

Charter Township of Orion

Ordinance No. 6

Houseboats

Adopted December 10, 1957

AMENDED
August 15, 1994

AN ORDINANCE TO PROTECT THE HEALTH AND WELFARE OF THE PEOPLE OF THE TOWNSHIP OF ORION, TO REGULATE THE USE OF LAKES WITHIN SAID TOWNSHIP AND TO PREVENT POLLUTION OF THE WATERS OF SAID TOWNSHIP.

Preamble

Living in any houseboat in or on the waters of any lake within the Township of Orion, Oakland County, Michigan, is hereby declared to be a nuisance and a danger to the health and welfare of the people of said Township, therefore.

ARTICLE I - SHORT TITLE

Section 1.1

This Ordinance shall be known and may be referred to as the Orion Township Houseboat Ordinance.

ARTICLE II - DEFINITIONS

Section 2.1 - House Boat

A houseboat shall include any boat, cruiser, skiff, launch, raft or sailboat having or containing facilities, accommodations or equipment for the cooking of food and sleeping thereon.

Section 2.2 - Living

The use or occupancy of any houseboat as a place of abode, for cooking and eating food or as a place to sleep, for any period of time, shall be construed as living on said houseboat.

ARTICLE III - PROHIBITION

Section 3.1

It shall hereafter be unlawful for any person to live in or sleep upon any houseboat in or upon the waters of any lake within the Township of Orion, Oakland County, Michigan for any period of time.

ARTICLE IV - VIOLATION & PENALTIES *(amended 08.15.94)*

Section 4.1

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.

ARTICLE V - EFFECTIVE DATE

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

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