

ORDINANCE NO. 2020-1

An Ordinance amending Ordinance No. 2004-2, as amended by Ordinance No. 2007-2
An Ordinance Restricting Vehicle Weight on Village Streets

The Village of South Range ordains:

Section 5, PENALTIES, of Ordinance No. 2004-2, as amended by as amended by Ordinance No. 2007-2, is amended to read as follows: "Section 5. PENALTIES. Any person violating the provision of this Ordinance shall upon conviction thereof, be guilty of a municipal civil infraction punishable by a fine of not more than \$500.00 or as otherwise provided by Michigan Law and this Ordinance. In addition to any other actions outlined herein, the Village may also institute an appropriate action in a court of competent jurisdiction seeking (i) a judgment for any amounts due under Section 6 herein, and (ii) injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of this Ordinance.

Section 6, PERMIT FEES, ROAD IMPROVEMENT, AND DAMAGE, is added to of Ordinance No. 2004-2, as amended by as amended by Ordinance No. 2007-2, to read as follows: Section 6. PERMIT FEES, ROAD IMPROVEMENT, AND DAMAGE. The Village Council shall set permit fees by resolution, effective January 1st, 2021. Permits granted prior to January 1st, 2021 shall not be required to pay a permit fee. Road improvements may be necessary in connection with the issuance of a permit to protect the public health, safety, and welfare of Village residents and to protect of road surfaces, structures and private property from unplanned maintenance or other associated damage. The Village reserves the right to impose such requirements or conditions as it may in its sole discretion deem necessary to prevent injury to persons or damage to property, and/or to require security against any loss or damages caused by the applicant. These improvements shall be made prior to the issuance of a permit at the applicant's expense. The extent of such improvements will depend on the nature and duration of the requested usage. In the event that the applicant's type of operation can reasonably be expected to be continuous over a number of months or years and to generate high traffic volumes, the Village council may require that the applicant's designated route be upgraded at the applicant's expense, under terms set by the Village council. In addition to the improvements outlined above, unless otherwise specified in the permit, the Village shall perform any necessary

maintenance or repair work that arises as a result of the grant of the permit. The cost of unanticipated maintenance resulting from operator damage will be based on current labor rates, equipment rental rates and material costs, plus indirect costs and overhead. The responsible operator shall reimburse the Village within 30 days following issuance of billing statements for costs incurred by the Village or the permit may be revoked by the Village. The Village may also require the applicant pay the Village in advance an amount sufficient to pay for any improvements, maintenance, or repairs outlined in this Section 6. In addition, costs incurred by the Village to correct noncompliance with the terms and conditions of the permit or damage caused by the applicant shall be the responsibility of the applicant.

This Ordinance shall take effect on January 1st, 2021.

Approved by the Village Council of the Village of South Range on November 5, 2020.

George Eakin, President

Joe Morgan, Clerk