

GRANT TOWNSHIP, CLARE COUNTY, MICHIGAN
ORDINANCE RESTRICTING CERTAIN VEHICLE TIRES
ON PUBLIC ROADS AND HIGHWAYS

Ordinance No. 2016-2

Adopted: September 13, 2016

An Ordinance to protect and secure the public health, safety and general welfare by adopting certain provisions of the Michigan motor vehicle code to restrict damage done to public road and highway surfaces from certain vehicle tires and tire accessories; to provide that violation thereof is a civil infraction and to provide civil forfeitures and other remedies therefor.

THE TOWNSHIP OF GRANT, CLARE COUNTY, MICHIGAN, ORDAINS:

Section 1. Title. This Ordinance shall be known and cited as the Grant Township Ordinance Restricting Certain Vehicle Tires on Roads.

Section 2. Definition of Terms. As used in this Ordinance, the following words and terms shall have the meanings stated herein:

- A. "Township" means Grant Township, Clare County, Michigan.
- B. "Township Code Enforcement Officer" means that person designated by the Township Board to enforce the provisions of Township Ordinances.
- C. "Unsafe tire" means any of the following conditions:
 - i. Has a part of the belting material, tire cords, or plies exposed; or
 - ii. Has evidence of cord or tread separations; or
 - iii. Is worn to or below the minimum tread level in 2 or more adjacent major grooves at 3 or more locations spaced around the circumference of the tire. Minimum allowable tread levels are as follows:

motorcycles and moped passenger cars and vehicles	1/32-inch front and rear
weighing less than 10,000 pounds	2/32-inch front and rear
vehicles weighing 10,000 pounds or more	4/32-inch front and 2/32-inch rear

Measurements shall not be made at locations of tread wear indicators or tie bars. A motor vehicle licensed as an historic vehicle under section 803a is exempt from the tread depth requirements of this subsection; or

- iv. Has a marking "not for highway use", "for racing purposes only", "for farm use only", or "unsafe for highway use"; or
- v. Has been regrooved or recut below the original tread design depth except in the case of special purpose designed tires having extra undertread rubber provided for this purpose and identified as those tires.

Section 3. Prohibited Tires, Studs or Other Traction Devices.

- A. A person shall not operate on a public road or highway within the Township a vehicle or special mobile equipment which has metal or plastic track or a tire which is equipped with metal that comes in contact with the surface of the road or which has a partial contact of metal or plastic with the surface of the road, except as provided in subsections (C), (D) and (E) of this section.
- B. A person shall not operate on a public road or highway within the Township a vehicle which has a tire that has on its periphery a block, stud, flange, cleat, spike, or other protuberance of a material other than rubber which projects beyond the tread of the traction surface of the tire, except as provided in subsections (C), (D) and (E) of this section. A person may, however, use farm machinery with a tire having a protuberance which will not injure a highway. A person may also use a tire chain of reasonable proportion upon a vehicle when required for safety because of snow, ice or other condition tending to cause a vehicle to skid.
- C. A person may operate on a public road or highway within the Township a vehicle which has a pneumatic tire in which wire of .075 inches in diameter or less is embedded if the tire is constructed so that the percent of metal in contact with the highway does not exceed 5% of the total tire area in contact with the roadway, except that during the first 1,000 miles of use or operation of the tire the metal in contact with the highway shall not exceed 20% of the area.
- D. A person shall comply with all rules promulgated by the Michigan department of transportation establishing acceptable standards to permit the use of a tire with studs or other traction devices to be used on a public street or highway, including such rules that make separate provision for any applicable extreme winter snow and ice conditions, and including any rules that restrict the amount and dimension of protrusions that may be allowed on a tire, the type of material that may be used in a stud, traction device, or tire, and the amount of road wear that a tire with studs or other traction devices may cause on a public street or highway.
- E. A person may operate on a public road or highway within the Township a vehicle which has a pneumatic tire in which are inserted ice grips or tire studs if the person is a law enforcement officer operating a vehicle owned by a law enforcement agency, a person operating an ambulance, or a United States postal service rural carrier driving a vehicle the rural carrier owns and maintains as a prerequisite to employment in the postal service.
- F. A person shall not operate a vehicle on a public road or highway within the Township with an unsafe tire.
- G. A person within the Township in the business of selling tires shall not sell or offer for sale for public road or highway use an unsafe tire.

Section 4. Violations and Fines. Any person or other entity that violates this Ordinance shall be issued a municipal civil infraction as follows:

- A. *First and Second Violation.* Any person or entity that is found responsible for a municipal civil infraction for violation of this Ordinance is, for the first and second violations, subject to a civil forfeiture of not more than \$250.00 for each violation, plus costs, which may include all direct or indirect fees and expenses the Township has incurred in connection with the violation. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.
- B. *Subsequent Violations.* Any person or entity that is found responsible for a municipal civil infraction for violation of this Ordinance is, for each violation after the second violation, subject to a civil forfeiture of not more than \$500.00, plus costs, which may include all direct or indirect fees and expenses the Township has incurred in connection with the violation. This Ordinance may also be enforced by suit for injunction, damages or other appropriate legal or equitable action.

Section 5. Enforcement. The Township Supervisor, the Township Code Enforcement Officer, his or her designee and sworn law enforcement officers are authorized to enforce the provisions of this Ordinance.

Section 6. Severability. This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 7. Administrative Liability. No officer, agent, or employee of the Township or member of the Township Board shall render him/herself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Ordinance.

Section 8. Repeal. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Grant, Clare County, Michigan.

Moved by Dick Zinser, seconded by Tammy Shea, that the foregoing Ordinance be adopted.

Yeas: Shea, Wentworth, Dysinger, Zinser, Bell

Nays: None

Absent: None

ORDINANCE DECLARED ADOPTED by Supervisor Dysinger.

CERTIFICATION

I hereby certify that:

The above is a true copy of the said Ordinance, adopted by the Grant Township Board at a duly scheduled and noticed meeting of that Township Board held on 13th September, 2016, pursuant to the required statutory procedures.

Susan I. Wentworth, Clerk
Grant Township