

Ordinance No. 1245

An ordinance entitled, "VIOLATIONS AND PENALTIES"

An ordinance to AMEND the Zoning Ordinance of the City of Ypsilanti, Section 122-8, to Revise "Violations and Penalties."

THE CITY OF YPSILANTI HEREBY ORDAINS:

1. THE CITY OF YPSILANTI ORDAINS that Section 122-2 of the Ypsilanti City Code be amended as follows:

ARTICLE I. IN GENERAL

Sec. 122-8. Violations and penalties.

- (a) *Public nuisance.* Any building or structure which is erected, altered, converted, or used, or any use of premises or land which is begun or changed subsequent to the passage of this chapter and in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of the city council, subject to appeal to any court of competent jurisdiction.
 - (b) ~~Municipal civil infraction.~~ *Blight Violation.* A person who violates any provision of this chapter is responsible for a ~~municipal civil infraction~~ blight violation, subject to payment of a civil fine and costs as set forth in section ~~70-38~~ 71-73. Repeat offenses under this ~~article~~ chapter shall be subject to increased fines and costs as set forth in section ~~70-38~~ 71-73. A person who violates this chapter is also subject to enforcement by the procedures, costs, and penalties set forth in Section 1-15 of the Ypsilanti City Code for blight violations.
 - (c) *Owner responsibility.* The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be liable for the fines provided in this chapter.
 - (d) *Each day separate offense.* Each and every day during which a violation of this chapter shall exist shall constitute a separate offense.
 - (e) *Rights and remedies are cumulative.* The rights and remedies provided in this chapter are cumulative and are in addition to any other remedies provided by law.
 - (f) *Rights and remedies preserved, no waiver.* Any failure or omission to enforce the provisions of this chapter, and any failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this chapter.
 - (g) *Money received from penalties.* All money received from penalties assessed shall be placed in the city's general fund.
2. **Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

- 3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, repealed.
- 4. Saving Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date of this ordinance.
- 5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.
- 6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the newspaper of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 7th DAY OF May, 2015

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1245 was published in the Washtenaw Now on the 2nd day of April, 2015.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 2nd day of May, 2015.

FRANCES MCMULLAN, City Clerk

Notice Published: April 2, 2015
First Reading: April 21, 2015
Second Reading: May 7, 2015
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Effective Date: June 7, 2015