

**ENSLEY TOWNSHIP
NEWAYGO COUNTY, MICHIGAN
Ordinance No. 06-1**

At a regular meeting of the Township Board of the Township of Ensley, Newaygo County, Michigan, held at the Township Hall on February 7, 2006, at 8:00 p.m., Township Board Member VanderMeulen moved to adopt the following ordinance/ordinance amendment, which motion was seconded by Township Board Member Folkema.

**AN ORDINANCE TO AMEND SECTION 17.07 OF THE ENSLEY
TOWNSHIP ZONING ORDINANCE, AS AMENDED, REGARDING
VIOLATIONS AND PENALTIES**

THE TOWNSHIP OF ENSLEY (“Township”) ORDAINS:

Article I. Section 17.07 of the Ensley Township Zoning Ordinance, as amended, is hereby amended to read in full as follows:

SECTION 17.07 PENALTIES

A. Penalties

1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged altered, maintained, or used, or any use of a lot or land which is begun, maintained, or changed, or any lot or parcel which is created in violation of any term or provision of this Ordinance, is declared to be a nuisance *per se*.

2. Each and every day during which any violation continues shall be deemed a separate offense.

3. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense, and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses, and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person 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 all be considered separate first offenses.

B. Procedure

In addition to civil infraction proceedings and sanctions, the Township may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Article II. Severability. Should a court of competent jurisdiction find any provision, clause, or portion of this ordinance/ordinance amendment to be invalid, the balance or remainder of this ordinance/ordinance amendment shall remain valid and in full force and effect and shall be deemed "severable" from the portion, clause, or provision deemed to be invalid by the court.

Article III. Effective Date. This ordinance/ordinance amendment shall become effective seven (7) days after this ordinance/ordinance amendment (or a summary thereof) is published in the newspaper as provided by law.

Article IV. Except as expressly amended by this ordinance/ordinance amendment, the balance of the Ensley Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

YEAS: VanderMeulen, Harwood, Folkema, Knox, and Bergman

NAYS: None

ABSTAIN/ABSENT: None

ORDINANCE/ORDINANCE AMENDMENTS DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance/ordinance amendment adopted by the Ensley Township Board at a regular meeting held on February 7, 2006, pursuant to the required statutory procedures.

Respectfully submitted by:

Dated: February 7, 2006

Cynthia S. Harwood
Ensley Township Clerk