

NOTICE OF POSTING OF
ADOPTED PEDDLER LICENSING AND CONTROL AMENDMENT ORDINANCE
AND PROPOSED MICHIGAN VEHICLE CODE ORDINANCE

PLEASE TAKE NOTICE that a Tallmadge Charter Township Peddler Licensing and Control Amendment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board held on October 9, 2012 after its first reading at a meeting of the Tallmadge Charter Township Board held on September 11, 2012.

The Peddler Licensing and Control Amendment Ordinance will revise the definition of Peddler to include any person that hires or supervises persons who travel from door-to-door as Peddlers.

PLEASE TAKE FURTHER NOTICE that a proposed Tallmadge Charter Township Michigan Vehicle Code Ordinance had its first reading at a meeting of the Tallmadge Charter Township Board held on October 9, 2012.

The proposed Michigan Vehicle Code Ordinance will adopt, by reference, the Michigan Vehicle Code within Tallmadge Charter Township and provide for violations.

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: October 20, 2012

Lenore Cook, Clerk
Tallmadge Charter Township

The following Peddler Licensing and Control Amendment Ordinance was adopted at the Tallmadge Charter Township Board meeting on October 9, 2012.

PEDDLER LICENSING
AND CONTROL AMENDMENT ORDINANCE

Ordinance No. 09-11-12-1

AN ORDINANCE TO amend the Tallmadge Charter Township Peddler Licensing and Control Ordinance, Ordinance Number 03-10-09-1, by amending Article II, Section 1 – Definitions.

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

Section 1. Definitions. Article II, Section 1 of the Peddler Licensing and Control Amendment Ordinance shall be restated in its entirety as follows.

Section 1: Definition

The term "Peddler" as used in this Ordinance shall be construed to mean any Person who travels from door-to-door, and who uses public streets, sidewalks, parks or other public ways or places, to: (1) sell or offer for sale or display for sale any goods, wares or merchandise to any Person not a dealer therein; or (2) take orders for the purchase of goods, wares or merchandise by samples, lists, catalogs, or subscriptions for magazines and books from any Person not a dealer therein; or (3) sell or offer for sale or take orders for the sale of services (*e.g., landscaping, painting, snow removal, or any other services to be performed for those who wish to purchase them*).

The term "Peddler" as used in this Ordinance shall also apply to any Person who, within the limits of the Township, hires or supervises Persons who travel from door-to-door in the Township as Peddlers. The term "Peddler" as used in this Ordinance shall not apply to any Person selling the products of the Person's own farm, orchard or garden.

Section 2. Conflicts. In the event this ordinance conflicts with any other ordinance this ordinance shall apply.

Section 3. Effective Date. This Amendment Ordinance is ordered to take effect on the 31st day after publication of a Notice of Adoption in the *Ottawa Advance*, a newspaper having general circulation in the Township. This Ordinance was given a first reading on September 11, 2012, and it was published after that first reading. All of this was accomplished pursuant to the provisions of Act No. 359 of the Public Acts of 1947, as amended.

By: _____
James Van Ess, Supervisor

By: _____
Lenore Cook, Clerk

CERTIFICATE

I, Lenore Cook, the Clerk for the Charter Township of Tallmadge, Ottawa County, Michigan, certify that the foregoing Peddler Licensing and Control Amendment Ordinance was adopted at a regular meeting of the Township Board held on October 9, 2012. The following members of the Township Board were present at that meeting: Van Ess, Cook, Eppink, Walt, Bronkema, Martin and Fenske. The following members of the Township Board were absent: None. The Amendment Ordinance was adopted by the Township Board with members of the Board Van Ess, Cook, Eppink, Walt, Bronkema, Martin and Fenske voting in favor and no members of the Board voting in opposition. Notice of Adoption and Posting of the Amendment Ordinance was published in the *Ottawa Advance* on October 20, 2012.

The following Michigan Vehicle Code Ordinance was introduced and a first reading completed at the Tallmadge Charter Township Board meeting on October 9, 2012.

TALLMADGE CHARTER TOWNSHIP
ORDINANCE NO. 10-09-12-1

MICHIGAN VEHICLE CODE ORDINANCE

AN ORDINANCE TO ADOPT, BY REFERENCE, THE MICHIGAN VEHICLE CODE WITHIN TALLMADGE CHARTER TOWNSHIP, TO PROVIDE PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE, AND TO SET THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. MICHIGAN VEHICLE CODE ADOPTED BY REFERENCE. The Michigan Vehicle Code, Public Act 300 of 1949 of the State of Michigan, being codified at MCL 257.1 through 257.923, as amended, is adopted in full by reference except as modified in this Ordinance.

Section 2. REFERENCES IN CODE. References in the Michigan Vehicle Code to local authorities, to "government" or to "governmental unit" shall mean the Charter Township of Tallmadge.

Section 3. VIOLATIONS; PENALTIES AND ENFORCEMENT.

1. Misdemeanor.

Any provision of the Michigan Vehicle Code which describes an act, omission, or condition is declared to be a criminal offense shall be processed as a misdemeanor. Unless some other penalty is expressly provided for by the Michigan Vehicle Code, any person found guilty of a misdemeanor under this Ordinance shall be subject to the imposition of a sentence which includes a fine of not more than five hundred dollars (\$500.00), or imprisonment in the county jail for a maximum period of ninety-three (93) days, or both such fine and imprisonment.

2. Civil Infraction.

Any provision of the Michigan Vehicle Code which describes an act, omission, or condition which is declared to be a civil infraction shall be processed as a civil infraction as provided for under state law. Any person found responsible for a civil infraction may

be ordered by the judge or magistrate to pay a civil fine and costs as well as such additional penalties as are provided for by state law.

3. Costs.

When any person is found guilty of a criminal violation or responsible for a civil infraction pursuant to this Ordinance, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, which the Township has incurred relative to the violation or infraction up to the entry of judgment.

Section 4. SEVERABILITY. This Ordinance and the various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 5. NOTICE TO BE PUBLISHED. The Township Clerk shall publish this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the Michigan Vehicle Code can be made available to the public at the office of the Township Clerk for inspection.

Section 6. 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 7. EFFECTIVE DATE. This Ordinance was approved and adopted by the Township Board on _____, 2012, after introduction and a first reading on _____, 2012, and publication after such first reading as required by Public Act 359 of 1947, as amended. This Ordinance shall be effective on _____, 2012, which date is at least 30 days after publication of this Ordinance.

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 Michigan Vehicle Code Ordinance was adopted at a regular meeting of the Tallmadge Charter 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 *Ottawa Advance* on

_____, 2012.

Lenore Cook, Clerk

