

**NOTICE OF ADOPTION OF A PROPOSED ZONING TEXT AMENDMENT ORDINANCE, PROPOSED MARIHUANA ESTABLISHMENTS ORDINANCE AND, PROPOSED CHARGE IN LIEU OF ASSESSMENT ORDINANCE**

PLEASE TAKE NOTICE that a Tallmadge Charter Township Text Amendment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board on March 12, 2019 after its first reading at a meeting of the Tallmadge Charter Township Board held on February 12, 2019.

The Zoning Text Amendment Ordinance will add Section 10.06(a) – Development Standards to require commercial development fronts on and accesses only a paved street, will add Section 11.06(a) – Development Standards to require commercial development fronts on and accesses only a paved street and, will add Section 12.06(a) – Development Standards to require industrial development fronts on and accesses only a paved street, and add an effective date.

PLEASE TAKE ADDITIONAL NOTICE that a Tallmadge Charter Township Marihuana Establishments Ordinance was adopted at a meeting of the Tallmadge Charter Township Board on March 12, 2019 after its first reading at a meeting of the Tallmadge Charter Township Board held on February 12, 2019.

The Marihuana Establishments Ordinance would prohibit marihuana establishments and the sale and consumption of marihuana, and to establish an effective date. Section 1 prohibits marihuana establishments as defined in Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act. Section 2 prohibits the sale or consumption of marihuana in a public place. Section 3 provides for an effective date.

PLEASE TAKE ADDITIONAL NOTICE that a Tallmadge Charter Township Charge in Lieu of Assessment Ordinance was adopted at a meeting of the Tallmadge Charter Township Board on March 12, 2019 after its first reading at a meeting of the Tallmadge Charter Township Board held on February 12, 2019.

The Charge in Lieu of Assessment Ordinance will provide for the payment of a charge in lieu of assessment in the event of the division of a parcel of land that has been previously assessed for street improvements. Section 1 establishes the charge in lieu for every parcel created. Section 2 establishes the payment of the charge at the time of a building permit. Section 3 establishes the amount of the charge in lieu and the method of assessment. Section 4 prohibits the Zoning Administrator from issuing a zoning or building permit until full payment of the charge in lieu of assessment is provided. Section 5 provides for administrative liability protection. Section 6 provides for severability of the language. Section 7 provides for applicability provisions. Section 8 provides for the repeal of any ordinances or resolutions in conflict. Section 9 provides for the effective date.

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: March 24, 2019

Lenore Cook, Clerk  
Tallmadge Charter Township

The following Zoning Text Amendment Ordinance was adopted at the Tallmadge Charter Township Board meeting on March 12, 2019.

ORDINANCE NO. 021219-1

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE TALLMADGE CHARTER TOWNSHIP ZONING ORDINANCE BY ADDING SECTION 10.06(A)6 – DEVELOPMENT STANDARDS, ADDING SECTION 11.06(A)6 – DEVELOPMENT STANDARDS, ADDING SECTION 12.06(A)6 – DEVELOPMENT STANDARDS, AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Development Standards. Section 10.06(a)6 shall be added to the Tallmadge Charter Township Zoning Ordinance to state in its entirety as follows.

SECTION 10.06(a)6

The lot on which the use is conducted shall have frontage on and abut a paved public street for the entire width of the lot and shall provide vehicular access only from a paved public street or streets.

Section 2. Development Standards. Section 11.06(a)6 shall be added to the Tallmadge Charter Township Zoning Ordinance to state in its entirety as follows.

SECTION 11.06(a)6

The lot on which the use is conducted shall have frontage on and abut a paved public street for the entire width of the lot and shall provide vehicular access only from a paved public street or streets.

Section 3. Development Standards. Section 12.06(a)6 shall be added to the Tallmadge Charter Township Zoning Ordinance to state in its entirety as follows.

SECTION 12.06(a)6

The lot on which the use is conducted shall have frontage on and abut a paved public street for the entire width of the lot and shall provide vehicular access only from a paved public street or streets.

Section 4. 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 March 12, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on February 12, 2019, 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 1, 2019, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Amendment Ordinance in the *Grand Rapids Press*, 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 Van Ess,  
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 Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on March 12, 2019. The following members of the Township Board were present at that meeting: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema. The following members of the Township Board were absent: None (one position vacant). The Ordinance was adopted by the Township Board with members of the Board: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on March 24, 2019.

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Lenore Cook, Clerk  
Tallmadge Charter Township

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

STATE OF MICHIGAN )

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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 February 12, 2019 and its second reading on March 12, 2019 in the Township Clerk's office and on the Township's website at [www.tallmadge.com](http://www.tallmadge.com) on March 24, 2019.

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Lenore Cook, Clerk  
Tallmadge Charter Township

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019

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

The following Marihuana Establishments Ordinance was adopted at the Tallmadge Charter Township Board meeting on March 12, 2019.

**ORDINANCE NO. 021219-2**

**MARIHUANA ESTABLISHMENTS ORDINANCE**

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS AND THE SALE AND CONSUMPTION OF MARIHUANA; AND TO ESTABLISH AN EFFECTIVE DATE.

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

Section 1. Marihuana Establishments.

- (a) Pursuant to the provisions of section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the "Act"), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the Township.
- (b) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the Township shall be deemed to be not in compliance with this Ordinance.
- (c) This Ordinance does not supersede rights and obligations with respect to the transportation of marihuana through the Township to the extent provided by the Act, and does not supersede rights and obligations under Michigan law allowing for or regulating marihuana for medical use.

Section 2. Sale and Consumption of Marihuana.

- (a) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the Township.
- (b) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

- (c) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

Section 3. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Tallmadge, Ottawa County, Michigan, on March 12, 2019, after introduction and a first reading on February 12, 2019, and publication after that first reading as required by Michigan law. This Ordinance shall take effect 30 days after its publication.

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James Van Ess, 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 Marihuana Establishments Ordinance was adopted at a regular meeting of the Township Board held on March 12, 2019. The following members of the Township Board were present at that meeting: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema. The following members of the Township Board were absent: None (one position vacant). The Ordinance was adopted by the Township Board with members of the Board: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema voting in favor and no members of the Board voting in opposition. A Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on March 24, 2019.

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Lenore Cook, Township Clerk



The following Charge in Lieu of Assessment Ordinance was adopted at the Tallmadge Charter Township Board meeting on March 12, 2019.

ORDINANCE NO. 021219-3

CHARGE IN LIEU OF ASSESSMENT ORDINANCE

An Ordinance to provide for the payment of a charge in lieu of assessment in the event of the division of a parcel of land that has been previously assessed for street improvements.

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

(a) Charge in Lieu of Assessment. A charge in lieu of assessment is levied and imposed against every parcel of land created by a division of a parcel of land that was initially included as one parcel in the assessment roll for a street special assessment district. A division shall be deemed to occur at each time a new parcel is created through a deed, land contract, or any other form of conveyance or transfer.

(b) Payment of Charge in Lieu of Assessment. Payment of the charge in lieu of assessment shall be made in cash in full at the time that the owner or other party in interest in the new parcel requests a building permit to construct on the new parcel a dwelling or any other type of building or structure which requires a zoning or building permit from the Township.

(c) Amount of Charge in Lieu of Assessment. The amount of the charge in lieu of assessment shall be calculated by first determining the date on which the first installment on the special assessment roll for the special assessment district for the street in question is due and payable. Utilizing that date, and the amount of the original assessment, the charge in lieu of assessment shall then be determined as follows: 100 percent of the original assessment is to be

paid as a charge in lieu of assessment if the date of the division is on or before the halfway point for the payment of the special assessment installments; and 50 percent of the original assessment is to be paid as a charge in lieu of assessment if the date of the division is after the halfway point for the payment of the special assessment installments.

As an example to illustrate the operation of the preceding paragraph, if the first installment on a special assessment is due December 1, 2020, and there are a total of six installments due through December 1, 2025, and if the division occurs on or before June 1, 2023, 100 percent of the original assessment is payable as the charge in lieu of assessment. But if the division occurs on or after June 2, 2023, even after the installments have all been paid as long as the improvement is still in existence and providing value to the property in question, 50 percent of the original assessment is payable as the charge in lieu of assessment.

(d) Zoning Administrator Action. The person serving from time to time as the Tallmadge Charter Township Zoning Administrator or equivalent position is instructed that no zoning or building permit is to be issued by the Township with respect to the construction or erection of any dwelling or any other type of building or structure which requires a zoning or building permit from the Township on a new parcel of land created by any division subject to the terms of this Ordinance until full payment has been made of the charge in lieu of assessment provided in this Ordinance.

(e) Administrative Liability. No officer, agent, or employee of the Township shall be personally liable for any damage that may occur to any person as a result of any act,

consequence, or occurrence required or permitted in the discharge of duties pursuant to this Ordinance.

(f) Severability. This Ordinance and its various sections, subsections, sentences, phrases, and clauses are severable. If any section, subsection, sentence, phrase, or clause is declared unconstitutional or invalid, the remainder of this Ordinance shall not be affected.

(g) Applicability. This Ordinance shall specifically apply to the existing Street Special Assessment District No. 2018-01 for 42nd Avenue as well as all future street special assessment districts for which the assessments are allocated for those properties benefiting on a unit or benefit basis as opposed to a frontage basis.

(h) Repeal. This Ordinance shall repeal all other ordinances and resolutions of this Board which are in conflict in whole or in part with the provisions of this Ordinance to the extent of such conflict.

(i) Effective Date. This Ordinance was approved and adopted by the Township Board on March 12, 2019, after introduction and a first reading on February 12, 2019, and publication after the first reading as required by Michigan law. This Ordinance shall take effect the day after publication of a Notice of Adoption.

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James Van Ess, 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 Charge in Lieu of Assessment Ordinance was adopted at a regular meeting of the Township Board held on March 12, 2019. The following members of the Township Board were present at that meeting: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema. The following members of the Township Board were absent: None (one position vacant). The Ordinance was adopted by the Township Board with members of the Board: Cook, Van Ess, Schwallier, Eppink, Terpstra, and Bronkema voting in favor and no members of the Board voting in opposition. A Notice of Adoption for this Ordinance was published in the *Grand Rapids Press* on March 24, 2019.

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Lenore Cook  
Tallmadge Charter Township Clerk

**AFFIDAVIT OF POSTING**

(Charge in Lieu of Assessment 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 Charge in Lieu of Assessment Ordinance for Tallmadge Charter Township, after its first reading at a meeting of the Tallmadge Charter Township Board held on February 12, 2019 and its second reading on March 12, 2019 in the Township Clerk's office and on the Township's website at [www.tallmadge.com](http://www.tallmadge.com) on March 24, 2019.

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Lenore Cook, Clerk  
Tallmadge Charter Township

Subscribed and sworn to before this  
\_\_\_\_ day of \_\_\_\_\_, 2019

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Notary Public, Ottawa County, Michigan

Acting in Ottawa County, Michigan

My commission expires: \_\_\_\_\_