

Charter Township of Orion

Ordinance No. 3

Regulating Junkyards

Adopted May 1, 1956

AMENDED

August 15, 1994

A RESOLUTION TO PROVIDE FOR THE OPERATION, REGULATION AND LICENSING OF JUNK YARDS AND PLACES FOR THE DISMANTLING OF MOTOR VEHICLES AND SALE OR DISPOSITION OF PARTS AND REFUSE THEREFROM IN THE TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN.**Section 1**

No person, firm, association or corporation, shall operate or maintain a junk yard or place for the dismantling of motor vehicles, or engage in or carry on the business of dealing in junk or the dismantling of motor vehicles in the Township of Orion, without first having secured a license from the Township Board in accordance with the provisions hereof.

Section 2

The license fee for each junk yard or place for the dismantling of motor vehicles shall be Twenty-Five Dollars (\$25) for each year or fraction thereof. All licenses issued hereunder shall expire on the 31st day of May following the date of issuance.

Section 3

No license shall be issued hereunder until the applicant shall have deposited with the Clerk a bond in the penal sum of One Thousand Dollars (\$1,000), in form and with sureties approved by the Board, conditioned that the applicant will faithfully abide by all the provisions of the state law and of this Resolution during the continuance of such license.

Section 4

All applications for a license under the provisions of this Resolution shall be in writing, duly verified by the applicant, on a form furnished by the Township Board, and shall be filed with the Township Clerk, accompanied by the annual license fee, which, if the application is approved and the license issued, shall be paid into the general fund of the Township, otherwise to be returned to the applicant. If the applicant is a corporation, partnership, or association, the application shall state the full names and addresses of all persons interested therein. Each application shall be accompanied by the written approval of at least seventy-five percent (75%) of the owners of abutting, contiguous and adjacent property within one thousand (1,000) feet in each direction from the boundary lines of the proposed location.

Section 5

All applications for license under this Resolution shall be presented by the Clerk to the Township Board at a regular meeting, or a special meeting called for the purpose of considering such application. The Board may, if deemed advisable, adjourn the hearing on any application for the purpose of holding public hearings, or securing additional information regarding the application. No license shall issue unless the application therefore is first approved by the majority of the members of the Board. The Board may, in its discretion, refuse to grant any license, when, in its judgment, public health, morals or safety shall so require.

Section 6

No license hereunder shall be granted for any business to be located within one hundred (100) feet from the nearest limits of any state or county highway, or within six hundred (600) feet from the intersection of any public highways, or within one thousand five hundred (1500) feet from the nearest part of any public building. All premises shall be enclosed with a tight board fence, not less than seven (7) feet high, painted with at least two (2) coats of white paint. No motor vehicles or any part thereof, or any equipment or material used in such business, shall be used, stored or parked at any time outside of such enclosure. No advertising sign in connection with such business shall be erected within one hundred (100) feet from the limits of the nearest public highway.

Section 7

Every person licensed under the provisions of this Resolution shall keep a suitable book containing the full name and address of every person from whom any junk or any motor vehicle or any part thereof is purchased, with a full and complete description of the property acquired and the date of the purchase. Such record shall be open to inspection at any time by any law enforcement officer of the state, county or any municipality. No purchase of any property shall be made from any person under the age of twenty-one (21) years, without the written approval of his or her parent or guardian, which shall be filed with the record of such purchase.

Section 8

Any license issued hereunder may be revoked by the Township Board for any violation by the licensee of the laws of this State or the ordinances of any municipality therein, or of the provisions of this Resolution. Upon receiving information of any such violation, the Township Board shall fix a date for hearing thereon, and the Clerk shall give the licensee written notice thereof at least five (5) days in advance of such hearing. Upon the date of hearing, or any adjournment thereof, the Board shall hear the evidence produced touching upon such alleged violation, and if it appears that the licensee is guilty thereof, the Board may adopt a Resolution revoking the license theretofore granted, but shall not be liable for the return of the license fee theretofore paid by the licensee.

Section 9 *(amended 08.15.94)***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 and 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 fine 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 nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment 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 nonpayment 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.

H. Lien Against Land, Building, or Structure.

If a defendant does not pay a civil fine or costs or installment ordered under Subsection A or B within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township of Orion may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by Orion Township by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by Orion Township in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 2211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 211.60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections A or B unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien unless one or more of the following apply:
 - a. The other lien is a lien for taxes or special assessments.
 - b. The other lien is created before the effective date of the amended ordinance that added this section.
 - c. Federal law provides the other lien has priority.
 - d. The other lien is recorded before the lien under this section is recorded.

5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.

Section 10

This Ordinance shall become effective upon publication, as provided by law.

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