

## **Article XXIV**

### **INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, PENALTIES, AND EFFECTIVE DATE**

#### **24.0 INTERPRETATION AND CONFLICTS:**

In interpreting and applying provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate or annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

#### **24.1 SEVERANCE CLAUSE:**

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

## **24.2 VESTED RIGHT:**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

## **24.3 REPEAL:**

All ordinances and amendments thereto enacted and/or adopted by the City by virtue of Act 207 of the Public Acts of 1921, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offence committed or right accrued or acquired, or liability, penalty forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

## **24.4 PENALTIES AND REMEDIES:**

- A. Civil Infractions: Any building or structure which is erected, constructed, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or used or any use of a lot or land which is begun, maintained or changed in violation of any term provisions of this Ordinance is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any term or provision of this Ordinance, or any amendment thereof, shall be responsible for a municipal civil infraction subject to enforcement procedures as set forth in the Municipal Civil Infractions Ordinance adopted by the City, and a fine of fifty (\$50.00) dollars, plus costs and other sanctions, for each infraction. Each day during which any violation continues after due notice has been served shall be deemed a separate and distinct offense.

Increased civil fines may be imposed for repeated violations of the Ordinance, a repeat violation means a second or subsequent civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible. The increased civil fines for repeat violations shall be as follows:

1. The fine for any offense which is a first repeat offense shall be two hundred fifty (\$250.00) dollars, plus costs and other sanctions;
2. The fine for any offense, which is a second, repeat offense or any subsequent repeat offense shall be five hundred (\$500.00) dollars, plus costs and other sanctions.

The zoning administrator, members of the Allegan County Sheriff's Department assigned to the City, members of any law enforcement agency whose services are contracted for by the City, and any other individuals who may from time to time be appointed by resolution of the City Commission, are hereby designated as the authorized City Officials to issue municipal civil infraction citations as provided by the Municipal Civil Infractions Ordinance adopted by the City.

- B. Remedies: The City Commission may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are civil in nature. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance.

## **24.5 ADMINISTRATIVE LIABILITY**

**No officer, agent, employee, or member of the Planning Commission, City Commission, or Board of Appeals shall be held personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.**

## 24.6 EFFECTIVE DATE

This Ordinance was approved and adopted by the City Commission of the City of Fennville, Allegan County, Michigan on \_\_\_\_\_, 2003 after a public hearing as required pursuant to Michigan Act 207 of 1921, as amended, and after introduction and first reading on \_\_\_\_\_, 2003, as required by the City Charter. This Ordinance shall be effective upon publication.

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City Mayor

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City Clerk

**24.7 PREVIOUS AMENDMENTS TO THE ZONING ORDINANCE**

Ordinance No.	<b>Section 24.01 Amendment</b>	<b>Section 24.02 Date</b>
205	Zoning Text-Licensed Group Care Facilities	07-19-00
202	Zoning Text & Map Amendment, Rezoning Car wash is special use in B-1	09-06-00
200	Zoning Text Amendment ? RM District	09-06-00
197	Zoning Text Amendment ? Single family dwellings permitted in RM District	05-03-99
196	Zoning ? Sign provision Ordinance	01-04-99
194	Planning Commission reduced to five members	08-17-98
193	Zoning ? Rezone parcel from R-1 to RT	12-17-98
192	Zoning Text Amendment ? Wireless Communications	12-08-97
188	Zoning Text ? Penalty in Zoning Ordinance	05-05-97
185	Zoning Map ? Establishes R-1 and R-2 Districts	09-16-96
184	Zoning Ordinance- Establishes B-2 District	06-17-96
183	Zoning Map ? Establishes B-2 District	06-17-96
182	Zoning Text ? Regarding non-conforming use	06-03-96
181	Zoning Map ? Establishes R-T	06-05-95

	District	
179	Zoning Map ? Establishes R-2 District	12-19-94
175	Zoning Amendment ? Hard surface drives and parking	05-26-94
174	Zoning Text Amendment ? Signs, billboards	04-28-94
173	Zoning Map ? Establishes OS-1 District	12-20-93
169	Adoption of Zoning Ordinance	03-25-93