

**HEATH TOWNSHIP**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDINANCE NO. 67**

**ADOPTED: August 13, 2007**

**EFFECTIVE: August 28, 2007**

An Ordinance to amend the Heath Township Zoning Ordinance to further define a Family Business and to amend the penalty section so as to make a violation punishable as a municipal civil infraction; to identify the Township officials responsible for administration and enforcement of the Zoning Ordinance; to specify civil sanctions for violation of the Zoning Ordinance; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

**THE TOWNSHIP OF HEATH,**  
**ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I**

**AMENDMENT OF CHAPTER V, SECTION 5.02(L) OF**  
**THE HEATH TOWNSHIP ZONING ORDINANCE**

Chapter V, Section 5.02(l) of the Heath Township Zoning Ordinance is hereby amended to read as follows:

**aSECTION 5.02(l) FAMILY BUSINESS**

4. Only family members of a person or persons operating a family business who reside on the parcel shall work in the business. However, the Planning Commission shall have the authority to permit additional persons who do not reside or work on the parcel to assist in the family business provided the subordinate employee would not materially impair the residential character of the neighborhood, cause traffic congestion or parking problems.
9. If the family business involves vehicles such as vans or trucks, these shall be stored at the rear of the property and any permitted employees may drop off their own vehicles to utilize the family business vehicles with certain conditions to protect adjacent properties. All vehicles shall be in the side or rear yard but not parked or stored in the front yard area.

**SECTION II**

**AMENDMENT OF CHAPTER XVII, SECTION 17.01 OF  
THE HEATH TOWNSHIP ZONING ORDINANCE**

Chapter XVII, Section 17.01 of the Heath Township Zoning Ordinance is hereby amended to read in its entirety as follows:

**A**SECTION 17.01 VIOLATIONS AND PENALTIES

- A. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
  
- B. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
  
- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 <sup>st</sup> Offense	\$ 75.00	\$ 500.00
-2 <sup>nd</sup> Offense	\$ 150.00	\$ 500.00
-3 <sup>rd</sup> Offense	\$ 325.00	\$ 500.00
-4 <sup>th</sup> or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Heath Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- D. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent

jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof. @

### **SECTION III**

#### **AMENDMENT OF CHAPTER XVII, SECTION 17.02 OF THE HEATH TOWNSHIP ZONING ORDINANCE**

Chapter XVII Section 17.02 is hereby amended to read, in its entirety, as follows:

##### **A17.01 ENFORCEMENT**

The Heath Township Zoning Administrator, the Heath Township Ordinance Enforcement Officer, any Allegan County Sheriff=s Deputy and any other individual Township official(s) that may from time to time be designated shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same. @

### **SECTION IV**

#### **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

### **SECTION V**

#### **EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Legal proceedings that are presently pending under a portion of the ordinance that is herewith repealed may proceed to judgment or decision and shall not be affected by this Ordinance.

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