

Charter Township of Orion

Ordinance No. 97

Safety Path Regulation

Adopted June 3, 1991

AMENDED

July 19, 1993

August 15, 1994

October 20, 1997

February 3, 2003

AN ORDINANCE REGULATING THE DEVELOPMENT, CONSTRUCTION, MAINTENANCE, AND SIGNAGE OF SAFETY PATHS, AUTHORIZING THE ISSUANCE OF PERMITS AND THE COLLECTING OF FEES FOR THE CONSTRUCTION OF SAFETY PATHS, AND PROVIDING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.

Section 1 - Title

This Ordinance shall be known and may be cited as the Orion Charter Township "**Safety Path Regulation Ordinance**", and it shall be deemed sufficient in any action for the enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof.

Section 2 - Purpose

The purpose of this Ordinance shall be:

1. In the consideration and enactment of the Ordinance from which this section derives, the Township Board finds that there are public safety paths which are part of the Township system intended for general public use during times when accumulations of snow and/or ice are not on the safety paths; and, that there are sidewalks that are not part of the Township's system of safety paths as shown on the official safety path map, maintained by the Township. It is the intent of the Township Board to finance the maintenance and repair of safety paths from the Safety Path Fund, and to finance needed maintenance and repair of sidewalks by special assessment. *(added 02.03.03)*
2. To further secure and protect the general welfare and safety of the citizens and other persons within the Charter Township of Orion.
3. To regulate the development and construction of safety paths within the Charter Township of Orion.
4. To provide for the maintenance of those safety paths, as well as signage along them.
5. To authorize the issuance of permits for construction of safety paths.
6. To authorize the collection of fees for the construction of safety paths.
7. To provide for penalties upon the violation of these provisions.

Section 3 - Definitions

- A. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section:

Board - The Board of Trustees of the Charter Township of Orion.

Commission - The Planning Commission of the Charter Township of Orion.

Committee - The Safety Path Advisory Committee of the Charter Township of Orion.

Condition of Disrepair *(added 02.03.03)* - Having any one or more of the following characteristics; provided, however, that the existence of any one or more of these characteristics shall not create a presumption or other indication that such characteristics were the cause of any injury or damage which may occur:

1. **Hole** - Place where the surface is missing;
2. **Gap** - Separation of material proportion on the surface of the safety path or sidewalk itself or between the safety path or sidewalk and the adjacent surface;
3. **Rise or Drop** - Abrupt change in grade where one surface vertically separates from an adjacent surface;

4. **Tilt** - Incline where the safety path or sidewalk surface has rotated and is no longer oriented in gradient or cross slope;
5. **Swell or Depression** - Place where the surface undulates due to uplift or subsidence of underlying materials;
6. **Object or Debris** - Obstruction that covers some or all of the surface of the safety path or sidewalk;
7. **Suspension** - Object or material hanging over the surface of the sidewalk or safety path below a height of eight and one-half (8.5) feet.

Developer - An owner who is causing property to be developed, except for an owner who is constructing or causing to be constructed a single-family dwelling on a lot in a single-family residential district. *(amended 07.19.93, 02.03.03)*

Existing Fixed Object - An object that cannot be easily moved without the assistance of mechanical tools and/or without causing destruction to the property to which it is attached, including, but not limited to, buildings, driveways, utility poles, and fences. *(added 02.03.03)*

Master Plan - The Charter Township of Orion Master Plan; prepared and adopted under Act No. 168 of the Public Acts of Michigan of 1959, as amended. *(amended 07.19.93)*

Owner - A natural person, firm, association, partnership, corporation or other legal entity or combination of them which may hold any ownership interest in land whether recorded or not. *(amended 02.03.03)*

Pathway - For purposes of this Ordinance only, the term "pathway" shall be synonymous with the term "safety path". *(added 02.03.03)*

Person - A natural person, firm, association, partnership, corporation or other legal entity. *(amended 02.03.03)*

Report - Minutes of any meeting of the Safety Path Advisory Committee, prepared by the Committee. *(amended 07.19.93)*

Road, Public - A road accepted by dedication or otherwise by the Road Commission for Oakland County. *(added 02.03.03)*

Safety Path - (See **Sidewalk** and **Safety Path**) *(deleted 02.03.03)*

Safety Path Plan - The recommended and approved plan showing all planned safety paths, existing or future, that has been made part of the Township's Master Plan. *(amended 07.19.93)*

Sidewalk and **Safety Path** shall be synonymous in terms of their basic substantive meaning, being a constructed surface located in a public right-of-way, but separate from any improved portion of a roadway or highway, dedicated primarily for use by pedestrians and persons operating non-motorized vehicles. For purposes of regulation under this Ordinance only, sidewalks and safety paths shall be broken into two (2) sub-classifications, as follows *(added 02.03.03)*:

1. A safety path shall mean a certain type of sidewalk constructed for the benefit of the general public in the Township, as shown on the official safety path map maintained by the Township. The use of the term "safety path" itself does not mean, and shall not be construed or relied upon in any way as meaning, that such safety paths are inherently safe or in a safe condition. Instead, the reference to "safety" in the labeling of such paths is nothing other than a reference to the fact that such pathways are typically considered to be safer for pedestrians to use than the improved portions of road on which motor vehicles travel.
2. Sidewalk shall mean and refer to all other constructed surfaces located in the public right-of-way dedicated primarily for pedestrian usage, not including those sidewalks being referenced above as "safety paths," and constructed primarily as dedicated pedestrian paths within subdivisions or adjacent to street lots.

Street Lots - One or more lots which are not part of a formally created subdivision, but which are part of a neighborhood where a sidewalk has been constructed to serve the lots within such neighborhood. *(added 02.03.03)*

Subdivision - The lots, units, and other areas which are part of a development platted under the Michigan Land Division Act (or predecessor Act) or created under the Condominium Act. *(added 02.03.03)*

Vegetation - Trees, shrubs, bushes, flowers, weeds, or any other type of plant growth.

- B. Terms not expressly defined above shall have their customary dictionary meanings, taking into consideration the context and intent of this Ordinance. *(added 02.03.03)*

Section 4 - Safety Path Development

The Safety Path Advisory Committee shall prepare and present a safety path plan (route map) showing existing and future safety paths throughout the Township. This plan shall be reviewed by the public at a public hearing and then adopted by the Planning Commission as part of the Township's Master Plan and then forwarded to the Township Board. *(amended 07.19.93)*

This plan shall guide all the development of a system of planned safety paths in the Township and shall be updated from time to time as an amendment to, or in conjunction with, the Master Plan. *(amended 07.19.93, 02.03.03)*

Section 5 - Safety Path Plan Implementation / Developer's Responsibilities *(amended 07.19.93)*

- A. All developers of property along either side of a public roadway shall construct a pathway when they develop their property, in accordance with the standards outlined in this Ordinance. *(amended 07.19.93, 02.03.03)*
- B. In lieu of constructing the pathway, and only with the recommendation of the Planning Commission and Safety Path Advisory Committee and approval of the Township Board, a developer may be allowed to pay to the Township a sum of money equivalent to the actual cost of construction of the path, including permit, engineering, and inspection fees. Except as otherwise provided below, the actual cost of construction, including fees, shall be determined by the Township Engineer, and shall be based on recent bids received by the Township for similar types of path construction. The Township Board, upon recommendation of the Safety Path Advisory Committee, may accept a lesser amount of money from a developer only in the situation where the developer's respective section of safety path is either not included in the Safety Path Master Plan, or deemed to be not necessary by the Safety Path Advisory Committee and Planning Commission. *(amended 07.19.93, 02.03.03)*
- C. Unless the Township Board has allowed a developer to pay a sum of money to the Township in lieu of constructing a pathway under Subsection 5(B), construction of the safety path shall be completed for each phase (if applicable) prior to the issuance of a final Certificate of Occupancy for any building structure located on the parcel in which the safety path is to be located. The developer shall be responsible for securing all necessary permits, paying all necessary fees, and obtaining necessary inspections from Orion Township, the Road Commission for Oakland County, and/or the Michigan Department of Transportation. *(amended 07.19.93, 10.20.97)*

In order to ensure completion of the path, the developer shall deposit cash, an irrevocable letter of credit, or other equivalent security approved by the Township Board in an escrow account, in the amount of the estimated cost of the safety path plus ten percent (10%) to guarantee the completion of such path. The cost estimate shall be approved by the Township Engineer. The escrow amount to be posted by the developer under this subsection shall be in addition to the performance bond required under Subsection 5(E), unless covered by the site performance guarantee per Article XXX, Section 30.09 of Ordinance No. 78. The escrow amount shall be returned to the developer upon completion of the safety pathway and approval by the Township Engineer and Building Official. *(amended 10.20.97, 02.03.03)*

- D. Anyone constructing a safety path in Orion Township shall first obtain a permit from the Township, using forms provided by the Township Building Department. A Township review escrow shall be established in accordance with the Schedule of Fees & Escrow Charges, for applicable portions of site plan review, and shall be deposited with the Township, along with plan submittal. The permit fee shall be one-half of one (.5%) percent of the construction cost, as agreed upon by the Township Engineer and the developer, but not fewer than One Hundred Dollars (\$100). Also Five Hundred Dollars (\$500) shall be placed in escrow, per one thousand (1,000) feet of pathway (Five Hundred Dollars (\$500) minimum), toward the anticipated cost of three (3) inspections. Any unused portion of such escrows shall be returned to the developer. *(amended 07.19.93, 02.03.03)*
- E. In addition to the above construction, permit, and inspection fees, the developer shall place, with the Township, a cash performance bond in the amount of twenty-five percent (25%) of the estimated cost of the safety path construction, as agreed upon by the Township Engineer and the developer, to be placed in the Township's Safety Path Maintenance Fund and to be held for one (1) year following the final inspection of such path by the Township Engineer. At the expiration of the one (1) year period, the bond will be reimbursed to the developer, provided that no damage has been done to the safety path by construction activities and that the path is in essentially the same condition as it was at the time of final inspection by the Township Engineer. *(amended 07.19.93, 02.03.03)*

Section 6 - Safety Path Construction Standards

Safety Paths shall be constructed according to the following standards and specifications:

- A. All construction shall comply with the requirements of the Road Commission for Oakland County where it is feasible and practicable. (See Exhibit 1) *(amended 02.03.03)*

Specifically:

- B. All safety paths shall be eight (8) feet in width, and shall be built in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines, subject to Subparagraph E, below. *(amended 07.19.93, 02.03.03)*
- C. Safety paths shall be at least three (3) inches thick and made of asphalt over a four (4) inch aggregate base of 21AA or as approved by the Township Engineer. Existing subgrade must be compacted and treated with soil sterilant. *(amended 02.03.03)*
- D. Drainage shall be provided, so that all rainwater will run off each part of any safety path.
- E. Where unique and peculiar circumstances are present, such as extreme topography, dense mature trees and/or wetlands, and/or existing fixed objects, the Planning Commission, as a part of the site plan review process, shall be authorized to vary the location and/or specifications of safety path construction so as to minimize or avoid a safety hazard and/or adverse impact upon natural features. Moreover, during the course of construction, the Township Supervisor may authorize the Township Engineer to work with the developer in the field and permit minor deviations, in the interest of safety and natural feature preservation, and provide for orderly development of a coordinated network of safety paths. Any and all required approvals from other governmental agencies shall be obtained by the developer with respect to all variances permitted by the Township. *(amended 02.03.03)*
- F. Safety paths shall be constructed within the road right-of-way, one (1) foot off the property line, and three (3) feet from any existing fixed object. *(amended 07.19.93, 02.03.03)*

Section 7 - Safety Path Maintenance

- A. The developer of any section of approved Orion Township safety path shall be responsible for the maintenance of such path for a period of one (1) year, commencing on the date of the path's final inspection by the Township Engineer and expiring on the one (1) year anniversary date of such inspection. This expiration date is intended to coincide with the bond reimbursement date, at which time the Township, upon approvals from the Township Engineer as to the acceptable condition of such path, shall take over the maintenance of such path and the developer's responsibility shall end, excepting for Paragraphs C and D. *(amended 07.19.93)*
- B. The developer of real property across which a safety path traverses shall be responsible for the following maintenance *(amended 07.19.93, 02.03.03)*:
1. Repair of surface cracks, upheaval, or deterioration.
 2. Any damage caused by the elements or by any person during the duration of the one (1) year period.
- C. Owners of developed property abutting the pathway shall keep vegetation trimmed so that no portion of said vegetation extends over the safety path unless such vegetation is a minimum of eight and one-half (8.5) feet above the safety path.
- D. Owners of developed property shall keep the portion of the safety path that runs adjacent to their property free and clear of all debris, litter, leaves or branches, machinery, vehicles, equipment, junk, and other items which may obstruct the use of the safety path.
- E. Any person who negligently, intentionally, or maliciously causes damage to the safety path shall be responsible for either one of the following *(amended 02.03.03)*:
1. repair and/or replacement of the affected portion of the safety path, or

2. the cost of repair to the safety path.

Should the responsible person choose to repair and/or replace the safety path, said repair shall be made to the standards in Section 6, within ninety (90) days, weather conditions permitting, following issuance of a Township construction permit.

If the responsible person opts to pay the cost of repair, notice of the actual cost of such repair shall be sent to the responsible person by the Township Clerk, with a demand for payment. If said person fails to pay such costs within thirty (30) days after notice, the Township Board may authorize civil action to collect such costs.

Upon repair and/or replacement of the damaged safety path, the responsible person shall maintain the applicable section of safety path for a period of one (1) year. This requirement may be waived in situations where a minor section of the safety path has been repaired and/or replaced upon petition to the Township Board, based on the recommendation of the Safety Path Advisory Committee.

- F. The Township shall establish a Safety Path Maintenance Fund. This fund shall receive a minimum of five percent (5%) of the revenue generated by the Safety Path millage each year. These monies shall be used exclusively for maintenance purposes.
- G. Removal of Animal Excrement Required. *(added 02.03.03)*

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:

1. 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
2. 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.

Section 8 - Sidewalk Maintenance *(added 02.03.03)*

- A. The Township Board, pursuant to MCL 41.288a, may order the maintenance or repair of sidewalks in the Township because of health, safety, or general welfare of the residents of the Township.
- B. The following regulations shall apply to sidewalks in the Township:
 1. If the Township Board tentatively determines that maintenance or repair of sidewalks within a subdivision and/or adjacent to one or more street lots may be necessary due to being in a condition of disrepair, or due to one or more other identified reasons:
 - a. The Township shall obtain the approval of the Michigan Department of Transportation or of the Road Commission for Oakland County with regard to undertaking the maintenance and/or repair of sidewalks in a right-of-way within their respective jurisdiction.
 - b. A plan and cost estimate for maintenance and repair shall be prepared, along with an assessment roll based upon such cost estimate, allocating the cost of the project, including the cost of inspection, engineering, legal, finance and administration, to the properties involved (e.g., the properties within the subdivision), and a notice of a public hearing shall be sent to owners of such lots, units and parcels. The notice shall include a basic description of the project, the cost estimate, and the tentative assessment amount, and shall be sent by first class mail to the last known address of the owner of the properties based upon the current tax assessment records in the Township.
 2. Following the public hearing, if the Township Board determines that the maintenance and/or repair of certain sidewalks is necessary due to being in a condition of disrepair, or due to one or more other identified reasons, the Board may adopt a resolution confirming the assessment roll and determining to contract for such maintenance and/or repair, and assess the costs to the properties involved in proportion to the respective benefits received, payable in five (5) annual installments, with interest; provided, however, prior to entering into such contract, the Township Board may, if requested in writing by

persons representing a number of properties within the area to be assessed deemed sufficient by the Township Board, provide an opportunity within a reasonable time set by the Township or the respective property owners involved to have the sidewalks maintained and/or repaired at their own expense, according to specifications directed by the Township.

3. A notice of assessment shall be sent to each property involved following entry into a contract for the maintenance and/or repair. If the amount of the contract is more or less than the cost estimate, the amount of the assessment upon each property shall be adjusted accordingly; provided, however, if the cost difference is more than ten percent (10%) higher than the estimate, the contract shall not be entered into, and the assessment shall not be finalized unless and until a new public hearing is noticed and held by the Township Board in the manner provided above.
- C. Assessments established under this Ordinance shall constitute a lien upon the property assessed and shall be collected, and delinquent assessment payments shall accrue interest and penalties, as provided for in Public Act No. 188 of 1954, as amended.

Section 9 - Private Maintenance and/or Repair of Sidewalks *(added 02.03.03)*

- A. If an area of sidewalk is in a condition of disrepair resulting from the actions of one or more private property owners, such owner or owners shall repair such area of sidewalk. For purposes of this section, "actions" shall include, but shall not be limited to: surface drainage; on-site construction; vehicular traffic; and other site activities and actions resulting in a condition of disrepair. All repairs shall be made within ninety (90) days, weather permitting, following issuance of a Township construction permit, and in accordance with the standards in Section 6. The following sections shall also apply if a responsible person opts to repair and/or replace a damaged section of safety path under Section 7(E).
- B. If damage or injury is caused as a result of a failure to promptly repair a condition of disrepair, as stated in Subsection A of this section, above, and if the Township had previously provided notice of the condition of disrepair and allowed an opportunity for hearing before the Township Board, or the Board's designee, the owners to whom such notice was sent shall be liable to the Township for any damages, costs and expenses incurred by the Township, including reasonable attorney fees expended by the Township.
- C. In addition to the above, the Township Board, pursuant to MCL 41.288a, may order the repair of such sidewalk or safety paths by the persons whose actions resulted in a condition of disrepair; and, if such repair is not made within the time stated in the order of the Township Board, and the sidewalk or safety path is within reasonable proximity of the property owned by the breaching party, the Township may proceed with the repairs and recover all costs and expenses incurred by the Township, plus a reasonable administrative fee, by assessing the property of the owner or owners who failed to make the repairs required under this section. Such assessments shall be made in accordance with the procedure specified, above, in this section. If the party failing to make the required repair does not own the property within reasonable proximity of the sidewalk or safety path to be repaired, the Township may seek recovery of all costs and expenses, including reasonable administrative costs and attorney fees, by any lawful means.
- D. As a condition to any recovery for injuries sustained by reasons of any defective sidewalk or safety path, the injured person shall serve notice upon the Township within the time and in the manner prescribed by law (MCL 691.1404).

Section 10 - Prohibition of Obstruction of Sidewalks and Safety Paths *(added 02.03.03)*

- A. No person shall obstruct, or cause or permit the obstruction of any sidewalk or safety path in the Township by the placement on such sidewalk or safety path of any object, debris or material of any kind or nature, or by suspending any sign, object or material within eight and one-half (8.5) feet above a sidewalk or safety path. This provision is not intended to create an obligation to modify natural accumulations of snow or ice.
- B. Subsection A shall not apply in circumstances in which a person is temporarily loading or unloading a vehicle adjacent to the property, if such person has, if reasonably required, secured a device reasonably calculated to warn users of the sidewalk or safety path of the obstruction so as to avoid injury and/or damage.

Section 11 - Safety Path Signage *(amended 07.19.93)*

The Safety Path Advisory Committee may develop, in conjunction with the Safety Path Plan, a plan for signage along each section of pathway as it is proposed for construction. The Committee may require signs under the following circumstances and for the following reasons *(amended 02.03.03)*:

- A. As part of a developer's responsibility in constructing the path as approved by the Township Engineer.
- B. As part of the Township's responsibility when the Township assumes the maintenance of any portion of each path.
- C. To prohibit all motorized vehicles from using the path, excepting:
 - 1. Vehicles for the physically disabled designed for use by one individual at a time.
 - 2. Light duty maintenance vehicles authorized by the Township.
- D. To alert pathway traffic to hidden driveways or similar hazards.
- E. To alert approaching motorists to the presence of the pathway.

The standards for signs including, but not limited to, sign size, material, location in relation to the pathway as well as the roadway, height, and method of installation shall be in accordance with established Road Commission for Oakland County sign standards. (See Exhibit 1) *(amended 02.03.03)*

Section 12 - Severability

This Ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Section 13 - Violation and Penalties *(amended 08.15.94, 02.03.03)*

- 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 judgement 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 (1) 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 *(added 02.03.03)*.

1. 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.

2. The lien is effective immediately upon recording of the court order with the Register of Deeds.
3. 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.
4. 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, et seq., of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for non-payment 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.
5. 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.
6. The Township may institute an action in a court of competent jurisdiction for the 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.
7. 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 14 - Effective Date *(amended 07.19.93, 02.03.03)*

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.

Exhibit I *(amended 07.19.93, 02.03.03)*
Design Types - Type I Path:

I. Minimum Guidelines

Path Width		8 feet
Path Depth		3 inches of asphalt over 4 inches of aggregate
Fixed Object Clearance		3 feet
Shoulder Grading Width		1 foot
Overhead (Vertical) Clearance		8-1/2 feet
Setbacks	From property line	1 foot
	From back of curb	5 feet
	From edge of pavement (no curb)	12 feet
	From ditch back slope	3 feet
Sight Distance	Level path 0-4%	125 feet
	At 5% grade	140 feet
Structures (Bridges)		Same width as pathway. Railings must be 4-1/2 feet high (minimum).
Curve Radii		90 ft. radius (20 mph)

II. Maximums or No Variation

Cross Slope Gradient for Drainage		2%
Grade		5%
Railroad Crossing Angle		As close to 90% as possible, but no less than 75%
Curb Cut Ramps		All intersections with curbs
Signage	No posting of signs or painting on path surface for "Bikeway", "Bike Route", or "Bike Path" will be allowed.	
	Warning signs are required to indicate:	* Path Ends Ahead
		* End of Path
		* Path Narrows Ahead
	All signs must conform with the Michigan MUTCD	
	Signs may include:	* Yield to Pedestrians
		* Safety Path Route
* No Motor Vehicles		
* No Parking - Safety Path		

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