

ARTICLE XIV: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE

Section 1401 Interpretation and Conflict

- A. 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 the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed 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 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 1402 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. 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 provided that the application of such portion of the Ordinance to other property, **buildings**, or **structures** shall not be affected. Whenever any condition or limitation is included in an order authorizing any **Conditional Use Permit, variance, zoning compliance permit, site plan** approval, or continuation or expansion of 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 1403 Vested Right

- A. 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 1404 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with **variances** and conditional **uses** and violations of approved **site plans** shall constitute a municipal civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgement thereof, pay a civil fine or not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
- C. Any **building, structure** or **use** constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a **nuisance per se**.
- D. In addition to any other civil remedies provided for in this Ordinance, the City Commission may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 1405 Repealing Clause

- A. The Zoning Ordinance for City of Munising, Michigan, adopted July 2, 1986 and effective July 23, 1986, and subsequent amendments, are hereby repealed.

Section 1406 Effective Date

- A. This Ordinance shall become effective seven days following publication of the notice of adoption in the Munising News.