

ORDINANCE NO. 147

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE WAYLAND CITY CODE SO AS TO MAKE VIOLATIONS THEREOF A MUNICIPAL CIVIL INFRACTION AND TO PROVIDE SANCTIONS FOR VIOLATIONS THE CITY OF WAYLAND, MICHIGAN EREOF PURSUANT TO ACT 17 OF THE PUBLIC ACTS OF 1994; TO ESTABLISH A MUNICIPAL ORDINANCE VIOLATIONS BUREAU PURSUANT TO ACT 12 OF THE PUBLIC ACTS OF 1994 FOR THE PURPOSE OF ACCEPTING CIVIL INFRACTION ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS FOR WHICH MUNICIPAL VIOLATION NOTICES HAVE BEEN ISSUED AND SERVED BY AUTHORIZED OFFICIALS; TO COLLECT AND RETAIN CIVIL FINES FOR SUCH ADMISSIONS AS PRESCRIBED HEREIN; TO DESIGNATE CERTAIN PERSONS AS CITY OFFICIALS AUTHORIZED TO ENFORCE THE PROVISIONS OF THE ORDINANCE BY ISSUING MUNICIPAL CIVIL INFRACTION CITATIONS OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF WAYLAND, MICHIGAN ORDAINS:

SECTION 1. Section 1-2 of The Code of Ordinances is hereby amended by the addition of a new definition, to be placed immediately after the existing definition of month, to read as follows:

Municipal Civil Infraction. "Municipal Civil Infraction" means an act or omission that is prohibited by this Code or any ordinance of the City, but which is not a crime under this Code or any other ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of any criminal offense in this Code.

Section 2, Section 1-13 of the Code of Ordinances is hereby amended to read as follows:

Sec. 1-13. General penalties and sanctions for violations of Code and City ordinances; continuing violations, injunctive relief.

- (a) Unless a violation of this Code or any ordinance of the City is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (b) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.

© The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.

- (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00 nor more than \$500.00, plus costs and other sanctions, for each infraction. Costs shall include all expenses, direct and indirect, to which the City has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered.
- (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (I) committed by a person within any 3 year period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (A) The fine for any offense which is a first repeat offense shall be no less than \$150.00 no more than \$500.00, plus costs.
 - (B) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs.

© Repeat offenses are determined on the basis of the date of the commission of the offenses.

- (d) A “violation” includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.
- (e) Each act of violation and each day on which any violation of this Code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- (f) In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any City ordinance. The penalty or sanction shall be in addition to the abatement of the violating condition, any injunctive relief, revocation of any permit or license, or other process.
- (g) The penalties and sanctions provided by this section, unless another penalty or sanction as expressly provided, shall apply to the amendment of any section of this Code whether or not such penalty or sanction is enacted in the amendatory ordinance. SECTION 3, Article IV of Chapter 2 of the Code of Ordinances is hereby amended by adding new sections to read as follows:

DIVISION 1. MUNICIPAL ORDINANCE VIOLATIONS BUREAU

Sec. 2-96. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Act” means Act No. 236 of the Public Acts of 1961, as amended.

“Authorized city official” means a police officer or other personnel of the City authorized by this Code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

“Bureau” means the City of Wayland Municipal Ordinance Violations Bureau as established by this Article.

“Municipal civil infraction action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

“Municipal civil infraction citation” means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

“Municipal civil infraction violation notice” means a written notice prepared by an authorized city official, directing a person to appear at the City of Wayland Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the City, as authorized under Sections 8396 and 8707(6) of the Act.

Sec. 2-97. Municipal Civil Infraction Action, Commencement.

A municipal civil infraction action may be commenced upon the issuance by an authorized city official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction violation notice directing the alleged violator to appear at the City of Wayland Municipal Ordinance Violations Bureau.

Section 2-98. Municipal Civil Infraction Citations; Issuance and Service.

Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the district court.
© Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the City and issued to the alleged violator as provided by Section 8705 of the Act.
- (d) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief.”
- (e) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (f) An authorized city official may issue a citation to a person if:

- (1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations shall be served by an authorized city official as follows:
- (1) Except as provided by Section 2-98(g)(2), an authorized city official shall personally serve a copy of the citation upon the alleged violator.
 - (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address.

Sec. 2-99. Municipal Ordinance Violations Bureau; Creation; Location; Supervision; Employees; Rules and Regulations;

The City hereby created a municipal ordinance violations bureau ("Bureau") pursuant to the Act (M.C.L. 600.8396), as it may be amended from time to time, to accept admissions of responsibility for municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials, and to collect and retain civil fines for such admissions as prescribed by this Code or any Ordinance.

The Bureau shall be located at the Wayland City Hall, and shall be under the supervision and control of the City Treasurer. The City Treasurer, subject to the approval of the City Council shall adopt rules and regulations for the operation of the Bureau.

Sec. 2-100. Authorized City Officials.

City Police Officers are authorized to enforce the provisions of this Article, and may issue municipal civil infraction violation notices or municipal civil infraction citations for any municipal civil infraction, except infractions of Chapter 20 of the Code (Zoning) which shall be enforced by a police officer only after the police officer is designated in writing by the City Manager, pursuant to Section 20-802. An official who has previously been authorized to enforce any provision of the Code or any ordinance of the City, by the Code or any ordinance, shall be authorized to enforce that provision of the Code or any ordinance as a municipal civil infraction under the provisions of this ordinance, and may issue municipal civil infraction violation notices or municipal civil infraction citations. Additionally, the City Council may by resolution, authorize other persons to enforce the provisions of this Article, including issuing municipal civil infraction violation notices or municipal infraction citations.

Sec. 2-101. Disposition of Violations; Bureau Limited to Accepting Admissions of Responsibility.

The Bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction notice (as compared to a

citation) has been issued. The Bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as result of those admissions. The Bureau shall not accept payment of a fine from anyone who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the Bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation.

Sec. 2-102. Municipal Civil Infraction Violation Notices.

Municipal civil infraction. violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations in Sections 2-98(f) and (g) of this Article. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the date by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

Sec. 2-103. Appearance; Payment of Fines and Costs.

An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the date specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

Sec. 2-104. Procedure Where Admission of Responsibility not Made or Fine Not Paid.

If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, the Treasurer or other designated City employee shall notify the issuing official that the alleged violator has not admitted responsibility and/or not paid the fine and costs. A municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Sections 8705 and 8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

Sec. 2-105. Civil Fines.

Unless a different schedule of civil fines is provided for by any Ordinance, the following schedule of civil fines, payable to the Wayland Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal ordinance violations notices, shall apply:

1 st Offense Within a 3-year Period*	\$50.00
2 nd Offense Within a 3-year Period*	\$150.00
3 rd or Subsequent Offense Within a 3-year Period*	\$500.00

*Determined on the basis of the date of commission of the offense(s). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

Sec. 2-106. Accounting and Disposition of Civil Fines.

The City Clerk or other designated employee shall retain all municipal ordinance violation notices and shall account to the City Council as directed concerning the number of admissions and denials of responsibility for municipal civil infractions and the amount of fines collected. The amounts collected in civil fines shall be placed in the general fund of the City.

Sec. 2-107. Availability of Other Enforcement Remedies.

Nothing in this Ordinance shall be deemed to require the City to initiate its ordinance enforcement activity through the issuance of a municipal ordinance violation notice. The City shall have the right to directly proceed with the issuance of a municipal civil infraction citation for any municipal civil infraction, or to take other enforcement action as authorized by law.

SECTION 4. Article II (Recreational Facilities) of Chapter 4 (Amusements and Entertainments) of the Code of Ordinances is hereby amended by adding Section 4-64 which shall read as follows:

Sec. 4-64. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 5. Article 11 (Dogs and Cats) of Chapter 5 (Animals) of the Code of Ordinances is hereby amended by adding Section 5-34 which shall read as follows: Sec. 5-34 Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 if this Code.

SECTION 6. Section 6-28 of Article II (Building Code) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended to read as follows:

Sec. 6-28. Amendments.

The following sections of the BOCA National Building Code are hereby amended or deleted as set forth and additional sections are added as indicated. The following section numbers refer to like numbers of sections of the BOCA Code:

Section 117.4, Violation Penalties is deleted.

Section 124.2 is amended to read as follows:

“Section 124.21. Membership of Board: The Zoning Board of Appeals of the City is hereby constituted the Building Code Board of Appeals under this building code.”

Section 124.21 relating to qualifications of board members is hereby deleted. (Comp. Ords. 1986 ss 22.003)

SECTION 7, Article 11 (Building Code) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended by adding Section 6-30, which shall read as follows:

Sec. 6-30. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

Section 8, Article III (Fire Limits) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended by adding Section 6-55 which shall read as follows:

Sec. 6-55. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 9. Section 6-76 of Article IV (Existing Structures) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended to read as follows:

Sec. 6-76. Code Adopted; Purpose.

The city hereby adopts by reference, for the purpose of protecting the public health, safety and welfare, in buildings and on premises located within the City by establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; for safe and sanitary maintenance; for cooking equipment in all structures now in existence; for fixing the responsibilities of owners, operators and occupants of all structures; and by providing for the administration and enforcement, a certain code known as the BOCA National Existing Structures Code, 1987 edition, issued by the Building Officials and Code Administrators International, Inc. (Comp. Ords. 1986 ss 18.001)

SECTION 10. Article IV (Existing Structures) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended by adding Section 6,77.1 which shall read as follows:

Sec. 6-77.1. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 11. Article V (Street Numbers Required on Buildings) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended by adding Section 6-80. I which shall read as follows:

Sec. 6-80.1. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 12. Article V1 (Electrical, Plumbing and Mechanical Codes) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended by adding Section 6-83 which shall read as follows:

Sec. 6-83. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 13, Section 6-95 of Article VII (Dangerous Buildings) of Chapter 6 (Buildings and Building Regulations) of the Code of Ordinances is hereby amended to read as follows:

Sec. 6-95. Sanctions.

Any person who fails or refuses to comply with any order approved or modified by the City Council under Section 6-93 within the time prescribed by that Section, or who violates any of the provisions of this Article, shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 14. Section 7-58 of Article III (Rehabilitation of Blighted Areas) of Chapter 7 (Community Development) of the Code of Ordinances is hereby amended to read as follows:

Sec. 7-58. Enforcement and Sanctions.

- (a) This Article shall be enforced by those persons who shall be so designated by the City Manager.
- (b) The owner, if possible, or the occupant of any property upon which any of the causes of blight or a blighting factor, as set forth in Section 7-57, is found to exist shall be notified in writing by the City to remove or eliminate within ten (10) days after serving of the notice upon him. Such notice may be served personally or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or any blighting factors are in progress.
- (c) Failure to comply with such notice, within the time allowed, by the owner and/or occupant shall constitute a violation of this article.
- (d) Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 15, Section 9-5 (c) of Article I (In General) of Chapter 9 (Fire Prevention and Protection) is hereby amended to read as follows:

Sec. 9- 5©. Sanctions.

Any person receiving a written notice from the Fire Department as provided, who fails to act within the time limits specified in such notice, shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 16. Section 9-10 of Article I (In General) of Chapter 9 (Fire Prevention and Protection) is hereby amended to read as follows: Sec. 9-10. Violation; Sanctions; Abating Hazardous Conditions.

- (a) Any person found to be violating any provision of this Chapter, except sections requiring permits and/or licenses, shall be served by the fire chief with a written notice stating that nature of the violation and specifying a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time in such notice, permanently cease all violation.
- (b) Any person, firm or corporation in the City of Wayland who shall fail to comply with any of the provisions hereof, or who shall continue any violation beyond the time limit specified in the notice issued and served pursuant to Section 9-5 and subparagraph (a) of this section shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.
- (c) The imposition of sanctions under the provisions of subparagraph (b) of this section shall not be construed to prevent the Fire Chief, his duly authorized agent, or any other person specifically designated by the City Council, from correcting, removing or otherwise abating any of the hazardous conditions specified in Section 9-4 of this Chapter.

SECTION 17. Section 10-30 of Article II (Collection and Disposal) of Chapter 10 (Garbage and Refuse) of the Code of Ordinances is hereby amended to read as follows: Sec. 10-30. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 18. Article II (Collection and Disposal), Division 2 (Private Disposal) of Chapter 10 (Garbage and Refuse) of the Code of Ordinances is hereby amended to add Section 10-42, which shall read as follows:

Sec. 10-42. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance w/th Section 1-13 of this Code.

SECTION 19. Section 11-10 of Article I (In General) of Chapter 11 (Nuisances) of the Code of Ordinances is hereby amended to read as follows:

Sec. 11-10. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 20. Article 11 (Weed Control) of Chapter 11 (Nuisances) of the Code of Ordinances is amended by adding Section 11-38 which shall read as follows:

Sec. 11-38. Sanctions.

Any person who violates any of the provisions of this Article shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1- 13 of this Code.

SECTION 21. Section 13-3(e) of Article I (In General) of Chapter 13 (Oil and Gas Wells) of the Code of Ordinances is hereby amended to read as follows: Sec. 13-3(e). Sanctions.

Any violation of any term of this chapter, whether denominated as unlawful or as an offense, or not, shall be deemed a municipal civil infraction and any person either for himself or by any agent, servant, or employee who shall violate any provision of this chapter, or who shall be engaged in any work, or the erection of any structure, derrick, drilling rig, tank, pipeline, or other drilling apparatus which shall be in violation of any provision of this chapter shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code. Each day of the continuation of any such violation shall be considered a separate offense and shall be sanctioned separately, and any person, agent or employee engaged in such violation shall be sanctioned.

SECTION 22. Article I (In General) of Chapter 16 (Streets, Sidewalks and Other Public Places) of the Code of Ordinances is hereby amended by adding Section 16-2 which shall read as follows:

Sec. 16-2. Sanctions.

Any person who violates any of the provisions of this Chapter shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.

SECTION 23. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or valid by a court, the remainder of the Ordinance shall not be affected.

SECTION 24. Conflicting Provisions. In the event of any conflict between this Ordinance and the provisions of any other ordinance, this Ordinance shall prevail.

SECTION 25. Effective Date. This Ordinance will become effective January 1, 1996.

Mike DeWeerd, Mayor

H. A. Stull, City Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Wayland at a meeting held on Monday, November 20, 1995, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and was published as required by law.

H. A. Stull, City Clerk

ORDINANCE NO. 148

AN ORDINANCE TO AMEND SECTION 20- 804 OF ARTICLE XX
(ADMINISTRATION AND ENFORCEMENT) OF CHAPTER 20 (ZONING) OF THE
CODE OF ORDINANCES OF THE CITY OF WAYLAND SO AS TO MAKE A
VIOLATION OF ANY PROVISION OF CHAPTER 20 A MUNICIPAL CIVIL

INFRACTION PURSUANT TO AVT 17 OF THE PUBLIC ACTS OF 1994; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

THE CITY OF WAYLAND, MICHIGAN ORDAINS:

SECTION I. Section 20-804 of Article XX (Administration and Enforcement) of Chapter 20 (zoning) of the Code of Ordinances is hereby amended to read as follows:

- (a) Any land or structure used, erected, constructed, altered, enlarged, repaired, converted, moved, or demolished in violation of this Chapter is hereby declared to be a public nuisance. The City may seek an injunction in circuit court to abate such public nuisance in addition to other remedies contained herein.
- (b) Any person who violates any of the provisions of this Chapter shall be deemed to be responsible for a municipal civil infraction, which shall be sanctionable in accordance with Section 1-13 of this Code.
- (c) Any person in charge of; assisting in, or responsible for any violation of this Chapter shall be deemed to be responsible for maintaining or assisting in maintaining a public nuisance.

SECTION 2. Severability. The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court, the remainder of the Ordinance shall not be affected.

SECTION 3. Conflicting Provisions. In the event of any conflict between this Ordinance and the provisions or any other ordinance, this Ordinance shall prevail.

SECTION 4. Effective Date. This Ordinance will become effective ten (10) days after publication.

Michael L. DeWeerd, Mayor

H. A. Stull, City Clerk

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Wayland at a meeting held on Monday, December 18, 1995, and that said meeting was conducted and public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Public Act 267 of as amended, and was published as required by law.

H. A. Stull, City Clerk