

**ARTICLE XI: INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES, AND EFFECTIVE DATE**

SECTION 11.01: INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and enacted provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

SECTION 11.02: SEVERABILITY

This Ordinance and the various parts, sections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 11.03: VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 11.04: PENALTIES AND REMEDIES

A. Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule:

1. One Hundred Dollars (\$100.00), plus court costs, for each violation.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator

of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law

B Each day a violation of this ordinance continues to exist constitutes a separate violation and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and in addition to the penalties specified herein for such violations, the township may seek to enforce compliance with the terms and provisions of this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

SECTION 11.05: EFFECTIVE DATE

In accordance with the provisions and procedures as outlined in Section 11a of the Township Rural Zoning Act (MCLA 125 281a), a Notice of Ordinance Adoption shall be published within fifteen (15) days of the date that this Ordinance is adopted by the majority vote of the Township Board membership, and it shall take effect and be in force January 1, 1997

- A. A zoning ordinance regulating the development and use of land has been adopted by the Township Board of the Township of West Branch, Marquette County, Michigan on this _____.
- B. Publication date of Notice of Ordinance Adoption _____.
- C. Effective date January 1, 1997

SECTION 11.06: TOWNSHIP SUPERVISOR AND CLERK SIGNATURES

Barry Bahrman
West Branch Township Supervisor

Doreen Takalo
West Branch Township Clerk