

ORDINANCE NO.  
SULLIVAN TOWNSHIP  
MUSKEGON COUNTY, MICHIGAN  
NO. 14-01

THE TOWNSHIP OF SULLIVAN ORDAINS:

**SECTION ONE: TITLE.** This Ordinance shall be known and referred to as the "Sullivan Township Truck Route Ordinance."

**SECTION TWO: LEGISLATIVE FINDINGS.** The Board of Trustees of Sullivan Township hereby finds and determines that it is necessary for the public health, safety and welfare to designate certain streets, or highways located in the Township as appropriate or inappropriate for use by commercial trucks en route to various destinations in the Township or municipalities adjacent to the Township. In recent years the Muskegon area has experienced significant growth or increases in the volume of commercial truck traffic and along with the increases, the Township has noted increased complaints from the residents of certain areas in the Township through which commercial truck traffic passes en route to various industrial or commercial enterprises which are either located in the Township or in municipalities adjacent to the Township. It often appears that such traffic disregards legitimate complaints of residents who are affected by the dust, noise, volume (quantity), safety, and inconvenience that such traffic causes to those who reside along the routes which the traffic chooses, despite the ready availability of alternative routes for such commercial traffic.

**SECTION THREE:** It is unlawful for any person, firm or corporation to operate or cause to be operated a commercial truck, as hereinafter defined, on any street, road, public right-of-way or highway has been designated by Ordinance as one on which commercial truck traffic is prohibited.

**SECTION FOUR: DEFINITION, Commercial Truck.** As used herein, the words "commercial truck" shall mean any motor vehicle constructed or used for the transportation of goods, equipment, wares, merchandise, raw materials or materials which have been processed although the manufacturing process has not been completed or there are other steps to be completed in the manufacturing process. The words "commercial truck" do not include the following: Bus, school bus, fire truck, road commission maintenance equipment, other emergency vehicles, motor home, or farm equipment.

**SECTION FIVE: EXCEPTION, Home Deliveries.** A commercial truck may use or travel upon a street, road, public right-of-way, or highway even though it has been designated by the Township as one on which commercial traffic is prohibited if the truck is traveling to a residence for the purpose of delivering or picking up goods, wares, or merchandise, or for the purpose of providing services at the residence upon arrival. Provided, however, that in such event the travel along the prohibited route shall be

March 4, 2014

limited to the minimum necessary to accomplish the pick up, delivery or service call, and said vehicle shall be driven in such a manner as to leave the prohibited route as quickly as possible.

**SECTION SIX: EXCEPTION, Leaving or returning to home, or place of business.** Nothing herein contained shall prevent a commercial truck from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township which is located along a route on which commercial traffic has been prohibited, provided that the most direct route to and from a non prohibited truck route is utilized.

**SECTION SEVEN: PROHIBITED ROUTES.** Commercial trucks shall not be operated upon the following routes in the Township, by any person, firm or corporation:

- A. Sullivan Road from Pontaluna Road to Township Line (North)
- B. Barnes Road from Hts. Ravenna Road to Spaulding Road
- C. Hilton Park Road from Hts. Ravenna Road to Sternberg Road
- D. Wolf Lake Road from Hts. Ravenna to Cline Road
- E. Cloverville Road from Hts. Ravenna to Cline Road
- F. Summit Avenue from Brooks Road to Wolf Lake Road
- G. Spaulding Road from Barnes Road to Broton Road  
(amend. 7-6-21)
- H. Hile Road from Hilton Park to Broton Road
- I. Broton Road from Hile Road to Spaulding Road
- J. Cline Road from Hilton Park to Broton Road  
(amend 9/6/22)

**SECTION EIGHT: SIGNS, Posting.** The Township shall, with the approval of the Muskegon County Road Commission cause all routes which are closed to commercial trucks to be posted with the signs that advise the users of the route that trucks are prohibited.

**SECTION NINE: SPECIAL PERMITS.** The Township Supervisor shall have authority to grant a written permit in the special cases which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one round trip, and in no case shall a permit be valid for a period longer than ten days from the date of issue. Said permit shall describe the vehicle, the time and dates of

travel, and the route to be taken by the vehicle. The Township Board shall set a fee for such special permits by resolution.

**SECTION TEN: VIOLATIONS, Penalty.** Per the Michigan Vehicle Code, Act 300 of 1949, 257.724

**SECTION ELEVEN: SEVERABILITY.** This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjusted to be unconstitutional or invalid; it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

**SECTION TWELVE: ADMINISTRATIVE LIABILITY.** No officer, agent, or employee of the Township of Sullivan, or member of the Township Board of Sullivan shall render himself personally liable for any damage that may accrue to any person as a result of any act, omission, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

**SECTION THIRTEEN: REPEAL.** All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance, as of the effective date of this Ordinance are hereby repealed to the extent of such conflict, except that terms defines herein for the purpose of interpretation, administration and enforcement of this Ordinance will in no way, manner or form, repeal, modify, or otherwise change the definition of any such terms as used in other Ordinances of the Township of Sullivan.

**SECTION FOURTEEN: VEHICLE CODE.** This Ordinance does not negate the existing vehicle size, weight or loading restrictions of the Michigan Vehicle Code.

**SECTION FIFTEEN: EFFECTIVE DATE.** This Ordinance is ordered to take effect thirty (30) days after its publication in a newspaper of general circulation in the Township, pursuant to the provisions of Act 191 of the Public Acts of 1939, as amended.

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Tony Mabrito, Supervisor  
Sullivan Township

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Sue Buckner, Clerk  
Sullivan Township

March 4, 2014

March 4, 2014

MICHIGAN VEHICLE CODE (EXCERPT)

Act 300 of 1949

**257.724 Stopping vehicle for weighing; shifting or removing load; civil fine and costs; moving vehicle to place of safekeeping; impoundment; lien; foreclosure sale; powers of authorized agent; unlawful weight as civil infraction; fine; driving duly marked vehicle; failure to stop as misdemeanor.**

Sec. 724. (1) A police officer, a peace officer, or an authorized agent of the state transportation department 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 of the vehicle by either portable or stationary scales approved and sealed as a legal weighing device by a qualified person using testing equipment certified or approved by the department of agriculture and rural development as a legal weighing device and may require that the vehicle be driven to the nearest weigh station of the state transportation department for the purpose of allowing a police officer, peace officer, or agent of the state transportation department or county road commission to determine whether the vehicle is loaded in conformity with this chapter.

(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 chapter. All material unloaded as provided under this subsection 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 that are not paid in full immediately or for which a bond is not immediately posted in 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 in writing of the place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is 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 conditions 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 state transportation department or county road commission is performing duties under this chapter, the agent has all the powers conferred upon peace officers by the general laws of this state.

(3) Subject to subsection (4), an owner of a vehicle or a lessee of the vehicle of an owner-operator, or other person, 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 pay a civil fine in an amount equal to 3 cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; 6 cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pounds; 9 cents per pound for each pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; 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 20 cents per pound for each pound of excess load when the excess is over 10,000 pounds. If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and shall pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

(4) Beginning January 1, 2006, if the court determines that the motor vehicle or the combination of vehicles was operated in violation of this section, the court shall impose a fine as follows:

(a) If the court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper



distribution of the load upon all the axles of the vehicle or the combination of vehicles, the court shall impose a fine for the violation according to the schedule provided for in subsection (3).

(b) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the maximum allowable axle weight by more than 1,000 pounds but less than 4,000 pounds, the court may impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. This subdivision does not apply to a vehicle subject to the maximum loading provisions of section 722(12) or to a vehicle for which a fine as calculated under the schedule in subsection (3) would be less than the fine as calculated under this subsection.

(c) If the court determines that the motor vehicle or the combination of vehicles would meet the loading conditions specified in a special permit that was issued under section 725 by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by 1,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than 3 axles shall be used in calculating the fine to be imposed under this subdivision. If the court determines that the load was misloaded, the conditions of the special permit remain valid. The imposition of a fine does not void the special permit.

(d) If the court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that 1 or more axles of the vehicle exceeded the permitted axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in subsection (3).

(5) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment who fails to stop at or bypasses any scales or weighing station is guilty of a misdemeanor.

(6) An agent or authorized representative of the state transportation department or a county road commission shall not stop a truck or vehicle in movement upon a road or highway within the state for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

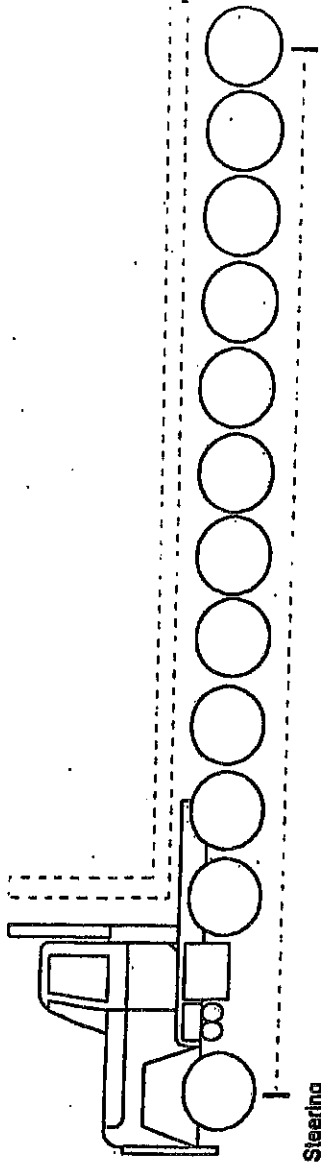
(7) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so and submit to a weighing by a police officer, a peace officer, or an authorized agent of the state transportation department, or a representative or agent of a county road commission, authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this section.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1951, Act 233, Eff. Sept. 28, 1951;—Am. 1952, Act 13, Imd. Eff. Feb. 28, 1952;—Am. 1955, Act 209, Imd. Eff. June 17, 1955;—Am. 1964, Act 222, Eff. Aug. 28, 1964;—Am. 1967, Act 277, Eff. Nov. 2, 1967;—Am. 1968, Act 135, Imd. Eff. June 11, 1968;—Am. 1978, Act 510, Eff. Aug. 1, 1979;—Am. 1988, Act 346, Eff. Jan. 1, 1989;—Am. 2004, Act 420, Eff. Jan. 1, 2006;—Am. 2005, Act 179, Imd. Eff. Oct. 20, 2005;—Am. 2009, Act 169, Imd. Eff. Dec. 14, 2009;—Am. 2012, Act 252, Imd. Eff. July 2, 2012;—Am. 2012, Act 498, Eff. Mar. 28, 2013.

MCL 257.724  
Fines for Overweight Loads

Over	Up to	Fine
1000 lbs.	2000 lbs.	.03/lb
2001 lbs.	3000 lbs	.06/lb
3001 lbs.	4000 lbs	.09/lb
4001 lbs.	5000 lbs.	.12/lb
5001 lbs.	10,000 lbs.	.15/lb
10,001 lbs.	and over	.20/lb

**PONTIAC POLICE DEPARTMENT VEHICLE WEIGHT INSPECTION**



Steering Tire: \_\_\_\_\_ " Actual GWW: \_\_\_\_\_ Incident Location: \_\_\_\_\_  
 FGWV: \_\_\_\_\_ Max. Legal GWV: \_\_\_\_\_ Inspection Site:  Boards  Slots

Citation Number: \_\_\_\_\_ Company Name: \_\_\_\_\_ Driver's Name: \_\_\_\_\_

Tractor Plate / State: \_\_\_\_\_ Date: \_\_\_\_\_ Total Fine: \$ \_\_\_\_\_

	Axle 1	Axle 2	Axle 3	Axle 4	Axle 5	Axle 6	Axle 7	Axle 8	Axle 9	Axle 10	Axle 11	
Left:												
Right:												
Total:												
Legal:												
Over:												
Fine: \$		\$	\$									
Left:												
Right:												
Total:												
Legal:												
Over:												
Fine: \$		\$	\$									
Left:												
Right:												
Total:												
Legal:												
Over:												
Fine: \$												

**Tire Formula**

9" = 12,600
10" = 14,000
11" = 15,400
12" = 16,800
13" = 18,200
14" = 19,600

Over-Weight	Axle Fine	Over-Weight	Axle Fine	Over-Weight	Axle Fine	Over-Weight	Axle Fine	Over-Weight	Axle Fine	Over-Weight	Axle Fine	Over-Weight	Axle Fine
1,100	\$33	5,100	\$765	9,100	\$1,365	13,100	\$2,620	17,100	\$3,420	21,100	\$4,220	25,100	\$5,020
1,200	\$36	5,200	\$795	9,200	\$1,380	13,200	\$2,640	17,200	\$3,440	21,200	\$4,240	25,200	\$5,040
1,300	\$39	5,300	\$810	9,300	\$1,395	13,300	\$2,660	17,300	\$3,460	21,300	\$4,260	25,300	\$5,060
1,400	\$42	5,400	\$840	9,400	\$1,410	13,400	\$2,680	17,400	\$3,480	21,400	\$4,280	25,400	\$5,080
1,500	\$45	5,500	\$870	9,500	\$1,425	13,500	\$2,700	17,500	\$3,500	21,500	\$4,300	25,500	\$5,100
1,600	\$48	5,600	\$900	9,600	\$1,440	13,600	\$2,720	17,600	\$3,520	21,600	\$4,320	25,600	\$5,120
1,700	\$51	5,700	\$930	9,700	\$1,455	13,700	\$2,740	17,700	\$3,540	21,700	\$4,340	25,700	\$5,140
1,800	\$54	5,800	\$960	9,800	\$1,470	13,800	\$2,760	17,800	\$3,560	21,800	\$4,360	25,800	\$5,160
1,900	\$57	5,900	\$990	9,900	\$1,485	13,900	\$2,780	17,900	\$3,580	21,900	\$4,380	25,900	\$5,180
2,000	\$60	6,000	\$1,020	10,000	\$1,500	14,000	\$2,800	18,000	\$3,600	22,000	\$4,400	26,000	\$5,200
2,100	\$126	6,100	\$915	10,100	\$2,020	14,100	\$2,820	18,100	\$3,620	22,100	\$4,420	26,100	\$5,220
2,200	\$132	6,200	\$930	10,200	\$2,040	14,200	\$2,840	18,200	\$3,640	22,200	\$4,440	26,200	\$5,240
2,300	\$138	6,300	\$945	10,300	\$2,060	14,300	\$2,860	18,300	\$3,660	22,300	\$4,460	26,300	\$5,260
2,400	\$144	6,400	\$960	10,400	\$2,080	14,400	\$2,880	18,400	\$3,680	22,400	\$4,480	26,400	\$5,280
2,500	\$150	6,500	\$975	10,500	\$2,100	14,500	\$2,900	18,500	\$3,700	22,500	\$4,500	26,500	\$5,300
2,600	\$156	6,600	\$990	10,600	\$2,120	14,600	\$2,920	18,600	\$3,720	22,600	\$4,520	26,600	\$5,320
2,700	\$162	6,700	\$1,005	10,700	\$2,140	14,700	\$2,940	18,700	\$3,740	22,700	\$4,540	26,700	\$5,340
2,800	\$168	6,800	\$1,020	10,800	\$2,160	14,800	\$2,960	18,800	\$3,760	22,800	\$4,560	26,800	\$5,360
2,900	\$174	6,900	\$1,035	10,900	\$2,180	14,900	\$2,980	18,900	\$3,780	22,900	\$4,580	26,900	\$5,380
3,000	\$180	7,000	\$1,050	11,000	\$2,200	15,000	\$3,000	19,000	\$3,800	23,000	\$4,600	27,000	\$5,400
3,100	\$278	7,100	\$1,065	11,100	\$2,220	15,100	\$3,020	19,100	\$3,820	23,100	\$4,620	27,100	\$5,420
3,200	\$284	7,200	\$1,080	11,200	\$2,240	15,200	\$3,040	19,200	\$3,840	23,200	\$4,640	27,200	\$5,440
3,300	\$290	7,300	\$1,095	11,300	\$2,260	15,300	\$3,060	19,300	\$3,860	23,300	\$4,660	27,300	\$5,460
3,400	\$306	7,400	\$1,110	11,400	\$2,280	15,400	\$3,080	19,400	\$3,880	23,400	\$4,680	27,400	\$5,480
3,500	\$312	7,500	\$1,125	11,500	\$2,300	15,500	\$3,100	19,500	\$3,900	23,500	\$4,700	27,500	\$5,500
3,600	\$324	7,600	\$1,140	11,600	\$2,320	15,600	\$3,120	19,600	\$3,920	23,600	\$4,720	27,600	\$5,520
3,700	\$333	7,700	\$1,155	11,700	\$2,340	15,700	\$3,140	19,700	\$3,940	23,700	\$4,740	27,700	\$5,540
3,800	\$342	7,800	\$1,170	11,800	\$2,360	15,800	\$3,160	19,800	\$3,960	23,800	\$4,760	27,800	\$5,560
3,900	\$351	7,900	\$1,185	11,900	\$2,380	15,900	\$3,180	19,900	\$3,980	23,900	\$4,780	27,900	\$5,580
4,000	\$360	8,000	\$1,200	12,000	\$2,400	16,000	\$3,200	20,000	\$4,000	24,000	\$4,800	28,000	\$5,600
4,100	\$482	8,100	\$1,215	12,100	\$2,420	16,100	\$3,220	20,100	\$4,020	24,100	\$4,820	28,100	\$5,620
4,200	\$504	8,200	\$1,230	12,200	\$2,440	16,200	\$3,240	20,200	\$4,040	24,200	\$4,840	28,200	\$5,640
4,300	\$516	8,300	\$1,245	12,300	\$2,460	16,300	\$3,260	20,300	\$4,060	24,300	\$4,860	28,300	\$5,660
4,400	\$528	8,400	\$1,260	12,400	\$2,480	16,400	\$3,280	20,400	\$4,080	24,400	\$4,880	28,400	\$5,680
4,500	\$540	8,500	\$1,275	12,500	\$2,500	16,500	\$3,300	20,500	\$4,100	24,500	\$4,900	28,500	\$5,700
4,600	\$564	8,600	\$1,290	12,600	\$2,520	16,600	\$3,320	20,600	\$4,120	24,600	\$4,920	28,600	\$5,720
4,700	\$576	8,700	\$1,305	12,700	\$2,540	16,700	\$3,340	20,700	\$4,140	24,700	\$4,940	28,700	\$5,740
4,800	\$576	8,800	\$1,320	12,800	\$2,560	16,800	\$3,360	20,800	\$4,160	24,800	\$4,960	28,800	\$5,760
4,900	\$588	8,900	\$1,335	12,900	\$2,580	16,900	\$3,380	20,900	\$4,180	24,900	\$4,980	28,900	\$5,780
5,000	\$600	9,000	\$1,350	13,000	\$2,600	17,000	\$3,400	21,000	\$4,200	25,000	\$5,000	29,000	\$5,800

Metric Tire Conversion: 245, 255, 265 mm = 10" 275, 285 mm = 11" 295, 305, 315 mm = 12" 325, 335 mm = 13" 345, 355, 365 mm = 14" 375, 385 mm = 15" 395, 405, 415 mm = 16" 425, 435 mm = 17"



AMENDMENT TO ORDINANCE NO. 14-01  
SULLIVAN TOWNSHIP  
MUSKEGON COUNTY, MICHIGAN

The Sullivan Board hereby Amends 14-01, Section 7: Prohibited Routes

Commercial Trucks shall not be operated upon the following routes in the Township, by any person, firm or corporation:

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- B. Barnes Road from Hts. Ravenna Road to Spaulding Road
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**ADD THE FOLLOWING ROADS**

Hile Road from Hilton Park to Broton Road

Broton Road from Hile Road to Spaulding Road

Cline Road from Hilton Park to Broton Road

ROLL CALL:

YAYES III

NAYES 0

Sullivan Township Clerk 

Date Amended 9/6/2022

Date Published 9/12/2022

limited to the minimum necessary to accomplish the pick up, delivery or service call, and said vehicle shall be driven in such a manner as to leave the prohibited route as quickly as possible.

SECTION SIX: EXCEPTION, Leaving or returning to home, or place of business. Nothing herein contained shall prevent a commercial truck from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township which is located along a route on which commercial traffic has been prohibited, provided that the most direct route to and from a non prohibited truck route is utilized.

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(amend. 7-6-21)

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