Ordinance No. 149

ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF THE VILLAGE CLERK AND THE VILLAGE TREASURER

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1. INTENT:

As authorized by Chapter II, Section 1 (3) of the General Law Village Act, being Act 3 of the Public Acts of Michigan of 1895 as amended M.S.A. 5.1215 (3) and MCL 62.1 (3), the Village Clerk and Village Treasurer shall be chosen by the nomination of the Village President and appointment by the majority of the Village Council. The Village Clerk and Treasurer are administrative officers of the Village.

SECTION 2. TERM OF OFFICE:

The Village clerk and Village Treasurer shall serve for a four-year term and may be reappointed by the Village Council upon the completion of each four-year term. If a vacancy occurs through death or resignation the Village Council may appoint an acting Village Clerk or Village Treasurer until a replacement has been selected. The Village Clerk and Treasurer will report and be responsible to the Village Manager for the official functions and activities of their respective offices and for the day-to-day operations of their respective office, except as otherwise provided by State law. The Village Clerk and the Village Treasurer will be at will employees of the Village of Decatur.

The individual(s) appointed Village Clerk and Village Treasurer under this Ordinance shall have a term of office commencing as of the date such individual(s) take and subscribe the oath of office and file the same with the Village, together with the filing of any bond required by law, but the term of office shall commence not earlier than the second Monday of March 2004 or when the office is vacated whichever comes first.

SECTION 3. EFFECTIVE DATE:

This ordinance shall take effect forty-five (45) days after the date of its adoption, unless a petition signed by not less than ten percent of the registered electors of the village is filed with the Village Clerk or Village office within such 45 days.

If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general Village election or special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

SECTION 4. ADOPTION:

This ordinance shall be adopted by an affirmative vote of at least two thirds of the members of the Village council.

SECTION 5.PUBLICATION:

The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Adopted August 5, 2002

ORDINANCE NO. 150

AN ORDINANCE TO REQUIRE THE REGISTRATION AND INSPECTION OF ALL RESIDENTIAL RENTAL DWELLING UNITS WITHIN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Purpose. The purpose of this Ordinance is to protect, preserve and promote the public health, safety and general welfare of the residents of the Village of Decatur, Michigan, and inhabitants in rental dwelling units; and to encourage the maintenance of rental dwelling units by requiring the registration and inspection of same to insure compliance of said rental dwelling units with any property maintenance or existing structures code in effect and adopted by the Village of Decatur, Michigan at the time of said inspection. This Ordinance is adopted pursuant to the authority provided in MCL 125.525 et seq.

Section 2- Definitions. The following definitions shall apply to the terms used in the provisions of this Ordinance.

A. Residential Rental Unit. All dwellings, dwelling units, or mobile homes which are leased or otherwise made available for rental purposes except:

1- Dwelling units required to be occupied by an employee or agent of an owner as the condition of employment (i.e., parsonages).

2- Any dwellings, dwelling units, or mobile homes which the State of Michigan has exclusive authority under State Law to inspect and regulate.

3- The principal residence of the owner which is temporarily rented or occupied by persons other than the owner for not more than six (6) months of a calendar year, or for which no rent is paid.

B. Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit for the purpose of this Ordinance shall also include the individual sleeping rooms or group of rooms of an apartment building, bed & breakfast building, hotel, or motel to be occupied by a person or family. Each room or group of rooms so occupied or to be occupied shall constitute a separate dwelling unit.

C. Parcel. A separately described piece of land or a lot to which a property tax number applies.

D. Code Official. The inspector charged with the administration and enforcement of this Ordinance.

E. Code. The International Property Maintenance Code, published by the International Code Council, Inc., or any other property maintenance code subsequently adopted by the Village

Council of the Village of Decatur, Michigan.

F. Owner. Any person, agent, operator, firm, limited liability company or corporation having a legal or equitable interest in the property; or recorded in the official records of the County as holding title to the property; or otherwise having control of the property, including the guardian/conservator of the estate of any person, or the personal representative of the estate of a deceased individual.

Section 3- Registration. All owners and/or agents thereof shall register all residential rental dwelling units on forms provided by the Village of Decatur, Michigan, which registration shall include the following information:

1- The address of the parcel of land upon which a residential rental dwelling unit is situated, and its property tax identification number.

2- The name, address and telephone number of the owner of such dwelling unit.

3- The name, address and telephone number of the local agent or manager charged with collecting rent and/or maintaining the residential rental dwelling unit.

4- The number and types of units within the rental property (dwelling units or sleeping rooms).

5- Name(s) of current tenant.

6- The maximum number of occupants permitted for each dwelling unit or sleeping room.

A. The initial registration of all residential rental dwelling units in existence at the time of adoption of this Ordinance shall be made between October 1st and December 31st of 2002 at the office of the Village Clerk at 114 N. Phelps Street, Decatur MI. Structures subsequently becoming a residential rental dwelling unit shall be registered within sixty (60) days after any part of the premises is offered for occupancy.

B. Once a residential rental dwelling unit has been registered with the Village of Decatur, Michigan and continues to be used for such purpose, no further registration of said residential rental dwelling unit shall be required; provided however, that in the event of a sale of said residential rental dwelling unit, or in the event that the number of rental units located on a parcel shall be increased or decreased, the new owner or present owner, respectively, shall be required to re-register with the Village of Decatur, Michigan within sixty (60) days after the date of said sale or the change in the number of residential rental dwelling units.

Section 4- Registration fees. All residential rental dwelling units which exist as of the effective date of this Ordinance, or any structure which subsequently becomes a residential rental dwelling unit, shall be exempt from paying a registration fee, provided that same is registered

within the time prescribed in the foregoing Section 3, sub-paragraphs A and B.

Any owner or agent thereof who fails to register said residential rental dwelling unit within the aforesaid period of time shall be subject to and pay a late registration fee of $50.00.

Section 5- Inspections. Residential rental dwelling units shall be inspected to insure compliance of said rental dwelling units with the International Property Maintenance Code, or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan, or any rules, regulations, laws or housing codes of the State of Michigan. Where six (6) or fewer residential rental dwelling units exist upon any given parcel, same shall be inspected by the Code Official every three years. Where more than six (6) residential rental dwelling units exist upon any given parcel a minimum of seven (7) dwelling units, plus ten percent (10%) of the dwelling units over six (6), shall be inspected by the Code Official every three years. For regular scheduled inspections as hereinbefore provided, the Code Official shall give written notice of the date and time of said inspection to the owner or local agent, mailed by first class mail, on or before ten (10) days prior to said inspection date. In addition said Code Official shall inspect residential rental dwelling units, upon reasonable notice as required in any property maintenance code adopted by the Village Council of the Village of Decatur, under any of the following circumstances:

1- Upon receipt of a written, executed and dated complaint based upon the personal knowledge of an owner, occupant, or other individual, that the premises is in violation of this Ordinance.

2- Upon receipt of a written report or complaint, or a referral from the police department, or other public agencies or departments, indicating that the premises is in violation of this Ordinance.

3- If an exterior survey of the parcel gives the Code Official probable cause to believe that the residential rental dwelling units are in violation of this Ordinance.

4- Upon receipt of information by the Code Official that a residential rental dwelling unit is not registered with the Village of Decatur, Michigan as required by this Ordinance.

Section 6- Issuance of Certificate of Compliance. After the initial inspection, if the rental dwelling unit is found to be in compliance with the rules, regulations, laws, and ordinances of the Village of Decatur, Michigan, and/or the State of Michigan, the Code Official shall issue a Certificate of Compliance in the name of the owner.

Section 7- Procedure where Inspection Discloses Violation(s).

A. Where an inspection by the Code Official discloses a violation of the International Property Maintenance Code or any other property maintenance code adopted by the Village

Council of the Village of Decatur, Michigan, or the rules, regulations and laws or housing codes of the State of Michigan, the Code Official shall issue all necessary notices as provided in said code(s) to insure compliance with said codes' requirements.

B. A temporary Certificate of Compliance may be issued when any violation does not constitute a hazard to the health or safety of those who may occupy the premises. Said temporary Certificate of Compliance may be revoked by the Code Official if the owner or his agent fails to correct the noted violation(s).

C. No residential rental dwelling unit shall be occupied unless a Certificate of Compliance has been issued by the Code Official.

D. In the event the owner or his agent is in the process of evicting an occupant and/or tenant from a residential rental dwelling unit which is in violation of the aforesaid Ordinance and laws, then and in such an event, the owner thereof shall have a reasonable time to correct said violation after the eviction is completed, and said owner or his agent shall promptly notify the Code Official of the completion of said eviction.

Section 8- Inspection Fees. There shall be an inspection fee of $15.00 for each residential rental dwelling unit or re-inspection of said dwelling unit. Such fee shall be paid to the Village of Decatur, Michigan by the owner of said parcel, or the agent thereof, at the time of such inspection.

A. In the event that an occupant of a rental dwelling unit or a private individual shall make a written complaint concerning a violation at a residential rental dwelling unit, the Village of Decatur, at its discretion, may require an inspection deposit in the amount of the anticipated inspection fee from said occupant or private individual. If the inspection, which was made as a result of said complaint, discloses no legitimate violation, then and in such an event the individual making such complaint shall be liable to the Village of Decatur for the aforesaid inspection fee, and said deposit shall be applied thereto, otherwise said deposit shall be refunded.

B. The Village of Decatur shall not release any information regarding the name address, or telephone number of any person who makes a written complaint concerning a violation at a residential rental dwelling unit, except: (a) by consent of the complainant; (b) pursuant to the Freedom of Information Act; or (c) by Court Order.

Section 9- Failure to have Residential Rental Dwelling Unit Inspected. Should the owner of any residential rental dwelling unit fail to make said dwelling unit available for any scheduled inspection, or fail to notify the Village of Decatur of the necessity to reschedule an inspection, at least 24 hours prior to a schedule inspection, the additional following charges shall apply:

1- Additional charge for failure to meet first scheduled appointment.....$25.00

2- Additional charge for failure to meet second scheduled appointment $25.00

3- Additional charge for failure to meet third scheduled appointment.....$50.00

4- Additional charge for failure to meet fourth scheduled appointment.....$75.00

Section 10- Severability. Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 11- Violation. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 12- Effective Date. This Ordinance shall become effective the first day of September, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of August, 2002.

ORDINANCE NO.151

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Purpose. The purpose of this Ordinance is to establish the mandatory collection and disposal of garbage and solid waste in order to protect the public health, safety and welfare of the residents of the Village of Decatur, Michigan.

Section 2- Authority. This Ordinance is adopted pursuant to the authority granted the Village Council in MCL 67.1 (c) and (z) and as further provided in MCL 324.4306.

Section 3- Definitions. As used in this Ordinance the following terms shall be defined as follows:

A. "Garbage" shall mean the organic waste from fish, animal, fowl, fruit, vegetable or plant waste resulting from the handling, preparation, cooking and consumption of food.

B. "Solid Waste" shall mean all non-organic waste matter which is not otherwise specifically exempted from collection by contractor.

C. "Village" shall mean the Village of Decatur, Michigan.

D. "Contractor" shall mean the person, firm, corporation or other business organization with whom the Village has entered into a contract for the collection and disposal of garbage and solid waste within the corporate limits of the Village.

Section 4- Accumulation of Garbage and Solid Waste. It shall be unlawful for the owner of any premises within the Village to allow the accumulation of any garbage or solid waste upon said premises.

Section 5- Deposit of Garbage and Solid Waste.

A. It shall be unlawful for any person, firm or corporation to place garbage or solid waste along any public way, street, sidewalk, alley or other public property, or any private property, unless the same shall be placed in an enclosed roll-a-way waste cart, container or other suitable vessel which shall be watertight, covered and suitable for handling by the contractor engaged by the Village to collect and dispose of such garbage and solid waste.

B. It shall be the responsibility of each owner, occupant, tenant or lessee using or occupying any building, house, structure or grounds within the village limits of the Village where

garbage and solid waste is to be collected and removed by the contractor to place a container along the street or road so that same can be accessed by the contracted service.

C. It shall be unlawful for any owner, occupant or tenant or lessee using or occupying any building, house, structure or grounds within the village limits of the Village to utilize the trash containers or receptacles of any other owner, occupant, tenant or lessee for the disposal of their own garbage and solid waste.

Section 6- Storage of Containers. It shall be unlawful for any person, firm or corporation to leave their roll-a-way carts or other containers along any public way, street, alley, sidewalk or other public property except for the day of garbage and solid waste removal and the evening before such day. All roll-a-way carts, and other containers, shall be located at the rear or side of the dwelling, apartment house or other building, except for the day of and evening before the removal of same, in such a manner that said containers are not in the open view of front yards of such premises.

Section 7- Collection and Disposal. The Village through its private contractor will collect, transport and dispose of all garbage and solid waste from all single family premises, multi-family premises and such other premises within the Village that can utilize one or more 96 gallon roll-a-way disposal cart. Said collection shall be at least once each week. The cost, day of collection, holiday policy, inclement weather or other emergency provisions shall be determined in the contract between the Village and its contractor.

Section 8- Mandatory removal and payment for service. It shall be mandatory for every single family premises, multi-family premises and such other mixed use premises that can utilize one or more 96 gallon roll-a-way cart, to participate in the Village garbage and solid waste removal service. Each dwelling unit or premises which can utilize this mandatory service shall be billed by the contractor for such service.

Section 9- Authority to Contract. The Village shall enter into an exclusive contract with a private contractor to collect, transport and dispose of all garbage and solid waste from all premises located within the village limits of the Village which can utilize one or more 96 gallon roll-a-way carts. Such contract shall be for such term, cost, and conditions which the Village deems to be in the best interest of its residents. No other contractor will be authorized to collect garbage and solid waste within the corporate limits of the village, except for those premises which cannot use the aforesaid roll-a-way carts.

Section 10- Delinquent Charges. Any delinquent charges for premises required to participate in the Village garbage and solid waste removal service shall be assessed against the premises so served, and collected or returned in the same manner as Village taxes are certified, assessed, collected and returned.

Section 11- Repeal. Ordinance No. 36 and Ordinance No. 132 are hereby repealed. All other Ordinances or parts thereof of the Village in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 12- Severability. Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not effect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 13- Violation. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 14- Effective Date. This Ordinance shall become effective the first day of September, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of August, 2002.

ORDINANCE NO. 152

DIORDERLY CONDUCT ORDINANCE

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1 – PURPOSE.

The purpose of this ordinance is to define and prohibit disorderly conduct, and to provide penalties for violation thereof.

SECTION 2 – AUTHORITY.

The Constitution of the State of Michigan and Act 3 of the Public acts of 1895, as amended, (M.C.L. 67.1: M.S.A. 5.1285), give and grant unto the Village council of Decatur, Michigan the power and authority to provide for the public peace and the safety of persons and property; and

The Village Council of the Village of Decatur, Michigan hereby makes the legislative finding and determination that the right of the public to the free and unhindered use of streets, sidewalks and other public places, the right of residents to the preservation of the peace and tranquility of their neighborhoods, and the right of all citizens to be free from interference in their activities by public disturbances is of paramount concern to the Village of Decatur and must be insured to promote the public peace, safety and welfare; and

The Village Council of the Village of Decatur, Michigan does further hereby make a legislative finding and determination that the above stated conditions require that this ordinance be adopted.

SECTION 3 – DEFINITIONS

"Public place" means any street, sidewalk, alley, park, public building, and any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

SECTION 4 – DISORDERLY CONDUCT ENUMERATED.

No person shall:

A. Be intoxicated in a public place and be either endangering directly the safety of another person or property or acting in a manner that causes a public disturbance;
B. Consume or drink any beer, wine or other intoxicating liquor in a public place not duly licensed to permit consumption of said beverages on said premises;
C. Knowingly engage in any indecent or obscene conduct in any public place; or knowingly make any immoral exhibition or indecent exposure of his or her person; or be a common prostitute.
D.
E. Discharge any firearms, rifle, pistol, revolver, shotgun, air rifle, pellet gun, or discharge or propel any arrow, metal ball, pellet or other projectile by use of any bow, crossbow, sling shot, or similar device within the village limits of Decatur, except in connection

with a regularly scheduled educational or training program under adequate supervision and approval of the chief of Police or his/her designee.

F. Engage in peeping in the windows of any inhabited place;
G. Beg in any public place;
H. Swim or bathe in the nude in any public place;
I. Accost, molest, or otherwise annoy, either by touching or by word of mouth, or by sign or motion, any person in any public place with intent to interfere with or abuse that person or culpably offend his dignity or sensibilities;
J. Urinate, defecate, or spit on any street, sidewalk, alley, parking lot or upon any public building or in any public place; except where an approved sanitary facility is provided and in use;
K. Disturb the public peace and quiet by loud or boisterous conduct or the use of any indecent, insulting or immoral language or be engages in any disturbance, fight, brawl or quarrel in any public place;
L. Jostle or roughly crowd persons unnecessarily in a public place;
M. Loiter by standing or idling on, in, or about any street, sidewalk or any other public place so as to hinder or impede or tend to hinder or impede the passage of pedestrians or vehicles or by obstructing the entrance to any business establishment, without so doing for some lawful purpose, or if contrary to the express wish of the owner, lessee, managing agent or person in control or in charge of such business, building or premises;
N. Knowingly attend, frequent, operate or loiter in or about any place where prostitution, gambling, the illegal sale of intoxicating liquor, controlled substances, or any other illegal business or occupation is being conducted;
O. Solicit or accost any person for the purpose of engaging in prostitution or any illegal or immoral act or knowingly transporting any person to a place where prostitution or gambling is practiced, encouraged, or allowed for the purpose of enabling such person engage in such acts;
P. Keep or maintain a gaming room, gaming table, or any policy or pool tickets for gaming; on any premises occupied or controlled by him or her except as permitted by law; conduct or attend any cock fight or dog fight; or place, receive, or transmit any bet on the outcome of any race, contest, or game of any kind whatsoever;
Q. Knowingly permit any place occupied or controlled by him or her to be used in a manner that disturbs the public peace;
R. Assault, obstruct, resist, hinder or oppose any member of the police force, any peace officer, or fireman in the discharge of his or her duties as such;
S. Prowl about or trespass the private premises of any other person, firm or corporation in the nighttime, without the authority or permission of the owner of such premises;
T. Willfully destroy or damage or in any manner deface, destroy or injure any property not his own, or any publicly owned building, fire hydrant, alarm box, street light, street sign, shade tree or any other type of property, or mark or post handbills on or in any manner mar the walls of any public building, fence, tree or pole, within the Village of Decatur, or take or meddle with any property belonging to said Village from the building or place where it may be kept, placed, standing or stored, without authority from the Village Manager or his/her designee;
U. Refuse or neglect to support his or her spouse or family, if he or she shall have sufficient ability to do so;

V. Be a vagrant or engages in the act of going about from place-to-place without visible means of support and who, though able to work for his or her maintenance, refuses to do so but begs or asks for food and shelter without paying therefore;
W. Summon, as a joke or prank or otherwise without any good reason, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed;
X. Make a false report, by telephone or otherwise, to any public official which may be reasonably expected to cause the evacuation or closing of a building or place open to the public;
Y. Falsely impersonate a police officer, fireman, or housing, building or zoning administrator for the purpose of gaining entry to private property, or access to private records, or access to public records which would not otherwise be subject to public disclosure under the law.

SECTION 5 – PENALTY.

A Violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public acts of 1961 as amended, being MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this ordinance. (see Ord 164)

SECTION 6 – REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 84 is hereby repealed and all other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 7 – EFFECTIVE DATE

This Ordinance shall become effective the first day of October, 2002.

Adopted: September 9, 2002

ORDINANCE NO. 153

ORDINANCE REGULATING PEDESTRIAN TRAVEL IN THE BUSINESS DISTRICT

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1 – PURPOSE.

The purpose of this ordinance is to regulate the use of roller skates, roller blades, skateboards, bicycles, and foot operated scooters on the streets and sidewalks of the downtown Business District.

SECTION 2 – PROHIBITED ACTIVITIES.

It shall be unlawful for any person to roller skate, roller blade, skateboard, ride bicycles and/or foot scooters either in the street or on the sidewalk of Phelps Street between St. Mary's Street and Sherwood Street (Downtown Business District) anytime, provided however, that the provisions of this Section shall not apply to any disabled person compelled to use such bicycle or motor operated scoter.

SECTION 3 – PENALTY

A Violation of Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this ordinance shall be responsible for a Civil Infraction subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this ordinance.

SECTION 6 – REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 14 is hereby repealed and all other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 7 – EFFECTIVE DATE.

This Ordinance shall become effective the first day of October, 2002.

Adopted: September 9, 2012

ORDINANCE NO. 154

AN ORDINANCE TO REGULATE ACCESS TO AND ONGOING USE OF THE PUBLIC RIGHTS-OF-WAY BY TELECOMMUNICATIONS PROVIDERS; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE AND EXERCISE REASONABLE CONTROL OF THE PUBLIC RIGHTS-OF-WAY IN COMPLIANCE WITH MICHIGAN AND OTHER APPLICABLE LAW; AND TO ENSURE THAT THE VILLAGE OF DECATUR, MICHIGAN QUALIFIES FOR DISTRIBUTIONS UNDER MICHIGAN LAW BY MODIFYING THE FEES CHARGED TO TELECOMMUNICATIONS PROVIDERS.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Purpose.

The purposes of this Ordinance are to regulate access to and ongoing use of public rights-of-way by telecommunications providers for their telecommunications facilities while protecting the public health, safety, and welfare and exercising reasonable control of the public rights-of-way in compliance with the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002) ("Act") and other applicable law, and to ensure that the Village of Decatur, Michigan qualifies for distributions under the Act by modifying the fees charged to providers and complying with the Act.

Section 2- Conflict.

Nothing in this Ordinance shall be construed in such a manner as to conflict with the Act or other applicable law.

Section 3- Terms Defined.

The terms used in this Ordinance shall have the following meanings:

Act means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act (Act No. 48 of the Public Acts of 2002-MCL 484.3101), as amended from time to time.[1]

Village means the Village of Decatur, Van Buren County, Michigan.

Village Council means the Village Council of the Village of Decatur, Van Buren County, MI or its designee. This Section does not authorize delegation of any decision or function that is required by law to be made by the Village Council.

Village Manager means the Village Manager or his/her designee.

[1] A copy of the Act can be obtained on the internet at http://www.cis.state.mi.us/mpsc/comm/rightofway/ rightofway.htm.

Permit means a non-exclusive permit issued pursuant to the Act and this Ordinance to a telecommunications provider to use the public rights-of-way in the Village for its telecommunications facilities.

All other terms used in this Ordinance shall have the same meaning as defined or as provided in the Act, including without limitation the following:

Authority means the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created pursuant to Section 3 of the Act.

MPSC means the Michigan Public Service Commission in the Department of Consumer and Industry Services, and shall have the same meaning as the term "Commission" in the Act.

Person means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

Public Right-of-Way means the area on, below, or above a public roadway, highway, street, alley, easement or waterway. Public right-of-way does not include a federal, state, or private right-of-way.

Telecommunication Facilities or *Facilities* means the equipment or personal property, such as copper and fiber cables, lines, wires, switches, conduits, pipes, and sheaths, which are used to or can generate, receive, transmit, carry, amplify, or provide telecommunication services or signals. Telecommunication facilities or facilities do not include antennas, supporting structures for antennas, equipment shelters or houses, and any ancillary equipment and miscellaneous hardware used to provide federally licensed commercial mobile service as defined in section 332(d) of part I of title III of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, and service provided by any wireless, two-way communication device.

Telecommunications Provider, Provider and *Telecommunications Services* mean those terms as defined in Section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102. Telecommunication provider does not include a person or an affiliate of that person when providing a federally licensed commercial mobile radio service as defined in Section 332(d) of part I of the communications act of 1934, chapter 652, 48 Stat. 1064, 47 U.S.C. 332 and further defined as commercial mobile radio service in 47 CFR 20.3, or service provided by any wireless, two-way communication device. For the purpose of the Act and this Ordinance only, a provider also includes all of the following:

(a) A cable television operator that provides a telecommunications service.

(b) Except as otherwise provided by the Act, a person who owns telecommunication facilities located within a public right-of-way.

(c) A person providing broadband internet transport access service.

<u>Section 4</u>- Permit Required.

(a) *Permit Required*. Except as otherwise provided in the Act, a telecommunications provider using or seeking to use public rights-of-way in the Village for its telecommunications facilities shall apply for and obtain a permit pursuant to this Ordinance.

(b) *Application*. Telecommunications providers shall apply for a permit on an application form approved by the MPSC in accordance with Section 6(1) of the Act. A telecommunications provider shall file one copy of the application with the Village Clerk and one copy with the Village Manager. Applications shall be complete and include all information required by the Act, including without limitation a route map showing the location of the provider's existing and proposed facilities in accordance with Section 6(5) of the Act. [2]

(c) *Confidential Information.* If a telecommunications provider claims that any portion of the route maps submitted by it as part of its application contain trade secret, proprietary, or confidential information, which is exempt from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, pursuant to Section 6(5) of the Act, the telecommunications provider shall prominently so indicate on the face of each map.

(d) *Application Fee.* Except as otherwise provided by the Act, the application shall be accompanied by a one-time non-refundable application fee in the amount of $500.00.

(e) *Additional Information*. The Village Manager may request an applicant to submit such additional information which the Village Manager deems reasonably necessary or relevant. The applicant shall comply with all such requests in compliance with reasonable deadlines for such additional information established by the Village Manager. If the Village and the applicant cannot agree on the requirement of additional information requested by the Village, the Village or the applicant shall notify the MPSC as provided in Section 6(2) of the Act.

(f) *Previously Issued Permits.* Pursuant to Section 5(1) of the Act, authorizations or permits previously issued by the Village under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251 and authorizations or permits issued by the Village to telecommunications providers prior to the 1995 enactment of Section 251 of the Michigan telecommunications act but after 1985 shall satisfy the permit requirements of this Ordinance.

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[2] A copy of the application form as approved by the Commission can be obtained on the internet at http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm.

(g) *Existing Providers*. Pursuant to Section 5(3) of the Act, within 180 days from November 1, 2002, the effective date of the Act, a telecommunications provider with facilities located in a public right-of-way in the Village as of such date, that has not previously obtained authorization or a permit under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, shall submit to the Village an application for a permit in accordance with the requirements of this Ordinance. Pursuant to Section 5(3) of the Act, a telecommunications provider submitting an application under this subsection is not required to pay the $500.00 application fee required under subsection (d) above. A provider under this subsection shall be given up to an additional 180 days to submit the permit application if allowed by the Authority, as provided in Section 5(4) of the Act.

Section 5- Issuance of Permit.

(a) *Approval or Denial*. The authority to approve or deny an application for a permit is hereby delegated to the Village Manager. Pursuant to Section 15(3) of the Act, the Village Manager shall approve or deny an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit under Section 4(b) of this Ordinance for access to a public right-of-way within the Village. Pursuant to Section 6(6) of the Act, the Village Manager shall notify the MPSC when the Village Manager has granted or denied a permit, including information regarding the date on which the application was filed and the date on which permit was granted or denied. The Village Manager shall not unreasonably deny an application for a permit.

(b) *Form of Permit*. If an application for permit is approved, the Village Manager shall issue the permit in the form approved by the MPSC, with or without additional or different permit terms, in accordance with Sections 6(1), 6(2) and 15 of the Act.[3]

(c) *Conditions.* Pursuant to Section 15(4) of the Act, the Village Manager may impose conditions on the issuance of a permit, which conditions shall be limited to the telecommunications provider's access and usage of the public right-of-way.

(d) *Bond Requirement.* Pursuant to Section 15(3) of the Act, and without limitation on subsection (c) above, the Village Manager may require that a bond be posted by the telecommunications provider as a condition of the permit. If a bond is required, it shall not exceed the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunications provider's access and use.

Section 6- Construction/Engineering Permit.

A telecommunications provider shall not commence construction upon, over, across, or under the public rights-of-way in the Village without first obtaining a construction or engineering permit as required under this Code, as amended, for construction within the public rights-of-way. No fee shall be charged for such construction or engineering permit.

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[3] Copies of the permit forms currently approved by the MPSC can be obtained on the internet at http://www.cis.state.mi.us/mpsc/comm/rightofway/rightofway.htm.

Section 7- Conduit or Utility Poles.

Pursuant to Section 4(3) of the Act, obtaining a permit or paying the fees required under the Act or under this Ordinance does not give a telecommunications provider a right to use conduit or utility poles.

Section 8- Route Maps.

Pursuant to Section 6(7) of the Act, a telecommunications provider shall, within 90 days after the substantial completion of construction of new telecommunications facilities in the Village, submit route maps showing the location of the telecommunications facilities to both the MPSC and to the Village. The route maps should be in paper format unless and until the MPSC determines otherwise, in accordance with Section 6(8) of the Act.

Section 9- Repair of Damage.

Pursuant to Section 15(5) of the Act, a telecommunications provider undertaking an excavation or construction or installing telecommunications facilities within a public right-of-way or temporarily obstructing a public right-of-way in the Village, as authorized by a permit, shall promptly repair all damage done to the street surface and all installations under, over, below, or within the public right-of-way and shall promptly restore the public right-of-way to its preexisting condition.

Section 10- Establishment and Payment of Maintenance Fee.

In addition to the non-refundable application fee paid to the Village set forth in subsection 4(d) above, a telecommunications provider with telecommunications facilities in the Village's public rights-of-way shall pay an annual maintenance fee to the Authority pursuant to Section 8 of the Act.

Section 11- Modification of Existing Fees.

In compliance with the requirements of Section 13(1) of the Act, the Village hereby modifies, to the extent necessary, any fees charged to telecommunications providers after November 1, 2002, the effective date of the Act, relating to access and usage of the public rights-of-way, to an amount not exceeding the amounts of fees and charges required under the Act, which shall be paid to the Authority. In compliance with the requirements of Section 13(4) of the Act, the Village also hereby approves modification of the fees of providers with telecommunication facilities in public rights-of-way within the Village's boundaries, so that those providers pay only those fees required under Section 8 of the Act. The Village shall provide each telecommunications provider affected by the fee with a copy of this Ordinance, in compliance with the requirement of Section 13(4) of the Act. To the extent any fees are charged telecommunications providers in excess of the amounts permitted under the Act, or which are otherwise inconsistent with the Act, such imposition is hereby declared to be contrary to the Village's policy and intent, and upon application by a provider or discovery by the Village, shall be promptly refunded as having been charged in error.

Section 12- Savings Clause.

Pursuant to Section 13(5) of the Act, if Section 8 of the Act is found to be invalid or unconstitutional, the modification of fees under Section 11 above shall be void from the date the modification was made.

Section 13- Use of Funds.

Pursuant Section 10(4) of the Act, all amounts received by the Village from the Authority shall be used by the Village solely for rights-of-way related purposes. In conformance with that requirement, all funds received by the Village from the Authority shall be deposited into the Major Street Fund and/or the Local Street Fund maintained by the Village under Act No. 51 of the Public Acts of 1951.

Section 14- Annual Report.

Pursuant to Section 10(5) of the Act, the Village Manager shall file, if required by the Act, an annual report with the Authority on the use and disposition of funds annually distributed by the Authority.

Section 15- Cable Television Operators.

Pursuant to Section 13(6) of the Act, the Village shall not hold a cable television operator in default or seek any remedy for its failure to satisfy an obligation, if any, to pay after November 1, 2002, the effective date of this Act, a franchise fee or similar fee on that portion of gross revenues from charges the cable operator received for cable modem services provided through broadband internet transport access services.

Section 16- Existing Rights.

Pursuant to Section 4(2) of the Act, except as expressly provided herein with respect to fees, this Ordinance shall not affect any existing rights that a telecommunications provider or the Village may have under a permit issued by the Village or under a contract between the Village and a telecommunications provider related to the use of the public rights-of-way.

Section 17- Compliance.

The Village hereby declares that its policy and intent in adopting this Ordinance is to fully comply with the requirements of the Act, and the provisions hereof should be construed in such a manner as to achieve that purpose. The Village shall comply in all respects with the requirements of the Act, including but not limited to the following:

(a) Exempting certain route maps from the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, as provided in Section 4(c) of this Ordinance;

(b) Allowing certain previously issued permits to satisfy the permit requirements hereof, in accordance with Section 4(f) of this Ordinance;

(c) Allowing existing providers additional time in which to submit an application for a permit, and excusing such providers from the $500 application fee, in accordance with Section 4(g) of this Ordinance;

(d) Approving or denying an application for a permit within forty-five (45) days from the date a telecommunications provider files an application for a permit for access to and usage of a public right-of-way within the Village, in accordance with Section 5(a) of this Ordinance;

(e) Notifying the MPSC when the Village has granted or denied a permit, in accordance with Section 5(a) of this Ordinance;

(f) Not unreasonably denying an application for a permit, in accordance with Section 5(a) of this Ordinance;

(g) Issuing a permit in the form approved by the MPSC, with or without additional or different permit terms, as provided in Section 5(b) of this Ordinance;

(h) Limiting the conditions imposed on the issuance of a permit to the telecommunications provider's access and usage of the public right-of-way, in accordance with Section 5(c) of this Ordinance;

(i) Not requiring a bond of a telecommunications provider which exceeds the reasonable cost to ensure that the public right-of-way is returned to its original condition during and after the telecommunication provider's access and use, in accordance with Section 5(d) of this Ordinance;

(j) Not charging any telecommunications providers any additional fees for construction or engineering permits, in accordance with Section 6 of this Ordinance;

(k) Providing each telecommunications provider affected by the Village's right-of-way fees with a copy of this Ordinance, in accordance with Section 11 of this Ordinance;

(l) Submitting an annual report to the Authority, in accordance with Section 14 of this Ordinance; and

(m) Not holding a cable television operator in default for a failure to pay certain franchise fees, in accordance with Section 15 of this Ordinance.

Section 18- Reservation of Police Powers.

Pursuant to Section 15(2) of the Act, this Ordinance shall not limit the Village's right to review and approve a telecommunication provider's access to and ongoing use of a public right-of-way or limit the Village's authority to ensure and protect the health, safety, and welfare of the public.

Section 19- Severability.

The various parts, sentences, paragraphs, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court or administrative agency of

competent jurisdiction, the unconstitutionality or invalidity shall not affect the constitutionality or validity of any remaining provisions of this Ordinance.

Section 20- Authorized Village Officials.

The Village Manager or his/her designee is hereby designated as the authorized Village official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the municipal chapter violations bureau) for violations under this Ordinance as provided by the Village Code.

Section 21- Municipal Civil Infraction.

A person who violates any provision of this Ordinance or the terms or conditions of a permit is responsible for a municipal civil infraction, and shall be subject to a civil fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance. Nothing in this Section 21 shall be construed to limit the remedies available to the Village in the event of a violation by a person of this Ordinance or a permit.

Section 22- Repeal.

All Ordinances and portions of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 23- Effective Date.

This Ordinance shall take effect on November 25, 2002.

Adopted by the Village Council of the Village of Decatur, Michigan on this 4th Day of November, 2002.

ORDINANCE # 155

VILLAGE OF DECATUR
ETHICAL STANDARDS OF CONDUCT

AN ORDINANCE ESTABLISHING A CODE OF ETHICAL STANDARDS OF CONDUCT FOR OFFICERS AND EMPLOYEES OF THE VILLAGE OF DECATUR THAT IS APPLICABLE TO PERSONS IN MUNICIPAL SERVICE WHETHER COMPENSATED OR NOT AND WHETHER APPOINTED OR HIRED AND TO PRESCRIBE DISCIPLINE FOR VILATIONS THEREOF.

THE VILLAGE OF DECATUR ORDAINS:

ARTICLE 1. INTERPRETATION
This ordinance shall establish ethical standards of conduct for appointed and hired employees of the Village of Decatur whether compensated or not. The standards shall apply to employees of the Village of Decatur whether compensated by the hour or by salary, and whether members of an employee group or not.

ARTICLE 2. SEVERABILITY
If any provision or section of this ordinance may later be amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provisions or applications.

ARTICLE 3. PUBLIC POLICY DECLARATION
It is hereby declared to be the standard of ethical service to the Village of Decatur that all employees avoid conflicts between their private interests and those of the general public whom they serve. To enhance the faith of the people and to assure the integrity and impartiality of all employees of the Village, it is necessary that adequate guidelines be provided for separating their roles as private citizens from their roles as public servants. Employment with the Village is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The ethical standards established herein are intended to eliminate, to the fullest extent possible, violations of ethical conduct and to ensure that such are investigated and punished where applicable.

ARTICLE 4. DEFINITIONS
As used in this ordinance, the following words and phrases shall have the following meanings:
Agreement – an understanding between two or more persons or entities; a contract.
Appointed – selected and installed in an office or position.
Associated – the condition of being an owner, partner, member, part owner, employee, limited partner, stockholder, director, lender, borrower, or having a financial interest in.
Beneficiary –a person or entity receiving a benefit.
Business-commercial or industrial enterprise or establishment, store, etc.; work, employment, profession of an individual or group; commerce.
Village-Village of Decatur
Village employee-an employee of the Village of Decatur whether

Village funds– any funds, money, or monetary rights owned by the Village, or under Village control in a fiduciary or representative capacity.
Village officer – an officer of the Village of Decatur; someone holding an official position of authority with the Village; e.g. the Village Manager, Village Clerk, Village Treasurer, the Director of Public works, Chief of Police, etc. whether the position is appointive, administrative, contracted or hired and whether compensated as established by Village Ordinance which involves the exercise of a public power, trust or duty. This does not include a volunteer not appointed to office.
Village personnel – individuals working for the Village of Decatur as employees for wages, salary or other agreed benefits.
Village Property – anything tangible or intangible including rights, owned by the Village or under the control of the Village in fiduciary or representative capacity.
Compensation – money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another.
Conflict of interest – an interest that competes with or is adverse to a legitimate interest of the Village.
Compensation – money, property, thing of value or benefit conferred upon or received by any person or sought for any person in return for services rendered for or to be rendered to himself/herself or another.
Conflict of interest – an interest that competes with or is adverse to a legitimate interest of the Village.
Consideration – something given or promised in exchange for something else, tangible or intangible, including promises.
Contracts – agreements or mutual understandings supported by present or future consideration
Contribution – money or aid given another.
Council – the Village council of the Village of Decatur.
Decision making – exercising public power to adopt laws, regulations or standards, render decisions, establish policy, determine questions of discretion.
During the course of Village business – while planning, working on, reporting on, or carrying out the affairs of the Village whether for compensation or not.
Duty of due care – exercising power, trust, authority or decision making as any prudent person would exercise; not acting on a direct conflict of interest or a potential conflict of interest to self benefit or the benefit of another.
Employee – a person working for the Village for wages, salary, or other benefits and under the control and supervision of the Village as to hours, work standards, and rules of work, etc.
Exchange – to give in return.
Expectation – looking forward to something; a looking forward as due.
Favor – an unfair partiality; an obliging act; to be partial to, to support; advocate; to help.
Financial gain – increase in monetary or material wealth or earnings.
Gain – an increase in power, advantage, wealth, possessions, earnings.
Gift – something given without recompense.
Immediate family – spouse, child or step child, mother, father, step-parents, grandparents, step grandparents, brothers, sisters, step-brothers or sisters, or in-laws of any kind.
Influence – the power of persons or things to influence others.

Interfere – to come between for some purpose; meddle; attempt to determine course or outcome without authority or legitimate purpose.
Member – any of the persons constituting an organization or group.
Moral turpitude – an act of baseness; vileness or depravity; conduct contrary to honesty, justice or good morals.
Officer – a person holding appointive office in the Village as may be described by ordinance but not a volunteer who is not appointed to a position.
Official conduct – action or inaction by an officer or employee acting on behalf of the Village.
Official duty/Official action – a decision, action, recommendation, approval, disapproval or other action or failure to action which involves the use of power, trust, decision making, or authority, or with moral turpitude.
Other persons/anyone else – member of one's immediate family or individual persons, or businesses, entities, associations, or groups.
Personal gain – advantage or increase in wealth, possessions, power or other benefits for an individual or on behalf of another individual.
Potential conflict of interest – a situation whereby the interests of the Village and the interests of someone else will, may, or might become in conflict in the ordinary course of events.
Promise – an agreement to do or not do something.
Reward – something given for something done.
Rules of ethical conduct – the provisions of this ordinance.
Solicit – to ask or seek; often earnestly; to entice another to do something.

ARTICLE 5. STANDARDS OF CONDUCT

The Village's integrity rests solidly on the foundation of several general rules of ethical behavior. These rules form fundamental values to be understood and honored by all.

1. **Principles**
   The Village expects its officers and employees to be honest, and to treat the position that hey hold with dignity and respect. Each office of the Village carries responsibilities and obligations which must be met in order to continue to maintain the public's confidence. The public's safety, well being and confidence are of paramount importance while serving as public officials.
2. **Honesty**
   The Village expects its officers and employees to not misrepresent situations, to not steal from the Village, nor falsify records, or misuse Village property, equipment, supplies or assets for personal gain, or for the gain or benefit of others.
3. **Fairness**
   The Village expects its officers and employees to treat each other and those we serve with integrity, professionalism, and fairness.
4. **Perception**
   The Village expects its officers and employees to understand that even the appearance of impropriety is damaging to the mission of the Village.
5. **Direction and Suggestion**
   The Village expects its officers and employees to understand that no improper action is made proper because a higher officer or employee might have directed or suggested such

action. Employees should report what they believe to be an improper order to the Village Manager. If such order was given by the Village Manager, then the employee is to discuss the matter with the Village Attorney.

6. Recognizing that there are times when Village officers and employees confront situations where there are two or more legitimate points of view, where there is no clear right or wrong answer, and the past practices have given way to new practices; it is in these situations the Village expects its officers and employees to discuss such actions with the Village Manager and/or the Village Attorney before taking action or making such decisions.

ARTICLE 6. PROHIBITED ACTS

The following acts, actions, inactions, and attempted acts constitute a violation of the ethical standards of conduct for Village officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this ordinance.

1. **Gratuities**
   No Village officer or employee of the Village shall solicit, accept or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him or her in the performance of their official duty/duties or is intended as a reward for any official action on their part.

2. **Preferential treatment**
   No Village officer or employee of the Village shall use or attempt to use their official position to unreasonably secure, request or grant, any privileges, exemptions, advantages, contracts, or preferential treatment for themselves or others.

3. **Use of Information**
   A) No Village officer or employee of the Village who acquires information in the course of their official duties, which information by law or policy is not available at the time to the general public, shall use such information to further the private interests of themselves or anyone else.
   B) No Village officer or employee of the Village shall obtain or use Village records, documents, communications, or other written or electronic records of the Village or those under the control of the Village to further the private interests of themselves or anyone else.
   C) No Village officer or employee of the Village shall use their position to obtain information or records, which information or records by law or policy are not available at the time to the general public without requesting such information or records through the methods granted by the freedom of Information Act.

4. **Full Disclosure**

No Village officer or employee of the Village shall participate, as an agent or representative of the Village, in recommending or otherwise acting upon any matter in which he or she has a direct or indirect interest without disclosing the full nature and extent of their interest. Such a disclosure must be made before the time to perform their duty or concurrently with that performance. If the officer or employee is a member of a decision making or advisory body, the disclosure must be made to the Chairman and other members of the body on the official record. Otherwise, a disclosure would be appropriately addressed by an appointed officer or employee to the supervisory head of the organization, or by an elected officer to the general public.

5. **Use of Village Property**
   No Village officer or employee of the Village shall, directly or indirectly, make use of or permit others to make use of Village property, equipment, vehicles, or supplies of any kind for purely personal gain.

6. **Nepotism**
   The Village shall avoid hiring individuals who have a close relation to members of the Village Council, Village Manager, and/or other supervisory personnel. Exceptions can be made if it can be shown that it is in the best interest of the Village to hire such individual. The individual would not be hired until supervision, performance appraisals, and other areas of potential conflicts of interest were sufficiently resolved.

7. **Other Prohibited Conduct**
   No village officer or employee of the Village shall engage in any of the practices described below in list form. The following acts, actions, inactions, and attempted acts and actions constitute a violation of the ethical standards of conduct for Village officers and employees. These include but are not necessarily limited to these specific references but, rather, are intended as providing examples of actions and inactions that are prohibited by this ordinance and labor agreements. They include:
   1. Impeding government efficiency or operation.
   2. Affecting adversely the confidence of the public in the integrity of the Village.
   3. Divulging confidential information.
   4. Misusing Village personnel resources, property, funds or assets for personal gain or the gain of others.
   5. Representing his or her individual opinion as that of the Village.
   6. Violating labor agreements between the Village and its employees.
   7. Violating policies adopted by the Village Council.
   8. Engaging in employment or rendering services that are incompatible or in conflict with the discharge of his or her official duties.
   9. Offering an officer or employee of the Village a gift, loan, contribution, reward or promise based on agreement, or expectation that the vote, decision making or action of the officer or employee of the Village would be influenced thereby.
   10. Engaging in an act, actions or other conduct contrary to honesty, justice or good morals; or an act or actions of moral turpitude.
   11. Acting on behalf of the Village or on the behalf of the Village Council when authority has not been specifically given.

12. Making a Village decision outside of the official channels.
13. Participating in decision making affecting the interest of one's business or immediate family. The decision making may include monetary decisions, labor agreements, or other family.
14. Missing in attendance from three consecutive regularly called meetings at which the attendance of the village officer is required and known as part of the duties of such Village officer.

ARTICLE 7. EXCLUSIONS

This ordinance is not intended to cover the following.

A) This ordinance shall not prohibit a Village officer or employee from accepting minor gifts such as meals, awards, pens, pencils, and other token items valued at $25 or less when the gift is extended during the course of Village business and no return promise is made by the recipient.
B) This ordinance shall not prevent any officer or employee from accepting their regular compensation.
C) This ordinance does not prohibit the expression of views and opinions or communications of plans for future action, nor does it prohibit contributions to political parties or candidates as permitted by law.
D) This ordinance shall not apply to a Village officer or employee, who in the course of decision making, discloses a direct or indirect conflict of interest or potential conflict of interest in any matter before the Village Council, advisory board or commission and is permitted to continue participating in the decision making.
E) This ordinance shall not prohibit the Village Manager, Village Attorney and all law enforcement officials from exercising their usual power, control and discretion which are part of their duties.
F) This ordinance shall not be enforced to cause any person to be favored or discriminated against because of race, gender, age, and handicap, and religion, country of origin or political affiliation.

ARTICLE 8. INTEGRITY, REPUTATION AND THE ABILITY TO ENFORCE STANDARDS

Preserving the integrity of the Village of Decatur is important to all officers and employees of the Village. Fairness, honesty, evenhandedness, and sincerity, that transcend both the law and the values of individuals, are achieved by observing an overriding set of ethical standards.

Complaints of questionable actions of Village officers and employees need to be handled with the same fairness, honesty, evenhandedness and sincerity to preserve the integrity of the Village of Decatur. A Village's reputation and its overall success are securely linked. The Village of Decatur's reputation is obviously based on more than the collective reputations of its employees and officers. The Village's reputation depends on how people perceive that the Village, whatever the issue or set of circumstances, will act with integrity, preserving the integrity of the Village may result in official action to enforce and punish violations of the Ethical Standards of Conduct.

ARTICLE 9.INVESTIGATION AND DETERMINATION OF VIOLATIONS OF THIS ORDINANCE.

All matters concerning the ethical Standards of conduct shall be directed in writing to the Village Manager and the Village Attorney for review and investigation to determine if a violation exists. The alleged violator will be given a hearing within thirty (30) days where he or she will be informed of the accusation and will be allowed to respond to the allegation(s) of misconduct.

Within thirty (30) days of this hearing the Village Manager with consultation with the Village Attorney shall jointly file a report with his/her findings to the Village Clerk who will keep a copy of the report on file for a period of one year.

Should the allegations(s) involve the Village Manager and/or the Village Attorney, the Village Council shall serve as the investigative authority with the power to determine, with a majority of the board voting in the affirmative, if a violation has occurred.

ARTICLE 10. DISCIPLINE

Discipline will be determined by the Village Manager in consultation with the Village Attorney unless one of these officers is involved in the allegation(s); in that event the manner of discipline shall be determined by the Village Council. The Village Manager may discipline employees for violations of this ordinance in the following manner:

1) Probation – For minor violations of this ordinance employees may be placed on probation for a specified period of time. If the employee violates the same or another portion of this ordinance, more stringent penalties may be assessed.
2) Suspension – For more serious violations of this ordinance, an employee may be suspended for up to five (5) working days. If the employee violates the same or another portion of this ordinance, more stringent penalties may be assessed.
3) Demotion – For serious violations of this ordinance an employee may be demoted to a lower level and or lower paying position.
4) Termination – in the most serious offenses of this ordinance, an employee may be terminated from their employment with the Village of Decatur.

ARTICLE 11. EFFECTIVE DATE

This ordinance shall become effective March 1, 2003

ADOPTED: Feb. 3, 2003

ORDINANCE NO. 156

AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES AS HEREIN MODIFIED.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: **Code and Amendments and Revisions Adopted.** The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when they are promulgated and effective in this state, are hereby adopted by reference and as modified by this Ordinance.

Section 2: **References in Code.** References in the Uniform Traffic Code for Cities, Townships and Villages to a "governmental unit" shall mean the Village of Decatur, Van Buren County, Michigan.

Section 3: **Notice to be Published**. The Village Clerk of the Village of Decatur shall publish this Ordinance in the manner required by law and shall publish at the same time, a notice stating the purpose of the Uniform Traffic Code for Cities, Townships, and Villages, and the fact that a complete copy of the Code is available to the public at the office of the Clerk for inspection.

Section 4: **Additional Provision regarding limited parking on right-of-ways.** Said Uniform Traffic Code is hereby amended by adding thereto as Rule 810 the following provision concerning limited parking on right of ways in the Village of Decatur, Michigan:

No person shall stop, stand or park a motor vehicle or trailer on any part of the right-of-way for any public road, street, highway, public parking lot, alley or any place of public access maintained by the Village of Decatur, Michigan for vehicular use between the hours of 3:00 a.m. and 6:00 a.m. during the months of December, January, February and March of each year, except in such areas as may be specifically designated as overnight parking areas; and further except that portion of Phelps Street lying between Sherwood Street and St. Mary's Street where parking shall be prohibited during the hours of 3:00 a.m. to 5:00 a.m. at all times. A person who violates this rule is responsible for a Civil Infraction and shall be subject to a Civil Fine and costs as hereinafter provided in Section 5 of this Ordinance. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 5: **Penalties.** Any person who violates a provision of the Uniform Traffic Code for Cities, Townships and Villages which is designated as a misdemeanor, shall be subject to a fine of not more than $100.00 and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding 90 days, or by both such fine and imprisonment in the discretion of the Court.

Any person who violates a provision of the Uniform Traffic Code for Cities, Townships and Villages which is designated as a Civil Infraction, or the provisions of Section 4 of this

Ordinance, shall be responsible for a Municipal Civil Infraction and subject to a Civil Fine not exceeding $100.00 and costs, which may include all direct or indirect expenses to which the Village of Decatur has been put in connection with said violation. In no case, however, shall costs of less than $9.00 or more than $500.00 be ordered. Each day that a violation continues shall be deemed a separate violation.

Section 6: **Repeal Clause.** Ordinance No. 99 and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7: **Effective Date.** This Ordinance shall become effective the 1st day of January, 2003.

Adopted by the Village Council of the Village of Decatur, Michigan this 9th day of December, 2002.

ORDINANCE NO. 158

AN ORDINANCE TO PROHIBIT THE BURNING OF LEAVES IN THE VILLAGE OF DECATUR, MICHIGAN AND TO PROVIDE FOR A CIVIL FINE FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: BURNING OF LEAVES PROHIBITED. In order to protect the public health, safety, and welfare of the residents of the Village of Decatur, Michigan, no person shall burn leaves within the Village of Decatur, Michigan.

Section 2: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 3: REPEAL. All other ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4: VIOLATION AND PENALTIES. A violation of this Ordinance is a Municipal Civil Infraction and any person who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred and 00/100 ($500.00) Dollars, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being M.S.A. 27A.8302 and 27A8701 et seq., respectively.

Section 5: EFFECTIVE DATE. This Ordinance shall become effective June 1, 2003.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of May, 2003.

ORDINANCE NO. 159

AN ORDINANCE TO AMEND SECTION 4 OF ORDINANCE NO. 44 OF THE VILLAGE OF DECATUR, MICHIGAN, ENTITLED "AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE VAN BUREN COUNTY SANITARY SEWAGE DISPOSAL SYSTEM NO. 1 (VILLAGE OF DECATUR), ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED", AND TO ADD NEW PROVISIONS REGARDING SEWER CHARGES FOR PREMISES OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Section 4 of Ordinance No. 44 of the Village of Decatur, Michigan is hereby amended to read as follows, to-wit:

TAP AND OTHER CHARGES

The owner of all houses, buildings or parts thereof and other structures used for human occupancy, employment, manufacturing, business, education, religious, recreation, or other purposes shall make application for a permit to tap into the system and shall pay for each such house, building or part thereof and other structure, the sum of $500.00 in cash at the time of making said application as a tap-in fee for the privilege of using the facilities and receiving the service of the system, plus the sum of $10.00 to compensate the Village of Decatur for the cost of supervising and inspecting the tap; provided however, that additional tap-in fees shall be charged in said amount for each additional tap that may be required to service each house, building or part thereof or other structure.

The owner of said premises shall pay all costs to make physical connection from the premises to the sewer main. In addition the owner of said premises shall pay all costs for the extension of the sewer main, if necessary to serve said premises, unless said expense is waived by the Village Council of the Village of Decatur MI or an agreement to share the expense of same is executed between said Village and owner.

UNIT DEFINITION

A unit for the purposes of the "sewer use charges" is hereby defined as follows:

1. Single family residential premises - one unit.

2. Multi-family or multiple use premises - one unit for each apartment or dwelling unit located in said building, and one unit for each business or other entity located in said building.

3. Commercial or Industrial premises - each nine (9) employees or fraction thereof shall be

considered a unit. All individuals employed for eighty (80) or more hours per month shall be considered an employee for the purpose of this Section.

4. Decatur Public School premises - each eighteen (18) employees and students or fraction thereof, determined as of the fourth Wednesday of September of each and every year hereafter, shall be considered a unit. All individuals employed eighty (80) or more hours per month shall be considered an employee for the purpose of this Section.

SEWER USE CHARGE

A. SEWER USE CHARGES FOR PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- SINGLE FAMILY RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of $15.00 per month.

2- MULTI-FAMILY OR MULTIPLE USE PREMISES. All multi-family or multiple use premises shall pay the sum of $15.00 per month for the first unit, and $12.00 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of $15.00 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of $15.00 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of $15.00 per month for the first unit, and $12.00 per month for each additional unit located at said premises.

4- DECATUR PUBLIC SCHOOL PREMISES. Decatur Public School system shall pay the sum of $15.00 per month for the first unit, and $12.00 per month for each additional unit located at said premises.

B- SEWER USE CHARGES FOR PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- SINGLE FAMILY RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of $25.00 per month.

2- MULTI-FAMILY OR MULTIPLE USE PREMISES. All multi-family or multiple use premises shall pay the sum of $25.00 per month for the first unit, and $20.00 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of $25.00 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of $25.00 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of $25.00 per month for the first unit, and $20.00 per month for each additional unit located at said premises.

VACANT PREMISES

Monthly sewer use charges shall be discontinued to any premises, after the owner of such premises certifies on a form in such case made and provided to the Decatur Sewer Department, that the premises have become vacant in that same are no longer used for human occupancy, employment, manufacturing, business, educational, religious, recreational or other purposes; provided however, that upon said premises ceasing to be vacant the owner of same shall immediately notify the Decatur Sewer Department in writing of such fact whereupon said monthly sewer charges shall be reinstated. The owner or responsible tenant shall be liable for sewer use charges for the month that same is discontinued and for the month that same is reinstated.

BILLING

Bills will be rendered monthly and commence to accrue the first full month after connection to the Van Buren County Sanitary Sewage Disposal System No. 1 (Village of Decatur, Michigan). Payments received within twenty (20) days after date of said bill shall be payable without penalty. Payments received after such period shall bear a penalty of five percent (5%) of the amount of the bill or the sum of $1.00, whichever is greater.

ENFORCEMENT

The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as Amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any premises shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on March 1st of each year, to the tax-assessing officer of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof enforced; provided however, where written notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a “guaranteed deposit” in the amount of the charges for one year’s service shall have been made as security for payment of such charges and

service. No interest shall be paid to depositors on said deposit. Said deposits shall be held by the Village of Decatur as a guaranty of payment for sanitary sewer service. Such guaranteed deposit shall be refunded to the depositor upon final termination of the sanitary sewer service and upon payment of all charges for such service; provided however that the Village Council of the Village of Decatur, Michigan may authorize the return of said deposit or a portion thereof, at any time prior to the final termination of sanitary sewer service, if all sewer charges have been promptly paid.

In addition to the foregoing, the Village shall have the right to discontinue either the water service or the sewer service or both, to any premises for which charges for sewer service are more than thirty (30) days delinquent and such service shall not be re-established until all delinquent charges and penalties have been paid. Further, such charges and penalties may be recovered by the Village, through Court action.

AMENDMENTS

The sewer charges provided in Section 1 hereof may be subsequently amended by Resolution adopted by a majority of the Village Council of the Village of Decatur, Michigan. Said charges shall be reasonable and just, taking into consideration the cost and value of the sewer supply system and the cost of maintaining, repairing and operating same.

Section 2 - Ordinance No. 145 is hereby repealed, and any and all other Ordinances, Resolutions, or Orders, or parts thereof, of the Village of Decatur, Michigan, in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed.

Section 3 - This Ordinance shall become effective on the first day of July, 2003.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of June, 2003.

ORDINANCE NO. 160

AN ORDINANCE TO RECOVER EXPENDITURES INCURRED DURING THE CLEAN UP OF HAZARDOUS SPILLS IN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1. INTENT. Surface waters, groundwater, soils, vegetation, and atmosphere within the corporate limits of the Village of Decatur, Michigan are susceptible to damage from the handling, storage, use, processing and disposal of hazardous material. The expense incurred by taxpayers as a result of the Village of Decatur or its Designee having to respond in an emergency to protect life, property and the environment when there has been a release of hazardous materials should be recovered from the person responsible for the emergency.

Section 2. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

A. CFR shall mean the Code of Federal Regulations.

B. Compressed gas shall mean any material regulated as a compressed gas by the United States Department of Transportation by regulations found in 49 CFR §173.300.

C. Designee shall mean Young's Environmental Services or such other public or private agency authorized in writing by the Village of Decatur to respond to hazardous materials incidents within the Village of Decatur.

D. Emergency action shall mean all of the activities conducted in order to prevent or mitigate injury to human health or to the environment inside the Village of Decatur from a release or threatened release of any material into or upon the environment.

E. Explosives shall mean any material regulated as a class A or class B explosive by the United States Department of Transportation by regulations found in 49 CFR §173.53 and §173.88.

F. Flammable liquid shall mean any material regulated as a flammable liquid by the United States Department of Transportation by regulations found in 49 CFR §173.115.

G. Flammable solid shall mean any material regulated as a flammable solid by the United States Department of Transportation by regulations found in 49 CFR §173.150.

H. Hazardous material shall mean any of the following:

1) Any material listed in the list of toxic pollutants found in 40 CFR §401.15, as amended.
2) Any material designated as hazardous material by applicable state law.
3) Any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison or radioactive material.

I. Oxidizer shall mean any material regulated as an oxidizer by the United States Department of Transportation by regulations found in 49 CFR §173.151.

J. Person shall include any individual, corporation, association, partnership, firm, trustee, or legal representative.

K. Poison shall mean any liquid or gas that is life threatening when mixed with air in small amounts, and shall also include all those materials regulated as poison class A by the United States Department of Transportation by regulations found in 49 CFR §173.326.

L. Radioactive material shall mean any material required by the United States Department of Transportation to have type A packaging or other special protection or closed transport vehicles, under regulations found in 49 CFR §173.425.

M. Release shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing into or upon the environmental, which causes danger or harm to the public health or to the environment, including, but not limited to, the release of any material classified as hazardous material by any federal legislation or regulation, by any state legislation or regulation, or by any Village ordinance.

N. Threatened release shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the Village of Decatur to undertake an emergency action.

Section 3. <u>NOTICE AND RESPONSE.</u>

A. Any person who has damaged the surface waters, groundwater, soils or atmosphere by the handling or storage of hazardous materials, or who have violated any local, state or federal environmental laws with respect to hazardous materials, are required to immediately notify the Village of Decatur.

B. The requirements of this Ordinance shall not be construed to forbid or forgive any person from using all diligence necessary to control a hazardous material release prior or subsequent to the notification of the Village of Decatur, especially if such efforts may result in the containment of the release or the abatement of extreme hazard to the employees or the general public. Delays in reporting releases due to in-house notification of off-site owners or supervisors shall result in penalties. Nothing in this Ordinance shall be construed to exempt or release any person from any other notification or reporting required by any state or federal agency.

C. The Village Manager of the Village of Decatur, Michigan, or his or her Designee, is authorized to direct an emergency action and the clean up and abatement of any release, or threatened release within the Village of Decatur, Michigan.

Section 4. <u>LIABILITY FOR COSTS.</u>

A. Pursuant to the provisions of MCL Section 41.806A or the provisions of MCL Section 324.20135 Any person causing a release or threatened release which results in an emergency action shall be liable to the Village of Decatur for the recoverable costs resulting from the emergency action.

B. The following described persons shall be jointly and severally liable to the Village of Decatur for the payment of all costs incurred by the Village of Decatur as a result of such clean up or abatement activity:

1) Any person whose negligent or willful act or omission proximately caused such release, discharge or deposit;
2) The person who owned or had custody or control of the hazardous material or the material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; and
3) The person who owned or had custody or control of the container which held such hazardous material at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause.

Section 5. <u>RECOVERY OF COSTS.</u>

A. The Village of Decatur or its Designee shall keep an itemized record of recoverable costs resulting from an emergency action.

B. The Village of Decatur or its Designee shall submit a written itemized claim to the responsible person for the total costs incurred by the Village of Decatur or its Designee for the emergency action and a written notice that unless the amounts are paid in full within thirty (30) days after the date of the mailing of the claim and notice, a civil action will be commenced seeking recovery for the stated amount plus any amounts occasioned by such suit.

C. For the purposes of this Ordinance, recoverable costs of the Village of Decatur or its Designee shall mean all direct and indirect costs and shall include, but are not limited to, the following:

1) Actual labor cost of personnel, including workers compensation benefits and fringe benefits;
2) Administrative overhead;
3) Costs of equipment operation;
4) Costs of materials;
5) Laboratory costs of analyzing samples taken during the emergency action;
6) Medical expenses incurred as a result of response activities;

7) Costs of any contract labor;
8) Costs to supervise or verify the adequacy of the cleanup or abatement by others; and
9) Legal expenses that may be incurred as a result of the emergency action, including actions for recoverable expenses pursuant to this Ordinance.

D. The authority to recover costs under this Ordinance shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

Section 6. CIVIL SUIT. The Village of Decatur or Designee may bring a civil action for payment of the recoverable expenses against any and all persons liable under this Ordinance. All costs of such suit, including actual attorney fees, shall also be a recoverable cost within the same civil action.

Section 7. CONFLICT WITH STATE OR FEDERAL LAW. Nothing in this Ordinance shall be construed to conflict with state or federal laws requiring persons causing or responsible for release or threatened releases from engaging in remediation activities or paying the cost thereof, or both.

Section 8. NONEXCLUSIVE REMEDY. The remedies provided by this Ordinance shall be in addition to any other remedies available in equity or at law and such penalties as provided by law or ordinance.

Section 9. EFFECTIVE DATE. This Ordinance shall become effective August 1, 2003.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7th day of July, 2003.

ORDINANCE NO. 162

AN ORDINANCE TO PROHIBIT THE PLACEMENT OF OBSTRUCTIONS, ENCUMBRANCES AND ENCROACHMENTS UPON THE PUBLIC HIGHWAYS, STREETS, ALLEYS AND SIDEWALKS OF THE VILLAGE OF DECATUR, MICHIGAN; AND TO PROVIDE FOR THE REMOVAL OF SAME, AND A CIVIL FINE, COSTS AND DAMAGES FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1. PLACEMENT OF OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. In order to protect the public health, welfare and safety, and pursuant to the provisions of MCL 67.20 and MCL 67.9, it shall be unlawful for any person, firm or corporation to place any obstructions, encumbrances and encroachments upon the right of way of any public highways, streets, alleys, and sidewalks located within the Village of Decatur, Michigan, without the consent of the Village Council of the Village of Decatur, Michigan; provided however, that a mailbox receptacle may be placed in public highway or street right-of-ways, if same is located a minimum of seven feet from the asphalt of said highway or street.

Section 2. REMOVAL, DAMAGES AND COSTS. Upon the failure of any person, firm or corporation to remove such obstructions, encumbrances or encroachments, the agents or employees of the Village of Decatur, Michigan shall immediately remove same. All costs of such removal and damages incurred by the Village of Decatur, Michigan caused by such obstructions, encumbrances or encroachments shall be assessed to the responsible party under the violation and penalty provisions of this Ordinance.

Section 3. SEVERABILITY. Sections of this Ordinance, or any part thereof, shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4.VIOLATION AND PENALTIES. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction and subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 et seq. and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 5. REPEAL. All Ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective March 1, 2004.

Adopted by the Village Council of the Village of Decatur, Michigan on this 9th day of February, 2004.

ORDINANCE NO. 163

AN ORDINANCE REQUIRING VEHICLES TO STOP BEFORE ENTERING CERTAIN INTERSECTIONS IN THE VILLAGE OF DECATUR, AND PROVIDING FOR A CIVIL FINE FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1. STOP STREETS NAMED.

Those streets and parts of streets described in Section 5. hereof are hereby declared to be **"Stop Streets."**

Section 2. STOP SIGNS.

Stop signs shall be erected and maintained on each and every street set forth in Section 5. hereof, at the intersections indicated, designating the **"Stop"** street.

Section 3. LEGIBILITY.

Every sign erected pursuant to this Ordinance shall bear the word **"STOP"** in letters that shall be clearly legible for a distance of at least one hundred (100) feet. Every such stop sign shall be located as near as practicable to the nearest line of the crosswalk on the nearest side of the intersection, or, if none, at the nearest line of the roadway.

Section 4. STOP BEFORE ENTERING.

Except when directed to proceed by a police officer, the driver of a vehicle that is approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line or, if none, shall stop at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver would be moving across or within the intersection.

Section 5. DESIGNATED STOP STREETS.

North Lake Street at its intersection with Phelps Street and School Street.
Edgar Bergen Blvd. at its intersection with Phelps Street and School Street
East bound Edgar Bergen Blvd. at its intersection with Prospect Street, and Delaware Street (M-51).
West bound Edgar Bergen Blvd. at its intersection with Rogers Street.
Rogers Street at its intersection with Edgar Bergen Blvd.
Prospect Street at its intersection with George Street and East Street.
School Street at its intersection with St. Mary's Street.
Eli Street at its intersection with School Street and George Street.
St. Mary's Street at its intersection with Burke Street, East Street, George Street, Phelps Street, William Street, John Street, and Mill Street.
Burke Street at its intersection with Delaware Street (M-51)
Seneca Street at its intersection with Delaware Street (M-51) and Sherwood Street
East Street at its intersection with Prospect Street, St. Mary's Street, Delaware Street (M-51), Sherwood Street and Prairie Ronde Street.
George Street at its intersection with School Street, St. Mary's Street, Delaware Street (M-51), and Sherwood Street.
William Street at its intersection with Pine Street, St. Mary's Street, Delaware Street (M-51), and Sherwood Street.
John Street at its intersection with Pine Street, St. Mary's Street, Delaware Street (M-51), and Sherwood Street.
Mill Street at its intersection with Clark Street, St. Mary's Street, and Delaware Street (M-51)

Clark Street at its intersection with St. Mary's Street, John Street and William Street.
Pine Street at its intersection with Cedar Street and Phelps Street.
Cedar Street at its intersection with Phelps Street, Douglas Drive, and John Street.
Memory Lane at its intersection with Cedar Street.
Douglas Drive at its intersection with Austin Blvd. and Pine Street.
Lee Avenue at its intersection with Austin Blvd. and Pine Street.
Kinney Road at its intersection with Austin Blvd. and Pine Street.
Gregory Terrace at its intersection with Austin Blvd. and Pine Street.
Meadow Wood Court at its intersection with Austin Blvd.
Sherwood Street at its intersection with Paw Paw Street, East Street, George Street, Phelps Street and William Street.
Paw Paw Street at its intersection with George Street.
Beers Street at its intersection with George Street, William Street, and Mill Street.
Bronson Street at its intersection with William Street and George Street.
Mason Street at its intersection with George Street and Bronson Street.
Prairie Ronde Street at its intersection with George Street.
Harrison Street at its intersection with Prairie Ronde Street.
Dodge Street at its intersection with Paw Paw Street.
Maple Street at its intersection with Mason Street, Champion Street and South Street.
White Oak Street at its intersection with Bronson Street.
South Street at its intersection with White Oak Street and George Street.
Parkhurst Street at its intersection with Paw Paw Street.
Dodge Street at its intersection with Paw Paw Street and Michigan Avenue.
North bound East Street at its intersection with Paw Paw Street.
Michigan Avenue at its intersection with Harrison Street.

And all other street intersections at which stop signs are erected.

Section 6. VIOLATIONS AND PENALTIES.

A violation of this Ordinance is a Municipal Civil Infraction and any person who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred and 00/100 ($500.00) Dollars, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No.236 of the Michigan Public Acts of 1961 as amended, being M.S.A. 27A.8302 and 27A.8701 et seq., respectively.

Section 7. REPEAL.

Ordinance No. 119 is hereby repealed. Any other Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8. EFFECTIVE DATE.

That the Village Clerk of the Village of Decatur, Michigan shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect July 1, 2004.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of June, 2004.

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ORDINANCE NO. 164

AN ORDINANCE TO AMEND SECTION 5 (PENALTY) OF ORDINANCE NO. 152 OF THE VILLAGE OF DECATUR, MICHIGAN, ENTITLED "DISORDERLY CONDUCT ORDINANCE."

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- Section 5-PENALTY of Ordinance No. 152 of the Village of Decatur, Michigan is hereby amended to read as follows, to-wit:

Section 5. PENALTIES. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred ($500.00) dollars plus Court costs and costs of prosecution, or by imprisonment in the County jail for a term not exceeding ninety (90) days, or both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Village may in addition seek injunctive relief.

Section 2 - Any and all other Ordinances or parts thereof, of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed.

Section 3 - This Ordinance shall become effective on the 1st day of October, 2004.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7th day of September, 2004.

ORDINANCE NO. 167

AN ORDINANCE TO AUTHORIZE THE PRIVATE SALE OF CERTAIN REAL ESTATE OWNED BY THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: **STATUTORY AUTHORITY FOR PRIVATE SALE.** Pursuant to the provisions of M.S.A. 5.1288 (MCL 67.4) the Village Council of the Village of Decatur, Michigan hereby determines that it is in the best interest of the Village of Decatur, Van Buren County, Michigan to make a private sale of certain Village owned real estate, hereinafter described, to Jeffery D. Chandler and Deborah L. Chandler, husband and wife as Tenants by the Entireties, of PO Box 172, Decatur MI 49045, pursuant to the terms hereinafter set forth.

Section 2: **DESCRIPTION OF REAL ESTATE.** The real estate hereby authorized to be sold is a vacant parcel of real estate situated in the Village of Decatur, Van Buren County, Michigan, viz:

> The East Half of Lot 2, Block "J" of the Village of Decatur, Van Buren County Michigan, according to the 1905 recorded Plat thereof as recorded in Liber 2 of Plats, page 31, Van Buren County, Michigan Register of Deed Records

Section 3: **TERMS OF SALE**. The sales price is the sum of $5,000.00, payable in cash, upon execution of a Warranty Deed conveying title to said real estate to Jeffery D. Chandler and Deborah L. Chandler. The Village of Decatur further agrees to pay all State and County Transfer taxes, if any, and to furnish a policy of Title Insurance showing good and marketable title in its name. There shall be no proration of real estate taxes and said Purchasers shall assume all real estate taxes becoming a lien against said premises in the year 2005.

Section 4: **AUTHORITY TO EXECUTE DOCUMENTS**. Upon payment of the aforesaid sales price, Carl A. Wickett and Norma Strickler the Village President and Clerk respectively, are hereby authorized and directed to execute on behalf of the Village of Decatur, a Warranty Deed conveying said real estate to Jeffery D. Chandler and Deborah L. Chandler, husband and wife as Tenants by the Entireties, together with any and all other documents that may be required or necessary.

Section 5: **EFFECTIVE DATE**. This Ordinance shall become effective the 7th day of February, 2005.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7th day of February, 2005.

ORDINANCE NO. 168

AN ORDINANCE TO REGULATE RECREATIONAL BURNING IN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1. RECREATIONAL BURNING. Recreational burning shall be defined as any fire, campfire or bonfire of natural or propane gas, charcoal, wood, or similar materials which is used for the purpose of food preparation or recreation.

Section 2. COOKING FIRES. Cooking fires are permitted for the cooking and smoking of food provided that such fires are contained in a barbeque grill or pit, smoke house, or other enclosure, and provided further that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in the vicinity of such fire.

Section 3. CAMPFIRES. Campfires no larger than five feet in diameter or covering an area no larger than ten square feet are permitted when contained within an open pit constructed in the soil, or an enclosure constructed of stone, masonry materials, steel or similar materials.

Section 4. BONFIRES. Public or private bonfires in which the combustible material would exceed five feet in diameter, or cover an area larger than ten square feet, shall require a written permit for same issued by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department, and same shall be limited to one permit per week.

Section 5. OTHER REGULATIONS.

A. There shall be no burning on any paved or concrete portion of any public or private street, driveway or sidewalks.

B. There shall be no burning unless it is under the supervision of an adult or person of mature years and discretion.

C. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to any property.

D. Such other regulations which are set forth in any permit issued by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department.

Section 6. CIVIL LIABILITY FOR COST AND DAMAGE.

A. Any person who sets a fire which necessitates calling the Decatur-Hamilton Fire Department, or any other fire department, shall pay to the Decatur-Hamilton Fire Department all costs and charges incurred by the department.

B. The Decatur-Hamilton Fire Department may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such a fire.

C. Payment of the aforesaid costs and expenses to the Decatur-Hamilton Fire Department shall in no way relieve such person from liability for any damage caused by such fire and the penalties hereinafter provided.

Section 7. ENFORCEMENT. The Village of Decatur Police Department and/or the Decatur-Hamilton Fire Department are authorized to enforce the provisions of this Ordinance.

Section 8. SEVERABILITY. Sections of this Ordinance, or any part thereof, shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 9. REPEAL. Ordinance No.161 is hereby repealed, and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, also hereby repealed.

Section 10. VIOLATION AND PENALTIES. A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate this Ordinance shall be responsible for a Civil Infraction and subject to a Civil Fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 et seq. and MCL 600.8701 et seq, respectively. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 11. EFFECTIVE DATE. This Ordinance shall become effective July 24, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3rd day of July, 2006.

ORDINANCE NO. 170

AN ORDINANCE TO AMEND SECTIONS 1 AND 2 OF ORDINANCE NO. 166 OF THE VILLAGE OF DECATUR, MICHIGAN, ENTITLED: "AN ORDINANCE EXTENDING THE TERMS OF THE CURRENT VILLAGE PRESIDENT AND VILLAGE COUNCIL MEMBERS AND THAT THE ELECTED TERMS FOR VILLAGE PRESIDENT AND VILLAGE COUNCIL MEMBERS SHALL BE FOUR YEARS."

THE VILLAGE OF DECATUR ORDAINS:

Section 1: Current Terms.

The terms of Village Council Trustees Geoffrey Johnson, Ali Elwaer and Thomas Creagan will be extended to November 2006, and until their successors are qualified. The terms of Village President, Carl Wickett, and remaining Village Council Trustees will be extended to November 2008, and until their successors are qualified.

Section 2: Elected Terms.

The elected terms for the Village President and for the Village Council Trustees will be changed to four-year terms in order to stagger the terms under the Hammerstrom Election Consolidation Act which provides for Decatur Township to conduct Village elections held at the general election in November of even numbered years. The term of office of the Village President and Village Council Trustees shall commence at 12:00 noon on November 20 following their election and they shall qualify before assuming the duties of their office.

Section 3: Repeal.

All other Ordinances or parts thereof of the Village of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4: This Ordinance shall become effective the 14th day of September, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on the 5th day of September, 2006.

ORDINANCE NO. 171

AN ORDINANCE PROHIBITING THE INSTALLATION AND USE OF OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: PURPOSE. The purpose of this Ordinance is to secure and promote the public health, safety and welfare of the inhabitants of the Village of Decatur, Michigan by prohibiting the installation and use of outdoor furnaces designed for structure heat. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to the health, safety and welfare of the public and can deprive neighboring residents of the enjoyment of their property or premises.

Section 2: DEFINITION. The words "outdoor furnaces designed for structure heat" shall mean, but is not limited to, any device, appliance, equipment, apparatus, or structure which shall include but not be limited to the following:

a) Is designed, intended and/or used to provide heat or hot water to any associated structure.
b) Operates by burning wood or any other solid fuel including but not limited to coal, paper, and agricultural products.
c) Is not located within the structure to be heated.

Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.

Section 3: PROHIBITION. It shall be unlawful to install or operate an outdoor furnace, or to cause or permit the installation or operation of an outdoor furnace, freestanding or otherwise, within the Village of Decatur, Michigan.

Section 4: REGULATIONS.
1. All existing outdoor furnaces must be registered with the Village Clerk within thirty (30) days of the effective date of this Ordinance.

2. No replacement of existing outdoor furnaces shall be installed or put into use within the Village of Decatur, Van Buren County, Michigan.

3. This Ordinance shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage, or nuisance, caused by the use of an outdoor furnace, freestanding or otherwise.

Section 5: VIOLATIONS: DECLARATION OF NUISANCE. Any outdoor furnace,

freestanding or otherwise, installed or operated in violation of this Ordinance is hereby declared to be a nuisance per se.

Section 6: **PENALTY.** A violation of this Ordinance is a Municipal Civil Infraction and any person, firm or corporation who shall violate the Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred Dollars ($500.00), plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, being MCL 600.8302 and MCL 600.8701 seq., respectively. Each day that a violation exists or continues shall constitute a separate and additional violation.

Section 7: **REPEAL CLAUSE.** All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8: **SEVERABILITY.** Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Section 9: **EFFECTIVE DATE**. This Ordinance shall become effective the 23rd day of October, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of October, 2006.

ORDINANCE NO. 172

AN ORDINANCE REGULATING THE INSTALLATION AND CONSTRUCTION OF FENCES WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR ORDAINS:

Section 1: This Ordinance shall be known as the Village of Decatur Fence Ordinance.

Section 2: Definitions:

A. Corner Lot: A lot abutting two or more streets at their intersection.
B. Decorative Fence: A permanent barrier not used for enclosure such as a trellis.
C. Fence: A structure serving to enclose or divide all or part of a lot or to function as a boundary between two (2) or more lots.
D. Front Lot line: The line abutting the street, or in the case of a lot abutting more than one street, the boundary line fronting the same street as parallel adjoining lots of similar shape and size.
E. Hedge: A fence or boundary formed by a dense row of plantings, shrubs, bushes, evergreens or trees planted or otherwise constructed or grown in a continuous line so as to be a barrier to sight of ingress or egress.
F. Rear Yard: A yard extending the full width of the lot from the rear line of the main building to the rear lot line.
G. Side Yard: A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
H. Wall: A fence built of solid material such as stone, brick, concrete or timbers (as used in a retaining wall).

Section 3: Application and Permit Required

No person shall erect any fence or wall unless he/she shall first have applied for and received a permit from the Village Manager or his/her designee. Information required on the application for a permit to build a fence or wall shall include the name, address, and signature of the applying landowner; and the proposed location, height, type, style and materials of the proposed fence or wall. The Village Manager or his/her designee shall examine all applications and, if the application appears to comply with all provisions of this Ordinance and does not appear to violate any other applicable law, and if all applicable fees have been paid, a permit shall be issued to the applicant.

Section 4: Permit Fee

A non-refundable permit fee of Ten Dollars ($10.00) shall be made payable to the Village of Decatur upon submission of the fence application for review. The Village of Decatur will have ten

(10) working days to review the application from the date of its submission in order to determine whether the proposed fence meets the guidelines of this Ordinance.

Section 5: Fence Types and Construction

A. Chain link fences shall be constructed of materials specifically designed by fence manufactures for such use. Fences will have top rails between supporting posts, and caps on end or corner posts. Fence posts shall be placed on the inside of the property line of the owner erecting the fence. Agricultural wire fences such as chicken or hog wire fences are not permitted.
B. Wood fences shall be of picket, solid, stockade, or basket weaves design. Plywood, particle board, OSB or other sheet material is prohibited for fence facing. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
C. Masonry fences or walls shall be of brick, decorative block, pre-cast reinforced or cast in place concrete, and erected on approved footings and foundations. Walls shall be capped with a peaked coping of sufficient pitch to discourage walking.
D. Privacy fences may be erected of any of the materials referenced in the preceding paragraphs. Sheet metal, old doors, pallets, etc. are prohibited.

Section 6: General Conditions

A. Establishing or locating the correct property line between lots is the responsibility of the owner and not of the Village of Decatur. A survey by a licensed surveyor is recommended.
B. All fences constructed or reconstructed shall be made of materials and in a manner esthetically compatible with the neighborhood. They are to be maintained in a safe and neat condition and permit a clear line of vision to all modes of traffic: wheeled, pedestrian, etc.

Section 7: Restrictions

A. The finished face of any fence or wall shall face the outside of the permit holder's property with the visible posts or supports located on the inside of the fence or wall, unless:
    (1) The fence is so constructed that both sides of the fence are the same (such as board on board or shadow box fence), or
    (2) The adjoining property owner consents in writing to allow the visible posts or supports to be located on the outside of the fence, and such written consent shall accompany the application for a fence permit.
B. No fence or wall constructed on private property shall be constructed, in whole or in part, of barbed wire or razor wire.
C. No fence or wall shall be electrically charged or connected to an electrical current, except for a fence installed below ground as an element of an animal control system.
D. No fence or wall shall be constructed closer than two (2) feet from the established sidewalk line to permit snow removal. If no sidewalk exists residents shall place the fence two (2) feet back from their property line to permit maintenance of fence.
E. Shrubs are prohibited in front of fences located in front yards or side yards which are adjacent to public rights-of-way.

F. No fence or wall, except public fences or fences in Industrial zoned areas, over six (6) feet in height measured from the surface of the ground shall be erected in a rear yard area or side yard area not abutting a road right-of-way. No fence over four (4) feet in height measured from the surface area of the ground shall be erected in a front yard area or a side yard area or a rear yard area adjoining a road right-of-way, and a minimum of fifty percent (50%) of the surface area of a fence adjoining a road right-of-way shall be open to permit visibility through same.
G. In Industrial zoned areas fences and walls may be constructed up to eight (8) feet in height measured from the surface of the ground in a rear yard area or side yard area not abutting a road right-of-way. No fence over four (4) feet in height measured from the surface area of the ground shall be erected in a front yard area or a side yard area or rear yard area adjoining a road right-of way, and a minimum of fifty percent (50%) of the surface area of a fence adjoining a road right-of-way shall be open to permit visibility through same.

Section 8: Hedges

A. It shall be the obligation of the owner or occupant of the land upon which the hedge is growing to trim said hedge to the height limits provided for other residential fences. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed by the adjacent owner back to the lot line.
B. Hedges shall be contained two (2) feet back from the established sidewalk line. If no sidewalk exists residents shall contain the hedge two (2) feet back from their property line.
C. Hedges on corner lots shall permit visibility to both wheeled and pedestrian traffic.

Section 9: Decorative Fences

Decorative fences shall be a part of the overall landscape plan. In no instance shall the surface area encompassed by the outer most limits of such a fence restricts air movements or visibility by more than twenty (20) percent.

Decorative fences are subject to all other provisions provided under this Ordinance.

Section 10: Public Fences

In order to protect the health, safety, welfare and property of the public, all fences constructed by the Village of Decatur, Michigan which enclose public parks, playgrounds, sewer and storm water ponds, or other public areas situated in the Village of Decatur, Michigan may be constructed in any manner deemed appropriate by the Village Council of the Village of Decatur, Michigan, including but not limited to, solid board fences or fences with barbed wire.

Section 11: Dilapidated or Dangerous Fences and Walls, Blight

It shall be the duty of the owner upon whose property the fence or wall is located to ensure that all fences or walls are installed and maintained plumb, with adequate support and footings, and in a safe and sightly manner. If the fence or wall is deemed to be on the lot line and the ownership is not known, it shall be the duty of both adjoining property owners to maintain the fence or wall in a safe and sightly manner.

Section 12: Appeal

Any applicant whose permit is denied on the basis of requirements set out in this ordinance may appeal such decision to the Zoning Board of Appeals.

Section 13: Repeal

Ordinance No. 138 and Ordinance No. 165 are hereby repealed and any other ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, also hereby repealed.

Section 14: Violations:

A violation of this Ordinance is a Municipal Civil Infraction and any person or firm who shall violate the Ordinance shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred Dollars ($500.00) per day of said violation, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MSA 27A.8302 and 27A.8701 et seq., respectively.

The Village of Decatur may further seek such other relief for the repair or removal of fences which are deemed to be dangerous, damaged or dilapidated, by making said necessary repair or removal and thereafter placing the costs incurred on the property tax roll for such property.

Section 15: This Ordinance shall become effective the 1st day of November, 2006.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of October, 2006.

ORDINANCE NO. 173

AN ORDINANCE TO REGULATE THE CURFEW OF CERTAIN MINORS WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: Purpose.

The purpose of this Ordinance is to regulate the curfew of certain minors in public places and other unsupervised places within the Village of Decatur, Michigan, and to provide penalties for violation thereof. This Ordinance is made pursuant to the authority of Michigan Act 41 of the Public Acts of 1960, MCL 722.751 et seq.

Section 2: Hours of Curfew.

A. It shall be unlawful for any minor person under the age of 12 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 9:30 p.m. and 6:00 a.m. Michigan Standard Time

B. It shall be unlawful for any minor person under the age of 15 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 10:00 p.m. and 6:00 a.m. Michigan Standard Time.

C. It shall be unlawful for any minor person under the age of 17 years to be or remain in or upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place in the Village of Decatur, Michigan between the hours of 11:00 p.m. and 6:00 a.m. Michigan Standard Time.

D. The provisions of this Section shall not apply to a minor accompanied by his parent, grandparent, guardian, sibling of at least 18 years of age, or other responsible adult over the age of 21 years. Nor shall the provisions of this Section apply where the employment of the minor person makes it necessary that the minor is upon any street, alley, playground, public place, closed business, place of amusement or other unsupervised place during the nighttime after the specified hours; or if the minor is returning directly home from attending an organized community or social event, school or religious activity for which the minor shall have received permission in writing from his parent, grandparent, guardian or other person having custody of the minor.

Section 3: Responsibility of Parent, Guardian or Other Person having legal care and custody to Enforce Curfew.

It shall be unlawful for any parent, guardian or other person having the legal care and custody of a minor person under the age of 17 years to allow or permit any such minor to be in violation of Section 2 of this Ordinance.

Section 4: Lack of Knowledge of Violation no Defense.

It shall not constitute a defense to a complaint charging a violation of Section 3 of this Ordinance, that the parent, guardian, or other person having the legal care and custody of a minor person who violates the provisions of Section 2 of this Ordinance, did not have knowledge of the presence of said minor in and upon any street, alley, playground, public place, closed business, place of amusement, or other unsupervised place as prohibited in Section 2 of this Ordinance.

Section 5: Business Owners Prohibited to Allow Minors to Violate Curfew Hours on Their Premises.

It shall be unlawful for the owner/operator of any business establishment within the Village of Decatur, Michigan either by himself or by any employee or agent, to permit any such minor person to be, or remain in or about such business establishment in violation of Section 2 of this Ordinance, unless the minor is employed and working at said business establishment during curfew hours.

Section 6: Duties of Police Department.

It shall be the duty of each member of the Decatur Police Department to enforce the provisions of this Ordinance, and each member of the police department is hereby authorized to question any person suspected of violating any of the provisions of this Ordinance and to take into custody and detain any minor person so found to be in violation of this Ordinance, and to further ascertain the name of the parent, guardian or other person having authorized custody, or the employer of the minor person.

Upon determination, such parent, guardian, or other person having authorized custody of the minor person shall be notified or summoned by the investigating officer or member of the Decatur Police Department to appear at the police department to complete an investigation and assume custody of the minor person. If the parent, guardian, or person having authorized custody of the minor cannot be located within a reasonable time, the officer shall notify the county juvenile authorities to cause the proper proceedings to be had and taken, as authorized by the laws of the State of Michigan.

Section 7: Warning Notice.

Whenever any minor person in violation of this Ordinance shall be taken into custody by the Decatur Police Department, as provided in Section 6 of this Ordinance, written notice shall be given immediately, or as soon thereafter as possible, to any parent, guardian, or other person having legal care or custody of such minor, or the owner/operator of any business establishment, in the form provided in this Section. Such notice shall be substantially in the following form:

To _____

You are notified on the _____ day of _____, _____ at _____ o'clock __ m, a minor person under 17 years of age named _____ for whom you are responsible, was taken into custody for being in violation of Section 2 of Ordinance No. 173 of the Village of Decatur, a portion of which is printed on the back of this notice.

You are further notified that you are charged in the future with the responsibility for the compliance by said minor with the provisions of said Ordinance No. 173. Failure to do so will subject you to the penalty therein provided.

Village of Decatur Police Department

By: _____

_____

Section 8: <u>Penalties</u>

A. MINORS - The penalty for the first violation of the provisions of this Ordinance by any minor person shall be the detention provided in Section 6, and the warning notice provided in Section 7 and possible referral to the juvenile authorities of Van Buren County Michigan. Upon the second and subsequent violations of the provisions of this Ordinance by the minor person, in additions to the provisions of Section 6 and Section 7 of this Ordinance, the matter shall be referred to the juvenile authorities of Van Buren County Michigan.

B. PARENT, GUARDIAN, PERSON HAVING AUTHORIZED CUSTODY OF THE MINOR PERSON, OR BUSINESS OWNER/OPERATOR - The penalty for the first violation of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, or business owner/operator shall be the detention of the minor as provided in Section 6, and the warning notice provided in Section 7 of this Ordinance. The second and subsequent violations of the provisions of this Ordinance by the parent, guardian, person having authorized custody of the minor person, or business owner/operator, shall constitute a Municipal Civil Infraction subject to a civil fine not exceeding $500.00, plus any costs, damages, expenses or other sanctions as authorized under Chapters 83 and 87 of Act 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 and MCL 600.8701 et seq. Each day that a violation continues shall be deemed a separate violation of this Ordinance.

Section 9: <u>EFFECTIVE DATE.</u>

This Ordinance shall become effective the 1st day of July, 2007.

Adopted by the Village Council of the Village of Decatur, Michigan on the 4th day of June, 2007.

ORDINANCE NO. 174

AN ORDINANCE TO ADOPT BY REFERENCE THE MICHIGAN MOTOR VEHICLE CODE.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: Code and Amendment and Revisions Adopted.
The Michigan Motor Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, and all future amendments and revisions to the Michigan Motor Vehicle Code when they are effective in this state are incorporated and adopted by reference.

Section 2: References in Code.
References in the Michigan Vehicle Code to "local authorities" shall be the Village of Decatur, Van Buren County, Michigan.

Section 3: Notice to be Published.
The Village Clerk of the Village of Decatur, Van Buren County Michigan, shall publish this Ordinance in the manner required by law and shall publish, at the same time, a notice stating the purpose of the Michigan Vehicle Code and the fact that a complete copy of the code is available to the public at the office of the clerk for inspection.

Section 4: Penalties:
The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the Village of Decatur may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

Section 5: Repeal: Ordinance No. 157 is hereby repealed. All other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6: Effective Date. This Ordinance shall become effective the 1st day of September, 2007.

Adopted by the Village Council of the Village of Decatur, Michigan this 6th day of August, 2007.

ORDINANCE NO. 175

AN ORDINANCE TO PROHIBIT PUBLIC PARKING AND TO REGULATE TRAFFIC ON THE DRIVEWAYS/FIRE LANES AT DECATUR PUBLIC SCHOOLS AND ON A CERTAIN PORTION OF WEST EDGAR BERGEN BOULEVARD, MEMORY LANE AND AUSTIN BOULEVARD WHEN SCHOOL IS IN SESSION.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: **Purpose.** The purpose of this Ordinance is to prohibit public parking and to regulate traffic on Decatur Public Schools' premises, and that portion of West Edgar Bergen Boulevard between North Phelps Street and Rosewood Avenue; and on that portion of Memory Lane lying between the west entrance of the Decatur High School parking lot and Austin Blvd; and on that portion of Austin Blvd lying between Douglas Drive and Memory Lane, in order to protect the health, welfare and safety of the public.

Section 2: **Definitions.** For the purpose of this Ordinance the following words are defined as follows:

A. "Park" means the stopping of a motor vehicle and leaving it unattended.

B. "Stop or stopping" means the halting of a motor vehicle, even momentarily, unless the halting of the vehicle is necessary to avoid conflict with other traffic, or that is in compliance with the directions of a police officer or traffic-control sign or signal.

C. "U-Turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.

Section 3: No person shall park a motor vehicle and/or motorcycle in the driveways/fire lanes used to service the Decatur Public High School, Middle School and Elementary School or in any other designated "No Parking" areas of said school premises.

Section 4: No person shall operate or drive a motor vehicle and/or motorcycle on the driveway/fire lane serving Decatur Middle School between the hours of 7:45 a.m. to 8:15 a.m. and 2:45 p.m. to 3:15 p.m., at which time school buses are unloading or loading students.

Section 5: No person shall leave a motor vehicle and/or motorcycle unattended in any area designated by Decatur Public Schools for the drop-off or pick-up of students.

Section 6: No person shall park on the street right-of-way of that portion of West Edgar Bergen Boulevard lying between North Phelps Street and Rosewood Avenue, between the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, when school is in session.

Section 7: No person shall stop or make U-turns on the street right-of-way of that portion of West Edgar Bergen Boulevard between North Phelps Street and Rosewood Avenue, between the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, when school is in session.

Section 8: No person shall park on the street right-of-way of that portion of Memory Lane lying between the west entrance of the Decatur High School parking lot and Austin Blvd between the hours of 8:00 a.m. to 3:10 p.m., Monday through Friday, when school is in session.

Section 9: No person shall park on the street right-of-way of that portion of Austin Blvd lying between Douglas Drive and Memory Lane between the hours of 8:00 a.m. to 3:10 p.m., Monday through Friday, when school is in session.

Section 10: **Repeal:** Ordinance No. 56 is hereby repealed. All other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11: **Penalties:** A violation of this Ordinance is a municipal civil infraction and the owner of any motor vehicle who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine as hereinafter set forth, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, being MCL 600.8302 and MCL 600.8701 et seq., respectively. In addition any motor vehicle parked in a posted "Tow Away Zone" shall be immediately removed to a place of safekeeping at the expense of the registered owner of said vehicle who shall be liable for the actual and reasonable towing and storage charges for same. The civil fines for violation of this Ordinance shall be as follows:

A. A violation of Sections 3, 4 and 7 shall be subject to a civil fine of $50.00.

B. A violation of Sections 5, 6, 8 and 9 shall be subject to a civil fine of $25.00.

A parking violation notice shall be issued by a police officer of the Village of Decatur for a violation of Sections 3, 5, 6, 8 and 9. The parking violation notice shall indicate that the civil fine shall be paid to the Village of Decatur Parking Violations Bureau within 72 hours from the time the violation notice was issued. Said notice shall also indicate the address of the Bureau, the hours during which the Bureau is open and the amount of the civil fine. In the event the civil fine for a parking violation is not paid within the aforesaid 72 hours, a traffic citation for a civil infraction shall be issued to the owner of the vehicle. A traffic citation shall be issued for a violation of Sections 4 and 7 of this Ordinance.

Section 12: **Effective Date.** This Ordinance shall become effective the 1st day of October, 2007.

Adopted by the Village Council of the Village of Decatur, Michigan this 4th day of September, 2007.

ORDINANCE NO. 176

AN ORDINANCE REGULATING CROSS CONNECTIONS WITH THE PUBLIC WATER SUPPLY SYSTEM, i.e., A CONNECTION OR ARRANGEMENT OF PIPING OR APPURTENANCES THROUGH WHICH WATER OF QUESTIONABLE QUALITY, WASTES OR OTHER CONTAMINANTS CAN ENTER THE PUBLIC WATER SUPPLY SYSTEM.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: That the Village of Decatur, Michigan adopts by reference the Water Supply Cross Connection Rules of the Michigan Department of Environmental Quality, being R 325.11401 to R 325.11407 of the Michigan Administrative Code.

Section 2: That it shall be the duty of the Village of Decatur, Michigan to cause inspections to be made of all properties served by the public water supply where cross connections with the public water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Village of Decatur, Michigan Water Department and as approved by the Michigan Department of Environmental Quality.

Section 3: That the representative of the Village of Decatur Michigan Water Department shall have the right to enter at any reasonable time any property served by a connection to the public water supply system of the Village of Decatur, Michigan for the purpose of inspecting the piping system or systems thereof for cross connections. On request, the owner, lessees, or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connection.

Section 4: That the Village of Decatur, Michigan Water Department is hereby authorized and directed to discontinue water service after reasonable notice to any property wherein any connection in violation of this Ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water supply system. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.

Section 5: That all testable backflow prevention devices shall be tested initially upon installation to be sure that the device is working properly. Subsequent testing of devices shall be conducted at a time interval specified by the Village of Decatur Michigan and in accordance with the Michigan Department of Environmental Quality requirements. Only individuals approved by the Village of Decatur Michigan and State of Michigan certified, shall be qualified to perform such testing. That such individual(s) shall certify the results of his or her testing to the Village of Decatur, Michigan.

Section 6: That the potable water supply made available on the properties served by the public water supply shall be protected from possible contamination as specified by this Ordinance and by the State Plumbing Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled in a conspicuous manner as:

WATER UNSAFE
FOR DRINKING

Section 7: That this Ordinance does not supersede the State Plumbing Code, but is supplementary to same.

Section 8: That any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred ($500.00) dollars plus Court costs, and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate violation. The Village may in addition seek injunctive relief.

Section 9: **Repeal:** Ordinance No. 66 of the Village of Decatur, Michigan is hereby repealed. All other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 11: **Effective Date.** This Ordinance shall become effective the 1st day of December, 2007.

Adopted by the Village Council of the Village of Decatur, Michigan this 5th day of November, 2007.

ORDINANCE NO. 177

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE VILLAGE OF DECATUR, MICHIGAN LOCATED IN VAN BUREN COUNTY, UNDER THE PROVISIONS OF THE STILLE-DeROSSETT -HALE SINGLE STATE CONSTRUCTION CODE ACT, 1972 PA 230, AS AMENDED.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: **AGENCY DESIGNATED**. Pursuant to the provisions of the Michigan Mechanical Code and in accordance with Section 8b (6) of Pubic Act 230 of 1972, as Amended, (Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501) the Mechanical Code Official of the Village of Decatur, Michigan is hereby designated as the enforcing agency to discharge the responsibilities of the Village of Decatur under Act 230 of the Michigan Public Acts of 1972, as Amended. The Village of Decatur, Michigan assumes responsibility for the administration and enforcement of said Act, in regard to the State Mechanical Code, throughout its corporate limits.

Section 2: **VIOLATIONS.** Violations of said Act in regard to the State Mechanical Code shall be a Municipal Civil Infraction, and any person, firm, association, partnership, limited liability company or corporation, including any officer, partner, member, director or employee thereof who:

A. Knowingly violates said act or the State Mechanical Code or a rule for the enforcement of said act or code;

B. Knowingly constructs or builds a structure or building in violation of a condition of a building permit;

C. Knowingly fails to comply with any order issued by an enforcing agency, a construction board of appeals, or the State Construction Code Commission, pursuant to this act;

D. Knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals or the State Construction Code Commission;

E. Knowingly refuses entry or access to a mechanical code official/inspector lawfully authorized to inspect any premises, building, or structure pursuant to this act;

F. Unreasonably interferes with an authorized mechanical inspection;

G. Knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of said act or a rule promulgated under said act or other applicable laws in regard to the State Mechanical Code;

H. Having a duty to report violations of said act or a rule promulgated under said act or other applicable laws in regard to the State Mechanical Code, knowingly conceals a violation;

shall be responsible for a civil infraction and subject to a civil fine not exceeding Five Hundred and 00/100 ($500.00) Dollars, plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MCL 600.8302 et seq. and MCL 600.8701 et seq., respectively**.** With respect to subsection 2 C, a person is guilty of a separate offense for each day that said person fails to comply with a stop construction order validly issued by an enforcing agency and for each week that said person fails to comply with any other order validly issued by an enforcing agency.

Section 3: **REPEAL CLAUSE**. All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4: **SEVERABILITY.** Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 5: **EFFECTIVE DATE.** This Ordinance shall become effective after the approval of the State Construction Code Commission, and upon the publication of this Ordinance.

Adopted by the Village Council of the Village of Decatur, Michigan on this 4th day of August, 2008.

ORDINANCE NO. 178
SNOWMOBILE ORDINANCE

AN ORDINANCE REGULATING THE USE OF SNOWMOBILES IN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR ORDAINS:

Section 1: PURPOSE: The purpose of this Ordinance is to protect the public health, welfare and safety by establishing rules, guidelines, routes and parking regulations in regard to the operation of snowmobile vehicles within the Village limits of the Village of Decatur, Van Buren County, Michigan.

Section 2: DEFINITIONS: For purposes of this Ordinance the following definitions shall apply**:**

A) **Snowmobile.** "Snowmobile" is defined as any motor-driven vehicle designed for travel primarily on snow or ice of a type using sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated; but is not a vehicle that must be registered under Act No. 300 of the Public Acts of MI of 1949 (MCL 257.1 et seq., MSA 9.1801 et seq.), as amended.

B) **Street or Road Right-of-Way.** A strip of land occupied by a public or private street or road for vehicular movement and which typically incorporates such features as curbs, lawn strips, street trees, sidewalks, walkways, utility lines, lighting, signage and drainage facilities. It shall include the entire width of a public or privately-owned, controlled and maintained property that provides access to abutting properties, parcels or lots. The right of way shall include both the paved portion of the street as well as the portion between the street and the adjoining property line and shall include public sidewalks. The term "road right-of-way" shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare that affords the principal means of access to abutting property.

Section 3: ADOPTION BY REFERENCE. Part 821 relating to “Snowmobiles”, of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of Michigan, 1994 (MCL 324.82101 through 324.82160), is hereby adopted by reference thereto. References in said Part 821 to “governmental unit” shall mean the Village of Decatur, Michigan.

Section 4: OPERATION OF SNOWMOBILES WITHIN THE VILLAGE OF DECATUR, MICHIGAN:

A) It shall be unlawful to operate a snowmobile within the Village of Decatur, Michigan except as hereinafter provided:

1. Upon premises owned or under the control of the snowmobile operator or upon the premises of another with that person’s express permission.

2. Upon the shoulder, if possible, or the extreme right side of the traveled portion of a

snow covered street or road right-of-way which is an approved designated route as set forth on the map attached hereto and made a part hereof, solely for the purpose of giving access to gas stations and/or restaurants; or from a recognized snowmobile trail to the operator's residence within the Village limits of Decatur, Michigan by using the most direct route. A snowmobile shall not be operated on a public sidewalk, except when necessary to cross same.

3. A snowmobile may be operated on the paved portion of a roadway only when necessary to cross the roadway or to cross a bridge, culvert or other obstruction, or when an emergency occurs and conventional motor vehicles cannot be used for transportation due to snow, ice or other extreme highway conditions, and the Village Council or Chief of Police authorize such use. The snowmobile shall be brought to a complete stop before entering onto the roadway and the operator shall yield the right-of-way to a vehicle or pedestrian approaching on the roadway or a public sidewalk.

4. There shall be no operation of snowmobiles on North or South Phelps Street and East or West Delaware Street, except in the case of emergency as provided in paragraph 3 above. Snowmobiles may use the alleyways lying East and West of Phelps Street between Sherwood Street and St. Mary's Street for the purpose of accessing restaurants or gas stations.

5. There shall be no parking of snowmobiles on North or South Phelps Street and East or West Delaware Street. Snowmobiles may be parked on the parking lots adjoining the alleys set forth in paragraph 4 above.

Section 5: OTHER RESTRICTIONS:

A) **Speed.** A person shall not operate a snowmobile at a rate of speed greater than is reasonable, safe and proper, having due regard for conditions then existing and same shall in no event be greater than the posted speed limit, or 25 miles-per-hour (mph), whichever is less, if driven on a public or private street or road right-of-way under circumstances permitted by this Ordinance.

B) **Lights.** Snowmobiles must display an operational lighted white headlight and red taillight at all times during operation.

C) **Proximity to Dwellings.** A person shall not operate a snowmobile within one hundred feet (100') of a dwelling between 11 PM and 6 AM at a speed greater than the minimum required to maintain forward movement.

D) **Restrictions: Under 12 years of age**. A parent or guardian shall not permit his/her child who is less than 12 years of age to operate a snowmobile without the direct supervision of a person authorized by the parent or guardian who is at least 21 years of age, except on land owned or controlled by the parent or guardian, nor shall a person under 12 years of age cross a street, highway or roadway while operating a snowmobile.

E) **Restrictions: 12 -16 years of age**. A person who is at least 12 years old but less than 17 years of age may not operate a snowmobile unless:

a. The person is under the direct supervision of a person authorized by the parent or guardian who is 21 years or older; and

b. The person has in his/her immediate possession a valid snowmobile safety certificate; and

c. The person is on land owned or under the control of his/her parent or guardian.

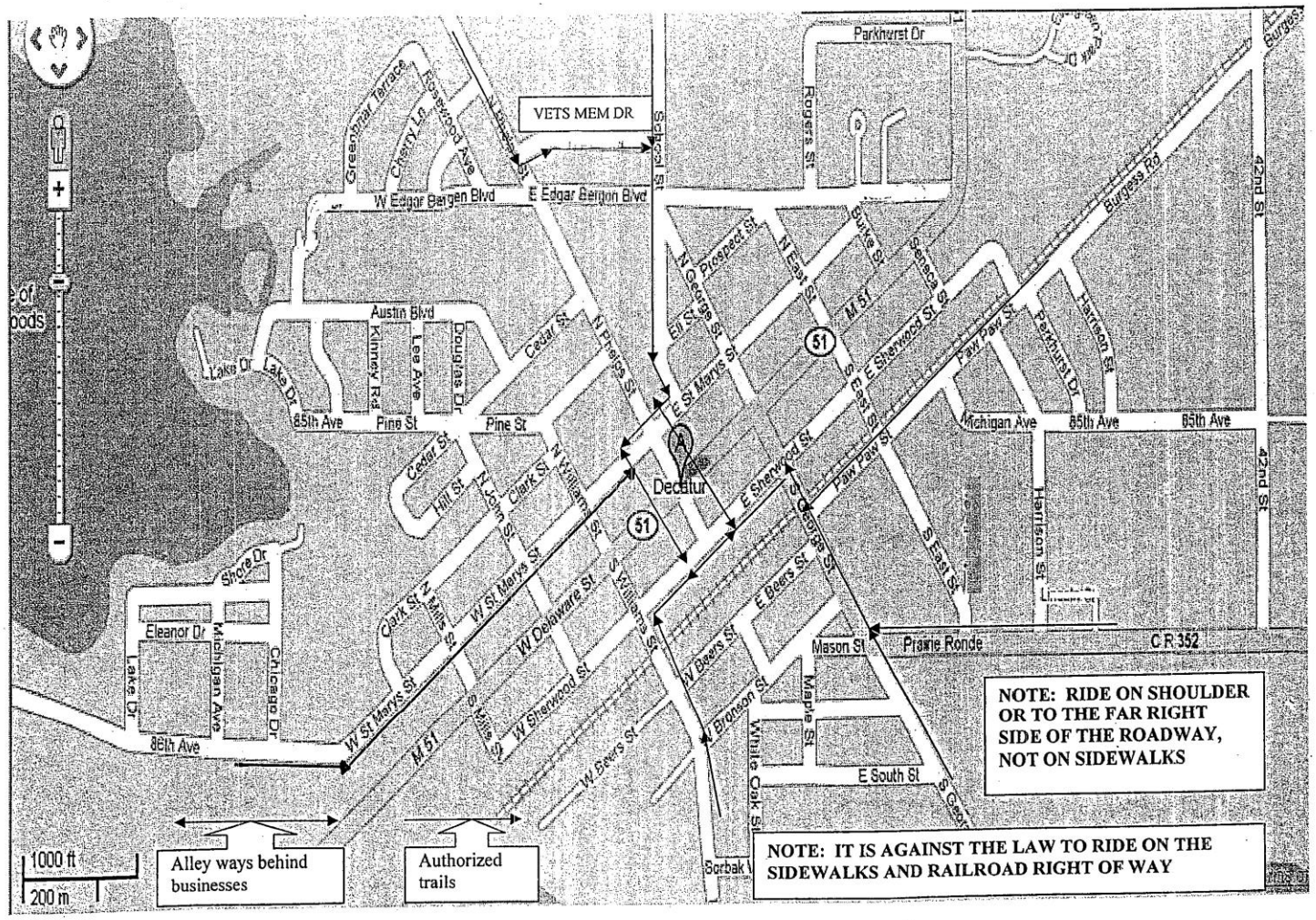
Section 6: PENALTIES: A violation of this Ordinance is a municipal civil infraction and the owner of any snowmobile who shall violate this Ordinance shall be responsible for a civil infraction and subject to a civil fine as hereinafter set forth, plus any costs, damages, expenses and other sanctions authorized under Chapters 83 and 87 of Act No. 236 of the Michigan Public Acts of 1961, as amended, being MCL 600.8302 and MCL 600.8701 et seq, respectively.

Section 7: REPEAL CLAUSE. All Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 8: SEVERABILITY. Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 9: EFFECTIVE DATE. This Ordinance become effective on March 2, 2009.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of February, 2009.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Cherry Ln
Rosewood Ave
Parkhurst Dr
Rogers St
Burgess Rd
42nd St
Austin Blvd
Kinney Rd
Lee Ave
Douglas Dr
Lake Dr
85th Ave
Pine St
Cedar St
N Prairie St
N Prospect St
Ell St
N Georgia St
N East St
Clarke St
M 51
E St Marys St
E Sherwood St
Park Pass St
Perkhurst Dr
Harrison St
Michigan Ave
Decatur
Hill St
N Clark St
N Williams St
W St Marys St
W Delaware St
W Sherwood St
W Beers St
E Beers St
E Georgia St
E East St
Shore Dr
Eleanor Dr
Michigan Ave
Chicago Dr
Mason St
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C R 352
Maple St
W Bronson St
White Oak St
E South St
Sorbak
1000 ft
200 m
Alley ways behind businesses
Authorized trails
NOTE: RIDE ON SHOULDER OR TO THE FAR RIGHT SIDE OF THE ROADWAY, NOT ON SIDEWALKS
NOTE: IT IS AGAINST THE LAW TO RIDE ON THE SIDEWALKS AND RAILROAD RIGHT OF WAY

ORDINANCE NO. 180

AN ORDINANCE TO PROHIBIT THE USE, POSSESSION, DELIVERY, SALE, OR ADVERTISEMENT OF DRUG PARAPHERNALIA AND THE ESTABLISHMENT OR OPERATION OF A MEDICAL MARIJUANA AKA MARIHUANA DISPENSARY IN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: DEFINITIONS RELATING TO DRUG PARAPHERNALIA.

A. The term "drug paraphernalia" means all equipment, products and materials of any kind which is used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act No. 368 of the MI Public Acts of 1978, as Amended), in violation of the laws of the State of Michigan. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine, hydrochloride, mannitol, manite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes or other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
10. Containers or other objects used, intended for use or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in injecting controlled substances into the human body;
12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

    a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without

screens, permanent screens, hashish heads or punctured metal bowls.
b. Water pipes.
c. Carburetion tubes and devices.
d. Smoking and Carburetion masks.
e. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette, that have become too small or too short to be held in the hand.
f. Miniature cocaine spoons and cocaine vials.
g. Chamber pipes.
h. Carburetor pipes.
I. Electric pipes.
j. Air-driven pipes.
k. Chillums.
l. Bongs.
m. Ice pipes or chillers.

B. In determining whether an object is "drug paraphernalia," a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
3. The proximity of the object, in time and space, to a direct violation of state law;
4. The proximity of the object to controlled substances;
5. The existence of any residue of controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of state law or this Ordinance; the innocence of an owner, or of anyone in control of the object, as to a direct violation of state law shall not prevent a finding that the object is intended for use or designed for use drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;
11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community, and;
14. Expert testimony concerning its use.

Section 2: **POSSESSION OF DRUG PARAPHERNALIA.**

Except as hereinafter provided in Section 5 of this Ordinance, it is unlawful for any person, firm, or corporation to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the laws of the State of Michigan.

Section 3: **MANUFACTURE, DELIVERY OR SALE OF DRUG PARAPHERNALIA**.

Except as hereinafter provided in Section 5 of this Ordinance, it is unlawful for any person, firm, or corporation to deliver, sell, possess with intent to deliver or sell or manufacture with intent to deliver or sell drug paraphernalia, knowing that it will be used to plant, convert, product, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the laws of the State of Michigan.

Section 4: **ADVERTISEMENT OF DRUG PARAPHERNALIA.**

It is unlawful for any person, firm, or corporation to advertise in any newspaper, magazine, handbill or other publication, or by sign, poster, or any other means of advertisement, for the purpose of promoting the sale of objects designed or intended for use as drug paraphernalia, except for such items of drug paraphernalia used for medical marijuana aka marihuana.

Section 5: **POSSESSION, USE AND DISPENSING OF MEDICAL MARIJUANA AKA MARIHUANA.**

A. Medical marijuana aka marihuana and drug paraphernalia relating thereto, can only be possessed and used in accordance with and pursuant to the Michigan Medical Marihuana Act (MCL 333.26421 et seq.) and the Rules of the Michigan Department of Community Health promulgated there under and any subsequent amendments to said Act or Rules.

B. It is unlawful for any person, duly authorized and acting as a primary caregiver, to dispense medical marijuana aka marihuana through a retail store, storefront, office building or any other type of commercial building located within the Village of Decatur, Michigan.

Section 6: **CIVIL FORFEITURE**.

Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell in violation of this Ordinance shall be seized and forfeited to the Village of Decatur, Michigan.

Any marijuana aka marihuana sold or possessed with intent to sell in violation of this Ordinance shall be seized and forfeited to the Village of Decatur, Michigan.

Section 7: **SEVERABILITY**.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 8: **PENALTY.**

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than Five Hundred and 00/100 ($500.00) Dollars, plus Court costs and costs of prosecution, or by imprisonment in the County jail for a term not exceeding ninety (90) days, or both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Village may in addition seek injunctive relief.

Section 9: **REPEAL CLAUSE.** Ordinance numbers 140 and 179 are hereby repealed.

Section 10: **EFFECTIVE DATE**.

This Ordinance shall become effective the 1st day of July, 2009.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 1st day of June, 2009.

VILLAGE OF DECATUR
VAN BUREN COUNTY, MICHIGAN

ORDINANCE No. 182

An Ordinance granting a revocable franchise to Indiana Michigan Power company, its successors and assigns, for the right to acquire, construct, maintain, and operate in the streets, thoroughfares, alleys, bridges, and public places of the Village of Decatur, Van Buren, State of Michigan, and its successors, lines and appurtenant equipment for the transmission and distribution of electric energy to the Village of Decatur, and the inhabitants thereof, and for the transmission and distribution of the same within, through, or across said Village of Decatur, Van Buren County, State of Michigan.

The Village of Decatur, Van Buren, State of Michigan, ordains:

SECTION 1,

Indiana Michigan Power Company, its successors and assigns (hereinafter called "Grantee") is hereby granted the right, privilege, franchise, and authority to acquire, construct, maintain (including vegetation clearance to prevent interference with Grantee's facilities), and operate in, above, under, across, and along the streets, thoroughfares, alleys, bridges, and public places (as the same now exist or may hereafter be laid out) of the Village of Decatur, Van Buren County, State of Michigan, lines for the transmission and distribution of electric energy, either by means of overhead or underground conductors, with all the necessary or desirable appurtenant equipment (the "Facilities"), to render public utility service in said Village and to the inhabitants thereof by supplying electric energy to said Village and the inhabitants thereof, and persons or corporations beyond the limits thereof for all purposes for which electric energy is now or may hereafter be used, and the transmission and distribution of the same within, through, or across said Village of Decatur, Van Buren County, State of Michigan, subject to such reasonable regulation of the placement and operation of the Facilities as the Village Council shall prescribe from time to time and as is permitted under applicable state law.

SECTION II.

Said facilities shall be constructed in a manner that shall not unreasonably interfere with the traveling public in its use of the streets, thoroughfares, alleys, bridges, and public places.

SECTION III.

The rights, privileges, and franchise hereby granted shall be in force and effect for a period of thirty (30) years from the date of the passage of this Ordinance, but revocable at the will of the Village Council unless approved by vote of the electors.

The rights, privileges, and franchise hereby granted shall not be construed to be exclusive and the Village of Decatur hereby reserves the power to grant similar rights, privileges, and franchises to any other person or persons, firm or firms, corporation or corporations.

SECTION IV.

Said Grantee shall save the Village harmless from any and all liability arising in any way from Grantee's negligence in the erection, maintenance, or operation of said Facilities, except to the extent arising out of the Village's negligence or willful misconduct.

SECTION V.

Whenever said Grantee shall begin the erection or installation of any lines or equi[ment, it shall promptly and diligently prosecute the work to completion and leave the streets, thoroughfares, alleys bridges, and public places where such work is done in as good condition of repair as before such work was commenced.

SECTION VI.

Wherever in Ordinance, reference is made to the Village or the Grantee, it shall be deemed to include the respective successors or assigns of either; and all rights, privileges, franchises, and obligations herein contained by or on behalf of said Village, or by or on behalf of said Grantee, shall be binding upon, and inure to the benefit of the respective successors or assigns of said Village, or of said Grantee, whether so expressed or not.

SECTION VII.

The Ordinance shall be accepted by the grantee within sixty (60) days from the date of the passage of same.

SECTION VIII.

This franchise shall take effect after its adoption, publication and acceptance as required by law.

Adopted: January 4, 2010
Effective: January 20, 2010

ORDINANCE NO.183
PAWNBROKER, ETC

AN ORDINANCE TO REGULATE AND LICENSE PAWNBROKERS, SECOND HAND DEALERS AND JUNK DEALERS, AND PRECIOUS METAL AND GEM DEALERS.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: PAWNBROKER:

A. Definition: Pawnbroker means a person, corporation or member of a co-partnership or firm who loans money on deposit, or pledge of personal property or other valuable thing; or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

B. License: A person, corporation or firm shall not conduct business as a Pawnbroker in the Village of Decatur, Van Buren County MI, without first obtaining a License executed by the Village President of the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Pawnbroker within the Village of Decatur MI shall first complete and submit an application for License to the Village Clerk of the Village of Decatur MI. A copy of said application for License can be obtained from the Village Clerk.

D. Bond and Fee: Before the issuance of a License the applicant shall give a Penal Bond to the Village of Decatur MI in the sum of $3,000.00 conditioned upon the faithful performance of the duties and obligations pertaining to the conduct of a pawnbroker business, and for the payment of all costs and damages incurred for any violation. Said applicant shall further pay to the Village of Decatur MI an annual License fee of $50.00.

E. Term of License, etc: License is valid for one year from date of issuance unless revoked for cause, and is not transferable.

F. Incorporation of State Law: The Pawnbroker's License is subject to provisions of the "Pawnbroker Act" which is Public Act 273 of 1917, as amended (MCL 446.201 et seq), and said provisions are fully incorporated herein by reference thereto.

Section 2: SECOND HAND DEALER OR JUNK DEALER:

A. Definition: Second Hand Dealer or Junk Dealer means a person, corporation or member of a co-partnership or firm whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind.

B. License: A person, corporation or firm shall not conduct business as a Second Hand Dealer or Junk Dealer in the Village of Decatur, Van Buren County MI, without first obtaining a

License executed by the Village President of the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Second Hand Dealer or Junk Dealer within the Village of Decatur MI shall first complete and submit an application for License to the Village Clerk of the Village of Decatur MI, a copy of said application for License can be obtained from the Village Clerk.

D. Fee: Before the issuance of a License the applicant shall pay to the Village of Decatur MI an annual License fee of $50.00.

E. Term of License, etc.: License is valid for one year from date of issuance unless revoked for cause, and is not transferable.

F. Incorporation of State Law: The Second Hand Dealer and Junk Dealer License is subject to provisions of the "Second Hand Dealer and Junk Dealer Act" which is Public Act 350 of 1917, as amended (MCL 445.401 et seq), and said provisions are fully incorporated herein by reference thereto

Section 3: PRECIOUS METAL AND GEM DEALER.

A. Definition: Precious Metal and Gem Dealer means a person, corporation or member of a co-partnership or firm who engages in the ordinary course of buying or receiving precious items from the public within the Village of Decatur MI. A precious item means jewelry, a precious gem, or an item containing gold, silver or platinum.

B. Certificate of Registration: A person, corporation or firm shall not conduct business as a Precious Metal and Gem Dealer in the Village of Decatur MI without first obtaining a License or Certificate of Registration from the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Precious Metal and Gem Dealer within the Village of Decatur MI shall first complete and submit an application for a License or Certificate of Registration to the Village Clerk of the Village of Decatur MI. A copy of said application, which can be obtained from the Village Clerk, must contain the thumb print of the applicant and the thumb print of all agents and employees of the dealer.

D. Fee: Before the issuance of a License/Certificate of Registration the applicant shall pay to the Village of Decatur MI a fee of $50.00.

E. Term of License/Certificate of Registration: The License or Certificate of Registration shall continue until such dealer is no longer in business within the Village of Decatur MI or upon revocation of same for cause.

F. Incorporation of State Law: The Precious Metal and Gem Dealer License/Certificate of

Registration is subject to the provisions of the "Precious Metal and Gem Dealer Act" which is Public Act 95 of 1981, as amended (MCL 445.481 et seq) and said provisions are fully incorporated herein by reference thereto.

Section 4: REVOCATION OF LICENSE/CERTIFICATE OF REGISTRATION: In the event any person, corporation or firm shall violate the State Law incorporated herein, being the Pawnbroker Act, the Second Hand Dealer and Junk Dealer Act, and the Precious Metal and Gem Dealer Act, any License or Certificate of Registration heretofore issued by the Village of Decatur MI shall be revoked and terminated.

Section 5: PENALTY: In addition to the penalties provided in the aforesaid Pawnbroker Act (MCL 446.201 et seq), the Second Hand Dealer and Junk Dealer Act (MCL 445,491 et seq), and the Precious Metal and Gem Dealer Act (MCL 445.481 et seq), any person, corporation or member of a co-partnership or firm who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not less than $100.00 nor more than $500.00, plus Court costs and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both at the discretion of the Court. Each day that a violation occurs shall be deemed a separate offense.

Section 6: SEVERABILITY: Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7: EFFECTIVE DATE: This Ordinance shall become effective the 25th day of January, 2010.

Adopted by the Village Council of the Village of Decatur, Michigan this 4th day of January, 2010.

ORDINANCE NO. 184

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF A COMMISSIONER OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION AND THE CUTTING DOWN AND DESTRUCTION OF NOXIOUS WEEDS, GRASSES AND OTHER VEGETATION IN THE VILLAGE OF DECATUR; AND FURTHER PROVIDING FOR NOTICE TO PROPERTY OWNERS; COLLECTION OF COST OF CUTTING DOWN WEEDS, GRASSES AND OTHER VEGETATION WHEN DONE BY THE VILLAGE OF DECATUR OR ITS AGENT, AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ORDINANCE, ALL PURSUANT TO MICHIGAN PUBLIC ACT 359 OF 1941, AS AMENDED.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: The Village Council of the Village of Decatur, Michigan, pursuant to the authority of Michigan Public Act 359 of 1941, as amended (MCL 247.61 et seq.), may appoint a competent person to be the Commission of Noxious Weeds who shall take the oath required of Village Officers and hold office for the term of two (2) years or until a successor is appointed and qualified. Said Commissioner shall receive for his/her compensation such sum as may be fixed by the Village Council from time to time and may be removed by said Village Council at any time for good cause.

Section 2: For the purpose of this Ordinance "noxious weeds" shall include Canada thistle, Dodders, Mustards, Wild Carrot, Bindweed, Perennial Sowthistle, Hoary Alyssum, Ragweed, Poison Ivy, Poison Oak, Poison Sumac, and grasses or vegetation of any description exceeding a height of twelve inches, and any other plant, tree or shrub which, in the opinion of the Village Council, is regarded as a common nuisance. All the aforesaid noxious weeds, grasses and other vegetation exceeding a height of 12 inches, as set forth in this section shall be deemed to be a public nuisance.

Section 3: The Commissioner of Noxious Weeds shall investigate all complaints concerning noxious weeds, grasses and other vegetation, and shall enforce the provisions of this Ordinance by controlling and/or eradicating noxious weeds, grasses and vegetation to prevent them from going to seed or spreading, or otherwise becoming a detriment to public health and a public nuisance.

Section 4: A landowner owning land in the Village of Decatur, Michigan shall cut down or cause to be cut down and/or destroyed, all noxious weeds and grasses growing thereon to a depth of 10 rods or the depth of the lot, whichever is less, before the first day of May in each year, and shall continue to cut down or cause to be cut down and destroyed, all noxious weeds, grasses and other vegetation throughout the remainder of the growing season of each year.

Section 5: Natural landscaping may be permitted on any lot or parcel of land which has a depth in excess of 10 rods from the street right-of-way.

A. Natural landscaping is defined as the practice of cultivating plants which are native to the bioregion without resort to artificial methods of planting and care such as chemical fertilizer, mowing, watering other than by through natural processes (rain), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion.

B. Natural landscaping may only be permitted on that part of any lot or parcel of land within the Village of Decatur, Michigan which lies beyond the depth of 10

rods from a street right-of-way.

C. Application to do natural landscaping shall be made to the Clerk of the Village of Decatur, Michigan and shall include the following information: 1) The name and address of the owners of said land and the address of the property if different from said owners. 2) A copy of the most recent real estate tax bill. 3) A written plan that shall include the method of destroying all vegetation presently growing on said land and the method of maintenance of said parcel thereafter which shall include the mowing of said parcel in the spring or fall of every other year, and all other pertinent information that may be requested by said Village. 4) The written consent of all landowners of any land which is adjoining and contiguous to said parcel.

D. The Village Council of the Village of Decatur, Michigan shall review said application and either approve or deny same. In the event said application is approved same shall be personal solely to the applicant for said parcel of land and no other person. A change of ownership shall require a new landowner of said parcel to submit a new application with all required information.

E. In the event said parcel of land is not properly maintained in the sole discretion of the Village Council of the Village of Decatur, Michigan, said permit may be further restricted or revoked at the sole discretion of said Village Council. In the event said permit is revoked the landowner must comply with all provisions of this Ordinance.

Section 6: The Commissioner of Noxious Weeds or his/her agent shall notify the landowner and occupant of said land in violation of this Ordinance by service of a notice of such violation, together with a copy of this Ordinance, either by certified mail with return receipt requested or by personal service. Such notice shall advise said landowner and occupant of land that he/she shall have ten (10) days to cut down and/or destroy the noxious weeds, grasses and other vegetation growing upon his/her land in violation of this Ordinance, and that upon failure thereof the Village may cause said noxious weeds, grasses and other vegetation to be cut down and/or destroyed and that the cost thereof shall be a lien against said premises and entered upon the next tax roll of the Village of Decatur, Michigan. Said notice shall further advise the landowner or occupant of said land that he/she shall be subject to a civil fine of not exceeding $100.00, plus costs, expenses and other sanctions as provided in this Ordinance, for said violation.

Section 7: Instead of the Notice required by Section 6 of this Ordinance, the Village of Decatur may publish a Notice in a newspaper of general circulation within said Village, stating that all noxious weeds, grasses and other vegetation must be cut and/or destroyed by May 1st of each year and continued to be cut and/or destroyed throughout the remainder of the growing season. Said Notice shall also state that failure to comply with the provisions of this Ordinance shall subject the landowner or occupant of said land to a civil fine of not to exceed $100.00, plus costs, expenses and other sanctions as provided in this Ordinance; and that in the event said Village or its agent shall cut and/or destroy the noxious weeds, grasses and other vegetation, the expense thereof shall become a lien on the real estate taxes for said premises.

In the event Publication Notice as provided in this Section is given, then the Notice to the landowner and occupant of said land as provided in Section 6 shall be given by first class mail.

Section 8: Once a landowner and occupant of said land has been served a notice of violation of this Ordinance and a copy of this Ordinance, as provided in either Section 6 or Section 7

aforesaid and said notification is documented in an official report, there will be no further notification and any subsequent violation may result in the issuance of a citation for a Civil Infraction for violation of this Ordinance.

Section 9: Upon failure of any landowner or occupant of said land, after the ten (10) days notice as hereinbefore provided, to destroy any noxious weeds, grasses and other vegetation in violation of this Ordinance, the Village or its agent may enter upon said premises as many times as is necessary to cut and/or destroy all noxious weeds, grasses and other vegetation growing thereon in violation of this Ordinance. The expense incurred in cutting down and/or the destruction of said noxious weeds, grasses and other vegetation by the Village or its agent shall be a lien against said premises and shall be certified annually, on June 1st of each year, by the Commissioner of Noxious Weeds to the tax assessing officer of the Village of Decatur, Michigan, whereupon such charge shall be entered upon the next tax roll as a charge against said premises and shall be collected, and the lien thereof enforced, in the same manner as general village taxes against such premises are collected and the lien thereof is enforced.

Section 10: Any landowner or occupant of said land who refuses to destroy noxious weeds, grasses and other vegetation as hereinbefore provided, shall in addition to the foregoing, be responsible for a Civil Infraction as a Blight Violation and subject to a civil fine of not exceeding $100.00 plus any costs, damages, expenses and other sanctions as authorized under Chapters 83 & 87 of Act No. 236 of the Michigan Public Acts of 1961 as amended, being MSA 27A.8302 and 27A.8701 et seq., respectively. Each day a violation of this Ordinance continues to exist shall constitute a separate violation.

Section 11: Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12: Ordinance No. 91 and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 13: **EFFECTIVE DATE**. This Ordinance shall become effective the 6th day of August, 2010.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6th day of July, 2010.

ORDINANCE NO. 185

AN ORDINANCE TO AMEND SECTION 2 AND TO DELETE SECTION 3 OF ORDINANCE NO. 117 BEING THE VILLAGE MANAGER ORDINANCE OF THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: That Section 2 of Ordinance No. 117 of the Village of Decatur MI is hereby amended to read as follows:

APPOINTMENT OF VILLAGE MANAGER. The President shall, with the concurrence of four or more Trustees, appoint a Village Manager and enter into an Employment Contract with such individual for a period of time not exceeding six (6) years. Said Employment Contract shall provide for such terms and conditions, as the Village Manager and Village Council deem appropriate. The Village Manager shall serve at the will and pleasure of the Village Council and may be removed by the affirmative vote of four or more Trustees, but only after a Public Hearing before the Village Council. The President may for cause suspend the Village Manager with full pay and benefits until a Public Hearing is held on the question of terminating the Village Manager. The action of the Village Council shall be final for the resolution of each suspension issue.

The Village Manager shall be selected solely upon the basis of administrative and executive abilities with special reference to training and experience.

Section 2: That Section 3 of said Ordinance No. 117 regarding the appointment of an Acting Village Manager is hereby deleted.

Section 3: **EFFECTIVE DATE**. This Ordinance shall become effective the 16th day of June 2011.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6th day of June 2011.

ORDINANCE NO. 186

EMERGENCY RESPONSE COST RECOVERY

AN ORDINANCE TO RECOVER COSTS FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES INCURRED BY THE VILLAGE OF DECATUR FROM THE UTILIZATION OF VILLAGE RESOURCES IN RESPONSE TO EMERGENCY INCIDENTS, MOTOR VEHICLE ACCIDENTS, AND HAZARDOUS INCIDENTS.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: Purpose.

Pursuant to the provision of MCL 41.806a, and in order to protect the village from extraordinary expenses resulting from the utilization of village resources in response to certain public safety or fire emergency incidents, demands for services, and/or criminal activity, as defined and set forth in Section 2 hereof, the Village of Decatur MI authorizes the imposition of charges to recover reasonable and actual costs incurred by the village in responding to such incidents.

Section 2: Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in the Ordinance shall be as follows:

Animal recovery means the costs associated with the recovery of animals, whether by request of the animal owner or caretaker or by initiative of public safety personnel, which have run away and/or have to be restrained for the safety of any persons or another animal. The term "animal" as used herein, shall refer to dogs, cats, or any other animal that resides with the owner or other individual who is a caretaker, or on any other property owned or rented by the animal's owner or by the individual who is a caretaker.

Assessable costs mean those costs for services incurred by the village in connection with a response to a public safety incident, emergency assistance, and excessive requests for emergency assistance, false alarms, or other requested extraordinary service. Such costs include, but are not necessarily limited to, the actual labor and material costs of the village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the village or by a third party on behalf of the village; service charges and interest; attorneys' fees, litigation costs and any costs, charges, fines or penalties to the village imposed by any court or state or federal governmental entities.

Bomb threats mean the verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law.

Charge against person means the costs of an emergency response charged against the person liable for the costs under this Ordinance. The charge constitutes a debt of that person and is collectible by the village for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

Cost recovery schedule. The village council shall from time to time adopt resolutions that set forth a schedule of the costs incurred in making an emergency response. It shall be presumed that the costs listed in this schedule are the true costs incurred by the village and represent the "costs of an emergency response or requested service." This schedule shall be available to the public from the village clerk, the department of public works, or the police department.

Department of public works means the public works department created by the village council.

Emergency assistance means any request for emergency medical, public safety, public works, police, fire and civil defense services.

Excessive requests for emergency assistance means any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five (5) times in the preceding thirty (30) days.

False alarm means any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made by the most senior person responding to a false alarm. Provided, however, a false alarm shall not be deemed to have occurred if

(i) caused by an act of God, i.e., a lightning storm,
(ii) it originates from a motor vehicle alarm system or
(iii) has not occurred more frequently than three (3) times in a calendar month or four (4) times in a calendar year.

Hazardous materials means those elements, substances, wastes or by-products, including, but not limited to items used for the manufacture of methamphetamine, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the fire chief or qualified official of the village in charge at the scene. Including any other material that may be defined as hazardous by the U. S. Department of Transportation or by any other federal laws, or the laws of the State of Michigan.

Hazardous material incident or emergency means any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the administrator of the Pubic Health Code or his/her designee, or the fire chief or his/her

designee has so declared such activity, accident or emergency a hazardous material incident or emergency, including the clean-up costs of a methamphetamine site.

Illegal fire means a fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire and a fire set in violation of a "no burning" ban or order. An illegal fire does not include an unintentional fire or fire caused by an act of God, i.e., a lightning storm.

Motor vehicle means any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and for the purposes hereof all trailers or appurtenances attached to any motor vehicle.

Police Chief means the chief operational and administrative officer of the police department, or in his/her absence, the senior police officer in charge at the time of response.

Police Department means the police department created by the village council.

Public safety or fire emergency incident means

(i) excessive requests for emergency assistance,
(ii) a false alarm,
(iii) a hazardous material incident or emergency,
(iv) an illegal fire,
(v) bomb threats,
(vi) threats of harm to oneself or others,
(vii) a structure demolition, or
(viii) a utility line failure,
(ix) any other incident requiring extraordinary utilization of village resources.

Public works director means the head of the department of public works for the village.

Release means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment including, but not limited to, the air, soil, groundwater and surface water.

Responsible party means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a public safety or fire emergency incident; or the release of a hazardous material, either actual or threatened; or as the owner, tenant, occupant or party in control of real and personal property to which there is a public safety or fire emergency incident or from which

or onto which hazardous material is released; or the owner, possessor or party in control of the hazardous substance immediately prior to said release, and their heirs and beneficiaries, successors and assigns.

Responsible party, extra services means any person, business or other entity that requests, requires or is provided extra services or special services.

Responsible party, under the influence means any person that is liable for the costs of an emergency response if that person, while under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, proximately causes any incident resulting in an emergency response. A person is under the influence of an intoxicating liquor or a controlled substance, or the combination of an intoxicating liquor and a controlled substance, when his/her physical or mental abilities are impaired to a degree that he/she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person or ordinary prudence if determined by a police officer after said officer has conducted an investigation consistent with his training. Further, it shall be presumed that a person was operating a motor vehicle while under the influence of an intoxicating liquor if a chemical analysis of his/her blood, urine or breath indicates that the amount of alcohol in his/her blood was in excess of the state's legally established limits of impaired or operating while intoxicated.

Structure demolition means the tearing down of a structure damaged by fire, which must in the opinion of the fire chief or his/her designee, or the village's building inspector, be promptly demolished following the fire to protect public safety.

Threats of harm to oneself or others mean the verbal or written threat of physical harm to oneself or another individual or another's property, which if carried out would be a violation of federal, state or local law.

Utility line failure means the disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electricity, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one (1) hour to a request to repair or correct such failure.

Village resources means those human individuals responding, supplies, equipment and purchased or engaged resources of the department of public works, police department, Decatur-Hamilton Fire Department and Quick Response Unit needed in response to emergencies and demands for services defined herein.

Section 3: Liability for expenses.

The village may pursue cost recovery fees for emergency response, extra services, or special services requested, provided or otherwise demanded by an individual, business, or other entity concerning property or an incident situated in the Village of Decatur MI rather than the village and its population as a whole. A list of such services is defined in Section 2 of this Ordinance and in the schedule of fees as set forth in the Cost Recovery Schedule as adopted from time to time by Resolution of the Village Council of the Village of Decatur MI.

Section 4: Charges imposed upon responsible party.

When the village responds to a call for emergency assistance in connection with a situation as described in the definition of "assessable costs" in Section 2 hereof, actual costs incurred by the village in responding to and mitigating such incident shall be imposed upon the responsible party, including, but not limited to:

(1) A fee at the prevailing rate for the equipment, materials, supplies, apparatus, and other items required, in the opinion of the officer in command, to respond and be present and/or to stand by at the scene of the emergency response. Such fee shall be for each hour or fraction thereof that the equipment, materials, supplies, apparatus, and other items are used or are required at the site by the officer in command.

(2) All personnel-related costs incurred by the police department or the department of public works as a result of responding to and mitigating an emergency response or demands for services. Such costs may include, but are not limited to; wages, salaries, fringe benefits, insurance, and other costs which may be a part of the village's allowed usual and customary established rates for full-time and part-time personnel, whether incurred at regular or overtime rates. Such personnel related charges shall commence at the time village personnel are dispatched to the emergency incident and shall continue until all personnel have concluded their related responsibilities.

(3) Other expenses incurred by the village in responding to and mitigating an emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees, and replacement costs related to disposable personal protection equipment, extinguishing agents, supplies, charges for emergency response teams of other governmental agencies, meals, refreshments for personnel working the scene of an emergency incident and all like and similar incidental costs arising from said emergency response and mitigation.

(4) Any and all charges to the village imposed by any local, state or federal entity, or the Decatur-Hamilton Fire Administrative Board or the Decatur-Hamilton Quick Response Administrative Board, related to the emergency response incident or service provided.

(5) The cost of repair or replacement of any apparatus, equipment, protective clothing, or materials damaged, destroyed, or consumed as a result of the response and mitigation activities.

(6) Costs incurred in accounting for all hazardous material incident-related expenditures to include billing and collection costs and to include actual attorney fees incurred and all related costs associated with collection of

said expenditures, including court costs, witness fees, and expert fees incurred in support thereof.

Section 5: Cost authorization, determination, and procedure.

(a) The costs described in this Ordinance shall be determined in accordance with a Resolution establishing a Schedule of Fees by the village council. Where applicable, the cost shall be the actual expenses to the police department, department of public works and the village. With respect to apparatus/equipment use charges, the village council shall establish a use charge for each separate piece of apparatus or equipment. Said use charges shall from time to time be established by further resolution of the village council. In the event of an emergency response, the most current prevailing apparatus/equipment schedule fee charge shall be applied.

(b) The village manager or his/her designee shall determine the total assessable costs and shall in consultation with other village personnel and entities involved in responding to a public safety or fire emergency incident determine whether to assess any, all, or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:

(1) the total assessable costs;
(2) the risk the public safety or fire emergency incident imposed on the village, its residents and their property;
(3) whether there was any injury or damage to person or property;
(4) whether the public safety or fire emergency incident required evacuation;
(5) the extent the public safety or fire emergency incident required an unusual or extraordinary use of village personnel and equipment, and
(6) whether there was any damage to the environment.

(c) After consideration of the factors in (b) immediately above, the village manager may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore or is legally at fault.

(d) If the village manager determines not to assess all or a part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

(e) Any assessable cost shall be subject to approval by the village council.

Section 6: Billing and collection of assessable costs.

Following conclusion of an emergency response incident meeting the requirements of this Ordinance, the police chief or the department of public works director, or his/her designee shall submit a detailed listing of all known expenses to the village manager or his/her designee. The village manager or village clerk shall prepare an invoice to the responsible party or entity for

payment, and shall mail the itemized invoice to the responsible party at his/her or its last known address. Such invoice shall be due and payable within thirty (30) days of the date of mailing. If a responsible party shall appeal assessable costs pursuant to Section 7 hereafter, such costs if upheld, in whole or in part, shall be due and payable thirty (30) days from the date of determination of the appeal.

Section 7: Procedure for appealing assessable costs.

Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the village manager or his/her designee to request a modification of assessable costs. The responsible party shall request in writing such meeting within ten (10) calendar days of the date of the invoice for the assessable costs. If after meeting with the village manager or his/her designee the responsible party is still not satisfied, he/she may request an opportunity to appear before the village council to further request a modification of assessable costs. A responsible party who desires to appear before the village council must first meet with the village manager or his/her designee as provided above and shall file a written request to appear before the village council with the village clerk within seven (7) calendar days of the date of the meeting with the village manager. Upon receipt of such request, the village clerk will place the responsible party on the agenda of the next regularly scheduled village council meeting, and shall immediately notify the responsible party to appear at such meeting. Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified. Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party. Failure to timely file a written request to appear, or failure to appear before the village council on the appealed date, shall constitute a waiver of the responsible party's appealing rights herein provided. After a responsible party has been given an opportunity to appear before the village council, the village council shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

Section 8: Default in Payment.

Any failure by the responsible party for the assessable costs of an emergency response to pay the invoice for same within the time period provided in Section 7 shall be considered a default. In case of default the village may commence a civil lawsuit to recover such costs, plus any additional costs, or expenses for attorney fees and court costs which are allowed by law.

Section 9: Assessable costs and expenses.

Assessable costs and expenses assessed against a responsible party not paid when due, including additional attorney fees and court costs allowed by law, to obtain a judgment against the responsible party shall constitute a lien upon the real property of the responsible party in the village, from which, upon which, or related to which, the public safety or fire emergency incident occurred. Said lien may be enforced by the placement of a Special Assessment on the real property taxes of the responsible party's property. The village treasurer shall certify to the county treasurer the amount of such lien and same shall be entered as a Special Assessment on the next real property tax roll as a charge against the affected real property and the lien thereon

shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes.

Section 10: No limitation of liability.

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, state or federal law.

Section 11: Severability.

Sections of this Ordinance shall be deemed severable and should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12: Effective Date. This Ordinance shall become effective the 1st day of December, 2011.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7th day of November, 2011.

ORDINANCE NO. 187

AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF CERTAIN REAL ESTATE COMMONLY KNOWN AS THE FORMER QUICK RESPONSE PREMISES BY THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1: RECITALS. The Village of Decatur, Van Buren County, Michigan, a Michigan Municipal Corporation of 114 N. Phelps Street, Decatur MI 49045 owns a one-third interest as a Tenant in Common with the Township of Decatur, Van Buren County, Michigan of 103 E. Delaware Street, Decatur MI 49045, and the Township of Hamilton, Van Buren County, Michigan of 52333 Territorial Road West, Decatur MI 49045, in certain real estate commonly known as the former Quick Response premises.

Section 2: STATUTORY AUTHORITY FOR SALE. Pursuant to the provisions of MCL 67.4 the Village of Decatur, Van Buren County, Michigan may sell its real estate by public or private sale.

Section 3: DESCRIPTION OF REAL ESTATE. The real estate hereby authorized to be sold is situated in the Village of Decatur, Van Buren County, Michigan, more commonly known as the former Quick Response premises, and more particularly described in Schedule "A" attached hereto and made a part hereof.

Section 4: SALE AND TERMS. The entire interest of all municipalities in said real estate was heretofore offered for sale at a public sale and Fred C. Reeder of 69525 Territorial Road, Lawrence MI 49064, was the highest bidder in the sum of $2,651.00, payable in cash upon execution of a Warranty Deed conveying title to said real estate. The Village Council of the Village of Decatur, Michigan hereby determines that it is in the best interest of said Village to sell and convey the real estate hereinbefore described to Fred C. Reeder, as same is no longer being used for a public purpose.

Said real estate shall be sold "AS IS" and in its present condition without any warranties of any kind, whether expressed or implied by law, and without a title insurance policy.

Section 5: PAYMENT OF PROCEEDS. The Village of Decatur's share of the proceeds of such sale are hereby authorized to be made payable to The Decatur-Hamilton Quick Response Administration Board.

Section 6: AUTHORITY TO EXECUTE DOCUMENTS. Upon payment of the aforesaid sales price, Carl A. Wickett and Lou Ann Conklin as the Village President and Clerk respectively, are hereby authorized and directed to execute on behalf of the Village of Decatur, a Warranty Deed conveying said real estate to Fred C. Reeder, together with any and all other documents that may be required or necessary.

Section 7: EFFECTIVE DATE. This Ordinance shall become effective upon the publication of same.

Adopted by the Village Council of the Village of Decatur, Michigan on this 5th day of December, 2011.

ORDINANCE NO. 188

AN ORDINANCE TO AMEND SECTION 2 OF ORDINANCE NO. 149 BEING THE ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF THE VILLAGE CLERK AND THE VILLAGE TREASURER.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: That section 2 of Ordinance 149 of the Village of Decatur is hereby amended to read as follows:

TERM OF OFFICE: The Village Clerk and the Village Treasurer are to be nominated by the Village President and approved by a vote of 2/3 of the members of the Village Council and shall serve at the will and pleasure of the Village Council. If a vacancy occurs through death or resignation the Village Council may appoint an acting Village Clerk or Village Treasurer until a replacement has been selected. The Village Clerk and Village Treasurer will report and be responsible to the Village Manager for the official functions and activities of their respective offices and for the day-to-day operations of their respective office, except as otherwise provided by State Law. The Village Clerk and the Village Treasurer will be at will employees of the Village of Decatur

The individual(s) appointed Village Clerk and Village Treasurer under this Ordinance shall have a term of office commencing as of the date such individual(s) take and subscribe the oath of office and file the same with the Village, together with the filing of any bond required by law, but the term of office shall commence not earlier than the third Monday of April 2012 or when the office is vacated, whichever comes first.

Section 2: **EFFECTIVE DATE:** This Ordinance shall become effective publication of this ordinance.

Adopted by the Village Council of the Village of Decatur, Michigan, on this 2nd day of April, 2012.

CERTIFICATION OF PUBLICATION

I, Lou Ann Conklin, Clerk of the Village of Decatur, Van Buren County, Michigan do further certify that the foregoing and aforesaid Ordinance No. 188 was duly published in the Decatur Republican, a newspaper circulating within the said Village of Decatur on April 5, 2012.

ORDINANCE NO. 190
(ANTI-BLIGHT ORDINANCE)

AN ORDINANCE TO FURTHER THE PUBLIC HEALTH, WELFARE, SAFETY AND ENVIRONMENTAL QUALITY OF THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN AND ITS INHABITANTS BY THE PREVENTION, REDUCTION OR ELIMINATION OF BLIGHT, BLIGHTING FACTORS OR CAUSES OF BLIGHT WITHIN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: **Purpose**. Consistent with the letter and spirit of Public Act 344 of 1945, as amended (MCL 125.71 et seq.), it is the purpose of this Ordinance to prevent, reduce or eliminate blight or potential blight in the Village of Decatur, Van Buren County, Michigan by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said village.

Section 2: **Causes of Blight or Blighting Factors**. It is hereby determined that the following uses, activities and structures are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On or after the effective date of this Ordinance it shall be unlawful for any person, firm, corporation or other entity to maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Village of Decatur, Van Buren County, Michigan owned, leased, rented or occupied by such person, firm, corporation or other entity:

A. **Outdoor Storage of Junk Motor Vehicles**. The term "junk motor vehicles" shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan and any motor vehicle, whether licensed or not, which is inoperable. "Inoperable" means incapable of being operated or propelled under its own power by reason of dismantling, disrepair or any other cause. Any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk motor vehicles shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed, but operable motor vehicle, may be displayed for sale outdoors by the owner of said vehicle on his/her premises, for a period not exceeding sixty days; and provided further that operable motor vehicles which are for sale and displayed at a licensed and established new or used motor vehicle dealership may be stored outdoors; and inoperable motor vehicles may be parked and kept outdoors on the premises of a motor vehicle repair garage facility for a period of thirty days, with an additional thirty day extension upon presentation to the enforcing officer of written proof that the offending vehicle is involved in insurance claim litigation and that additional time is required for settlement before the vehicle can be moved.

B. **Outdoor Storage of Junk Recreational Vehicles, Equipment and Watercraft**. The term "junk recreational vehicles, equipment and watercraft" shall include, but is not limited to any motor home or motorized dwelling, travel trailer, pickup camper, pop-up trailer, tent trailer, and similar equipment, boat, pontoon boat, watercraft, boat trailer or other device designed for water recreational purposes all of which are not registered with the State of Michigan, and shall also include, whether registered or not, all of the foregoing items which are inoperable for any reason. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. Any of the aforesaid items which have a main component part missing or unattached shall be construed as being dismantled or in a state of disrepair. No junk recreational vehicles, equipment and watercraft shall be parked, kept or stored on any premises except in a completely enclosed garage or other building; provided however that one unlicensed, but operable recreational vehicle, equipment and watercraft may be displayed for sale outdoors by the owner of same on his/her premises, for a period not exceeding sixty days; and provided further that recreational vehicles, equipment and watercraft which are for sale or on the premises of a licensed and established new or used recreational vehicle, equipment and watercraft dealership for storage or repair may be stored outdoors.

C. **Outdoor Storage of Junk Machinery and Equipment**. The term "junk machinery and equipment" shall include all machinery and equipment which is inoperable. "Inoperable" means incapable of being propelled under its own power or being unable to operate or function by reason of dismantling, disrepair or any other cause. No junk machinery or equipment shall be parked, kept or stored on any premises except in a completely enclosed garage or other building.

D. **Outdoor Storage of Building Materials**. Building materials shall include, but not be limited to: lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, fence posts and fencing material of either wood or metal, or any other materials used in constructing any structure or fence. No building materials shall be kept or stored on any premises except in a completely enclosed garage or other building; provided however, that the outdoor orderly storage of building materials is permitted for any premises for which there is in full force and effect a valid building permit for construction upon said premises, and said materials are intended for use in connection with such construction.

E. **Accumulation of Rubbish and Garbage**. The term "rubbish" shall include all combustible and noncombustible waste materials, including but not limited to: bottles, glass, cans, metals, paper, cartons and boxes, rubber, leather, parts of machinery or motor vehicles, appliances stored in the open, remnants of wood, metal or any other materials and/or building materials, or other cast-off material of any kind whether or not the same could be put to any reasonable use. The term "garbage" shall include the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. All premises shall be kept free from the accumulation of rubbish or garbage. All rubbish and garbage shall be placed in containers for waste haulers and shall not be

exposed to a public road except for the day that same is to be removed from the premises.

F. **Uninhabitable Dwelling**. The existence of any structure or part of a structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.

G. **Vacant Dwelling**. The existence of any vacant dwellings, garage or other outbuildings unless same are kept securely locked with windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by vandals or unauthorized members of the public.

H. **Partially Completed Structure**. The existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit, and unless such construction is completed within a reasonable time.

Section 3: **Enforcement and Violations**.

A. This Ordinance shall be enforced by such person(s) who shall be so designated by the Village Council of the Village of Decatur, Michigan.

B. The owner, if possible, or responsible party, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 2 hereof is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him/her/them. Such notice shall be issued only one time in any period of 12 consecutive months to the same owner and/or the same occupant of any property for any blight or blighting factor. Subsequent violations of this article by the same owner and/or occupant of said property within a period of 12 consecutive months shall result in the issuance of an anti-blight citation without the issuance of any ten-day notice. Such notice may be served personally or by certified mail, return receipt requested, addressed to the owner at the address shown on the latest Village of Decatur Tax Roll, and to the occupant at the address of the premises involved. A copy of this Ordinance shall be mailed or delivered with said Notice. Additional time may be granted by the Enforcement Officer where, in his/her opinion, bonafide efforts to remove or eliminate such causes of blight or blighting factors are being made.

C. Failure to comply with such notice within the time allowed, by the owner and/or occupant, shall constitute a violation of this Ordinance.

Section 4: **Sanctions**.

A. Any person, firm, corporation or other entity who violates any of the provisions of this Ordinance is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to the following civil fines:

- First Offense within a calendar year: Minimum:$50.00, Maximum: $500.00
- Second Offense within a calendar year: Minimum: $125.00, Maximum: $500.00
- Third Offense within a calendar year: Minimum: $250.00, Maximum: $500.00
- Each subsequent offense within a calendar year:
  Minimum: $400.00, Maximum:$500.00

B. Additionally the violator shall pay costs of not more than $500.00, a justice system assessment as provided by Michigan Statute, and all other damages and expenses, whether direct or indirect, which the Village of Decatur, Van Buren County, Michigan has incurred in connection with the violation, including all expenses that the Village of Decatur incurs in removing the blight. A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under MCL 600.8302 (4).

C. In the event the Defendant does not pay the civil fine, costs, justice system assessment, and all other direct or indirect damages and expenses incurred by the Village of Decatur, Van Buren County, Michigan within thirty days after payment is due, the village may obtain a lien against the offending real estate for any violation involving the use or occupation of land or any building or other structure located thereon. Said lien may be enforced and discharged by the placement of a Blight Assessment on the property taxes assessed against the offending parcel of real estate.

D. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

E. The Village Council of the Village of Decatur, Van Buren County, Michigan may further institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said blight or blighting factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 5: **Repeal.** Ordinance No. 181 and all other Ordinances or parts thereof of the Village of Decatur, Van Buren County, Michigan in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed; provided however that Ordinance No. 181 shall remain in effect for any citations that have been issued pursuant to said ordinance and are presently pending until the matter has been concluded.

Section 6: **Severability**. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7. **Effective Date**. The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of July, 2013

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 3rd day of June, 2013.

ORDINANCE NO. 192
VEHICLE IDLING RESTRICTION ORDINANCE

AN ORDINANCE TO REGULATE THE IDLING OF VEHICLES WITH A GROSS VEHICLE WEIGHT RATING OF MORE THAN 14,000 POUNDS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: **Purpose.**

The Vehicle Idling Restriction Ordinance restricts, from idling for more than five (5) consecutive minutes, any device or combination of devices that meet all of the following criteria:

1. Designed with a gross vehicle rating of more than 14,000 pounds; and
2. Designed to operate on public highways; and
3. Powered by an Internal Combustion engine.

Section 2: Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in the Ordinance shall be as follows:

Combination of Devices: The coupling of two or more pieces of equipment that consist of the device which contains the internal combustion engine and an attached piece of equipment, which includes but is not limed to a trailer, cement mixer, refrigeration unit, or automobile.

Gross Vehicle Weight Rating: The maximum vehicle weight for which the vehicle is designed, as established by the manufacturer.

Idling: the operation of an Internal Combustion engine when the engine is not engaged in gear.

Vehicle: Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Michigan Law to be registered, designed to operate public roadways and powered by an internal combustion engine.

Section 3: Requirements.

Ordinance: No owner or operator of a vehicle shall permit the engine of such vehicle to idle for more than five (5) consecutive minutes except as provided in section 4 (exemptions) of this ordinance.

Section 4: Exemptions. This ordinance shall not apply when:

1. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.

2. The Vehicle is an authorized emergency vehicle used in an emergency situation.
3. Vehicle idling is necessary for repair of the vehicle or roadway.
4. The vehicle's engine is powered for:
    a. Loading or unloading cargo, or
    b. Mixing or processing cargo, or
    c. Providing a mechanical extension to perform work functions
5. Between the hours of 5:00 am and 10:00 pm
    a. If the engine is used for controlling cargo temperature, or
    b. While waiting to load or unload

Section 5: Violations.

A violation of this Ordinance is a municipal Civil Infraction and any person or firm who shall violate the ordinance shall be responsible for a civil infraction and subject to a civil fine as follows:

1. First Offense: $100.00
2. Second Offense: $300.00
3. Third and each subsequent offense: $500.00

Section 6: **Severability**. The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 7. **Effective Date**. The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of April, 2014.

Section 8. **Repeal.** Ordinance No. 191 is hereby repealed and any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, also hereby repealed.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 3rd day of March, 2014.

ORDINANCE NO. 193

AN ORDINANCE RELATIVE TO THE ADMINISTRATION AND CONDUCT OF THE WATER DEPARTMENT OF THE VILLAGE OF DECATUR.

THE VILLAGE OF DECATUR ORDAINS:

Section 1. Administration.

(a) The Water Superintendent, hereinafter called the Superintendent, shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, distribution system, fire hydrants, meters, and all other appurtenances of the waterworks system. The Superintendent shall supervise all extensions and alterations of the waterworks system as the Council may direct and shall also be responsible for the reading of all water meters.
(b) The Village Utility Billing Clerk shall be responsible for the collection of water bills.
(c) The Village Utility Billing Clerk shall deposit water revenues in the manner approved for other municipal deposits.
(d) The Superintendent shall report monthly to the Council.

Section 2. Water Mains.

(a) The water mains of the Village shall be under the exclusive control of the Superintendent and no person or persons other than agents or employees of the water department shall tap, change, obstruct, interfere with, or in any way disturb the system of water mains.
(b) All extensions and alterations to the system of water mains shall be made under the supervision of the Superintendent who shall act only upon authorization of the Council and/or the Village Manager. Petitions for the extension of water mains shall be addressed to the Village Council, which will thereupon consider the same and advise the petitioners of their decision. (In case water mains are constructed by special assessment, reference should be made to the pertinent charter provisions.)
(c) Any person, firm or corporation installing water mains at their own expense shall first submit plans and specifications for such work to the Council for its approval. After such plans and specifications have been approved by the Council, the work shall be done under the supervision of the Superintendent who shall require that such tests be made as he/she may consider necessary and no water shall be admitted into such mains until he/she accepts the installation on behalf of the Council and Village Manager.
(d) No extension of water mains beyond the Village limits shall be made except in accordance with a resolution adopted by the Council, which resolution shall authorize the making and executing of a contract between the proposed user or

users and the Village, said contract to provide in detail for all of the specifications pertaining to said extension and for the posting of a bond in such amount as will insure the re-payment to the Village upon completion of said extension, or any and all costs incurred by it in connection therewith.

Section 3. Service Pipes.

(a) All service pipes on either public or private property shall be laid on solid ground not less than four feet below the established grade of the street. Service pipe laid in the same trench with a sewer shall be at least 18 inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom. In no case shall a service be laid on a fill.

(b) From the main to the water meter all service pipe shall be of lead, copper, or other materials of like nature, not less than ¾ inch in diameter, approved by the Superintendent. Service cocks shall be of ¾ inch, extra heavy round way stop and waste type, placed 12 inches outside the sidewalk line. The stop box shall be set so that the cover is one above the grade and must be set on a brick or concrete foundation to prevent settlement.

(c) A separate stop and waste cock shall be placed on the service pipe just inside the building wall on the influent side of the water meter. Such stops shall be equal in quality to the service cock.

(d) The corporation cock, the service pipe from the main to the service cock, the service cock and stop box will be provided in place and maintained by the water department after payment of the fee charged for a water permit, as provided in this section. The service pipe from the service cock to the building on private property shall be installed and properly maintained by the owner. The owner shall keep the stop box free from dirt, stones, or other substances that will prevent access to the service cock.

(e) Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his, her or their authorized representative at the office of the Village Clerk.

(f) After the permit for a service connection has been granted, and before the connection is made, the owner shall pay the following permit fee for tapping the main, the installation of the service pipe from the main to the service cock, the service cock and the stop box, to-wit:

SIZE OF TAP	AMOUNT
UP TO AND INCLUDING 3/4 INCH----------	$ 500.00
1 INCH TO 4 INCH, BOTH INCLUSIVE--------	$ 600.00, PLUS COST OF METER WHERE TAP-IN IS IN EXCESS OF 1 INCH

Where connections larger than 4 inches are requested the permit fee shall be the actual cost of such tapping and installation as shall be determined by the Village Council of the Village of Decatur, Michigan.

The owner of said premises shall pay all costs to make physical connection from the premises to the water main. In addition the owner of said premises shall pay all costs for the extension of the water main, if necessary to serve said premises, unless said expense is waived by the Village Council of the Village of Decatur MI or an agreement to share the expense of same is executed between said Village and owner.

Section 4. Meters.

(a) All premises using water shall be metered and payment shall be made for water at rates as herein set forth. In no case will water be supplied at fixed or flat rates, except for temporary supplies as are herein provided, or in special cases, reviewed and approved by formal resolution of the Council.

(b) Meters will be furnished by the water department which shall remain the property of the department, and will at all times be under its control.

(c) For ordinary domestic consumption of water a 5/8" or 5/8" x ¾" meter will be furnished. Where application is made for a meter larger than 5/8" or 5/8" x ¾", the Superintendent shall determine whether a meter of such size is required. The water department will furnish meters in sizes up to and including 2". Where a meter larger than 2" is required, special arrangements must be made between the department and the customer.

(d) Meters will be sealed by the department and no one except an authorized employee of the department may break or injure such seals. No person other than an authorized employee of the department may change the location of, alter, or interfere in any way with any meter.

(e) The expense of installing and maintaining meters will be borne by the water department; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense to the department caused thereby shall be charged and collected from the owner of the premises.

(f) The owner or occupant of the premises where a meter is installed will be held responsible for its care and protection from freezing (if installed inside of building) and from injury or interference by any person or persons. In case of injury to the meter, or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the water department. All water furnished by the Village and used on any premises must pass through the meter. No by-pass or connection around the meter will

be permitted. If any meter gets out of order or fails to register, the consumer will be charged at the average, monthly consumption rate as shown by the meter over the period of the preceding twelve months when the meter was accurately registering.

(g) The accuracy of the meter on any premises will be tested by the department upon written request of the owner, who shall pay in advance a fee of $10.00 to cover the cost of the test. If, on such test, the meter shall be found to register over five percent more water than actually passes through it, another meter will be substituted therefor and the fee of $10.00 will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and just.

Section 5. **Use of Water.**

(a) When new service pipes are put into any premises, the service cock shall be left closed and will thereafter be opened only by authorized employee of the water department and only upon the request or the owner or his agent.

(b) Where a building originally built as a single dwelling and fitted with one service pipe is thereafter subdivided or when a parcel of property is so subdivided, by sale or otherwise, each parcel as created must be connected to the water main by a separate service pipe within thirty days after such division.

(c) Where the water has been turned off by the water department for any reason, no person or persons, except authorized employees or agents of the department, may turn it on again. Whenever this rule is violated, the water department may shut the water off at the corporation cock at the main and the owner shall pay in advance double the established rate for water used in violation of this provision, in addition to the entire expense incurred by the water department for doing this work before the water may be turned on again.

(d) No steam boiler shall be directly connected to the service pipe. The owner shall make such provisions as may be required by the water department before the water may be supplied to such as installation.

(e) The Water Superintendent or any of his authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the water department to any premises for such purpose. In case any authorized employee be refused admittance, or is in any way hindered

in making the necessary inspection or examination, the water may be turned off from such premises after giving 24 hours' notice to the owner or occupant thereof.

(f) No test of fire equipment may be conducted without prior knowledge of the Water Department.

(g) Fire hydrants may be opened and used only by the water and fire departments of the Village or by such persons as may be specifically authorized by the water department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or materials of any kind within 20 feet of the same.

Section 6. **WATER RATES.**

(a) Effective April 1, 2014, for the purpose of making and collecting charges for water used by consumers, the calendar year shall be divided into twelve (12) month periods. Bills for water used at premises located within the Village of Decatur Michigan Corporate Limits, shall be rendered monthly commencing May 1, 2014, at rates set in paragraph (f) of this section.

(b) Payments received within twenty (20) days after the date of said bill shall be payable without penalty. Payments received after such period shall bear a penalty of $2.00. If the charges for said water are not paid within fifty (50) days after the date of said bill then the water may be turned off for any premises against which such charges have not been paid, and the amount of the unpaid balance may be deducted from the deposit provided for in paragraph C of this Section. Any arrearage thereafter shall become a lien against the premises served, pursuant to Section 21 of "The Revenue Bond Act of 1933" (MCL 141.121), unless written notice has been previously given to the Village of Decatur that a tenant is responsible for said charges. When so turned off, the water shall not be turned on again until all delinquent charges have been paid, including the guaranteed deposit hereinafter provided in paragraph C of this Section and in addition a turn-on fee of $20.00 has been paid to the Utility Billing Clerk.

(c) Before the water may be turned on for any premises located within the Village of Decatur Corporate Limits the owner shall deposit with the Utility Billing Clerk a "guaranteed deposit" of $50.00 for all those using meters under two (2) inches and the sum of $100.00 for those using meters over two (2) inches. Where notice is given that a tenant is responsible for water

charges, no water service shall be rendered to such premises until a cash deposit of $80.00 shall have been made. For owners of premises located outside the Village of Decatur Corporate Limits the "guaranteed deposit" shall be the sum of $80.00 unless notice is given that a tenant is responsible for water charges as hereinbefore set forth, then no water service shall be rendered to such premises until a cash deposit of $300.00 shall have been made. No interest shall be paid to depositors on said deposits. Said deposits shall be held by the Village of Decatur, Michigan as a guaranty of payment for water used and for the protection of the Village of Decatur against any damage to the service pipe, service cock, stop box and water meter by the owner or occupant. Such guaranteed deposit shall be refunded to the depositor upon final termination of the water service and upon payment of all charges for water or damage by said depositor.

(d) Upon the vacancy of any premises, the water will be turned off at the service cock and the meter may be removed by the Decatur Water Department only upon the written request of the owner of said premises addressed to the Decatur Water Department, 114 N. Phelps Street, Decatur, MI 49045. The water will be turned on again and the meter reinstalled upon the written request of the owner of said premises and upon payment of the aforesaid turn-on fee of $20.00 and the restoration of the aforesaid guaranteed deposit. In the event said premises are left unoccupied and the owner does not request the Water Department to turn off the water no allowance will be made for any water registered by the water meter that may leak or waste through the plumbing or fixtures of said premises.

(e) A unit for the purposes of the "water use charges" is hereby defined as follows:

1. Single family residential premises - one unit.

2. Multi-family or multiple use premises - one unit for each apartment or dwelling unit located in said building, and one unit for each business or other entity located in said building.

3. Commercial**,** Decatur Public Schools or Industrial premises - each eighteen (18) employees or fraction thereof shall be considered a unit. All individuals employed for eighty (80) or more hours per month and students of Decatur Public Schools shall be considered an employee for the purpose of this Section.

(f) For premises located within the Village of Decatur, Michigan corporate limits the water rates hereinafter set forth are hereby established and shall be charged for water supplied to each unit by the Village of Decatur Water Department, for each month aforesaid.

1. Water charges for a single unit building consumer shall be:
    a. Ready to Serve Charge - $16.00 per month.
    b. Usage Charge - $1.37 per 1,000 gallons.
2. Water charges for all multiple unit consumers shall be:
    a. Ready to Serve Charge - $16.00 per month.
    b. Subsequent units --Each subsequent unit shall be charged at 60% of the Ready to Serve Charge.
    c. Usage Charge - $1.37 per 1,000 gallons.

(g) For premises located outside the Village of Decatur, Michigan corporate limits, the water charges shall be as follows:
    a. Ready to Serve Charge - $27.00 per month
    b. Subsequent units - Each subsequent unit shall be charged at 60% of the Ready to Serve Charge.
    c. Water Usage Charge - $1.37 per 1,000 gallons.

(h) The water charges provided in Section 2 hereof may be subsequently amended by Resolution adopted by a majority of the Village Council of the Village of Decatur, Michigan. Said charges shall be reasonable and just, taking into consideration the cost and value of the water supply system and the cost of maintaining, repairing and operating same and the amounts necessary for the retirement of all water supply system revenue bonds and interest thereon.

Section. 8. Violations

Any person, firm, or corporation violating any of the provisions of this Ordinance, upon conviction thereof before a court of competent jurisdiction shall be fined a sum of not less than $50.00 and not to exceed $100.00.

Section. 9. Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section. 10. Repeal

Ordinance No. 20 and Ordinance No. 144, as well as any and all previous ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

Section . 11. Effective Date

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of May, 2014.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of April, 2014.

_____
Carl A. Wickett, Village President

_____
Lou Ann Conklin, Village Clerk

I, Lou Ann Conklin, Village Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that Trustee A. Elwaer moved for the adoption of Ordinance No. 193 and that Trustee N. Strickler seconded said motion. I further certify that the following Trustees voted for adoption of said Ordinance No. 193: Ali Elwaer, Norma Strickler, Tom Creagan, Mike Heflin, and Carl Wickett. Absent: Greg Cole and Harold Magee.

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STATE OF MICHIGAN        )
                         ) ss.
COUNTY OF VAN BUREN      )
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I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the 7th day of April 2014, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2014.

_____

Lou Ann Conklin, Village Clerk

ORDINANCE NO. 194

AN ORDINANCE TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF THE DECATUR WASTEWATER SYSTEM AND WASTEWATER STABILIZATION LAGOON ON A PUBLIC UTILITY BASIS UNDER THE PROVISIONS OF ACT 94, PUBLIC ACTS OF MICHIGAN, 1933, AS AMENDED.

THE VILLAGE OF DECATUR HEREBY ORDAINS:

Section 1. Establishment

It is hereby determined to be desirable and necessary, for the public health, safety and welfare of the Village of Decatur, that the Decatur Wastewater System and Wastewater Stabilization Lagoon be operated by said Village on a public utility rate basis in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended.

Section 2. Definitions

Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete Decatur Wastewater System and Wastewater Stabilization Lagoon, including all sewers, pumps, lift stations, treatment facilities, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto, which may hereafter be acquired.

Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section 3. Administration

The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Village Council, subject to the terms of the contract dated Nov. 5, 1969 between the County of Van Buren and the Village of Decatur. Said Council may employ such person or persons in such capacity or capacities as it deems advisable to carry on the efficient management and operation of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

Section 4. Rates

a) The owner of all houses, buildings or parts thereof and other structures used for human occupancy, employment, manufacturing, business, education, religious, recreation, or other purposes shall make application for a permit to tap into the system and shall pay for each such house, building or part thereof and other structure, the sum of $500.00 at the time of making said application as a tap-in fee for the privilege of using the facilities and receiving the service of the system; provided however, that additional tap-in fees shall be charged in said amount for each additional tap that may be required to service each house, building or part thereof or other structure.

The owner of said premises shall pay all costs to make physical connection from the premises to the sewer main. In addition the owner of said premises shall pay all costs for the extension of the sewer main, if necessary to serve said premises, unless said expense is waived by the Village Council of the Village of Decatur MI or an agreement to share the expense of same is executed between said Village and owner.

b) A unit for the purposes of the "sewer use charges" is hereby defined as follows:

1. Single family residential premises - one unit.

2. Multi-family or multiple use premises - one unit for each apartment or dwelling unit located in said building, and one unit for each business or other entity located in said building.

3. Commercial or Industrial premises - each nine (9) employees or fraction thereof shall be considered a unit. All individuals employed for eighty (80) or more hours per month shall be considered an employee for the purpose of this Section.

c) Effective May 1, 2014**,** SEWER USE CHARGES FOR PREMISES LOCATED WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- SINGLE UNIT RESIDENTIAL PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of $18.94 per month.

2- UNIT PREMISES. All multi-unit premises shall pay the sum of $18.94 per month for the first unit, and 15.15 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of $18.94 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of $18.94 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of $18.94 per month for the first unit, and $15.15 per month for each additional unit located at said premises.

d) Effective May 1, 2014, SEWER USE CHARGES FOR PREMISES LOCATED OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN SHALL BE AS FOLLOWS:

1- UNIT PREMISES. Sewer use charges to every single family residential premises served by the system shall be the sum of $35.00 per month.

2- MULTI-UNIT PREMISES. All multi-unit premises shall pay the sum of $35.00 per month for the first unit, and $28.00 per month for each additional unit located at said premises.

3- COMMERCIAL AND INDUSTRIAL PREMISES. All single unit commercial and/or industrial premises shall pay the sum of $35.00 per month, provided however, that any single unit commercial or industrial user, using in excess of 15,000 gallons of water per month shall pay the sum of $35.00 per month multiplied by a factor representing the total monthly water use divided by 15,000 gallons. All other commercial and industrial users shall pay the sum of $35.00 per month for the first unit, and $28.00 per month for each additional unit located at said premises.

e) Monthly sewer use charges shall be discontinued to any premises, after the owner of such premises certifies on a form in such case made and provided to the Decatur Sewer Department,

that the premises have become vacant in that same are no longer used for human occupancy, employment, manufacturing, business, educational, religious, recreational or other purposes; provided however, that upon said premises ceasing to be vacant the owner of same shall immediately notify the Decatur Sewer Department in writing of such fact whereupon said monthly sewer charges shall be reinstated. The owner or responsible tenant may be liable for sewer use charges for the month that same is discontinued and for the month that same is reinstated.

f) Bills will be rendered monthly and commence to accrue the first full month after connection to the system. Payments received within twenty (20) days after date of said bill shall be payable without penalty. Payments received after such period shall bear a penalty of the sum of $1.00.

g) The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as Amended, made a lien on all premises served thereby, unless notice is given that a tenant is responsible, are hereby recognized to constitute such lien, and whenever any such charge against any premises shall be delinquent for six (6) months, the Village official or officials in charge of the collection thereof shall certify annually, on June 1st of each year, to the tax-assessing officer of the Village the facts of such delinquency, whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced, in the same manner as general Village taxes against such premises are collected and the lien thereof enforced; provided however, where written notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a "guaranteed deposit" in the amount of the $150.00. No interest shall be paid to depositors on said deposit. Said deposits shall be held by the Village of Decatur as a guaranty of payment for sanitary sewer service. Such guaranteed deposit shall be refunded to the depositor upon final termination of the sanitary sewer service and upon payment of all charges for such service; provided however that the Village Council of the Village of Decatur, Michigan may authorize the return of said deposit or a portion thereof, at any time prior to the final termination of sanitary sewer service, if all sewer charges have been promptly paid.

In addition to the foregoing, the Village shall have the right to discontinue either the water service or the sewer service or both, to any premises for which charges for sewer service are more than fifty (50) days delinquent and such service shall not be re-established until all delinquent charges and penalties have been paid. Further, such charges and penalties may be recovered by the Village, through Court action.

h) The sewer charges provided in Section 4 of this ordinance may be subsequently amended by Resolution adopted by a majority of the Village Council of the Village of Decatur, Michigan. Said charges shall be reasonable and just, taking into consideration the cost and value of the sewer supply system and the cost of maintaining, repairing and operating same.

Section 5. **Abolishment of Free Service**

No free service shall be furnished by said System to any person, firm or corporation, public or private, or to any public agency or instrumentality.

Section 6. **Mandatory Connection**

All premises to which sewer services of the System shall be available shall connect to said System within sixty (60) days after the mailing of notice to such premises by the appropriate Village official that such services are available.

Section 7. Payment of Expenses

The rates hereby fixed are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of said System as are necessary to preserve the same in good repair and working order, to provide for the payment of contractual obligations of the Village of Decatur as the same become due, and to provide for such other expenditures and funds for said System as this ordinance may require. Such rates shall be fixed and revised from time to time as may be necessary to produce these amounts.

Section 8. Operating Year

The System shall be operated on the basis of an operating year commencing on March 1 and ending on the last day of February next following.

Section 9. Bank Accounts

The revenues of the System shall be set aside, as collected, and deposited in a separate depositary account in a bank duly qualified to do business in Michigan and identified by the Village Council, in an account to be designated VILLAGE OF DECATUR SEWER AND WATER.

All moneys belonging to any of the funds or accounts may be kept in one bank account, in which event the moneys shall be allocated on the books and records of the Village within this single bank account, in the manner above set forth.

Section 10. Use of Fund Balance

In the event the moneys in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance of the System, any moneys and/or securities in other funds of the System shall be used for the Operation and Maintenance of the System**,** to the extent of any deficit therein.

Section 11. Investments

Moneys in any fund or account established by the provisions of this Ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section 12. Severability

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 13. Repeal

Ordinance No. 159 and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 14. Effective Date

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 1st day of May, 2014.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 7th day of April, 2014.

_____
Carl A. Wickett, Village President

_____
Lou Ann Conklin, Village Clerk

I, Lou Ann Conklin, Village Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that Trustee T. Creagan moved for the adoption of Ordinance No. 194 and that Trustee A. Elwaer seconded said motion. I further certify that the following Trustees voted for adoption of said Ordinance No. 194: Ali Elwaer, Norma Strickler, Tom Creagan, Mike Heflin, and Carl Wickett. Absent: Greg Cole and Harold Magee.

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STATE OF MICHIGAN        )
                         ) ss.
COUNTY OF VAN BUREN      )
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I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the 7th day of April 2014, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2014.

_____
Lou Ann Conklin, Village Clerk

ORDINANCE NO. 195

AN ORDINANCE FOR THE PURPOSE OF ESTABLISHING PUBLIC HEALTH, SAFETY AND WELFARE REGULATIONS AND LICENSING REQUIREMENTS APPLICABLE TO BOXING, FIGHTING, MARTIAL ARTS, MIXED MARTIAL ARTS, AND WRESTLING BOUTS, CONTESTS, EXHIBITIONS, MATCHES, AND/OR OTHER SIMILAR ATHLETIC ENDEAVORS BETWEEN CONTESTANTS THAT ARE ATTENDED BY MEMBERS OF THE PUBLIC.

THE VILLAGE OF DECATUR HEREBY ORDAINS:

Section 1. Establishment

It is hereby determined to be desirable and necessary; for the public health, safety and welfare of the Village of Decatur, that boxing, mixed martial arts, and wrestling exhibitions, events or matches need to be licensed and/or controlled.

Section 2. Definitions

As used in the ordinance:

(a) "Amateur" means a person who is not competing and has never competed for a money prize or who is not competing and has not competed with or against a professional for a prize.
(b) "Event" means a boxing, fighting, martial arts, mixed martial arts, or wrestling bout, contest, exhibition, match, and/or other similar athletic endeavor irrespective of his/her status as an amateur or professional.
(c) "Contestant" means one who engages in a boxing, fighting, martial arts, mixed martial arts, or wrestling bout, contest, exhibition, match, and/or other similar athletic endeavor irrespective of his/her status as an amateur or professional.
(d) "Mixed martial arts or MMA" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts and includes grappling, kicking, jujitsu, and striking; as promulgated under the unarmed combat regulatory act, MCL 338.3601, *et. seq.*
(e) "Participant" means a physician, licensed physician's assistant, certified nurse practitioner, referee, judge, matchmaker, timekeeper, professional boxer, contestant, or manager, or a second of those persons.
(f) "Professional" means a person who is competing or has competed in an event for a money prize.
(g) "Promoter" means any person who produces or stages any event. This definition does not include the venue where the exhibition or contest is being held unless the venue contracts with the individual promoter to be a co-promoter.

Section 3. License

An event shall not take place in the Village of Decatur unless the promoter has first obtained a license from said Village using the procedures set forth in this ordinance. The license issued shall be for a duration established by the Village. Licenses will expire immediately as of the date indicated and cannot be renewed. All events shall require separate licenses.

Section 4. Application

(a) A promoter must submit a written application for an event license to Village Hall during normal business hours. The application must be submitted at least fifteen (15) days prior to the event. The application must provide the following information:

1. The name and address of the promoter,
2. The names and addresses of (1) the applicant's partners, if the applicant is a partnership; (2) the applicant's officers and directors, if the applicant is a corporation; or (3) the applicant's members, if the applicant is a limited liability company.
3. The address for the event location.
4. The nature of the event, as well as a description and schedule of the proposed activities.
5. The date and the hours of the proposed event.
6. The total maximum capacity for the event area.
7. The maximum number of persons that the promoter will allow to attend the event per day.
8. The maximum number of participants in the event per day.
9. A signed acknowledgement and representation that the promoter carries adequate liability insurance for the event.
10. A signed acknowledgement that the event will follow the rules and regulations established by the International Sport Combat Federation, International Kickboxing Federation, and/or any other similar and appropriate sanctioning body.
11. An indemnification agreement, in a form provided by the Village, signed by the applicant to indemnify and hold harmless the Village and its officers, employees, agents, and representatives from any and all damages, injuries, liability, claims, actions, losses, demands and/or law suits, including attorney fees and costs, that arise out of or relate to the event.
12. Any other information as requested on the designated application form available at Village Hall.

(b) The cost of said application shall be $10. The application fee may be changed by resolution of the Decatur Village Council.

Section 5. Application Processing and Decision

All applications submitted shall be routed to the Village Manager for approval or denial. An application may only be denied if the Village Manager finds that:

(a) The applicant failed to truthfully provide the application information required in this ordinance;
(b) The application is incomplete or the information provided is insufficient to make a decision;
(c) The applicant has failed to comply with procedures for cost recovery as set forth in this ordinance and thereby is in debt to the Village of Decatur for services rendered.
(d) A promoter at a previous event at the proposed location has failed to comply with procedures for cost recovery as set forth in this ordinance and thereby is in debt to the Village of Decatur for services rendered.
(e) The promoter has previously been cited for failing to follow the provisions of this ordinance.

Section 6. Regulations

In order for an event license to be valid and remain in good standing with the Village of Decatur the promoter must maintain a level of order and control during the course of the event and follow the following regulations.

(a) No event shall take place or continue without the presence of a promoter. A promoter must be on site at all times except when the venue is accessible exclusively to the promoter, the promoter's employees, associates, staff, or members and/or others necessary to assist in preparing for or cleaning-up after the event.
(b) Events shall not operate between the hours of 11:00pm and 8:00am.

(c) Anyone who attends, participates in, or promotes the event, must comply with all applicable local ordinances, as well as all applicable state or federal laws, rules, or regulations.
(d) No contestant, promoter, participant, or attendee shall intentionally cause a disturbance in the audience.
(e) A promoter shall not operate the event in a manner that permits, encourages, or otherwise facilitates the creation of disturbances or breaches of the peace.
(f) The promoter must maintain an adequate number of security personnel to be present on the premises for the duration of the event.
(g) The promoter must ensure that a certified medical professional is present for the duration of the event.

Section 7. Cost Recovery

In the event that any Village police, Emergency Personnel, and/or Fire and /or Quick Response personnel are called upon or dispatched to an event, the promoter of the event shall be responsible for paying to the Village the actual costs of any personnel and/or services provided by the Village. Costs that shall be the responsibility of the promoter include, but are not limited to:

(a) The actual wages, salaries, and fringe benefits of those personnel dispatched.
(b) The reimbursable expenses incurred.
(c) The equipment, materials, and supplies used by the personnel dispatched.
(d) In the event that Village personnel are required to clean the premises after the conclusion of the event, the above referenced shall also apply.

Section 5. Violations.

A violation of this Ordinance is a municipal Civil Infraction and any person or firm who shall violate the ordinance shall be responsible for a civil infraction and subject to a civil fine as follows:

(a) First Offense: $500.00
(b) Second Offense: $1000.00
(c) Third and each subsequent offense: $1500.00

Section 6. Severability. .

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

VILLAGE OF DECATUR

COUNTY OF VAN BUREN, MICHIGAN

Minutes of a regular meeting of the Village Council of the Village of Decatur, County of Van Buren, Michigan, held on the 2nd day of March 2015, at 7:00 p.m. Local Time.

PRESENT: Members: _____

ABSENT: Members: _____

ORDINANCE NO. 196

AN ORDINANCE TO AUTHORIZE THE PAYMENT OF AN ANNUAL SERVICE CHARGE IN LIEU OF TAXES FOR RESIDENTIAL UNITS SERVING LOW INCOME OR MODERATE INCOME PERSONS IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY, ACT 346 OF THE PUBLIC ACTS OF MICHIGAN OF 1966, AS AMENDED, AND MATTERS RELATED THERETO

THE VILLAGE OF DECATUR ORDAINS:

Section 1. Purpose

This Ordinance authorizes and approves an annual service charge in lieu of taxes for residential housing developments that: (a) serve Low Income or Moderate Income Persons (as defined in the State Housing Development Authority Act, Act 346 of the Public Acts of Michigan of 1966, as amended, and this Ordinance); (b) are financed or assisted by USDA-RD or the Authority in accordance with Act 346; (c) are located within the Village; and (d) comply with this Ordinance.

Section 2. Title

This Ordinance shall be known and cited as the "Village of Decatur Tax Exemption Ordinance."

Section 3. Preamble

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for low income citizens and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with Act 346. The Village is authorized by Act 346 and this Ordinance to establish or change the annual service charge to be paid in lieu of taxes by any and all classes of housing exempt from taxation under Act 346 at any amount it chooses not to exceed the taxes that would be paid but for Act 346. It is further acknowledged that housing for low income persons and families is a public necessity, and as the Village will be benefitted and improved by such housing, the encouragement of the same by providing certain real-estate tax exemptions for such housing is a valid public purpose;

further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The Village acknowledges that the Woda Decatur Downs Limited Dividend Housing Association Limited Partnership (the "Sponsor" as defined in Section 4 of this Ordinance) has committed to rehabilitate, own and operate a housing development identified as "Decatur Downs Apartments" on certain property located 413 East Edgar Bergen Blvd., within the Village of Decatur, Michigan, which is legally described in Section 4.G. of this Ordinance, to serve Low Income or Moderate Income Persons, and that the Sponsor has offered to pay and will pay to the Village, on account of the Housing Development, an annual service charge for public services in lieu of all taxes.

Section 4. Definitions

The terms used within this Ordinance shall have the following meanings:

A. "Act" means the State Housing Development Authority Act, being Act 346 of the Public Acts of Michigan of 1966, as amended.

B. "Annual Shelter Rents" means the total actual collections during each calendar year from all occupants of a housing development representing rents or occupancy charges, which rental amounts shall be exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

C. "Authority" means the Michigan State Housing Development Authority.

D. "Class" means the Housing Development known as Lawrence Downs Apartments for Low Income or Moderate Income Persons.

E. "Contract Rents" are as defined by the U. S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U. S. Housing Act of 1937, as amended, received in connection with the operation of a housing project representing rent or occupancy charges, exclusive of utilities.

F. "Federally-Aided Mortgage" means any of the following:

(i) A mortgage insured, purchased, or held by the Secretary of the Department of Housing and Urban Development ("HUD") or United States Department of Agriculture – Rural Development ("USDA-RD");

(ii) A mortgage receiving interest credit reduction payments provided by the HUD or USDA – RD;

(iii) A Housing Development to which the Authority allocates low income housing tax credits under Section 22b of the Act; or

(iv) A mortgage receiving special benefits under other federal law designated specifically to develop low and moderate-income housing, consistent with the Act.

G. "Housing Development" means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines to improve the quality of the development as it relates to housing for persons of low income. For the purposes of this Ordinance, "Housing Development" means Decatur Downs Apartments located on the property legally described as:

Situated in the Village of Decatur, Van Buren County, Michigan:

> The Following Legal needs to be changed to correspond with Decatur Downs
> Beginning at a point found by commencing at the Northwest corner of Section 15, Town 3 South, Range 15 West and running thence South 00°14'30" West, 297.00 feet along the West line of said Section to the point of beginning of this description; thence South 89°36'11" East, 841.50 feet; thence South 00°14'30" West, 225.76 feet; thence North 89°42'10" West parallel with the South line of the Northwest quarter of the Northwest quarter of said Section 15, 608.50 feet; thence North 00°14'30" East, 176.82 feet parallel with said West line of Section 15; thence North 89°36'11" West parallel with said North line 233.00 feet to the West line of said Section; thence North 00°14'30" East along said Section line, 50.00 feet to the point of beginning.
>
> Van Buren County ID: 80-44-455-007-00
>
> <u>Also</u>
>
> Beginning at a point found by commencing at the Northwest corner of Section 15, Town 3 South, Range 15 West and running thence South 00º14'30" West, 347.00 feet from the Northwest corner of said Section to the point of beginning of this description; thence South 89º36'11" East parallel with the North line of said Section 233.00 feet; thence South 00º14'30" West, 176.82 feet; thence North 89º42'10" West parallel with the South line of the Northwest quarter of the Northwest quarter of said Section 15, 233.00 feet to the West line of said Section; thence

North 00º14'30" East along said West line, 177.23 feet to the point of beginning, except Paw Paw Street right of way.
Van Buren County ID: 80-44-455-008-00

H. "Low Income or Moderate Income Persons" means persons and families eligible to move into the Housing Development and as defined in the Act, as amended.

I. "Sponsor" means person(s) or entities which have applied to the Authority for the Tax Credits to finance a Housing Development. For the purposes of this Ordinance, the Sponsor is Woda Decatur Downs Limited Dividend Housing Association Limited Partnership..

J. "Tax Credits" means the low income housing tax credits made available by the Authority to the Sponsor for rehabilitation of the Housing Development by the Sponsor in accordance with the Low Income Housing Tax Credit Program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

K. "USDA-RD" means the United States Department of Agriculture, Rural Services Division.

L. "Utilities" means fuel, water, sanitary sewer service and/or electrical service, which are paid by the Housing Development.

Section 5. Class of Housing Development

This Ordinance shall apply only to the Housing Development to the extent that the Housing Development provides housing for Low Income and Moderate Income Persons and is financed or assisted by USDA-RD or the Authority pursuant to the Act.

Section 6. Establishment of Annual Service Charge

A. The Village acknowledges that the Sponsor and USDA-RD and/or the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all ad valorem property taxes and payment of an annual service charge in lieu of taxes in an amount established in accordance with this Section. In consideration of the Sponsor's offer to rehabilitate, own and operate the Housing Development, the Village agrees to accept payment of an annual service charge for public services in lieu of all ad valorem property taxes that would otherwise be assessed to the Housing Development under Michigan law.

(1) Subject to the receipt by the Village of the "Notification of Exemption" (or such other similar notification) by the Sponsor and/or the Authority, the annual service charge shall be equal to Six Thousand Eight Hundred and No/100 ($6,800.00) Dollars plus the legal and other expenses of the Village relative to the preparation of this Ordinance and the exemption provided herein and any future

extensions or modification thereof; said costs to include but, not be limited to, the cost for attorney review, publication costs and the cost of special meetings, if any. In addition to such costs and expenses, in the event the Township, Village or School District should adopt a special assessment from and after the date of this agreement, the Housing Development shall pay the special assessment in addition to the annual service charge.

(2) Each year, but no later than January 31st, the Sponsor shall provide the Village Assessor with documentation regarding the low income status of the individuals or families residing in the Development. In no event shall the documentation reveal any confidential or private information about the residents that is prohibited from release pursuant to either applicable state or federal law.

B. The Housing Development, and the property on which it shall be constructed, shall be exempt from all property taxes beginning in the calendar year from and after the completion of rehabilitation of the Housing Development by the Sponsor under the terms of this Ordinance. The exemption shall begin when the Sponsor shall have received certificates of occupancy from the Village.

Section 7. Limitation on the Payment of Annual Service Charge

Notwithstanding Section 6, if any portion of the Housing Development is occupied by other than Low Income and Moderate Income Persons, the full amount of the taxes that would be paid on those units of the Housing Development if the Housing Development were not tax exempt shall be added to the service charge in lieu of taxes.

Section 8. Contractual Effect of Ordinance

Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, and subject to the terms of this Ordinance including, but not limited to Section 11 herein, this Ordinance constitutes a contract between the Village and the Sponsor and the Housing Development to provide an exemption from ad valorem property taxes and to accept the payment of an annual service charge in lieu of such taxes, as previously described in this Ordinance. It is expressly recognized that the Authority and USDA-RD are third party beneficiaries to this Ordinance.

Section 9. Payment of Service Charge

The service charge in lieu of taxes shall be payable to the Village in the same manner as ad valorem property taxes are payable, except that the annual payment shall be paid on or before January 31 of each year for the previous calendar year.

Section 10. Duration

This Ordinance shall remain in effect and shall not terminate so long as the Housing Development remains subject to a Federally Aided Mortgage and so long as the housing development submits the required annual notification of exemption pursuant to M.C.L.

125.1415a(1), as amended, but in any event not more than eighteen (18) years from the date of completion of the rehabilitation.

Section 11. Severability

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 12. Repeal

Ordinance No. 189 and all ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 13. Publication; Effective Date

This Ordinance shall become effective the day following its publication or the day following publication of a summary of its provisions in a newspaper of general circulation in the Village.

Passed and adopted by the Village of Decatur on March 2, 2015.

_____
Carl Wickett, Village President

_____
Lou Ann Conklin, Village Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the ___ day of _____, 2015, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the _____ on the ____ day of _____, 2015.

_____
Lou Ann Conklin, Village Clerk

ORDINANCE NO. 197

AN ORDINANCE REGULATING THE POSSESSION AND BEHAVIOR OF ANIMALS WITHIN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

SECTION 1. FARM ANIMALS AND FOWL

It shall be unlawful to keep, possess, harbor, shelter, or have custody of any farm animals or fowl within the corporate limits of the Village of Decatur, Michigan, including any horses, ponies, mules, donkeys, calves, cows, steers, bulls, pigs, shoats, sheep, goats, chickens, turkeys, geese, ducks, or any other farm domestic livestock or fowl, except that same may be kept temporarily during parade or festival periods, when they will be ridden, driven or shown.

SECTION 2. WILD OR UNDOMESTICATED ANIMALS

It shall be unlawful to keep, possess, harbor, shelter, or have custody of any wild or undomesticated animals within the corporate limits of the Village of Decatur, Michigan, including any lion, cougar, jaguar, puma, wildcat lynx, tiger, cheetah, bear, monkey, or other non-human primates, or any other wild or undomesticated animal, except temporarily by a duly authorized and licensed circus or an educational institution.

SECTION 3. COMPLICANCE WITH STATE AND COUNTY LICENSE REQUIREMENTS

All animals legally possessed must have and wear a current valid license when required by Van Buren County, Michigan Ordinance or State of Michigan Statute or Regulation, and must have all shots and inoculations required by County Ordinance or State Statute or Regulation. Evidence of all shots or inoculations shall be shown upon request to any enforcement officer.

SECTION 4. PROHIBITION OF DOGS FROM CERTAIN AREAS

It shall be unlawful for any owner, keeper, or person in charge of any dog, to allow any such dog to be present, unless confined to a motor vehicle, in the following areas of the Village of Decatur, or lands owned by the Village of Decatur, to-wit: Any public park, beach, or playground; cemetery; Decatur Public School grounds; and Phelps Street from Sherwood Street to St. Mary's Street, except for the purpose of going to or from a veterinarian office located on said portion of Phelps Street; provided however that this section shall not apply to a Leader Guide Dog for a blind or hearing impaired person, or to a dog used by Law Enforcement Officers in the performance of their official duty.

SECTION 5. ANIMAL NUISANCES

It shall be unlawful for any owner, keeper, or person in charge of any dog, cat, or any other pet, to cause or permit such animal to perform, create, or engage in any animal nuisance, hereinafter defined as follows:

1. To permit or allow such animal to run at large, stray, or go beyond the premises of its owner, keeper or custodian, unless such animal is held properly in a leash not exceeding four (4) feet in length.
2. To permit or allow such animal to molest or disturb persons or vehicles by chasing, barking or biting.
3. To permit or allow such animal to attack other animals.
4. To permit or allow such animal to engage in any continuous or intermittent barking, yelping, growling, whining, howling, mewing, or any other loud or disturbing noises, which shall cause annoyance to neighbors or the public in general.
5. To permit or allow such animal to be kept in unsanitary conditions which create noxious or offensive odors due to an excessive accumulation of excreta to the annoyance of neighbors or public in general.
6. To permit or allow such animal to defecate upon any public place or premises not owned or controlled by the owner, keeper or custodian unless the feces is promptly removed.

SECTION 6. ENFORCEMENT AND IMPOUNDMENT

Any member of the Village of Decatur Police Department or any Animal Control Officer of Van Buren County, Michigan shall have the power to seize, hold and impound any animal or fowl in violation of this Ordinance. The authority to seize and hold such an animal or fowl shall include, but is not limited to, the pursuit of such animal or fowl onto private property for the purpose of capture. All animals and fowl seized and held under this Section shall be held and disposed of by the Van Buren County, Michigan Animal Control Department.

SECTION 7. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a Municipal Civil Infraction and shall, upon conviction thereof, be subject to a fine and assessable court costs. The fine schedule for violations of this ordinance is set in the following schedule:

$75 ticket for the first citation
$250 ticket for the second citation
$500 for the third citation
Any additional citations may result in a Show Cause Hearing

SECTION 8. REPEAL. Ordinance 108, any amendments to Ordinance 108, and any Ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a Court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

SECTION 10. EFFECTIVE DATE

The Village Clerk of the Village of Decatur, Van Buren County, Michigan shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect the 22nd of March, 2015

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this DAY of MONTH, YEAR.

_____
Carl A. Wickett, Village President

_____
Lou Ann Conklin, Village Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Clerk of the Village of Decatur, Van Buren County, Michigan, do hereby certify that the foregoing Ordinance was adopted by Village of Decatur at a regular Village Council meeting duly held on the XX day of XXX 2015, and that the meeting was held in compliance with notice provisions and all other requirements of Act 267 of the Public Acts of 1976, as amended. I hereby certify that I published the Ordinance in the Decatur Republican on the ____ day of _____, 2015.

_____

Lou Ann Conklin, Village Clerk