

CHAPTER 34 ENFORCEMENT

SECTION 34.10 INTENT

The intent of this chapter is to define and outline zoning violations, provide for Township remedies, set penalties as municipal civil infractions, and establish a fine structure for penalties. The goal of these provisions is to ensure zoning compliance. However, voluntary correction of violations is encouraged whenever possible.

SECTION 34.20 VIOLATIONS

A. VIOLATIONS

Any person who violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, any administrative decision made under the 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 as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

B. PREVIOUS ORDINANCE VIOLATIONS

Any violation of the previous Zoning Ordinance and other regulations replaced by this Ordinance shall continue to be a violation under this Ordinance, and subject to the penalties in this section, unless the development, use, or land complies with all of the express terms of this Ordinance.

C. NUISANCE

1. No property, premise, lot, structure, building, or use shall be used, erected or conducted in such a manner as to cause a nuisance to adjacent property or uses. Any structure, building, lot, or use that violates any provision of this Ordinance (or any permit or approval issued pursuant to this Ordinance) shall be deemed to be a nuisance per se.
2. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained, or changed in violation of any provision of this Ordinance (or any permit or approval issued pursuant to this Ordinance) is hereby declared to be a nuisance, per se.
3. Any building or structure that is erected, altered, or converted, or any use of premises or land that is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

D. FINES

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$500 for the first offense and not less than \$100 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a

period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

E. ENFORCEMENT ACTION

The Township Board, the Zoning Administrator, or their duly authorized representative(s) are hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the District Court (including municipal civil infraction proceedings) or Circuit Court of Kent County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the noncompliance or violation.

F. RIGHTS AND REMEDIES

1. The rights and remedies provided to the Township herein are cumulative and in addition to other remedies provided by law.
2. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. The Township's remedies are cumulative and not exclusive. Should the Township prevail in any court action to enforce this Ordinance, either in whole or in part, then the Township shall also be awarded its attorney fees and costs.

G. APPLICABILITY OF PROHIBITIONS AND PENALTIES

The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property in violation of this Ordinance.