

Butler Township Zoning Ordinance

CHAPTER 23

VIOLATIONS AND PENALTIES

SECTION 23.01 PUBLIC NUISANCE

Buildings erected, altered, raised, or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

SECTION 23.02 VIOLATION DEFINED

Any person, firm, corporation, or agent, or employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement official, shall be deemed in violation of this Ordinance.

SECTION 23.03 PENALTIES

Any violation of this Ordinance shall constitute a Municipal Civil infraction. Any person who is convicted shall be subject to punishment by a civil fine of not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00). A civil fine of not less than two-hundred dollars (\$200.00) and not more than five-hundred dollars (\$500.00) will be imposed for the second and subsequent offense. Each day a violation occurs or continues shall constitute a separate offense.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates or assists in any violation of the Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall be assessed against the violator.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 23.04 PROCEDURES FOR ADDRESSING VIOLATIONS

The following procedures shall be followed in addressing potential violations. The Township Board, the Board of Appeals, Township Attorney, Branch County Prosecuting Attorney, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to

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prevent, enjoin, abate or remove any violation of this Ordinance:

A. Report of Violation

Any and all buildings or land use activities considered possible violations shall be reported to the Zoning Administrator or his/her Township appointed delegate.

B. Investigation

The Zoning Administrator shall inspect each alleged violation. If a violation has occurred, the Zoning Administrator shall issue an order to correct the violation to the offender within ten (10) days of the inspection.

C. Remedial Plan

All violation notices shall be responded to by submitting a remedial plan and timetable for correction of the violation to the Zoning Administrator within ten (10) days after the notice is issued. If the Zoning Administrator rejects the remedial plan or the timetable, revisions must be submitted to the Zoning Administrator within five (5) days of notification of the rejection.

D. Prosecution

A remedial plan and timetable not approved or not submitted within the required timetable shall be reported to the Township Board, who may initiate prosecution proceedings.

SECTION 23.05 AUTHORITY TO PURSUE COURT ACTION

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain and to prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

SECTION 23.06 OTHER REMEDIES

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceeding in an

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appropriate court of law to restrain or prevent any non-compliance with any provisions of this Ordinance, or to correct, remedy, or abate such noncompliance.

SECTION 23.07 RIGHTS AND REMEDIES PRESERVED

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or prevent any further prosecution of violations of this Ordinance.

SECTION 23.08 RECORDS OF VIOLATIONS AND REMEDIES

The Township Zoning Administrator shall keep accurate records of all decisions and actions relative to identified violations and corresponding actions and remedies.