

CHAPTER 3

Legal Provisions

Section 3.1 Administrative Liabilities

No officer, agent, employee or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 3.2 Severability

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

Section 3.3 Nonwaiver; Rule of Nonestoppel

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this Ordinance, and it is determined that any such opinion, interpretation, approval, action or inaction was done in error, in an *ultra vires* or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law “rule of municipal nonestoppel” shall benefit the Township, as well as its officials, officers, bodies and commissions.

Section 3.4 Codification

It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Gaines Charter Township Municipal Code; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered, and typographical errors which do not affect the intent, may be corrected by the Township Board without need of a Public Hearing, by filing a corrected or recodified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

Section 3.5 Repeal

This Ordinance shall be deemed to repeal, supersede and replace the existing *Gaines Charter Township Zoning Ordinance* (first adopted by the Township Board on September 17, 1979 and became effective on October 1, 1979) in its entirety. In addition, all other ordinances and parts thereof, which are in conflict in whole or in part with any of the provisions of this Ordinance, are repealed as of the effective date of this Ordinance.

Section 3.6 Effective Date

This Ordinance was adopted by the Gaines Charter Township Board on December 10, 2007 and became effective seven days after the notice of adoption appeared in the *Southwest Advance* and *Southeast Advance* (which effective date was December 25, 2007).