

CHAPTER 17.64 INTERPRETATION AND APPLICATION VIOLATIONS AND PENALTIES

17.64.010 INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this title, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, prosperity and general welfare. It is not intended by this title to interfere with or abrogate or annul any law, ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this title, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this title; nor is it intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this title shall control. Where, however, the provisions of the State Housing Code or other ordinances or regulations of the city impose requirements for lower heights of buildings or less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the city under the provisions of this title, the provisions of said State Housing Code or other ordinance or regulations shall govern.

17.64.020 VIOLATIONS AND PENALTIES

- A. Any person, persons, firm or corporation, or anyone acting in behalf of person, persons, firm or corporation, who shall violate any of the provisions of this title, or who fails to comply with any of the regulatory measures or conditions adopted pursuant hereto, shall upon conviction thereof be subject to a fine of \$500 and the costs of prosecution or, in default of the payment thereof, to imprisonment in the county jail for a period not to exceed 90 days, or to both such fine and imprisonment in the discretion of the court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this title. Each day that a violation is permitted to exist shall constitute a separate offense except where a violation case is pending for trial or a stay is granted by a court.
- B. Use of land, dwellings, buildings or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this title, are declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

17.64.030 INJUNCTIVE RELIEF

In addition to or in lieu of the penalties and or legal relief provided in Section 17.64.020, any continuing violations of this ordinance may be enjoined by a court of competent jurisdiction.

17.64.040 VALIDITY

This title, and the various chapters, sections, paragraphs and clauses thereof, are declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, the remainder of the title shall not be affected thereby.

17.64.050 CONFLICTING PROVISIONS REPEALED

All other ordinances and parts of ordinances in conflict with this title, to the extent of such conflict and no further, are repealed. This title specifically replaces the Zoning Ordinance for the City of Hazel Park and codified as Title 17 of the *Hazel Park Municipal Code*, in its entirety. In all places in other city ordinances and regulations where the City Zoning Ordinance or Title 17 is referred to, this title (Ordinance _____) is substituted in its place and stead.

17.64.060 ENACTMENT AND EFFECTIVE DATE

The provisions of this title are declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Hazel Park, and are ordered to be given effect from and after the date of its adoption.