

20.360

**SEASONAL LOAD RESTRICTIONS
VILLAGE OF MANCELONA, MICHIGAN
ord. no. 64 eff. April 23, 1999**

An ordinance to amend the Village Code by adding a new chapter regarding seasonal load restrictions, which new chapter shall be designated as chapter 20.360, and to provide penalties for violations.

THE VILLAGE OF MANCELONA ORDAINS:

20.361 Section 1. **SEASONAL LOAD RESTRICTIONS.**

Unless a different time period is specified pursuant to Section 2 below, during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements, or pavement with a concrete base, shall be reduced by 25% from the normal loading maximum as specified in Section 722 of the Michigan Motor Vehicle Code, as amended, being MCLA 257.722; MSA 9.2422. On all other types of streets during these months the maximum axle loads shall be reduced by 35% from the normal loading maximum as specified in Section 722 of the Michigan Motor Vehicle Code, as amended. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other streets during the period the seasonal load restrictions are in effect.

20.362 Section 2. **MODIFICATION TO PERIOD OF SEASONAL LOAD RESTRICTIONS.**

The Village of Mancelona Police Chief may suspend the restrictions imposed by Section 1 above when and where, in his or her discretion, conditions of the streets or the public health, safety, and welfare so warrant, and may impose the restricted loading requirements of Section 1 above on designated streets at any other time that the conditions of the streets may require.

20.363 Section 3. **WEIGHT CALCULATION.**

For the purpose of enforcement this Chapter, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing the group of axles and dividing the gross weight of the group of axles by the number of axles in the group.

20.364 Section 4. **AUTHORITY TO STOP, INVESTIGATE, AND ISSUE CITATION.**

Any police officer, having reason to believe that the load or weight of a vehicle is in violation of Section 1 above may require the driver of the vehicle to stop, and the officer may investigate and weigh the vehicle or load at that location or may require that the

vehicle be driven to the Antrim County Road Commission garage for the purpose of being weighed. When the officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may either temporarily detain the driver of the vehicle for purposes of making a record of the violation and issuing a citation to the driver or owner of the vehicle or may require the driver to stop the vehicle in a suitable place and remain in that location until that portion of the load is shifted or removed as necessary to reduced the gross axle load weight of the vehicle to the limits permitted under this Chapter. All material unloaded as provided under this section shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

20.365 Section 5. **PENALTIES.**

An owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, who causes or allows the vehicle to be loaded and driven or moved on a street, when the weight of that vehicle violates Section 1 above is responsible for a civil infraction and shall pay a civil fine pursuant to the following schedule:

- a. 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less;
- b. 6 cents per pound for each pound of excess load when the excess is over 2,000 pounds, but not over 3,000 pounds;
- c. 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds, but not over 4,000 pounds;
- d. 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds, but not over 5,000 pounds;
- e. 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds, but not over 10,000 pounds; and
- f. 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds.

However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided in this section and may impose a civil find of not more than \$250.00 where, at the time of the violation, the motor vehicle or the motor vehicle and load did not exceed the total weight which would be lawful by a proper distribution of the load upon various axles.

20.366 Section 6. **SEVERABILTIY.**

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

20.367 Section 7. **EFFECTIVE DATE.**

This Ordinance shall become effective twenty (20) days after its enactment.