer" means every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(c) No commercial vehicle, truck tractor, truck tractor pulling a semi-trailer, or truck tractor pulling two (2) semi-trailers shall engage any engine braking device (commonly referred to as "jake braking") while operating within the city limits of the City of Ishpeming.

Section 8. Penalty. Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred (\$100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 9. This ordinance shall become effective upon publication.

- Amended: July 7, 1982
- Amended: September 7, 1988
- Amended: June 8, 1994
- Amended: September 6, 2000
- Amended: January 9, 2002