

VILLAGE COUNCIL VILLAGE OF
HOWARD CITY
MONTCALM COUNTY, MICHIGAN

Council member MacTavish, supported by Council member Hagstrom, moved the adoption of the following ordinance:

ORDINANCE #2023-7

AN ORDINANCE TO REPLACE CHAPTER 154, SECTION 154.062 CODE OF ORDINANCES ENTITLED "SIGNS"

THE VILLAGE OF HOWARD CITY ORDAINS:

Article 1. Replacement of Chapter 150, Section 154.062 - Section 154.074 of the Code of Ordinances for the Village of Howard City is hereby replaced as follows:

Chapter 154, Section 154.062 SIGNS

A. Intent.

1. Section 154.0624 is intended to permit and regulate signs within the Village so as to protect public safety, health and welfare; minimize abundance, nature, type and size of signs; to reduce visual clutter, motorist distraction, confusion, and loss of sight distance; promote public convenience; preserve property values; support and complement land use objectives as set forth in this chapter and the Villages master plan; and enhance the aesthetic appearance and quality of life within the Village. The standards contained herein are intended to be content neutral.
2. These objectives are furthered by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Village so as to:
 - a) Protect the public right to receive messages, including noncommercial messages, such as religious, political, economic, social and other types of information protected by the First Amendment of the U.S. Constitution.
 - b) Recognize that the proliferation of signs (as well as the existence of certain types of signs) can be unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates the potential for accidents.
 - c) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
 - d) Reduce visual pollution and physical obstructions caused by a proliferation of signs or a magnitude of illumination which would diminish the Village's image, property values and quality of life.
 - e) Recognize that the principal purpose of commercial signs should be for identification of an establishment on the premises, and not for advertising special events, brand names, or off-premises activities given that many alternative channels of advertising communication and media are available for advertising which does not create visual blight and compromise traffic safety.
 - f) Enable the public to locate goods, services and facilities without excessive difficulty

and confusion by restricting the number and placement of signs.

- g) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- h) Prevent off-premises signs from conflicting with other allowed land uses. Maintain and improve the image of the Village by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- i) Prohibit portable commercial signs due to their significant negative impact on traffic safety and aesthetics.
- j) Preserve and enhance the image of the Village's downtown.
- k) The regulations and standards of this article are the minimum necessary to achieve the substantial government interests of public safety, aesthetics, and protection of property values, and are intended to be content-neutral. In other words, the intent of the Village is to regulate the size, location and type of a sign rather than its content.

Sec. 154.063. - SIGN DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. Awning or canopy sign means a nonrigid fabric marquee or awning-type structure which is attached to the building by supporting framework. See Wall sign.
2. Banner sign means a temporary sign constructed of canvas, paper, cloth, nylon or other similar non-rigid fabric-like material without an enclosing structural framework which is not permanently affixed to a supporting structure.
3. Box sign means an internally illuminated sign with a solid frame to which plastic, metal or similar sign panels are attached.
4. Commercial establishment means business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
5. Digital sign means sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs.
6. Directional sign means a sign used primarily to give information about the location of either the driver of motorized vehicles or possible destinations. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.
7. Festoon means a chain or garland of flowers, leaves, or ribbons, hung in a curve as a decoration.
8. Flag sign, permanent, means a sign made of cloth, nylon or other similar non-rigid fabric-like material attached to or hung from a single pole installed in the ground in a permanent fashion.
9. Flag sign, temporary, also called feather flags or flutter flags, means a sign made of cloth, nylon or other similar non-rigid fabric like material attached to a single pole positioned in the ground in a non-permanent fashion or hung from a building or structure. A banner sign is not a temporary flag sign.
10. Flashing sign means a sign which contains an intermittent or sequential flashing light source.
11. Freestanding sign means a sign not attached to a building or wall, supported by one or more poles

- or braces or resting on the ground or on a foundation resting on the ground.
12. Government sign means a sign erected, permitted by, or required to be erected by a government agency.
 13. Ground sign means a freestanding sign supported by a base that rests directly on the ground and the top of which is not more than six feet above the ground. The width of the base shall be at least 50 percent of the width of the sign to be a ground sign.
 14. Human or animal sign means a sign held by or attached to a human or animal for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person or animal dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.
 15. Identification sign means a sign intended to communicate information about services and facilities. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.
 16. Illegal sign means a sign which does not meet the requirements of this chapter (or this article) and does not have legal nonconforming status.
 17. Mansard means a sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.
 18. Manual sign means a sign on which the letters or pictorials are changed by hand.
 19. Marquee means a permanent roof-like structure or canopy, supported by and extending from the face of the building. A marquee sign is a sign attached to or supported by a marquee structure.
 20. Message means information or data that is presented on a sign.
 21. Moving sign means a sign in which the sign, itself or any portion of the sign, moves or revolves. A "rotating sign" is a type of moving sign. This definition does not include "changeable message signs."
 22. Multi-vision sign means any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.
 23. Mural or painted wall means a design or representation which is painted or drawn on the exterior surface of a structure.
 24. Nonconforming sign (also called a "legal nonconforming sign") means a sign that does not comply with the size, placement, construction or other standards or regulations of this chapter or article but was lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.
 25. Obsolete sign means a sign that advertises a product that is no longer made or that advertises a business that has closed.
 26. Pennant means a flag or cloth that tapers to a point.
 27. Permanent Sign means a sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.
 28. Pole sign means a freestanding sign supported by a structure, or poles, or braces less than 50 percent of the width of the sign and located more than six feet above the ground.
 29. Portable sign means a sign designed to be moved from place to place, whether it is permanently attached to the ground or structure. This includes hot-air and gas-filled balloons, pennants, streamers, festoons, ribbons, tinsel, pinwheels, and searchlights and signs mounted on a portable structure, including those with wheels.
 30. Projecting sign means a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.
 31. Roof sign means any sign that extends above the roofline or is erected over the surface of the roof.
 32. Sandwich board sign, also known as a poster panel or "A" frame sign, means a moveable nonpermanent sign placed within the pedestrian public right-of-way of a public sidewalk during regular business hours consisting of an "A" frame or "inverted T" frame or other temporary style, with not more than two flat surfaces containing messages, and not permanently affixed to any

structure or to the sidewalk itself.

33. Sign means any device, structure, fixture, figure, symbol, banner, pennant, flag, balloon, logo, or placard consisting of written copy, symbols, logos or graphics, designed for the purpose of conveying, bringing attention to, identifying or advertising an establishment, product, goods, services, or other message to the public. Unless otherwise indicated, the term "sign" includes interior and exterior signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily visible to and directed only at persons within the premises upon which the sign is located.
34. Streamers means a long, narrow strip of material used as a decoration or symbol.
35. Temporary sign means a sign not permanently attached to the ground, a structure, or a building. Temporary signs may include banners and any other signs displayed for a limited period of time.
36. Video sign means a sign which displays moving images as on a television screen.
37. Window sign means a sign located inside of a window or on the inside of a window which is intended to be viewed from the outside.
38. Wall sign means a sign attached parallel to and extending not more than 12 inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.
39. Traffic warning sign means sign that indicates a hazard ahead on a road that may not be readily apparent to a driver, bicyclist, or pedestrian. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision free flow of traffic

Sec. 154.064. - PROHIBITED SIGNS.

A sign not expressly permitted by this article is prohibited. The following types of signs are expressly prohibited:

1. Signs which obstruct free access or egress to or from any building (including those that obstruct any fire escape, required exit way, window, or door opening or that prevent free access to the roof by firefighters) or to, on or along any road, driveway, sidewalk or alley.
2. Moving signs and signs having moving members or parts, excluding barbershop poles and digital signs.
3. Inflatable signs.
4. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals. In addition, there shall be no flashing, oscillating or intermittent, or red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor shall any sign interfere with vision clearance along any highway, street, or road or at any intersection of two or more streets.
5. Signs, which obstruct or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
6. Roof signs unless specifically permitted elsewhere in this article.
7. Portable signs.
8. Pole signs unless specifically permitted elsewhere in this article.
9. Illegal signs.
10. Any nongovernment sign which makes use of the terms "stop," "look," or "danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse drivers.
11. Human or animal signs.
12. Abandoned signs.
13. Obsolete signs and any sign or sign structure which:
 - a) Is structurally unsafe;
 - b) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
 - c) Is capable of causing electric shock to persons who come in contact with it; or is not

kept in good repair, such that it has broken parts, missing letters, or nonoperational lights.

- d) Flashing or strobe signs

Sec. 154.065. - EXEMPTIONS TO PERMITTING.

The following signs shall not require a permit from the Village provided such signs comply with the requirements of Chapter 154 and all other applicable requirements of this article:

1. Signs which are four square feet or less in area subject to the following requirements:
 - a. The total number of freestanding signs shall not exceed one sign for every 33 feet of lineal road frontage per parcel.
 - b. Any freestanding sign shall not exceed a height of four feet.
 - c. Freestanding signs located within the required front yard shall be at least ten feet apart.
2. Directional, identification, or traffic warning signs provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line.
3. Flags of any nation, state, city, township, government, government authorized agency, or educational institution.
4. Temporary signs meeting all permitting requirements.
5. Signs erected for ordering or viewing drive-through window services or products when adjacent to a drive-through window vehicle driving lane.
6. Interior signs, including any sign which is located completely within an enclosed building, and which is not visible from outside the building or which is primarily directed at persons within the premises upon which the sign is located.
7. Murals or painted wall signs for business within the DDA District, related to the theme of the business, when painted on the side or rear exterior surfaces of a building or structure subject to the following requirements:
 - a. The mural shall be less than 12 square feet in area and shall not have raised borders, raised letters, raised characters, decorations, or lighting appliances;
 - b. Mural or painted wall signs may be greater than 12 square feet if the sign enhances the architecture of the building as determined by the planning commission.
8. Governmental or municipal signs installed for a governmental or municipal purpose.

Sec. 154-066. - Requirements for all signs.

1. No sign shall be allowed in a public right-of-way or public easement except as may be allowed by permit and approval.
2. Side and rear yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least 50 feet from any residential district.
3. Clear vision area. To ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of 24 inches and six feet above ground within a triangular area measured 25 feet back from intersection of public right-of-way lines.
4. Design and construction. Signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants, manufactured for a different purpose, or inappropriate for the proposed longevity of the sign.
5. Illumination.

- a. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
 - b. Use of glaring undiffused lights, including bare bulbs, strobes, or flames, is prohibited.
 - c. Lighting shall be shielded or pointed downward so as not to project onto adjoining properties or thoroughfares.
 - d. Underground wiring shall be required for all illuminated signs not attached to a building.
6. Maintenance and construction:
- a. Every sign shall be constructed and maintained at all times in a manner consistent with the state construction code provisions and in reasonable repair and good structural condition at all times.
 - b. At all times, all signs shall be kept neatly painted, stained, sealed or preserved, including all metal, wood or other materials used for parts and supports.
 - c. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least 20 pounds per square foot or 75 miles per hour.
 - d. All signs, including any cables, guy wires, or supports, shall have a minimum clearance of four feet from any electric fixture, street light, or other public utility pole or standard.
 - e. A light pole, utility pole, or other support structure not specifically designed as sign support structure, shall not be used for the placement of any sign unless specifically approved for such use.
 - f. A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
 - g. A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.
 - h. A window sign may consist of illuminated letters, including neon and other similar cold cathode fluorescent lamp lights.
 - i. To assist emergency personnel in case of an emergency, all on-site signs identifying a building or specific use shall have displayed thereon the address number of the property on which the building or use is located. The address number shall be displayed in a block text having a minimum height of four inches and a color that contrasts with the color of the background on which the address number is displayed.

Sec. 154-067. - Sign measurement and area.

The following shall apply to the measurement of signs:

1. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.
2. When a sign has two or more faces, the area of all faces shall be included in calculating the area of the sign, except that where two such faces are placed back to back, only the larger face shall be considered (or if both faces are of the same size, only one face shall be considered), provided that both faces are part of the same structure, contain the same message and are separated by no more than two feet.
3. For the purposes of calculating sign area allowed as a wall sign, the wall sign square

- footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol or logo.
4. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.
 5. Sign area within circle, triangle or parallelogram. The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed unless utilized as part of the total display area.
 6. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
 - a. Sign height shall not be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

Sec. 154-068 What is a sign

A sign is any visual device, including its support structure, whose signage area through the use of text, image, or symbol is designed or used to communicate, advertise identify, display, direct, or attract attention to a person, place, thing, idea, action, or quality.

A. All signs are either permanent or temporary.

1. **Permanent sign:** a sign which by its design, construction, structure, and common usage indicates that its intended duration is of a permanent nature. A permanent sign can display a temporary or rotating message.
2. **Temporary sign:** a sign which by its design, construction, structure, and common usage indicates that its intended duration is of a temporary nature. A temporary sign does not include a permanent sign displaying a temporary or rotating message.
 - a. A permit is required for all signs to be placed in the ROW.
 - b. Temporary signs that intend to be placed in the ROW for more than five (5) days or 120 hours must obtain a permit through Village Council. Permit request for Village Council review must be submitted seven (7) days prior to Village Council's monthly meeting.
 - c. Temporary signs that intend to be placed in the ROW for less than five days must obtain a permit from the Village Manager, the Zoning Administrator or their designated representative. Permit review request must be submitted two (2) working days prior to intended placement of sign.
 - d. Permit must follow all permitting requirements. Signs must be marked in such a way as to identify the owner of the sign(s) or the party responsible for placement of the sign and the date of placement.
 - e. Such information must be readily identifiable upon reasonable inspection.
 - f. Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public road right-of-way.
 - g. Temporary signs held by a person shall not be displayed in the road right-of-way and shall not hamper the visibility of a driver on or off the site.
 - h. Temporary signs shall only be internally illuminated.
 - i. Unauthorized, non-permitted or those temporary signs not in compliance with

section 154-068 can be removed by the Village Manager or managers designee.

3. All signs are categorized as one of the following:
 - a. Government sign: a sign constructed, placed, or maintained by the Federal Government, State of Michigan, Village of Howard City, or any entity thereof.
 - b. Commercial sign: a sign which relates solely to the economic interests of the speaker and its audience.
 - c. Non-commercial sign: a sign which is neither a government sign nor a commercial sign.

4. All signs are further categorized as one of the following:
 - a. Flag sign: a sign whose signage area is constructed of cloth or other similar material, without a rigid structural frame, and attached by one end to a pole, rope, or other structure in a manner that allows for the free movement of the signage area.
 - b. Freestanding sign: a sign whose signage area is supported by a pole, pylon, brace, or other similar structure that exceeds six inches. A freestanding sign is not attached to any building.
 - c. Ground sign: a sign whose signage area rests completely on the ground or is supported by a pole, pylon, brace, base, foundation, or other similar structure. A ground sign is not attached to a building.
 - d. Projecting sign: a sign attached to the face of a building and extending outward more than 12 inches from the face of the building. A projecting sign includes a sign attached to an awning or marquee.
 - e. Roof sign: a sign whose signage area rests completely on a roof or is supported by poles, pylons, braces, or other similar structure that is attached to a roof.
 - f. Wall sign: a sign attached to the face of a building and extending outward no more than 12 inches from the face of the building.
 - g. Window sign: a sign affixed to a window or other similarly transparent portion of a structure or an interior sign intended to be viewed from outside the structure.

B. Permit Required

1. Unless specifically exempt by Section 154, no person can erect, replace, or structurally alter any sign without obtaining a permit.
2. Unless specifically exempt by Section 154, no person can erect, replace, or structurally alter any sign in the public right of way without obtaining a permit.
3. Unless the sign is required by law.

C. Section 154-069. Digital SIGN REQUIRMENTS.

1. Digital signs are allowed only as a ground sign in the following zoning district: C-1 district;
2. In C-2 and I Districts as either a ground sign or as a pole sign;
3. In the R-1, R-2, R-3, AG/OS and MH districts by the granting of a special land use permit in accordance with the requirements of this Chapter.
4. Digital signs shall comply with the following regulations:
 - a. A digital sign shall not consist of more than 75 percent of the allowable sign area except for signs which are 24 square feet or less in area.
 - b. A digital sign shall not have any flashing, blinking, scrolling, alternating,

sequentially lighted, animated, rolling, shimmering, sparkling, bursting, dissolving, twinkling, fade-in/fade-out, oscillating, moving text or images, or simulated movement of text or images.

- c. A digital sign shall not exceed a maximum illumination of 3,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum brightness. However, even if the sign complies with the illumination requirements above, the sign shall not be of such intensity or brilliance as to impair the vision of or be a distraction to a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle; or be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal. The Village Manager or Zoning Administrator shall have final determination whether a digital sign impairs vision or is too distracting to motor vehicle drivers.
- d. The dwell time, defined as the interval of change between each individual message, shall be at least ten seconds and a change of message must be accomplished within one second or less.
- e. The dwell time shall not include the one second or less to change the message.
- f. A digital sign shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
- g. Prior to the issuance of a sign permit for a digital sign, the applicant shall provide to the zoning administrator certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of this section.
- h. Any voids or burned-out bulb in an electronic display shall be replaced within seven days and any malfunctioning signs must be turned off until repaired.
- i. A digital sign shall not have a white background in order to reduce glare.
- j. A digital sign is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this article. Any flashing or strobe type lights within a building or structure which are visible from the exterior of the building or structure are prohibited.
- k. A digital sign legally in existence upon the effective date of this article shall be required to comply with the illumination requirements of this article and the requirements of Chapter 154 regarding flashing, movement, scrolling and other methods of message display within 60 days.
- l. From the effective date of the ordinance codified in this article. All digital signs shall be placed and lit in such a way to minimize impact on residential homes.

D. Sec. 154-070. - Sign regulations for the R-1, R-2, R-3, and R-4, AG/OS, MH and PUD zoning districts.

1. Grounds signs. One permanent ground sign is permitted per parcel according to the following requirements:
 - a. The size of the sign shall not exceed 50 square feet in area per sign face.
 - b. The height of the sign shall not exceed six feet.
 - c. The sign shall be setback a minimum of ten feet from the front lot line.
 - d. The sign may be illuminated.
2. Wall signs. Wall signs are permitted as part of an application for and approval of a special land use permit according to the following requirements.
 - a. Each use shall be permitted to have one wall sign per public or private street frontage as follows:

- b. The sign shall not exceed 50 square feet in area.
 - c. The wall sign shall be placed on that side of the building which directly faces the street.
 - d. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot.
 - e. No wall sign shall project above or beyond the roof or parapet to which it is attached.
 - f. A wall sign may be internally illuminated.
3. Temporary signs. Temporary signs are permitted as follows:
- a. Temporary signs under six square feet shall be exempt from permitting and each parcel shall be entitled to up to 12 square feet of exempt temporary signage.
 - b. Temporary signs over six square feet shall require a permit but may not exceed 50 square feet in any case.
 - c. The height of a temporary sign shall not exceed six feet.
 - d. Temporary signs shall comply with all requirements of this Chapter.
 - e. Additional signs. One permanent ground sign may be provided at each vehicular entrance to a residential subdivision, condominium development, multifamily development, manufactured housing community, assisted living and senior housing, or other similar permitted uses subject to the following:
 - 1. Each permitted sign shall not exceed 24 square feet in area.
 - 2. The height of the sign shall not exceed six feet.
 - 3. The sign shall be setback a minimum of ten feet from the front lot line.

E. Sec. 154-071. - Sign regulations for the C-1, C-2, I, and I-1 zoning districts.

1. Ground signs. One permanent ground sign is permitted per parcel.
- a. The size of the sign shall not exceed 100 square feet in area per sign face.
 - b. The height of the sign shall not exceed six feet.
 - c. The sign shall be setback a minimum of ten feet from the front lot line.
 - d. The sign may be illuminated.
 - e. Additional ground signs.
 - 1. For parcels with frontage along two or more rights-of-way: One sign shall be allowed to be established on each of two of the frontages.
 - 2. For parcels with more than 300 feet of frontage along one right-of-way; two ground signs shall be permitted. Such signs shall be at least 100 feet apart.
2. Wall signs. Wall signs are permitted according to the following requirements:
- a. One or more wall signs may be allowed per business, in addition to any other allowed ground signs.
 - b. The sign or signs shall only be placed on those walls having direct frontage on a public or private street.
 - c. A sign may also be placed on those walls which are perpendicular or approximately at an angle of 90 degrees to a public street. Such wall must be within 200 feet of the center of the adjoining public road and must have a clear distance of more than 25 feet between the wall and any other structure.
 - d. The maximum square footage of a single wall sign or the cumulative total of all wall signs shall not exceed ten (10) percent of the wall to which the sign or signs are attached or, in the alternative, one square foot of sign area for each linear foot of building frontage on a public or private street, whichever results in the larger sign area per use or business establishment..

- e. In no case shall a sign exceed 100 square feet of area except that the planning commission, may increase the maximum size of the wall sign for a single business operating as the principal use in a building as follows:
 1. For a building with 201 to 400 linear feet of building frontage facing a public or private street and having a public entrance on that street, the size of the sign may be increased to a maximum of 150 square feet.
 2. For a building with more than 400 linear feet of building frontage facing a public or private street and having a public entrance on that street the size of the sign may be increased to a maximum of 200 square feet.
 3. The planning commission shall consider the following criteria in determining the appropriate sign size:
 - (i) Whether the proposed size of the sign is necessary for proper visibility due to the distance of the sign from the street.
 - (ii) Whether the proposed size of the sign is consistent with the character of wall sign sizes on nearby buildings given the location of the proposed building.
 - (iii) Whether the size of the proposed sign is in proportion to the size of the wall to which the sign will be attached.
3. Projecting, awning and canopy signs. Projecting signs, awnings and canopy signs may be used subject to the following standards:
 - a. Projecting or canopy signs shall be set back at least six feet from any street curb line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.
 - b. Projecting, awning or canopy signs, shall have a minimum ground clearance of eight feet, shall be set back at least six feet from any adjacent public right-of-way, and shall not project over an alley or private access lane.
 - c. A projecting sign shall not extend for more than three feet from the building to which it is attached.
 - d. No awning, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.
 - e. Wood posts or supporting arms shall not be used in conjunction with any projecting sign, unless it is decorative in nature and part of the character of the sign.
 - f. Projecting signs shall not exceed ten square feet in area per side or three feet in width.
4. Sandwich board or portable A-frame signs are permitted in the C-1, C-2, and I districts, subject to the following requirements:
 - a. The sign may be placed within the public right-of-way on a public sidewalk adjacent to their own building but not within any public street vehicle travel lane. Any sign placed in the public right-of-way must receive written permission from the Village Manager or Village Council in accordance with the permitting process of Sec 154-068 and adhere to all temporary sign regulations.
 - b. The sign may be located outside of the business it serves but shall be located, no more than ten feet from the customer entrance to the business, be a minimum of two feet from the edge of the curb and be located so that at least a five-foot-wide unobstructed walkway is maintained.
 - c. One sign per customer entrance shall be permitted regardless of the establishment.

- d. The sign may be displayed only during operating business hours.
 - e. Each sign shall not exceed an overall height of 60 inches and an overall width of 36 inches.
 - f. No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - g. All signs must be constructed of weatherproof, durable material and kept in good repair.
 - h. The sandwich board sign shall not be illuminated in any manner.
 - i. Sandwich board signs within the public right-of-way may be moved/removed by the Village for municipal purposes.
 - j. All sandwich board signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.
5. Window signs. Window signs are permitted but shall not exceed 25 percent of the window area and shall be placed so as to maintain clear vision into the building for public safety reasons. Professionally made window graphics that are visually transparent from inside the building may occupy up to an additional 50 percent of the window area.
6. Temporary signs. Temporary signs are permitted as follows:
- a. Temporary signs under 24 square feet shall be exempt from permitting and each parcel shall be entitled to up to 48 square feet of exempt temporary signage.
 - b. Temporary signs over 24 square feet shall require a permit but may not exceed 50 square feet in any case.
 - c. The height of a temporary sign shall not exceed six feet.
 - d. Temporary signs shall comply with the requirements of section 154-068.
7. Additional signs. One permanent ground sign may be provided at each vehicular entrance to an industrial park, subject to the following requirements:
- a. Each permitted sign shall not exceed 72 square feet in area.
 - b. The height of the sign shall not exceed six feet.
 - c. The sign shall be setback a minimum of ten feet from the front lot line.
 - d. The sign may be illuminated.
8. Pole signs. One permanent pole sign is permitted per parcel instead of and in place of all permanent ground signs, except for directional signage.
- a. Each permitted pole sign shall not exceed 100 square feet in area. The pole sign shall not be taller than 50 feet or 5 feet taller than the roofline of the primary building on the parcel.
 - b. The pole sign shall conform to all requirements of Chapter 154.
 - c. The sign shall be of a monopole design.
 - d. The pole sign may be digital as permitted under section 154-069.
 - e. The minimum height between the bottom of the sign and the ground shall be ten feet.
 - f. Pole signs may be internally lit but not externally lit.
 - g. The design plans for any pole sign shall be sealed by a professional engineer or architect and receive appropriate building permits to ensure the safety of the public.
 - h. Pole signs in the districts which do not conform to these standards at the time of the effective date of the ordinance from which this article is derived shall be nonconforming.

Article 2. Repealer. All other ordinances or parts of other ordinances that conflict with this Ordinance are repealed.

Article 3. Savings Clause. The provisions of this Ordinance are severable. If any part of this Ordinance is declared void or inoperable, such declaration does not void any or render inoperable any other provision of this Ordinance.

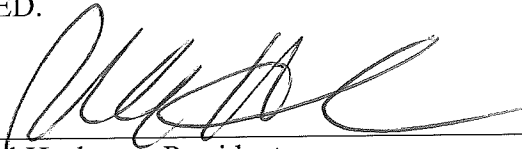
Article 4. Effective Date. This Ordinance is effective 7 days after its publication in the manner authorized by law.

Yeas: Bassett, Hagstrom, MacTavish, VanWagner, Williams, Heckman

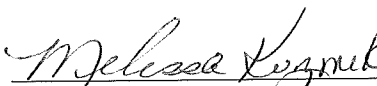
Nays: None

Absent: Smith

ORDINANCE NO. 2023-7 DECLARED ADOPTED.

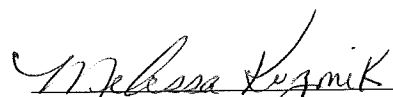


Randall Heckman, President



Melissa Kuzmik, Clerk

I hereby certify the foregoing to be a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Howard City on December 18, 2023.



Melissa Kuzmik, Clerk

Introduced: October 16, 2023
Adopted: December 18, 2023
Published: December 21, 2023
Effective: December 28, 2023

VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN

Councilmember VanWagner, supported by Councilmember Bassett, moved the adoption of the following ordinance:

ORDINANCE NO. 2023-06

AN ORDINANCE TO AMEND THE VILLAGE CODE
BY REPEALING SECTIONS 94.85 TO 94.86 OF CHAPTER 94 OF
VILLAGE CODE.

THE VILLAGE OF HOWARD CITY ORDAINS: It is no longer the intent of the Village of Howard City to regulate and control the holding of garage / yard sales. Should these sales become a public nuisance, safety hazard or commercialized as they were in the past, the Village Council may revisit the implementation of a garage sale / yard sale ordinance.

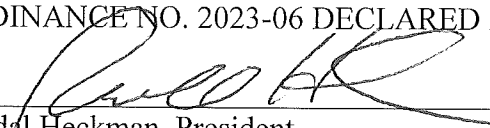
Section 2. Effective Date. This ordinance shall be published as required by law and shall become effective twenty (20) days after its adoption.

Yeas: Bassett, Hagstrom, MacTavish, Smith, VanWagner, Williams, Heckman

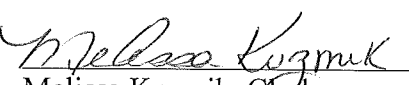
Nays: None

Absent: None

ORDINANCE NO. 2023-06 DECLARED ADOPTED.

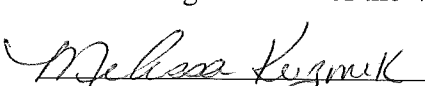


Randal Heckman, President



Melissa Kuzmik, Clerk

I hereby certify the foregoing to be a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Howard City on August 21, 2023.



Melissa Kuzmik, Clerk

Introduced: 08/21/2023

Adopted: 08/21/2023

Published: 08/24/2023

Effective: 09/10/2023

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Ordinance No. 2023-5

At a meeting of the Village Council for the Village of Howard City held at the Village Hall on April 17, 2023, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Village Council Member VanWagner and was seconded by Village Council Member Bassett:

AN ORDINANCE TO ENACT A NEW TITLE XI, CHAPTER 114 ENTITLED “MARIHUANA LICENSING AND REGULATION;” AND TO AMENDED TITLE II, CHAPTER 31, SECTION 31.08 ENTITLED “SCHEDULE OF FINES” FOR THE HOWARD CITY CODE.

THE VILLAGE OF HOWARD CITY (the “Village”) ORDAINS:

Article 1. Enactment of Chapter 114. That the Howard City Code is hereby amended by adding a new Title XI, Chapter 114 entitled “Marihuana Licensing and Regulation” which reads in its entirety as follows:

CHAPTER 114: MARIHUANA LICENSING AND REGULATION.

DIVISION I: RECREATIONAL MARIHUANA ESTABLISHMENTS.

SECTION 114.01 GENERAL.

Village of Howard City finds that it is in the public interest to allow the licensing and operation of certain recreational marihuana establishments within its jurisdiction in a manner consistent with the Howard City Code, the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, and other applicable state and local laws, ordinances, rules, and regulations.

SECTION 114.02 PURPOSE.

The purpose of this Chapter is to establish standards for the licensing of certain recreational marihuana establishments within the Village. It is the Village’s intent, subject to conditions, to allow the licensing and operation of certain recreational marihuana establishments within its jurisdiction in order to:

- (A) Promote the safe and regulated storage and sale of recreational marihuana;
- (B) Provide safe access to recreational marihuana for eligible consumers;

- (C) Discourage the sale of unsafe or unlicensed marihuana products;
- (D) Preserve and protect the health, safety, and welfare of the residents of the Village and the general public by minimizing the unsafe or unregulated production and sale of marihuana; and
- (E) Establish standards and procedures by which the licensing, permitting, operating, and maintaining of recreational marihuana establishments within the Village will be governed.

SECTION 114.03 DEFINITIONS.

- (A) Terms not defined in this Division or the Howard City Code will be defined pursuant to the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
- (B) Terms not defined in this Division, Howard City Code, or the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended, will be defined pursuant to the administrative rules regarding marihuana establishments as promulgated by the State of Michigan Cannabis Regulatory Agency or its successor agency.
- (C) The following definitions will apply throughout this Division:
 - (1) “Act” means the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.
 - (2) “Marihuana establishment” means a marihuana establishment as defined in and regulated by the Act. This term includes designated consumption establishments, temporary marihuana events, and any other specialty license authorized by the State of Michigan Cannabis Regulatory Agency or its successor agency pursuant to the Act.
 - (3) “Marihuana retailer” means a marihuana retailer as defined in and regulated by the Act.
 - (4) “Village license” means a Village license for a marihuana establishment under this Division.
 - (5) “State operating license” means a marihuana establishment operating license granted by the State of Michigan pursuant to the Act.

SECTION 114.04 AUTHORIZED MARIHUANA ESTABLISHMENTS.

- (A) Unless specifically authorized by and licensed under this Division, marihuana establishments are prohibited within the Village.
- (B) The operation of a marihuana establishment requires a valid State operating license and a valid Village license.
- (C) No applicant that has done business or purported to do business without first obtaining the necessary Village license, State operating licenses, and necessary approvals and permits will be eligible for licensing under this Division.
- (D) Village licenses for the following type of marihuana establishment may be granted for operation within the Village at any one time: Marihuana Retailers - three (3) such licenses.
- (E) This Division does not apply to or regulate any protected patient or caregiver conduct under the Michigan Medical Marihuana Act, PA 1 of 2008 (MCL 333.26421 *et seq.*), as amended.
- (F) A Village license is a revocable privilege granted by the Village and does not create or vest any property right beyond the term of the license and does not grant any title, franchise, or other similar rights. The application for a Village license does not create or vest any right, title, franchise, or other property interest. The Village may at any time amend the requirements imposed by this Division, and cease authorizing, licensing, or renewing the licenses of marihuana establishments.

SECTION 114.05 LICENSE APPLICATION.

- (A) Neither the application for a Village license nor the granting of a Village license may be made until the applicant has been granted State of Michigan “prequalification” status.
- (B) Applications will only be accepted during the application window as determined from time to time by resolution of the Village Council. No licensing determination will be made for any application accepted within a particular application window until the Village Council has held a public hearing on all the applications accepted during the application window.
- (C) As part of the application process, the applicant may be required to provide any information required by the Act and any other information reasonably requested by the Village.
- (D) The issuance of a Village license is at the discretion of the Village Council. The Village Council will utilize the requirements of the Act, the Howard City Code,

the best interest of the Village, and the licensing rules adopted from time to time by resolution of the Village Council when making licensing determinations.

- (E) No Village license may be issued if the cap on the number of active Village licenses allowed under this Division is currently met.
- (F) The Village Council will state the basis for any denial of a Village license in writing.
- (G) The Village Clerk will assess an initial non-refundable license application fee in the amount set from time to time by resolution of the Village Council. No application will be accepted without the full payment of the required application fee.
- (H) Following approval for a Village license by the Village Council, the Village Clerk will assess a non-refundable licensing fee in an amount set from time to time by resolution of the Village Council. No Village license will be issued without the full payment of the required licensing fee. Failure to pay the licensing fee in full within ten (10) calendar days of eligibility may be considered a refusal and forfeiture of the Village license.
- (I) No Village license will be approved or issued to an applicant who is in default to the Village or delinquent in any taxes, special assessments, or utility bills.

SECTION 114.06 LICENSE RENEWAL

- (A) All applications for the renewal of a Village license will be filed with the Village Clerk utilizing and complying with the Village approved application, forms, and processes.
- (B) Neither the application for the renewal of a Village license nor the renewal of a Village license may be made unless the applicant has a valid State operating license for the marihuana establishment seeking the Village license renewal.
- (C) As part of the Village license renewal process, the applicant may be required to provide any information required by the Act and any other information reasonably requested by the Village.
- (D) The Village Council will renew a Village license if it determines that the applicant complies with the requirements of the Howard City Code and that the renewal of a Village license would not constitute a danger to the health, safety, and welfare of the public. Prior violations of this Division by the applicant or disciplinary action taken against the applicant by the State of Michigan Cannabis Regulatory Agency or its successor agency are grounds for a non-renewal.
- (E) The Village Council will state in writing the grounds for any non-renewal.

- (F) The Village Clerk will assess a non-refundable license renewal application fee in the amount set from time to time by resolution of the Village Council. No renewal application will be accepted without the full payment of the required application fee.
- (G) Following the renewal of a Village license by the Village Council the Village Clerk will assess a non-refundable licensing fee in an amount set from time to time by resolution of the Village Council. No Village license will be issued without the full payment of the required licensing fee. Failure to pay the licensing fee in full within ten (10) calendar days of eligibility may be considered a refusal and forfeiture of the Village license.
- (H) No village license will be renewed or issued to an applicant who is in default to the village or delinquent in any taxes, special assessments, or utility bills.
- (I) A Village license will be deemed abandoned if a renewal application is not submitted within thirty days following the expiration of the license.

SECTION 114.07 LICENSE REQUIREMENTS

- (A) Marihuana establishments must be operated in compliance with all Village ordinances, rules, and regulations.
- (B) Marihuana establishments must be operated in compliance with all State laws, rules, and regulations.
- (C) All marihuana establishments are subject to inspection, with or without notice, at any time, by any individual or entity authorized to enforce this Division.
- (D) There is a continuing duty for applicants and licensees to provide the Village updated documentation within ten (10) calendar days of any change. This includes, but is not limited to, any documentation submitted to the State of Michigan Cannabis Regulatory Agency or its successor agency, the issuance of any State operating license, or any change in documentation previously submitted to the Village.
- (E) Applicants and licensees must self-report any adverse action taken by the State of Michigan Cannabis Regulatory Agency or its successor agency against the applicant or licensee within ten (10) calendar days of receiving notice of such action.

SECTION 114.08 ESTABLISHMENT REQUIREMENTS

- (A) Odor Emissions.

- (1) All marihuana establishments must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the marihuana establishment outside of the marihuana establishment. Such activated carbon filtration system or other similar filtration system must be approved by the Village Council.
 - (2) Any detectable odor of marihuana or any other odor related to the operation of the marihuana establishment outside of the marihuana establishment is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- (B) The lot where a marihuana establishment is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.

SECTION 114.09 LICENSE REVOCATION

- (A) In addition to the criteria set forth in Section 110.10, the following constitute a basis to revoke or suspend a Village license for cause:
- (1) Fraud or misrepresentation contained in the State license or Village license applications.
 - (2) Violation of the Act, or any rules, regulations, or terms of licensure as promulgated by the State of Michigan Cannabis Regulatory Agency or its successor agency.
 - (3) Failure to maintain a valid corresponding State operating license.
 - (4) Violation of this Division, or any rules, regulations, or terms of licensure promulgated by the Village Council.
 - (5) Violation of the Village Zoning Ordinance.
 - (6) Conducting business in such a way as to constitute a danger to the health, safety, or general welfare of the public.

SECTION 114.10 ENFORCEMENT AND PENALTIES.

- (A) In addition to the Authorized Officials designated in section 31.10, the Montcalm County Sherriff's Department is authorized to enforce this Division.

- (B) An individual or entity who violates Division will be responsible for a municipal civil infraction and is subject to a civil fine of \$500 plus any other costs permitted by law for each violation.

DIVISION II MEDICAL MARIHUANA FACILITES.

SECTION 114.50 PROHIBITION.

Marihuana facilities as defined in and regulated by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended, are prohibited within the Village.

SECTION 114.52 ENFORCEMENT AND PENALTIES.

- (A) In addition to the Authorized Officials designated in section 31.10, the Montcalm County Sherriff’s Department is authorized to enforce this Division.
- (B) An individual or entity who violates Division will be responsible for a municipal civil infraction and is subject to a civil fine of \$500 plus any other costs permitted by law for each violation.

Article 2. Amendment of Section 31.08. That Title II, Chapter 31, Section 31.08 of the Howard City Code entitled “Schedule of Fines” is amended to read in its entirety as follows:

SECTION 31.08 SCHEDULE OF FINES

- (A) A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for the violations listed below shall be as follows:

Code Section	Fine for First Violation	Fine for Second Violation	Fine for Third or any Subsequent Violation
Sections 53.25-52.33	\$50	\$150	\$500
Chapter 75	\$250	\$500	\$750
Sections 90.45-90.47	\$50	\$150	\$500
Sections 91.15, 91.16	\$50	\$150	\$500
Sections 93.01-93.08	\$50	\$150	\$500
Sections 94.20, 94.21	\$50	\$150	\$500
Section 94.56	\$50	\$150	\$500
Chapter 111	\$50	\$150	\$500
Chapter 114	\$500	\$500	\$500
Sections 150.30-150.36	\$50	\$150	\$500
Chapter 151	\$50	\$150	\$500
Chapter 152	\$50	\$150	\$500

	\$50	\$150	\$500
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(B) Copies of the schedule of fines will be posted as required by law.

Article 3. Conflict.

- A. Except as otherwise stated herein, nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances.
- B. Nothing in the Ordinance will be construed in such a manner so as to conflict with any State law.

Article 4. Savings Clause. The provisions of this Ordinance are severable. If any article, chapter, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable other part or portion of this Ordinance.

Article 5. Effective Date. This Ordinance is effective upon the expiration of the twentieth day following its publication in the manner required by law.

The vote regarding the adoption of this Ordinance was as follows:

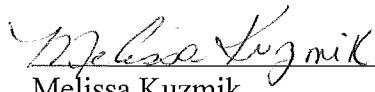
YEAS: Bassett, VanWagner, Williams, Heckman

NAYS: Hagstrom, MacTavish, Smith

ABSENT/ABSTAIN: None

ORDINANCE 2023-5 DECLARED ADOPTED.

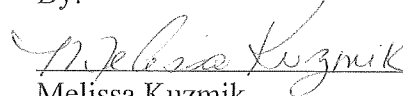

 Randy Heckman
 Village President


 Melissa Kuzmik
 Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Howard City, Montcalm County, Michigan at a meeting of the Village Council duly called and held on April 17, 2023.

By:



Melissa Kuzmik
Village Clerk

Adopted: 4/17/2023

Published (date/paper): 4/21/2023 – Greenville Daily News

Effective: 5/12/2023

VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN

Ordinance No. 2023-4

At a meeting of the Village Council for the Village of Howard City held at the Village Hall on April 17, 2023, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Village Council Member VanWagner and was seconded by Village Council Member Bassett:

AN ORDINANCE TO AMEND CHAPTER 154, SECTION 154.003 ENTITLED “DEFINITIONS;” CHAPTER 154, SECTION 154.024 ENTITLED “MEDICAL MARIHUANA DISPENSARIES;” CHAPTER 154, SECTION 154.045, SUBSECTION 154.045(C) ENTITLED “SPECIAL LAND USES;” AND TO ENACT CHAPTER 154, SECTION 154.080, SUBSECTION 154.080(GG) ENTITLED “RECREATIONAL MARIHUANA RETAILERS” OF THE VILLAGE OF HOWARD CITY ZONING ORDINANCE.

THE VILLAGE OF HOWARD CITY (the “Village”) ORDAINS:

Article I. Amendment of Section 15.003. Chapter 154, Section 154.003 of the Village of Howard City Zoning Ordinance entitled “Definitions” is amended to add the terms “Medical Marihuana Facility,” “Recreational Marihuana Establishment,” and “Recreational Marihuana Retailer” as follows:

MEDICAL MARIHUANA FACILITY. A marihuana facility as defined in and regulated by the Michigan Medical Marihuana Facilities Licensing Act, PA 281 of 2016 (MCL 333.27101 *et seq.*), as amended.

RECREATIONAL MARIHUANA ESTABLISHMENT. A marihuana establishment as defined and regulated by the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended. This term includes designated consumption establishments, temporary marihuana events, and any other specialty license type authorized by the State of Michigan Cannabis Regulatory Agency or its successor agency.

RECREATIONAL MARIHUANA RETAILER. means a marihuana retailer as defined in and regulated by the Michigan Regulation and Taxation of Marihuana Act, IL 1 of 2018 (MCL 333.27951 *et seq.*), as amended.

Article 2. Amendment of Section 154.024. Chapter 154, Section 154.024 of the Village of Howard City Zoning Ordinance entitled “Medical Marihuana Dispensaries” is amended and reads in its entirety as follows:

SECTION 154.024 MARIHUANA ESTABLISHMENTS AND FACILITIES

- (A) Medical Marihuana facilities are prohibited.
- (B) Recreational marihuana establishments are prohibited unless specifically authorized by and operated in compliance with this Chapter.

Article 3. Amendment of Subsection 154.045(C). Chapter 154, Section 154.045, Subsection 154.045(C) of the Village of Howard City Zoning Ordinance entitled “Special land uses” for the C-2 Highway Commercial District is amended and reads in its entirety as follows:

(C) *Special land uses*. Land and/or buildings in the C-2 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Sections 154.075 through 154.080:

- (1) Any special land use permitted in the C-1 District;
- (2) Vehicle repair;
- (3) Vehicle wash establishments;
- (4) New and used vehicle sales facilities, including vehicle repair;
- (5) Hotels and motels;
- (6) Utility and public service buildings, without storage yards;
- (7) Open-air businesses and outdoor display areas;
- (8) Plant nurseries and greenhouses;
- (9) Veterinary hospitals and clinics;
- (10) Drive through restaurants;
- (11) Building supply and equipment establishments;
- (12) Commercial storage facilities; and
- (13) Recreational marihuana retailers.

Article 4. Enactment of Subsection 154.080(GG). Chapter 154, Section 154.080, Subsection 154.080(GG) of the Village of Howard City Zoning Ordinance entitled “Recreational Marihuana Retailers” is enacted and reads in its entirety as follows:

(GG) Recreational Marihuana Retailers.

- (1) All recreational marihuana retailers must be equipped with an activated carbon filtration system or other similar filtration system to ensure that there is no detectable odor of marihuana or other odor related to the operation of the recreational marihuana retailer outside of the recreational marihuana retailer. Such activated carbon filtration system or other similar filtration system must be approved by the Planning Commission.
- (2) Any detectable odor of marihuana or any other odor related to the operation of the recreational marihuana retailer outside of the recreational retailer is prohibited. The standard for detectable odor will be that of an individual with normal olfactory capabilities.
- (3) The lot where a recreation marihuana retailer is located may not be within 1,000 feet of a lot where a pre-existing public or private school providing education in kindergarten or any of the grades 1 through 12 is located. Distance is measured as the shortest straight-line distance between lots.

Article 5. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of any such conflict.

Article 6. Conflict.

- A. Except as otherwise explicitly stated herein, nothing in this Ordinance will be construed in such a manner so as to conflict with existing Village ordinances.
- B. Nothing in the Ordinance shall be construed in such a manner so as to conflict with the Act or any other State law.

Article 7. Savings Clause. The provisions of this Ordinance are severable. If any article, chapter, paragraph, sentence, or clause is declared void or inoperable for any reason by a court of competent jurisdiction, such declaration shall not void any or render inoperable any other part or portion of this Ordinance.

Article 8. Effective Date. Except as otherwise provided by law, this Ordinance is effective upon the expiration of the seventh day following its publication in the manner required by law.


The vote regarding the adoption of this Ordinance was as follows:

YEAS: Bassett, VanWagner, Williams, Heckman

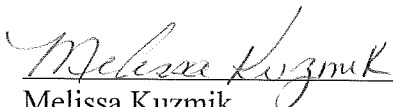
NAYS: Hagstrom, MacTavish, Smith

ABSENT/ABSTAIN: None

ORDINANCE 2023-4 HEREBY DECLARED ADOPTED.



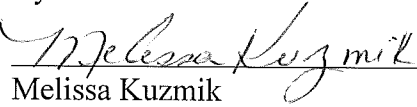
Randy Heckman
Village President



Melissa Kuzmik
Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Howard City, Montcalm County, Michigan at a meeting of the Village Council duly called and held on April 17, 2023.

By:


Melissa Kuzmik
Village Clerk

Adopted: 4/17/2023

Published (date/paper): 4/21/2023 - Greenville Daily News

Effective: 4/29/2023

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Ordinance No. 2023-03

At a meeting of the Village Council for the Village of Howard City held at the Village Hall on May 15, 2023, and commencing at 7:00 p.m., the following Ordinance was offered for adoption by Village Council Member Williams and was seconded by Village Council Member Hagstrom:

AN ORDINANCE TO AMEND CHAPTER 93 ENTITLED "PARKS AND RECREATION", OF THE VILLAGE OF HOWARD CITY CODE OF ORDINANCES.

THE VILLAGE OF HOWARD CITY (the "Village") ORDAINS:

Section 1. Amendment of Chapter 93. That Chapter 93, entitled "Parks and Recreation," of the Village of Howard City Code of Ordinances is amended to read in full as follows:

CHAPTER 93: PARKS AND RECREATION

Parks and Playgrounds

- 93.01 Definitions
- 93.02 Hours
- 93.03 Assemblies
- 93.04 Conduct
- 93.05 Rubbish and waste
- 93.06 Fires
- 93.07 Rules and regulations
- 93.08 Vehicles

Park Regulations

- 93.21 Intoxicating liquors
- 93.22 Waste containers
- 93.23 Ball games
- 93.24 Additional rules

- 93.99 Penalty

PARKS AND PLAYGROUNDS

SECTION 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSEMBLY. Any event designated to attract the attendance of persons, including, but not limited to, a concert, show, exhibition, performance, speech, display or other form of entertainment. Assembly does not include Village-sponsored games and events, and events sponsored by the Village.

BAN or BANNING. Means prohibiting a person from remaining or entering on identified park property and prohibiting them from returning to the identified park property for a time period set forth in the Village Park Policy.

BAR or BARRING. Means excluding a person from identified park property for a time period set forth in the Village Park Policy.

GROUP. Any club, organization, association or any number of persons gathered together and forming a recognizable unit having common characteristics and a community of interest.

PARK. Any park, playground, recreation center or any other area in the Village, leased by, owned or controlled by the Village, which area is primarily set aside for or devoted to active or passive recreation.

PARK POLICY. A policy or the Village's Parks Ordinance periodically set and adopted by resolution of the Village Council.

PARK STAFF. Shall mean all employees of the Village who have been authorized by the Village Manager to enforce Park policies, as well as any law enforcement officer.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE. Any conveyance; whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow, of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the Village Parks.

SECTION 93.02 HOURS.

No person shall use or enter a designated Village Park during hours when the Park is posted as being closed.

SECTION 93.03 ASSEMBLIES.

(A) *Application.* Any person, assembly or group expecting to attract more than 100 persons, desiring use of a Park, shall make application to the Village and shall not use the Park until the application is approved by the Village Manager, Village President or other Village designated representative.

(B) *Approval; application; cleanup.* All approvals shall require the user to clean up the area occupied after the affair is over, and all applications for use must give the name, address and phone number of the person responsible for the cleanup.

(C) *Approval; conditions.* Approval for use of the Parks shall be granted by the Village Manager or Village President if all the following conditions are satisfied:

(1) The Village Manager, Village President, or designated representative finds that the park is large enough for the anticipated crowd;

(2) The purpose and proposed activity of the applicant will not disturb the peace of the persons in the area surrounding the park; and

(3) Reasonable provisions have been made for cleanup after the gathering under division (B) above.

(D) *Exclusive use: prohibited.* Under no circumstances shall any group be granted exclusive use of a Park and no permittee shall exclude the public from the Park. The granting of a permit hereunder does not guarantee or give any priority to the group in the use of any building or structures in the Parks or playgrounds.

SECTION 93.04 CONDUCT.

(A) *Willfully abusing equipment.* No person shall mark, deface, disfigure, injure, displace or remove any table, bench, fireplace, railing, pavement, water line or other public utility, appurtenance, structure or Village property in a Park.

(B) *Jostling or crowding.* No person shall jostle or crowd another in any Village Park, nor shall any person throw any ball or other object in a manner so as to unreasonably annoy or endanger other persons in or on the park or beach, nor shall any person engage in any rough or violent play therein.

(C) *Smoking and Tobacco.* The use of any smoking or tobacco products (including e-cigarettes / vaping and marihuana) is prohibited within any Village Park.

(D) *Inappropriate Behavior.* No person shall engage in inappropriate behavior in a manner likely to adversely impact the Village's Park system or programs or which unreasonably interferes with or disturbs another individual's lawful use and enjoyment of the Parks. Inappropriate behavior for purposes of this Section 93.04 shall include, without limitation by

enumeration, the following conduct or behaviors which the Village finds compromises the use and enjoyment of the Parks, and the safety, security and maintenance thereof:

1. Committing or attempting to commit any activity that would constitute a crime or a violation of Village or County ordinances.
2. Selling, distributing or using any dangerous weapon as that term is defined in the Michigan Penal Code Act of 1931 or using or threatening the use of any other object in such a manner that it may be considered a weapon.
3. Fighting, engaging in any physically intimidating or assaultive behavior, or making any threats of violence or other unlawful activities. The Village has a zero tolerance for threats and acts of violence in Village Parks, public spaces and buildings.
4. Possessing, selling, distributing, or consuming a controlled substance without a prescription.
5. Engaging in behavior that is disruptive, harassing, or threatening in nature to Park users or staff, including stalking, unwanted physical contact, or verbal abuse.
6. Engage in explicit sexual activities or conduct.
7. Interfering with the safe and free passage of Park users or staff in Parks, including, but not limited to, lying, sitting, or placing objects (bags, personal items, strollers) in hallways, aisles, floors, doorways, vestibules, bathrooms, or elsewhere in a manner that unreasonably impedes the free passage of persons about the Park or within Park facilities.
8. Trespassing by entering or remaining on or in a Park after having been notified by an authorized individual not to do so and entering or remaining on or in a Park during the period in which an individual has been banned from the premises.
9. Entering non-public areas of the Park without permission.
10. Theft or intentional damaging of Park materials, furniture, equipment or facilities.
11. Improper use of Park facilities, furniture and amenities.
12. Improperly using or loitering within park restrooms or facilities in a manner which unreasonably prevents access to and use of the restrooms by other users or leaving them in a condition such that they are unusable by others.
13. Engaging in behavior which unreasonably interferes with, or has the strong likelihood of interfering with, the use and enjoyment of the Park by another, including interfering with another's use and enjoyment of a Park facility which that person has rented.
14. Engaging in behavior that otherwise unreasonably interferes with or disrupts, or has the strong likelihood of interfering with or disrupting, the intended use of the Park, or the services, amenities, or other activities normally associated with the use of public parks (including participation in programs, activities, and services), including making ongoing noise or using personal electronic equipment at such a volume that it interferes with park services and activities.
15. Engaging in repeated violations of this Policy, Village or County Ordinances, or State statutes.

SECTION 93.05 RUBBISH AND WASTE.

(A) *Garbage and rubbish: receptacles.* No person shall throw, place, deposit or leave any garbage, rubbish, glass, cans, containers, papers or other waste in any public park or playground

except in containers provided by the Village for that purpose. Waste material, other than those resulting from use of the park, may not be deposited in park receptacles.

(B) *Water pollution.* No person shall throw, discharge or otherwise place in the water or any fountain, stream or other body of water in or adjacent to any park or beach, any substance, liquid or solid, which may result in water pollution or a creation of hazard to the health and safety of other persons.

SECTION 93.06 FIRES.

No person shall start or maintain a fire in any park, except in existing fireplaces and stoves or stoves and grills provided by park users. All fires shall be extinguished after use.

SECTION 93.07 RULES AND REGULATIONS.

The Village Council, by resolution, is authorized to further promulgate necessary and reasonable rules, regulations and policies respecting the use of Village parks and playgrounds, including the hours the parks or playgrounds are open for use by the public and may regulate and limit the use of the equipment and other facilities therein. The Village President and/or Village Manager are authorized to forbid the use of equipment and facilities of any park or playground to any person who refuses or neglects to obey the rules, regulations and policies governing the uses thereof. It shall be a violation of this Chapter to fail to comply or otherwise violate such rules, regulations or policies or to comply with an order forbidding the use of Park equipment or facilities.

SECTION 93.08 VEHICLES.

No person may drive, operate or park a vehicle within a park except upon a street, path, drive or parking area which is marked and designated for the use of vehicles. An exception is permitted for a single vehicle traveling at a slow rate of speed into the park for the purpose of loading and unloading only items for use by a group that is utilizing the park in accordance with the terms of this subchapter.

PARK REGULATIONS

SECTION 93.21 INTOXICATING LIQUORS.

No person shall bring into or drink in any Village Park any alcoholic beverage without the express written consent of the Village Council.

SECTION 93.22 WASTE CONTAINERS.

No person shall place or deposit any garbage, glass, tin cans, paper or miscellaneous waste in any park or playground except in containers provided for that purpose.

SECTION 93.23 BALL GAMES.

No person shall engage in baseball, football or softball throwing, or other violent or rough exercises or play in any public park or other public place, except in areas designated therefor by order of the Village Council.

SECTION 93.24 ADDITIONAL RULES.

The Village Council may, by resolution, prescribe additional rules, regulations and policies pertaining to the conduct and use of parks and public grounds as it shall deem necessary to administer the same and to protect public property and the safety, health, morals and welfare of the public. It shall be a violation of this Chapter to fail to comply or otherwise violate such rules, regulations or policies.

SECTION 93.99 PENALTY.

(A) A person who violates any provision of this Chapter for which no specific remedy is prescribed is guilty of a misdemeanor, punishable by imprisonment for up to 90 days or a fine not to exceed \$500, or both, and costs of prosecution as provided in Section 10.99.

(B) A person who violates Sections 93.01 through 93.08 is responsible for a municipal civil infraction and shall be subject to the penalties set forth in Section 10.99 and Chapter 31 of this Code, except that the civil fine shall be \$50 for a first violation, \$150 for a second violation, and \$500 for a third or subsequent violation.

Section 2. Severability. Should any section or provision of this Ordinance be deemed invalid or unlawful, such determination shall not invalidate all remaining parts of this Ordinance.

Section 3. Effective Date. Except as otherwise provided by law, this Ordinance is effective 20 days following its adoption or upon its publication, whichever occurs first, in the manner provided by law.

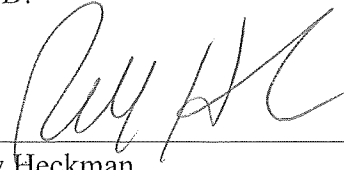
The vote regarding the adoption of this Ordinance was as follows:

YEAS: Bassett, Hagstrom, Smith, VanWagner, Williams, Heckman

NAYS: None

ABSENT/ABSTAIN: MacTavish

ORDINANCE 2023-03 HEREBY DECLARED ADOPTED.



Randy Heckman
Village President



Melissa Kuzmik
Village Clerk

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Village Council for the Village of Howard City, Montcalm County, Michigan at a meeting of the Village Council duly called and held on May 15, 2023.

By:



Melissa Kuzmik
Village Clerk

Adopted: 05/15/2023

Published: 05/19/2023 - Greenville Daily News

Effective: 06/04/2023

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Councilmember Hagstrom, supported by Councilmember Williams, moved the adoption of the following ordinance:

**AN ORDINANCE TO AMEND TITLE XIII: CHAPTER 134 OF THE VILLAGE
CODE OF ORDINANCES**

**VILLAGE OF HOWARD CITY ORDAINS
Ordinance No. 2023-2**

**An Ordinance to Amend Title XIII: Chapter 134 of the Village Code of
Ordinances: Chapter 134: Bows, Firearms and Pneumatic / Air Guns**

Chapter 134: Bows, Firearms and Pneumatic / Air Guns

SECTION

- 134.01 Purpose
- 134.02 Definitions
- 134.03 Unlawful Acts
- 134.04 Permits; application
- 134.05 Effective Date
- 134.99 Penalty

SECTION 134.00 PURPOSE.

The purpose of this Chapter is to provide regulations dealing with the discharge of bows, firearms and pneumatic / air guns within the Village limits, and to further promote and protect the public health, safety and general welfare of the people.

SECTION 134.02 DEFINITIONS.

For this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bow. A device for propelling an arrow from a string drawn, held and released or triggered by hand, finger or mechanical device.

Firearm. Any device which expels a projectile by action of an explosive.

Pneumatic / Air Gun. Any device that propels its projectile by means of releasing compressed air, carbon dioxide, or other gas.

SECTION 134.03 UNLAWFUL ACTS

It shall be unlawful for any person to discharge, fire, shoot or cause to be discharged, fire or shoot any bow, firearm or pneumatic / air gun within the Village Limits unless a permit has been obtained from the Council, Village Manager, or Zoning Administrator. The provisions hereof shall not apply to any policeman, conservation officer, peace officer, or other similarly duly authorized officer acting within the scope their legal authority.

SECTION 134.04 PERMITS; APPLICATION

Upon written application to the Village Council, Manager or Zoning Administrator, a written permit may be granted to any person for the use of bows, firearms and pneumatic / air gun within the Village. The application shall contain the name, age and address of the applicant or applicants, the location and the dimensions of the property on which the discharge will take place, the name of the owner of the property, and other information as will be helpful in assessing the safety of the proposed discharge area. If it appears that the area can be operated with reasonable safety to the persons using the area and to the public, and if use of the area otherwise complies with all applicable Village Ordinances and State laws, and after receiving the affirmative recommendation of the Council, Village Manager or Zoning Administrator, a permit may be granted for the use.

(Prior Code, Section 62.003) (Prior Ord. 96-40, passed 12-9-1996) (Ord. 2023-02, passed 4-17-2023)

SECTION 134.05 EFFECTIVE DATE.

This ordinance shall become effective ten (10) days after its adoption or upon its publication, whichever is later.

SECTION 134.99 PENALTY.

A person who violates any provision of this Chapter shall be guilty of a misdemeanor, punishable by imprisonment for up to 90 days or a fine not to exceed \$500, or both, and costs of prosecution as provided in Section 10.99.

(Prior Code, Section 62.003) (Prior Ord. 96-40, passed 12-9-1996) (Ord. 2023-02, passed 4-17-2023)

Publication. This Ordinance shall be published pursuant to state law.

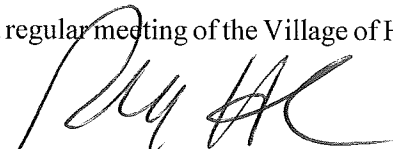
AYES: Hagstrom, MacTavish, Williams, Heckman

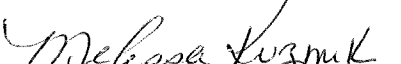
NAYS: Bassett, Smith, VanWagner

ABSENT: None


ABSTAIN: None

Ordinance Amendment No. 2023-2 declared adopted at a regular meeting of the Village of Howard City Council held on April 17, 2023


Randy Heckman, President


Melissa Kuzmik, Clerk

I, Melissa Kuzmik, the Clerk of the Village of Howard City attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Howard City Council at a regular meeting held on April 17, 2023, noticed in accordance with state law.


Melissa Kuzmik, Clerk

**VILLAGE COUNCIL
VILLAGE OF HOWARD CITY
MONTCALM COUNTY, MICHIGAN**

Councilmember Williams, supported by Councilmember VanWagner, moved the adoption of the following ordinance:

**AN ORDINANCE TO AMEND
CHAPTER 35, SECTION 35.21 OF THE VILLAGE CODE**

THE VILLAGE OF HOWARD CITY ORDAINS:

Ordinance No. 2023-1

**AN ORDINANCE TO AMEND SECTION 35.21 OF CHAPTER 35
OF THE VILLAGE CODE**

Section 1. **Amendment of Section 35.21.** That Section 35.21 of the Village Code of the Village of Howard City, involving the authorization of compensating members of the Planning Commission as the Council shall determine by resolution.

Chapter 35

SECTION 35.21 MEMBERSHIP; TERM; REMOVAL; COMPENSATION.

The Planning Commission shall consist of seven members, serving as follows.

(A) One of the members of the Planning Commission shall also be a member of the Village Council serving as a member ex officio.

(1) The ex officio member shall be selected by resolution of the Village Council, and shall serve a term as set forth in the resolution; provided however, that in no case shall the term of the ex officio member exceed his or her term as Village Council member.

(2) The ex officio member may be removed by the Village Council for inefficiency, neglect of duty or malfeasance in office.

(B) The remaining six members shall be appointed by the Village President, subject to the approval of Village Council.

(1) Appointed members shall serve a term of three years or until his or her successor takes office except that the respective terms of two of the members first appointed shall be for one year and the term of three of the first appointed members shall be for two years.

(2) After a public hearing, a member so appointed may be removed by the Village President for inefficiency, neglect of duty or malfeasance in office.

(3) Planning Commission members may be compensated for their service as determined by Council resolution.

(Prior Code, Section 180.002) (Ord. 2005-7, passed 8-22-2005) (Ord. Amendment 2023-1, passed 02-28-2023)

Section 2. **Effective Date.** This ordinance shall become effective ten (10) days after its adoption or upon its publication, whichever is later.

Section 3. Publication. This Ordinance shall be published pursuant to state law.

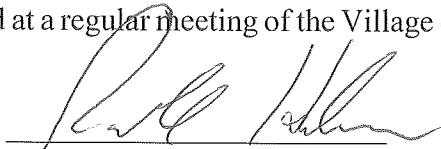
AYES: Bassett, VanWagner, Williams, and Heckman

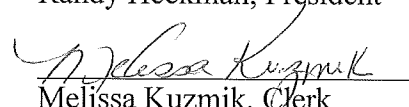
NAYS: Smith

ABSENT: Hagstrom

ABSTAIN: MacTavish

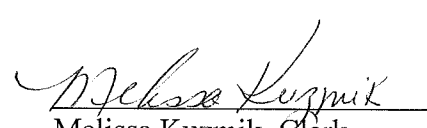
Ordinance Amendment No. 2023-1 declared adopted at a regular meeting of the Village of Howard City Council held on February 28, 2023



Randy Heckman, President

Melissa Kuzmik, Clerk

I, Melissa Kuzmik, the Clerk of the Village of Howard City attest that the foregoing is a true and accurate copy of an ordinance adopted by the Village of Howard City Council at a regular meeting held on February 28, 2023, noticed in accordance with state law.



Melissa Kuzmik, Clerk