

## **ARTICLE 22. ADMINISTRATION AND ENFORCEMENT**

### **SECTION 2200. ENFORCEMENT**

This Ordinance shall be administered and enforced by the Township Building Inspector, including any of his duly authorized assistants. He is hereby authorized and empowered to issue a stop order and/or revoke the license or permit of any person whom he finds in violation of this Ordinance in any case he may find necessary, where there is imminent peril to the public health, safety, welfare, or morals. Any person aggrieved by such action may appeal to the Township Board in accordance with the following procedure:

- A. File a written claim of appeal fifteen (15) days after receipt of such order or revocation with the Township Clerk setting forth therein in reasonable detail the claimed grounds of appeal.
- B. The Township Clerk shall when cause the appeal to be placed on the agenda of a regular or special Township Board meeting within thirty-five (35) days after receipt of such claim of appeal.
- C. The Township shall conduct a hearing on the claim of appeal at which time the applicant and his attorney, if any, may appear to present his case.
- D. The Board shall render its decision on the appeal within fifteen (15) days after the aforesaid hearing.

### **SECTION 2201. NON-EXCLUSIVENESS OF APPLICATION**

No provision of this Ordinance shall in any way relieve any person, firm or corporation of compliance with or adherence to any other Ordinance, regulation or requirement of Lenox Township relative to the use, occupancy, construction, or improvement of lands, buildings, dwellings or structures within the Township not in conflict with provisions of this Ordinance.

### **SECTION 2202. PLANNING COMMISSION**

The Lenox Township Planning Commission as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rule of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance. Where site plan review is required by the Planning Commission under the terms of the Ordinance, a site plan fee may be required to cover the cost of such reviews including planners, engineers and other such professional services in accordance with a schedule of fees as determined by the Township Board.

Any approval given by the Planning Commission, under which premises are not used or work is not started within six (6) months, or when such use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.

### **SECTION 2203. TOWNSHIP BOARD**

The Lenox Township Board as provided by law shall have final authority and responsibility of decision on each and every matter arising under this Ordinance including any amendments hereto.

### **SECTION 2204. AMENDMENTS**

The Township Board may, upon recommendation from the Township Planning Commission amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the sum established by resolution of the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

#### **A. Application Procedure**

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. Completed application form and fee as established by resolution of the Township Board.
2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.

3. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.
4. The existing and proposed zoning district designation of the subject property.
5. A written description of how the requested rezoning meets 2204.D, "Criteria for Amendment of the Official Zoning Map".
6. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form. Conditional rezoning requests shall include the applicant's proposed offer of conditions.

B. Amendment Procedure; Public Hearing and Notice

1. A mandatory Pre-application conference with Planning Commission officials and or staff or consultants designated by the Township for that purpose is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed as well as other applicable Township development procedures such as site plan review, special land use review and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.
2. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) and shall describe the nature of the proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Lenox Township. The notice shall indicate the property that is the subject of the request including a listing of all existing street addresses within the subject property.

3. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the Official Zoning Map, the Planning Commission shall consider the criteria contained in 2204.D in making its finding(s) and recommendation.
4. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in 2204.D, below.
5. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of its offer of conditions at anytime prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions prior to Township Board consideration without requiring a new public hearing.

C. Amendments Required to Conform to Court Decree.

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral thereof to any other board or agency.

D. Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

1. Consistency with the goals, policies and future land use map of the Lenox Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.

3. Information that the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
7. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned and available to accommodate the demand.
8. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.
9. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.
10. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?
11. The requested rezoning will not create an isolated and unplanned spot zone.
12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
13. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.
14. Other factors deemed appropriate by the Planning Commission and Township Board.

E. Criteria for Amendments to Zoning Ordinance Text

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.

1. The proposed amendment would correct an error in the Ordinance.
2. The proposed amendment would clarify the intent of the Ordinance.
3. Documentation has been provided from Township Staff or the Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
4. The proposed amendment would address changes to State legislation.
5. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The proposed amendment would promote compliance with changes in other Township Ordinances and County, State or Federal regulations.
7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan and Sub-Area Plans, and enhance the overall quality of life in Lenox Township.

F. Approval of Zoning Amendments

Approved amendments shall require the following:

1. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and the place and time when a copy of the amendment may be purchased or inspected. All zoning

amendments, text or district changes (rezoning) shall take effect 7 days after publication of the notice of adoption.

2. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.
3. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the Township Board. The Statement of Conditions shall:
  - a. Be in a form recordable with the Macomb County Register of Deeds and include a statement acknowledging that it is recorded.
  - b. Contain a legal description of the land to which it pertains.
  - c. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
  - d. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.
  - e. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - f. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.
  - g. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.
4. The approved Statement of Conditions shall be filed by the Township Clerk with the Macomb County Register of Deeds. The Township Board shall have the ability to waive this requirement if it

determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

G. Effect of Conditional Rezoning

The following provisions shall apply to approved conditional rezonings:

1. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and / or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

2. Reversion of Zoning

If approved development and / or use of the rezoned land does not occur within the time frame specified under 2204.G.1 above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.

3. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 2204.G.2 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Macomb County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

4. Amendment of Conditions
  - a. During the time period for commencement of an approved development or use specified pursuant to Section 2204.G.1 above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  - b. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 2204.B.5 of this Ordinance.
5. Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.).

#### **SECTION 2205. DUTIES OF BUILDING INSPECTOR**

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail, to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance:

- A. The actual, shape, location, and dimensions of the lot.
- B. The shape, size, and location of all building or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. The signature of the fee holder owner of the premises concerned.
- E. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a zoning compliance permit.

Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of a sewage disposal system and/or water well system on the premises, the Building Inspector shall not issue such permit unless the Macomb County Health Department has approved a septic system permit for the proposed on-site facilities and has tested the quality of the on-site water supply well as required by this Ordinance.

The Building Inspector is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures or land within the Township.

The Building Inspector shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

### **SECTION 2206. PERMITS.**

The following shall apply in the issuance of any permit:

- A. Permits Required. It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes, or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit and a Building Permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of an existing building or structure, shall not include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, of this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

- B. Permits for New Use of Land. A Zoning Compliance Permit shall also be obtained for the new use of land, whether presently vacant or a change in said use is proposed.
- C. Permits for New Use of Buildings or Structures. A Zoning Compliance Permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- D. The Building Inspector may issue a permit for the temporary placement of a travel trailer or similar recreational vehicle, licensable under the Michigan Motor Vehicle Code, for use as temporary living quarters during the actual construction of a single family dwelling, subject to the following:
1. The initial permit period shall not exceed six (6) months and shall be concurrent with a valid building permit. Not more than two (2) extensions not to exceed three (3) months each, may be granted where substantial

progress toward completion of the permanent dwelling is being demonstrated.

2. The maximum length of any trailer or similar unit permitted hereunder shall be thirty-five (35) feet.
  3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the trailer unit upon expiration of the temporary permit.
- E. In the event of total loss of a dwelling due to fire, tornado, or similar natural disaster, the Building Inspector may approve the temporary placement of a mobile home on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:
1. A building permit for repair or replacement of the permanent residence must be obtained prior to placement of the temporary unit.
  2. The initial permit period for the temporary residence shall not exceed six (6) months and not more than two (2) extensions of three (3) months each may be granted by the Building Inspector
  3. A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the temporary dwelling unit upon expiration of the temporary permit.
- F. Wetlands Permit For All Land Uses. "The owner of land affected by wetlands intending to use the same for any purpose authorized by this Ordinance shall furnish the Township Building Department with a wetlands permit issued by the Michigan Department of Natural Resources pursuant to Act 203, Public Acts of 1979, as amended, as a precondition for said use."
- G. Expiration of Building Permit
1. If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire, except as otherwise provided herein; it shall be canceled by the Building Inspector; and written notice thereof shall be given to the persons affected at the address provided on the permit application.
  2. Once begun, if the work described in any building permit has not been completed within one (1) year from the date of issuance thereof, said permit shall expire unless it is renewed. The Building Inspector may reissue said permit for a second period of one (1) year at the cost of 1/2 the original permit fee. The renewal permit will expire at the end of one (1) year having allowed a total of two (2) years for final construction of the work described in the original permit.
  3. At the end of two (2) years from the date of issuance of the original building permit, the reissued permit shall expire and the Building Inspector will notify the permit holder in writing of said expiration at the address provided on the permit application. No further work may be undertaken and all monies (financial guarantees, performance bonds, plan review fees, and permit

fees) shall be forfeited. To undertake any additional work after this period, a new application, permit, and fees shall be required.

### **SECTION 2207. CERTIFICATES OF OCCUPANCY**

It shall be unlawful to use or permit the use of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with.

- A. Certificate Validity. The Certificate of Occupancy, as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.
- B. Temporary Certificates. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- C. Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Building Inspector, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- D. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- E. Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Building Inspector coincidentally with application for building permits and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the Provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

### **SECTION 2208. FINAL INSPECTION**

The recipient of any Building Permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

### **SECTION 2209. FEES**

Fees for Inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates. Before any permit

shall be issued under this Ordinance, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the Township Board.

**SECTION 2210. VIOLATIONS AND PENALTIES**

Any violations of any of the provisions of this Ordinance shall constitute a misdemeanor. Each day that a violation is permitted to exist or does in fact exist, shall constitute a separate offense. Any person, first or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding five hundred (\$500.00) dollars or ninety (90) days in jail, or both, in the discretion of the court.

**SECTION 2211. NUISANCE AND ABATEMENT THEREOF**

Use of land and dwellings, buildings or structures, including tents and mobile homes, used, erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se and may be abated by order of a court of competent jurisdiction.