

ORDINANCE TO AMEND
WINDSOR CHARTER TOWNSHIP ZONING ORDINANCE
TO PERMIT MUNICIPAL CIVIL INFRACTIONS
ORDINANCE NO. 25

An Ordinance to amend the Windsor Charter Township Zoning Ordinance to permit enforcement by the issuance of municipal civil infractions and to repeal all ordinances or parts thereof in conflict therewith. WINDSOR CHARTER TOWNSHIP ORDAINS:

Section 1: Windsor Charter Township hereby amends Section 3.2.1 of the Windsor Charter Township Zoning Ordinance to read as follows:

Sec. 3.2.1 – Violations and penalties. The Township Board, through the Township Supervisor or another official appointed by the Township Board, shall enforce the provisions of this ordinance. Violations of any provision of this ordinance are declared to be a nuisance per se. Any and all land use activities considered possible violations of the provisions of this ordinance shall be reported to the Township Board.

(A) Inspection of violation. The Township Supervisor, or other official appointed by the Township Board, shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this ordinance.

(B) Correction period. Except in cases involving imminent health or safety hazards, all violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or such longer period of time not to exceed six (6) months as the official shall permit. A violation not corrected within the described period shall be subject to the violations and remedies provided herein.

(C) Criminal violations. For each and every day the violation continues beyond the permissible correction period, a separate offense shall be declared. Any person, firm, corporation, or other entity violating any provision of this ordinance shall be adjudged guilty of a misdemeanor and of maintaining a nuisance per se. Such violation shall be punishable by imprisonment in the Eaton County Jail or such other facility as the court shall determine for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or both such fine and imprisonment.

(D) Municipal Civil Infractions. Municipal Civil Infractions. Any person, firm, corporation or entity that violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance or conditions of the Board of Appeals, Planning Commission or Township Board adopted pursuant to this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil forfeiture, costs and attorney fees. The amount of the civil forfeiture under this Section shall five hundred dollars (\$500.00) per violation, or as otherwise set according to a schedule adopted by the Township Board by resolution, plus court costs, attorney fees and abatement costs of each violation, together with all other remedies pursuant to MCL 600.8701, et seq. Each day a violation continues shall be deemed a separate municipal civil infraction.

(E) Cumulative rights and remedies. The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law including equitable and injunctive relief. The imposition of any fine, jail sentence, or forfeiture shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 2: The Windsor Charter Township Clerk shall publish a notice of adoption of this Ordinance within 15 days of its adoption in a newspaper of general circulation in the Township and copies of this Ordinance shall be available for public use and inspection at the office of the Township Clerk

Section 3: If a court of competent jurisdiction or administrative agency of the State of Michigan declares any provision of this Ordinance to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided, that if a court of competent jurisdiction or administrative agency declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Section 4: All other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5: Except as expressly amended by this Ordinance, other Windsor Charter Township ordinances shall remain unchanged and in full force and effect.

Section 6: This Ordinance shall become effective seven (7) days after publication of notice of adoption, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, the Ordinance will take effect in accordance with MCL 125.3402.

Marceal J. Dailey, Clerk
Windsor Charter Township