

Ordinance Number _____

**Amendment to the Au Train Township Zoning Ordinance
to Insert Article XIII – Enforcement and Violations**

THE TOWNSHIP OF AU TRAIN, ALGER COUNTY, ORDAINS:

Section 1: The wording and phrases of Article I, Section 107 – Violations and Penalties is repealed:

Section 2: A new Article is inserted into the Au Train Township Zoning Ordinance as “Article XIII – Enforcement and Violations” and is codified as follows:

Section 1301 – Enforcement

- A. The Zoning Administrator or other Township Board designee shall be a designated Ordinance Enforcement Officer with responsibility for enforcing the Au Train Township Zoning Ordinance and in accordance with the Township’s ordinances and policies.
- B. The Zoning Administrator or other designated Ordinance Enforcement Officer shall initiate a municipal civil infraction action or other legal action to enforce this ordinance when a violation exists.
- C. The procedure for the identification and resolution of complaints and violations of this ordinance is maintained in the Au Train Township Municipal Civil Infraction Ordinance (#2025-001) and Ordinance Enforcement Policy.

Section 1302 - Nuisance Per Se and Injunctive Relief

- A. A violation of any regulation contained in this ordinance is determined to be detrimental to the health, safety and general welfare of the residents, property owners and other persons 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 owner 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.
- B. Any building, structure, or use constructed, altered, moved, or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 1303 - Civil Infraction Violation

- A. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction.
- B. Sanctions for violations shall be a civil fine in the amount of not less than that established by the Au Train Township Board in the Township Fee Listing, plus other costs, damages, expenses, and other sanctions for each infraction.

Section 1304 – Misdemeanor Violations

- A. It shall be a misdemeanor, punishable upon conviction by a fine 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:
 - 1. 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
 - 2. Willfully continues or violates this ordinance after suspension or revocation of a permit authorized under this ordinance, other ordinances or state law.

Section 1305 – Continuing Offenses

- A. 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 1306 – Land Division Violations

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

Section 1307 – Building Construction Violations

- A. 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 1308 – Overlapping Jurisdiction

- A. 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 permit for the particular development and/or construction have been or will be approved from such state or other local, county, state and/or federal agencies having jurisdiction in such matters pursuant to local ordinances, county ordinances, state or federal laws.

Section 1309 – Administrative Jurisdiction

- A. 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 discharging their duties and responsibilities pursuant to this ordinance.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed to the extent of such conflict.

Section 4: The amendments to the Au Train Township Zoning Ordinance shall be in full force and effect seven days following the publication of the notice of adoption in the Munising Beacon.

ORDINANCE ADOPTED BY TOWNSHIP BOARD:_____

PUBLICATION OF NOTICE OF ADOPTION:_____

ORDINANCE EFFECTIVE:_____