

## **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. COMPLIANCE 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 shall 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 DAY of MONTH, YEAR

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this DAY of MONTH, YEAR.

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Carl A. Wickett, Village President

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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.

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Lou Ann Conklin, Village Clerk

**ORDINANCE NO. 198**

**AN ORDINANCE TO AMEND SECTION 8 OF ORDINANCE 150 BEING 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.**

That Section 8 of Ordinance No. 150 of the Village of Decatur is hereby amended to read as follows:

Inspection Fees. There shall be an inspection fee of \$20.00 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. Such fee may be amended by resolution of the Village Council of the Village of Decatur as necessary.

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 2.**            **EFFECTIVE DATE**

This Ordinance shall become effective publication of this ordinance.

Adopted by the Village Council of the Village of Decatur, Van Buren County, Michigan on this 4th day of May, 2015

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Carl A. Wickett, Village President

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Roberta Rex, 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 the Village of Decatur at a regular Village Council meeting duly held on the 4th day of May 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 7th day of May, 2015.

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Roberta Rex, Village Clerk

**ORDINANCE NO. 199**

**AN ORDINANCE TO REGULATE OPEN BURNING IN THE VILLAGE OF DECATUR**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

**Section 1. Regulation of Open Burning.** In order to protect the public health, safety, and welfare of the residents of the Village of Decatur, Michigan, no person shall set a fire outside of a building in the Village of Decatur unless it complies with the provisions of this ordinance.

**Section 2. Definitions of Legal Burns.** The following types of burning shall be lawful under this ordinance:

**a.) 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.

**b.) Campfires.** Campfires no larger than four feet in diameter or covering an area no larger than twelve 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 3. 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 public or private bonfires in which the combustible material would exceed five feet in diameter, or cover an area larger than ten square feet

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

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

**e.)** No person shall use gunpowder, kerosene, gasoline, benzene, or naphtha to kindle a bonfire or put any of such substances on or into a bonfire.

**f.)** No person shall burn leaves, grass, lawn clippings or other yard wastes, rubbish, boxes, trash, furniture, papers, plastic materials, tree limbs, building materials, garbage, or refuse outside of a building at any time on any public or private property within this Village or cause or permit another to do so on any property subject to his control.

**g.)** No person shall cause any fire to be set that is in violation of any State law or other State Administrative Rule.

h.) Such other regulations may be set forth by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department.

**Section 4. 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.) Any person who is found in violation of this ordinance shall be responsible for all expenses incurred by the Village of Decatur. This includes all attorney costs and fees associated with prosecution of the ordinance.

c.) The Decatur-Hamilton Fire Department and/or the Village of Decatur 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.

d.) 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 5. Enforcement.** The Village of Decatur Police Department and/or the Decatur-Hamilton Fire Department are authorized to enforce the provisions of this Ordinance.

**Section 6. 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 7. Repeal.** Ordinance No.32, Ordinance No. 126, Ordinance No. 158, and Ordinance No. 168 are 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 8. Violation And Penalties.** A violation of this Ordinance is a Misdemeanor and any person, firm or corporation who shall violate this Ordinance, upon conviction, shall be punished by up to 90 of imprisonment in the Van Buren County Jail and/or up to \$500 in fines as well as 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 9. Effective Date.** This Ordinance shall become effective September 1<sup>st</sup> 2015.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3<sup>rd</sup> day of August 2015.

**ORDINANCE NO. 197**

**AN ORDINANCE REGULATING THE POSSESSION AND BEHAVIOR OF ANIMALS  
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**SECTION 3. COMPLIANCE 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.

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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.
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**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.

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Carl A. Wickett, Village President

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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.

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Lou Ann Conklin, Village Clerk

**ORDINANCE NO. 199**

**AN ORDINANCE TO REGULATE OPEN BURNING IN THE VILLAGE OF DECATUR**

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**Section 2. Definitions of Legal Burns.** The following types of burning shall be lawful under this ordinance:

**a.) 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.

**b.) Campfires.** Campfires no larger than four feet in diameter or covering an area no larger than twelve 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 3. 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 public or private bonfires in which the combustible material would exceed five feet in diameter, or cover an area larger than ten square feet

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

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

**e.)** No person shall use gunpowder, kerosene, gasoline, benzene, or naphtha to kindle a bonfire or put any of such substances on or into a bonfire.

**f.)** No person shall burn leaves, grass, lawn clippings or other yard wastes, rubbish, boxes, trash, furniture, papers, plastic materials, tree limbs, building materials, garbage, or refuse outside of a building at any time on any public or private property within this Village or cause or permit another to do so on any property subject to his control.

**g.)** No person shall cause any fire to be set that is in violation of any State law or other State Administrative Rule.

h.) Such other regulations may be set forth by the Decatur-Hamilton Fire Department or the Village of Decatur Police Department.

**Section 4. 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.) Any person who is found in violation of this ordinance shall be responsible for all expenses incurred by the Village of Decatur. This includes all attorney costs and fees associated with prosecution of the ordinance.

c.) The Decatur-Hamilton Fire Department and/or the Village of Decatur 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.

d.) 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 5. Enforcement.** The Village of Decatur Police Department and/or the Decatur-Hamilton Fire Department are authorized to enforce the provisions of this Ordinance.

**Section 6. 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 7. Repeal.** Ordinance No.32, Ordinance No. 126, Ordinance No. 158, and Ordinance No. 168 are 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 8. Violation And Penalties.** A violation of this Ordinance is a Misdemeanor and any person, firm or corporation who shall violate this Ordinance, upon conviction, shall be punished by up to 90 of imprisonment in the Van Buren County Jail and/or up to \$500 in fines as well as 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 9. Effective Date.** This Ordinance shall become effective September 1<sup>st</sup> 2015.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3<sup>rd</sup> day of August 2015.

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Carl A. Wickett, Village President

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Aaron Mitchell, 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 the Village of Decatur at a regular Village Council meeting duly held on the 3th day of August 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 \_\_\_th day of August, 2015.

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Aaron Mitchell, Village Clerk