

# SENATE BILL No. 1123

October 22, 2014, Introduced by Senator WALKER and referred to the Committee on Energy and Technology.

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 407 (MCL 125.3407), as amended by 2008 PA 12.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 407. (1) Except as otherwise provided by law, a use of  
2 land or a dwelling, building, or structure, including a tent or  
3 recreational vehicle, used, erected, altered, razed, or converted  
4 in violation of a zoning ordinance or regulation adopted under this  
5 act is a nuisance per se. The court shall order the nuisance  
6 abated, and the owner or agent in charge of the dwelling, building,  
7 structure, tent, recreational vehicle, or land is liable for  
8 maintaining a nuisance per se.

1           (2) AN ACTION FOR NUISANCE FOR A VIOLATION OF A ZONING  
2 ORDINANCE BY A WIND ENERGY SYSTEM IS SUBJECT TO SECTION 2941A OF  
3 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2941A.

4           (3) The legislative body, ~~shall in the~~ A zoning ordinance  
5 ~~enacted~~ **ADOPTED** under this act, **SHALL** designate the ~~proper~~ official  
6 or officials ~~who shall~~ **RESPONSIBLE TO** administer and enforce the  
7 zoning ordinance and **SHALL** do 1 of the following for each violation  
8 of the zoning ordinance:

9           (a) Impose a penalty for the violation.

10           (b) Designate the violation as a municipal civil infraction  
11 and impose a civil fine for the violation.

12           (c) Designate the violation as a blight violation and impose a  
13 civil fine or other sanction authorized by law. This subdivision  
14 applies only to a city that establishes an administrative hearings  
15 bureau pursuant to section 4q of the home rule city act, 1909 PA  
16 279, MCL 117.4q.

17           Enacting section 1. This amendatory act does not take effect  
18 unless Senate Bill No.1124

19                           of the 97th Legislature is enacted into law.