

Article 98: Amendment, Validity, Penalties

9801 Initiating Amendments and Fees

The **Village Council** may from time to time, on recommendation from the **Commission**, amend, modify, supplement, or revise the Area boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment (conditional rezoning amendments are not permitted). Amendments may be initiated by resolution of the **Village Council**, the **Commission**, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the **Village Council**, or the **Commission**, the petitioner or petitioners requesting an amendment **shall** at the time of application pay a filing fee as set from time to time by the **Village Council**.

9802 Amendment Procedure

- A. The notices for all public hearings before the planning commission or village council concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:
1. For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:
 - a. The content of the notice shall include all of the following information:
 - (1) A description of the nature of the proposed zoning ordinance amendment.
 - (2) The time, date, and place the proposed zoning ordinance will be considered.
 - (3) The places and times at which the proposed zoning ordinance amendment may be examined.
 - (4) The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
 - b. The notice shall be published in a newspaper of general circulation within the village not less than 15 days before the scheduled public hearing.
 - c. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the village clerk for the purpose of receiving the notice of public hearing.
 2. For a proposed zoning ordinance amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:
 - a. The content of the notice shall include all of the following information:
 - (1) A description of the nature of the proposed zoning ordinance amendment.
 - (2) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - (3) The time, date, and place the proposed zoning ordinance will be considered.
 - (4) The places and times at which the proposed zoning ordinance amendment may be examined.

- (5) The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
 - b. The notice shall be published in a newspaper of general circulation within the village not less than 15 days before the scheduled public hearing.
 - c. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 - d. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing, regardless of whether the property or occupant is located in the village. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - e. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the village clerk for the purpose of receiving the notice of public hearing.
3. For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:
- a. The content of the notice shall include all of the following information:
 - (1) A description of the nature of the proposed zoning ordinance amendment.
 - (2) The time, date, and place the proposed zoning ordinance will be considered.
 - (3) The places and times at which the proposed zoning ordinance amendment may be examined.
 - (4) The address where and the deadline when written comments can be sent concerning the proposed zoning ordinance amendment.
 - b. The notice shall be published in a newspaper of general circulation within the village not less than 15 days before the scheduled public hearing.
 - c. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
 - d. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the village clerk for the purpose of receiving the notice of public hearing.
- B. Failure of the administrator to notify those persons and entities listed in this **Section** of this Ordinance **shall** not be grounds to challenge the validity of the proposed amendment, provided notice has been given in accordance with the Michigan Zoning Enabling Act.
- C. The Commission **shall** maintain a file of each affidavit of mailing for each mailing made under this **Section**.
- D. A township, **Village**, city, county, utility, and road agency which receives notice pursuant to this **Section** may choose to submit material to the Commission. Such submissions **shall** be delivered to the **Village** at or before the hearing on the issue. Such submissions **shall** be considered advice to the Commission. The applicant may wish to present the application to the township, **Village**, city, county, utility, and road agency which receives notice pursuant to this **Section** prior to the hearing, or prior to submitting the application to the Commission.

9804 Violations and Penalties: Nuisance Per Se: Abatement

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, association, or other legal entity who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The Village Zoning Administrator and other officials designated by the village council are hereby designated as the authorized village officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
- D. Cumulative Remedies: The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceeding **shall** not bar a civil action seeking equitable relief beyond the jurisdiction of the 86th Judicial District Court under **Section** 9804.D hereof, arising from the same violation.

9805 Repeal of Ordinance

The Suttons Bay **Village** Zoning Ordinance adopted on July 15, 1991, and effective August 7, 1991, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

9806 Savings Clause

The repeal of ordinance sections, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Code for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

9807 Pending Zoning Applications

All applications for permits, appeals and **Variance** requests pending before the **Administrator**, the **Commission**, or the **Appeals Board** on the effective date of this Ordinance **shall** be acted upon only in conformance with the zoning ordinance in effect at the time the application, appeal, or **Variance** was found complete.

9808 Validity and Severability Clause

If any court of competent jurisdiction **shall** declare any part of this Ordinance to be invalid, such ruling **shall** not effect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction **shall** declare invalid the application of any provision of this Ordinance to a particular land, **Parcel**, Area, **Use**, **Building** or **Structure**, such ruling **shall** not effect the application of said provision to any other land, **Parcel**, Area, **Use**, **Building**, or **Structure** not specifically included in said ruling.