

**NOTICE OF POSTING OF PROPOSED TRASH, GRASS, WEED AND NON-  
OPERATING VEHICLE ORDINANCE**

PLEASE TAKE NOTICE that a Tallmadge Charter Township Trash, Grass, Weed and Non-Operating Vehicle Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on September 8, 2015.

The Trash, Grass, Weed and Non-Operating Vehicle Ordinance will repeal the Tallmadge Charter Township Trash Ordinance and the Tallmadge Charter Township Nuisance and Storage of Non-Operating Vehicles Ordinance. The Ordinance will prohibit the creation of a nuisance; establish a duty of property maintenance; prohibit grass or weeds in excess of ten inches; prohibit the exterior storage of non-operating vehicles; provide for the enforcement within the township and establish penalties for violations.

The proposed Ordinance is scheduled for a second reading at the October 13, 2015 meeting of the Board of Trustees.

PLEASE TAKE FURTHER NOTICE that the Ordinance has 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: September 20, 2015

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Lenore Cook, Clerk  
Tallmadge Charter Township

The following Trash, Grass, Weed and Non-Operating Vehicle Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on September 8, 2015.

TALLMADGE CHARTER TOWNSHIP  
ORDINANCE NO. 09-08-15-1

**RESTATED TRASH, GRASS, WEED, AND  
NON-OPERATING VEHICLE ORDINANCE**

AN ORDINANCE TO REPEAL ORDINANCE NO. 31092, TITLED "TRASH ORDINANCE," AS AMENDED, AND SUBSEQUENTLY RENAMED AS "NUISANCE AND STORAGE OF NON-OPERATING VEHICLES ORDINANCE," AND REPLACE THAT ORDINANCE IN ITS ENTIRETY WITH THIS "RESTATED TRASH, GRASS, WEED, AND NON-OPERATING VEHICLE ORDINANCE," PROHIBITING THE CREATION OF A NUISANCE; ESTABLISHING A DUTY OF PROPERTY MAINTENANCE; PROHIBITING GRASS OR WEEDS IN EXCESS OF TEN INCHES; PROHIBITING THE EXTERIOR STORAGE OF NON-OPERATING VEHICLES; PROVIDING FOR ENFORCEMENT WITHIN THE CHARTER TOWNSHIP OF TALLMADGE, COUNTY OF OTTAWA, STATE OF MICHIGAN; ESTABLISHING AN EFFECTIVE DATE; AND IMPOSING PENALTIES FOR VIOLATIONS.

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

Section 1. Repeal and Replacement. The ordinance titled "Trash Ordinance," Ordinance Number 31092, as amended and as renamed "Nuisance and Storage of Non-Operating Vehicles Ordinance," is repealed in its entirety and replaced with the following.

"TRASH, GRASS, WEED, AND NON-OPERATING VEHICLE ORDINANCE

Sec. 1. Prohibitions. For the purposes of this Ordinance the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:

- a. Lumber, junk, trash, garbage, ashes, offal, or other debris;
- b. Abandoned, discarded, or unused objects or equipment such as vehicles, trailers, trailer bodies, furniture, stoves, refrigerators, freezers, cans, or containers.

Sec. 2. Duty to Maintain Property. No person owning, leasing, occupying,

or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

Sec. 3. Grass or Weeds in Excess of Ten Inches. No person owning, leasing, occupying, or having charge of any premises shall allow the exterior of the property to have weeds, grass, or similar plant growth in excess of 10 inches. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses and vegetation, other than annual plants, trees or shrubs; provided, however, weeds shall not include cultivated flowers and gardens. "Noxious weeds" shall be defined as weeds which are injurious to agricultural or horticultural crops, natural habitats or ecosystems, humans, or livestock, as designated by the State of Michigan or the United States Department of Agriculture.

Sec. 4. Exterior Storage of Non-Operating Vehicles Prohibited. No person owning, leasing, occupying, or having charge of premises shall allow any partially dismantled, wrecked, junked, discarded, or otherwise non-operating vehicle or trailer to remain on such property longer than 10 days. This Section shall not apply to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

"Non-operating vehicles" shall include those for which a current vehicle license issued by the Michigan Secretary of State has not been affixed for a period in excess of 30 days.

Sec. 5. Enforcement of Ordinance. Enforcement of this Ordinance may be accomplished by the Township in any manner authorized by law.

Sec. 6. Civil Infraction. Any person, firm, or corporation which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$250.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than one thousand dollars \$1,000.00, plus costs and other sanctions. A person who violates a term or provision of this Ordinance shall also be responsible to reimburse the Township for its legal fees incurred in the enforcement of this Ordinance. Each day that a violation continues shall be deemed a separate offense.

Sec. 7. 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. 8. 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 to the extent of that conflict.

Sec. 9. Administrative Liability. No officer, agent, employee, appointee, or member of the Township Board shall be personally liable for any damage that may occur 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."

Section 2. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Tallmadge, Ottawa County, Michigan, on \_\_\_\_\_, 2015 after introduction and a first reading on September 8, 2015 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on \_\_\_\_\_, 2015, 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 \_\_\_\_\_, 2015. The following members of the Township Board were present at the \_\_\_\_\_ meeting:\_\_\_\_\_

\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_ voting in favor and members of the Board \_\_\_\_\_ voting in opposition. A Notice of Adoption of the Ordinance was published in the *Walker and Ottawa County Advance*, on \_\_\_\_\_, 2015.

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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 Trash, Grass, Weed and Non-Operating Vehicle Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on September 8 2015, in the Township Clerk's office and on the Township's website at [www.tallmadge.com](http://www.tallmadge.com) on \_\_\_\_\_, 2015.

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

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2015.

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