

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.