

CLARK TOWNSHIP
ZONING ORDINANCE AMENDMENT

AN AMENDMENT TO CLARK TOWNSHIP ZONING ORDINANCE

CLARK TOWNSHIP HEREBY ORDAINS:

Section 1. Purpose

The purpose of this ordinance is to amend the Clark Township Zoning Ordinance to provide for municipal civil infractions and to implement the procedures and penalties for violations of same.

Section 2. Zoning Ordinance Amendment

Article V of the Clark Township Zoning Ordinance is amended in its entirety to read as follows:

Section 500 - Administration

The provisions of this ordinance shall be administered by such person or persons whom shall be designated by the Township Board in accordance with the applicable State Statute.

Section 501 - Enforcement

The Township Board may instruct the Zoning Official, Township Attorney, or the Authorized Township Official (as defined by the Township's Municipal Civil Infraction Ordinance) to initiate a civil or criminal complaint or other legal action to enforce this ordinance.

Section 502 - Civil Infraction Violation

Unless otherwise specified in this ordinance, violations of this ordinance are a municipal civil infraction. Civil sanctions under this section may include, without limitation, fines, damages, expenses and costs as authorized by Public Act 236 of 1961, as amended, subject to the following provisions:

- a. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$100, plus other costs, damages, expenses and other sanctions for each infraction.*

- b. *Increased civil fines may be imposed for repeat violations. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be not less than \$250, plus costs for a first repeat offense, and not less than \$500, plus costs per a second repeat or and subsequent repeat offense.*
- c. *A municipal civil infraction action may be commenced upon the issuance of a municipal civil infraction citation directing the alleged violator to appear in court.*
- d. *Failure to answer a citation to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.*
- e. *Failure to comply with an order, judgment or default in payment of a civil fine, costs, damages or expenses so ordered may result in enforcement actions, including but not limited to, imprisonment, collections, placement of liens or other remedies as permitted in Chapter 87 of PA 326 of 1961, as amended.*
- f. *A municipal civil infraction is not a crime under this ordinance, and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.*

Section 503 - Misdemeanor Violations

It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500, plus other costs, imprisonment for a term not to exceed 90 days, or both fine and imprisonment; for any person who:

- a. *Makes a knowing false statement, representation or certification in an application, report, record, plan or other document filed or required to be maintained pursuant to this ordinance; or*
- b. *Willfully continues or violates this ordinance after suspension or revocation of a permit authorized under this ordinance, other ordinances or state law.*

Section 504 - Nuisance Per Se and Injunctive Relief

A violation of any regulation in this ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other person within the township, and is deemed a public nuisance per se. Any violation of this ordinance shall constitute a basis for injunctive relief against the violator or land owner

to restrain and prohibit the violator or owners from continuing the violation, in addition to any other relief or penalty provided by this ordinance or allowed by law. the township or any owner or owners of real estate within the Township may bring an action to enjoin such alleged violation activity.

Section 505 - Continuing Offenses

Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

Section 506 - Land Division Violations

Where there is a violation of the Michigan Land Division Act, no zoning permits shall be issued.

Section 507 - Building Construction Violations

No person shall perform any construction, seek and receive a building permit as required by the Building Code in effect in the Township or an environmental health, soil erosion or other local or state permits enforced in the Township without an approved zoning permit.

Section 508 - Overlapping Jurisdiction

In addition to the approvals and permits required and specified in this Ordinance, the Zoning Administrator shall, prior to the issuance of any zoning permit, be satisfied that the permits for the particular development and/or construction has been or will be approved from such state or other local, county, state and/or federal agencies having jurisdictions in such matters pursuant to local ordinances, county ordinances, state or federal laws.

Section 509 - Administrative Liability

No officer, member, agent or employee of the Township Board, Planning Commission or Zoning Board of Appeals shall be personally liable for any damage or consequence that may occur as a result of any act, decision or other event or cause by discharge of their duties and responsibilities pursuant to this ordinance.

Section 3 - Conflicting Standards

If any of the standards set forth in this amendment conflict with any other standards of previous or future ordinances or amendments, the stricter standards shall apply.

Section 4 - Repeal; Savings Clause

All ordinances, resolutions, or orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, repealed.

Section 5 - Severability

The various parts, sections and clauses in this ordinance are hereby declared to be severable. Any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 6. - Effective Date

This Ordinance shall become effective fifteen (15) days from its enactment.

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