

Ordinance No. 13

CIVIL INFRACTION PENALTIES FOR VIOLATION OF
VILLAGE OF CONCORD ZONING ORDINANCE

VILLAGE OF CONCORD
JACKSON COUNTY

An ordinance to amend the Village of Concord Zoning Ordinance so as to make the violation thereof a municipal infraction, to provide sanctions for violation thereof and to repeal all sections or parts of the Village of Concord Zoning Ordinance in conflict therewith.

THE VILLAGE OF CONCORD, JACKSON COUNTY, MICHIGAN, ORDAINS:

Section 1. AMENDMENT OF ARTICLE VI, SECTION 6.7- VIOLATIONS AND ENFORCEMENT

Article VI, Section 6.7 entitled "Violations and Penalties: Nuisance Per Se: Abatement" of the Village of Concord Zoning Ordinance is hereby amended to read in its entirety as follows:

Section 6.7 Violation-Penalty

- 6.7.1. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$2,500.00 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 for the same property 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 be considered separate first offenses.
- 6.7.2 In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Village may also instate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- 6.7.3 All remedies available to the Village under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- A. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- B. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- C. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred.

Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

Section 2. Severability

Should any part of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

Section 3. Repealer

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 4. Publication

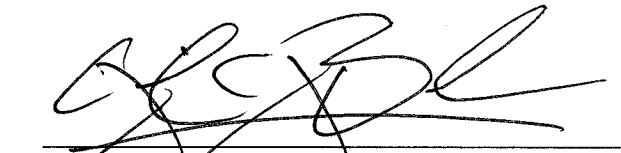
The Village Clerk shall publish this ordinance in the manner prescribed by law.

Section 5. Effective Date

This ordinance shall become effective thirty (30) days after its publication, as required by law.

YEAS: J. Bush, J. Jackson, T. Norris, T. Casey, A. Meeks, M. Lovitt, K. George
NAYS: None
ABSENT/ ABSTAIN: None


ORDINANCE DECLARED ADOPTED ON April 27, 2021.



Jeremiah Bush, President
Village of Concord

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Judy Lefere, the duly appointed Clerk of the Village of Concord certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Village Council of the Village of Concord on April 27, 2021 and published in the Salesman, a newspaper circulated in the Village of Concord on May 9, 2021.



Judy Lefere, Clerk
Village of Concord