

ORDINANCE #26

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

An Ordinance to amend Article XIX of the Bever Creek Township Zoning Ordinance, ADMINISTRATION AND ENFORCEMENT, to designate violations of the Zoning Ordinance as municipal civil infractions, to establish procedures for enforcement and for prosecution of municipal civil infractions, to provide civil fines for such violations and to amend any ordinances or parts of ordinances of Beaver Creek Township which conflict with the provisions hereof.

**THE TOWNSHIP OF BEAVER CREEK, CRAWFORD COUNTY,
MICHIGAN, ORDAINS:**

**SECTION I
AMENDMENT TO SECTION 19.03,
DUTIES OF ZONING ADMINISTRATOR**

An additional subsection "F" is hereby added to Section 19.03 of the Zoning Ordinance to read as follows:

- F. Perform all duties as hereinafter provided pertaining to zoning permits, violations and enforcement of the zoning ordinance.
- G.

**SECTION II
AMENDMENT TO SECTION 19.06, ENFORCEMENT**

Section 19.06 of the Zoning Ordinance is hereby amended to read as follows:

Section 19.06 – Enforcement of Violations

- A. The Township Board, upon recommendation of the Zoning Administrator, may institute injunction, mandamus, abatement, or any other appropriate action, actions or proceedings to prevent, enjoin, abate or remove any unlawful erection, construction, maintenance or use of land, buildings or structures. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
- B. Any person who violates, disobeys, neglect or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether an owner (by deed or land contract), lessee, licensee, agency, contractor, servant, employee or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

**SECTION III
AMENDMENT TO SECTION 19.07, ENFORCEMENT PROCEDURE-
MUNICIPAL CIVIL INFRACTIONS**

Section 19.07 of the Zoning Ordinance is hereby amended to read as follows:

19.07 Enforcement Procedure-Municipal Civil Infractions

- A. Any violation of this Ordinance is a municipal civil infraction as defined by Michigan statutes and shall be punishable by a civil fine determined in accordance with the following schedule

First offence	\$ 75.00
Second offense	150.00
Third offense	325.00
Fourth or add'l offenses	500.00

Additionally, the violator shall pay costs, which may include all expenses, direct and indirect, which Beaver Creek Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

C. Any violation of this Ordinance shall immediately constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and to enforce the provisions thereof, as an alternative to or in addition to the above municipal civil infraction procedure.

**SECTION IV
SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any clause, sentence, paragraph, section or subsection is declared void or inoperable for any reason, it shall not affect any other part or portion thereof.

**SECTION V
REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VI
EFFECTIVE DATE**

This Ordinance shall take effect eight days following its publication after adoption in accordance with and subject to Michigan Public Act 297 of 1996, as amended.

Motion by Mobarak and seconded by Balmes to adopt Ordinance #26 as presented. Ayes: Riley, Balmes, Mobarak, Little and Hartman.

ADOPTED: 1/12/2004
PUBLISHED: 1/21/2004
EFFECTIVE: 2/1/2004