

**NOTICE OF POSTING OF
ADOPTED CROWD CONTROL ORDINANCE; ADOPTED ZONING TEXT
AMENDMENT ORDINANCE AND PROPOSED ZONING MAP AMENDMENT
ORDINANCE**

PLEASE TAKE NOTICE that a Tallmadge Charter Township Crowd Control Ordinance was adopted at a meeting of the Tallmadge Charter Township Board held on December 11, 2012 after its first reading at a meeting of the Tallmadge Charter Township Board held on November 13, 2012.

The adopted Tallmadge Charter Township Crowd Control Ordinance will license, regulate and control, in the interest of public health, safety and welfare, off-site outdoor gatherings of persons in excess of 100 in number and to provide for violations.

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 December 11, 2012 after its first reading at a meeting of the Tallmadge Charter Township Board held on November 13, 2012.

The adopted Tallmadge Charter Township Zoning Text Amendment Ordinance will revise Section 16.10(e) – Billboard Regulations to prohibit the illumination of billboards and prohibit the use of digital or electronic billboards.

PLEASE TAKE FURTHER NOTICE that a proposed Tallmadge Charter Township Zoning Map Amendment Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on December 11, 2012.

The Zoning Map Amendment will amend certain property in the Township to the PUD Planned Unit Development Zoning District.

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.

Dated: December 22, 2012

Lenore Cook, Clerk
Tallmadge Charter Township

The following Crowd Control Ordinance was adopted at the Tallmadge Charter Township Board meeting on December 11, 2012.

RESTATED CROWD CONTROL ORDINANCE

AN ORDINANCE TO REPEAL THE ORDINANCE TITLED “CROWD CONTROL ORDINANCE,” ADOPTED APRIL 13, 1971, AS AMENDED, AND REPLACE THAT ORDINANCE IN ITS ENTIRETY WITH THIS RESTATED CROWD CONTROL ORDINANCE TO LICENSE, REGULATE, AND CONTROL, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE, OUTDOOR GATHERINGS OF PERSONS IN EXCESS OF 100 IN NUMBER, TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF, AND TO REPEAL ALL ORDINANCES INCONSISTENT THEREWITH.

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

Section 1. Repeal and Replacement. The ordinance titled “Crowd Control Ordinance,” adopted April 13, 1971, as amended, is repealed in its entirety and replaced with the following.

“RESTATED CROWD CONTROL ORDINANCE

Sec. 1. Preamble. The Township Board of Tallmadge Charter Township finds and declares that the interests of the public health, safety and welfare of the citizens of the Township require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this Township.

Sec. 2. Definitions.

- a. “Outdoor Assembly,” hereinafter referred to as “Assembly,” means any event, attended by more than 100 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement, or other exhibition, including, but not limited to, a parade, musical festival, rock festival, peace festival, other festival, athletic event, car show, or similar gathering, but does not mean:
 1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. an event held entirely within property owned by and which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1989, as amended; or
 3. an event held entirely within the confines of an enclosed building.

- b. “Person” means any natural person, partnership, corporation, association or other organization.
- c. “Sponsor” means any person who organizes, promotes, conducts, or causes to be conducted an assembly.
- d. “Attendant” means any person who obtains admission to an assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e. “Licensee” means any person to whom a license is issued pursuant to this Ordinance for an assembly.

Sec. 3. Prohibition. A person shall not sponsor, operate, maintain, conduct, or promote an assembly in the Township unless the person has applied for and obtained a license under this Ordinance for that assembly.

Sec. 4. Application for license. Application for a license to conduct an assembly must be made in writing on a form and in a manner as prescribed by the Township Clerk. Application shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee as established by the Township Board, and it shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application (if the applicant is a partnership, corporation or other association, this information shall be provided for all partners, officers, directors, or members; if the applicant is a corporation, a copy of the articles of incorporation shall be filed, with the names and addresses of all shareholders having a financial interest greater than \$500.00);
- b. A statement of the kind, character, and type of proposed assembly;
- c. The address, legal description, and proof of ownership of the site or sites at which the proposed assembly will be conducted (if ownership is not vested in the applicant, the applicant shall submit an affidavit from the owner indicating the owner’s consent to the use of the site or sites for the proposed assembly);
- d. The date or dates and hours during which the proposed assembly is to be conducted; and
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used for accounting purposes.

Sec. 5. Detailed Explanation. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the applicant’s plans to provide for the following:

- a. Police and fire protection;

- b. Food and water supply facilities;
- c. Health and sanitation facilities;
- d. Medical facilities and services including emergency vehicles and equipment;
- e. Vehicle access and parking facilities;
- f. Camping and trailer facilities;
- g. Illumination facilities;
- h. Communication facilities;
- i. Noise control and abatement;
- j. Facilities for clean-up and waste disposal; and
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site or sites of the proposed assembly.

Sec. 6. Processing Application. On receipt by the Township Clerk, copies of the application shall be forwarded to the Township Planner, chief law enforcement and health officers for the Township, the Township Fire Chief, and such other appropriate public officials as the Township Clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and shall report their findings and recommendations to the Township Board within 30 days of receipt.

Sec. 7. Township Board Decision. Within 65 days of the filing of the application, the Township Board shall issue, with or without conditions, or deny a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, notice of the decision must be mailed to the applicant by certified mail. In the case of denial, the reasons shall be stated in the notice.

Sec. 8. Denial. A license may be denied if:

- a. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant to this Ordinance, or with any other applicable law or regulation; or
- b. The applicant has made a false, misleading or fraudulent material statement in the application or in any supporting document.

Sec. 9. License Information. A license shall specify the name and address of the licensee, the

kind and location of the assembly, the maximum number of attendants permissible, the duration of the license, and any other conditions imposed pursuant to this Ordinance. The license shall be posted in a conspicuous place upon the premises of the assembly, and it shall not be transferred to any other person or location.

Sec. 10. Requirements. In processing an application, the Township Board shall at a minimum require the following.

- a. Security Personnel. The licensee shall employ at the licensee’s own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly, and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the Township, in cooperation with the Ottawa County Sheriff’s Department, is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- b. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand.
- c. Restroom Facilities. The licensee shall provide separate enclosed bathroom facilities.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male Attendants	Female Attendants
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:500	
Taps or Faucets	1:500	

All facilities shall be installed, connected, and maintained free from obstructions, leaks, and defects, and they shall at all times be in operable condition as determined by the Ottawa County Health Department.

- d. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of the Ottawa County Health Department for a temporary food license, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable law or regulation.
- e. Medical Facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind of medical facilities, their location, their staff

strength, and the medical and other supplies and equipment of such facilities shall be as prescribed by the Township Fire Chief.

- f. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all applicable rules and regulations of the Ottawa County Health Department.
- g. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.
- h. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to ensure the orderly flow of traffic. Access to the premises shall be from a public street as defined in the Tallmadge Charter Township Zoning Ordinance, as amended, which has adequate capacity to accommodate the assembly. Traffic lanes and other space shall be provided, designated and kept open on the premises for access by police vehicles, ambulance, fire equipment, and other emergency vehicles. A landing area shall be provided for a medical helicopter. No license shall be issued unless the Ottawa County Road Commission, Ottawa County Sheriff's Department, and the Township Fire Chief approve the licensee's plan for access and traffic control.
- i. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles. In no case shall the licensee provide less than one motor vehicle space for every four attendants.
- j. Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between the hours of 2:00 a.m. and 6:00 a.m. must obtain a temporary campground permit from the Ottawa County Health Department and must provide for camping and trailer parking and facilities in accordance with the rules and regulations adopted by the Ottawa County Health Department and in accordance with any other applicable law or regulation.
- k. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to ensure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township Building Inspector and Township Electrical Inspector.
- l. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance and property damage insurance, in accord with limits established by the Township Board, from a company or companies approved by the Commissioner of

Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the assembly, and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance which shall be provided to the Township shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least 10 days before the expiration or cancellation of the insurance.

- m. Bonding. Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in the State of Michigan, a corporate surety bond in an amount established by the Township Board, in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance, including any conditions placed upon the license, and all applicable laws and regulations, and which shall indemnify the Township – its agents, officers, employees, and members of the Township Board, against any and all loss, injury or damage arising out of or in any way connected with the assembly, and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to the assembly.
- n. Fire Protection. The licensee shall, at the licensee's own expense, take adequate steps as determined by the Township Fire Chief to ensure fire protection.
- o. Miscellaneous. Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants, or of the Township and its residents and their guests.

Sec. 11. Revocation. The Township Board may revoke a license whenever the licensee, or any employee or agent of the licensee, does not fully comply with all provisions and requirements set forth in this Ordinance, including any conditions placed upon the issuance of the license, and with any other applicable law or regulation. The Township Board shall provide a licensee a reasonable opportunity to appear before the Township Board and respond to any allegations before the Township Board decides to revoke the licensee's license.

Sec. 12. Unlawful Actions. It shall be unlawful for any person to:

- a. Advertise, promote, sell tickets to, conduct, or operate an assembly without first obtaining a license required by this Ordinance;
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance; or
- c. Conduct or permit, as part of the assembly, any activity which is illegal or prohibited by any Township ordinance or any other applicable law or regulation.

Sec. 13. Violations. Any person who violates any term or provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500.00, or imprisoned in the

Ottawa County Jail for not more than 90 days, or both such fine and imprisonment in the discretion of the Court. Each day during which any violation continues shall be deemed a separate offense.

Sec. 14. Nuisance Per Se. Any violation of this Ordinance is a public nuisance per se. The Township Board may enforce the provisions of this Ordinance by seeking injunctive relief in a court of competent jurisdiction in addition to any other remedies which may be available under the law or this Ordinance.

Sec. 15. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Sec. 16. Administrative Liability. No officer, agent, employee, or member of the Township Board shall be 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 duties and responsibilities pursuant to this Ordinance.

Sec. 17. Repeal. All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed. ”

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Tallmadge, Ottawa County, Michigan, on December 11, 2012 after introduction and a first reading on November 13, 2012 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on January 21, 2013, which date is at least 30 days after publication of the Ordinance.

James VanEss, Supervisor

Lenore Cook, Clerk

CERTIFICATE

I, Lenore Cook, the Clerk of the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Township Board held on December 11, 2012. The following members of the Township Board were present at the meeting: Van Ess, Cook, Eppink, Walt, Martin, Bronkema and Terpstra. The following members of the Township Board were absent at the meeting: none. The Ordinance was adopted by the Township Board with members of the Board Van Ess, Cook, Eppink, Walt, Martin, Bronkema and Terpstra voting in favor and no members of the Board voting in opposition. A Notice of Adoption of the Ordinance was published in the *Ottawa Advance*, on December 22, 2012.

Lenore Cook, Township Clerk

AFFIDAVIT OF POSTING

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 Crowd Control Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on November 13, 2012, and its second reading on December 11, 2012 in the Township Clerk's office and on the Township's website at www.tallmadge.com on December 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 Text Amendment Ordinance was adopted at the Tallmadge Charter Township Board meeting on December 11, 2012.

ORDINANCE NO. 11-13-12-2

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY RESTATING SECTION 16.10(e) CONCERNING THE ILLUMINATION OF BILLBOARDS TO PROHIBIT SUCH ILLUMINATION AS WELL AS PROHIBIT DIGITAL OR ELECTRONIC BILLBOARDS.

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

Section 1. Billboard Regulations. Section 16.10(e) of the Zoning Ordinance shall be amended to state in its entirety as follows.

Section 16.10 – Billboard Regulations

- (e) No portion of the face or structure of a billboard may be illuminated. Digital or electronic billboards shall not be permitted. A digital billboard uses digital display technology such as liquid crystal displays ("LCDs"), plasma or light emitting diodes ("LEDs") to communicate a message.

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 December 11, 2012, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on November 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 December 30, 2012, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Ottawa Advance* 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, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Text Amendment Ordinance was adopted at a regular meeting of the Tallmadge Charter Township Board held on December 11, 2012. The following members of the Township Board were present at that meeting: Van Ess, Cook, Eppink, Walt, Martin, Bronkema and Terpstra. The following members of the Township Board were absent: none. The Ordinance was adopted by the Township Board with members of the Board Van Ess, Cook, Eppink, Walt, Martin, Bronkema and Terpstra 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 December 22, 2012.

Lenore Cook, Clerk

AFFIDAVIT OF POSTING

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 a Text Amendment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on November 13, 2012, and its second reading on December 11, 2012 in the Township Clerk's office and on the Township's website at www.tallmadge.com on December 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 Map Amendment Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on December 11, 2012.

ORDINANCE NO. 12-11-12-1

ZONING MAP AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE ZONING ORDINANCE AND MAP OF TALLMADGE CHARTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN, FOR THE PURPOSE OF ESTABLISHING A PUD PLANNED UNIT DEVELOPMENT ZONING DISTRICT.

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

Section 1. Amendment. The Zoning Ordinance Map of the Charter Township of Tallmadge, Ottawa County, Michigan, incorporated by reference in the Zoning Ordinance for the Charter Township of Tallmadge pursuant to Chapter 4, is amended so that the lands described below shall be zoned as and included in the PUD Planned Unit Development Zoning District on the Zoning Map. The lands are described as being in the Charter Township of Tallmadge, Ottawa County, Michigan, and they are specifically described as follows.

Part of the Northeast and Northwest one-quarter, Section 7, Town 7 North, Range 13 West, Tallmadge Township, Ottawa County, Michigan, all being described as: COMMENCING at the North one-quarter corner of said Section 7; thence North 88°11'50" West 431.07 feet along the North line of said section; thence South 00°25'41" East 1690.24 feet parallel with the West line of said section to the PLACE OF BEGINNING; thence South 88°11'50" East 667.28 feet parallel with said North line; thence North 00°25'41" West 373.65 feet parallel with said West line to the North line of the Southwest one-quarter of the Northeast one-quarter of said section; thence South 88°34'50" East 1091.25 feet along said North line to the centerline of 42nd Avenue (a 66.00 foot wide public right-of-way); thence Southwesterly 149.28 feet along said centerline on a 775.00 foot radius curve to the right, the chord of which bears South 17°04'14" West 149.05 feet; thence South 22°35'19" West 817.35 feet along said centerline; thence South 20°38'27" West 438.13 feet along said centerline; thence North 88°26'02" West 756.99 feet along the East-West one-quarter line of said section to the central one-quarter corner of said section as monumented; thence South 01°25'08" East 101.67 feet along the North-South one-quarter

line; thence North 70°12'58" West 105.01 feet along the North line of the Plat of the Village of Middleburgh; thence North 00°25'41" West 265.31 feet; thence North 43°45'35" West 264.13 feet; thence South 89°34'19" West 135.00 feet; thence South 00°25'41" East 341.00 feet parallel with the West line of said section; thence North 70°12'58" West 70.32 feet along the Northerly line of the Plat of the Village of Middleburgh; thence North 00°25'41" West 889.09 feet to the place of beginning. 70-10-07-200-032.

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 _____, 2013, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on December 11, 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 _____, 2013, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Ottawa Advance* 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, Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Map Amendment Ordinance was adopted at a regular meeting of the Tallmadge Charter Township Board held on _____, 2013. 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 *Ottawa Advance* on _____, 2013.

Lenore Cook, Clerk

