

Charter Township of Orion

Ordinance No. 27

Subdivision Regulations

Adopted May 12, 1970

AMENDED

April 9, 1973 (27-1)	March 15, 1999 (27-1A)
October 15, 1974 (27-2)	March 20, 2000 (27-2A)
December 7, 1981 (27-3)	January 22, 2002 (27-3A)
January 18, 1982 (27-4)	April 21, 2003 (27-4A)
August 29, 1988	June 20, 2005 (27-5)
July 6, 1992	August 15, 2005 (27-6)
August 15, 1994	September 17, 2007 (27-7)
January 3, 1995	

Planning Review Fees repealed August 23, 1976 by Ordinance No. 41

AN ORDINANCE ENACTED UNDER ACT 288, PUBLIC ACTS OF 1967, AS AMENDED, AND ACT 168, PUBLIC ACTS OF 1959, AS AMENDED, OF THE STATE OF MICHIGAN ESTABLISHING REGULATIONS GOVERNING THE SUBDIVISION OF LAND: PROVIDING STANDARDS, PROCEDURES AND RULES FOR THE PREPARATION AND FILING OF PLATS, AND TO PROVIDE FOR PRELIMINARY AND FINAL APPROVAL OR REJECTION OF SUCH PLATS BY THE TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, AND IMPOSING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

ARTICLE I - TITLE AND PURPOSE

Section 100 - Short Title

This Ordinance shall be known and may be designated as the "**Township of Orion Subdivision Regulations Ordinance**".

Section 101 - Purposes

The purposes of this Ordinance are to provide for the orderly growth and harmonious development of the community; to secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; to secure adequate provisions for recreational areas, school sites and other public facilities; and, to provide logical procedures for the achievement of these purposes.

ARTICLE II - DEFINITIONS

Section 200 - Definitions *(amended 10.15.74, 04.21.03)*

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. **Alley** - A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land. *(amended 04.21.03)*
2. **Block** - That property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.
 - a. **Building Line** or **Setback Line** - A line parallel to a street right-of-way line, established on a parcel of land or on a lot for the purpose of prohibiting construction of a building between such line and a right-of-way, other public area or the edge of a watercourse. *(amended 10.15.74)*
3. **Clerk** - The Township Clerk of the Township of Orion.
4. **Commission** - The Planning Commission of the Township of Orion.
5. **Driveway** - A strip of land, that is not dedicated to the public, used to provide vehicular access to a single zoning lot. *(added 04.21.03)*
6. **Easement** - A specific area of land over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and which shall be designated a 'public' or 'private' easement, depending on the nature of the use.
7. **Governing Body** - The Township Board of the Township of Orion, Oakland County, Michigan.
8. **Improvements** - Grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, bridges, and other additions to the natural state of land which increase its value, utility or habitability.
9. **Lot** - A parcel of land separated from other parcels on a preliminary or recorded plat for the purpose of sale, lease, or separate use.

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10. **Lot Area** - The total horizontal area within the lot lines of the lot. For lots adjacent to private or public roads, the lot area shall not include any portion of the private or public road or road right-of-way. *(added 04.21.03)*
11. **Major Streets or Thoroughfare Plan** - The part of the Master Plan which sets forth the location, alignment and dimensions of existing and proposed streets and thoroughfares.
12. **Master Plan** - The comprehensive land use plan for the Municipality, including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the municipality, including any unit or part of such plan separately adopted, and any amendment to such plan or parts thereof adopted by the Planning Commission.
13. **Municipal Engineer or Engineer** - The staff engineer or consulting engineer of the Municipality.
14. **Municipal Planner or Planner** - The staff planner or consulting planner of the Municipality.
15. **Municipality** - The Township of Orion.
16. **Person** - Individual, partnership, firm, corporation or association.
17. **Plat** - *(amended 10.15.74)* A map or chart of a subdivision of land.
 - a. **Preliminary Plat** - A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration prepared in conformance with the Subdivision Control Act.
 - b. **Final Plat** - A map of all or part of a subdivision providing substantial conformance to the preliminary plat of the Subdivision Control Act and this Ordinance, and suitable for recording by the County Register of Deeds.
18. **Parcel (or Tract)** - A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act.
19. **Proprietor** - A natural person, firm, association, partnership, corporation or combination of any of them, which may hold any ownership interest in land, whether recorded or not.
20. **Public Reservation** - A portion of a subdivision which is set aside for public use and made available for public use and acquisition.
21. **Public Utility** - Any person, firm or corporation, municipal department, board or commission, duly authorized to furnish, and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.
22. **Public Walkway** - A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.
23. **Right-of-Way** - Land used or to be used, either public or private, to facilitate pedestrian and/or vehicular movement. *(amended 04.21.03)*
24. **Road Commission** - Board of County Road Commissioners, Oakland County, Michigan.
25. **Road** - *(amended 04.21.03)* A public or private right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and any other thoroughfare, except an alley or driveway, to a building. All such roads are an existing state, county or municipal roadway; or in a plat heretofore approved pursuant to law or approved by official action on a plat duly filed and recorded in the office of the County Register of Deeds. A road also includes the land between the road lines, whether improved or unimproved
 - a. **Major Thoroughfare** - An arterial road of great continuity which is intended to serve as a large volume traffic-way for both the immediate Municipality area and region beyond, and which may be designated in the Township's Major Thoroughfare Plan, as a major thoroughfare, parkway, expressway, or equivalent term to identify those roads comprising

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- the basic structure of the road plan. Major thoroughfares shall also have an existing or proposed right-of-way of one hundred twenty (120) feet or more.
- b. **Collector Road (Arterial)** - A road used primarily to carry traffic from a minor road to a major thoroughfare. Collector roads (arterials) shall be the roads so designated in the Master Plan of the Township as having an existing or proposed right-of-way of at least eighty-six (86) feet but not more than one hundred and twenty (120) feet.
 - c. **Local Road** - A road of limited continuity used primarily for access to abutting residential properties.
 - d. **Marginal Access Road** - A minor road paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
 - e. **Boulevard** - A road developed to 2 two-lane, one-way pavements, separated by a median.
 - f. **Turn-Around** - A short boulevard permanently terminated by a vehicular turn-around.
 - g. **Cul-de-Sac** - A minor road of short length, having one (1) end open to traffic and being permanently terminated at the other end by a vehicular turn-around.
 - h. **Loop Road** - A minor road of short length with two (2) openings to traffic, beginning from the same road, and projecting parallel to each other and connecting at their termination by a loop.
26. **Road, Private** - A road constructed within a dedicated right-of-way, in accordance with this Ordinance, which provides vehicular access to one (1) or more parcels, where said right-of-way and road have not been dedicated to the Road Commission for Oakland County, or other public jurisdiction. *(added 04.21.03)*
27. **Road, Public** - A road accepted, by dedication or otherwise, by the Road Commission for Oakland County or the Michigan Department of Transportation. *(added 04.21.03)*
28. **Street** - See **Road**. *(added 04.21.03)*
29. **Street, Private** - See **Road, Private**. *(added 04.21.03)*
30. **Street, Public** - See **Road, Public**. *(added 04.21.03)*
31. **Subdivision Act** - The Subdivision Control Act, Michigan Public Acts #288 of 1967, as amended.
32. **Subdivision** - The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area; or five (5) or more parcels of land, each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years.
- 32a. **Watercourse** - Any natural or made channel through which water flows, be it a stream, river, brook, creek or similar body of water; and draining an area of at least two (2) square miles. *(amended 10.15.74)*
33. **Words** - Singular words shall include the plural, and masculine words shall include the feminine and neuter.
34. **Zoning Ordinance** - The Township of Orion Zoning Ordinance.

ARTICLE III - SUBDIVISION PROCEDURE

The preparation of a subdivision for platting shall be preceded by a pre-preliminary plat investigation, and then followed with the preliminary plat and the final plat, all in accordance with the Land Division Act and the following procedure. *(amended 10.15.74, 03.20.00)*

Section 300 - Pre-Preliminary Plat Investigation *(amended 06.20.05)*

Upon written request by the proprietor submitted to the chairperson of the county plat board, along with copies of a concept plan submitted to the Municipality, a pre-application meeting shall be held within thirty (30) days following receipt of such written request and concept plan. Such pre-application meeting shall be attended on behalf of the Municipality by the Building Official or his designee.

In the absence of such pre-application meeting, it is recommended that the proprietor meet informally with the Municipal Departments concerned to investigate the procedures and standards of the Municipality with reference to this Subdivision Regulations Ordinance and with the proposals of the Master Plan as they affect the area in which the proposed subdivision is located. The proprietor should concern himself with the following factors:

1. The proprietor should secure a copy of the Zoning Ordinance, Subdivision Regulations, engineering specifications, and other similar ordinances or controls relative to the subdivision and improvement of land so as to make himself aware of the requirements of the Municipality.
2. The area for the proposed subdivision should be properly zoned for the intended use.
3. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to serve the proposed subdivision should be made by the proprietor.
4. The relationship of the proposed subdivision with respect to Major Thoroughfares and plans for widening of thoroughfares should be investigated by the proprietor.
5. Standards for sewage disposal, water supply and drainage of the Municipality should be investigated by the proprietor.

Section 301 - Preliminary Plat Tentative Approval *(amended 10.15.74, 06.20.05)*

The preparation of a preliminary plat shall be carried out through two phases: Tentative and Final Preliminary Plat Approval, all in accordance with the procedure in ARTICLE III and ARTICLE IV.

1. **Filing.** *(amended 06.20.05)*
 - a. The proprietor shall submit ten (10) copies of the tentative preliminary plat, along with an electronic copy of the tentative preliminary plat, and other data concerning the proposed subdivision, together with a copy of proof of ownership to the Township Clerk. The Clerk shall forward such data to the Building Department for processing. *(amended 03.20.00)*
 - b. The preliminary plat shall be prepared in accordance with Section III of the Subdivision Control Act and in accordance with the requirements of this Ordinance. The Planning Commission shall act on the preliminary plat within forty (40) days after the proposed tentative preliminary plat has been deposited with the Township Clerk.
 - c. The proprietor shall deposit the sum required to cover costs of reviewing all engineering plans and layout, said deposit to be made at the time the preliminary plat is submitted to the Clerk.
2. **Identification and Description.** The following data shall be provided on the preliminary plat:
 - a. Proposed name of the Subdivision.
 - b. Location by Section, Town and Range, or by other legal description.

- c. Names and addresses of the proprietor, owner, planner, landscape architect, designer, engineer or surveyor who designed the subdivision layout. The proprietor shall also indicate his interest in the land.
 - d. Date, northpoint and scale of plat, 1" = 100 ft. as minimum acceptable scale.
3. Existing Conditions. The following data shall be provided on the preliminary plat:
- a. An overall location map at a scale of not less than 1" = 2000 feet showing the relationship of the subdivision to its surroundings such as section lines and/or major streets or collector streets shall be provided.
 - b. Boundary lines of proposed subdivision, section or Township lines within or adjacent to the tract and overall property dimensions.
 - c. Property lines or contiguous adjacent tracts of subdivided and unsubdivided land up to 1/4 mile are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.
 - d. Location, widths, and names of existing or prior platted streets and private streets, all existing buildings, public areas and public easements within or adjacent to the tract being proposed for subdivision including those located immediately across abutting roads.
 - e. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
 - f. A map showing the location of all existing drainage courses, flood plains, lakes, streams, and wetlands within five hundred (500) feet of the development, as well as within it. This map must be prepared by a recognized professional expert after on-site study and must include, in addition to the above (*amended 08.29.88*):
 - 1) The location of any areas to be preserved as open or recreation space, why each area is being preserved (e.g. soil conditions, wetlands, natural drainage courses, woodlands, steep slopes, etc. Also, who will own and maintain these areas.
 - 2) Location of other natural resources and natural features to be preserved or destroyed in the proposed development, including all bodies of water, streams, wetlands, woodlands, slopes over twenty percent (20%), and trees of four (4) inch in caliper or greater, wildlife, and valuable vegetation.
 - 3) Topography drawn to contours with an interval of at least two (2)-feet elevation. Topography shall be based on United States Geological Survey Datum. Benchmarks for the work shall be indicated on the drawing.
4. Proposed Conditions. The following data shall be indicated on the preliminary plat drawing:
- a. Layout of streets indicating proposed street names, right-of-way widths and connections with adjoining platted streets and also the widths and location of alleys, existing easements and public walkways.
 - b. Layout, number and dimensions of lots, including the front building setback lines showing dimensions.
 - c. Indication of parcels of land intended to be dedicated or set aside for public use and/or for the use of property owners in the subdivision.
 - d. An indication of the status of the petitioner's ownership and existing and proposed use of any parcels identified as "excepted" on the preliminary plat. If the proprietor has an interest or owns any parcel so identified as "excepted", the preliminary plat shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located.
 - e. State of intended use of the proposed plat such as residential single family, two-family, and multiple housing, commercial, industrial, recreational or agricultural, churches, and other non-public uses exclusive of single family dwellings any site proposed for parks, playgrounds, schools, or other public uses.

5. Review by Planning Commission. Before the Planning Commission acts on the tentative preliminary plat, the following shall occur (*amended 06.20.05*):
- a. One copy each of the preliminary plat shall be transmitted to the Municipal Engineer and the Municipal Planner for their technical review and recommendation.
 - b. The Municipal Planner shall check the proposed plat for completeness. Should any of the data required in the Subdivision Control Act, or this Ordinance, be omitted, the Municipal Planner shall inform the Planning Commission of the data required, and that the application will be delayed until the required data is received.
 - c. The Municipal Engineer, Municipal Planner, and Fire Chief within twenty-one (21) days of receipt by the Township Clerk of the tentative preliminary plat shall notify the Planning Commission of their recommendations for approval or rejection of the tentative preliminary plat.
 - d. Upon receipt of the recommendations of the Engineer and Planner, the Secretary shall place the preliminary plat on the next regular Planning Commission agenda, at which meeting the proprietor will be scheduled to appear. The Planning Commission shall act on the preliminary plat unless the proprietor agrees to an extension in writing at this time.
 - e. The Commission shall review the preliminary plat for compliance with the following:
 - 1) Applicable ordinances and regulations.
 - 2) Availability and adequacy of utilities.
 - 3) Availability of school and recreation facilities.
 - 4) Comprehensive Master Plan.
 - f. The Commission shall recommend conditional approval, disapproval, or approval of the tentative preliminary plat.
 - 1) Should the approval be a conditional approval, the conditions so imposed shall be recorded in the minutes of the meeting.
 - 2) Should the Commission disapprove the preliminary plat, it shall record the reasons in the minutes of the meeting. The proprietor shall be notified of the action of the Commission in writing. A copy of this action of the Commission in writing shall also be submitted to the Governing Body accompanied by seven (7) copies of the tentative preliminary plat.
 - 3) Should the Commission find that all conditions have been met, it shall give tentative approval to the preliminary plat. The Secretary shall make a notation to that effect on each copy of the preliminary plat and distribute copies of same as follows:
 - a) Retain one (1) copy with comments which shall become a matter of permanent record in the Planning Commission files.
 - b) Forward seven (7) copies to the Governing Body via the Township Clerk with recommendations for approval attached thereto. (*amended 03.20.00*)
6. Review by the Governing Body. (*amended 06.20.05*)
- a. The Governing Body will not review the preliminary plat before compliance with Subsection 5, and then shall consider the preliminary plat and shall take action thereon within ninety (90) days of the date of accepting for initial filing with the Township Clerk if a pre-application meeting was not held as set forth in Section 300, or within sixty (60) days if a pre-application meeting was held.
 - b. Should the Governing Body give tentative approval of the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final preliminary plat.

- c. The tentative approval of the preliminary plat by the Governing Body is effective for a period of one (1) year. Should the preliminary plat in whole or in part not be submitted for final approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the Governing Body. The one (1) year period may be extended if applied for by the proprietor to the Planning Commission for recommendation to grant same by the Government Body in writing.
- d. No installation or construction of any improvements shall be made or begun at this time.

Section 302 - Preliminary Plat Final Approval *(amended 10.15.74, 06.20.05)*

Within one (1) year after having received tentative approval of the preliminary plat as prescribed in Section 301 of this Ordinance, the Proprietor shall submit the preliminary plat for final approval.

1. Filing. *(amended 06.20.05)*
 - a. The proprietor shall submit to the Township Clerk twelve (12) copies of the final preliminary plat and other data concerning the proposed subdivision at the time he files copies with the authorities as required in Sections 113 to 119 of the Subdivision Control Act. At this filing, he shall include a certified list of all authorities to which he has submitted preliminary plats for review and present written approvals from each agency as required in Section 120(1)(b) of the State Subdivision Control Act. *(amended 03.20.00)*
 - b. The proprietor shall deposit the sum required to cover costs of reviewing all engineering plans and layout, said deposit to be made at the time the preliminary plat is submitted for final approval to the Clerk.
 - c. The proprietor shall submit as evidence of title a policy of title insurance or a legal opinion with reference to ownership, for examination in order to ascertain as to whether or not the proper names appear on the plat. Also, the status of the ownership of all lake and watercourse areas shall be determined.
 - d. The final preliminary plat shall be prepared in accordance with Section 120 of the Subdivision Control Act and in accordance with the requirements of this Ordinance. The Governing Body shall act on the final preliminary plat within twenty (20) days after the proposed final preliminary plat has been deposited with the Township Clerk.
2. Identification and Description.
 - a. Same as SECTION 301 - 2.
3. Existing Conditions.
 - a. Same as SECTION 301 - 3.
4. Proposed Conditions.
 - a. Same as SECTION 301 - 4.
 - b. An indication of the required underground utilities.
 - c. Proposed utility installations. The Township may, at the discretion of the Governing Body, require a community sewage disposal system and/or a community water system within the proposed subdivision. The review of the proposed subdivision by the Municipal Engineer shall include a recommendation as to the proposed sewage system and the proposed water system.
 - 1) Sewage disposal, if proposed by individual systems. Preliminary plat submittal shall include a tabulated record and a keyed map of soil percolation or other tests certified by a registered civil engineer or registered land surveyor, at the minimum of one test per lot of usable land; also a letter indicating general appraisal of soil data for septic tank operation from the County Health Department.

- 2) Sewage disposal, if proposed by treatment plant. Preliminary layout of proposed system, location and anticipated capacity treatment, location of plant and outlet; subject to approval of Michigan Department of Health, County Health Department, Municipal Engineer, the Commission, and the Governing Body.
 - 3) Water supply, if proposed by community system. Preliminary layout of proposed system, location and anticipated capacity of wells; subject to approval of Michigan Department of Health, County Health Department, Municipal Engineer, the Commission, and the Governing Body.
 - 4) Storm water disposal. Preliminary layout of proposed system, location and invert elevation of outlets; subject to approval of Municipal Engineer, the Commission and the Governing Body, and if County drains are involved, the Oakland County Drain Commission.
 - 5) Sub-soil drainage. Whenever the Municipal Engineer indicates there is reason to expect that any part of the tract has high water table or unstable subsoil conditions, the preliminary plat submittal shall include a tabulated record and a keyed map of soil borings made by and certified by a registered civil engineer or registered land surveyor.
- d. Water areas. Plan of any proposed water areas indicating depths, normal water levels, slopes and type of bank retention; methods of controlling insects, water growths and vegetation; and the ownership status of said water areas once the subdivision is recorded.
 - e. Proposed topography. Superimposed on the preliminary plat shall be the proposed contours drawn at a minimum of two-foot intervals of the area including the area at least twelve hundred (1200) feet outside of the project.
 - f. In the case where the proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout for the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the proprietor intends to follow. Each subsequent plat shall follow the same procedure until the entire area controlled by the proprietor is subdivided.
5. Review by the Governing Body. *(amended 06.20.05)*
- a. One copy each of the final preliminary plat shall be transmitted to the Municipal Engineer, the Municipal Planner, and the Fire Chief for their technical review and recommendation. Such review shall be submitted to the Governing Body within ten (10) days of receipt by the Township Clerk. Upon receipt of the recommendations, the Clerk shall place the final preliminary plat on the agenda for the next regular meeting of the Governing Body, at which meeting the proprietor will be scheduled to appear.
 - b. The Governing Body shall consider the final preliminary plat and shall take action thereon at its next meeting or within twenty (20) days of the date of submission as qualified in Section 120(2)(a) of the Subdivision Control Act.
 - c. The final preliminary plat documents shall be reviewed by the Governing Body as to compliance with the tentatively approved preliminary plat.
 - 1) Should the Governing Body find that the submitted plat documents are in substantial conformity with the tentatively approved preliminary plat, it shall grant approval.
 - 2) Should the Governing Body find that the submitted plat documents do not conform substantially to the tentatively approved preliminary plat and that it is not acceptable, it may reject the final preliminary plat.
 - d. The Township Clerk shall promptly notify the proprietor of approval or rejection by the Governing Body in writing and, if rejected, to give the reasons.
 - e. Should the Governing Body give final approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.
 - f. The final approval of the preliminary plat by the Governing Body is effective for a period of two (2) years. Should the final plat in whole or in part not be submitted for approval within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation and approval to the Governing Body. The two (2) year

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period may be extended if applied for by the proprietor and granted by the Governing Body in writing. Written notice of the extension shall be sent by the Governing Body to the other approving authorities.

- g. No installation or construction of any improvements shall be made before the preliminary plat has received final approval by the Governing Body, engineering plans have been approved by the Township Engineer, utilities, including stormwater plans, have been approved as specified in Section 501, and any deposits required under ARTICLE V - IMPROVEMENTS, of this Ordinance, have been received by the Township. *(amended 08.29.88, 03.20.00)*

Section 303 - Final Plat *(amended 06.20.05)*

The procedure for preparation and review of a final plat shall be as follows:

1. Preparation.
 - a. The final plat shall comply with the provisions of the Subdivision Control Act.
 - b. The final plat shall conform substantially to the preliminary plat as approved and it may constitute only that portion of the approved preliminary plat which the proprietor proposes to record and develop at the time; provided, however, that such portion conforms to this Subdivision Regulations Ordinance.
 - c. The applicant shall submit as evidence of title, an abstract of title certified to date with the written opinion of an attorney-at-law thereon, or at the option of the proprietor, a policy of title insurance for examination in order to ascertain as to whether or not the proper parties have signed the plat.
2. Final Plat Review. *(amended 06.20.05)*
 - a. One true copy of the final plat, plus an electronic copy of same shall be filed by the proprietor with the Clerk, and the proprietor shall deposit such sums of money as the Governing Body may require herein or by other ordinances. *(amended 03.20.00)*
 - b. The final plat shall be reviewed by the Municipal Engineer and by the Municipal Planner as to compliance with the approved preliminary plat and plans for utilities and other improvements. *(amended 10.15.74, 03.20.00)*
 - c. The Municipal Engineer, Municipal Planner and the Fire Chief shall notify the Governing Body of their recommendation for either approval or rejection of the final plat within ten (10) days of receipt of the final plat by the Township Clerk. *(amended 03.20.00, 06.20.05)*
 - d. The Governing Body shall review all recommendations and take action on the final plat within twenty (20) days of its date of filing.
 - e. Upon the approval of the final plat by the Governing Body, the subsequent approvals shall follow the procedure set forth in the Subdivision Control Act. One print of the final plat shall be forwarded to the Clerk, one to the Planning Commission, and one to the Building Department. The Governing Body shall instruct the Clerk to record all proceedings in the minutes of the meeting, and to send a copy of the minutes to the County Plat Board.

ARTICLE IV - DESIGN LAYOUT STANDARDS

Section 400 - Streets

Streets shall conform to at least the following minimum design layout standards:

1. Location and Arrangement.
 - a. The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such major thoroughfares and collector streets shall be platted in the location and the width indicated on such plan.

- b. The street layout shall provide for continuation of collector streets in the adjoining subdivisions or for the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Commission.
 - c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - d. Should a proposed subdivision border on or contain an existing or proposed thoroughfare, the plat shall provide marginal access streets paralleling the major thoroughfare. This requirement may be waived by the Planning Commission if it finds such streets to be unnecessary for adequate protection of residential properties and for adequate separation and reduction of traffic hazards.
 - e. Half streets shall be prohibited, except where absolutely essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Commission finds it will be practicable to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half street, the other half shall be platted.
2. Right-of-way Widths. Street right-of-way widths shall conform to at least the following minimum requirements or the requirements of the Road Commission, whichever are greater:

STREET TYPE

RIGHT-OF-WAY WIDTHS

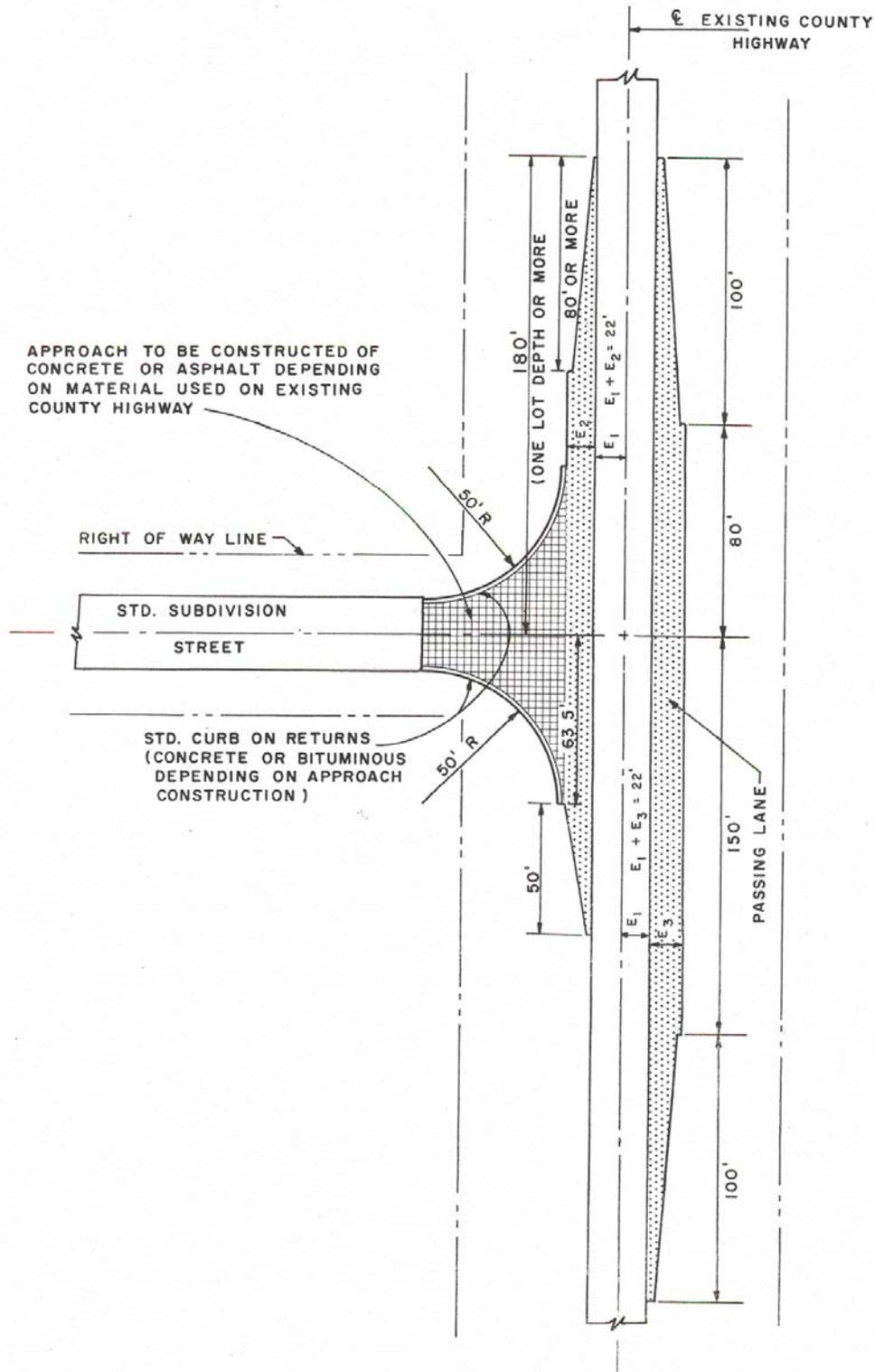
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| a. Major Thoroughfare | 120 feet, or in conformance with the Major Thoroughfare Plan of the Township |
| b. Secondary Thoroughfares
(Collector Streets) | 86 feet |
| c. Industrial Service Streets | 60 feet |
| d. Multiple Family Residential
Streets (where platted) | 60 feet |
| e. Minor Streets
(Single Family Residential) | 60 feet |
| f. Marginal Access Streets | 60 feet |
| g. Turn-Around Street (Loop) | 120 feet |
| h. Alley | 20 feet |
| i. Cul-de-Sac Streets/Turn-Arounds | |
| 1) Industrial | 75' radius |
| 2) Residential and Others | 60' radius |

j. Maximum length for cul-de-sac streets shall not exceed six hundred (600) feet.

- 3. Street Grades. For adequate drainage, the minimum street grade shall meet the requirements of the Road Commission.
- 4. Street Geometrics. Standards for maximum and minimum street grades, vertical and horizontal street curves and sight distances shall be provided as required by the Road Commission.
- 5. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
- 6. Grading and Centerline Gradients. Per plans and profiles approved by the Road Commission.
- 7. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty five (125) feet shall be avoided.

8. Acceleration-Deceleration-Passing Lanes. (amended 01.03.95) Streets which intersect with Major Thoroughfares or Collector Streets shall be provided with acceleration, deceleration, or passing lanes or tapers. Such lanes shall be provided as follows:
- a. Streets connecting to all two-lane, paved major thoroughfares or collector streets shall be provided with paved acceleration, deceleration and passing lanes.
 - b. Streets connecting to roads of four (4) or more lanes in width shall be provided with paved tapers for traffic entering the subdivision.
 - c. Streets connecting to any gravel major thoroughfare or collector street shall be provided with tapers for traffic entering the subdivision.
 - d. Required lanes or tapers shall be indicated on the plat and shall be constructed in accordance with the standards for such facilities as established by the Road Commission for Oakland County.
 - e. The required lanes may be modified or waived by the Road Commission for Oakland County or suggested by the Orion Township Planning Commission.

9. Street Approach to Existing Highway.



SECTION 400.9

STREET APPROACH TO EXISTING HIGHWAY

Section 401 - Blocks

Blocks within subdivisions shall conform to the following standards:

1. Sizes.
 - a. Maximum length for blocks shall not exceed one thousand four hundred (1,400) feet in length.
 - b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
2. Walkways.
 - a. Location of walkways or crosswalks may be required by the Commission to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, schools and parks.
 - b. Widths of walkways shall be at least twelve (12) feet and shall be in the nature of an easement for this purpose.
3. Easements.
 - a. Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twelve (12) feet wide, six (6) feet from each parcel.
 - b. Recommendations on the proposed layout of utility easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
 - c. Easements three (3) feet in width shall be provided where needed along side lot lines so as to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained by the proprietor from the appropriate public utility indicating that easements along specific stipulated lot lines will be sufficient for street lighting dropouts. A notation shall be made on the final plat indicating: "The side lot lines between lots (indicate lot numbers) are subject to streetlight dropout rights granted to the (name of utility company)."

Section 402 - Lots

Lots within subdivisions shall conform to the following standards:

1. Sizes and Shapes.
 - a. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
 - b. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
 - c. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.
 - d. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
 - e. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 4 to 1 shall be considered a maximum.*(revised 04.21.03)*
 - f. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks, and other requirements in accordance with the Zoning Ordinance. The intended purpose of such lots shall be marked on the plat.

2. Arrangement.
 - a. Every lot shall front or abut on a street.
 - b. Generally, side lot lines shall be at right angles to the street lines.
 - c. Residential lots abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage lots or with side lot lines parallel to the major traffic streets, or shall be platted with extra depth to permit generous distance between building and such trafficway.
 - d. Generally, lots shall have a front-to-front relationship across all streets where possible.
 - e. Where lots border upon bodies of water, the front yard may be designated as the waterfront side of such lot, provided the lot has sufficient depth to provide a setback for all structures, equal to the required front setback, on the street side as well as on the waterfront side.

Section 403 - Subdivision Open Space Plan

The following requirements apply, in addition to all other requirements of this Ordinance, where a preliminary plat is filed for approval under the Subdivision Open Space Plan section of the Zoning Ordinance.

1. The application for approval of Subdivision Open Space Plan shall contain the following, in addition to the information required by other Sections of this Ordinance:
 - a. A legal description of the land proposed to be dedicated or set aside for the common use of lot owners (herein called *open land*) shall be provided, including the following as a minimum:
 - 1) Topographical survey of *open land*.
 - 2) Type of soil in *open land*.
 - 3) Description of natural features on *open land* (stands of trees or other vegetation, streams or other bodies of water, etc.)
 - 4) Other relevant factors.
 - b. The proposed plan for development of the *open land* shall be contained in the application and shall include the following as a minimum:
 - 1) The proposed manner in which the title to land and facilities is to be held.
 - 2) The proposed manner of collection of maintenance costs, financing costs or assessments so that non-payment will constitute a lien on the real property assessed therefor, thus avoiding Municipal responsibility in the future.
 - 3) The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the governing unit.
 - 4) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
 - 5) The proposed uses of *open land* and the proposed improvements which are to be constructed by the proprietor.
 - c. The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the Municipality by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives stated in the Zoning Ordinance.

2. If the Commission is satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of the Zoning Ordinance and should be approved, it shall recommend such approval to the Governing Body with the conditions upon which such approval should be based. Thereafter, the Governing Body shall take action on such application in accordance with Section 302 of this Ordinance.
3. If the Commission is not satisfied that the proposed Subdivision Open Space Plan meets the letter and spirit of the Zoning Ordinance or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the Governing Body with the reasons therefor. The proprietor shall be entitled to a hearing on said proposal before the Governing Body upon written request therefore filed with the Clerk.
4. Prior to giving approval, the Governing Body shall refer all documents relating to the requirements of Subparagraph 1(b) to the Municipal Attorney for his opinion with regard to the legal enforceability thereof.
5. The open space lands shall be dedicated only for park and/or recreation purposes, shall in no instance be less than four (4) acres in area, and shall be in a location and shape approved by the Township Board. Said land areas shall not include as a part of their minimum land area (equal to the amount, in square feet, saved by the reduction of lot sizes below the minimum normally required) bodies of water, swamps, or excessive grades which make the land unusable for recreation. The entire area may, however, be in a flood plain. The area shall, in any event, be so graded and developed as to have positive drainage.

Section 404 - Natural Features

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the dedication and provision of adequate barriers, where appropriate, shall be required.

Section 405 - Wetlands *(amended 07.06.92, 09.17.07)*

For lots proposed which include wetlands within their boundaries, the following additional standards shall apply:

1. On lots which contain wetlands that would be located near areas where buildings are intended to be constructed, the preliminary plat shall show, within such lots, a dimensioned building envelope with boundaries which:
 - a. Are not fewer than twenty-five (25) feet from a lake, pond, river, stream or wetland boundary. *(amended 09.17.07)*
 - b. Adhere to the minimum setback requirements of the applicable zoning district.
 - c. Result in a building envelope which is at least equal in area to the buildable area of lots in the plat which do not contain wetlands.
2. The restrictions for the plat shall include a prohibition against the construction of any buildings or structures with permanent foundations and any parking lots, streets, roads or driveways within twenty-five (25) feet of the boundary of any designated wetland as defined in Ordinance No. 107, and no deck shall be within ten (10) feet of the same boundary. However, the setbacks may be modified or waived upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria: *(amended 09.17.07)*
 - a. Demonstrated habitat preservation.
 - b. Demonstrated water quality preservation.
 - c. Demonstrated storm water quality retention.
 - d. Existence of a legal lot of record.

ARTICLE V - IMPROVEMENTS

Improvements shall be provided by the proprietor in accordance with the standards and requirements established in this Article V and/or any other such standards and requirements which may from time to time be established by ordinance or published rules of the Municipality or the Road Commission. All improvements must meet the approval of the Governing Body.

Improvement bonds, cash deposits, maintenance bonds, and other similar deposits shall be provided as required by the Road Commission or the Governing Body.

Section 500 - Streets

All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Road Commission.

Section 501 - Utilities

1. Requirements for Underground Wiring. The proprietor of a residential subdivision shall make arrangements for all distribution lines for telephone or electric services, exclusive of main supply and perimeter feed lines when located on section or quarter section lines, to be placed entirely underground throughout a subdivided area. The Planning Commission may waive or modify this requirement where, in its judgment, circumstances exist which render compliance impractical. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor or within public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephone and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.
2. Sewage Disposal. A sanitary sewer system (or a septic tank system including all appurtenances, approved by the Oakland County Health Department) shall be required in all subdivisions.
3. Water Supply. Individual wells or a water distribution system shall be required as per plans approved by the Governing Body and in conformance with the Regulations of the Michigan Department of Health relating to Municipal Water Supplies.
4. Storm Drainage. *(amended 08.29.88)*
 - a. Before construction on a site can begin, a plan for stormwater management and erosion control, which conforms to the Township's Policy Guide submitted by the developer to the Orion Township Planning Commission for review by the Township Engineer, who will consult with appropriate environmental experts. The Plan will also be submitted to the Oakland County Drain Commission for its evaluation.

The Planning Commission will report its evaluation of the plan to the Township Board. When both the Oakland County Drain Commission and the Orion Township Board have approved the plan, construction on the site can begin.
 - b. Adequate provisions shall be made for proper drainage of storm water runoff from residential rear yards. Each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise.

Section 502 - Other Improvements

Construction shall comply with all regulations of the Township and of the Road Commission for Oakland County.

1. Sidewalks.
 - a. Major Thoroughfares and Collector Streets. A five (5) foot wide concrete sidewalk located one (1) foot from the property line on the side or sides of the roadway within or abutting the subdivision shall be provided. In those instances where no good purpose would be served by the provision of sidewalks, the Governing Body may waive this requirement.
 - b. Minor Streets. A five-foot wide concrete sidewalk located one (1) foot from the property line on each side of the roadway, shall be provided in all residential subdivisions having an average lot area of less than thirteen thousand five hundred (13,500) square feet. In those instances where no good purpose would be served by the provision of sidewalks, the Governing Body may waive this requirement.

2. Public Walkways. The surface of the walkways shall be developed in concrete at least five (5) feet in width. Planting pockets shall be provided in public walkways for trees and shrub planting. The planting plan and surface treatment shall meet the approval of the Commission. Fences and/or other improvements may also be required if the Commission and/or Governing Body determines they are necessary to protect the adjacent property owners.

ARTICLE VI - COMPLIANCE STANDARDS

The approvals required under the provisions of this Ordinance shall be obtained prior to the installation of any subdivision or project improvements within the Municipality in public streets, public alleys, public rights-of-way, and public easements, and/or other areas which are, or which are to be, under the ultimate jurisdiction of the Municipality. All subdivision or project improvements within the Municipality installed in public streets, public alleys, public rights-of-way or public easements, and/or other areas which are, or which are to be, under the ultimate jurisdiction of the Municipality shall comply with all of the provisions and requirements of this or any other related Ordinance.

ARTICLE VII - INTERPRETATION

The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of public health, safety, and general welfare of the Township. These regulations are not intended to repeal, abrogate, annul, or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the State of Michigan or Oakland County, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws, or regulations.

ARTICLE VIII - REVIEW FEES

Preliminary and final plat review fees, planning fees, engineering fees, attorney fees, inspection fees, and other applicable development charges shall be paid by the proprietor as follows (*amended 04.09.73, 12.07.81, 01.18.82, 03.15.99*)

Planning Review Fees repealed August 23, 1976 by Ordinance No. 41, Review Fees.

Section 800 - Township Review Fees (*amended 12.07.81, 01.18.82, 03.15.99, 03.20.00*)

Township Review Fees shall be charged for tentative preliminary plats, final preliminary plats, engineering/construction plans, and final mylar plats on the basis of the following schedule:

Section 801 - Tentative Preliminary Plat Fees *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00, 08.15.05)*

Township Review Fee	\$12.00 per lot
Planning Review Fee	\$24.00 per lot
Engineering Review Fee	<u>\$30.00 per lot</u>
Total	\$66.00 per lot or minimum* + \$1,092.00 ¹

Each revised re-submittal \$33.00 per lot or ½ minimum + \$1,092.00¹

- * A minimum of \$4,500.00 + \$1,092.00¹ for any project under 50 acres.
- * A minimum of \$5,500.00 + \$1,092.00¹ for any project over 50 acres.

¹ Additional \$1,092.00 may be waived if applicant provides an additional 13 copies of tentative preliminary plat and other data.

Section 802 - Final Preliminary Plat Fees *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00, 08.15.05)*

Township Review Fee	\$ 9.00 per lot
Planning Review Fee	\$24.00 per lot
Engineering Review Fee	<u>\$25.00 per lot</u>
Total	\$58.00 per lot or minimum* + \$420.00 ¹

Each revised re-submittal \$29.00 per lot or ½ minimum + \$420.00¹

- * A minimum of \$4,000.00 + \$420.00¹ for any project under 50 acres.
- * A minimum of \$4,800.00 + \$420.00¹ for any project over 50 acres.

¹ Additional \$420.00 may be waived if applicant provides an additional 5 copies of final preliminary plat and other data.

Section 803 - Engineering Plat Fees *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00)*Without sewer and water:

Township Review Fee	\$ 8.00 per lot
Engineering Review Fee	<u>\$20.00 per lot</u>
Total	\$28.00 per lot or minimum*

Each revised re-submittal \$14.00 per lot or ½ minimum

- * A minimum of \$1,900.00 for any project under 50 acres.
- * A minimum of \$2,300.00 for any project over 50 acres.

With sewer and water:

Township Review Fee	\$ 8.00 per lot
Engineering Review Fee	<u>\$40.00 per lot</u>
Total	\$48.00 per lot or minimum*

Each revised re-submittal \$24.00 per lot or ½ minimum

- * A minimum of \$3,200.00 for any project under 50 acres.
- * A minimum of \$4,000.00 for any project over 50 acres.

With sewer and without water:

Township Review Fee	\$ 8.00 per lot
Engineering Review Fee	<u>\$32.00 per lot</u>
Total	\$40.00 per lot or minimum*

Each revised re-submittal \$20.00 per lot or ½ minimum

- * A minimum of \$2,700.00 for any project under 50 acres.
- * A minimum of \$3,300.00 for any project over 50 acres.

Without sewer and with water:

Township Review Fee	\$ 8.00 per lot
Engineering Review Fee	<u>\$28.00 per lot</u>
Total	\$36.00 per lot or minimum*

Each revised re-submittal \$18.00 per lot or ½ minimum

- * A minimum of \$2,400.00 for any project under 50 acres.
- * A minimum of \$3,000.00 for any project over 50 acres.

Section 804 - Final Mylar Plat Fees *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00, 01.22.02 , 08.15.05)*

Township Review Fee	\$ 5.00 per lot
Planning Review Fee	\$ 7.00 per lot
Engineering Review Fee	<u>\$12.00 per lot</u>
Total	\$24.00 per lot or minimum* +\$1,344.00 ¹

Each revised re-submittal \$12.00 per lot or ½ minimum +\$1,344.00¹

- * A minimum of \$1,600.00 +\$1,344.00¹ for any project under 50 acres.
- * A minimum of \$2,000.00 +\$1,344.00¹ for any project over 50 acres.

¹ Additional \$1,344.00 may be waived if applicant provides an additional 16 copies of final plat.

Section 805 - Filing and Recording Fee *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00)*

In accordance with the provisions of Section 241 of the Subdivision Control Act of 1967, as amended (MCLA 560.241), the proprietor shall deposit a fee of Twenty Dollars (\$20), which shall be known as the filing and recording fee, with the Township Clerk when the final mylar is submitted. This Twenty Dollar (\$20) fee shall be sent with the approved final plat to the Clerk of the County Plat Board.

Section 806 - Fee Payments *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00)*

The proprietor shall deposit the required filing fee and review fees with the Township of Orion Treasurer. In accordance with Section 246 of the Subdivision Control Act of 1967, as amended (MCLA 560.246), the plat shall not be considered or reviewed until all the fees have been paid.

Section 807 - Construction Inspection Fees *(amended 12.07.81, 01.18.82, 03.15.99, 03.20.00)*

A fee for the inspection of the construction of all public improvements, such as water and sewer lines, which are the responsibility of the Township of Orion, shall be charged for at the rate set forth by resolution pursuant to Orion Township Ordinance No. 41.

ARTICLE IX - VIOLATION AND PENALTIES *(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

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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.

ARTICLE X - SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

ARTICLE XI - REPEAL

All ordinances and amendments thereto inconsistent with the provisions of this Ordinance are hereby repealed, as of the effective date of this Ordinance.

ARTICLE XII - VARIANCE**Section 1200 - Variance for Hardship**

The Governing Body may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Governing Body shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Governing Body shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Governing Body finds:

1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

ARTICLE XIII - DATE OF EFFECT

This Ordinance shall take effect upon passage by the Orion Township Board and publication thereof, as provided by law.

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