

**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

Also

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, 347.00 feet from the Northwest corner of said Section to the point of beginning of this description; thence South 89°36'11" East parallel with the North line of said Section 233.00 feet; thence South 00°14'30" West, 176.82 feet; thence North 89°42'10" 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 00°14'30" 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 31<sup>st</sup>, 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