

HOUSE BILL No. 5295

October 12, 2005, Introduced by Reps. Hune, Gosselin and Drolet and referred to the Committee on Government Operations.

A bill to amend 1943 PA 183, entitled
"County zoning act,"
by amending section 24 (MCL 125.224), as amended by 1994 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24. (1) A use of land or of a building —, or a building
2 erected, altered, razed, or converted in violation of a ~~local~~
3 ~~ordinance or requirement adopted pursuant to this act~~ COUNTY
4 ZONING ORDINANCE is a nuisance per se. The court shall order the
5 nuisance abated and the owner or agent in charge of the building or
6 land is liable for maintaining a nuisance per se. ~~The county board~~
7 ~~of commissioners of a county shall in the ordinance enacted~~
8 ~~pursuant to this act~~

9 (2) A COUNTY ZONING ORDINANCE SHALL designate the proper

1 official or officials who shall administer and enforce the
2 ordinance. ~~and~~

3 (3) A COUNTY ZONING ORDINANCE SHALL do either of the following
4 for each violation of the ordinance:

5 (a) Provide a penalty for the violation.

6 (b) Designate the violation as a municipal civil infraction
7 and provide a civil fine for the violation.

8 (4) FOR THE PURPOSES OF SUBSECTION (3), A PERSON IS NOT LIABLE
9 FOR A VIOLATION OF A ZONING ORDINANCE OCCURRING BEFORE THE THIRTY-
10 FIRST DAY AFTER THE PERSON RECEIVES WRITTEN NOTICE OF THE VIOLATION
11 FROM AN OFFICIAL ENFORCING THE ZONING ORDINANCE. THE NOTICE SHALL
12 SPECIFICALLY DESCRIBE THE VIOLATION AND INFORM THE PERSON OF THE
13 30-DAY GRACE PERIOD PROVIDED BY THIS SUBSECTION. THE NOTICE SHALL
14 BE DELIVERED IN PERSON OR BY REGISTERED MAIL, RETURN RECEIPT
15 REQUESTED.

16 (5) THE FINE FOR A VIOLATION OF A ZONING ORDINANCE SHALL NOT
17 EXCEED THE LESSER OF THE FOLLOWING:

18 (A) FIVE HUNDRED DOLLARS. THIS SUBDIVISION APPLIES ONLY TO A
19 CRIMINAL FINE.

20 (B) TWO HUNDRED FIFTY DOLLARS FOR EACH DAY OF VIOLATION.

21 (C) THREE PERCENT OF THE STATE EQUALIZED VALUE OF THE
22 PROPERTY.

23 (6) ~~-(2)-~~ The county board may require the payment of
24 reasonable fees for zoning permits as a condition for permission to
25 use, erect, alter, or locate structures within a zoning district.