

## **NOTICE OF ADOPTION FOR**

### **ORDINANCE #A-4-2015**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF BARRY COUNTY TO CHANGE THE FOLLOWING ARTICLE – ARTICLE 23, SECTION 2386.**

**BARRY COUNTY, MICHIGAN HEREBY ORDAINS:**

### **ORDINANCE #A-4-2015**

**Under Article 32, Section 3200, 3201, 3202 - Ordinance Violations.**

Section 3200, 3201 and 3202 are hereby amended and replaced by the following sections of Article 32 Municipal Civil Infractions, which shall be read in their entirety as follows:

#### **ARTICLE 32 - ORDINANCE VIOLATIONS**

##### **Section 3200 Violations and Penalties**

- A. **Nuisance Per Se.** Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the building official, Zoning Administrator, zoning board of appeals, or the County issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.

- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provision of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated responsible. Each day during which any violation continues shall be deemed a separate offense.
  
- C. **Injunctive Relief.** In addition to the foregoing penalties, the County may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
  
- D. **Issuance of Citations.** The following County officials are authorized to issue citations for violations of provisions of this Ordinance, which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:
  - 1. Law enforcement officers
  - 2. Zoning Administrator

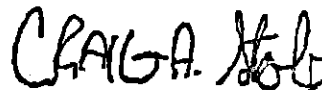
- E. **Failure to Appear; Penalty.** A person served with a municipal civil infraction citation as provided in this Chapter who fails to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than ninety (90) days or by both such fine and imprisonment in the discretion of the Court. Failure to appear will also result in the entry of a default judgment on the municipal civil infraction.

**Section 3201. Severability.** If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, a distinct and independent portions of this Ordinance.

**Section 3202. Savings.** All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect or saved and be consummated according to the law in force when they are commenced.


**BARRY COUNTY, MICHIGAN**

Date: December 22, 2015



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Craig Stolsonburg, Chairperson  
Barry County Board of Commissioners



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Pamela A. Palmer,  
Barry County Clerk

Published Date: December 31, 2015

The above named ordinance becomes effective January 8, 2016. Copy of this ordinance is available for purchase or inspection in the Barry County Planning Office at 220 W. State St., Hastings, Michigan between the hours 8:00 A.M. - 5 P.M. (closed between 12-1 p.m.), Monday thru Friday. Please call (269)945-1290 for further information.