

VILLAGE OF OTTER LAKE
SIZE, WEIGHT AND LOAD ORDINANCE

ORDINANCE NUMBER 23

An ordinance to adopt the provisions of the Michigan Vehicle Code as to size, weight and load restrictions and to make said restrictions applicable to motor vehicles operating on the streets of the Village of Otter Lake.

THE VILLAGE OF OTTER LAKE ORDAINS:

Section 1. Unless specifically declared to be a civil infraction, it shall be a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle or vehicles of a size or weight exceeding the limitations stated in this ordinance or otherwise in violation of this ordinance, and the maximum size and weight specified in this ordinance shall be lawful within the Village.

2. The provisions of this ordinance governing size, weight, and load shall not apply to a fire apparatus, or to an implement of husbandry incidentally moved upon a highway, or to a vehicle operated under the terms of a special permit issued by the Michigan Department of Transportation.

Section 2. MAXIMUM WIDTH OR VEHICLES; EXCEPTIONS.

1. The total outside width of a vehicle or the load on a vehicle shall not exceed 96 inches, except as otherwise provided in this section.

2. A person may operate or move an implement of husbandry of any width on a highway as required for normal farming operations without obtaining a special permit for an excessively wide vehicle or load. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of the center of the roadway from a half hour after sunset to a half hour before sunrise, or at any time visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

3. The total outside width of the load of a vehicle hauling concrete pipe, agricultural products, or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

4. Except as provided in subsection (2), if a vehicle which is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of 1 wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches.

5. The total outside width of a bus shall not exceed 102 inches.

6. A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

Section 3. PASSENGER-TYPE VEHICLES; PROJECTED LOAD.

1. A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than 6 inches beyond the line of the fenders on the right side of the vehicles.

2. A person who violates this section is responsible for a civil infraction.

3. HEIGHT; LENGTH; COMBINATIONS; BUMPERS; AXLES; WEIGHT

HEIGHT

1. Except as provided in subsection 2, a vehicle unloaded or with load shall not exceed a height of 13 feet 6 inches.

HEIGHT OF VEHICLE TRANSPORTING FLAMMABLE LIQUIDS

2. A truck, truck tractor, semi trailer, or trailer, or trailer manufactured on or after July 27, 1978, shall not be used to transport flammable liquids, in bulk, having a flash point at or below 70 degrees Fahrenheit, if the truck, truck tractor, semi trailer, or trailer exceeds 11 feet 8 ½ inches, but shall not cause the vehicle height to exceed 13 feet 6 inches. A person who violates this subsection is guilty of a misdemeanor.

LENGTH OF COMBINATIONS: EXCEPTIONS

3. A vehicle, except a truck tractor, trailer, or semi trailer, including load, shall not exceed a total length of 40 feet. The total length of a semi trailer operating in a truck tractor and semi trailer combination shall not exceed 53 feet, including load. All semi trailers longer than 50 feet shall have a wheelbase of 40.5 feet plus or minus 0.5 feet, measured from the Kingpin coupling to the center of the rear axles or to the center of the tandem axle assembly if equipped with 2 axles. A combination of truck tractor, semi trailer, and trailer, or truck and semi trailer or trailer, or a combination of truck tractor and 2 semi trailers, including load, shall not exceed a total overall length of 59 feet except as provided for on routes designated and approved by the state transportation department and by local authorities with respect to highways under their jurisdiction on which a person may operate a semi trailer or trailer, or a combination of truck tractor and 2 semi trailers, including load, shall not exceed a total overall length of 59 feet except as provided for on routes designated and approved by the state transportation department and by local authorities with respect to highways under this jurisdiction on which a person may operate a combination of a truck tractor, semi trailer, and trailer or a truck tractor and 2 semi trailers with no limit on the overall combination length, if the length of each semi trailer or trailer including load does not exceed 28 ½ feet. A truck tractor and semi trailer combination with a semi trailer length longer than 50 feet shall not be allowed to operate with more than 2 axles on the semi trailer. All tractor and semi trailer combinations with a semi trailer length longer than 50 feet shall travel exclusively on highways designated by the appropriate road authority. City, village, or county authorities shall have the option of prohibiting stops within their jurisdictions unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes. A trailer or semi trailer in actual and lawful use in this state on December 1, 1982, may be operated in this state for the life of the vehicle in a combination with other vehicles in actual and lawful use in this state on December 1, 1982, if the combination was of legal length under the law of this state immediately preceding January 24, 1984. In calculating the length shall be based on the cargo carrying portion of the vehicle only, including load. A truck tractor or other motor vehicle shall not haul more than 1 trailer and 1 semi trailer or more than 2 semi trailers in combination at any 1 time, except that a farm tractor may haul 2 wagons or trailers or garbage and refuse haulers may, during daylight hours, haul up to 4 trailers for garbage and refuse collection purposes, not exceeding in any combination a total length of 55 feet at a speed of not to exceed 15 miles per hour. In determining the length of a vehicle or a vehicle combination under this subsection, the length shall not be considered to include safety and energy conservation devices including, but not be limited to, impact absorbing bumpers, rear view mirrors, turn signals lamps, marker lamps, steps and hand holds for entry and egress, flexible fender extensions, mud flaps, or splash and spray suppressant devices; load induced tire bulge; refrigeration or heating units; or air compressors. A device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo.

Combination of Two Semi-trailers; Fifth Wheel

4. If a combination of 2 semi trailers is pulled by a truck or truck tractor, a fifth wheel connecting assembly which conforms with motor carrier safety rules promulgated by the Michigan public service

commission pursuant to the motor carrier safety act of 1963, Act No. 181 of the Public Acts of Michigan Compiled Laws, shall be used on each semi trailer.

Vehicle not to Carry Load Extending More than 3 feet Beyond the Front

5. A train of vehicles or a vehicle operated alone shall not carry a load extending more than 3 feet beyond the front of the train of vehicles or vehicle.

Rear Bumpers on Certain Vehicles

6. A motor vehicle, trailer, or semi trailer whose frame or body extends more than 36 inches beyond the rear of its rear axle and is more than 42 inches above the roadway shall not be operated on the highways of this state unless equipped with a fender or bumper on the extreme rear of the frame or body. The bumper shall extend downward from the rear of the frame of body to within 30 inches of the roadway and be of substantial construction.

Semi-trailer Length Exceeding 50 feet; Under-ride Guard

7. A truck tractor and semi trailer combination with a semi trailer length longer than 50 feet whose frame or body extends more than 36 inches beyond the rear of its rear axle and is more than 42 inches above the roadway shall not be operated on the highways of this state unless equipped with an under-ride guard on the extreme rear of the frame or body. The under-ride guard shall meet all of the following requirements:

a. Provide a continuous horizontal beam having a maximum ground clearance of 22 inches, as measured with the vehicle empty and on level ground.

b. Extend to within 4 inches of the lateral extremities of the trailer on both left and right sides.

Total Gross Weight, Vehicles or Combinations Exceeding 59 Feet

8. The total gross weight of a truck tractor, semi trailer, and trailer combination or a truck tractor and two semi trailers combination which exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent specified in the SAE handbook published by the society of automotive engineers, inc., (1977).

9. Except as provided in subsection (2), a person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

Section 4. MOBILE HOMES, LENGTH, WIDTH, HEIGHT; PERMITS; OVER-LENGTH AND OVER-WIDTH; EXCLUSION FROM HIGHWAY PERIODS; LIGHTS, SIGNS, ESCORTS, AXLES, TIRES; DEFINITION.

1. Notwithstanding any other provisions of this act, a person shall not operate a towing vehicle, having attached a mobile home having a body length in excess of 45 feet and having a combined length of over 60 feet, a realistic body width of over 100 inches at base rail, and a height of over 12-½ feet on the highways of this state. However, the jurisdictional authority may issue permits to mobile home transport companies or to mobile home manufactures or dealers, for the movement, in the ordinary course of their business, of mobile homes to width of 14-1/3 feet, plus normal appurtenances not to exceed 6 inches; of mobile homes to a realistic body length of 80 feet and having a combined length of 95 feet; of a total length 95 feet; of rebuilt housing modules or mobile homes to a width of 14-1/3 feet, plus an eave not to exceed 2 feet in width; or of pre-built housing modules or mobile homes to a width of 16 feet moved in the upper peninsula of this state; over all highways, including interstate and defense highways. Special permits for the movement of pre-built housing modules or mobile homes, whose width including an eave of 2 feet exceeds 14 feet and are transported on interstate highways, may be issued on a single trip basis only in accordance with section 725. A pre-built housing module or mobile home and shall be moved in a manner

so that the eave portion of the module or mobile home shall overhang on the shoulder of the highway on which the module or mobile home is moved. The permit shall provide the days and the times of day, but not on Saturdays, Sundays, holidays, or the noon before until the noon after a holiday, during which the movement shall take place. The permit shall be issued only upon condition that the permittee comply with permit requirements and limitations of law, to insure the operation of a mobile home under permit in a manner which will not impede traffic on the highways and with safety in the movement of a mobile home, and only at a safe speed and when the pavement is not slippery. A mobile home that is 14 or more feet in width shall not be moved when the wind velocity exceeds 25 miles per hour. On units exceeding 80 feet in overall combination length, or 12 feet in overall width, the permit shall provide that the mobile home be equipped with 2 flashing amber lights on the rear of the mobile home and 1 flashing amber light on the top of the towing vehicle. Signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home. The signs shall be of durable material, in good condition, with black lettering on interstate yellow background. Each letter shall be of block lettering not less than 11 inches high at the front and no less than 16 inches high at the rear of the unit. A vehicle escort shall be required on those roads where the state police consider escort vehicles necessary for highway safety. The distance between the mobile home axle centers shall not be less than 34 inches. The axles and tires shall meet standards established by the state transportation department. This section shall not grant or give authority to the state transportation department that did not exist on May 1, 1982, in accordance with section 1 of Public Law 85-767, 23 U.S.C. 127.

2. As used in this section, "mobile home" means a pre-built housing mobile or a home which is designed to be transported by a motor vehicle upon a public highway and designed, equipped, and used for sleeping, eating, and living quarters, or is intended to be used for these purposes.

3. A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

Section 5. WHEEL AND AXLE LOADS, RESTRICTIONS, VIOLATIONS.

1. The maximum axle load shall not exceed the number of pounds designated in the following provisions which prescribe the distance between axles:

a. When the axle spacing is 9 feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

b. When the axle spacing is less than 9 feet between 2 axles but more than 3 ½ feet, the maximum axle load shall not exceed 13,000 pounds for high pressure pneumatic or balloon tires.

c. When axles are spaced less than 3 ½ feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.

d. Subdivisions a., b, and c shall be known as the normal loading maximum.

2. When normal loading is in effect, the state transportation department and local authorities with respect to highways under their jurisdiction may designate certain highways, or sections of those highways, where bridges and road surfaces are adequate for heavier loading, which designation may be revised as needed, on which the maximum tandem axle assembly loading shall not exceed 16,000 pounds for any axle of the assembly.

3. Except as provided in subsection (8), on a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, and no other tandem axle assembly in the combination of vehicles shall exceed a gross weight of 13,000 pounds per axle. When the maximum gross weight of a combination of vehicles with load does not exceed 73,280 pounds, 2 tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle.

4. The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.
5. During the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements, or pavements with a concrete base, shall be reduced by 25% from the maximum axle load as specified in this chapter, and the maximum axle loads allowable on all other types of roads during these months shall be reduced by 35% from the maximum axle loads as specified. 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 roads during the period the seasonal road restrictions are in effect.
6. The state transportation department, or a local authority with respect to highways under its jurisdiction, may suspend the restrictions imposed by this section when and where, in its discretion, conditions of the highways or the public health, safety, and welfare so warrant, and may impose the restricted loading requirements of this section on designated highways at any other time that the conditions of the highway may require.
7. For the purpose of enforcement of this act, 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 a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. Pursuant to subsection (8), the maximum computing the gross weight of the group of axles and dividing the gross weight in accordance with the provisions of subsection (8), axles spaced 9 feet or more apart shall not be considered in the same group.
8. The state transportation department, or a local authority with respect to highway under its jurisdiction, may designate a highway, or a section of a highway, for the operation of vehicles having a gross vehicle weight of not more than 80,000 pounds which do not exceed any of the following:
 - a. Twenty thousand pounds on any 1 axle.
 - b. A tandem axle weight of 17,000 pounds per axle including all enforcement tolerances.
 - c. An overall gross weight on a group of 2 or more consecutive axles equaling:

$$W = 500 \frac{LN}{N-1} + 12N + 36$$

Where W = overall gross weight on a group of 2 or more consecutive axles, and N = number of axles in the group under consideration; except that 2 consecutive sets of tandem axles may carry a gross load of 17,000 pounds per axle each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart, and the gross vehicle weight does not exceed 81,000 pounds including all enforcement tolerances. Except for 5 axle truck tractor, semi trailer combinations having 2 consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection shall be subject to the maximum axle loads of subsections (1), (2), and (3).

9. A person who violates this section is responsible for a civil infraction.

Section 6. STOPPING VEHICLES FOR WEIGHING

1. A police officer or a duly authorized agent of the department of state highways and transportation or a county road commission having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing device and may require that the vehicle be driven to the nearest weighing station of the department of highways and transportation for the purpose of allowing an officer or agent of the department of state highways and transportation or county road commission to determine whether the conveyance is loaded in conformity with this ordinance.

OVERWEIGHT VEHICLE, UNLOADING; BOND; IMPOUNDING

2. When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this ordinance. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section which are not paid in full immediately or for which a bond is not immediately posted in double the amount of the civil fine and costs, shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and there keep the vehicle until the fine and costs are paid or sufficient bond furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the county. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under condition set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle and forwarding, care, or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify the unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures. When the duly authorized agent of the department of state highways and transportation or county road commission is performing duties under this chapter, the agent shall have all the powers conferred upon peace officers by the general laws of this state.

FINE FOR EXCESS WEIGHT; DISCRETIONARY POWER

3. An owner of a vehicle or a lessee of the vehicle of an owner-operator who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates section 722 is responsible for a civil infraction and shall be assessed a civil fine in an amount equal to 2 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 4 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000; 6 cents per pound for each pound of excess load when the excess is over 3,000 but not over 4,000 pounds; 8 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 10 cents per pound for each pound of excess load when the excess is over 5,000 pounds. However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided by this subsection and may impose the civil fine provided in section 907 for a civil infraction where at the time of the violation either the motor vehicle, motor vehicle and semi-trailer, or trailer did not exceed the total weight which would be lawful for each unit by a proper distribution of the load upon the various axles supporting each unit.

FAILURE TO STOP ON REQUEST OF AUTHORIZED PERSON

4. A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so by a police officer, or a duly authorized agent of the department of state highways and transportation, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle means of portable scale, is guilty of a misdemeanor.

SECTION 7. RESTRICTIONS AS TO USE OF CERTAIN COMMERCIAL VEHICLES ON POSTED HIGHWAYS BY LOCAL AUTHORITIES.

1. The Village council with respect to highways under its jurisdiction by ordinance or resolution, may do any of the following:
 - a. Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.
 - b. Impose limitations as to the weight of trucks or other commercial vehicles on designated highway or streets.
 - c. Provide that only certain highways or streets may be used by trucks or other commercial vehicles.
2. Any prohibitions, limitations, or truck route designations established under subsection (1) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the sign shall be consistent with state requirements.
3. A person who violates a prohibitions, limitations, or truck route designation established pursuant to subsection (1) is responsible for a civil infraction.

Section 8. STOPPING MOTOR VEHICLES FOR POSSIBLE LOAD, WEIGHT, OR HEIGHT VIOLATIONS; TEMPORARY DETENTION; ARRESTS.

Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation this ordinance, which violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of this ordinance, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, may make an arrest for the violation, and may proceed as otherwise provided in this ordinance.

The undersigned President and Clerk of the Village of Otter Lake herby certify that this ordinance was adopted at a meeting of the Otter Lake Village Council duly held on the 20th day of June, 1988 and that this ordinance was published in the Lakeville Aerial on the 20th day of June, 1988. This ordinance became effective twenty days after its date of adoption.

Robert A. Gifford
Robert Gifford, President

Joan Skias
Joan Skias, Clerk