

Charter Township of Orion

Ordinance No. 49

Trespass

Adopted May 15, 1978

AMENDED

December 15, 2014

AN ORDINANCE TO PROHIBIT ACTS OF TRESPASS ON PRIVATE PROPERTY WITHIN THE TOWNSHIP OF ORION, OAKLAND COUNTY, MICHIGAN, AND TO PROVIDE FOR PENALTIES FOR VIOLATIONS THEREOF.

ARTICLE I – DEFINITIONS

Section 1

"Trespass" shall mean the use of private property without the consent, authorization or ratification of the owner.

Section 2

"Vehicle" shall mean any motor driven vehicle of any type which utilizes sled-type runners, skis, wheels, or any endless belt tread, or any combination thereof, or other similar means of contact with the surface upon which it is operated. "Watercraft" shall have the same meaning as the word "vessel" used in watercraft regulatory ordinances as adopted by the Charter Township of Orion. *(amended 12.15.14)*

Section 3

"Owner" shall mean the title holder or contract purchaser of private property, or the lessee, tenant, occupant, agent or trustee thereof.

ARTICLE II – ACTS PROHIBITED *(amended 12.15.14)*

Section 1

No person shall:

A. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following:

(a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant.

(b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant.

(c) Enter or remain without lawful authority on fenced or posted farm property of another person without the consent of the owner or his or her lessee or agent. A request to leave the premises is not a necessary element for a violation of this provision. This provision does not apply to a person who is in the process of attempting, by the most direct route, to contact the owner or his or her lessee or agent to request consent.

(d) Permit a vehicle or watercraft to come upon and/or be left upon the land or premises of another after having been forbidden to do so by the owner or occupant or the agent of the owner or occupant by any reasonable means of notice.

(2) Subsection (1) does not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon any of the following:

(a) An owner or occupant of the land or premises.

(b) An agent of the owner or occupant of the land or premises.

(c) A lessee of the land or premises.

(3) As used in this section, "process server" means a person authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947, or Supreme Court Rule to serve process.

B. Operate, park, leave, stop or stand a vehicle or watercraft on the private property of another without the consent, authorization or ratification therefor from the owner.

ARTICLE III – ENFORCEMENT, REMEDIES AND PENALTY

Section 1

Evidence of Violation. In any enforcement proceeding for violation of the provisions of this Ordinance, the license plate number displayed on any vehicle or any vehicle or registration number of any watercraft shall be prima facie evidence that the registered owner thereof is the person who has placed or used the vehicle on the private property. *(amended 12.15.14)*

Section 2

Complaint to be Signed. Any person observing a violation of this Ordinance may sign a complaint for the enforcement thereof.

Section 3

Vehicle May be Towed Away. Any owner or law enforcement agency of the Township of Orion may cause any vehicle or watercraft that is violating the provisions of this Ordinance to be towed away, or any police officer may issue a ticket therefor and leave it attached to such vehicle requiring the appearance of the owner thereof in court at the time and place designated therein to answer for the violation of this Ordinance. *(amended 12.15.14)*

Section 4

Penalty. Violations of this Ordinance are hereby declared to be misdemeanors and shall be separate offenses each day they continue. Any conviction for violation hereof may be punishable by a fine up to Five Hundred Dollars (\$500), or imprisonment up to ninety (90) days in the county jail, or by both such fine and imprisonment in the discretion of the Court.

ARTICLE IV – SEVERABILITY, EFFECTIVE DATE AND ADOPTION

Section 1

Severability. This Ordinance and all provisions hereof are hereby declared to be severable and if any provision hereof or part hereof is adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, it is hereby declared and provided that the remainder of this Ordinance shall not be affected thereby.

Section 2

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

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