

**MANCHESTER TOWNSHIP
ORDINANCE NO. 82**

AN ORDINANCE TO AMEND THE MANCHESTER TOWNSHIP ZONING ORDINANCE, ARTICLE 18.0, "ADMINISTRATION OF THE ORDINANCE," SECTIONS 18.02 AND 18.09, AND TO MAKE VIOLATIONS OF THE ORDINANCE MUNICIPAL CIVIL INFRACTIONS.

MANCHESTER TOWNSHIP ORDAINS:

That Article 18, "Administration of the Ordinance," of the Manchester Township Zoning Ordinance, Section 18.02, "Administration," is hereby amended as follows:

SECTION 18.02 - ADMINISTRATION

Except where herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator under the supervision of the Township Supervisor, or by such deputies of his/her office as the Township Board may designate to enforce the provisions of this Ordinance. The Zoning Administrator and the Building Inspector shall be appointed and may be dismissed by the Township Board. The same person may be appointed Zoning Administrator and Building Inspector.

That Article 18, "Administration of the Ordinance," of the Manchester Township Zoning Ordinance, Section 18.09, "Violations and Penalties; Nuisance per se; Abatement," is hereby amended as follows:

SECTION 18.09 - VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT

- A. Authority to write citations and municipal ordinance violation notices. For the issuance of citations and municipal ordinance violation notices, the Manchester Township Supervisor, the Zoning Administrator, the Building Inspector, any other official, individual, firm, or entity the Manchester Township Board designates to perform all or part of the duties of the Zoning Administrator, and all Washtenaw County Sheriff deputies, Michigan State troopers, and any Manchester Township Constable, Police Officer, and Ordinance Enforcement Officer, who have jurisdiction within Manchester Township, are authorized to issue citations and municipal ordinance violation notices as "authorized local officials" pursuant to MCL 600.8707.
- B. Violation. Any person, firm, association, partnership, corporation, or agent in charge of such building or land, or anyone acting on behalf of the any person, firm, association, partnership, corporation, or agent in charge of such building or land, who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan

Statute which shall be punishable by civil fine determined in accordance with the following schedule:

1st violation within (3)-year period *-----\$50.00

2nd violation within (3)-year period* -----\$125.00

3rd violation within (3)-year period* -----\$250.00

4th or subsequent violation within (3)-year period*-\$400.00

*determined on the basis of the date of violation(s).

- C. Each and every day during which any illegal construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.
- D. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- E. Any failure or omission to enforce the provisions of this Ordinance or to prosecute any violations thereof shall not constitute a waiver of any rights and remedies provided by law, and shall not constitute a waiver of or prevent any further prosecution of violations of this Ordinance.
- F. Other remedies. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law, including but not limited to, injunction, mandamus, specific performance, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful construction, maintenance or use.
- G. Additional costs. In addition to the fine designated above, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which Manchester Township has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Manchester Township.
- H. In addition to the relief stated in subsections above, Manchester Township may obtain and have enforced any judgment, writ, or order necessary to enforce the ordinance pursuant to MCL 600.8727(5), 600.8302(1) and 600.8302(4).
- I. Liens. Manchester Township may obtain and enforce liens as authorized by MCL 600.8731.
- J. Nuisance per se. Any building or structure including tents, travel trailers, and mobile homes, which is erected, constructed, reconstructed, altered, converted, expanded, maintained, used, or occupied, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, or any other site improvement or

development constructed, expanded, altered, or maintained in violation of this Ordinance, is hereby declared to be a nuisance per se.

Section 2: Severability.

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Manchester Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4. Effective Date

The ordinance changes shall take effect seven days after the publication of the notice of adoption unless petition procedures are initiated under MCL 125.3402. If petition procedures are initiated, the ordinance shall take effect in accordance with MCL 125.3402.

Township Trustee Macomber moved the adoption of the foregoing Ordinance, which was supported by Township Trustee Huber and thereupon adopted by the Manchester Township Board of Trustees by a roll call vote of the Township Board at the regular meeting, held this 10th day of November 2009.

The following members voted:

Ayes: Macomber, Huber, Kolon, Schmitt, Widmayer, Mann & Becktel

Nays: None

Absent or abstain: None. The Supervisor declared Ordinance #82 **ADOPTED.**

Ronald Mann, Township Supervisor
Ann M. Becktel, Township Clerk

I, Ann M. Becktel, Clerk for Manchester Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 82 of Manchester Township, adopted at a meeting of the Township Board of Trustees held on November 10, 2009, and the whole thereof now in my custody.

Ann M. Becktel, Township Clerk

A copy of the complete ordinance text may be inspected or purchased at the Manchester Township Hall, 275 South Macomb., Manchester, Michigan 48158. The office hours are 8:30 a.m. until noon Monday, Tuesday, Wednesday and Friday.

Adopted: 11/10/2009

Published: 11/19/2009

Effective: 11/26/2009, subject to PA 110 of 2006 as amended.