

**Ordinance No. 1**

An Ordinance to Repeal the Ordinances heretofore passed by THE VILLAGE of DECATUR.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That all ordinances passed by said Village heretofore and up to the sixth day of July, A.D., 1885, and numbering from one to twenty-two, both inclusive, together with all amendments thereto, are hereby repealed and held for naught.

July 6, 1885

## **ORDINANCE NO. 2**

An Ordinance Relative to Giving Bond and Filing the Same.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That the following officers, when elected or appointed to office in said Village, shall give bond to the Village of Decatur in amounts as follows, unless the council shall by resolution direct that a larger bond be given:

Clerk in the sum of ----- \$ 1,000.00

Treasurer in the sum of ----- 10,000.00

Marshals in the sum of ----- 2,000.00

Water Collector in the sum of ----- 5,000.00

Sec.2. Any person neglecting or refusing to file such bonds within ten days after their election or appointment shall be deemed to have declined the office and the same shall be declared vacant.

(Ord 2 July 1885) Revised August 12, 1954

### **ORDINANCE NO. 3**

An Ordinance Relative to Animals and Fowls Running at Large in Decatur Village.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. It shall be unlawful for the owner of any horse, mule, ass, sheep, goat, swine, cattle, dog, or other animal or fowl to permit the same to run at large within the Village limits.

Sec. 2. Any person found guilty of violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed the sum of \$100.00 or by imprisonment in the Village Jail or County Jail not to exceed 90 days, or both.

Sec. 3 through Sec. 9 Repealed

(Ord 3 July 1885) Sections repealed August 12, 1954

## **ORDINANCE NO. 5.**

An Ordinance Relative to Traveling Shows, Street Hawkers, Peddlers, Auctioneers, Dancing Places, and the Licensing Thereof.

THE VILLAGE OF DECATUR ORDAINS:

Sec.1. That it shall not be lawful for any circus, theater, menagerie, minstrel, comedy or concert troupe or other traveling exhibitions or shows that demand or receive an admission fee or pay in any way for such entertainment to exhibit in said village without first obtaining a license therefor from said village.

Sec.2. It shall not be lawful for any street hawker or peddler to cause to be erected, any stand, table or other device or thing and sell goods therefrom or to sell from any wagon, vehicle or other device or thing in the village of Decatur, without first obtaining license therefor from said village.

Sec.3. Nothing contained in the two last preceding sections of this ordinance shall be construed as prohibiting any farmer from selling in the usual manner the products of the farm nor shall any of the provisions of this ordinance be construed as in any way prohibiting any tradesman living in the said village from selling their goods, wares or merchandise or other things, or in front of their stores in the ordinary manner.

Sec.4. It shall be unlawful for any peddler, hawker, huckster, solicitor, or other person, weather a resident of Decatur or not, to travel either on foot or by vehicle from place to place within the Village offering or exposing goods, wares, or merchandise for sale or selling and delivering the same to purchasers or taking or attempting to take orders for future delivery thereof (Including magazines or other publications) or for services to be furnished or performed in the future, without first having obtained a license to do so from the Village Clerk, the cost of such license (Not to exceed the sum of Fifty Dollars) to be fixed by the Village Council; nor shall it be lawful for any person to sell or offer for sale such goods, wares, or merchandise at auction within the Village of Decatur without first obtaining such a license unless such sale be carried on in some store or other building; provided, however, that the provisions of this Section shall not apply to any person selling property by legal process or under a mortgage nor to any person who is a resident of this County and selling a product of this County.

(Sec. 5 Repealed Aug 1954)

Sec.5. It shall not be lawful for any person to use for the purpose of generation or for any purpose connected therewith or necessary to secure any stallion or jack or other animal in said village, except at a place or places to be designated by the Common Council of said village for such purpose, and the person obtaining such designation or permit if he use the same for hire shall pay a license of three dollars per annum therefor.

Sec.6. It shall not be lawful for any person to erect or cause to be erected any bowery, shed or tent for the purpose of conducting a dance therein within the limits of said Village without having a license therefor. Any person who shall desire to obtain a license for any of the purposes mentioned in this ordinance shall apply to the Village Marshal who shall have authority to issue the same, but before any such license shall be issued the person applying for the same shall pay over the sum determined by the Council to be the price of the same which shall not be less than One Dollar nor more than Fifty Dollars for such show, entertainment, or menagerie and not less than One Dollar nor more than Fifty Dollars for auctions. Nor less than One Dollar nor more than Fifty Dollars for peddlers. Nor less than One Dollar nor more than Fifty Dollars for dances, as such Marshal

shall determine from a scale furnished him by the Council. Such license shall be signed by the officer granting the same and countersigned by the Clerk of said Village.

Sec.7. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than five and not exceeding one hundred dollars and costs of prosecution, or by imprisonment not exceeding ninety days, or both such fine and imprisonment in the discretion of the court. And upon failure to pay such fine may be imprisoned for any time not exceeding sixty days unless payment thereof be sooner made, and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Village Marshal of said village. And if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Van Buren County or in any other place of confinement provided by said Village for such person.

(Ord 9 July 1885) Renumbered and section 5 repealed August 12, 1954

## **ORDINANCE NO. 7.**

An Ordinance Relating to the Clearing and Cleaning of Streets and Alleys.

THE VILLAGE OF DECATUR ORDAINS:

Sec.1. That it shall be the duty of the Street Commissioner of said village to keep the streets and alleys of said village free and clear from all obstructions and other matter or thing.

Sec.2. Should any expense be incurred by said Commissioner in removing any obstructions, matter or thing from any of the streets and alleys of said village, it shall be his duty to keep an account thereof and report the same to the Council of said village and the same shall be charged against the person placing or causing such obstructions, matter or thing to be placed in the streets or alleys and may be collected by said village in an action of debt or assumpsit against such person, and in case the person placing or causing any obstruction, matter or thing to be placed in any street or alley in said village is the owner of the premises in front or rear of which such obstruction is placed, the expense of the removal thereof may be levied and collected as a special assessment on said premises.

(Ord 12 July 1885) Renumbered August 12, 1954

## **ORDINANCE NO. 10**

An Ordinance Relating to Offenders Attempting to Escape or Refusing to Labor.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That any person who shall attempt to escape from the Marshal of said village or any police officer of said village while in their custody or under arrest or any person in the custody of the Marshal having been convicted who shall attempt to escape or shall refuse to labor when requested so to do by said Marshal shall, upon conviction thereof, be punished by a fine of not less than five or more than one hundred dollars and costs of prosecution, or by imprisonment not exceeding ninety days, or both such fine and imprisonment in the discretion of the court, and upon failure to pay such fine and costs of prosecution may imprisoned for any time not exceeding sixty days, unless payment thereof be sooner made, and if imprisonment be adjudged in any case, it may be in the village prison, or in the county jail of Van Buren County, or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 18 July 1885) Renumbered August 12, 1954

## **ORDINANCE NO. 11**

An Ordinance Relative to the Prevention of Cruelty to Animals.

THE VILLAGE OF DECATUR ORDAINS:

Sec.1. That it shall not be lawful for any person to overdrive, overload or drive when overloaded, overwork, torture or torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill or cause or procure to be so overdriven, overloaded, driven when overloaded, overworked, tortured or tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed any animal, and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same or willfully fails to provide the same with proper food, drink and shelter or protection from the weather at any place within said Decatur village shall, upon due conviction thereof, be punished by fine of not less than five or exceeding fifty dollars and costs of prosecution or by imprisonment not exceeding thirty days, or both such fine and imprisonment in the discretion of the court; and upon failure to pay such fine and costs of prosecution may be imprisoned for any time not exceeding thirty days unless payment thereof be sooner made and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Marshal of said village, and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Van Buren County or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 19 July 1885) Renumbered August 12, 1954



## **ORDINANCE NO.12**

An Ordinance Relative to Religious and Other Public Meetings and the Disturbance Thereof.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That it shall not be lawful for any person or persons on the first day of the week, commonly called Sunday, or upon any other day or at any time, within the limits of said Decatur village, by rude or indecent behavior or talking when not asked so to do by the person in charge, or in any other way by making any noise or otherwise, disturb any assembly of people met for the purpose of worshipping God or any meeting held for any lawful purpose.

Sec. 2. Any person who on the first day of the week or at any other time shall willfully interrupt or disturb any assembly of people met for the purpose of worshipping God within the place of such meeting or outside of it but within hearing or in any way violate any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than five or more than fifty dollars and costs of prosecution or by imprisonment not exceeding thirty days, or both such fine and imprisonment in the discretion of the court, and upon failure to pay such fine and costs of prosecution may be imprisoned for any time not exceeding thirty days unless payment thereof be sooner made and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Village Marshall of said village and if imprisonment be adjudged in any case it may be in the village prison or the county jail of Van Buren County or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 20 July 1885) Renumbered August 12, 1954

## **ORDINANCE NO. 13**

An Ordinance Relative to the Preservation of Trees and Shrubs.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That it shall not be lawful for any person to willfully injure, deface or destroy any tree or shrub planted along the margin of the highway or purposely left there for shade or ornament, or situated upon any village lot within said Decatur village, or to hitch any horse or other beast to any such tree or shrub or to negligently or carelessly by any other means suffer any horse or other beast driven by or for him or any beast belonging to him or in his care or control and in the public streets of said Decatur village to break down, destroy or injure any tree or shrub not his own, standing for use or ornament in any of the public streets of said Decatur village, or situated upon any village lot in said Decatur village.

Sec. 2. Any person offending against any of the provisions of this ordinance, shall upon conviction thereof, be punished by a fine not exceeding ten dollars and the costs of prosecution or by imprisonment in the village or county jail, not exceeding thirty days, or both such fine and imprisonment in the discretion of the court; and upon failure to pay such fine and costs of prosecution may be imprisoned for any time not exceeding thirty days unless payment thereof be sooner made and the person so convicted and imprisoned shall be kept at labor outside or inside such place of imprisonment under the direction of the Marshal of said village, and if imprisonment be adjudged in any case it may be in the village prison or in the county jail of Van Buren County or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 21 July 1885) Renumbered August 12, 1954

## **ORDINANCE NO. 15**

An Ordinance to Prevent Incumbrances, Encroachments, Excavations or Obstructions being Placed upon Any of the Streets, Alleys, Lanes, Parks or Public Grounds of the Village of Decatur.

### THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That it shall not be lawful for any person or persons to erect or place or cause to be erected or placed, any incumbrance, encroachment or obstructions of any name or nature, upon any street, lane, alley or park, public street or public ground in said Decatur village, which shall in any manner impede or obstruct the full and free passage of the entire space of such street, alley, park or public ground. And it shall not be lawful for any person or persons to dig or in any manner excavate or cause, aid or abet any other person or persons in digging or in any manner excavate any portion of any street, park or public ground within said village, without he, she or they shall first obtain permission so to do from the Council of said village, such permit to be in writing and to authorize the same to be done under the direction of the street commissioner.

Sec. 2. It shall not be lawful for any person or persons to leave any horse, vehicle or any other object or thing whatever in such place as to in any way obstruct any street, alley, crosswalk or sidewalks, or to prevent the full, free enjoyment and passage of the entire space of such street, alley, crosswalk or sidewalk, except in the loading and unloading of vehicles necessary in the lawful carrying on of any and all lawful business and enjoyment and pleasure.

Sec. 3. Any person or persons violating any of the provisions of this ordinance upon conviction thereof shall be punished by a fine of not less than three nor more than fifty dollars and costs of prosecution or by imprisonment not exceeding thirty days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution. And upon failure of pay such fine and costs of prosecution may be imprisoned for any time not exceeding thirty days unless payment thereof be sooner made, and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Marshal of said village. And if imprisonment be adjudged in any case it may be in the village prison or the county jail of Van Buren County or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 24 July 1885) Renumbered August 12, 1954

## **ORDINANCE NO. 16**

An Ordinance Relating to Sidewalks and to Provide for Building and Repairing the Same and Keeping Them Clean and In Good Order.

### **THE VILLAGE OF DECATUR ORDAINS:**

Sec. 1. That it shall be the duty of the Village Street Commissioner to report to the Common Council any defective sidewalk or crosswalk in need of repairs, in the Decatur village, giving the location of such defective sidewalks, stating wherein defective, and of what material the original walk was built, and to further report to said common Council, from time to time, the non-existence of any sidewalks in said Decatur village, caused by the original walk having been worn out, torn up or from other causes where the public necessity or convenience may, in his judgment, require a sidewalk or crosswalk.

Sec. 2. Whenever two thirds of the owners or occupants of the property on one or both sides of any of the public streets in said Decatur village shall desire sidewalks built, on one or both sides of such street or streets they may petition the Common Council, asking for the building thereof, setting forth in such petition the reasons which, in their judgment, make the building of such walks a necessity or great public convenience, the grade and width they desire to have them built and showing who are the residents or those owning property along the side or sides of such streets and who are the occupants and by what right they so occupy.

Sec. 3. Whenever the Common Council of said village shall, upon consideration of any report of the Street Commissioner as provided for in section one of this ordinance or upon consideration of petition or petitions from the citizens of said Decatur village as provided for in section two of this ordinance, or upon their own motion shall by resolution determine upon building of any sidewalk or crosswalk or the repairing of any such walk or walks already built, it shall be the duty of the Street Commissioner to notify the owner or person having the premises in charge, if known, in front of which any such walk is to be built or repaired within one week after such resolution shall be passed, by delivering to them a written notice if they can be found; if not, then by posting such notice in three public places in said village, one of which shall be posted on the premises in front of which such walk is to be built or repaired. Such notice shall contain the time when such walk shall be built, the grade thereof, the thickness and kind of material and the width and manner of constructing the same.

Sec. 4. If the owner of any lot or premises, after such notice as aforesaid, shall fail for thirty days after such notice has been given to construct any sidewalk or crosswalk or to repair the same as mentioned in the preceding section, the Council may, by resolution cause said walk to be constructed at the expense of such owner and the amount of all the expenses incurred thereby shall be reported by the Street Commissioner to the Council and shall be levied and collected as a special assessment upon the lot and premises adjacent to and abutting upon such sidewalk or crosswalk.

Sec. 5. It shall be the duty of the owner or occupants of lots adjacent to and abutting on any sidewalk or crosswalk in said village to keep the same free from any obstructions – snow, ice, or any nuisance. In case of his or her refusal so to do and to clean the sidewalk as above mentioned in this section after one day's notice has been given by the Street Commissioner, the said Street Commissioner shall proceed to clean the same and any and all expense incurred thereby, shall be levied and collected as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk or crosswalk, such crosswalks to be kept clean and free from all obstructions, snow or ice or any nuisance, one-half their distance, by the owner or occupants from each side of such streets.

Sec. 6. Any person who shall maliciously break down, injure or tear up any sidewalk or crosswalk within the corporate limits of said Decatur village shall, upon conviction thereof, be punished by a fine of not less than five or more than fifty dollars and costs of prosecution or by imprisonment not exceeding thirty days,

or both such fine and imprisonment in the discretion of the court; and upon failure to pay such fine and costs of prosecution, may be imprisoned for any time not exceeding thirty days, unless payment thereof be sooner made; and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Marshal of said village; and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Van Buren county, or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 26, July 1885) Renumbered August 12, 1954

**(SECTION 7 Amendment (see below) addition adopted March 2, 1959)**

**(SECTION 7 Further Amended by Ordinance 109, November 1, 1993)**

**(SECTION 7 Made a civil infraction by Ordinance 131, September 13, 1999)**

Sec. 7. BUSINESS DISTRICT SIDEWALKS. The sidewalks situated on the following portions of streets within the Village of Decatur, Michigan, are hereby declared and defined to be business district sidewalks, to wit: both sides of Phelps Street from Sherwood Street to St. Mary's Street; The Northerly side of East and West Sherwood Street, both sides of East and West Delaware Street and the southerly side of East and West St. Mary's Street and Phelps Street to the Alley or a distance of 100 feet from Phelps Street.

- (1) It shall be the duty of owners, tenants and occupants of land abutting on any business district sidewalk as hereinbefore defined to keep said adjacent sidewalk clean of snow, ice and sleet at all times. If any such person neglects or refuses to remove the snow, sleet and ice from said sidewalk for a period of 24 hours he or she shall be subject to a fine of not to exceed \$10.00 and the costs of prosecution or imprisonment for 10 days in the Village or County Jail or both in the discretion of the Court having jurisdiction in such case. Each 24 hour period shall be a separate offense.
- (2) It shall be unlawful to exhibit, place or display merchandise for sale on any business district sidewalk and any person that shall violate this provision of this ordinance shall be subject to the same penalty as provided in subsection 1 of this Section 7.

This amendment shall be effective within 30 days from date hereof. Adopted by the Common Council of the Village of Decatur, MI at a regular meeting thereof this March 2, 1959. Approved: March 2, 1959. Dr. J.T. Bowers, Village President. H. P. Schmidt, Village Clerk

## **ORDINANCE NO. 17**

An Ordinance Relating to the Prevention of Fires in the Village of Decatur.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That it shall be the duty of the Common Council of said village on the second Monday in April each year or as soon thereafter as may be, to appoint a fire warden who shall hold his office for the term of one year or until his successor shall be elected or appointed and qualified.

Sec. 2. It shall be the duty of said fire warden, at least three times in each year, to-wit: In the months of May, November, and February and as much oftener as may be deemed necessary, to enter into each building in said Decatur Village where any kind of business is carried on and into any dwelling house in said Village and upon any plat of ground and to examine the stoves, stove-pipes, furnaces, fireplaces, chimneys and all heating apparatus, engines, boilers or arches in use in or upon the premises and all places where inflammable liquids, combustible or explosive substances, or any type of compressed gases are kept and cause all such as are unsafe to be put in a safe condition.

Sec. 3. No ashes, except in manufactories where ashes are used for manufacturing purposes, shall be kept or deposited within twenty feet of any building, unless the same be kept in close and secure metallic or earthen vessel or brick or stone ash room.

Sec. 4. It shall not be lawful for any person owning or being responsible for any premises to have in his or her possession or on his or her premises any shavings, wood, excelsior, waste paper, oil, rags, inflammable liquids or other explosive or combustible material in such a situation or condition as to occasion hazard or danger of fire. All persons having the control of such material shall comply with the directions of the fire warden in relation thereto as to where and how the same shall be kept or stored, and as to the amount thereof to be kept on hand at any time. And further it shall not be lawful for any person or his agent or employee to kindle any fire within twenty five (25) feet of any building unless such fire be confined in a safe container and in no case shall any such fire be permitted within fifteen (15) feet of any building without the consent in writing of the Fire Marshal, nor shall any person having kindled any such fire or any bonfire fail to be in constant attendance upon the same until said fire be completely extinguished, nor shall any such fire be kindled in or upon any street or alley, nor shall any person kindle or maintain any bonfire or other open fire within the fire limits of the Village of Decatur as such fire limits be now or hereafter from time to time established and ordained without first having obtained the consent in writing of the Fire Warden.

Sec. 5. It shall not be lawful for any person hereafter to build any chimney in said Decatur Village unless the same be plastered with lime mortar on the inside thereof; nor shall it be lawful for any person within the fire limits of said Village to put up in any house or building a smoke pipe from any stove, furnace or other heating apparatus, unless it be conducted into a chimney safely made of brick or stone, nor in any other portion of said Village, unless by metal thimble or stone or earthen tube. Nor shall any person at any time set fire to any chimney for the purpose of cleaning the same or for any other purpose without the previous consent, in writing, of the Fire Warden.

Sec. 6. It shall be the duty of the owner or occupant of any premises in said Decatur village to comply with the orders of the fire warden in respect to all matters mentioned in sections three, four, and five of this ordinance, and upon their failure so to do within forty-eight hours after such order has been made, the fire warden shall enter such place with such assistance as he may deem necessary and put the same in a safe condition as to fire at the expense of the owner of the premises on which the property is situated; and the expense therefore may be levied and collected as a special assessment on said premises.

Sec. 7. It shall not be lawful to fire off any gun or pistol in any public street or alley in said Decatur village.

Sec. 8. It shall not be lawful to fire off or explode any squibs, fire crackers or other fireworks, gun powder or other explosive substance in any street or alley, or elsewhere, in said Decatur village, without first obtaining consent so to do from the Common Council of said village.

Sec. 9. It shall not hereafter be lawful for any person, persons, partnership, or corporation within the Village limits to engage in the business (either at retail or wholesale) of storing, trading, or transporting any inflammable liquid, explosive, or other combustible substance or any type of compressed gas or gases or any material which when heated will give off toxic gases or obnoxious fumes, without first having obtained a permit to do so from the Village Council.

Sec. 10. Any person refusing or neglecting to comply with any of the provisions of sections three, four, five and six of this ordinance or any person violating any of the provisions of seven, eight or nine of this ordinance, or any person hindering or resisting the fire warden or refusing or in any way interfering with his free entrance to his or her building or premises, when there in the discharge of his duty as hereinbefore directed and specified in this ordinance shall, upon conviction thereof, be punished by a fine of not less than five or more than fifty dollars and costs of prosecution, or by imprisonment not exceeding thirty days, or both such fine and imprisonment in the discretion of the court; and upon failure to pay such fine and the costs of prosecution, may be imprisoned for any time not exceeding thirty days, unless payment thereof be sooner made, and the person so convicted and imprisoned shall be kept at labor inside or outside of such place of imprisonment under the direction of the Marshal of said village; and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Van Buren County, or any other place of confinement provided by said village for such person.

(Ord 27, July 1885) Renumbered August 2, 1954

## **ORDINANCE NO. 19**

An ordinance Relative to Keeping Streets and Other Public Places in the Village of Decatur Clean, and Prescribing Penalties for the Violation Thereof and To Repeal All Ordinances and Parts of Ordinances Inconsistent With the Provisions of This Ordinance.

### THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. No person shall himself or by another scatter, leave deposit or distribute in any street, alley, lane or other public place within the Village of Decatur, any earth, ashes, straw, sawdust, hay, shavings, chips, stones, bricks, ice dirt, manure, leaves, filth, bottles, tin cans or other substance which may be accumulated as the result of repairs to fences, yards, or buildings, or rubbish of any description.

Sec. 2. No person shall by himself or another drive or propel any wagon, cart, sleigh, automobile or other vehicle loaded above the side or end boards with ashes, sawdust, shavings, bricks, dirt, leaves, filth, bottles, tin cans rubbish of any description, along, upon, or over or across any street, alley or public place in the Village of Decatur. The box, wagon or cart, auto car or vehicle so used shall be constructed with tight, close, sound boards, and in such a manner as to prevent the scattering, or dropping of the contents thereof on the streets, alleys or public places in said village. In case the carting or hauling along, upon, over, across or through any street, alley or public place any shavings, sawdust, dirt, ashes, mortar, straw, manure, or other substance liable to be blown off by the wind, the same shall be safely covered or secured, and to be firmly and securely loaded in such a manner as to permit no hay, straw, manure or other rubbish to be scattered along any street, alley or public place in said village. The owner of any such wagon, cart, auto car or other vehicle permanently or temporarily used for carrying earth, ashes, shavings, sawdust, dirt, leaves, filth, manure or rubbish of any description shall while so in use have thereon his name legibly painted or printed so the same can at all times be readily seen.

Sec.3. No person, persons, partnership or corporation, shall engage in the business of collecting garbage in the Village of Decatur, Michigan, without first obtaining a license therefor from the Village Council, and paying therefor such license fee as shall be fixed from time to time by the Village Council.

Sec. 4. The word "garbage" used in this ordinance shall include animal, vegetable, table and general refuse, rags, cloth, wood, old shoes, tin cans, bottles, papers, ashes, loam, plaster, dirt or any other substance that may accumulate as a result of repairs to yards and buildings.

Sec. 5. Any persons violating any of the provisions of this ordinance upon conviction thereof shall be punished by imprisonment in the county jail of Van Buren County, Michigan, not to exceed twenty days, or by fine not to exceed twenty-five dollars, or both such fine and imprisonment in the discretion of the Court.

Sec. 6. All ordinances or parts of Ordinances inconsistent with the provisions of this ordinance are hereby repealed.

August 12, 1954



## **ORDINANCE No. 21**

An Ordinance Relating to Traffic.

THE VILLAGE OF DECATUR ORDAINS:

### **SECTION 1. VEHICLE; PRUDENT DRIVING; EXCESSIVE SPEEDS UNLAWFUL.**

A. – Any person driving a motor vehicle on any of the public highway, street or alley within the corporate limits of the Village of Decatur shall drive the same at a careful and prudent speed not greater than, nor less than, is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any motor vehicle upon such highway, public street or alley at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead, provided:

B. – No person shall drive any motor vehicle in excess of such maximum speed limits as may be established by this Ordinance upon any such public highway, street or alley. (ord 21 eff. Feb. 1, 1969)

### **SECTION 2. SPEED; SIGNS; PRIMA FACIE EVIDENCE.**

Subject to the provisions of Subdivision A of Section 1 of this Ordinance, whenever the constituted authorities of the Village of Decatur, or of the State of Michigan, shall designate a rate of speed for motor vehicles by appropriate signs erected along any such public highway, street or alley so as to be reasonably visible to any person operating a motor vehicle thereon, it shall be prima facie lawful for the driver of a motor vehicle to drive the same upon such public highway, street or alley, or portions thereof, at the rate of speed so designated by such sign or signs, so long as such sign or signs shall be so erected and maintained, provided: that no person shall operate a motor vehicle upon such highway, street or alley, or any portion thereof whereon such sign may be erected and maintained in excess of the speed designated by such sign. (ord. no. 21 eff. Feb. 1, 1969)

### **SECTION 3. 15-MILE SPEED LIMIT; 25-MILE SPEED LIMIT; AREA.**

Except as provided in Section 2 of this Ordinance, no person shall operate or drive a motor vehicle upon School Street, Eli Street, George Street, north of Delaware Street and upon Phelps Street between Sherwood and St. Mary's Streets in excess of fifteen miles per hour and upon any other public highway or street in said Village in excess of twenty-five miles per hour. (ord. no. 21 eff. Feb. 1, 1969)

### **SECTION 4. TRAFFIC SIGNALS.**

The driver of any vehicle shall carefully observe and obey all traffic signals and stop signs. (ord. no. 21 eff. Feb. 1, 1969)

### **SECTION 5. NO PARKING AREAS.**

There shall be no parking allowed on Delaware Street (Highway M-51) at any time. (ord. no. 21 eff. Feb. 1, 1969)

### **SECTION 6. LIMITED AND TOLL PARKING AREAS.**

The following streets or portions thereof are hereby designated to be Limited and Toll Parking Areas, to wit; Phelps Street from Sherwood Street to St. Mary's Street, the Southerly side of East and West St. Mary's Street

and the Northerly side of East and West Sherwood Street for a distance of approximately 200 feet more or less, from each side of Phelps Street.

Appropriate signs, lines and parking meters shall be placed in said areas designating the parking limits therein.

All vehicles shall be parked between the parking lines in said areas but no parking of any kind shall be permitted in said areas between and hours of 3:00 a.m. and 6:00 a.m., nor shall any vehicle be parked in said areas for a longer period than two hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays.

**NOTICE OF VIOLATIONS:** the Village police officers are hereby authorized and directed to issue parking violation notices in triplicate. The original shall be delivered to the Violator or affixed to the improperly parked vehicle. The duplicate shall be delivered to the Village Clerk and the triplicate copy retained by the Police Officer. Said violation notice shall inform the violator of the violation and that the penalty for same may be paid either in person or by mail to the Village Clerk within 3 days from date thereof. Where violation notices affixed to the vehicle, the proof of registration of said vehicle shall be prima facie proof that the registered owner of said vehicle is the violator. Whenever any person fails or neglects to pay the violation penalty to the Village Clerk within three days, a complaint may be made and warrant issued for said violator by any Justice of the Peace having jurisdiction. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 7.** No driver shall park any vehicle in front of the theater or any driveway to a private home or any filling station. **(Repealed by Ordinance No. 98 effective December 7, 1987)**

**SECTION 8. FUNERAL PROCESSION.**

No vehicle shall be driven through a funeral procession or any other procession except with the permission of the Marshal or any other police officer. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 9. EXCESSIVE NOISE.**

It shall be deemed a violation of this Ordinance for any person in any vehicle to make, with said vehicle or any device connected therewith, any excessive noise to annoy the public, or to open the muffler on any vehicle or to run any vehicle with the muffler cut-out open. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 10. MOTOR TRUCK DEEMED VEHICLE USED FOR COMMERCIAL PURPOSES.**

A motor truck within the meaning of this Ordinance shall be deemed to be any motor vehicle used for commercial purposes or designed to be used for commercial purposes 14 feet or more in length overall, of one ton or more capacity. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 11. TRAILER DEEMED VEHICLE ATTACHED TO MOTOR VEHICLE.**

A trailer within the meaning of this Ordinance shall be deemed to be any vehicle or part of a vehicle attached to a motor vehicle or designed for the purpose of attaching to a motor vehicle.

**SECTION 12. TRAILER PARKING; RESTRICTIONS.**

No truck or trailer as defined in this Ordinance shall be parked or allowed to be parked at any time by the operator thereof on Delaware Street in said Village within 100 feet of the intersection of said Street with Phelps Street nor on Phelps Street between Sherwood and St. Mary's Streets, (except for the purpose of loading and unloading whenever and wherever it is impossible to use the alley for such purposes), nor on south side of Bronson Street between White Oak and Mason Streets nor on the east side of Phelps Street between Beers and Bronson Streets. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 13. TRUCK OR TRAILER; PARKING; HOURS.**

No truck or trailer, as defined in this Ordinance shall be parked or allowed to be parked by the owner or operator thereof on any Village Street or alley between the hours of 3:00 a.m. and 6 a.m. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 14. USE OF M-51; EXCEPTION.**

No truck or trailer, as defined in this Ordinance, when heavily loaded, shall be operated within the Village of Decatur except on Highway M-51, unless the destination of said truck or trailer for the purpose of making a delivery, be a point within the Village limits not located thereon. **(ord. no. 21 eff. Feb. 1, 1969)**

**Section 15. VIOLATIONS AND PENALTIES.**

Any person violating any of the provisions of this Ordinance, upon conviction thereof before a court of competent jurisdiction shall be punished by a fine of not more than \$25.00 and the costs of prosecution, or in default of the payment of such fine and costs shall be confined in the County Jail, (or the jail of the Village of Decatur) for a period not exceeding 30 days, or both such fine and imprisonment, in the discretion of the court. **(ord. no. 21 eff. Feb. 1, 1969)**

**SECTION 16. REPEAL CLAUSE.** All previous Ordinances or parts of Ordinances inconsistent with any of the provisions of this Ordinance are hereby repealed. **(ord. no. 21 eff. Feb. 1, 1969)**

## **ORDINANCE NO. 22**

An Ordinance Defining Public Nuisances, Prohibiting Their Creation or Maintenance and Providing Penalties Therefor.

### THE VILLAGE OF DECATUR ORDAINS

Sec. 1. Public Nuisances Defined: A public nuisance is a thing, act, failure to act, occupation, or use of occupation which:

- (a) Shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons;
- (b) Shall offend the public decency;
- (c) Shall unlawfully interfere with, obstruct, or tend to obstruct, or render dangerous for passage a navigable river or creek, public lake or pond, or a public park, square, street, alley, lane, sidewalk or highway; or
- (d) Shall in any way render any considerable number of persons insecure in life or in use of property.

Sec. 2. Public Nuisance Affecting Health. The following are hereby declared to be public nuisances affecting health:

- (a) The spitting on the sidewalks or crosswalks, or upon any walks, upon public grounds, or upon the floor, hall, stairs, steps, entry or platform of any public building, store, building or office building.
- (b) All diseased animals running at large.
- (c) Ponds, pools, of water, or vessels holding stagnant water which becomes a breeding place for mosquitoes.
- (d) Carcasses or animals not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (e) The throwing, placing, depositing or leaving in any street, highway, lane, alley, public place, square or sidewalk, or in any private, place or premises where such throwing, placing, depositing or leaving is, in the opinion of the Health Officer, dangerous or detrimental to public health, or likely to cause sickness or attract flies, insects, rodents and/or vermin by any person, firm or corporation of any animal or vegetable substance, dead animal, fish, shell, tin cans, bottles, glass or other rubbish, dirt, excrement, filth, rot, unclean or nauseous water, liquid or gaseous fluids, hay, straw, soot, garbage, swill, animal bones, hides or horns, rotten soap, grease or tallow, offal or any other offensive article or substance whatever.
- (f) The pollution of any stream, lake or body of water by, or the depositing into or upon any highway, street, lane, alley, public street or square, or into any adjacent lot or grounds of, or depositing or permitting to be deposited any refuse, foul or nauseous liquid or water, creamery or industrial waste, or forcing or discharging into any public or private sewer or drain, any steam, vapor or gas.
- (g) Noxious fumes, gas or smoke in such quantities as to render occupancy of property uncomfortable to a person of ordinary sensibilities.
- (h) Offensive trade or callings, as defined by statute, not licensed or approved by the Village health Officer as provided by law.
- (i) The use of common public drinking cup or roller towel.
- (j) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person.
- (k) The failure of any owner, occupant, or the person in charge of any lot or premises in said Village to keep the same free and clear from all and every filthy, unwholesome, offensive or dangerous matter or thing.

- (l) The permitting of any cellar, vault, lot, sewer, drain, place or premises within said Village to become so damp, unwholesome, offensive or filthy or so covered with stagnant or impure water in whole or in part during any portion of the year as to produce offensive exhalations.
- (m) The failure on the part of the owner, possessor or occupant of lands within the Village limits to cut down all noxious weeds, including ragweed, Canada or other thistles, milkweed, wild carrots, ox-eye daisies, poison ivy, mustards, prickly lettuce, burdock, cocklebur, sour and yellow dock, wild parsnips, or quack grass growing thereon or growing on that part or portion of the public street or alley abutting said property and bounded by the established curb or gutter line, so often in each year as shall be necessary to prevent them from going to seed.
- (n) The permitting or maintaining of any tree, shrub or plant which endangers public property or the health or safety of the public.
- (o) All other acts, omissions of acts, occupations and uses of property which are in fact a menace to the public health.

Sec. 3. Public Nuisances Affecting Morals and Decency. The following are hereby declared to be public nuisances affecting public morals and decency:

- (a) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses.
- (b) All domestic animals in the act of copulation exposed to the public view.
- (c) Any vehicle used for any immoral or illegal purpose.
- (d) All indecent or obscene pictures, books, pamphlets, magazines and newspapers.

Sec. 4. Public Nuisances Affecting Peace and Safety. The following are declared to be public nuisances affecting public peace and safety:

- (a) All snow and/or ice not removed from public sidewalks within twenty-four hours after the accumulation, deposit or forming thereof.
- (b) All limbs of trees which project over a public sidewalk or street and which are less than eight feet above the surface of such sidewalk and nine feet above the surface of such street.
- (c) All wires over streets, alleys or public grounds which are strung less than fifteen feet above the surface of the ground.
- (d) All buildings, walls and other structures which have been damaged by fire, decay, or otherwise, and which are so situated so as to endanger the safety of the public.
- (e) All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount contrary to the provisions of any ordinance or statute of the State of Michigan.
- (f) All use or display of fireworks except by permission of the Village Council and under the supervision of the Fire Chief.
- (g) All loud or unusual noises or sounds and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities.
- (h) Obstructions and excavations affecting the ordinary use by the public of sidewalks, streets and alleys, or public grounds except by approval of the Village Marshal.
- (i) Any use of the Public Streets and/or sidewalks which causes large crowds to gather, obstructing the free use of the streets and/or sidewalks except by permission of the Village Council.
- (j) All barbed wire fences which are located within three feet from any public sidewalk.
- (k) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- (l) The distribution of handbills except as approved by the Village Marshal.
- (m) The riding of bicycles upon the sidewalks on Phelps Street from Sherwood Street to St. Mary's Street.

**(Section 5 Repealed by Ord 122, 1998)**

Sec. 5. When Keeping Animals Shall Cause a Nuisance.

- (a) No person or persons shall keep or confine horses, hogs, cows, cattle or other animals in pens or other enclosures in any place within the limits of the Village of Decatur, when such

keeping or confining shall cause a nuisance or be offensive to his neighbor or neighbors, and in no case shall any person or persons keep and confine any such animals in any place within the Village of Decatur except by permission of the Village Council, upon the proper showing that the keeping or confining of such animals shall not be offensive or create a nuisance. Permission so given shall be revoked at the will of the Village Council.

(Section 6 amended by Ord 122, 1998)

Sec. 6. NOTICE TO ABATE NUISANCES.

Whenever there is a violation of this Ordinance any police officer, building inspector, or other designated code enforcement official may give a written and/or verbal notice upon any person, firm or corporation violating any of the provisions of this Ordinance to cease doing or omitting to do anything declared by this Ordinance to be a nuisance, and to wholly abate same.

(Section 7 amended to read as follows, to-wit: Ord 122 6-1-98)

Sec.7 ABATEMENT OF NUISANCES BY VILLAGE.

In the event that the person, firm, or corporation doing or omitting to do anything herein declared to be a nuisance shall not wholly abate the same the Village of Decatur may take the necessary steps to wholly abate and remove such nuisance. All expenses incurred by the Village in abating or removing said nuisance shall be charged against the property from which the nuisance was removed and all such charges shall become a lax lien against such property.

(Section 8 amended to read as follows, to-wit: Ord 122 6-1-98)

Sec. 8 – VIOLATION.

Any violation of any provision of this Ordinance shall be a Municipal Civil Infraction. A violation includes any act which is prohibited or made or declared to be a nuisance by this Ordinance and any omission or failure to act, where the act is required by this Ordinance.

The sanction for any violation of this Ordinance shall be a civil fine not exceeding \$500.00, 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 M.S.A. 27A.8302 and 27A.8701 et seq., respectively.

Sec. 9. Repeal.

(a) Any Ordinance or parts of Ordinances in conflict with the provisions contained herein are hereby repealed.

Sec/ 10. Severability Clause.

(a) If any of the provisions of this Ordinance are declared invalid by a Court of competent jurisdiction, such invalidity shall not affect the other and remaining provisions hereof.

August 12, 1954

## **ORDINANCE NO. 23**

An Ordinance to Prohibit the Running at Large of Dogs Within the Corporate Limits of the Village of Decatur, Michigan, and to Provide for the Impounding and Disposing of Dogs Found Running at Large.

### THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That the running at large of dogs within the corporate limits of the Village of Decatur, Michigan, constitutes a public nuisance and the same is hereby strictly prohibited.

Sec. 2 That all dogs within the corporate limits of the Village of Decatur, Michigan, shall be confined to the premises of their owners or custodians, except when accompanied by and under the control of their owners or custodians.

Sec. 3. Impounding: That the Village Marshall shall take into the custody and control all dogs found running at large on the thoroughfares of said Village not accompanied by, nor under the control of, their owners or custodians and shall impound said dogs in kennels to be provided for such purpose.

Sec. 4. Notice: If any such impounded dog bears a license tag or the name of the owner inscribed on a collar worn by said dog, the Marshall shall, within twenty-four hours of such impounding, give notice to the owner or custodian of such dog that he or she may recover said dog by paying to said Marshall an impounding fee of \$1.00 and that if same is not paid within 72 hours from the time of such impounding, that said dog will be either sold to any person willing to pay such fee and to procure a license for such dog if the same is not already licensed, or that said dog will be killed and disposed of. The Notice aforesaid may be either oral personal notice, or by mail addressed to the owner or custodian, if known.

Sec. 5. If dogs impounded under this Ordinance are not recovered by their owners or custodians or sold as herein provided for, they shall be killed by the Village Marshal in a humane manner, within one week from the time of impounding.

Sec. 6. Fees & Maintenance: The Village Marshall shall keep a record of all impounded dogs and of all impounding fees and forthwith forward them to the Village Clerk for deposit in the General Fund of said Village. The cost of maintaining said dog pound shall be paid out of the General Fund of said Village.

Sec. 7. Penalty: any person, either owner or custodian, who willfully permits their dog to run at large within the Village of Decatur contrary to the provisions of this Ordinance shall be guilty of a misdemeanor and on conviction thereof, shall be punished by a fine of not to exceed \$10.00 and the costs of prosecution, or by imprisonment in the village or County Jail for a period not to exceed ten days, or by both such fine and imprisonment in the discretion of the Court.

August 12, 1954

## **ORDINANCE NO. 24**

An Ordinance to Control and Prohibit Contamination and Pollution To the Municipal Water Supply Wells and Water System of the Village of Decatur, and to Provide a Penalty for the Violation of This Ordinance.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. It shall be unlawful for any person, firm or corporation to construct or maintain, or permit to be constructed or maintained, within a radius of One Hundred (100) feet from any of the municipal water wells within the Village of Decatur from which the Village draws its water supplies, any source of possible contamination or pollution to said wells.

Sec. 2. It shall be unlawful for any person, firm, or corporation to do any act, or allow to be done any act, that may contaminate or pollute or contribute to the contamination or pollution of the water supply wells or water system of the Village of Decatur.

Sec. 3. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One hundred (\$100.00) Dollars and costs of prosecution, or by imprisonment in the County Jail for a term of not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the court.



## **ORDINANCE NO. 28**

AN ORDINANCE TO PROHIBIT THE EXECUTION OF U TURNS ON CERTAIN STREETS IN THE VILLAGE OF DECATUR AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR ORDAINS:

1. No person operating a motor vehicle in the Village of Decatur shall reverse the direction of his travel, or execute what is commonly known as a U turn, on the following streets:
  - On St. Mary's from its intersection with Williams Street to its intersection with George Street, including such intersections.
  - On Phelps Street from its intersection with Sherwood Street to its intersection with Cedar Street, including said intersections.
  - On School Street to from its intersection with St. Mary's Street to its intersection with Eli Street, including such intersections.
  - On Sherwood Street from its intersection with George Street to its intersection with Williams Street, including such intersections.
2. Any person who shall violate the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than Twenty Five (\$25.00) Dollars and costs of prosecution.

This Ordinance shall take effect January 24, 1955.

Passed by the Village Council  
January 3, 1955.

Section 1 revised by Ordinance 57, adopted December 2, 1968, and printed and adopted as revised December 7, 1987.

## **ORDINANCE NO. 32**

An ordinance prohibiting the burning, depositing, scattering or distribution of leaves, grass cuttings, paper, dirt and refuse on Delaware Street (Highway M-40) in the Village of Decatur, Mich.

Sec. 1. It shall be unlawful for any person to burn or cause to be burned any leaves, branches, grass, paper, dead vegetation or other material on Delaware Street (Highway M-40) in the Village of Decatur, MI

Sec. 2. It shall be unlawful for any person to place, deposit, scatter or distribute any leaves, grass cuttings, ashes, paper, dirt or refuse of any description in Delaware Street (Highway M-40) in the village of Decatur, MI

Sec. 3. Penalty: Any person guilty of violating any provision of this ordinance shall upon conviction thereof be punished by a fine of not to exceed twenty-five (\$25.00) or by imprisonment in the Village or County Jail for a term of not to exceed ten days or by both such fine and imprisonment in the discretion of the Court.

This Ordinance shall be effective within 30 days from date hereof.

Adopted by the Common Council of the Village of Decatur at regular meeting thereof this August 4,  
1958

## **ORDINANCE NO. 38**

AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY AND EQUIPMENT IN THE VILLAGE OF DECATUR, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1. No person, firm or corporation shall park or store on any lands within the Village of Decatur, any dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment or any part thereof, except as the same may be permitted under the pertinent provisions of other ordinances of the said Village of Decatur, unless said dismantled, partially dismantled or inoperable motor vehicle, machinery or equipment, or parts thereof, shall be kept in a wholly enclosed garage or structure; provided, however, that any person in whose name such motor vehicle, machinery, or equipment is registered, may store the same on any lands belonging to said owner or rented by him, for a period of not to exceed 48 hours. Provided, further, that this ordinance shall not be construed as to permit the parking or placing of such motor vehicle, machinery, or equipment on any street area in said Village.

### SECTION 2.

(a). An inoperable motor vehicle is hereby defined as being such vehicle which, by reason of dismantling, disrepair, or any other cause, is capable of being propelled under its own power, and any motor vehicle which has a main component part missing or unattached shall be construed as being dismantled, or partially dismantled.

(b). Inoperable machinery and equipment are hereby defined as being such machinery or equipment which by reason of dismantling, disrepair, or any other cause, is incapable of functioning as it was intended to function, and as being dismantled or partially dismantled when some part or parts which are ordinarily a component of such machinery or equipment has or have been removed or is missing.

SECTION 3. Any person, firm or corporation who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, each day of such violation to constitute a separate offense.

SECTION 4. In addition to the above mentioned penalty, the Village Police are hereby authorized to cause any vehicle, machinery or equipment in violation of this ordinance to be removed from the premises, impounded, and destroyed or sold for junk, the cost thereof to be deducted from any such sale and the balance to be given to the owner.

Section 5. This ordinance shall take effect on the 6<sup>th</sup> day of December, 1965

## **ORDINANCE # 39**

AN ORDINANCE TO ESTABLISH A PARKING LOT IN THE VILLAGE OF DECATUR, TO REGULATE PARKING THEREIN, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. (Establishment) Property acquired by the Village in the future, or owned by the Village at the present time, may be established as Village parking lots by resolution of the Council, from time to time.

Sec. 2. (Supervision) The municipal parking lots so established by the Village shall be under the supervision of the Chief of Police.

Sec. 3. (Use) It shall be unlawful to park any vehicle in any municipal parking lot in violation of any resolution of the Council establishing time limits or parking areas, or to park contrary to the rules established by the Village Council for use of such park, the limitations so established by resolution shall however, be posted prominently within the parking lots.

Sec. 4. (Penalties) Any person violating any of the provisions of this Ordinance, or of the regulations established by resolution by the Village Council, after the same have been duly posted within said parking lots, shall, upon conviction thereof, be punished by a fine of not more than \$25.00, and the costs of prosecution, or in default of the payment of such fine and costs, shall be confined for a period not exceeding thirty days, or both such fine and imprisonment, in the discretion of the Court.

This ordinance shall take effect on the 1<sup>st</sup> day of August, 1966

Passed by the Village Council this 5<sup>th</sup> day of July, 1966

## ORDINANCE NO. 40

AN ORDINANCE TO REPEAL ORDINANCES HERETOFORE PASSED BY THE VILLAGE OF DECATUR AND TO PROVIDE FOR THE COMPILING AND PRINTING OF THE ORDINANCES OF THE VILLAGE OF DECATUR.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1 – That Ordinances No. 31, 32, and 45 as previously numbered prior to the compilation of the Ordinances of the Village of Decatur in 1954, said ordinances being referred to in Part II of Compiling Ordinance No. 27, are hereby repealed.

Sec. 2 – that Ordinances passed subsequent to Compiling Ordinance No. 27 and not heretofore repealed are hereby given new numbers and designated as follows, to wit:

**Ordinance No. 28** – Ordinance No. 29, “AN ORDINANCE TO PROHIBIT THE EXECUTION OF U TURNS ON CERTAIN STREETS IN THE VILLAGE OF DECATUR AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF: as passed by the Village Council on January 3<sup>rd</sup>, 1955, is hereby designated as Ordinance No. 28.

**Ordinance No. 29** – Ordinance No. 30 “AN ORDINANCE REQUIRING VEHICLES TO STOP BEFORE ENTERING CERTAIN INTERSECTIONS IN THE VILLAGE OF DECATUR, AND PROVIDING PENALTIES FOR VIOLATION THEREOF” as passed by the Village Council on April 4<sup>th</sup>, 1955, is hereby designated as Ordinance No. 29.

**Ordinance No. 30** - Ordinance No. 31, “AN ORDINANCE REGULATING AND RESTRICTING THE ERECTION OF BUILDINGS, REGULATING AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER SPACES SURROUNDING BUILDINGS, ESTABLISHING PROVISIONS FOR THE LIGHT, VENTILATION, SANITATION, AND PROTECTION OF SUCH BUILDINGS, PROVIDING FOR OBTAINING BUILDINGS PERMITS, FOR OFFICERS TO SUPERVISE THE PROVISIONS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS”, as passed by the Village Council on June 6<sup>th</sup>, 1955, is hereby designated as Ordinance No. 30.

**Ordinance No. 31** - Ordinance No. 32, “AN ORDINANCE GRANTING TO MICHIGAN GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, ALLEYS AND PUBLIC PLACES OF THE VILLAGE OF DECATUR, COUNTY OF VAN BUREN, STATE OF MICHIGAN, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF DECATUR AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, PWER AND OTHER PURPOSES AND FOR THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS THE VILLAGE OF DECATUR, COUNTY OF VAN BUREN, STATE OF MICHIGAN.” As passed by the village Council on October 1<sup>st</sup>, 1956, is hereby designated as Ordinance No. 31.

**Ordinance No. 32.** – Ordinance No. 33, “AN ORDINANCE PROHIBITING THE BURNING, DEPOSITING, SCATTERING OR DISTRIBUTION OF LEAVES, GRASS CUTTINGS, PAPER, DIRT AND REFUSE ON DELAWARE STREET (HIGHWAY M-40) IN THE VILLAGE OF DECATUR, MICHIGAN.” As passed by the Village Council on August 4<sup>th</sup>, 1958, is hereby designated as Ordinance No. 32.

**Ordinance No. 33.** – Ordinance No. 34, “AN ORDINANCE TO ADOPT BY REFERENCE THE UNIFORM TRAFFIC CODE FOR MICHIGAN CITIES, TOWNSHIPS, AND VILLAGERS”, as passed by the Village Council on October 6<sup>th</sup>, 1958 is hereby designated as Ordinance No. 33.

**Ordinance No. 34** – Ordinance No. 38, as amended, known as, “THE ZONING ORDINANCE OF THE VILLAGE OF DECATUR”, passed by the village Council on November 14<sup>th</sup>, 1960, is hereby designated as Ordinance No. 34.

**Ordinance No. 35** – Ordinance No. 40, “AN ORDINANCE GRANTING TO CONSUMERS POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO LAY, MAINTAIN AND OPERATE GAS MAINS, PIPES AND SERVICES ON, ALONG, ACROSS AND UNDER THE HIGHWAYS, STREETS, ALLEYS, BRIDGES AND OTHER PUBLIC PLACES, AND TO DO A LOCAL GAS BUSINESS IN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN, FOR A PERIOD OF THIRTY (30) YEARS”, as passed by the Village Council on December 5<sup>th</sup>, 1960, is hereby designated as Ordinance No. 35.

**Ordinance No. 36** – Ordinance No. 44, “AN ORDINANCE TO REGULATE THE COLLECTION OF GARBAGE, TO PROHIBIT THE DEPOSIT OF GARBAGE IN THE VILLAGE DISPOSAL AREA, AND TO PROVIDE PENALTIES FOR VIOLATION HEREOF”, as passed by Village council on November 6<sup>th</sup>, 1961 is hereby designated as Ordinance No. 36.

**Ordinance No. 37** – Ordinance No. 46, “AN ORDINANCE ESTABLISHING FEES, CHARGES AND RATES FOR COMSUMPTION OF VILLAGE WATER OUTSIDE THE CORPORATE LIMITS”, as passed by the Village Council on June 4<sup>th</sup>, 1962 is hereby designated as Ordinance 37.

**Ordinance No. 38** – Ordinance No. 51, AN ORDINANCE TO REGULATE THE OUTDOOR STORAGE OF DISMANTLED, PARTIALLY DISMANTLED, OR INOPERABLE MOTOR VEHICLES, MACHINERY AND EQUIPMENT IN THE VILLAGE OF DECATUR, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF”, as passed by the Village Council on December 6<sup>th</sup>, 1965 is hereby designated as Ordinance No. 38.

**Ordinance No. 39** – Ordinance No. 53, “AN ORDINANCE TO ESTABLISH A PARKING LOT IN THE VILLAGE OF DECATUR, TO REGULATE PARKING THEREIN, AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF” as passed by the Village council on August 1<sup>st</sup>, 1966, is hereby designated as Ordinance No. 39.

**Ordinance No. 40** – Ordinance No. 58, “THIS COMPILING ORDINANCE, is hereby designated as Ordinance No. 40.

Sec. 3 – That all the Ordinances of the Village of Decatur not heretofore repealed shall be complied and printed, as amended and designated, in booklet form and when so compiled and printed, said booklet shall be prime facie evidence of said ordinances.

Sec. 4 – This ordinance shall take effect on the 1<sup>st</sup> day of February, 1969.

Passed by the Village Council of the Village of Decatur, Michigan on this 6<sup>th</sup> day of January, 1969

## **ORDINANCE NO. 43-B**

An Ordinance pursuant to the Michigan Subdivision Control Act of 1967 permitting the partitioning of any lot, outlot or parcel of land in a recorded plat.

THE VILLAGE OF DECATUR ORDAINS:

### **Sec. 1. DIVISION OF PARCEL.**

Any lot, outlot or other parcel of land in a recorded plat may be further partitioned or divided into not more than 4 parts; provided that the resulting lots, outlots or other parcel of land shall have a minimum width of 65 feet measured a distance of 50 feet from its front line and a minimum area of 12,000 square feet; and provided further that such resulting lots, outlots or other parcel of land shall each have direct access to a public roadway and public utilities necessary or required to serve such lots; and further that such resulting lots, outlots or other parcel of land conform in all particulars to the requirements of the Michigan subdivision Control Act of 1967 and all Village Ordinances of the Village of Decatur.

### **Sec. 2. MINIMUM REQUIREMENTS; RIGHT OF VILLAGE TO WAIVE.**

The minimum width and area requirements as set forth in Section 1 hereof may be waived by the Village Council upon application therefor, provided however that each resulting lots, outlots or other parcel of land have separate water and sewer facilities.

### **Sec. 3. REPEAL CLAUSE.**

All other ordinances or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

### **Sec. 4. EFFECTIVE DATE.**

The ordinance shall take effect on the 31<sup>st</sup> day of October, 1969

**ORDINANCE NO. 46**

AN ORDINANCE TO AMEND SECTIONS 5 (a) OF ORDINANCE NO. 22 OF THE VILLAGE OF DECATUR, MICHIGAN ENTITLED "AN ORDINANCE DEFINING PUBLIC NUISANCES, PROHIBITING THEIR CREATION OR MAINTENANCE AND PROVIDING PENALTIES THEREFOR."

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1 Section 5 (a) of Ordinance No. 22 of the Village of Decatur, Michigan is hereby amended to read as follows:

Section 5 (a) No person, firm or corporation shall keep or confine horses, hogs, cows, cattle, or other animals or fowl in pens or other enclosures in any place within the limits of the Village of Decatur, Michigan, when such keeping or confining shall cause a nuisance or be offensive to his neighbor or neighbors.

Section 2 This Ordinance shall take effect on the 8<sup>th</sup> day of May, 1971

Passed by the Village Council of the Village of Decatur, Michigan on this 5<sup>th</sup> Day of April, 1971.



## **ORDINANCE NO. 48B**

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF, IN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR ORDAINS:

### SECTION 1.....DEFINITIONS

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

- A. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- B. "Superintendent" shall mean the Superintendent of the Municipal Sewage Works of the Village of Decatur or his authorized deputy, agent or representative, who shall inspect and approve the installation of building sewers and their connection to public sewers.
- C. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, and shall not include any liquid wastes resulting from industrial processes.
- D. "Sewer" shall mean a pipe or conduit for carrying sewage.
- E. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- F. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
- G. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- H. "Building Sewer" shall mean the extension from the building drain to the public sewer or to other place of disposal.
- I. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- J. "Shall" is mandatory: "May" is permissive.

### SECTION II.....USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of Decatur, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage.
- B. It shall be unlawful to discharge to any natural outlet within said Village, or in any area under the jurisdiction of said Village, any sanitary sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended for or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, manufacturing, processing, recreation or other purposes situated within the Village and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet other property line.

### SECTION III.....PUBLIC SEWAGE DISPOSAL

- A. Where a public sanitary sewer is not available under the provisions of Section II-D, the building sewer shall be connected to a private sewage disposal system complying with all requirements of the Van Buren County Board of Health.
- B. At such times as public sewer becomes available to a property served by a sewage disposal system as provided in Section II-D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.
- C. In those cases where a private sewage disposal system is permitted, the owner shall operate and maintain such private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.
- D. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Van Buren County Board of Health.

#### SECTION IV.....BUILDING SEWERS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.
- B. Either the owner or his agent shall make application on a special form furnished by the Village to obtain a building sewer permit. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of five dollars (\$5.00) for a building sewer permit shall be paid to the Superintendent, at the time the application is filed, who in turn shall deposit same with the Village Clerk.
- C. All costs and expense incident to the installation and connection of the building sewer to the public sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify said Village from any loss or damage that may directly or indirectly be occasioned by said installation.
- D. A separate and independent building sewer shall be provided for every building; except where special permission is granted by the Superintendent together with the consent of the Village Council of the Village of Decatur, Michigan.
- E. Old building sewers or portions thereof may be used in connection with new buildings only when they are found on examination and test by the Superintendent, to meet all requirements of this Ordinance.

(Section IV Paragraph F amended by Ord 50)

- F. The building sewer shall be constructed of any of the following materials; (1) vitrified claypipe and fittings meeting current ASTM and National Clay Pipe Institute specifications for standard or extra strength clay sewer pipe; (2) service weight cast iron soil pipe and fittings meeting current ASTM specifications; (3) asbestos cement pipe for sewers of 6" diameter shall be Class 1500, Type II; and for 8" diameter, Class 2400, Type II, conforming to ASTM specification c-644; (4) acrylonitrile – Butadiene – Styrene (A.B.S.) sewer pipe and fittings conforming to ASTM tentative specifications designation D-2680-68T; (5) polyvinyl chloride (P.V.C.) and fittings conforming to ASTM specification D-2241-65 and C.S. 255-63, Type I, Grade 2. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that all pipes may be accepted if laid on a suitable improved bed or cradle as approved by the Superintendent.
- G. All joints and connections/ shall be made gas tight and water tight. Vitrified clay sewer pipe shall be fitted with factory made resilient compression joints meeting the A.S.T.M. "Specifications for Vitrified Clay Pipe Joints Having Resilient Properties" (Designation C425). Increase couplers shall be Clow – band seal A.S.T.M. C 594.

Before joining the pipe in the trench, the ball and spigot surfaces shall be wiped free of dirt or other foreign matter. A lubricant or sealer as recommended by the pipe manufacturer shall be applied to the bell and spigot mating surfaces just before they are joined together.

The spigot end shall be positioned into the bell end of the pipe previously laid and shall then be shoved home to compress the joint and to assure a tight fit between the interfaces.

Joints for cast iron soil pipe shall be made by inserting a roll of hemp or jute and thoroughly caulking it into place and then following with pure molten lead well caulked, not less than one inch deep. No paint, varnish or putty will be allowed in the joints until they have been tested and approved. Joints for all other pipe shall be made in accordance with the manufacturer's recommendation.

- H. The size and slope of the building sewers shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall not be less than one-eighth (1/8) inch per foot. A slope of one-fourth (1/4) inch per foot shall be used wherever practical.
- I. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (Designation C12) except that no back fill shall be placed until the work has been inspected by the Superintendent or his representative.
- J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No Water operated sewage ejector shall be used.
- K. The connection of the building sewer into the public sewer shall be made at the "y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch in the main sewer, shall be made only as directed by the said Superintendent.
- L. The applicant for the building sewer shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Superintendent or his representative.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

## SECTION V.....USE OF THE PUBLIC SEWERS

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- C. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Superintendent, who may prescribe limits of the strength and character of these waters and wastes. Where necessary, in the opinion of the Superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary facilities shall be submitted for the approval of the said Superintendent and of the State Board of Health, and no construction of such facilities shall be commenced until said approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

#### SECTION VI.....PROTECTION FROM DAMAGE

Any unauthorized person who shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works, shall be guilty of a misdemeanor.

#### SECTION VII.....POWERS & AUTHORITY OF INSPECTORS

The Superintendent, inspector, and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance, at all reasonable times.

#### SECTION VIII.....PENALTIES

- A. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not to exceed One Hundred Dollars (\$100.00) and the costs of prosecuting, or in default of payment hereof, by imprisonment in the County Jail for not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. Any person violating any of the provisions of this Ordinance shall become liable to the Village for any expense, loss or damage occasioned the Village by reason of such violation.

#### SECTION IX.....VALIDITY

- A. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

#### SECTION X .....EFFECTIVE DATE

This ordinance shall become effective on the 14 day of August, 1971

Adopted by the Village Council of the Village of Decatur, Michigan on the 15 day of July, 1971

## **ORDINANCE NO 50**

AN ORDINANCE TO AMEND THE "BUILDING SEWERS AND CONNECTIONS" AS SET FORTH IN SECTION IV PARAGRAPH F OF ORDINANCE NO 48 OF THE VILLAGE OF DECATUR, MICHIGAN, ENTITLED, "AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM: AND PROVIDING PENALTIES FOR VIOLATIONS OF SECTIONS THEREOF: IN THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN.

THE VILLAGE OF DECATUR ORDAINS:

SECTION 1 – Paragraph F of Section IV of Ordinance No. 48 of the Village of Decatur, Michigan is hereby amended to read as follows:

F. The building sewer shall be constructed of any of the following materials:

(1.) vitrified clay pipe and fittings meeting current ASTM and National Clay Pipe institute specifications for standard or extra strength clay sewer pipe; (2.) service weight cast iron soil pipe and fittings meeting current ASTM specifications; (3) asbestos cement pipe for sewers of 6" diameter shall be Class 1500, Type II; and for 8" diameter, Class 2400, Type II, conforming to ASTM specification C-644; (4) acrylonitrile – butadiene – styrene (A. B. S. ) sewer pipe and fittings conforming to ASTM tentative specifications designation D-2680-68T; (5) polyvinyl chloride (P.V.C.) and fittings conforming to ASTM specification D-2241-65 and C.S. 255-663, Type I, Grade 2; (6) plastic pipe C.S. # 228-61, provided however that same is not installed more than 10 feet below ground surface level. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that all pipes may be accepted if laid on a suitable improved bed or cradle as approved by the Superintendent.

SECTION 2 – This ordinance shall become effective immediately upon its adoption.

Adopted by the Village Council of the Village of Decatur, Michigan on this 23<sup>rd</sup> day of September, 1971.

**ORDINANCE NO. 57**

AN ORDINANCE PROHIBITING THE ADDITION OF FLUORIDE TO WATER SUPPLIED TO THE PUBLIC BY THE VILLAGE OF DECATUR, MICHIGAN PURSUANT TO THE AUTHORITY GRANTED BY THE STATE OF MICHIGAN IN PUBLIC ACT. NO. 346 OF 1968.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

SECTION 1 – That water supplied to the public by the Village of Decatur, or water supplied to the public by any governmental agency under the direction and control of the Village of Decatur, shall not be treated by the addition of fluoride, the addition of fluoride being hereby rejected by said Village.

SECTION 2 - This ordinance shall become effective the 4<sup>th</sup> day of June, 1973.

Adopted by the Village Council of the Village of Decatur, Michigan on this 4<sup>th</sup> day of June, 1973.

## **ORDINANCE NO. 71**

### ORDINANCE ON FAIR HOUSING

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

**SECTION 1** – Statement of Fact and Policy: It is hereby found that the population of the Village of Decatur, Michigan consists of people of many races, colors, religions, ancestries and national origins, and that discrimination in housing violates the public policy of the Village and that such discrimination in housing is injurious to the public health, safety and general welfare of the Village of Decatur and its inhabitants.

**SECTION 2** – Discrimination Prohibited: No owner of real property, lease, sublessee, real estate broker or salesman, lender, financial institution, builder, advertiser, or agent of any of the foregoing, shall discriminate against any other person because of the religion, race, color or national origin of such other person or because of the religion, race, color or national origin of the friends or associates of such other person, in regard to the sale or rental of, or dealings concerning, real property located in the Village of Decatur.

**SECTION 3 - Exemption**: The provisions of this ordinance shall not apply to the rental of a room or rooms to three or less persons in a single dwelling unit, the remainder of which dwelling unit is occupied by (1) the owner or member of his immediate family, or (2) a lessee of the entire dwelling unit or members of his immediate family.

Nothing in this ordinance shall require an owner to offer property to the public at large before selling or renting it, nor shall the ordinance be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin.

**SECTION 4 - Penalties**: Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$100.00 or imprisonment in the county jail of Van Buren County for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

**SECTION 5- Severability**: The phrases, sentences, sections, articles and provisions of this ordinance are hereby declared to be severable, and any such phrase, sentence, section, article or provision which is declared to be unconstitutional or invalid for any reason shall in no way effect the other provisions of this ordinance.

**SECTION 6 - This** ordinance shall become effective the 1<sup>st</sup> day of March, 1978.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6<sup>th</sup> day of February, 1978.

ORDINANCE NO.78

AN ORDINANCE AUTHORIZING THE ISSUANCE OF WATER SUPPLY SYSTEM REVENUE BONDS BY THE VILLAGE OF DECATUR, COUNTY OF VAN BUREN, MICHIGAN, FOR THE PURPOSE OF PAYING PART OF THE COST OF ACQUIRING AND CONSTRUCTING WATER SUPPLY IMPROVEMENTS. COLLECTION OF REVENUE FROM THE SAID SYSTEM SUFFICIENT FOR THE PURPOSE OF PAYING THE COSTS OF OPERATION AND MAINTENANCE FOR THE SEGREGATION AND DISTRIBUTION OF SAID REVENUES; AND, PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SAID BONDS IN ENFORCEMENT THEREOF AND PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BONDS AND SAID SYSTEM.

THE VILLAGE OF DECATUR ORDAINS:

**SECTION 1. Necessity: Description of Project.** It is hereby determined to be necessary for the public health and welfare of the Village of Decatur (the "Issuer") to proceed to acquire and construct, in accordance with detailed maps, plans and specifications there prepared by Wightman & Associates, consulting engineers of St. Joseph, Michigan (the "Engineer"), improvements to the water supply system consisting of supply and distribution improvements to the water supply system consisting of supply and distribution improvements, together with necessary appurtenances and attachments there to (the "Project").

**SECTION 2. Cost; Useful Life.** The cost of said public improvements has been estimated by said Engineer to be **Six hundred sixty five thousand and 00/100 Dollars (\$665,000.00)** including the payment of incidental expenses as specified in Section 3 of this Ordinance which estimate of cost is hereby approved and confirmed, and the period of usefulness of said public improvements is estimated to be not less than forty (40) years.

**SECTION 3. Payment of the Cost.** To pay part of the cost of acquiring and constructing the Project including the payment of legal, engineering and financial expenses, and other expenses incident thereto and incident to the issuance and sale of the bonds, it is hereby determined that the Issuer borrow the sum of Five hundred and **Sixty Thousand Dollars (\$560,000)** that revenue bonds be issued therefor pursuant to the provisions of Act 94, Public Acts of Michigan, 1933, as amended. The balance of the cost of the Project will be paid from grants payable to the Issuer.

**SECTION 4. Definitions** Whenever the words "the System" are referred to in this Ordinance, they shall be understood to mean the Issuer's Water Supply System and all extensions and improvements thereto hereafter made.

Whenever the word "acquired" is used in this Ordinance it shall be construed to include acquisition by purchase, construction or by any other method.

Whenever the initials "FmHA" are used in this Ordinance they shall mean the Farmers Home Administration, an agency of the United States Department of Agriculture.

Whenever the word "Government" is used in this Ordinance it shall be understood to mean the Government of the United States of America.

Whenever the words "Issuer" or: "Village" and "Village Council" are used in this Ordinance they shall be understood to mean the Village of Decatur, Michigan and its Village Council.

Whenever the words "public improvements" are used in this Ordinance, they shall be understood to mean the improvements authorized to be acquired and constructed under the provisions of this ordinance.



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

**SECTION 5. Bond Data.** Said bonds shall be designated WATER SUPPLY SYSTEM REVENUE BONDS, (hereinafter sometimes referred to as “Bonds”) shall be dated as of the date of delivery, shall consist of One Hundred and Twelve (112) bonds in the denomination of \$5000 each and shall be numbered from 1 upwards.

The bonds will bear interest not exceeding five percent (5%) per annum, from the date of registration, all interest to be payable on the first January 1<sup>st</sup> or July 1<sup>st</sup> following the date of delivery of the bonds, and semiannually thereafter on January 1 and July 1 of each year until payment of the principal amount of such bond. Said Bonds shall be numbered in direct order of maturity from 1 upwards, and shall mature serially on January 1<sup>st</sup> of each year in following manner:

5,000	1980 through 1988, inclusive;
10,000	1989 through 1997, inclusive;
15,000	1998 through 2004, inclusive;
20,000	2005 through 2010, inclusive;
25,000	2011 through 2018, inclusive;

Said bonds shall be signed by the President and countersigned by the Clerk and shall have the corporate seal of the issuer Impressed thereon, and in the event of interest coupons, said interest coupons shall bear the facsimile signatures of the same officials. After execution, the bonds shall be held by the Treasurer for delivery to the purchaser.

Both principal and interest shall be payable in lawful money of the United States of America to the registered holder as shown on the registration books of the Issuer kept by its Treasurer as Bond Registrar at the Issuer’s office. The bonds shall be registered as to principal and interest. Transferability by delivery may be achieved, at the expense of the holder, by (1) registration to bearer and the attachment of interest coupons reflecting interest not due and payable at said time, or (2) surrender of the Bond and issuance of a new coupon bond with appropriate interest coupons attached thereto. In with cases the Issuer shall name a paying agent bank or trust company qualified under Michigan law to act as such and situated in Van Buren County, Michigan.

Bonds will be subject to redemption prior to maturity in the manner and at the times provided in Section 6 hereof.

**Section 6. Bond form.** The form and tenor of said bonds shall be substantially as follows:

UNITED STATES OF AMERICA

STATE OF MICHIGAN

COUNTY OF VAN BUREN

VILLAGE OF DECATUR

WATER SUPPLY SYSTEM REVENUE BOND

No. R \_\_\_\_\_

\$5,000

KNOW ALL MEN BY THESE PRESENTS that the Village of Decatur, County of Van Buren, State of Michigan (the "Issuer"), for value received, hereby promises to pay to the registered holder hereof, but only out of the revenues of the Issuer's Water Supply system (the "System"); including all appurtenances, additions, extensions and improvements thereto, the sum of

FIVE THOUSAND DOLLARS

On the first day of January ,A.D.,\_\_\_\_\_, with interest thereon from the date hereof until paid at the rate of five percent (5%) per annum, payable on \_\_\_\_\_, and semiannually thereafter on the first day of \_\_\_\_\_ and \_\_\_\_\_ of each year. Both principal of and interest on this bond are payable in lawful money of the United States of America at the Issuer's offices to the registered holder hereof as shown on the Issuer's registration books and for the prompt payment thereof, the gross revenues of the System including all appurtenances, additions, extensions and improvements thereto, after provision has been made for reasonable and necessary expenses of operation, administration and maintenance are hereby irrevocably pledged and a statutory first lien thereon is hereby created.

This bond is one of a series of one hundred and twelve (112) of even date and like tenor, except as to denomination and date of maturity, aggregating the principal sum of \$560,000, numbered consecutively in direct order of maturity from one upwards, issued pursuant to Ordinance No. \_\_\_\_\_, duly adopted by the Issuer on \_\_\_\_\_, 1979, and under and in substantial compliance with the constitution and statutes of the State of Michigan, including specifically Act 94, Public Acts of Michigan, 1933, as amended, for the purpose of defraying part of the cost of acquiring and constructing distribution and improvements, together with the necessary appurtenances, attachments and equipment related thereto. For a complete statement of the revenues from which, and the conditions under which this bond is payable, a statement of the conditions, under which the additional bonds of equal standing may hereafter be issued, and the general covenants and provisions pursuant to which this bond is issued, reference is made to the above described Ordinance.

Bonds maturing in the years 1980 to 1988, inclusive, will not be subject to redemption prior to maturity.

Bonds maturing in the years 1989 to 2018, inclusive, will be subject to redemption prior to maturity, in inverse numerical order, at the Issuer's option on any interest payment date on or after January 1, 1988, at par and accrued interest to the date fixed for redemption.

Thirty days' notice of the call of any bonds for redemption shall be given by mail to the registered holder at the registered address. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand to redeem said bonds.

Said bonds shall be registered as to principal and interest on the books kept by Issuer's Treasurer as registrar in the name of the holder after which they shall be transferable only upon presentation to such registrar with a written transfer by the registered holder or his attorney in fact. Such transfer shall be noted upon the books of the issuer kept for that purpose. Said bonds once registered are exchangeable at the request of the registered owner hereof and at his sole expense for a negotiable coupon bond payable to bearer, upon surrender of this bond to the borrower at the office of the Issuer's Treasurer. Transferability by delivery may also be restored at the holder's expense by registration to bearer and the attachment of appropriate interest coupons.

This bond is a self-liquidating bond, and is not a general obligation of nor does it constitute an indebtedness of said Issuer within any constitutional or statutory limitation, but is payable, both as to principal and interest, solely from the revenues of the System.

The Issuer hereby covenants and agrees to fix and maintain at all times while any of such bonds shall be outstanding, such rates for service furnished by said System as shall be sufficient to provide for payment of the interest upon and the principal of all such bonds as and when the same become due and payable, and to create a bond and interest redemption fund (including a bond reserve account) therefor, to provide for the payment of expenses of administration and operation and such expenses for maintenance of said System as are necessary to preserve the same in good repair and working order, and to provide for such other expenditures and funds for said System as are required by said Ordinance.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond and the series of bonds of which this is one have been done and performed in regular and due time and form as required by law.

IN WITNESS WHEREOF, the Village of Decatur, County of Van Buren, State of Michigan, by its legislative body has caused this bond and the series of bonds to be signed in its name by its President and to be countersigned by its Clerk, and its corporate seal to be hereunto affixed, all as of February 5, 1979.

VILLAGE OF DECATUR

COUNTY OF VAN BUREN

By President Lyle Overton (Signature)

(SEAL)

Countersigned:

Clerk H. P Schmidt (Signature)

REGISTRATION

NOTHING TO BE WRITTEN HEREON EXCEPT BY THE VILLAGE TREASURER AS REGISTRAR

Date of registration : Name of registered Owner : Registrar .

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ .

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ .

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ .

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_ .

(Form of Coupon if Requested)

No. \_\_\_\_\_

\$ \_\_\_\_\_

On the first day of \_\_\_\_\_, A.D., 19\_\_\_\_, the Village of Decatur  
County of Van Buren, State of Michigan, will pay to the bearer hereof the sum of  
\_\_\_\_\_ Dollars, in the manner and out of the revenues described in said bond at  
\_\_\_\_\_ being the semiannual interest due that date on its Water Supply  
System Revenue Bonds, dated \_\_\_\_\_, No. \_\_\_\_\_.

This coupon is not a general obligation of the village but is payable out of certain  
revenues as set forth in the bond to which it pertains.

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Section 7. Security for bonds. The bonds hereby authorized, together with interest thereon, shall not be a general obligation of the Issuer but shall be payable solely from the net income and revenues to be derived from the operation of the system. To pay such principal and interest as when the same shall become due, there is hereby created a statutory first lien upon the whole of the net revenues of said System to continue until the payment in full of the principal and interest on said bonds and said revenues and shall be set aside for the purpose and identified as the "Water System Revenue Bond-Bond and Interest Redemption Fund Account," as hereinafter specified.

Section 8. Custodian of Funds; Supervised bank Accounts; Funds. The Issuer's Treasurer shall be custodian of all funds belonging to and/ or associated with the System and such funds shall be deposited in the First State Bank of Decatur, Decatur, Michigan (the "Depository Bank"), which bank is a member of the Federal Deposit Insurance Corporation. In the event that the Government is a holder of any of the bonds herein authorized, all monies in excess of \$15,000 in the supervised bank account shall be secured by the depository bank in advance in accordance with United States Treasury Department Circular No. 176 and the Issuer's Treasurer shall execute a fidelity bond with a surety company approved by the FmHA, and the FmHA and the Issuer shall be named as coobligees in such bond and the amount thereof shall not be reduced without the prior written consent of the FmHA. The Issuer's Treasurer is hereby directed to create the following funds and accounts into which the bond proceeds and the revenues and income from the System shall be deposited, which account shall be established and maintained except as otherwise provided, so long as any of the bonds hereby authorized remain unpaid.

A. CONSTRUCTION ACCOUNT. The proceeds of the bonds hereby authorized and a sum from funds on hand of not less than the amount necessary to complete the cost of the Project shall be deposited in the Construction Account in the Depository Bank. In the event the Government is a holder of any of the bonds herein authorized, then said account shall be established as a supervised bank account and such proceeds shall be withdrawn on the orders of the Issuer only on checks signed by its Treasurer and countersigned by the County Supervisor of the FmHA. Said monies shall be used solely for the purposes for which the bonds were issued.

Any unexpended balance of the proceeds of sale remaining after completion of the Project herein authorized may in the discretion of the Issuer, to the extent of fifteen percent (15%) of the amount of the bonds authorized by this Ordinance, be used for further improvements, enlargement and extensions to the System, provided that at the time of such expenditure such use be approved by the Municipal Finance Commission. Any remaining balance after such expenditure shall be paid into the Bond and Interest Redemption Fund and shall be used for such purposes as allowed by law.

In the event that the Government is a holder of any or all of the bonds any unexpended balance of the proceeds of the sale remaining after completion of the Project herein authorized shall be paid immediately into the bond and interest redemption fund as hereinafter specified and shall be used only for the redemption, or purchase at not more than the fair market value, of outstanding bonds issued pursuant to the provisions of this Ordinance.

After completion of the Project and disposition of remaining bond proceeds, if any, pursuant to the provisions of this Section, the Construction Account shall be closed.

B. WATER SUPPLY SYSTEM RECEIVING FUND ACCOUNT. Upon the effective date of this Ordinance, the gross income and revenue shall be set aside into a separate account to be designated the Water Supply System Receiving Fund Account, and monies so deposited therein shall be expended and used only in the manner and order as follows:

1) Operation and Maintenance Account. Prior to the beginning of each fiscal year the Issuer will prepare an annual budget of said system for the ensuing fiscal year itemized on the basis of monthly requirements, a copy of such budget shall be mailed without request to the FmHA as long the Government is holder of any of said bonds prior to adoption for review and upon written request to any other bond holders. Upon the effective date of this Ordinance, there shall be set aside and deposited each quarter pursuant to the budget a sufficient portion of the income and revenue in the Operation and Maintenance Account to pay the reasonable and necessary current expenses of administration, operating and maintaining said system for the ensuing quarter.

2) Water Supply System Revenue Bond-Bond and Interest Redemption Fund.  
After the transfer required in (1) above, there shall be transferred each quarter from the Water Supply System Receiving Fund Account, before any other expenditures or transfer therefrom, and deposited in the Water Supply System Revenue Bond- Bond and Interest Redemption Fund Account for payment of principal and interest on the bonds a sum equal to at least  $\frac{1}{2}$  of the amount equal to the interest due on the next ensuing interest due date and beginning January 1, 1979 not less than  $\frac{1}{4}$  of the principal maturing on January 1, 1980, and January 1<sup>st</sup> of each year thereafter. If for any reason there is a failure to make such quarterly deposit then an amount equal to the deficiency shall be set aside and deposited in the Redemption Fund Account of the net revenues in the ensuing quarter or quarters, which amount shall be in addition to the regular quarterly deposit required during such succeeding quarter or quarters.

There is hereby established in the Bond and Interest Redemption Fund a separate account to be known as the Bond Reserve Account, into which there shall be paid in equal quarterly installments from the revenues of the System After provision has been made for the Operation and Maintenance Fund and the current requirements of the Bond and Interest Redemption Fund, the sum of at least \$250.00 per quarter until there is accumulated in such fund the sum of \$35,000.00. Except as hereinafter provided, no further deposits need be made into the Bond and Interest Redemption Fund for the purposes of the Bond Reserve Account once the sum of \$35,000.00 has been deposited therein. The moneys in the said Bond Reserve Account shall be used solely for the payment of the principal and interest on said bonds as to which there would otherwise be default.

If at any time it shall be necessary to use money in the Bond Reserve Account for such payment, then the moneys so used shall be replaced from the net revenues first received thereafter which are not required by this Ordinance to be used for operation and maintenance or for current principal and interest requirements.

No further payment need be made into the Bond and Interest Redemption Fund after enough of the bonds have been retired so that the amount then held in said Fund (including the Bond Reserve Account), is equal to the entire amount of principal and interest which will be payable at the time of maturity of all the bonds then remaining outstanding.

3) General Purpose Accounts. The balance of income and revenue after the transfer required in (1) and (2) above have been made, shall be deposited to a General Purpose Account which Account shall be used and disbursed only for the purpose of paying the cost of repairing or replacing any damage to the system which may be caused by any unforeseen catastrophe, for making extensions or improvements to the system, and when necessary for the purpose of making payments of principal and interest on the bonds hereby authorized if the amount in the Redemption Fund Account and Bond Reserve Account is not sufficient to meet such payments, then these funds shall be transferred to the Redemption Fund. The total of such deposits to the General Purpose Account and balance of said account need not exceed the sum of \$15,000.00 The funds in the General Purpose Account may be invested in accordance with State law. Any such investments will be a part of the General Purpose Account.

4) Surplus Money. Whenever there shall accumulate in the Redemption Fund Account amounts in excess of the requirements during the next eighteen months for paying the principal of bonds falling due and interest on outstanding bonds, and in excess of the requirements of the Operation and Maintenance Account and the Reserve Account hereinafter established, such excess may be used by the Issuer for redemption of bonds in the manner set out below.

All money remaining in the Receiving Fund at the end of any operating year after satisfying the above requirements shall be transferred to the Bond and Interest Redemption Fund and used to call bonds for redemption, or at the option of the Issuer transferred to the General Purpose Account and used for the purpose of which said Account was established: Provided, However, that if there should be a deficit in the Operation and Maintenance Fund, Bond and Interest Redemption Fund or the General Purpose Account, on account of defaults in setting aside therein the amounts hereinbefore required, then transfers shall be made from such funds remaining in the Receiving Fund to such funds in the priority and order named, to the extent of such deficits. Surplus money may be used to retire junior bond issues.

**Section 9.Rates and Charges.** Prior to the issuance of the Bonds, rates and charges for the services of said utility will be fixed in an amount sufficient to pay the cost of operation and maintaining the said System and to leave an amount of revenues adequate for the principal and interest, debt services, reserve, replacements and improvements requirements and all other requirements provided herein, and otherwise comply with the covenants herein provided. The rates and charges for all services and facilities rendered by the System shall be reasonable and just, taking into consideration the cost and value of said System and the cost of maintaining, repairing, and operating the same and the amounts necessary for the retirement of all bonds and accruing interest on all bonds, and there shall be charged such rates and charges as shall be adequate to meet the requirements of this and the preceding section. The charges for the System's 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 charges against any piece of property shall be delinquent for six (6) months, the Issuer official or officials in charge of the collection thereof shall certify annually, on March 1<sup>st</sup> of each year to the tax assessing officer the fact of such delinquency, whereupon such delinquent charge shall be entered upon the next tax roll as a charge against such premises and the lien thereof enforced in the same manner as general taxes against such premises are collected and the lien thereof enforced, provided, However, where

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 cash deposit of not less than one full year's shall have been made as security for payment of such charges and service.

**Section 10. No free Service.** No free service shall be furnished by said System to any individual, firm or corporation, public or private or to any public Agency or instrumentality.

**Section 11. Covenants.** The Issuer covenants and agrees, so long as any of the bonds hereby authorized remain unpaid, and as long as the Government is the holder of any of the Bonds, as follows:

- a) It will comply with applicable State laws and regulations and continually operate and maintain the system in good condition.
- b) (i) It will maintain complete books and records relating to the operation of the System and its financial affairs and will cause such books and records to be audited annually at the end of each fiscal year and an audit report prepared, and will furnish FmHA, without request, a copy of each audit report and will furnish any other holder of any bonds a copy of such report upon written request. The FmHA shall have the right to inspect the System and the records, accounts, and data relating thereto at all reasonable times.  
  
(ii) It will file with the Municipal Finance Commission and the FmHA each year, as soon as is possible, not later than ninety days after the close of the fiscal year, a report, on forms prepared by the commission, made in accordance with the accounting method of the Issuer, completely setting forth the financial operation of such fiscal year for its own purposes.  
  
(iii) It will also cause an annual audit of such books of record and account for the preceding operating year to be made each year by a recognized independent certified public accountant, and will cause such accountant to mail a copy of such audit to the FmHA or to the manager of the syndicate or account purchasing the bonds. Such audit shall be completed and so made available not later than three (3) months after the close of each operating year, and said audit may, at the option of the Issuer be used in lieu of the statement on forms prepared by the Municipal Finance Commission and all purposes for which said forms are required to be used by this Ordinance.
- c) It will maintain and carry, for the benefit of the holders of the bonds, insurance on all physical properties of the System, of the kinds and in the amount normally carried by municipalities engaged in the operation of the system. All moneys received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed, and to the extent not so used, shall be used for the purpose of calling bonds. Said insurance will be in an amount not less than such amounts as may be specified by LETTER OF INTENT TO MEET CONDITIONS, Form FmHA 442.46 and said insurance shall be approved by the FmHA.
- d) It will not borrow any money from any source or enter into any contract or agreement to incur any other liabilities that may in any way be a lien upon the revenues or otherwise encumber the System so as to impair revenues therefrom,



without obtaining the prior written consent of the FmHA, nor shall it transfer or use any portion of the revenues derived in the operation of the System for any purpose not herein specifically authorized.

- e) It will not voluntarily dispose of or transfer its title to the System or any part thereof, including land and interest in land, by sale, mortgage, lease or other encumbrances, without obtaining the prior written consent of the FmHA.
- f) Any extensions or improvements of the System shall be made according to sound engineering principles and specifications shall be submitted to the FmHA for prior review.

**Section12.Additional Bonds.** The Issuer may issue additional bonds of equal standing for the following purposes and on the following conditions:

- (a) To complete construction of the Project according to the plans set forth in Section 1, bonds in the amount necessary may be issued.
- (b) For the purpose of making reasonable repair, replacement or extension of the System additional bonds of equal standing may be issued if:
  - (i) The net revenues of the system for the fiscal year preceding the year in which such additional bonds are to be issued were 120 percent of the average annual debt service requirements on all bonds then outstanding and those proposed to be issued; or,
  - (ii) The holders of at least 75 percent of the then outstanding indebtedness consent to such issues in writing.

The funds herein established shall be applied to all additional bonds issued pursuant to this section as if said bonds were part of the original bond issue and all revenue from any such extension or replacement constructed by the proceeds of an additional bond issue shall be paid to the Receiving Fund Account mentioned in this ordinance.

Except as otherwise specifically provided so long as any of such bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said System shall be incurred or issued by the Issuer unless the same shall be junior and subordinate in all respects to the bonds herein authorized.

**Section13.Ordinance Shall Constitute Contract.** The provisions of the ordinance shall constitute a contract between the Issuer and the bondholders and after the issuance of such bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interest of the holders nor shall the Issuer adopt any law, ordinance or resolution in any way adversely affecting the right of the holders so long as said bonds or interest thereon remain unpaid.

**Section14.Refunding of Bonds.** If at any time it shall appear to the FmHA that the Issuer is able to refund, upon call for redemption or with consent of the FmHA the then outstanding bonds by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and period of time, the Issuer will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government, and will take all such actions as may be required in connection with such loans.

**Section15.Default of Issuer.** If there shall be default in the Redemption Fund, provisions of this ordinance or in the payment of principal or interest of any of the bonds, upon the filing of a suit by

twenty percent of the holders of the bonds any court having jurisdiction of the action may appoint a receiver to administer said System on behalf of the Issuer with power to charge and collect rates sufficient to provide for the payment of the bonds and for the payment of operation expenses and to apply income and revenues in accordance with this ordinance and the laws of Michigan.

The Issuer hereby agrees to transfer to any bona fide receiver or other subsequent operator of the System, pursuant to any valid court order in a proceeding brought to enforce collection or payment of the Issuer's obligations, all contracts and other rights of the Issuer conditionally, for such time only as such receiver or operation shall operate by authority of the court.

The holders of twenty percent of the bonds in the event of default may require by mandatory injunction the raising of rates in a reasonable amount.

**Section 16. Ordinance Subject to Michigan Law and FmHA REGULATIONS.** The provisions of this ordinance are subject to the laws of the State of Michigan and to the present and future regulations of the FmHA not inconsistent with the express provisions hereof and Michigan Law.

**Section 17. Fiscal Year of System.** The fiscal year for operating the System shall be consistent with that of the Issuer's.

**Section 18. Issuer Subject to Loan Agreement.** So long as the Government is holder of any of the bonds, the Issuer shall be subject to the loan agreement (form FmHA 442-47) WITH THE FmHA and shall comply with all provisions thereof.

**Section 19. Municipal Finance Commission Approval, Sale of Bonds.** The Clerk is authorized and directed to make application to the Municipal Finance Commission for authority to issue and sell said bonds, and after receipt of said approval privately negotiate the sale of said bonds to the FaHA at an interest rate not to exceed five percent (5%) per annum.

**Section 20. Conflict and Severability.** All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed, and each section of this ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this ordinance.

**Section 21. Paragraph Headings.** The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be a part of this Ordinance.

**Section 22. Publication and Recordation.** This Ordinance shall be published in full in the Decatur Republican, a newspaper of general circulation in the Issuer qualified under State law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance Book of the Issuer and such recording authenticated by the signatures of the President and Clerk.

**Section 23. Effective Date.** This Ordinance is hereby determined by the Village Council to be immediately necessary for the preservation of the peace, health and safety of the Issuer and shall be in full force and effect from and after its passage and publication as required by law.

Passed and adopted by the Village Council of Decatur, Michigan, on February 5<sup>th</sup>, 1979, and approved by me on February 5<sup>th</sup>, 1979. Lyle S. Overton, President Attest: HP Schmidt, Clerk

## **ORDINANCE NO. 82**

AN ORDINANCE TO REPEAL ORDINANCE NO. 9 ENTITLED “AN ORDINANCE RELATING TO THE LICENSING OF BALL ALLEYS, BILLIARD AND OTHER TABLES AND REGULATING THE CONDUCT OF PERSONS PLAYING AND THEIR KEEPING THE SAME IN DECATUR VILLAGE”.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS.

**Section 1** - Ordinance No. 9 of the Village of Decatur, Michigan entitled “An Ordinance Relating to the Licensing of Ball Alleys, Billiard and other Tables and Regulating the Conduct of Persons Playing and Their Keeping the same in Decatur Village is hereby repealed.

**Section 2** – This Ordinance shall become effective the 7<sup>th</sup> day of July, 1981.

Adopted by the Village Council of the Village of Decatur, Michigan on this 6<sup>th</sup> day of July, 1981.

## **ORDINANCE NO. 83**

AN ORDINANCE TO ESTABLISH A DOWNTOWN DEVELOPMENT AUTHORITY PURSUANT TO ACT 197 OF THE PUBLIC ACTS OF MICHIGAN FOR 1975 AS AMENDED AND TO DESIGNATE THE BOUNDARIES OF THE DOWNTOWN DISTRICT WITHIN WHICH THE AUTHORITY SHALL EXERCISE ITS POWERS.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

**SECTION 1.** The Village of Decatur, Michigan does hereby establish a Downtown Development Authority by virtue of the authority granted in Act 197 of the Public Acts of Michigan for 1975 as amended. A Public hearing in regard to the establishment of a Downtown Development Authority was held in accordance with said Act at the Village Hall of Decatur, Michigan at 7:30 p.m. on August 17, 1981.

**SECTION 2.** The purpose of the Downtown Development Authority is to eliminate causes of deterioration and to promote and provide for the economic growth and improvement of the business district of Decatur, Michigan

**SECTION 3.** The powers and duties of the Downtown Development Authority are those enumerated in Act 197 of the Public acts of Michigan for 1975 as amended and the authority shall be under the supervision and control of a board consisting of the President of the Village of Decatur, Michigan and eight (8) members appointed by said President, subject to the approval of the Village Council of the Village of Decatur, Michigan as provided in said Act.

**SECTION 4.** The boundaries of the Downtown District within which the Downtown Development Authority shall exercise its powers are as follows: (amended by Ordinance #107)

Beginning at a point on the East line of Phelps Street and the North line of Lot 3 of Block P of the Village of Decatur, Van Buren County, Michigan according to the 1905 Recorded Plat thereof, thence Easterly along the North line of Lot 3 a distance of 165 feet more or less to the Northeast corner of the said Lot 3, thence Southerly along the Easterly lines of Lots 1, 2, and 3 a distance of 198 feet more or less to appoint on the North line of St. Mary's Street, thence Easterly along the North line of St. Mary's Street a distance of 132 feet more or less to the extended Easterly line of Lot 15 of Block B of said Recorded Plat of 1905, thence Southerly along the said extended line and the said Easterly line a distance of 231 feet more or less to the Southeast corner of said Lot 15, thence Easterly along the Northerly line of Lot 7 a distance of 20 feet more or less to a point, thence Southerly along a line parallel to the Westerly line of Lot 7 a distance of 165 feet more or less to the North line of Delaware Street, thence Easterly along the said North line of Delaware Street a distance of 112 feet more or less to the extended East line of Lot 17 of Block D of said Recorded Plat of 1905, thence Southerly along the said extended line and the East lines of Lots 17 and 6 a distance of 330 feet more or less to the North line of Sherwood Street, thence Easterly along the said North line a distance of 1188 feet more or less to the East line of East Street, thence Southerly along the said East line a distance of 391 feet more or less to the South line of Paw Paw Street, thence Westerly along the said South line a distance of 535.26 feet more or less to the Northeast corner of Lot 19 of Block X of said recorded Plat of 1905, thence Southerly along the Easterly line of lot 19 a distance of 121 feet more or less to a point, thence Westerly along a line parallel to Paw Paw Street a distance of 132 feet more or less to the East line of Lot 17, thence Northerly along the said East line a distance of 60.5 feet more or less to a point, thence Westerly along a line parallel to Paw Paw Street a distance of 132 feet more or less to the East line of George Street, thence Southerly along the said East line a distance of 116 feet more or less to the extended South line of Beers Street, thence Westerly along the said extended line and the South line of Beers Street a distance of 825 feet more or less to the East line of Phelps Street, thence Southerly along the said East line a distance of 396 feet more or less to the South line of Bronson Street, thence Westerly along the said South line a distance of 792 feet more or less to the extended West line of William Street, thence Northerly along the said extended line and the West line of William Street a distance of 231 feet more or less to the extended North line of Lot 10 Block E of said Recorded Plat of 1905, thence Easterly along

the said extended line and the North lines of Lots 10, 9, 8, 7, 6 and 5 a distance of 462 feet more or less to the Southwest corner of Lot 17, thence Northerly along the West line of Lot 17 a distance of 30 feet more or less to a point, thence Easterly to the West line of Lot 18, thence Northerly along the said West line a distance of 135 feet more or less to the South line of Beers Street, thence Westerly along the said South line a distance of 290 feet more or less to a point, thence Northerly along a line parallel to William Street a distance of 150 feet more or less to a point, thence Westerly along a line parallel to Beers Street a distance of 238 feet more or less to the West line of William Street, thence Northerly along the said West line and the said West line extended a distance of 240.5 feet more or less to the extended South line of Lot 7 of Block G of said Recorded Plat of 1905, thence Easterly a distance of 264 feet more or less to the Southwest corner of Lot 4 of Block G of said Recorded Plat of 1905, thence Northerly along the West line of Lot 4 and the said West line extended a distance of 240 feet more or less to the North line of Sherwood Street, thence Easterly along the said North line a distance of 198 feet more or less to the West line of Lot 4, Block C of said Recorded Plat of 1905, thence Northerly along the said West line of Lot 4 and the West line of Lot 17 a distance of 330 feet more or less to the South line of Delaware Street, thence Westerly along the said South line a distance of 132 feet more or less to the extended West line of Lot 6, Block A of said Recorded Plat of 1905, thence Northerly along the said West line a distance of 231 feet more or less to the Northwest corner of Lot 6, thence Easterly along the North lines of Lots 6 and 5 a distance of 132 feet more or less to the Southwest corner of Lot 17, thence Northerly along the West line of Lot 17 a distance of 58.5 feet more or less to a point, thence Easterly along a line parallel to St. Mary's Street a distance of 159 feet more or less to a point, thence Northerly along a line parallel to Phelps Street a distance of 24 feet more or less to a point, thence Easterly along a line parallel to St. Mary's Street a distance of 39 feet more or less to a point on the West line of Lot 20, thence Northerly along the said West line of Lot 20 a distance of 82.5 feet more or less to the South line of St. Mary's Street, thence Westerly along the said South line a distance of 231 feet more or less to the extended West line of Lot 2 of Block Q of said Recorded Plat of 1905, thence Northerly along said extended line and the West line of Lot 2 a distance of 131 feet more or less to the Northwest corner of Lot 2, thence Westerly along the North line of Lot 3 a distance of 66 feet more or less to the Northwest corner of Lot 3, thence Northerly along the extended West line of Lot 3 a distance of 81 feet more or less to a point, thence Easterly along a line parallel to St. Mary's Street a distance of 198 feet more or less to the West line of Lot 21, thence Southerly along the West lines of lots 21, 22, 23 and 24 a distance of 189 feet more or less to a point on the West line of Lot 24, thence Easterly along a line parallel to St. Mary's Street a distance of 165 feet more or less to the West line of Phelps Street, thence Northerly along the said West line of Phelps Street a distance of 141 feet more or less to the extended North line of Lot 3 of Block P of said Recorded Plat of 1905, thence Easterly along the said extended North line a distance of 66 feet more or less to the point of beginning.

**SECTION 5.** This ordinance shall become effective the 9<sup>th</sup> day of September, 1981

Adopted by the Village Council of the Village of Decatur, Michigan on this 9<sup>th</sup> day of September, 1981

**ORDINANCE # 96-1**

**ZONING MAP AMENDMENTS**

**DESCRIPTIONS OF REZONED PROPERTY**

1. **ADDITION OF PROPERTY TO R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT.** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property to the Village of Decatur, Van Buren County, Michigan for the purpose of constructing and managing a twenty-four (24) unit one and two bedroom apartment complex, to-wit:

Part of the West half of the Northwest Quarter of the Southeast Quarter of Section 20, Town 4 South, Range 14 West, Village of Decatur, Van Buren County, Michigan, described as beginning at a point on the East and West Quarter line that is West 2191.58 feet from the East Quarter corner of said Section 20; thence continuing along the East and West Quarter line, West 200.00 feet; thence South 01 degrees 06'11" East 450.00 feet; thence east 200.00 feet; thence North 01 degrees 6'11" West 450.00 feet to the point of beginning.

**(Ord. no. 96-1 eff. Oct. 5, 1987)**

**ORDINANCE NO. 96-10**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Beginning on the South line of the Northeast Quarter of the Southwest Quarter of Section 20, Town 4 South, Range 14 West, 347.3 feet West of the Southeast corner thereof; thence Westerly on the Eighth line, 312.7 feet; thence Northerly parallel with the North and South Quarter line, 520.43 feet to the South line of South Street; thence Easterly on same, 312.7 feet; thence South, 520.1 feet to beginning.

**Section 2-** This Ordinance shall take affect the 9th day of December, 2002.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

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

**ORDINANCE NO. 96-11**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That I-District (Industrial District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

**SCHEDULE "A"**

Real Estate owned by Special-Lite, Inc. and situated in the Village of Decatur, Van Buren County, Michigan, viz:

Parcel 1: The Northerly 500 feet of the following described parcel of land: So much of the South 60 acres of the North 100 acres of the Northwest Quarter of Section 29, Town 4 South, Range 14 West, according to the Government Survey thereof, as lies West of the center of County Road 668. Property number 80-08-029-013-10 (Map # 397-A)

Parcel 2: That part of the North Half of the North Half of the Northwest Quarter of Section 29, Town 4 South, Range 14 West, which is described as: Beginning at a point on the West line of said Section which is South 1 degree 55' 55" East 660.03 feet from the Northwest corner of said Section; thence North 1 degree 55' 55" West along said line 136.58 feet; thence South 89 degrees 56' 38" East 630.52 feet; thence South 8 degrees 21' East along the centerline of road, 137.98 feet; thence North 89 degrees 56' 38" West along the South line of said North Half of the North Half of said Northwest Quarter of said Section 645.96 feet to the point of beginning. Property number 80-08-029-011-10 (Map # 395-A)

Parcel 3: The South 72 feet of that part of the North Half of the North Half of the Northwest Quarter of Section 29, Town 4 South, Range 14 West, which is described as: Beginning at the Northwest corner of said Section 29; thence South 1 degree 55' 55" East, 523.45 feet; thence South 89 degrees 56' 38" East, 630.52 feet to the centerline of County Road 668; thence North 8 degrees 21' West, 529.41 feet along the centerline of said highway to the North Section line of said Section 29; thence West on said Section line, 571.30 feet to the point of beginning. According to a Survey by H. Donald Peirce, Registered Land Surveyor, Cassopolis MI on May 16, 1972. Property number 80-08-029-011-31 (Map # 395-C). Said property being also described in the tax description as follows: Commencing at the Northwest corner of Section 29, Town 4 South, Range 14 West; thence South 1 degree 55' 55" East 451.45 feet to place of beginning; thence continuing South 1 degree 55' 55" East 72 feet; thence South 89 degrees 56' 38" East 630.52 feet to the centerline of County Road 668; thence North 8 degrees 21' West along said centerline to a point South 89 degrees 56' 38" East of beginning; thence North 89 degrees 56' 38" West to beginning.

Parcel 4: The North 142 feet of the South 214 feet of that part of the following described property: Beginning at the Northwest corner of Section 29, Town 4 South, Range 14 West; thence South 1 degree 55' 55" East, 523.45 feet; thence South 89 degrees 56' 38" East, 630.52 feet to the centerline of County Road 668; thence North 8 degrees 21' West, 529.41 feet along the centerline of said highway to the North Section line of said Section 29; thence West on said Section line 571.30 feet to the point of beginning. Property number 80-08-029-011-40 (Map # 395-D). Said property being also described in the tax description as follows: Commencing at the Northwest corner of Section 29, Town 4 South, Range 14 West; thence South 1 degree 55' 55" East 309.45 feet to place of beginning; thence continuing South 1 degree 55' 55" East 142 feet; thence South 89 degrees 56' 38" East to the centerline of County Road 668; thence North 8 degrees 21' West along said centerline to a point South 89 degrees 56' 38" East of beginning; thence North 89 degrees 56' 38" West to beginning.



Parcel 5: That part of the North Half of the North Half of the Northwest Quarter of Section 29, Town 4 South, Range 14 West, which is described as: Beginning at the Northwest corner of said Section 29; thence South 01 degree 55' 55" East, 523.45 feet; thence South 89 degrees 56' 38" East, 630.52 feet to the centerline of County Road 668; thence North 8 degrees 21' West, 529.41 feet along the centerline of said Highway to the North Section line of said Section 29; thence West on said Section line, 571.30 feet to the point of beginning; EXCEPT the South 72 feet thereof. Also EXCEPT the North 142 feet of the South 214 feet thereof. Property number 80-08-029-011-02 (Map# 395). Said property being also described in the tax description as follows: Beginning at the Northwest corner of Section 29, Town 4 South, Range 14 West; thence South 1 degree 55' 55" East 309.45 feet; thence South 89 degrees 56' 38" East to the centerline of County Road 668; thence North 8 degrees 21' West along said centerline to the North Section line; thence West on said Section line to beginning.

### **SCHEDULE "B"**

Real Estate owned by the Village of Decatur, Van Buren County, Michigan, and situated in the Village of Decatur, Van Buren County, Michigan, viz:

**PARCEL 1**: That part of the Southwest Fractional Quarter of Section 19, Town 4 South, Range 14 West, according to the Government Survey thereof, lying Northeasterly of the centerline of 45<sup>th</sup> Street and Southeasterly of the railroad. ALSO that part of the Southwest Quarter of the Southeast Quarter of Section 19, Town 4 South, Range 14 West, according to the Government Survey thereof, lying Southeasterly of the railroad, EXCEPT Commencing in the center of 45<sup>th</sup> Street at its intersection with the Southerly line of the railroad; thence Northeasterly along the Southerly line of the railroad 870 feet; thence Southerly to a point on the South line of said Section 19 which is 518 feet East of the centerline of 45<sup>th</sup> Street; thence West on said South line 518 feet to the centerline of 45<sup>th</sup> Street; thence Northerly along the centerline of 45<sup>th</sup> Street to the beginning of this exception.

**PARCEL 2**: That part of the North Half of the Northwest Quarter of Section 30, Town 4 South, Range 14 West, lying East of the centerline of 45<sup>th</sup> Street, and the North Fractional Half of the Northeast Fractional Quarter of Section 30, Town 4 South, Range 14 West, according to the Government Survey thereof.

**PARCEL 3**: Beginning at a point on the West line of Williams Street (also known as CR 668) a distance of 990.15 feet South of the South corporation line of the Village of Decatur according to the 1905 recorded Plat thereof recorded in Liber 2 of Plats, page 31, Van Buren County, Michigan Register of Deed Records, said point being on the East line of that parcel described in Liber 287 of Deeds, page 314; thence on and along a line making a deflection angle to the right of 97 degrees 46 minutes 30 seconds with respect to said West line of Williams Street a distance of 580 feet, more or less, to a point 82.5 feet West of the West line of said Section 20, said line being the North line of this description; thence Southerly parallel and 82.50 feet West of the East line of said Section 19 a distance of 340 feet, more or less, to the South line of said Section 19; thence Easterly on and along the South line of Section 19 a distance of 66 feet; thence Northerly parallel and 16.5 feet West of the East line of said Section 19 a distance of 274 feet, more or less, to a point 66 feet South of the North line first described above; thence Easterly parallel and 66 feet South of said North line, a distance of 514 feet, more or less, to the West line of Williams Street (also known as CR 668); thence Northerly on and along the West line of said Williams Street a distance of 66.6 feet, more or less, to the point of beginning.

**Section 2-** This Ordinance shall take affect the 26th day of June, 2003.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the

Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 26th day of June, 2003.

**ORDINANCE NO. 96-12**

**AN ORDINANCE TO AMEND SECTION 2 OF ARTICLE IX OF ORDINANCE NO. 96 (ZONING ORDINANCE) OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Section 2 of Article IX of Ordinance No. 96 (Zoning Ordinance), is hereby amended to read as follows:

Section 2. RESTORATION AND REPAIRS OF DAMAGED BUILDINGS.

In the event any nonconforming building or structure shall be damaged by fire, wind, explosion, act of God or the public enemy said building or structure may be rebuilt or restored; provided it does not exceed the size, height and placement of the original building or structure. Said building or structure shall further comply with the height, area or yard requirements of Article X of Ordinance No. 96 (Zoning Ordinance), and shall be rebuilt or restored within two years from the date of said damage.

**Section 2-** This Ordinance shall take effect the 22nd day of December, 2003.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 1st day of December, 2003.

**ORDINANCE NO. 96-13**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That I-District (Industrial District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Land Situated in Decatur Township, Van Buren County, Michigan, viz:

All lands lying South and East of the following described parcel of land deeded to the Village of Decatur as shown in Warranty Deed recorded in Liber 593 on page 301 and described as follows: Beginning at a point on the South line of said Section 19 which is South 89 degrees 14'25" West, 16.50 feet from the Southeast corner of said Section 19; thence South 89 degrees 14'25" West along said South line, 66.00 feet; thence Northerly parallel with the Section line common to Sections 19 and 20, a distance of 340.00 feet; thence Easterly along the North line of said parcel to the West line of said New Swamp Road (also known as Williams Street), the last described point being 990.15 feet South of the South corporation line of said Village of Decatur, according to the 1905 recorded plat thereof; thence Southerly along said West line, 66.6 feet more or less to a line which is 66 feet South of and parallel with the North line of said parcel; thence Westerly along the last described line to a line which is 16.5 feet West of and parallel with the East line of said Section 19; thence Southerly along the last described line, 274.00 feet more or less to the point of beginning.

Said parcel also being described as follows:

**Parcel 1:** Beginning at the Southwest corner of Section 20, Town 4 South, Range 14 West; thence East along the South Section line of said Section 20, 574.43 feet to the centerline of County Road 668; thence North 8 degrees 17'30" West along said centerline to the South line of a parcel deeded to the Village of Decatur in Liber 593 on page 301; thence West along the South line of said deeded parcel to the West Section line of said Section; thence Southerly on the West Section line of said Section to beginning.

Property Number 80-08-020-029-41

**Parcel 2:** Beginning at the Southeast corner of Section 19, Town 4 South, Range 14 West; thence South 89 degrees 14'25" West on the South Section line of said Section 19, 16.50 feet; thence North parallel with the East Section line of said Section, 274.0 feet; thence Easterly along the South line of a parcel deeded to the Village of Decatur in Liber 593 on page 301 to the East Section line of said Section; thence South on the East Section line of said Section to beginning.

Property Number 80-08-019-038-01

**Section 2-** This Ordinance shall take affect the 17th day of May, 2004.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 17th day of May, 2004.

**ORDINANCE NO. 96-14**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** Section 1. L. of Article VI (B-1 Central Business District Regulations) of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur, Van Buren County, Michigan relating to the use of a commercial garage as an accessory use to a motor vehicle dealership is hereby repealed.

**Section 2-** Article XII (Conditional Use Regulations) of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur, Van Buren County, Michigan, is hereby amended by adding thereto the following conditional use regulation:

M. A conditional use permit may be granted by the Village Council, after a Public Hearing, to allow the operation of a motor vehicle repair facility only on the following described lands situated in the Village of Decatur, Van Buren County, Michigan, described as follows:

That portion of the following described premises upon which a motor vehicle repair facility is presently situated (being the former Chevrolet garage facility), to-wit: Lots 3 and 4, and the Southerly 58.5 feet of Lots 17 and 18, and the Southerly 58.5 feet of the Westerly 57 feet of Lot 19, all of Block "A" of the Village of Decatur, Van Buren County, Michigan, according to the 1905 recorded Plat thereof recorded in Liber 2 of Plats, page 31, Van Buren County, Michigan Register of Deed Records.

**Section 3-** This Ordinance shall take affect the 7th day of March, 2005.

**Section 4-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendments thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, Decatur MI 49045 during business hours.

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

**ORDINANCE NO. 96-17**

**AN ORDINANCE TO AMEND ARTICLE XVIII (APPLICATION FEES) OF  
ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Article XVIII (Application Fees) of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur, Van Buren County, Michigan is hereby amended to change the following non-refundable application fees as follows:

1. Certificate of Zoning Compliance .....\$ 50.00
2. Application to Rezone.....\$ 200.00
3. Application for Conditional Use Permit .....\$ 200.00
4. Application for Appeal to Zoning Board of Appeals.....\$ 200.00

**Section 2-** This Ordinance shall become effective the 1st day of September, 2007.

**Section 3 -** Ordinance No. 96-16 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 4-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendments thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, Decatur MI 49045 during business hours.

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

**ORDINANCE NO. 96-18**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That R-1 (One and Two Family Residential District) of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur, Van Buren County, Michigan is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lot 5 and the East 1 rod wide of Lot 6, Block “Q” of the Village of Decatur, Van Buren County, Michigan, according to the 1905 recorded Plat thereof as recorded in Liber 2 of Plats, on page 31, Van Buren County MI Register of Deed Records.

Property Address: 112 W. St. Mary’s Street, Decatur MI 49045  
Property Number: 80-43-040-505-00

**Section 2-** This Ordinance shall become effective the 1st day of August, 2011.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendments thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 3:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, Decatur MI 49045 during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 1st day of August, 2011.

**ORDINANCE NO. 96-2**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)**

**OF THE VILLAGE OF DECATUR, MICHIGAN**

THE VILLAGE OF DECATUR ORDAINS:

**Section 1.** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, for the purpose of constructing and managing a twenty-four (24) unit one and two bedroom apartment complex, to-wit:

Part of the West half of the Northwest Quarter of the Southeast Quarter of Section 20, Town 4 South, Range 14 West, of the Village of Decatur, Van Buren County, Michigan, described as beginning at a point on the East and West Quarter line which is West 1971.58 feet from the East Quarter corner of Section 20; thence continuing along the East and West Quarter line, West 220 feet; thence South 01 degrees, 06' 11" East 450 feet: thence East 220 feet; thence North 01 degrees 06' 11" West 450 feet to the point of beginning.

**Section 2.** This Ordinance shall take effect the 7<sup>th</sup> day of October, 1991.

**Section 3.** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor Law Office, 134 S. Phelps Street, Decatur, Michigan, between 9:00 a.m. and 5:00 p.m. weekdays, and at the Office of the Village Clerk, 114 N. Phelps Street, Decatur, Michigan, during business hours.

Adopted by the Village of Decatur, Michigan on the 7<sup>th</sup> day of October, 1991.



**ORDINANCE NO. 96-3**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)**

**OF THE VILLAGE OF DECATUR, MICHIGAN.**

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- That Section R-1 (One and Two Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Beginning on the South line of South Street 474.87 feet East of the Southeast corner of the intersection of South Street and White Oak Street; thence South 32 rods; thence West 20 rods; thence North 32 rods to the South line of said South Street; thence East on same 20 rods to beginning.

Section 2- This Ordinance shall take affect the 2nd day of November, 1998.

Section 3- A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 2nd day of November, 1998.

**ORDINANCE NO. 96-4**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)**

**OF THE VILLAGE OF DECATUR, MICHIGAN.**

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1- That Section R-1 (One and Two Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lots 7, 8, 9, 10, 11 and 12, Block 13 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 2- This Ordinance shall take affect the 3rd day of April, 2000.

Section 3- A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3rd day  
of April, 2000.

## ORDINANCE NO 96-5

### AN ORDINANCE TO AMEND ORDINANCE NO.96 (ZONING ORDINANCE) OF THE VILLAGE OF DECATUR, MICHIGAN

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

**Section 1:** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

**Parcel 1:** Commencing at the southwest corner of Section 20, Town 4 South, Range 14 West; thence measured North 89 degrees 59' 13" East (record=East) along the South line of said Section 20 a measured distance of 573.91 feet (record=574.43 feet) to the centerline of the New Swamp Road; thence North 08 degrees 17' 30" West along said centerline a measured distance of 759.70 feet (record = 777.86 feet as shown on a survey by Smith & Smith, Inc. dated 11/14/1975) to the place of beginning of this description; thence West parallel with the South line of said Section 20, 220 feet; thence South 08 degrees 17' 30" East, parallel with the centerline of the New Swamp Road, a measured distance of 144.878 feet (record = 145.00 feet); thence East parallel with the South line of said Section 20, 220 feet to the centerline of the New Swamp Road; thence North 08 degrees 17' 30" West along said centerline a measured distance of 144.878 feet (record = 145.00 feet) to the place of beginning.

**Parcel 2:** Commencing at the southwest corner of Section 20, Town 4 south, Range 14 West; thence measured North 89 degrees 59' 13" East (record = East) along the South line of said Section 20 a measured distance of 573.91 feet (record 574.43 feet) to the centerline of the New Swamp Road; thence North 08 degrees 17' 30" West along said centerline a measured distance of 889.70 feet (907.86 feet as shown in a survey by Smith & Smith, Inc., dated 11/14/1975) to the place of beginning of this description; thence continuing North 08 degrees 17' 30" West along said centerline 60 feet; thence West parallel with the South line of said Section 20, 220 feet; thence South 08 degrees 17' 30" East 60 feet; thence East, parallel with the South line of said Section 20, 220 feet to the place of beginning.

**Section 2:** That Section I (Industrial District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Commencing at the southwest corner of Section 20, town 4 South, Range 14 West; thence measured north 89 degrees 59' 13" East (record=East) along the South line of said Section 20 a measured distance of 573.91 feet (record = 574.73 feet) to the centerline of the New Swamp Road; thence North 08 degrees 17' 30" West along said centerline a measured distance of 1333.90 feet (record=1333.94 feet) to a line which is 1320 feet Northerly of, and parallel with the South line of said Section 20; thence measured South 89 degrees 59' 13" West (Record = West) along the last described line to the West line of the Southeast Quarter of the Southeast Quarter of Section 19, Town 4 South, Range 14 West and the point of beginning of the land herein described; thence measured North 89 degrees 59' 13" East (record=East) along a line which is 1320 feet northerly of, and parallel with the South line of said Section 20 to the Southwesterly right-of-way line of Mill Street, according to the 1905 Plat of the Village of Decatur, as recorded in Liber 2 of Plats on page 31 of Van Buren County Records; thence Southeasterly along said Southwesterly right-of-way line to the Southeasterly right-of-way line of Bronson Street, according to the 1905 Plat of the Village of Decatur, as recorded in Liber 2 of Plats on page 31, of Van Buren County Records; thence Northeasterly along said Southeasterly right-of-way line to a line which is 1320 feet northerly of and parallel with the South line of said Section 20; thence measured North 89 degrees 59' 13" East (record=East) along the last described line to a point in the centerline of New Swamp road which is North 08 degrees 17' 30" West a measured distance of 1333.90 feet (record = 1333.94 feet) from the South line of said Section 20; thence South 08 degrees 17' 30" East, along the centerline of New Swamp Road, a measured distance of 384.322 feet (record 384.24 feet); thence West parallel with the South line of said Section 20 a distance of 220.00 feet; thence South 08 degrees 17' 30" East, parallel with the

centerline of New Swamp Road, a measured distance of 334.878 feet (record = 335.00 feet); thence measured South 89 degrees 59'13" West (record = West) parallel with the South line of said Section 20 to the West line of the Southeast Quarter of the Southeast Quarter of said Section 19; thence Northerly along said West line to the place of beginning, except that portion thereof which is designated as wetland, as set forth in a Survey by Southwest Survey & Engineering Co., Inc., of Paw Paw MI, Registered Land Surveyors, dated 9/7/00 and recorded 9/25/00 in Liber 011, pages 319 through 321, Van Buren County MI Records.

**Section 3;** This Ordinance shall take affect the 11<sup>th</sup> day of December, 2000.

**Section 4;** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 11<sup>th</sup> day of December, 2000.

**ORDINANCE NO. 96-6**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)**

**OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Section I (Industrial District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lot 6, Block "I" 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 2-** This Ordinance shall take affect the 8th day of January, 2001.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 8th day of January, 2001.

**ORDINANCE NO. 96-7**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE) OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No.

96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lots 27, 28, 29, 30 and 31, Block "X" 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, EXCEPT that part of said Lots 30 and 31, described as follows: Commencing on the South line of said Lot 31 at a point 40 feet East of the Southwest corner of said Lot; thence West along the South line of said Lot, 40 feet to the Southwest corner of said Lot 31; thence North 01 degrees 08' 40" West along the West lines of Lots 31 and 30 of said Block "X" to the North line of Lot 7 said Block "X"; thence North 54 degrees 47' 10" East along the extension of the North line of said Lot 7, Block "X" to a point North 01 degrees 08' 40" West of the point of beginning; thence South 01 degrees 08' 40" East to the point of beginning. Also EXCEPT beginning at the Southeasterly corner of Lot 14, said Block "X"; thence Easterly along the Southerly line of said Lot 14 as extended, 18.70 feet; thence Northerly parallel with George Street 9 rods; thence Westerly 18.70 feet to the Northeasterly corner of said Lot 14; thence Southerly along the Easterly line of said Lot 14 to the place of beginning.

**Section 2-** This Ordinance shall take affect the 3rd day of December, 2001.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the

Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps

Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the

office of the Village Clerk, 114 N. Phelps Street, during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3rd day of December, 2001.

**ORDINANCE NO. 96-8**

**AN ORDINANCE TO AMEND SECTION 6 (GENERAL PROVISIONS) OF ARTICLE III; SECTION 7 (MINIMUM DWELLING UNIT FLOOR AREA) OF ARTICLE X; AND SECTION 2 (VIOLATION; PENALTY) OF ARTICLE XV OF ORDINANCE NO. 96 (ZONING ORDINANCE) OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1:** Section 6 of Article III of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur Michigan is hereby amended by adding thereto the following provisions:

F. Every lot or other parcel of land which is occupied or intended for occupancy by a use permitted in this Ordinance shall adjoin and have direct access to a public street.

G. All dwelling units hereinafter erected in the Village of Decatur, Michigan shall be erected with the front entrance of the dwelling unit facing the public street adjoining the lot or other parcel of land upon which the dwelling unit is erected.

H. All dwelling units or other buildings, hereinafter erected in the Village of Decatur, Michigan, which require water and/or emanates sewage shall be connected to the Village of Decatur public water and sanitary sewer systems if same are available, and if not available, to such private water well and septic systems as shall be approved by the Van Buren County Health Department.

I. All streets constructed in the Village of Decatur, Michigan shall be public streets having a 66 foot right of way, the traveled portion of which shall be paved with bituminous asphalt, and said streets shall be constructed pursuant to the specifications of the Village of Decatur, Michigan as set forth in figures 1 and 2 attached hereto and made a part hereof, or as said specifications may subsequently be amended.

J. In the event public improvements for water and sanitary sewer systems and/or public streets must be constructed to serve a building, satisfactory performance guarantees or bonds shall be required from the developer of the land located in the Village of Decatur, Michigan before any Building Permits for construction of such building(s) shall be issued.

**Section 2:** Section 7 of Article X is hereby amended to read as follows:

Minimum Dwelling Unit Floor Area. Every dwelling unit which shall hereafter be constructed, reconstructed or converted at any location in the Village of Decatur, Michigan shall have a minimum width across the front, sides and rear of twenty feet and shall comply with the minimum square feet requirements hereinafter set forth and with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of Michigan Public Act 230 of 1972, as amended.

Every dwelling unit above the grade shall contain the following minimum square feet of living area, measured around the exterior of the dwelling, and excluding porches, patios, decks, garages, breezeways, and carports, to-wit:

Single Family Dwelling Unit ..... 864 square feet

Two Family Dwelling Units ..... 1728 square feet

For buildings having more than two dwelling units an additional 700 square feet of living area shall be required for each dwelling unit in excess of two.

**Section 3:** Section 2 of Article XV is hereby amended as follows:

**VIOLATION: PENALTY.**

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 (MCL 600.8302) and 27A.8701 (MCL 600.8701) et seq., respectively.

**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: REPEAL.** Ordinance No. 127 is hereby repealed. All other ordinances or parts thereof of the Village of Decatur, Michigan which are 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 December, 2002.

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



**ORDINANCE NO. 96-9**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That Section R-2 (Multiple Family Residential District) of Zoning Ordinance No. 96 is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lot 5, Block 22 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 2-** This Ordinance shall take affect the 9th day of December, 2002.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendment thereto may be purchased or inspected at Grosvenor law Office, 134 S. Phelps Street, Decatur MI 49045 between the hours of 9:00 a.m. and 5:00 p.m. weekdays, and at the office of the Village Clerk, 114 N. Phelps Street, during business hours.

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

**ORDINANCE 96**  
**ZONING ORDINANCE**  
**VILLAGE OF DECATUR, MICHIGAN**

An Ordinance to provide for the health, safety morals, and the general welfare of the inhabitants of the Village of Decatur, Michigan, and to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; to regulate and restrict the erection, construction, reconstruction, or alteration of buildings; to regulate and restrict the height, number of stories, and size of all buildings and structures, and the size of yards and other open spaces surrounding buildings; to provide for parking and loading spaces; to regulate and restrict the density of population and for all said purposes to divide the village into districts; to prescribe penalties for the violation of its provisions; to provide districts; to prescribe penalties for the violation of its provisions; to provide for changes and amendments; to provide for its enforcement; to provide for a board of appeals, and to prescribe its powers and duties, and to provide for the administration, interpretation, and resolution of conflicts herewith.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF DECATUR AS FOLLOWS:

**ARTICLE I**  
**TITLE**

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the Village of Decatur, Michigan.

**ARTICLE II**  
**DEFINITIONS**

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. **ACCESSORY BUILDING.** A subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
2. **ACCESSORY USE.** A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.
3. **ALLEY.** A way which affords only a secondary means of access to property abutting thereon.
4. **APARTMENT.** A room or suite of rooms intended, designed, or used as a residence by a single family.
5. **BASEMENT.** A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.
6. **BILLBOARD.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered elsewhere than upon the same lot.
7. **BOARDING HOUSE.** See Lodging House.
8. **BUILDABLE WIDTH.** The width of the lot left to be built upon after the side yards are provided.
9. **BUILDING.** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer, (with or without wheels), nor any moveable device, such as furniture, machinery, or equipment.
10. **BUILDING, HEIGHT OF.** The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, bib, and gambrel roof.
11. **CELLAR.** A story having more than one-half of its height below grade.

12. **CLINIC, MEDICAL.** An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
13. **CLUB.** A building or portion thereof or premises owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
14. **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.
15. **DWELLING, SINGLE-FAMILY.** A building designed for or occupied exclusively by one family.
16. **DWELLING, TWO-FAMILY.** A building designed for or occupied exclusively by two families living independently of each other.
17. **DWELLING, MULTIPLE.** A building designed for or occupied exclusively by more than two families living independently of each other.
18. **FAMILY.** One or more persons related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two persons not related by blood, marriage, or adoption.
19. **FILLING STATION.** Any building or premises used for the sale, at retail, of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding commercial garages.
20. **FLOOR AREA.** The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
21. **FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
22. **GARAGE, COMMERCIAL.** Any building, or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term repairing shall not include the rebuilding, dismantling or storage of wrecked or junked vehicles.
23. **GARAGE PRIVATE.** A detached accessory building or portion of the main building, housing the automobiles of the occupants of the premises.
24. **GRADE.** The average level of the finished surface of the ground adjacent to the exterior walls of the building.
25. **HOME OCCUPATION.** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate no larger than four (4) square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for domestic household purposes.
26. **HOTEL.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as herein defined.
27. **INSTITUTION.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
28. **KENNEL.** An establishment where dogs or other pets are boarded for compensation or bred or raised on a commercial scale.
29. **LAUNDROMAT.** A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.
30. **LOADING SPACE.** A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum width of twelve (12) feet, a minimum depth of forty-five (45) feet, and a vertical clearance of at least fourteen and five-tenths (14.5) feet, and connected with a street or road serving the premises.

31. **LODGING HOUSE.** A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three (3) or more, but not exceed twelve (12) individuals. Such lodging house or boarding house shall not be open to transient guest, in contradistinction to a hotel as is herein defined.
32. **LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street.
33. **LOT, CORNER.** A lot abutting upon two or more streets at their intersection.
34. **LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.
35. **LOT, DOUBLE FRONTAGE.** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
36. **LOT OF RECORD.** A lot or parcel of land, the plat or deed of which has been recorded in the office of the county Register of Deeds of Van Buren County, Michigan prior to the adoption of this Ordinance.
37. **MOBILE HOME OR HOUSE TRAILER.** A structure, transportable in one (1) or more sections, which is built or transported on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. A mobile home can be classified as a dwelling or dwelling unit only after meeting and standards of ARTICLE XII and being approved by the Village Council.
38. **MOTEL, MOTOR COURT, MOTOR LODGE, OR TOURIST COURT.** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.
39. **NONCONFORMING USE.** Any building or land lawfully occupied by a use at the time of passage of this Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.
40. **PARKING SPACE, OFF-STREET.** An area, enclosed or unenclosed having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley or a surfaced driveway which affords ingress and egress for automobiles.
41. **PATIO OR TERRACE.** An area, improved with concrete, brick or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities, but not used for vehicle parking or storage.
42. **SIGN.** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, persons, institution, or business.
43. **STORY.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
44. **STORY, HALF.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.
45. **STREET.** A public way which affords the principal means of access to abutting property.
46. **STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.
47. **STRUCTURAL ALTERATIONS.** Any change except those required by law or Ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other Ordinances.

48. **TRAILER OR MOBILE HOME.** (see Mobile Home)
49. **TRAILER OR MOBILE HOME PARK.** An area where one of more trailers can be or are intended to be parked and designed or intended to be used as living facilities for one or more families.
50. **YARD.** An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground level upward, except as otherwise provided in this Ordinance.
51. **YARD, FRONT.** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
52. **YARD, REAR.** A yard extending the full width of the lot from the rear line of the main building to the rear lot line.
53. **YARD, SIDE.** 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.

## **ARTICLE III DISTRICT BOUNDARIES AND GENERAL REGULATIONS**

### **SECTION 1. DISTRICTS.**

In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the Village is hereby divided into districts of which there shall be five in number, known as:

- R-1 – One and Two Family Residential District
- R-2 – Multiple Family Residential District
- B-1 - Central Business District
- B-2 – General Business District
- I      Industrial District

### **SECTION 2. MAP**

The boundaries of these districts are shown upon the Zoning District Map which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the Village Clerk.

### **SECTION 3. ANNEXED TERRITORY.**

All territory which may hereafter be annexed to the Village of Decatur shall be classified in the R-1 Residential District, until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by Ordinance, in accordance with Article XVII of this Ordinance.

### **SECTION 4. VACATED STREET OR PUBLIC WAY.**

Whenever any street or other public way is vacated by official action of the Village of Decatur, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

### **SECTION 5. INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules shall apply.

- A. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
- B. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
- C. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- D. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- E. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.

## **SECTION 6. GENERAL PROVISIONS.**

- A. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered nor shall any building or land be used except for the uses permitted in the district in which the building or land is located.
- B. No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.
- C. The minimum parking, yards, and other open spaces, including lot areas per family required by this Ordinance, shall be provided for each and every building or structure hereafter erected, and such minimum parking, yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.
- D. Where a lot has less area than the minimum requirements for the district within which the lot is located and was a lot of record at the time of passage of this Ordinance, that lot may be used for any purpose permitted in the district within which such lot is located.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

## **ARTICLE IV**

### **R-1 ONE AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS**

The purpose of this district is to provide for one and two family residential development of spacious character, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings and at the same time, to preserve open spaces. This district is located to protect existing development and contains vacant land considered appropriate for such residential development in the future. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE, are the regulations in the R-1 Residential District.

## **SECTION 1. USE REGULATIONS.**

A building of premises shall be used only for the following purposes:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Churches and church bulletin boards.
- D. Public buildings, parks, playgrounds, and community centers.
- E. Public schools, elementary and high, and private educational institutions having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping purposes.
- F. Home occupations.
- G. Country clubs, golf courses, except miniature courses or practice tees operated for commercial purposes.
- H. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not terminal or maintenance facilities.
- I. Temporary buildings, for non-residential purposes, the use of which is incidental to construction operations or sale of lots during development being conducted on the same of adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.
- J. Signs.
  - 1. For structures other than dwelling units, one identification sign not exceeding ten (10) square feet in area except that church bulletin boards may be up to eighteen (18) square feet in area.
  - 2. Temporary signs not exceeding ten (10) square feet in area pertaining to the lease, hire, or sale of a building or premises on which such sign is located.
- K. The cultivation of gardens but no raising or keeping livestock.
- L. Conditional uses as provided for in ARTICLE XII.
- M. Accessory buildings and uses, including private garages customarily incident to the above uses, but not involving the conduct of a business.

## **SECTION 2. HEIGHT AND AREA REGULATIONS.**

The height and area regulations set forth in ARTICLE X shall be observed.

## **SECTION 3. PARKING REGULATIONS.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

# **ARTICLE V**

## **R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS**

The purpose of this district is to maintain a residential environment while permitting a wide variety of dwelling types. Single-family, two-family, and multiple-family dwelling units are permitted on medium sized lots, together with such churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surrounding. Population densities and height of buildings permitted are low enough to be generally compatible with single-family development in the same general neighborhood. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE, are the regulations in the R-2 Multiple-Family Residential District.

## **SECTION 1. USE REGULATIONS.**

A building of premises shall be used only for the following purposes:

- A. Any use permitted in the R-1 Residential District.
- B. Multiple-family dwellings.
- C. Boarding houses or lodging houses.

## **SECTION 2. HEIGHT AND AREA REGULATIONS.**

The height and area regulations set forth in ARTICLE X shall be observed.

## **SECTION 3. PARKING REGULATIONS.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

# **ARTICLE VI**

## **B-1 CENTRAL BUSINESS DISTRICT REGULATIONS**

The purpose of this district is to encompass the retail service and office area of the central business district and permit a wide variety of uses to provide basic trade and services to Decatur and the area surrounding the Village. This district is intended to provide a centralized location for trade and service activities having regional influence. The regulations set forth in this this ARTICLE or set forth elsewhere in this Ordinance, when referred to in this ARTICLE are the regulations in the B-1 Central Business District.

## **SECTION 1. USE REGULATIONS.**

A building or premises shall be used only for the following purposes:

- A. Multiple family residences.
- B. Automobile parking lots.
- C. Dressmaking, tailoring, shoe repairing, repair of appliances, and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premises and other uses of a similar character.
- D. Banks, offices, and office buildings.
- E. Outdoor advertising structure or non-flashing sign pertaining only to a use or service conducted within the building. Any sign or display in excess of twenty (20) square feet in area shall be attached flat against a wall of the building (maximum projection from building wall one (1) foot), and in no case shall any sign or display project above the roof line.
- F. Personal service uses, including barber shops, beauty parlors, photographic or artist studios, taxi-cabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character.
- G. Retail stores or shops such as grocery, drug store, meat market, florist, notion, hardware, clothing, furniture or stationery stores, provided that there shall be no slaughtering of animals or poultry on the premises of any retail store.
- H. Self-service laundries and dry cleaning establishments
- I. Taverns.
- J. Accessory buildings and uses.
- K. Conditional uses as provided for in ARTICLE XII.
- L. Motor vehicle dealerships and sales lots including commercial garage only as an accessory use to dealership and under same ownership.

## **SECTION 2. HEIGHT AND AREA REGULATIONS.**



The height and area regulations set forth in ARTICLE X shall be observed.

### **SECTION 3. PARKING REGULATIONS.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

## **ARTICLE VII B-2 GENERAL BUSINESS DISTRICT REGULATIONS**

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, including certain uses requiring large land areas which are not desirable in the central business district. These uses are located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise, associated with manufacturing. The regulations set forth in this ARTICLE or set the regulations in the B-2 General Business District.

### **SECTION 1. USE REGULATIONS.**

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the B-1 Central Business District.
- B. Drive-in restaurants, bowling alleys, dance halls, skating rinks, or theatres.
- C. Farm implements, sale or repair.
- D. Funeral homes or mortuaries.
- E. Motels and hotels.
- F. Commercial garages.
- G. Private clubs and lodges.
- H. Medical clinics.
- I. Hospitals or clinics for small animals, dogs, cats, birds and the like, but not kennels.
- J. Laboratories, research, experimental or testing.
- K. General service and repair establishments including dyeing or cleaning works, or laundry, plumbing and heating, printing, painting, upholstering, or tin-smithing.
- L. Accessory buildings and uses.
- M. Auto repair garage and commercial garage, but shall not include rebuilding, dismantling, or storage of wrecked or junked automobiles.
- N. Food storage lockers.
- O. Printing shops.
- P. Conditional uses as provided for in ARTICLE XII.

### **SECTION 2. HEIGHT AND AREA REGULATIONS.**

The height and area regulations set forth in ARTICLE X shall be observed.

### **SECTION 3. PARKING REGULATIONS.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

## **ARTICLE VIII I INDUSTRIAL DISTRICT REGULATIONS**

The purpose of this district is to provide for a wide variety of light manufacturing, fabricating, processing wholesale distributing, and warehousing uses appropriately located for access by major thoroughfares or railroads. Commercial uses and open storage of materials are permitted but new residential development is excluded. The regulations set forth in this ARTICLE or set forth elsewhere in this Ordinance when referred to in this ARTICLE are the regulations of the I Industrial District.

## **SECTION 1. USE REGULATIONS.**

A building or premises shall be used only for the following purposes:

- A. Any non-residential use permitted in the B-1 Central Business District or B-2 General Business District.
- B. Wholesale merchandising or storage warehouses.
- C. Trucking terminal.
- D. Contractor's yard.
- E. Coal, coke, wood, lumber yard, feed mill, or grain storage facility.
- F. General service and repair establishments including dyeing, cleaning, or laundry works, cabinet making, plumbing, heating, printing, painting, upholstering, and appliance repair.
- G. Manufacture or storage of food products, including beverage blending or bottling, bakery products, dairy products, candy manufacturing, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- H. Manufacture of rugs, mattresses, pillows, quilts, millinery, shoes, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.
- I. Assembly and manufacture from prefabricated parts of household appliances, electronic products, machinery and hardware products, and similar products or the processing or assembling of parts for production of finished equipment.
- J. Generally those light manufacturing uses similar to those listed in items A. to I. above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
- K. Accessory building and uses including accessory signs and advertising structures related to the activity conducted on the premises but with a total sign area not to exceed one hundred (100) square feet.
- L. Kennels.
- M. Such uses not specifically permitted are hereby defined as conditional uses and shall be considered under the procedures of ARTICLE XII.

## **SECTION 2. HEIGHT AND AREA REGULATIONS.**

The height and area regulations set forth in ARTICLE X shall be observed.

## **SECTION 3. PARKING REGULATIONS.**

Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in ARTICLE XI.

# **ARTICLE IX NONCONFORMING USES**

## **SECTION 1. CONTINUANCE OF NONCORMING USE; CHANGE OF USE.**

The lawful use of a building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions hereof. If no structural alterations are made, a

nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

## **SECTION 2. RESTORATION AND REPAIRS OF DAMAGED BUILDINGS.**

No nonconforming building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its replacement value, shall be restored except in conformity with the regulations of this Ordinance. When damaged by less than sixty (60) percent of its replacement value, a nonconforming building may be repaired reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

## **SECTION 3. NONCONFORMING USE DISCONTINUED.**

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, the use of the same shall thereafter conform to the regulations of the district in which it is located.

## **SECTION 4. EXTENSION OF NONCONFORMING USE WITHIN A BUILDING.**

A nonconforming use occupying only a portion of a building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use previous to the adoption of this Ordinance or to any affecting amendments thereof.

# **ARTICLE X HEIGHT AND AREA REQUIREMENTS**

The required height and area regulations are hereby established and are shown in Table 1, 15.260, and are qualified or supplemented in the rest of this ARTICLE. The district regulations hereinafter set forth in this ARTICLE qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

## **SECTION 1. HEIGHT.**

- A. Public, semipublic, or public service buildings, hospitals, institutions or schools, when permitted in a district may be erected to a height not exceeding sixty (60) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- B. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage tower, or scenery lofts, tanks, water tower, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances may be erected to such height as may be authorized by the Village Council, but not to exceed one hundred fifty (150) feet.

## **SECTION 2. FRONT YARDS.**

- A. When forty (40) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the district, no building shall project beyond the average front yard so established; provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the district in which the lot is located.
- B. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An unenclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
- C. Where lots have double frontage, the required front yard shall be provided on both streets.
- D. Parking of vehicles shall not be permitted in front yards except that vehicles may be parked on driveways connecting garages, carports, or rear yard parking spaces, with the street.

### **SECTION 3. SIDE YARDS.**

- A. For the purpose of side yard regulations, a two-family dwelling, or multiple dwelling, shall be considered as one (1) building occupying one (1) lot.
- B. Whenever a lot at the effective date of this Ordinance has a width of less than sixty (60) feet, each side yard may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall a side yard be less than three (3) feet.
- C. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, except that the buildable width shall not be reduced to less than thirty-two (32) feet, and no accessory building shall project beyond the required front yard on either street.
- D. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
- E. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be at least two (2) feet from the adjacent side lot line.

### **SECTION 4. REAR YARDS.**

- A. Open-lattice enclosed fire escapes, fireproof outside, stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one-half (3 ½) feet and where the same are so placed as not to obstruct light and ventilation.
- B. Not more than twenty (20) percent of the required rear yard area may be occupied by unenclosed parking spaces; except in R-2 Districts, where not more than fifty (50) percent of required rear yard may be occupied as unenclosed parking spaces.

### **SECTION 5. BUILDINGS AND ACCESSORY BUILDINGS**

- A. Where a lot or tract is used for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- B. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwellings, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided, however, that the open spaces between buildings that are

parallel, or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three-or four-story buildings.

- C. Accessory buildings may be built in a required yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley, it shall not be located closer than then (10) feet to the alley line. If a garage is located closer than then (10) feet to the main building, the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
- D. No accessory buildings shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

## **SECTION 6. OPEN SPACE.**

- A. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the ordinary projection of sills, belt courses, cornices, and ornamental features which may extend to a distance not to exceed eighteen (18) inches into any required yard. Roofs and eaves may extend not more than thirty (30) inches into any required yard.
- B. Where open space is more than seventy-five (75) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three-or-four story buildings.

## **SECTION 7. MINIMUM DWELLING UNIT FLOOR AREA.**

- A. Every dwelling unit, except multiple dwellings, which shall hereafter be constructed, reconstructed or converted at any location in the Village of Decatur shall have a minimum width of twenty (20) feet along sixty (60) percent of its longest side.

District	Maximum Height Of Buildings		Minimum Yard Requirements in Feet			Minimum Lot Area per Family in Square Feet	Minimum Residential Lot Widths in Feet
	Stories	Feet***	Front	Side	Rear		
R-1 Residential	2	35	30	8	80	10,000 One Family	80
						5,000 Two Family	80
R-2 Residential	3	45	25	6	25	7,500 One Family	60
						3,750 Two Family	60
						2,500 Multiple Family	60
B-1 Central District	3	45	--	10*	20*	Same as R-2**	Same as R-2**
B-2 General District	3	45	25	10*	20*	Same as R-2**	Same as R-2**
I-Industrial	3	45	25	10*	30*	Residences not Permitted	Residences not Permitted

\*A side or rear yard is required on a commercial or industrial lot abutting a residential district, otherwise, no side or rear yard is required.

\*\*Minimum lot area and minimum lot width requirements do not apply to commercial uses.

\*\*\*Except as provided in Article X, Section 1.

## **ARTICLE XI OFF-STREET PARKING AND LOADING REQUIREMENTS**

### **SECTION 1. REQUIRED OFF STREET PARKING SPACES; EXCEPTION.**

In all districts except the B-1 Central Business District, there shall be provided at the time any building or structure is erected or structurally altered (except as specified in Section 2 of this ARTICLE), off-street parking spaces in accordance with the following requirements:

- A. Dwelling, including single- and two-family and multiple: Two (2) parking spaces for each dwelling unit.
- B. Boarding or lodging house: One (1) parking space for each sleeping room.
- C. Private club or lodge: One (1) parking space for every five (5) members.
- D. Church or temple: One (1) parking space for each eight (8) seats in the main auditorium.
- E. School (except high school or college): One (1) parking space for each ten (10) seats in the auditorium or main assembly room, or one (1) space for each classroom, whichever is greater.
- F. College or high school: One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom whichever is greater.
- G. Country club or golf club: One (1) parking space for each five (5) members.
- H. Community center, library, museum or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2000) square feet.
- I. Sanatorium, convalescent home, home for the aged or similar institution: One (1) parking space for each six (6) beds.
- J. Theatre or auditorium (except school): One (1) parking space for each five (5) seats or bench seating spaces.
- K. Hotel: One (1) parking space for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- L. Tourist home, cabin, or motel: One (1) parking space for each sleeping room or suite.
- M. Dance hall, assembly, or exhibition hall without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area used therefor.
- N. Business or professional office, studio, bank, medical or dental clinic: Five (5) parking spaces plus one (1) additional parking space for each four hundred (400) square feet of floor area over one thousand (1,000) feet.
- O. Bowling alley: Five (5) parking spaces for each alley.
- P. Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in repose rooms, parlors, or individual funeral service rooms.
- Q. Restaurant, night club, café or similar recreation or amusement establishment: One (1) parking space for each one hundred (100) square feet of floor area.

- R. Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
- S. Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service shop: Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) feet.
- T. Printing or plumbing shop or similar service establishment: One (1) parking space for each three (3) persons employed therein.
- U. Manufacturing or industrial establishment, research, or testing laboratory, creamery or dairy products, clothing and fabrics, wood products, bottling plant, warehouse or similar establishment: One (1) parking space for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

## **SECTION 2. COMPUTING REQUIRED PARKING SPACES.**

- A. In computing the number of such parking spaces required, this shall be construed to be the nearest whole number, and in the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- B. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

## **SECTION 3. LOCATION OF PARKING SPACES.**

- A. All parking spaces required herein shall be located on the same or adjoining lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments the required off-street spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Village Council and shall be filed with the application for a building permit.

## **SECTION 4. OFF-STREET LOADING SPACE.**

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution of vehicles or materials or merchandise shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In the B-2 General Business District and the B-1 Central Business District and in the I Industrial District: One (1) loading space for each ten thousand (10,000) square feet or fraction thereof, of floor area in the building.

## **ARTICLE XII**

### **CONDITIONAL USE REGULATIONS**

The Village Council, after public hearing, may by resolution grant a conditional use permit for the following uses in any district, except as herein qualified, from which they are otherwise prohibited by this Ordinance, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to preserve and protect property and property values in the neighborhood. Application procedures, processing of applications and approval or rejection shall be in accordance with Public Act 207 of 1921, as amended.

- A. Amusement park, but not in or within three hundred (300) feet of any R district.
- B. Cemetery or mausoleum.
- C. Greenhouse or nursery.
- D. Hospital or institution not primarily for the mentally ill or those with contagious diseases, provided that not over twenty (20) percent of the total lot area is occupied by buildings and that all the buildings shall be set back from all lot lines a distance of not less than two (2) feet for each one (1) foot of building height.
- E. Nursery school.
- F. Commercial radio tower or broadcasting station.
- G. Mobile home park but only in the R-1 and R-2 Districts, and provided that:
  - 1. The number of mobile homes shall not exceed the number obtained by dividing the total square foot area of the mobile home park by thirty-two hundred (3200).
  - 2. Twenty-five (25) feet shall be maintained between mobile homes, and between mobile homes and buildings.
  - 3. Each mobile home site shall abut or face a concrete or asphalt surfaced driveway, roadway, or street of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public highway or street.
  - 4. Each mobile home park providing more than four (4) mobile home sites shall provide suitable playground area of not less than three hundred (300) square feet per mobile home.
  - 5. Each mobile home park shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the Michigan State board of Health and of the Village Engineer. No special permit for mobile home parks shall be granted until approved by the Michigan State Board of Health and the Village Engineer.
  - 6. Electrical facilities provided to each lot must meet the electrical code requirements. Mobile home parks having ten (10) or more lots must provide an overhead street light or night light operating at night. One (1) street light must be provided for each ten (10) lots or portion thereof within the park.
  - 7. No certificate of occupancy shall be granted until after certification of compliance with the requirements of the Village Engineer. All special permits of mobile home parks shall be temporary and shall be valid only during the period that the park complies with the requirements of the Village Engineer.
  - 8. Said mobile home park shall comply with all other applicable State statutes, rules and regulations.
- H. Certain industrial uses in the I District as provided in ARTICLE VIII, Section 1. M.
- I. Removal of gravel, topsoil, or similar natural material with safeguards for the protection of adjoining property and the community as a whole.
- J. Outdoor advertising sign, structure, or billboard, but only in the B-1 or I Districts.
- K. Mobile homes for use as a single family dwellings in R-1 or R-2 Districts provided the following standards are met:
  - 1. Mobile homes shall comply with all Village of Decatur regulations applicable to single family homes except as modified herein, including the dimensional requirements of ARTICLE X hereof.



2. Each mobile home shall contain a seal or other proof of inspection in compliance with Act. 419 of the Michigan Public Acts of 1976, as amended, and shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled, "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
3. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted and all trailer coaches, mobile homes and pre-manufactured dwelling structures shall be placed on a concrete block or poured foundation wall situated on a below frost line footing completely around the perimeter to protect against the dangers of fire and rodents and to prevent deterioration thereof and prohibit the accumulation of rubbish thereunder.
4. Said dwelling unit shall have a minimum floor to ceiling height of seven and five tenths (7.5) feet and shall have a minimum width of twenty (20) feet along sixty (60) percent of its longest side.
5. Said dwelling unit shall be tied down or anchored by an anchoring system or devise compatible with the requirements of the Michigan Mobile Home Commission pursuant to the regulations promulgated under said Act 419 of the Public Acts of 1976, as amended.
6. Said dwelling unit must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires same.
7. Said dwelling unit shall have gabled and shingled roofs with a slope of three (3) feet vertical to twelve (12) feet horizontal or steeper.
8. Said dwelling unit shall be connected to the public sewer and water supply system if same is available or to such private facilities as shall be approved by the Van Buren County Health Department.
9. Said dwelling unit must contain no additions of rooms or other areas of any less quality of construction than the original construction and which are not constructed with an appropriate footing, foundation and permanent attachment to the principal structure.
10. No mobile home may be used for any residential purpose or stored either transiently or permanently, unless in compliance with this ARTICLE. This Section does not limit the parking of travel trailers built for recreational purposes that are self-contained and can be pulled down the highway without a special permit.

### **ARTICLE XIII BOARD OF APPEALS**

#### **SECTION 1. ORGANIZATION.**

- A. A Board of Appeals is hereby established. The word "Board" when used in this Section, shall be construed to mean the Board of Appeals. Said Board shall consist of the Village Council of the Village of Decatur, Michigan. The Village President shall act as Chairman of said board.

#### **SECTION 2. PROCEDURE.**

- A. The board shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. Each session of the Board, at which an appeal is to be heard, shall be a public meeting.
- B. An appeal may be taken to the Board of Appeals by any person, group, or organization, public or private, affected by a decision of the Village Building Official. Such appeal shall be taken within sixty (60) days after the decision by the Village Building Official, by filing with the Village Building Official a notice of appeal specifying the grounds thereof. A fee in an amount to be established from time to time by the Village Council shall accompany the notice of appeal. The Village Building

Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

### **SECTION 3. POWERS AND DUTIES.**

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Village Building Official in the enforcement of this Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear and decide requests for a variance in the strict application of the regulations with respect to a specific lot where, by reason of exceptional narrowness, shallowness or shape thereof or by reasons of exceptional topography or other extraordinary or exceptional situation or condition, strict application of any provision of this Ordinance would result in peculiar and exceptional practical difficulties and would result in peculiar and exceptional practical difficulties and clearly demonstrable hardship upon the owner of such property, and not a mere inconvenience to the owner. Clear indications must be made by the petitioner that conditions of the specific lot under question are different than any other lot, that these conditions may have existed before adoption of this Zoning Ordinance, and the type of hardship to be sustained. The board shall not permit, as a variance, any use in the district that is not permitted under the Ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on and decide the following special exceptions of this Ordinance:
  - 1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Ordinance.
  - 2. Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon Zoning District Map where the street layout on the ground varies from the street layout as shown on this map.
  - 3. Permit reconstruction of a non-conforming building otherwise prohibited by ARTICLE IX where such action would not constitute continuation of a monopoly.
  - 4. Vary the parking regulations by not more than fifty (50) percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance or where it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
- D. Decision of the Board in respect to the above shall be subject to appeal to the Circuit Court of Van Buren County, Michigan.

## **ARTICLE XIV**

### **CERTIFICATE OF ZONING COMPLIANCE AND BUILDING PERMITS**

#### **SECTION 1. BUILDING PERMIT AND CERTIFICATE OF ZONING COMPLIANCE REQUIRED.**

It shall be unlawful to commence or to proceed with the excavation for foundation, erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing or moving of any building or structure, or of any portion thereof, and no occupancy, use or change of use shall take place without first having applied in writing to the Village Building Official for a certificate of Zoning Compliance and a Building Permit, and the same having been granted.

#### **SECTION 2. CERTIFICATE OF ZONING COMPLIANCE.**

A Certificate of Zoning Compliance shall be required for any of the following:

- A. Occupancy and use of any building hereafter erected or structurally altered.
- B. Change in use of any existing building to a use of a different classification.
- C. Occupancy and use of vacant land.
- D. Change in the use of land to a use of a different classification.
- E. Any change in the use of a non-conforming use.

### **SECTION 3. STATEMENT OF CONFORMITY OR NONCONFORMITY.**

The Certificate of Zoning Compliance shall state that the building or proposed use of a building or land conforms with all the provisions of this Ordinance, If the building or proposed use of a building or land is nonconforming, the Certificate of Zoning Compliance shall specifically state wherein the nonconforming building or proposed use of a building or land differs from this Ordinance.

### **SECTION 4. BUILDING PERMITS.**

A Building Permit shall be required to excavate for foundation, construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, or construct a sign of any description or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, or to cause any such work to be done, the installation of which is regulated by the Building Code as adopted by the Village of Decatur.

### **SECTION 5. APPLICATION FOR PERMIT; SET OF PLANS.**

Every application for a Building Permit shall be delivered to the Village Building Official and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a Permit, one set of said plans shall be retained by the Village Building Official as a permanent record and one set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the Village Building Official may, at his own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

### **SECTION 6. EXPIRATION OF PERMIT.**

Any Building Permit, under which no construction work has been commenced within six (6) months after the date of issuance of said Permit or under which the proposed construction has not been completed within two (2) years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration or until a new permit is secured. A Building Permit may be extended, after showing cause for one (1) or more extensions of time for periods of not exceeding ninety (90) days.

### **SECTION 7. APPLICATION FORMS: RECORDS.**

Blank forms shall be provided by the Village Building Official for the use of those applying for permits as provided for in this Ordinance. Any permits issued by the Village Building Official shall be on standard forms for such purpose and furnished by the Village. A careful record of all such applications, plans, and permits shall be kept in the Office of the Village Building Official.

## **ARTICLE XV ENFORCEMENT, VIOLATION, AND PENALTIES**

### **SECTION 1. ADMINISTRATION; ENFORCEMENT.**

It shall be the duty of the person designated by the Village Council as Village Building Official to administer and enforce the regulations contained in this Ordinance.

### **SECTION 2. VIOLATION; PENALTY.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, or having been served with an Order to Remove any such violation, and who fails to comply with said Order within ten (10) days after such notice, shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred (\$500.00) Dollars, plus costs of prosecution, or by imprisonment in the county jail for a term not exceeding ninety (90) days or by both such fine and imprisonment, in the discretion of the Court. Each day that a violation is permitted to exist shall constitute a separate offense.

### **SECTION 3. VIOLATION; ADDITIONAL REMEDIES.**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Ordinance, the Village, in addition to other remedies, may institute an injunction, mandamus, or any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business or use in or about such premises.

## **ARTICLE XVI INTERPRETATION, PURPOSE, AND CONFLICT**

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or required larger open spaces than are imposed or required by other Ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

## **ARTICLE XVII AMENDMENTS AND CHANGES**

### **SECTION 1. AMENDMENT PROCEDURE.**

The Village Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal by Ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Village Planning Commission, if such exists, for its recommendations and report. If the Village Planning Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification, or change. Upon the filing of the recommendation and report by the Village Planning Commission with respect to any proposed amendment, supplement, change, modification, or repeal, or if no Village Planning commission exists, the Village Council, shall proceed to hold a public hearing in relation thereto, giving at least fifteen (15) days notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the Village of Decatur.

### **SECTION 2. PROTEST PETITION OR ADVERSE REPORT.**

In case of any adverse report by the Village Planning Commission, if such exists, or if a protest petition against such proposed amendment, supplement, change, modification, or repeal shall be presented in writing to the Village Council before final legislative actions is taken, duly signed by the owners of at least twenty (20) percent of the area of land included in the proposed change or by the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, exclusive of streets, alleys, and publicly owned land, then and in such an event said proposed amendment, supplement, change, modification or repeal shall not become effective unless passed by a two-thirds (2/3) vote of the Village Council.

### **SECTION 3. FILING OF PETITIONS; CONTENT.**

All petitions desiring a change, amendment, or supplement of the established zoning districts of the Village and regulations connected therewith shall be filed with the Village Clerk by the person requesting such action and such petition shall contain the street address of the petitioner, the lot number of any real estate owned by him adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district of parts or parts of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental but be beneficial to the general public interest and the purposes of this Ordinance and shall further disclose the purpose for which such property is sought to be used.

### **SECTION 4. FILING PETITION; FEE**

A petition for a change in the regulations or districts herein subsequently established shall be filed with the Village Clerk in duplicate. A fee in an amount beestablished from time to time by the Village council shall be paid at the time of filing to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing.

### **ARTICLE XVIII APPLICATION FEES**

Application fees as hereinafter set forth shall be paid at the time of application to the Village Clerk of the Village of Decatur, Michigan to partially defray expense of processing said application, to wit:

- |   |          |
|---|----------|
| 1. Certificate of Zoning Compliance.....                  | \$ 10.00 |
| 2. Application to Rezone .....                            | \$100.00 |
| 3. Application for Conditional Use Permit .....           | \$100.00 |
| 4. Application for Appeal to Zoning Board of Appeals..... | \$100.00 |

### **ARTICLE XIX VALIDITY**

If any ARTICLE, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

### **ARTICLE XX REPEAL AND CONFLICT**

Ordinance No. 34 and all other Ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

### **ARTICLE XXI EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the first day of August, 1986.



## **ORDINANCE NO. 97**

AN ORDINANCE TO REGULATE GARAGE SALES, LAWN SALES, ATTIC SALES, FLEA MARKET SALES OR OTHER CASUAL SALES, TO REQUIRE LICENSES THEREFOR, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

THE VILLAGE OF DECATUR ORDAINS:

**SECTION 1** – For the purpose of this Ordinance the terms, “Garage Sales, Lawn Sales, Attic Sales, and Flea Market Sales”, shall include and mean all types of residential sales of tangible personal property not otherwise regulated by the Village of Decatur, Michigan Ordinances, advertised by any means whereby the public at large is or can be made aware of each sale.

**SECTION 2** – No person, firm or corporation shall conduct any of the type of sales enumerated in Section 1 above without first obtaining a license therefor, for which a license fee in the sum of \$2.00 shall be paid.

**SECTION 3** – An application for a license for any of the sales regulated hereunder shall be made at the Village Clerk’s Office on a form to be provided therefore, which application shall contain the following information:

- A. Name of the person, firm or corporation conducting said sale.
- B. Location at which said sale is to be conducted and the date and nature of any prior sales conducted at the same location.
- C. Date, nature and location of any past sale conducted by applicant.
- D. The relationship or connection applicant may have had with any other person, firm or corporation conducting any such sale and the date or dates of such sale.

**SECTION 4 - Conditions of License:**

- A. No license shall be issued authorizing any such sale to be conducted for a period longer than five (5) days.
- B. No signs advertising a sale regulated by this Ordinance shall be placed on public property or on private property without the express consent of the owner or occupant. Within twenty-four (24) hours after the conclusion of a sale all signs shall be removed.

**SECTION 5** – No person, firm or corporation shall be allowed more than two (2) such licenses within any twelve (12) month period, nor shall more than two (2) such licenses be allowed for any one (1) single family residence.

**SECTION 6** – The provisions of this Ordinance shall not apply to or affect the following persons or sales:

- A. Persons selling goods pursuant to an Order or process of a Court of Competent Jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person, firm or corporation selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed ten (10) in number.
- D. Any sale conducted by any merchant or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Village of Decatur.

**(SECTION 7 amended by Ordinance 131)**

**SECTION 7** – Any person who violates or fails to comply with the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not to exceed one hundred (\$100.00) dollars and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding Ninety (90) days, or by both such fine and imprisonment, in the discretion of the Court.

**SECTION 8** – Ordinance No. 61 shall be and the same is hereby repealed.

**SECTION 9** – This Ordinance shall become effective the 1st day of September, 1987.

Adopted by the Village Council of the Village of Decatur, Michigan on this 3<sup>rd</sup> day of August, 1987.



## ORDINANCE NO. 98

AN ORDINANCE TO REPEAL THE FOLLOWING ORDINANCES OR PARTS THEREOF, TO WIT: ORDINANCE NO. 4; ORDINANCE NO. 6; ORDINANCE NO. 18; SECTION 7 OF ORDINANCE NO. 21; ORDINANCE NO. 25; ORDINANCE NO. 26; ORDINANCE NO. 30; ORDINANCE NO. 31; ORDINANCE NO. 45; AND ORDINANCE NO. 85.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

SECTION 1 – The following Ordinances or parts thereof are hereby repealed to-wit:

- A. Ordinance No. 4 entitled “AN ORDINANCE TO ESTABLISH A BOARD OF HEALTH AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN THE VILLAGE OF DECATUR.”
- B. Ordinance No. 6 entitled “AN ORDINANCE RELATIVE TO DRUNKENNESS, DRUNKEN PERSONS AND PERSONS INTOXICATED AND THE PUNISHMENT THEREFOR.”
- C. Ordinance No. 18 entitled ‘AN ORDINANCE RELATING TO FIRE LIMITS IN THE VILLAGE OF DECATUR.”
- D. Section 7 of Ordinance No. 21 entitled “AN ORDINANCE RELATING TO TRAFFIC.”
- E. Ordinance No. 25 entitled “AN ORDINANCE ESTABLISHING AND REGULATING THE BUSINESS HOURS OF TAVERNS WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF DECATUR, MICHIGAN.”
- F. Ordinance No. 26 entitled “AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS AND HIGHWAYS OF THE VILLAGE OF DECATUR, MICHIGAN, PROVIDING FOR THE INSTALLATION, METER ZONES; DEFINING PARKING METER ZONES; AUTHORIZING A METHOD OF PAYMENT FOR PARKING METERS, AND THE INSTALLATION THEREOF EXCLUSIVELY FROM THE RECEIPTS OBTAINED FROM THEIR OPERATION; PROVIDING FOR ENFORCEMENT AND PENALTY FOR VIOLATION THEREOF AND PROVIDING THAT INVALIDITY OF PART SHALL NOT AFFECT THE VALIDITY OF REMAINDER.”
- G. Ordinance No. 30 entitled “AN ORDINANCE REGULATING AND RESTRICTING THE ERECTION OF BUILDINGS, REGULATING AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER SPACES SURROUNDING BUILDINGS, ESTABLISHING PROVISIONS FOR THE LIGHT, VENTILATION, SANITATION, AND PROTECTION OF SUCH BUILDINGS, PROVIDING FOR OBTAINING BUILDING PERMITS, FOR OFFICERS TO SUPERVISE THE PROVISIONS OF THIS ORDINANCE AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS.”
- H. Ordinance No. 31 entitled “AN ORDINANCE GRANTING TO MICHIGAN GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE IN THE STREETS, ALLEYS AND PUBLIC PLACES OF THE VILLAGE OF DECATUR, COUNTY OF VAN BUREN, STATE OF MICHIGAN, AND ITS SUCCESSORS, LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRIC ENERGY TO THE VILLAGE OF DECATUR AND THE INHABITANTS THEREOF FOR LIGHT, HEAT, POWER AND OTHER PURPOSES AND THE TRANSMISSION OF THE SAME WITHIN, THROUGH OR ACROSS SAID VILLAGE OF DECATUR, COUNTY OF VAN BUREN, STATE OF MICHIGAN.”
- I. Ordinance No. 45 entitled “AN ORDINANCE TO DETERMINE AND DESIGNATE BUILDINGS UNSAFE AND/OR UNFIT FOR HUMAN OCCUPATION; TO DECLARE THE SAME A PUBLIC NUISANCE; AND THE ESTABLISHED PROCEDURE FOR CONDEMNATION THEREOF.”
- J. Ordinance No. 85 entitled “AN ORDINANCE REGULATING TRAILER COACHES, MOBILE HOMES AND PREMANUFACTURED DWELLING STRUCTURES OUTSIDE OF LICENSED MOBILE HOME PARKS; AND TO REQUIRE SAME TO BE CONSTRUCTED IN A MANNER COMPATIBLE AESTHETICALLY AND IN DESIGN WITH CONVENTIONAL ON-SITE HOMES IN ORDER TO

PROTECT THE SAFETY, HEALTH, MORALS, PROSPERITY, COMFORT, CONVENIENCE AND WELFARE OF THE PUBLIC.”

**SECTION 2** – This Ordinance shall become effective the 7<sup>th</sup> day of December, 1987.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7<sup>th</sup> day of December, 1987.

**ORDINANCE NO. 96-19**

**AN ORDINANCE TO AMEND ORDINANCE NO. 96 (ZONING ORDINANCE)  
OF THE VILLAGE OF DECATUR, MICHIGAN.**

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

**Section 1-** That B-2 (General Business District) of Ordinance No. 96 (Zoning Ordinance) of the Village of Decatur, Van Buren County, Michigan is hereby amended by adding thereto the following described property situated in the Village of Decatur, Van Buren County, Michigan, viz:

Lot 10, Block "5" of the Village of Decatur, Van Buren County, Michigan, according to the 1905 recorded Plat thereof as recorded in Liber 2 of Plats, on page 31, Van Buren County MI Register of Deed Records.

**Section 2-** This Ordinance shall become effective the 7<sup>th</sup> day of April, 2014.

**Section 3-** A copy of the Zoning Ordinance of the Village of Decatur, Michigan and the Amendments thereto may be purchased or inspected at the office of the Village Clerk, 114 N. Phelps Street, Decatur MI 49045 during business hours.

Adopted by the Village Council of the Village of Decatur, Michigan on this 7<sup>th</sup> 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. 96-19 and that Trustee T. Creagan seconded said motion. I further certify that the following Trustees voted for adoption of said Ordinance No. 96-19: Ali Elwaer, Norma Strickler, Tom Creagan, Mike Heflin, and Carl Wickett. Absent: Greg Cole and Harold Magee.

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 7<sup>th</sup> 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