

VILLAGE COUNCIL
VILLAGE OF LAKEVIEW
MONTCALM COUNTY, MICHIGAN

Councilmember Earhart supported by Councilmember Lund, moved the adoption of the following ordinance:

ORDINANCE NO. 00-06

AN ORDINANCE TO AMEND SECTION 19.01, ORDINANCE NO. 94-10; SECTION 5, ORDINANCE NO. 4; SECTION 7, ORDINANCE NO. 5; SECTION 3, ORDINANCE NO. 7; SECTION 4, ORDINANCE NO. 9; SECTION H-104.4, ORDINANCE NO. 12; SECTION 8, ORDINANCE NO. 29; SECTION 35, ORDINANCE NO. 14; SECTION 10, ORDINANCE NO. 92-1; SECTION 4, ORDINANCE NO. 93-3; SECTION 9, ORDINANCE NO. 68; SECTION 5, ORDINANCE NO. 92-3; AND TO ADD SECTION 4, ORDINANCE NO. 37.

THE VILLAGE OF LAKEVIEW ORDAINS:

Section 1. Amendment of Section 19.01, Ordinance No. 94-10. Section 19.01, Ordinance No. 94-10, entitled the "Village of Lakeview Zoning Ordinance," is hereby amended to read as follows:

Section 19.01. Violations and Penalty.

Unless a section of this Ordinance specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision, or any condition imposed by the Planning Commission or Zoning Board of Appeals in pursuance thereof, of this Ordinance be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation. Each day a violations occurs or continues shall constitute a separate offense, and shall make the violator liable for the imposition of a fine for each day.

(a) The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created or who has assisted knowingly in the commission of such violation shall be responsible for a separate municipal civil infraction and shall be liable to the fines and costs provided above.

(b) In addition to a civil fine, a person admitting or determined to be responsible for a municipal civil infraction shall be liable for the payment of the costs of prosecution in an amount not less than nine dollars (\$9.00) or more than five hundred dollars (\$500.00).

(c) In addition to the penalties otherwise provided, the district court shall have jurisdiction to enforce any judgement, writ or order necessary to enforce any provision of this Ordinance, the violation

of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or granting injunctive relief.

(d) Any building or structure which is erected, altered or converted, or any use or premises or land which is begun or changed subsequent to the effective date of this Ordinance and in violation of any of its provisions is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(e) The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law.

Section 2. Amendment of Section 5, Ordinance No. 4. Section 5, Ordinance No. 4, entitled "An Ordinance Regulating the Use of Parking Lots Operated by the Village of Lakeview and Penalties for the Violation Thereof," is hereby amended to read as follows:

Section 5.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty (\$150.00) for a second violation and five (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 3. Amendment of Section 7, Ordinance No. 5. Section 7, Ordinance No. 5, entitled "An Ordinance Concerning Street Regulations in the Village of Lakeview and Penalties for the Violation Thereof," is hereby amended to read as follows:

Section 7.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 4. Amendment of Section 3, Ordinance No. 7. Section 3, Ordinance No. 7, "An Ordinance Prohibiting the Connecting of Sewage Disposal Systems or Non-Municipality Owned Waste Water Systems with the Street Drainage System Established and Maintained by the Village of Lakeview," is hereby amended to read as follows:

Section 3. Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 5. Amendment of Section 4, Ordinance No. 9. Section 4, Ordinance No. 9, entitled "An Ordinance to Prohibit the Running at Large of Dogs in the Streets, Alleys, Parks and Other Public Places in the Village of Lakeview and Dogs Being an Annoyance Because of Habitual Barking, Yelping or Howling; To Provide for the Impounding of such Dogs and to Provide Penalties for the Violation Thereof," is hereby amended to read as follows:

Section 4.

Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution

in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 6. Amendment of Section h-104.4, Ordinance No. 12. Section H-104.4, Ordinance No. 12, entitled "An Ordinance to Establish a Housing-Property Maintenance Code to Establish Minimum Standards for Equipment and Facilities to Establish Responsibilities of Owners, Operators, and Occupants and to Provide for the Administration, Enforcement and Penalties," is hereby amended to read as follows:

Section H-104.4. Penalty for Violation: Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 7. Amendment of Section 8, Ordinance No. 29. Section 8, Ordinance No. 29, entitled "An Ordinance Regulating the Use of Public and Private Sewers and Drains; the Installation and Connection of Building Sewers and the Discharge of Waters and Wastes into the Public Sewer System; and Providing Penalties for Violations of Sections thereof; in the Village of Lakeview, Michigan," is hereby amended to read as follows:

Section 8.—PENALTIES.

A. Any person, firm, corporation, trust, partnership or other legal entity found to be violating and provisions of this ordinance except Section 6, shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit of not less than five (5) business days for the satisfactory correction thereof. The

violator shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person, firm, corporation, trust, partnership or other legal entity which continues in violation or refusal to comply beyond the time provided for in Section 8(A), above, shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

C. Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

D. The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 8. Amendment of Section 35, Ordinance No. 14. Section 35, Ordinance No. 14, entitled "An Ordinance Relative to the Administration and Conduct of the Water Department," is hereby amended to read as follows:

SECTION 35.

Any person, firm, corporation, trust, partnership or other legal entity which continues in violation or refusal to comply beyond the time provided for in Section 8(A), above, shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 10. Addition of Section 4, Ordinance No. 37. Ordinance No. 37, entitled "An Ordinance to Designate and Enforcement Agency to Discharge the Responsibilities of the Village Under the Provisions of the State Construction Code Act," is hereby amended to add Section 4 which shall, in its entirety, read as follows:

Section 4.

In accordance with Section 23 of Act No. 230 of the Public Acts of 1972, as amended, being MCL 125.1523, a violation or refusal to comply with the Act as described in Section 23 by any person, firm, corporation, trust, partnership or other legal entity shall be deemed responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and, in addition, a violator shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 11. Amendment of Section 4, Ordinance No. 93-3. Section 4, Ordinance No. 93-3, entitled "An Ordinance to Promote the General Health, Safety and Welfare of the Residents of the Village of Lakeview and Specifically to Prohibit Burning within the Village Limits," is hereby amended to read as follows:

SECTION 4: Violation.

Any person, plan, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 12. Amendment of Section 9, Ordinance No. 68. Section 9, Ordinance No. 68, entitled "An Ordinance to Provide for the Use, Control and Protection of Municipal Parks, Playgrounds and to Provide Penalties Thereof," is hereby amended to read as follows:

SECTION 9. PENALTY.

Any person, plan, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 13. Amendment of Section 5, Ordinance No. 92-3. Section 5, Ordinance No. 92-3, entitled "An Ordinance to Prevent, Reduce or Eliminate Blight, Blighting Factors or Causes of Blight Within the Village of Lakeview, Montcalm County, Michigan; To Provide for the Enforcement Hereof; and To Provide Penalties for the Violation Hereof," is hereby amended to read as follows:

Section 5. Penalty.

Any person, plan, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation and five hundred dollars (\$500.00) for a third or any subsequent violation and shall be liable for the payment of the costs of prosecution in an amount of not less than nine dollars (\$9.00) and not more than five hundred dollars (\$500.00).

(a) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of a fine for each day.

(b) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief prescribed by the laws of the State of Michigan for the abatement of a public nuisance or the violation of a Village ordinance designated as a municipal civil infraction.

Section 14. Repealer. Ordinance No. 96-3 is repealed.

Section 15. Severability. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, section or clause is found to be unlawful by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

Section 16. Effective Date. This ordinance shall take effect twenty (20) days after its adoption or upon the publication of a synopsis of this ordinance, whichever occurs first.

YEAS: Burlison, Rasmussen, Earhart, McElhinny, Lund, Winter, Schottle

NAYS: None

ABSENT: None

ORDINANCE NO. 00-06 DECLARED ADOPTED.

Lee Burlison, President

Wally Delamater, Clerk

I hereby certify that the foregoing is a true copy of an ordinance duly adopted at a regular meeting of the Village Council of the Village of Lakeview held on December 11, 2000, and that a synopsis of the ordinance was published in the Enterprise on December 27, 2000.

Wally Delamater, Clerk

Adopted: December 11, 2000
Published: December 27, 2000
Effective: December 31, 2000

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