

Charter Township of Orion

Ordinance No. 132

Parks and Recreation

Adopted February 3, 2003

AMENDED

May 16, 2011

December 2, 2013

November 2, 2015

AN ORDINANCE REGULATING THE USE OF TOWNSHIP PARKS; PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF THE ORDINANCE; CREATION OF THE PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR AN EXPLANATION OF THE OPERATION, PROGRAMS, RESPONSIBILITIES AND OVERSIGHT OF THE FOLLOWING DEPARTMENTS AND STAFF: THE COMMUNITY PROGRAMS DIRECTOR AND THE PARKS DIRECTOR, THE COMMUNITY PROGRAMS DEPARTMENT WITH TWO DIVISIONS – PARKS AND RECREATION AND SENIOR SERVICES, AND THE BUILDINGS AND GROUNDS DEPARTMENT. *(amended 11.02.15)*

Section 1 – SHORT TITLE

This Ordinance shall be known and may be cited as the "Parks and Recreation Ordinance".

Section 2 – INTENT AND PURPOSE

The intent and purpose of this Ordinance is to regulate the use of Township parks, to provide for enforcement of the provisions of the ordinance, and to establish the composition and the responsibilities and duties of the Parks and Recreation Advisory Committee. *(amended 11.02.15)*

Section 3 – GENERAL PROVISIONS

A. Definitions.

For the purpose of this Ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

1. **Code Enforcement Officer.** The official designated by the Township, charged with the responsibility of enforcing this Ordinance.
2. **Committee.** The Parks and Recreation Advisory Committee (PRAC) of the Charter Township of Orion. *(added 11.02.15)*
3. **Director.** Parks Director and/or Director of Community Programs and/or their designee, to whom all Buildings and Grounds staff and/or Community Programs staff are responsible. *(amended 11.02.15)*
4. **Motor Vehicle.** Every vehicle which is self-propelled that is not operated on rails.
5. **Park Staff.** Any employee of the Township whose job functions include maintaining, repairing or supervising a park or whose job functions include enforcing this Ordinance, including park rangers. These duties are performed by the Buildings and Grounds Department under the supervision of the Parks Director. *(amended 11.02.15)*
6. **Park.** A park, playground, beach, recreation center/ building or any other area owned, used, leased by the Township and devoted to active or passive recreation. *(amended 11.02.15)*
7. **Public Place.** Any structure, building, alley, street, house, hall, room, or other place to which the public has access.
8. **Vehicle.** Any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. Exception is made for baby strollers and vehicles in the service of the Township Building and Grounds Department. *(amended 11.02.15)*
9. **Resident.** Any person who resides within the corporate boundaries of Orion Township.
10. **Special Events.** An event scheduled through and sponsored by the Township Buildings and Grounds and/or Community Programs Department. *(amended 11.02.15)*
11. **Structure.** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

12. **Preferred Caterer/s.** The preferred caterer/s of the Township for purposes of this Ordinance is any entity or individual/s with whom the Township has a valid contract for catering at the Orion Center, Camp Agawam or Amphitheater which is for a term in excess of a single event and the contract has identified the entity or individual as the Township's preferred caterer/s. *(added 12.02.13, amended 11.02.15)*

B. **Park Operating Policy.** *(amended 11.02.15)*

1. *Regular Park Hours.* Township parks shall be open daily to the public between the hours of dawn and dusk. Unless otherwise posted, no person shall occupy or be present in any park when it is closed; provided that Township personnel, police officers on official duty, other Township officers or employees on park duty, or other persons with special permits from the Buildings and Grounds Department, who are conducting Township business, are not so restricted.
2. *Special Events Hours.* The Parks Director is authorized to extend the hours of operation for any park in the Township for special events. The Director's authority to extend the hours of operation of the park must be made in writing, and the Director shall maintain a record of such authorization in a permanent file to be kept in the Director's office, with a copy in the Supervisor's office.
3. *Closure of Park Areas.* Any section or part of any park may be declared closed to the public by the Director at any time, and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or only to certain specified uses, as the Director shall find reasonably necessary. Areas closed by the Director shall be clearly identified as being closed.
4. *Park Permits.* Any organized club, school, association or group desiring the use of specific areas of any park, such as picnic areas, athletic fields, or pavilions, shall file an application with the Buildings and Grounds and/or Community Programs Department, and shall not use said park or area until said permit is granted. The use of the park shall be limited to the capacity of the park. The Buildings and Grounds Department schedules/ permits for Wildwood Amphitheater of Orion Township and the Community Programs Department schedules and permits all of the parks, the Orion Center, fields, Camp Agawam and other Park shelters, facilities and rentals.
 - a. *Special Permits, Agreements, and Contracts.* Any organized club, school, organization, association, or recognized group desiring to use a portion of the park system for money-raising affairs, whether to cover the cost of operation or for profit, shall file an application with the Buildings and Grounds Department and the Community Programs Department. Such group shall pay fees, charges, rents, or percentages, as required by the Department for such activities and events. The application must designate the portion of the park desired, where ticket sales will be set up or money is to be collected, and the charge per person or other unit of measurement. The application must be approved by the Township Board. Any fees for the permit may be waived or refunded at the discretion of the Township Board.
 - b. *Exclusive Use of Park.* No permits shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park, except as provided in Paragraph (4)(a), above.
 - c. *Granting of Permits.* The authority for granting permits is hereby vested in the Parks Director and/or Director of Community Programs (or in the absence of the Director, the Township Supervisor), or their designee.
 - d. *Clean-Up by Permittee.* All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address, and telephone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit, which is refundable unless the area is damaged, loss of equipment is incurred, and/or there is improper clean-up. If permittee fails to clean the facility to the satisfaction of the Township, the Township shall use permittee's security deposit for clean-up purposes. If the security deposit does not cover the costs required to clean the park area that had been permitted for use, the Township may, at its discretion, outsource the clean-up and bill the permittee.
 - e. *Honoring Special Permits.* All persons shall honor any special permits issued by the Community Programs Department for certain areas, days, and times to clubs, organizations, teams, or any other groups, including but

not limited to picnic grounds and athletic fields, provided such permit is presented on official Buildings and Grounds and/or Community Programs Department forms.

C. Enforcement. *(amended 11.02.15)*

1. *Officials.* The Director and Grounds staff shall take such actions as are necessary for the enforcement of this Ordinance, consistent with Township ordinances and State law. In addition to the Oakland County Sheriff's Department, and the Code Enforcement Officer, Park staff shall have the power to issue warning notices for any violations of this Ordinance.
2. *Ejection.* The Director and Grounds staff, as well as the Oakland County Sheriff's Department, shall have the authority to eject, for a period of twenty-four (24) hours, from the Township park, any person who violates this Ordinance. Repeated violations of this Ordinance may result in permanent ejection from any Township park. Ejection reports shall be filed in the Buildings and Grounds Department with a copy in the Supervisor's office as well as with the Oakland County Sheriff's Orion Township Substation.
3. *Seizure of Property.* The Director and any Grounds staff shall have the authority to seize and confiscate any property, thing, or device in the park used in violation of this Ordinance.

D. Fees.

Parks and Community Programs use fees shall be set by the Township Board of Trustees, upon recommendation of the Parks Director and/or the Community Programs Director with input from the Parks and Recreation Advisory Committee. *(amended 11.02.15)*

E. Gifts.

The solicitation and receipt of gifts, sponsorships and donations for use by Township Parks and Community Programs shall be governed by the Township Gifts Policy. Gifts or donations valued at more than Two Thousand Dollars (\$2,000) (cash) / Three Thousand Dollars (\$3,000) (in-kind) must be approved by the Township Board. (See Sponsorship Form) *(amended 11.02.15)*

F. Non-Discrimination.

All Township Buildings and Grounds and Community Programs activities and facilities shall be administered on a non-discriminatory basis. *(amended 11.02.15)*

Section 4 – ACTIVITIES BY PERSONS IN PARKS

A. Park Property.

1. Buildings and Other Property.

- a. *Disfiguration and Removal.* No person in a park shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever.
- b. *Restrooms and Washrooms.* Users of park bathroom facilities shall maintain same in a neat and sanitary condition.
- c. *Removal of Natural Resources.* No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, flowers, downed timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

d. *Erection of Structures.* No person in a park shall construct or erect any building or structure of any kind whatsoever, whether permanent or temporary in nature, or run or string any public service utility into, upon, or across such lands, except with a special written permit issued hereunder.

2. Trees, Shrubbery, Lawns.

a. *Injury and Removal.* No person in a park shall damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any device, rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

b. *Climbing.* No person in a park shall climb any building or walk, stand or sit upon monuments, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

3. Wild Animals, Birds, Etc.

a. *Hunting.* No person in a park shall molest, harm, frighten, kill, trap, chase, tease, shoot or throw either a firearm or any other projectiles/missiles at any animal, reptile, or bird; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs, nest, or young of any reptile or bird. (*amended 11.02.15*)

b. *Feeding.* No person in a park shall give or offer, or attempt to, give to any animal or bird any tobacco, alcohol or other known noxious substances, or feed any water fowl of any kind.

4. *Glass Containers.* No person in a park shall bring or use glass containers within the park.

B. Sanitation.

1. *Pollution of Waters.* No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water, including wetlands, in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

2. *Refuse and Trash.* No person in a park shall bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, lawn waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof. All fires shall be extinguished and coals deposited in designated receptacles at the conclusion of a permitted activity and prior to leaving a park area.

C. Traffic.

1. *State Motor Vehicle Laws Apply.* All persons on Township park property shall comply with all applicable provisions of the Michigan Motor Vehicle Code, in regard to equipment and operation of motor vehicles, together with such regulations as are contained in this Ordinance and other Township ordinances.

2. *Enforcement of Traffic Regulations.* All persons on Township park property shall obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto, in accordance with the provisions of these regulations, and such supplementary regulations as may subsequently be issued by the Director/s.

3. *Obey Traffic Signs.* All persons on Township park property shall observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.

4. *Speed of Vehicles.* No person in a park shall ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.

5. *Operation Confined to Roads.* No person in a park shall drive any motorized vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking

areas by the Director, except authorized Township, Oakland County Sheriff's Department, and authorized utility company vehicles.

6. *Parking.*

- a. *Designated Areas.* No person shall park a vehicle in other than an established or designated parking area, and such use shall be in accordance with posted directions or with the instructions of any attendant who may be present.
- b. *Storage of Vehicles.* No person in a park shall park or store any motor vehicle overnight in any park owned by the Township without written permission of the Director. The vehicle will be towed by the Township or Township contractor at the owner's expense.
- c. *Immovable Vehicles.* No person in a park shall leave any vehicle anywhere in the park with one or more wheels chained, or with motor set in gear and doors locked, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand. The vehicle will be towed by the Township or Township contractor at the owner's expense.
- d. *Emergency Procedure.* Park users shall immediately notify a member of the Grounds staff of an emergency in the nature of a breakdown requiring a tow truck, mechanic or other similar assistance. *(amended 11.02.15)*
- e. *Double-Parking.* No person shall double-park any vehicle on any road or parkway unless directed by a Grounds official. *(amended 11.02.15)*
- f. *Muffler Required.* Motor vehicles in use in any park shall be equipped with a muffler adequate to deaden the sound of the exhaust system in the motor vehicle.
- g. *Towing.*
 - i. *Authority Granted.* Deputies of the Oakland County Sheriff's Department are hereby authorized to remove and tow away by a commercial towing service any motor vehicle parked in violation of this Ordinance, which violation is declared to be a nuisance.
 - ii. *Impounding.* Motor vehicles towed away for illegal parking shall be stored.
 - iii. *Payment of Fine and Charges.* Motor vehicles so towed away for illegal parking or storage shall be restored to the owner or operator of such motor vehicle upon payment of the fine as provided in Section 6 and reasonable towing and storage charges.

7. *Bicycles.*

- a. *Confined to Roads.* No person in a park shall ride a bicycle on other than the paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- b. *Operation.* Bicyclists shall at all times operate their bicycles with reasonable regard for the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.
- c. *Rider Prohibited.* No person in a park shall ride with more persons on a bicycle than the bicycle was designed to accommodate.
- d. *Designated Racks.* No person in a park shall leave a bicycle in a place other than a bicycle rack, when such is provided and there is a space available.
- e. *Immobile.* No person in a park shall leave a bicycle lying on the ground or paving or set against trees, or in any place or position where another person may trip over or be injured by said bicycle.

- f. *Night Operation.* No person in a park shall ride a bicycle at night without an attached headlight and without a taillight or reflector plainly visible.
8. *Unsafe Operation of Vehicle.* No person in a park shall operate a vehicle, as defined by this Ordinance, in an unsafe manner.
9. *Other Vehicles.* Any unlicensed vehicles or "all-terrain vehicles," or snowmobiles, are prohibited from use in any park, unless authorized by the Parks Director and designated in certain areas. *(amended 11.02.15)*
10. *Roller Skating (Blading) or Coasting.* It shall be unlawful to use roller skates (blades), a skateboard, hand sled, bobsled, cart or to operate any other vehicle on wheels or runners, except on designated pathways or areas. Such vehicles shall be operated in a safe manner and proper safety equipment must be utilized.
- D. *Recreational Activities. (amended 11.02.15)*
1. *Hunting, Trapping, and Firearms.* Any Township sanctioned recreational activities involving hunting, trapping, or the use of firearms on Township park property shall be in accordance with Michigan Department of Natural Resources (DNR) regulations, local, state and federal regulations and statutes.
2. *Picnic Areas and Use.* No person in a park shall:
- picnic or lunch in a place other than those areas designated for that purpose. Building and Grounds staff shall have the authority to regulate the activities in such areas, when necessary, to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given by buildings and grounds staff to achieve this end.
 - violate the regulation that use of individual grills, together with tables and benches, follows generally the rule of "First come, first served."
 - leave a picnic area before a cooking grill is completely extinguished, and coals are placed in the proper receptacle, and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.
3. *Camping.* Unless special permission is granted by the Director, no person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor may any person leave, in a park after closing hours any movable structure, or special vehicle, to be used or that could be used for such purposes as house trailer, camp-trailer camp wagon, or the like. Camp Agawam allows rentals of campsites, lodges, and shelters as permitted by the Community Programs Department through an application and permitting process.
4. *Games.* No person shall take part in or allow the playing of any games involving thrown, or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes, except in areas set apart for such forms of recreation. The playing of comparatively dangerous games such as, but not limited to, football, baseball, soccer, golf and softball is prohibited except on the fields and courts or areas provided therefore.
5. *Fishing.* No park user may fish in any waters and/or designated swim areas, using hook-and-line, net, trap, or other device, except in waters designated by the Director for that use and under such regulations and restrictions as have been or may be prescribed by the Director.
- E. *Prohibited Behavior.*
1. *Intoxicating Beverages and Illegal Substances.* No person in a park may be under the influence of intoxicating beverages or controlled substances while on park property. No person shall possess, sell or consume beer, wine, or other alcoholic beverages or illegal substances within any park property, except in conformance with a permit issued by the Township, for possession, sale or consumption of beer, wine or other alcoholic beverages in the Orion Center, Camp Agawam or the Amphitheater. All permits shall be issued only to adults who shall comply with all State and Federal laws and obtain all required licenses. Subject to Township Board approval, the Community Programs shall develop rules and regulations regarding the sale, use and transportation of alcoholic beverages that may be permitted

by this provision. Any other permit to possess or consume alcohol on Township property will be by application and approval of the Community Programs Department. *(amended 05.16.11, 11.02.15)*

- a. The permit requirement and Orion Township Board approval set forth in the preceding paragraph Section E(1), shall not apply to the "preferred caterer/s" of the Township. As defined, the preferred caterer/s is/are an individual or entity with whom the Township has a valid contract for catering at the Orion Center, Camp Agawam or Wildwood Amphitheater for a term that exceeds a single event and the contract has identified the person or entity as the preferred caterer. When identified as the preferred caterer in a valid contract with the Township, all State licensing requirements are to be complied with by the "preferred caterer/s", however, the "preferred caterer/s" will not be required to obtain the permit or Township Board approval set forth in the preceding paragraph, Section E(1). *(added 12.02.13, amended 11.02.15)*

- 2. *Fireworks and Explosives.* No person in a park shall bring in, or have in his/her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rockets or other fireworks or explosives of inflammable material, or discharge them, or throw them into any such area from land, or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that, in conjunction with any other substance or compound, would be dangerous from any of the foregoing standpoints.

- 3. *Animals.* Animals are not allowed on playgrounds, beaches, or athletic fields/surfaces. *(amended 11.02.15)*
 - a. *Dogs.* All dogs shall be restrained at all times by adequate leashes unless in a designated no-leash area and able to meet the requirements of voice and sight control. In designated no-leash areas, pet owners are required to exercise control of their dog, so that the dog does **not**:
 - i. charge, chase or display aggression towards any person, or behave in a way that any reasonable person may find harassing or disturbing.
 - ii. charge, chase or display aggression towards any other dog.
 - iii. charge, chase or disturb wildlife or livestock.
 - iv. fail to come to and stay with the owner or keeper immediately upon command by that person.

An owner must have a leash in the owner’s possession at all times. No more than two (2) dogs may be under voice and sight control per owner or keeper at any time. Failure to have control of a dog may result in issuance of a court summons for a dog observed running, threatening, or endangering persons, wildlife, or livestock.
 - b. *Other Animals.* It shall be unlawful to ride, lead, or cause to allow a horse or other animal to be in any park or any portion thereof posted against such use, unless permitted by the Director.
 - c. *Removal of Animal Excrement Required.*

It shall be unlawful for any owner of a dog or cat to allow or permit such dog or cat to soil, defile, defecate, or to commit any nuisance on a public thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or upon public property whatsoever, or upon any private property without permission of the owner of such property, unless:

 - i. such owner shall immediately remove all droppings deposited by such dog or cat by any sanitary method and, for such purposes, shall possess a container of sufficient size to collect and remove the above mentioned droppings and exhibit the container, if requested by any official empowered to enforce this Ordinance; and
 - ii. such owner shall deposit said droppings or container of droppings in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.

- 4. *Reservation of Facilities.* No park user may occupy any seat or bench, enter into, or loiter, or remain in any pavilion or other park structure, or section thereof, which may be reserved, unless such user is part of the group having reserved said area of the park.

- 5. *Fires.* No person shall build or attempt to build a fire within a park, except in fireplaces, grills, designated receptacles or other areas for that purpose. All fires must be supervised at all times and be extinguished before leaving the area. *(amended 11.02.15)*
- 6. *Closed Areas.* No person shall enter an area posted as "Closed to the Public", "Do Not Enter" and "Closed for Maintenance" nor shall any person use, or allow the use of any area in violation of posted notices. *(amended 11.02.15)*
- 7. *Disorderly Conduct.* No park user may engage in any disorderly conduct or behavior tending to a breach of the public peace, including but not limited to, the playing of musical entertainment devices at a loud volume or the performance of sexual acts or indication thereof. (See Township Ordinance No. 58, Disorderly Persons which governs this prohibited activity.) *(amended 11.02.15)*
- 8. *Causing or Risking Public Inconvenience, Annoyance or Alarm.* No person shall cause, recklessly create a risk of, or knowingly contribute to the inconvenience, annoyance or alarm to any other person in a park by:
 - a. engaging in fighting or threatening, or engaging in violent or tumultuous behavior;
 - b. jostling or roughly crowding persons unnecessarily;
 - c. making an obscene communication or display;
 - d. creating a hazardous condition by any act which serves no legitimate purpose;
 - e. improper use of firearms (see D(1)).
- 9. *Exhibit Permits.* No person shall fail to produce and exhibit any permit from the Director, which he/she claim to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
- 10. *Interference with Permittees.* No person shall disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

F. Merchandising, Advertising and Signs.

- 1. *Vending and Peddling.* No person in a park shall expose or offer for sale any article or thing, nor shall they station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. An exception is made for any regularly licensed concessions acting by, and under the authority and regulation of, the Township.
- 2. *Advertising.* No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire, except as authorized by the Township.
- 3. *Signs.* No person in a park shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways, roads or safety paths adjacent to a park, except as authorized by the Township or permitted by Township ordinance.

Section 5 – PARKS AND RECREATION ADVISORY COMMITTEE *(amended 11.02.15)*

A. Establishment; Composition.

There is established a Township Parks and Recreation Advisory Committee (PRAC) appointed by the Township Board. This committee establishes the bylaws and revisions which are approved by the Township Board.

Section 6 – VIOLATION AND PENALTIES

A. Municipal Civil Infraction / Payment of Fine.

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction, as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

B. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection A shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct or indirect, to which the Township of Orion has been put in connection with the violation of the Ordinance up to the entry of the court's judgment or order to pay fines and costs.

C. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87, of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

D. Default on Payment of Fines and Costs.

A default in payment of a civil fine, costs, or damages, or expenses ordered under Subsection A or B or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

E. Failure to Comply with Judgment or Order.

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection G.

F. Failure to Appear in Court.

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

G. Civil Contempt.

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for non-payment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one (1) day for each Thirty Dollars (\$30) due. A person

committed for non-payment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.

6. A defendant committed to imprisonment for civil contempt for non-payment of a civil fine, costs, or damages or expenses shall not be discharged from custody, until one of the following occurs:
 - a. Defendant is credited with an amount due pursuant to Subsection G(5).
 - b. The amount due is collected through execution of process or otherwise.
 - c. The amount due is satisfied pursuant to a combination of Subdivisions G(6)(a) and (b).

7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection G(6).

Section 7 – Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 8 – Effective Date

This Ordinance shall be published in full in a newspaper of general circulation in the Charter Township of Orion qualified under State law to publish legal notices and shall become effective upon publication, as provided by law.

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