

**NOTICE OF POSTING OF  
ADOPTED PUBLIC WATER AND SANITARY SEWER CONNECTION ORDINANCE;  
ADOPTED TEXT AMENDMENT ORDINANCE AND; PROPOSED TEXT  
AMENDMENT ORDINANCE**

PLEASE TAKE NOTICE that a Tallmadge Charter Township Public Water and Sanitary Sewer Connection Ordinance was adopted at a meeting of the Tallmadge Charter Township Board held on April 10, 2012 after its first reading at a meeting of the Tallmadge Charter Township Board held on March 13, 2012.

The Public Water and Sanitary Sewer Connection Ordinance will establish requirements for the safe disposal of waste and to provide for the safe access of drinkable water.

PLEASE TAKE FURTHER NOTICE that a Tallmadge Charter Township Zoning Text Amendment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board held on April 10, 2012 after its first reading at a meeting of the Tallmadge Charter Township Board held on March 13, 2012.

The Zoning Text Amendment Ordinance will amend the Zoning Ordinance for Tallmadge Charter Township by adding Section 4.07 concerning zoning district regulations.

PLEASE TAKE FURTHER NOTICE that a Tallmadge Charter Township Zoning Text Amendment Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on April 10, 2012.

The Zoning Text Amendment Ordinance will restate Chapter 16 concerning sign regulations, including billboard regulations of the Tallmadge Charter Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that the Ordinances have been posted in the office of the Tallmadge Charter Township Clerk, Tallmadge Charter Township, 0-1451 Leonard Road, N.W., Grand Rapids, Michigan (telephone: 616-677-1248), and on the Township website at [www.tallmadge.com](http://www.tallmadge.com).

Dated: April 21, 2012

\_\_\_\_\_  
Lenore Cook, Clerk  
Tallmadge Charter Township

The following Public Water and Sanitary Sewer Connection Ordinance was adopted at a Tallmadge Charter Township Board meeting on April 10, 2012.

ORDINANCE NO. 03-13-12-1

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

**PUBLIC WATER AND SANITARY SEWER CONNECTION ORDINANCE**

An ordinance to promote the safe disposal of waste and to provide for the safe access of drinkable water.

**Section 1      Definitions.**

For the purpose of this Ordinance, certain terms are defined as follows:

- 1.1      Public Water System – shall mean all water mains, water supply facilities, metering facilities, storage facilities, pumping stations, and their appurtenances which the Township has or shall have possession of and operating responsibility for (whether owned by the Township or not; whether operated directly by the Township or by contract with another party) either now in existence in the Township or hereafter acquired or constructed in the Township, together with all works, plants, instrumentalities, and properties used or useful in connection therewith in obtaining a water supply or in the treatment or distribution of water, and all extensions, enlargements, and improvements thereto in the Township.
  
- 1.2      Sanitary Sewer System– shall mean all sewer lines, lift stations, pumping facilities, sewer collection facilities, and their appurtenances which the Township has or shall have possession of and operating responsibility for (whether owned by the Township or not; whether operated directly by the Township or by contract with another party), either now in existence in the Township or hereafter acquired or constructed in the Township, together with all works, plants, instrumentalities, and properties used or useful in connection therewith in collecting sewage and transmitting and conveying such collected sewage to sewage disposal facilities, and all extensions, enlargements and improvements thereto in the Township.
  
- 1.3      Township – The Charter Township of Tallmadge, Ottawa County, Michigan.

**Section 2      Installation and Connection to Water System Required.**

- 2.1      For reasons of public health, any structure for which water is necessary lying within the Township shall be connected to the public water system within 18 months after (i) written notice is given to the owner by certified mail by the Township of availability of the public water system and (ii) compliance with any notice or other requirements specified by state law.

For purposes of this subsection, the public water system shall be considered to be available

when it is located in a right-of-way, easement, highway, street, or public way which crosses, adjoins or abuts upon the property in question and passes not more than 200 feet at the nearest point from a structure for which water is necessary.

For purposes of this subsection, "structure for which water is necessary" shall mean any structure which depends upon the flow of either public or private water to be usable, and which does not have an operational private well which meets the structure's requirements and which complies with all applicable statutory and regulatory requirements.

If the structure for which water is necessary has not been connected to the public water system within such 18 month period, then the Township shall proceed in accordance with applicable state law or this Ordinance to require connection to be made forthwith. In so proceeding, the Township shall have the rights and remedies provided in the applicable state law, as well as all rights and remedies provided by this Ordinance.

- 2.2 The property owner is responsible for the cost of installation, maintenance, repair and liability of public water connections from the public water system to the structure.

### **Section 3 Installation and Connection of Toilet Facilities to Sanitary Sewer.**

- 3.1 For reasons of public health, any structure in which wastewater originates lying within the Township shall be connected to the sanitary sewer system within 18 months after (i) written notice is given to the owner by certified mail by the Township of the availability of the sanitary sewer system and (ii) compliance with any notice or other requirement specified by state law.

For purposes of this subsection, the sanitary sewer system shall be considered to be available when it is located in a right-of-way easement, highway, street, or public way which crosses, adjoins, or abuts upon the property in question and passes not more than 200 feet at the nearest point from a structure in which wastewater originates.

For purposes of this subsection, the phrase "structure in which wastewater originates" shall mean a structure in which toilet, kitchen, laundry, bathing, or other facilities that generate wastewater are used or are available for use for household, commercial, industrial, or other purposes, and which does not have an operational septic tank which meets the structure's requirements and which complies with all applicable statutory and regulatory requirements.

If the structure in which wastewater originates has not been connected to the sanitary sewer system within such 18 month period, then the Township shall proceed in accordance with applicable state law or this Ordinance to require connection to be made forthwith. In so proceeding, the Township shall have the rights and remedies provided in the applicable state law, as well as all rights and remedies provided by this Ordinance.

- 3.2 The property owner is responsible for the cost of installation, maintenance, repair and liability of sewer service leads from the sanitary sewer system main to the structure.

### **Section 4 Hardship Applications.**

The owner or owners of a dwelling, in which dwelling the owner or owners reside and upon which a connection requirement or connection charge has been imposed, may submit a hardship application to the Township Supervisor seeking a deferment in the partial or total payment of the connection fee or a deferment of the connection obligation, based upon a showing of financial hardship, subject to and in accordance with the following.

- 4.1 The owner or owners of the premises shall, under oath, complete a hardship application provided by the Township, and file the application, together with all other information and documentation reasonably required by the Township with the Township Supervisor not less than 60 days prior to the due date of the annual installment of such charge, or 60 days prior to the due date of the connection obligation. Any such deferment shall be for the current annual installment only, or it may be for the connection obligation until the deferment ends as provided below. An application shall be completed and filed by each and every legal and equitable interest holder in the premises, excepting financial institutions having security interests in the premises.
- 4.2 Hardship applications shall be reviewed by the Township Supervisor, and after careful deliberation of hardship applications, the Township Supervisor shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall promptly notify the applicants of the determination.
  - (a) An owner of a dwelling required to connect or required to pay a connection charge may have that requirement deferred if the owner, or the owner's spouse if the dwelling is jointly owned, meets all of the following requirements:
    - (1) Has a household income less than the amount last established by the Township on an annual basis, which unless otherwise determined by the Township Board shall be the amount under the income portion of the federal poverty standards, as required by the Michigan General Property Tax Act, as amended; and
    - (2) Has assets less than the amount last established by the Township on an annual basis, which unless otherwise determined by the Township Board shall be the amount under the asset level portion of the federal poverty standards, as required by the Michigan General Property Tax Act, as amended; and
    - (3) Has the written consent of the mortgagee or the land contract vendor, if the dwelling or premises is encumbered by a mortgage or an unpaid balance on a land contract.
  - (b) An owner of a dwelling required to connect or required to pay a connection charge may have that requirement deferred if the owner, or the owner's spouse if the residence is jointly owned, meets the requirements of subsection (a) above, except for the household income limit, if medical challenges faced by the owner, or the owner's spouse if applicable, in the opinion of the Township Supervisor, offset the excess household income.

- (c) To the extent applicable, the terms of this deferral option shall be interpreted in compliance with Public Act 225 of 1976, as amended, including without limit, the indexed number for the limit on household income.
- 4.3 An applicant aggrieved by the determination of the Township Supervisor may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.
- 4.4 In the event that the Township Supervisor or the Township Board makes a finding of hardship, the Township Supervisor or the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in so doing, shall require an annual filing of financial status by each applicant. However, upon a material change of financial status of an applicant, the applicant shall immediately notify the Township Clerk so that a further review of the matter may be made by the Township Supervisor, with a possible appeal to the Township Board. Further, the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:
- (a) A change in the financial status of any applicant which removes the basis for financial hardship;
  - (b) The property or any part of it is sold;
  - (c) The property or any part of it is transferred to another (provided that the deferral shall not end for property transfers which do not result in the value of the property in question being uncapped);
  - (d) A contract to sell the property is entered into by both parties; or
  - (e) One year has elapsed since the death of the property owner (unless an extension is approved by the probate court).
- 4.5 Upon a determination of the Township Supervisor or the Township Board deferring all or part of the charges imposed, the owners of the premises shall, within one month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the premises, and such other documents deemed necessary to secure the payment, guaranteeing payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable. The consideration for the security interest shall be the grant of deferment pursuant to this Ordinance.

## **Section 5 Penalties for Violation.**

Any person (including an individual, corporation, partnership, or any other legally created entity) who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not to exceed \$500.00 or by imprisonment in the County Jail of Ottawa County, Michigan, not to exceed 90 days, or both such fine and imprisonment,

together with Court costs in the discretion of the Court. Each day that such violation occurs shall constitute a separate offense.

**Section 6 Severability.**

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

**Section 7 Administrative Liability.**

No officer, agent, or employee of the Township shall be personally liable for any damages that may occur to any person as a result of any act required or permitted in the discharge of duties under and in the enforcement of this Ordinance, or any rules and regulations, specifications, or policies and procedures adopted pursuant to this Ordinance. In the event of any conflict between this Ordinance and any rule, regulation, specification, policy or procedure, the provisions of this Ordinance shall control.

**Section 8 Effective Date.**

This Ordinance was approved and adopted by the Township Board on April 10, 2012, after introduction and a first reading on March 13, 2012, and publication after such first reading as required by Public Act 359 of 1947, as amended. This Ordinance shall be effective on May 21, 2012, which date is at least 30 days after publication of this Ordinance.

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James VanEss  
Township Supervisor

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Lenore Cook  
Township Clerk

CERTIFICATE

I, Lenore Cook, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Tallmadge Charter Township Board held on April 10, 2012. The following members of the Township Board were present at that meeting: Van Ess, Fenske, Cook, Walt, Bronkema and Eppink. The following members of the Township Board were absent: Martin. The Ordinance was adopted by the Township Board with members of the Board Van Ess, Fenske, Cook, Walt, Bronkema and Eppink voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the Ottawa Advance on April 21, 2012.

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Lenore Cook  
Township Clerk

**AFFIDAVIT OF POSTING**

(Public Water and Sanitary Sewer Connection Ordinance)

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF OTTAWA     )

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Public Water and Sanitary Sewer Connection Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on March 13, 2012, and its second reading on April 10, 2012 in the Township Clerk's office and on the Township's website at [www.tallmadge.com](http://www.tallmadge.com) on April 21, 2012.

\_\_\_\_\_  
Lenore Cook, Clerk  
Tallmadge Charter Township

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My commission expires: \_\_\_\_\_

The following Zoning Text Amendment Ordinance was adopted at a Tallmadge Charter Township Board meeting on April 10, 2012.

ORDINANCE NO. 03-13-12-1

**ZONING TEXT AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY ADDING SECTION 4.07 CONCERNING ZONING DISTRICT REGULATIONS.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Zoning District Regulations. Section 4.07 of the Zoning Ordinance shall be added to state in its entirety as follows.

**SECTION 4.07. ZONING DISTRICT REGULATIONS.**

Each zoning district, as created in this Ordinance, shall be subject to the regulations contained in this Ordinance. Uses not expressly permitted, either by right or by special approval, are prohibited. Uses for enterprises or purposes that are contrary to Federal, State or local laws or ordinances are prohibited.

Section 2. Effective Date. This amendment to the Tallmadge Charter Township Zoning Ordinance was approved and adopted by the Township Board of Tallmadge Charter Township, Ottawa County, Michigan on April 10, 2012, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on March 13, 2012, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on April 29, 2012, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the Advance Newspaper as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

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James VanEss, Township Supervisor

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Lenore Cook, Township Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Zoning Map Amendment Ordinance was adopted at a regular meeting of the Township Board held on April 10, 2012. The following members of the Township Board were present at that meeting: Van Ess, Fenske, Cook, Walt, Bronkema and Eppink. The following members of the Township Board were absent: Martin. The Ordinance was adopted by the Township Board with members of the Board Van Ess, Fenske, Cook, Walt, Bronkema and Eppink voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the Advance Newspaper on April 21, 2012.

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Lenore Cook, Clerk  
Tallmadge Charter Township



The following Zoning Text Amendment Ordinance had its first reading at a Tallmadge Charter Township Board meeting on April 10, 2012.

ORDINANCE NO. \_\_\_\_

**ZONING TEXT AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY RESTATING THE SIGN REGULATIONS CHAPTER; AND TO PROVIDE FOR AN EFFECTIVE DATE.

THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Sign Regulations. Chapter 16 of the Tallmadge Charter Township Zoning Ordinance regarding sign regulations shall be restated in its entirety as follows.

**CHAPTER 16**

**SIGN REGULATIONS**

**SECTION 16.01. PURPOSE AND INTENT; FINDINGS.**

- (a) It is the intent of this Chapter to regulate the number, location, physical characteristics, and manner of display of signs in the Township in a manner consistent with the following purposes:
  - 1. To further, protect, and promote the health, safety, and welfare of Township residents, property owners, and visitors;
  - 2. To protect and enhance the aesthetic appearance of the Township by preventing and reducing visual clutter;
  - 3. To promote traffic safety by reducing distractions and visual obstructions that are

hazardous to motorists, pedestrians, bicyclists, and any others in the area;

4. To promote public safety by prohibiting signs that are structurally unsafe or poorly maintained;
5. To promote economic viability and to protect and enhance property values; and
6. To provide for and protect ample means of communication within the guarantees of the United States and Michigan Constitutions.

(b) Concerning the regulation of signs, the Township makes the following findings.

1. The right to convey a message by a sign must be balanced against the public's right to be free of signs which unreasonably compete for attention, distract drivers and bicyclists and pedestrians, or produce confusion.
2. Sign regulations should afford businesses a reasonable opportunity to communicate.
3. Oversized, projecting, distracting, cluttered or crowded signs can lead to confusion, disorientation and distraction for drivers, bicyclists and pedestrians, and thus endanger public health, safety and welfare. Reasonable limits and restrictions are appropriate for placement, construction, size, type and design of signs in relation to the location of buildings and uses and the availability of other means of communication.
4. Signs which utilize advancements in technology, such as but not limited to projecting illumination from the signs or changing the message of the signs instantaneously or nearly so, pose additional risks of impacting adjacent areas and adversely affecting their environment unless reasonably regulated.
5. On-site signs which utilize newer technologies are found to be different in kind and character from larger off-site signs (i.e., billboards) which utilize newer technologies. Reasonable regulations likely to minimize adverse secondary effects from such on-site signs, thus preserving the character and repose of adjacent areas and protecting property values and reducing traffic hazards, will not sufficiently minimize those adverse secondary effects from such off-site signs because of the size and visibility and nature of those off-site signs which are internally lit and capable of having their messages changed instantaneously or nearly so.

**SECTION 16.02. SIGNS PROHIBITED.** Any sign not expressly permitted by this Ordinance is prohibited.

**SECTION 16.03. SIGN DEFINITIONS.** For purposes of their use in this Chapter only, the following terms and phrases are hereinafter defined and their meaning is included in the word "signs."

- (a) **Abandoned Sign.** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, or for which no legal owner can be found.
- (b) **Balloon Sign.** A sign which is made of a nonporous bag of tough light material filled with heated air or a gas lighter than air used to convey advertising copy or announce a special event on a temporary basis.
- (c) **Banner Sign.** A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this Ordinance.
- (d) **Bench Sign.** A sign located on any part of the surface of a bench or seat placed on or adjacent to a right-of-way.
- (e) **Billboard.** An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
- (f) **Building Sign -** See Wall Sign.
- (g) **Changeable Copy Sign.** A sign upon which a display or message can be changed from time to time by either physical replacement of the display or message or by electronic modification of a light display or message.
- (h) **Construction Sign.** A sign which displays the name or names of principal contractors, architects, and lending institutions responsible for the construction on the site where the sign is placed.
- (i) **Directional Sign.** A sign giving directions or instructions which provides direction for vehicular or pedestrian circulation in or out of a development. A directional sign shall not contain advertising display copy.
- (j) **Flashing Sign.** A sign which contains an intermittent or sequential flashing light source used to attract attention.
- (k) **Freestanding Sign.** A sign structurally separated from a building, supported by one or more poles or braces, or attached directly to the ground.
- (l) **Government Sign.** A sign erected and maintained by the Township or the county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

- (m) **Height (of a Sign).** The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
- (n) **Illuminated Sign.** A sign with an artificial light source which is intended to illuminate the sign.
- (o) **Marquee Sign.** A sign attached to or supported by a marquee structure.
- (p) **Nameplate.** A nonelectric on-premise sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (q) **Nonconforming Sign.** A sign which was legally erected prior to this Ordinance, or an amendment to this Ordinance, but which does not conform to this Ordinance, or the amendment of this Ordinance.
- (r) **Off-Site Business Traffic Control Sign.** A freestanding sign which is off-site but not considered a billboard if it only provides traffic control information for one (1) or more commercial or industrial businesses and meets the requirements of Section 16.06(p).
- (s) **Permanent Sign.** A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the applicable building code.
- (t) **Political Sign.** A sign used in connection with a local, state, or national election or referendum.
- (u) **Portable Sign.** Any sign not permanently attached to a building, structure, fixed footing or foundation, with or without wheels, lighted or unlighted, which by nature of its design is intended for temporary use. Such signs are generally characterized as being transportable. Included are signs attached to or painted on trucks, trailers or any other vehicle.
- (v) **Real Estate Sign.** A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease, or rent, which is temporary in nature.
- (w) **Roof Sign.** A sign erected or constructed wholly upon or over the roof of a building and supported on the roof structure.
- (x) **Sign Area.** The area shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces, or uprights of the sign.
- (y) **Wall Sign.** A sign which is painted directly on a wall of a building; or an individual letter

sign, cabinet sign, or a sign on a mansard which is attached parallel to and extending not more than fifteen (15) inches from a wall of a building.

- (z) **Window Sign.** A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or exterior.

**SECTION 16.04. SIGNS PROHIBITED.** The following are prohibited in all zoning districts.

- (a) Abandoned signs.
- (b) Banner signs, flags, pennants, balloon signs, light strings, flashing or blinking lights, search lights, or other similar devices used to attract the attention of the public except as permitted under Section 16.06(q).
- (c) Signs with animation, flashing signs, or signs with motion of any type.
- (d) Bench signs, except at bus stops.
- (e) Portable signs.
- (f) Roof signs.
- (g) Signs imitating or resembling official traffic or government signs or signals.

**SECTION 16.05. PERMIT REQUIRED.**

- (a) Except as specifically excused in subsection (b) below, no sign shall be constructed, erected, attached to a building, installed, structurally altered, relocated, or displayed prior to the issuance of a permit therefor by the Zoning Administrator.
- (b) **Exempt Signs.** No permit shall be required for any of the following signs or activities with signs.
  1. Normal maintenance and repair of an otherwise authorized sign.
  2. Change of lettering or display panels which do not substantially alter the character or nature of the sign.
  3. Real estate signs on any premises for not more than ninety (90) days, provided such signs do not exceed six (6) square feet in area.
  4. Highway or street signs erected by any governmental agency authorized to erect such signs.
  5. Signs erected by governmental agencies to designate hours of activity or conditions

for the use of parks, parking lots, recreational areas, governmental buildings, or other public areas; provided that the signs meet all of the conditions and requirements for the zoning district in which they are located.

6. Directional signs erected in conjunction with private off-street parking areas and drives, provided each sign does not exceed four (4) square feet in area and is limited to traffic control functions only.
  7. Signs designating historical sites recognized by the State Historical Commission as centennial farms and historic landmarks, provided that the signs meet all the conditions and requirements for the zoning district in which they are located.
  8. Signs posted to control or prohibit hunting or trespassing within the boundaries of the land on which they are located, provided no such sign shall exceed four (4) square feet in area.
  9. Essential public service signs denoting utility lines, railroad lines, hazards, and precautions.
  10. Memorial signs or tablets which are either cut into the face of a masonry surface, or constructed of bronze or other similar material, when located flat on the face of a building.
  11. One (1) construction sign per project denoting architects, engineers, contractors, owners, or financial institutions connected with the work under construction; provided such signs do not exceed thirty-two (32) square feet in area, and meet all of the conditions and requirements for the zoning district in which they are located.
  12. Signs which are used to publicize church events, school events, civic events, public gatherings, picnics, and similar events; provided that such signs are erected for a period not to exceed ten (10) days and do not exceed twenty (20) square feet in area.
  13. Accessory professional or nameplate signs less than four (4) square feet in area.
- (c) **Application Process.** The application for a sign permit shall be in writing to the Zoning Administrator and shall include the following information.
1. The name and address of the applicant, and the owner of the sign.
  2. The size of the sign, including the dimensions and area of all surfaces intended, suited, or designed for display.
  3. A scaled drawing of the total sign structure, and a plot plan showing the proposed location of the sign structure on the premises in relation to property lines, right-of-way lines, existing and proposed buildings and structures, and landscaping.

4. Plans and specifications for the sign.
5. The proposed method of construction, illumination, erection, structural alteration, or relocation of the sign.
6. A description of the equipment to be used for the work.

**SECTION 16.06. GENERAL PROVISIONS.** The following general provisions shall apply to all signs in all zoning districts within the Township.

- (a) No sign, temporary or permanent, regardless of its intent, purpose, or nature, shall be erected, constructed, installed, located, or placed upon private property without the written consent of the owner of such property.
- (b) No sign, other than a billboard, shall exceed seventy-five (75) square feet in area per side. Further, no sign shall exceed twelve (12) feet in height, and no more than ten (10) feet in its width or length, exclusive of support structures.
- (c) No freestanding sign shall exceed twenty (20) feet in height. Wall signs may not extend more than four (4) feet above the roof line or sidewall of the building whichever is higher.
- (d) Any freestanding sign whose lowest edge, exclusive of support structures, is less than five (5) feet above grade level shall not exceed ten (10) feet in height. Any freestanding sign whose lowest edge, exclusive of support structures, is higher than five (5) feet above grade level shall not exceed twenty (20) feet in height.
- (e) All signs shall be stationary without moving components.
- (f) No sign, temporary or permanent, shall be constructed, erected, reconstructed, placed, located upon, or hung over any sidewalk, street, alley, or other public right-of-way, except in the unique circumstances where the sign has first been authorized as a Special Use. In considering Special Use authorization, the Township shall consider the following:
  1. The type and nature of the sign to be constructed;
  2. The reasons why the applicant has requested that the sign be constructed or located upon or over the public right-of-way; and
  3. Whether or not the construction or location of the sign upon or over the public right-of-way is necessary for the sign to be viewed by potential viewers.
- (g) Except for street right-of-way lines, no sign or sign part shall be located closer than ten (10) feet of any other property line.

- (h) No sign shall be erected, constructed, reconstructed, placed, or located in any location, or in any manner, where it may interfere with, obscure the view of, or be confused with any authorized traffic control sign or signal.
- (i) No exterior sign shall be located or erected in such a manner as to interfere with traffic visibility. In determining whether a sign may interfere with traffic visibility, the Zoning Administrator shall consider the following:
  - 1. Height, area, and supporting structure of the sign;
  - 2. Lighting of the sign;
  - 3. Location of the sign in relation to streets, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways;
  - 4. Location of the sign in relation to nearby buildings and structures; and
  - 5. Whether the clear corner provisions under Section 3.30 are met.
- (j) No sign shall be attached to a utility pole, traffic control device, tree, fence, another sign or sign support, or any other similar object.
- (k) All sign illumination shall comply with this subsection, except for authorized and exempt traffic control signs.

Light from an externally illuminated sign shall be directed toward the façade of the sign only and shall not be directed toward any street or adjacent property.

Light from an internally illuminated sign shall also not be directed toward any street or adjacent property.

Illumination of signs shall not be oscillating, flashing, blinking, intermittent, or of any on-and-off type.

All signs which are to be illuminated by electric power shall comply with the applicable electric codes.

Open neon lights are prohibited.

- (l) All signs shall be securely affixed to the premises where located.
- (m) All signs shall be maintained in good condition and repair including, but not limited to, maintenance of supports and fastenings to prevent the signs from falling or becoming hazardous in any manner. All signs must be maintained in conformity with the requirements and conditions of the zoning district in which they are located.

- (n) Portable signs may be authorized by the Zoning Administrator for a period of time not to exceed forty-five (45) days per calendar year.

Authorized portable signs must meet all other requirements and conditions for the zoning district in which they are located.

- (o) Political signs are permitted in all zoning districts provided that they are not illuminated; do not exceed twelve (12) square feet in area; are limited to one (1) sign per lot; and meet all other requirements and conditions for the zoning district in which they are located.

All such political signs shall be removed within five (5) days after the election with which they are concerned, and in no case shall any political sign be permitted for a period of more than sixty (60) days.

- (p) Off-site business traffic control signs are permitted only in the C-1, C-2, or I-1 zoning districts, and they must meet all of the following requirements.

1. The sign must provide only traffic control information, and only for a commercial or an industrial building, or its related parking area, which is off-site but in the immediate area.
2. The building must not be in a shopping center.
3. The building or parking area must have limited access that is not easily identifiable or reached from a street.
4. The sign shall not exceed two hundred (200) square feet in area.
5. Written permission for the sign must be obtained from the owner of the property on which it is located. The written document must include a description of maintenance responsibilities and must be recorded with the Ottawa County Register of Deeds, with a copy provided to the Township.

- (q) Banner signs, pennants, or light strings when used as temporary decorations. Such decorations shall be removed within fourteen (14) days following the effective date of the zoning permit.

**SECTION 16.07. SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.** In the AG, RP, R-1, R-2, R-3 and R-4 Zoning Districts, only the following signs shall be permitted.

- (a) One (1) nameplate sign not more than four (4) square feet in area is permitted per lot.
- (b) In parking lots, no signs other than directional signs not more than four (4) square feet in area shall be permitted, as per Section 16.05(b)(6), along with one (1) sign with rules which

is not more than four (4) square feet in area and located to be visible at the entrance to the parking lot. If such signs are shown in connection with a Site Development Plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, such determination shall be made by the Zoning Administrator.

- (c) Signs are permitted for residential subdivisions, apartment complexes, and permitted non-residential uses advertising the name and activities of a permitted nonresidential use. No sign shall exceed thirty-two (32) square feet in area. Such signs shall be located on the same lot as the use or apartment it is advertising. No more than one (1) sign for each five hundred (500) feet of street frontage shall be permitted.
- (d) Customary farm and crop signs on active farms are permitted.
- (e) One (1) sign of not more than thirty-two (32) square feet in area, advertising the name and activities of a legal nonconforming use is permitted on the lot where the use is located.

**SECTION 16.08. SIGNS IN COMMERCIAL DISTRICTS.** In the C-1 and C-2 zoning districts, only the following signs shall be permitted.

- (a) One (1) nameplate sign not more than four (4) square feet in area is permitted per lot.
- (b) In parking lots, no signs other than directional signs not more than four (4) square feet in area shall be permitted, as per Section 16.05(b)(6), along with one (1) sign with rules which is not more than four (4) square feet in area and located to be visible at the entrance of the parking lot. If such signs are shown in connection with a Site Development Plan, the Planning Commission shall determine whether or not they are the correct size and if they are necessary for the public welfare. In all other cases, such determination shall be made by the Zoning Administrator.
- (c) One (1) wall sign is permitted for every one hundred (100) feet of street frontage. The lowest point of all wall signs shall not be less than four (4) feet nor more than eighteen (18) feet above the established grade.
- (d) For each lot, one (1) freestanding sign may be erected in compliance with Section 16.06.
- (e) In addition to the signs allowed in subsections (c) and (d) above, one (1) wall sign may be erected on a rear yard or parking lot side of a lot, not exceeding thirty-two (32) square feet in area.
- (f) For each lot, additional window signs shall be permitted. No one (1) window sign shall exceed twenty (20) square feet in area, and the total of all window signs shall not exceed more than twenty-five (25) percent of the surface area of a given window.
- (g) Automobile service stations shall be permitted signs on each pump island indicating the

prices and types of gasoline and the type of service. The aggregate area of such signs shall not exceed twenty (20) square feet per pump island. In no event shall the total area of all such signs exceed one hundred twenty (120) square feet.

- (h) Theaters, except for adult uses, shall each be permitted, in addition to the zoning district provisions of this Section, one hundred (100) square feet of sign area for marquee signs which are also changeable copy signs.
- (i) Banner signs, pennants or flags are permitted for a period as per Section 16.05(b)12 and Section 16.08(q), provided they are kept in a state of good repair.
- (j) Freestanding signs are permitted for a shopping center or other integrated grouping of commercial uses in a building, subject to the following requirements.
  - 1. One (1) freestanding identification sign is permitted for each street faced by the building.
  - 2. The freestanding identification sign may only state the name of the shopping center or building, and the tenants doing business there.
  - 3. The freestanding identification sign may not exceed two hundred (200) square feet in area.
  - 4. Tenants of the shopping center or building may have individual freestanding identification signs only if the shopping center or building does not have one of its own. The combined square footage of all such individual freestanding identification signs may not exceed the size the shopping center or the building could have.

**SECTION 16.09. SIGNS IN INDUSTRIAL DISTRICTS.** In the I-1 Zoning District, only the following signs shall be permitted.

- (a) All signs allowed under Section 16.08 are allowed subject to the same regulations as are in that section.
- (b) Directional signs up to thirty-two (32) square feet in area, designating entrances, exits, parking and loading areas, shipping docks or similar traffic control purposes, are permitted.
- (c) Billboards, subject to the provisions under Section 16.10, are permitted.
- (d) Window signs which are visible from any street or adjacent property are prohibited.

**SECTION 16.10. BILLBOARD REGULATIONS.**

- (a) All billboards shall be located as follows:

1. No closer than one thousand three hundred twenty (1,320) feet from any other billboard on the same side of the street;
  2. No closer than six hundred sixty (660) feet from an existing billboard on the other side of the street;
  3. No closer than five hundred (500) feet from any street intersection of a major arterial or primary collector street or from expressway access or exit ramps;
  4. No closer than one hundred (100) feet to a street right-of-way; and
  5. No closer than three hundred (300) feet to any property zoned RP, R-1, R-2, R-3, R-4, or used as a dwelling fronting on the same street.
- (b) No billboard shall be stacked or placed one above the other (or another). A "V" shaped billboard shall be considered as one (1) double-faced billboard.
- (c) No billboard shall have an area in excess of two hundred and fifty (250) square feet per face side including border and trim, but excluding uprights and supports. No double-faced or "V" shaped billboard shall have an area in excess of five hundred (500) square feet total including border and trim.
- (d) No billboard shall exceed either of the following dimensions:
1. Thirty-five (35) feet in height; or
  2. Forty-eight (48) feet in width or length including border, trim, or any other appendage, except catwalks that are used for the purpose of performing maintenance to the billboard and are not used for advertising, which shall not exceed a width or length of fifty-two (52) feet.
- (e) A billboard may be illuminated only in the manner allowed in Section 16.06(k) above.
- (f) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- (g) A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (Michigan Public Act 106 of 1972, as amended ["Act 106"]), bordering interstate highways, freeways or primary highways as defined in Act 106 shall, in addition to complying with the conditions of this Section, also comply with all applicable provisions of Act 106 and the regulations promulgated thereunder, as such may from time to time be amended.

The following exceptions shall apply to properties bordering Interstate 96 expressway only.

1. The maximum dimensions of each billboard's sign area shall not exceed fourteen (14) feet in height and forty-eight (48) feet in width. The maximum sign area of a billboard shall not exceed six hundred seventy-two (672) square feet.
2. No billboard shall be located within three hundred (300) feet of any single family dwelling.

(h) **Permits.** In addition to and notwithstanding all other provisions of this Chapter, the Zoning Administrator shall, when considering the issuance of or the renewal of a permit for a billboard, consider the following factors in making a determination or reaching a decision whether or not to issue a permit or renewal of a permit.

1. Environmental impact resulting from the placement or continued placement of the billboard, including any or all of the following:
  - a. The billboard's impact upon the topography of the billboard location and the surrounding area topography;
  - b. The billboard's impact upon soil conditions such as, but not limited to, erosion resulting from existing drainage, resulting drainage, altered drainage, erosion resulting from wind deflection, or the ability of the soil to support a billboard of the type requested;
  - c. The billboard's impact upon traffic patterns, vehicular and pedestrian and any other means;
  - d. The billboard's impact on the use, future use, or continued use of the requested location and surrounding area for dwellings, businesses, recreation, or other planned or proposed uses; and
  - e. The billboard's impact on the aesthetic environment of the Township.
2. The demonstrated or anticipated effects of the billboard on persons living, owning property, doing business within, visiting, or passing through the Township, which effects may include but are not limited to any or all of the following:
  - a. Interruption of view;
  - b. Effect of illumination;
  - c. Alteration of vehicular or pedestrian or other traffic;
  - d. Negative effect on property values;

- e Effect on, or interruption of, ability to use property in customary and usual manner; and
  - f. Public nuisance.
3. The effect of the billboard on public safety, including, but not limited to, its status as an attractive hazard, any damage or threat of damage resulting from wind or storm effects upon the billboard, or any other demonstrated threat to the public safety resulting from the placement or continued placement of the billboard.
- (i) **Special Use.** The Zoning Administrator when reviewing an application for a billboard, or any party in interest aggrieved by a decision of the Zoning Administrator concerning an application for a billboard, may submit a written request to the Township, asking that the application be processed as a special use pursuant to Chapter 19 of this Ordinance. An appeal from a decision by the Zoning Administrator must be filed with the Township within twenty-one (21) days of the decision; the twenty-one (21) days shall begin to run when the aggrieved party knows or should know about the Zoning Administrator's decision.
  - (j) No permit for the erection or construction of any billboard shall be issued or considered valid unless and until a written and signed consent of the owner of the property on which the billboard is to be located has been filed with the Zoning Administrator.
  - (k) All permits for the erection, construction, location and maintenance of a billboard shall expire on January first (1<sup>st</sup>) in the fifth (5<sup>th</sup>) year following the granting of such permit. The owner of the billboard shall make written application for renewal of such permit not less than ninety (90) days prior to expiration. The Zoning Administrator may renew the permit for a billboard for an additional term of five (5) years provided the Zoning Administrator determines, prior to the issuance of the renewal, that the billboard has been maintained in good condition and repair and has been maintained, utilized, and located at all times in full conformance with all of the terms and provisions of this Ordinance, and that the billboard is, on the date of such renewal, in compliance with all of the terms and provisions of this Ordinance.
  - (l) To the extent that they are not specifically inconsistent with the terms and provisions of this Section pertaining specifically to billboards, all other terms, provisions, and conditions of this Chapter pertaining to signs shall be applicable to billboards.

**SECTION 16.11. NONCONFORMING SIGNS.** Notwithstanding the provisions of Chapter 17 pertaining to nonconforming uses, buildings, or structures, all nonconforming signs may continue after the effective date of adoption or amendment of this Ordinance. A nonconforming sign which is damaged by any means whatsoever to an extent of more than fifty (50%) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of this Chapter. Any sign which is damaged to an extent of fifty (50%) percent or less of its replacement cost may be restored in its location existing prior to such damage, provided such construction is commenced within two

(2) years of the date of damage and is diligently pursued to completion. Failure to complete reconstruction shall result in the loss of legal, nonconforming status.

Section 2. Effective Date. This amendment to the Tallmadge Charter Township Zoning Ordinance was approved and adopted by the Township Board of Tallmadge Charter Township, Ottawa County, Michigan on \_\_\_\_\_, 2012, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on \_\_\_\_\_, 2012, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on \_\_\_\_\_, 2012, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the \_\_\_\_\_, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

\_\_\_\_\_  
James VanEss, Township Supervisor

\_\_\_\_\_  
Lenore Cook, Township Clerk

**CERTIFICATE**

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Tallmadge Charter Township Zoning Text Amendment Ordinance was

adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2012. The following members of the Township Board were present at that meeting:

\_\_\_\_\_

\_\_\_\_\_. The following members of the Township Board were absent:

\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_

voting in favor and members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in opposition. Notice of Adoption of the

Ordinance was published in the \_\_\_\_\_ on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Lenore Cook, Township Clerk

**AFFIDAVIT OF POSTING**  
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN     )  
  )ss  
COUNTY OF OTTAWA    )

The undersigned, Lenore Cook, the Tallmadge Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on April 10, 2012, and its second reading on \_\_\_\_\_, in the Township Clerk's office and on the Township's website at www.tallmadge.com on \_\_\_\_\_, 2012.

\_\_\_\_\_  
Lenore Cook, Clerk  
Tallmadge Charter Township

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My commission expires: \_\_\_\_\_