

## ARTICLE XXI VIOLATIONS & PENALTIES

### Section 21.1 PURPOSE

This Article is adopted to establish provisions for violation of the Zoning Ordinance. Authority for these provisions is found in Section 407 of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires the County Board of Commissioners to establish a method for addressing violations.

### Section 21.2 VIOLATIONS & PENALTIES

Violations of any provisions of this Ordinance are declared to be nuisance per se.

- A. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this Ordinance and any violations shall be subject to the penalties herein prescribed.
- B. Unless a violation of this Ordinance is specifically designated in 21.2.C. as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than five hundred dollars (\$500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense. The County Prosecutor may institute those remedies provided by statute, court rule and case law to prevent, or remove any unlawful erection, construction, maintenance or use. Damages, costs and reasonable attorney fees, shall be paid to compensate the County for its cost of Ordinance enforcement.
- C. The following violations of this Ordinance may be handled as a municipal civil infraction:
1. A violation of the terms of a Zoning Permit issued pursuant to Article XVIII, Section 18.8.
  2. A violation of the terms of a Temporary Zoning Permit issued pursuant to Article XVIII, Section 18.9.
  3. A violation of the terms of a Certificate of Zoning Compliance issued pursuant to Article XVIII, Section 18.10.
  4. A violation of the terms of a Site Plan approved pursuant to Article XVIII, Section 18.28.
  5. A violation of the terms of a Special Land Use Permit approved pursuant to Article X.
  6. A violation of the terms of a Planned Unit Development Permit approved pursuant to Article XII.
  7. A violation of the terms of a Condominium Project approved pursuant to Article VII.
  8. A violation of any variance, condition or other approval of the Zoning Board of Appeals pursuant to Article XIX.
  9. A violation of any sign permit approved pursuant to Article XVI.
  10. A violation of Article VI, Section 6.13.C regarding illegal maintenance of junk on a lot.

### Section 21.3 CIVIL AND CRIMINAL PENALTIES

A. The sanction for any violation of the Keweenaw County Zoning Ordinance which is a municipal civil infraction shall be a civil fine as provided in [Section 21.2](#) plus any costs, damages, expenses and other sanctions, as authorized under Article 87 of Act No. 236 of the Public Acts of 1961, as amended, Ordinance No. \_\_\_\_\_, the Keweenaw County Municipal Civil Infraction Ordinance, and other applicable laws.

**Article XXI**  
**Violations & Penalties**

---

B. The Zoning Administrator, together with deputies of the Keweenaw County Sheriff, are the County officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this Ordinance.

C. In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this Ordinance may be enforced by civil action along with any other remedies provided by law. Violations of the Ordinance are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.

D. Each day that a violation exists constitutes a separate offense or infraction.

---

**Section 21.4 Reserved for Future Use**

---

---

**Section 21.5 Cumulative Rights and Remedies**

---

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

---

**Section 21.6 No Permit to Violators**

---

The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the Michigan Construction Code Act, Public Act 230 of 1972, or the Land Division Act, Public Act 288 of 1967, as amended.

---

**Section 21.7 Municipal Civil infraction**

---

Schedule of Fines:

A. Fines for Municipal Civil Infraction Citations.

1. A person, corporation, or firm who violates any provision of the Zoning Ordinance of Keweenaw County that is found responsible by the district court for a municipal civil infraction citation, shall pay a civil fine of not more than \$500.00, plus costs and other sanctions, for each infraction.
2. An initial civil fine of \$50.00 shall be paid to the Keweenaw County Ordinance Violation Bureau for a municipal civil infraction citation. Repeat offenses shall be subject to increased fines as set forth below. As used in this subsection, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section of Keweenaw County Zoning Ordinance committed by a corporation, person, or firm within any twenty-four (24) month period and for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under those subsections shall be as follows:
  - a. The fine for any offense that is a repeat offense shall be no less than \$140.00 plus costs and other sanctions.
  - b. The fine for any offense that is a second repeat offense shall be no less than \$500.00 plus costs and other sanctions.
  - c. The fine for any offense that is a third or subsequent repeat offense shall be no less than \$500.00 plus costs and other sanctions.