

**KALKASKA CODE-TRAFFIC CODE**

**TITLE VII: TRAFFIC CODE**

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**CHAPTER 70: GENERAL PROVISIONS**

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**GENERAL PROVISIONS**

**§ 70.01 DEFINITIONS.**

Words used in this title shall have their usual and customary meaning, provided, however, that all words defined in the Michigan Vehicle Code, Public Act 300 of 1949, as amended, and used in this title shall have the meaning given in the Michigan Vehicle Code.

('67 Code, § 3.01)

**ADMINISTRATION AND ENFORCEMENT**

**§ 70.15 AUTHORITY OF VILLAGE MANAGER.**

The Village Manager is hereby empowered, within the limits prescribed by statute and this code, to direct and control traffic and to make traffic rules and regulations. The Village Manager is empowered to create quiet and safety zones, to designate streets or portions thereof to be closed to traffic by reason of construction or repair, and to designate streets for recreational use and their hours of use.

('67 Code, § 3.021)

**§ 70.16 AUTHORITY OF VILLAGE MANAGER AND COUNCIL.**

The Village Manager is empowered, subject to approval of the Council by resolution, to designate through or stop streets, to designate the location of traffic control signals, to prescribe the manner and duration of parking vehicles, to establish loading zones for buses, trucks, taxicabs, and dray stands, to designate the route of trucks and tractors through the village, and to designate the maximum length of any vehicle permitted to park upon any street.

('67 Code, § 3.022)

**§ 70.17 REGULATIONS.**

Traffic control regulations shall become effective upon installation of such traffic control devices as may be required by such regulations, provided that such regulations which are subject to approval by the Council have been published at least once in a newspaper published in the village.

('67 Code, § 3.023)

**§ 70.18 FILE OF NOTICES OR REGULATIONS.**

The Clerk shall keep a separate file of published notices or traffic regulations approved by Council resolution, and in a separate book devoted solely to that purpose, a record of such regulations which shall include a brief description of the regulation, date of adoption, date of publication, and date of rescission, if any.

('67 Code, § 3.024)

**§ 70.19 AUTHORITY OF POLICE DEPARTMENT.**

Members of the Police Department are hereby authorized to direct all traffic in conformance with the provisions of this code, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, they may direct traffic as conditions may require, notwithstanding the provisions of this code.

('67 Code, § 3.031)

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### § 70.20 AUTHORITY OF FIRE DEPARTMENT.

Members of the Fire Department, when at the scene of a fire or in an emergency, may assist the police in directing traffic.

('67 Code, § 3.032)

### § 70.21 PROSCRIBED CONDUCT.

No person shall do any act forbidden or shall fail to perform any act required in this chapter or in the rules and regulations established hereunder. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

('67 Code, § 3.033)

### § 70.22 MANDATED COMPLIANCE.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this code, unless otherwise directed by police officers. Whenever traffic is controlled by traffic control signals exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively one at a time, or with arrows, the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as specified in the Michigan Uniform Traffic Code.

('67 Code, § 3.034)

### § 70.23 APPLICABILITY.

(A) The provisions of this chapter relating to the operation of vehicles shall apply to Police and Fire Department vehicles of the village, except that such vehicles may:

- (1) Park notwithstanding the provisions of this chapter;
- (2) Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the *prima facie* speed limit so long as life or property is not in danger;
- (4) Disregard regulations governing direction of movement or turning so long as life or property is not in danger;
- (5) Drive on the left hand side of any highway, provided life or property is not in danger.

(B) The exemptions listed division (A) shall not protect the operator of such vehicle from the consequence of his disregard of the property or safety of others. ('67 Code, § 3.035)

## ***MICHIGAN UNIFORM TRAFFIC CODE***

### § 70.35 ADOPTION OF UNIFORM TRAFFIC CODE.

(A) The *Uniform Traffic Code for cities, townships, and villages*, sometimes hereinafter referred to as the *Uniform Traffic Code*, promulgated by the Director of Department of State Police and published in 1979 edition of the *Michigan Administrative Code*, and amendments as published in the 2002 Annual

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Supplement to the *Michigan Administrative code* in accordance with Act 62 of Public Acts of 1956, as amended (Administrative Rules R 28.1001 through 28.2075), except as hereinafter may be amended or deleted, are hereby adopted by reference in this chapter as fully set forth herein (Am. Ord. 11-25-02).

(B) The *Michigan Vehicle Code*, 1949 PA 300; MCL 257.1 through 257-923 is adopted by reference as if fully set forth herein, except as hereinafter may be amended or deleted. The penalties provided by the *Michigan Vehicle Code* are adopted by reference, provided however, that the Village may not impose a penalty of imprisonment greater than 93 days.

(Ord. 346, passed 8-23-82; Am. Ord. 347, passed 12-14-87; Am. Ord. passed 6-8-92, Am. Ord. 11-25-02)

(C) References in the *Uniform Traffic Code* to “governmental unit” shall mean the Village of Kalkaska. References in the *Michigan Vehicle Code* to “local authorities” shall mean the Village of Kalkaska. (Ord. Passed 11-25-02)

### **§ 70.36 NOTICE TO BE PUBLISHED.**

The Village Clerk shall publish this chapter in the manner required by law and shall at the same time publish a supplementary notice setting forth the purpose of the Uniform Traffic Code and of the fact that a complete copy of said code is available at the office of the Clerk for inspection by the public at all times.

(Ord. 346, passed 8-23-82; Am. Ord. 347, passed 12-14-87; Am. Ord. passed 6-8-92)

### **§ 70.37 ADOPTION OF MICHIGAN VEHICLE CODE.**

The Michigan Vehicle Code, 1949 PA 300 MCL 257.1 to 257.923 is adopted by reference.

### **§ 70.40 ADOPTION OF NATIONAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**

(A) The *Natural Resources and environmental Protection Act (excerpt), Act 451 of 1994, Part 821, Snowmobiles, sections 324.82101 to 324.82160* is adopted by reference as fully set forth herein, except as hereinafter may be amended or deleted. The penalties provided by Part 821 of the Natural Resources and Environmental Protection Act are adopted by reference, provided however, that the Village may not impose a penalty of imprisonment greater than 93 days.

(B) References in Part 821 of the Natural Resources and Environmental Protection Act to “governmental unit” shall mean the Village of Kalkaska. (Am. Passed 11-25-02)

### **§70.41 NOTICE TO BE PUBLISHED**

The Village Clerk shall publish this chapter in the manner required by the law with the effective date designated as the date of publication and shall, at the same time, publish a supplementary notice setting forth the purpose of *Part 821 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, sections 324.82101 to 324.2160* and the fact that copies of said act is available for inspection by the public in the office of the Village Clerk at all times. (Am. 11-25-02)

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***CHAPTER 71: TRAFFIC RULES***

**Section**

***General Provisions***

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- 71.02 Vehicle load reduction
- 71.03 Toy vehicles prohibited

***Parking Regulations***

- 71.15 Prohibited parking or standing
- 71.16 Prohibited train parking
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***Truck Traffic Control***

- 71.30 Definitions
- 71.31 Trucks prohibited; exceptions
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***Snowmobiles***

- 71.45 Snowmobile travel
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**GENERAL PROVISIONS**

**§ 71.01 PARADES, PROCESSIONS.**

(A) *Permit required.* No procession, or parade, excepting the armed forces of the United States or of this state, shall occupy, march, or proceed along any street, except in accordance with a permit issued by the Village Manager. ('67 Code, § 3.201)

(B) *Issuance of permit.* The Village Manager shall not issue a permit if its issuance would in his opinion create an unnecessary and unwarranted traffic hazard or interference, except upon the order of the Village Council. ('67 Code, § 3.202)  
Penalty, see § 71.99

**§ 71.02 VEHICLE LOAD REDUCTION.**

(A) *Maximum allowed.* 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 the Michigan Motor Vehicle Code, being Act 300 of 1949 as amended, 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 in the Michigan Motor Vehicle Code. The maximum wheel load shall not exceed 525 lbs. per inch of tire width on concrete and concrete base or 450 lbs. per inch of tire width on all other roads during the months of March, April, and May of each year.

(B) *Jurisdiction.* This order applies to all streets under the jurisdiction of the village and shall become effective upon the placement of official signs giving notice of these seasonal road restrictions. (Ord. 347.A, passed 3-13-89) Penalty, see § 71.99

**§ 71.03 TOY VEHICLES PROHIBITED.**

No person shall ride a coaster toy, roller skates, toy vehicle, or similar device on any roadway or on the sidewalk in the commercial area of the 200 and 300 block of South Cedar except while crossing a street or a crosswalk.  
(Ord. 348, passed 8-8-88) Penalty, see § 71.99

**PARKING REGULATIONS**

**§ 71.15 PROHIBITED PARKING OR STANDING.**

From December 1 to April 1 of any year, no person, firm, or corporation shall park or leave standing any vehicle on any street or alley in the corporate limits of the village between the hours of 3:00 a.m. and 6:00 a.m.  
(‘67 Code, § 3.27) (Am. Ord. 103, passed - -) Penalty, see § 71.99

**§ 71.16 PROHIBITED TRAIN PARKING.**

No person shall stop, stand or park a train (engines or cars) except when necessary to avoid conflict with other traffic or in compliance of law or the directions of a police officer at any intersection of public highway and railroad crossings for more than five minutes at any one time.  
(Res. 20, passed 2-13-79) Penalty, see § 71.99

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§ 71.17 PROHIBITED TRUCK PARKING.

(A) *Location prohibition.* Overnight truck parking in any municipal parking lot is prohibited.

(B) *Definition.* For the purpose of this section, the following definition shall apply:

**TRUCK.** Any semi-tractor/trailer or commercial vehicle in excess of 13,000 lbs.

(Ord. 3.27A, passed 8-14-89) Penalty, see § 71.99

**Cross-reference:**

*For provisions relating to truck traffic control, see §§ 71.30 through 71.32*

**TRUCK TRAFFIC CONTROL**

§ 71.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EMERGENCY VEHICLE.** Vehicles of the Fire Department, police vehicles, ambulances, emergency vehicles of governmental departments, and such other vehicles that are designated for and being used to save or protect life, limb, or property.

**GROSS VEHICLE WEIGHT.** Weight of vehicle including the weight of any load thereon, if any.

**TRUCKS.** Every motor vehicle designated, used, or maintained primarily for transportation of property and shall include **TRUCK TRAILER, TRAILER,** and **SEMI-TRAILER** as defined in the Michigan Vehicle Code.

(Ord. A-36 (1), passed 1-2-79)

§ 71.31 TRUCKS PROHIBITED; EXCEPTIONS.

The operation of any truck exceeding 13,000 pounds gross vehicle weight is prohibited upon all streets within the village except those set forth in Chapter 72 of Schedule I.

(Ord. A-36(2), passed 1-2-79) Penalty, see § 71.99

§ 71.32 VEHICLES AND ACTIVITIES EXEMPTED.

No provision of this subchapter shall prohibit:

(A) The operation of emergency vehicles upon any street in the village.

(B) The operation of trucks owned or operated by the village, public utilities, or any contractor or material man while engaged in the repair or street maintenance or construction of streets, street improvements or street utilities within the village.

(C) A truck from making a local pick up or delivery, provided the truck may driven on any street or streets not designated as a truck route, for not more than the minimum distance necessary for the purpose. Any truck so engaged shall take the shortest route possible to and from a street designated as



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a truck route in making a local pick up or delivery and shall be driven on a street or streets not designated as a truck route the minimum distance necessary to accomplish the pick up or delivery.

(D) Any truck from traveling on any prohibited street having a destination or point of departure within the village if the primary legal use of the property is commercial or industrial, provided that such destination or departure shall be made by the shortest route from or to the nearest street upon which it is permitted to operate.

(Ord. A-36 (3), passed 1-2-79) Penalty, see § 71.99

***Cross-reference:***

*For provisions relating to prohibited truck parking, see § 71.17*

### ***SNOWMOBILES***

#### **§ 71.45 SNOWMOBILE TRAVEL.**

(A) *Designated routes.* The village does hereby authorize the streets set forth in Schedule II of Chapter 72 as designated routes for snowmobile travel.

(B) *Access to designated routes.* Snowmobiles may travel on any street within the village when traveling by the shortest possible route to or from the nearest street specifically designated for snowmobile travel.

(C) *Speed limit.* Snowmobiles traveling within the village shall not operate at a rate of speed greater than is reasonable and proper having due regard for conditions then existing and in no event in excess of 15 miles per hour.

(D) *Traffic flow.* Snowmobiles shall travel to the extreme right hand side of the plowed portion of any roadway (with the flow of traffic).

('67 Code, § 3.32) (Am. Res. 363, passed 2-8-88; Am. Res. 435, passed 6-8-92; Am. Res. 436, passed 6-22-92) Penalty, see § 71.99

***Cross-reference:***

*Designated snowmobile routes, see Chapter 72, Schedule II*

#### **§ 71.99 PENALTY.**

(A) Any person, firm, or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, be responsible for a civil infraction. A separate offense shall be deemed committed upon each act of violation and each day during which a violation occurs or continues. Every person concerned in the commission of an act prohibited by this chapter, whether he directly commits the act or causes, counsels, aids, or abets in its commission may be prosecuted under the provisions of this chapter and on conviction shall be punished as if he had directly committed such act. ('67 Code, § 1.09)

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(B) Persons who violate § 71.03 shall be subject to the penalties of the Uniform Traffic Code or may elect to surrender toy to police for three days on the first offense, ten days on the second offense, and 30 days on the third offense, after which the Uniform Traffic Code shall be enforced. (Ord. 348, passed 8-8-88)

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**CHAPTER 72: TRAFFIC SCHEDULES**

**Section**

72.01 Designated truck routes

72.02 Designated snowmobile routes

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§ 72.01 DESIGNATED TRUCK ROUTES.

The operation of any truck exceeding 13,000 pounds gross vehicle weight is prohibited upon all streets within the village except the following:

<i>Street</i>	<i>Location</i>
Cedar Street	Entire length
County Road 612	From Cedar Street easterly to village limits
Dresden Street	From Cedar Street easterly to village limits
East Park Drive	Entire length
Elm Street	From Cedar Street easterly to village limits
Enterprise Drive	Entire length
Essex Street	From Laurel Street northerly to Dresden Street
First Street	From Cedar Street westerly to village limits
Hyde Street	From Cedar Street easterly to Maple Street
Laurel Street	From Cedar Street easterly to Maple Street
Lynn Street	From Court Street easterly to village limits
Maple Street	From Elsie Street northerly to Laurel Street
Mile Road, West	From Cedar Street westerly to village limits
Oak Street	Entire length
South Park Drive	Entire length
West Park Drive	Entire length

(Ord. A-36 (2), passed 1-2-79) Penalty, see § 71.99, Resolution 818-2006 passed 4-24-06

***Cross-reference:***

*For provisions relating to truck traffic control, see §§ 71.30 through 71.32*

§ 72.02 DESIGNATED SNOWMOBILE ROUTES.

The village does hereby authorized the following streets as designated routes for snowmobile travel:

<i>Street</i>	<i>Location</i>
Division Street	From Cedar Street west to Birch Street
First Street	From Cedar Street west to village limits
Walnut Street	From First Street north to West Mile Road (M-72)

(Res. 189, passed 12-11-78; Res. 436, passed 6-22-92) Penalty, see § 71.99

***Cross-reference;***

*For provisions relating to snowmobile travel, see § 71.45*