

**ORDINANCE NO. 20190311-1
VILLAGE OF SHELBY
COUNTY OF OCEANA
STATE OF MICHIGAN**

AN ORDINANCE TO ESTABLISH REGULATIONS AND PENALTIES TO PREVENT, REDUCE, OR
ELIMINATE BLIGHT

THE VILLAGE OF SHELBY HEREBY ORDAINS:

Short Title: BLIGHT PREVENTION AND ELIMINATION ORDINANCE

Part Six (General Offenses Code), Chapter 680 (Blight Prevention and Elimination Ordinance) of the Code of Ordinances of the Village of Shelby, Michigan, is hereby added as follows:

Section 1. Purpose.

It is the purpose of this ordinance to prevent, reduce or eliminate blight in the Village of Shelby by the prevention or elimination or contributing factors and causes of blight which exist or which may in the future exist in the Village of Shelby.

Section 2. Definitions.

The following words or terms, when used herein, shall be deemed to have the meanings set forth below:

- A. Blighted Structure – any dwelling, garage, accessory or outbuilding, or any factory, shop, store, office building, warehouse, or any other structure or part of a structure which:
 - 1. Because of fire, wind, other natural disaster, or physical deterioration, is no longer habitable as a dwelling or useful for the purpose for which it was originally intended; or
 - 2. Is partially completed and which is not presently being constructed under an existing, valid building permit issued by or under the authority of the Village of Shelby and if the construction is not completed within 12 months; or
 - 3. Is not structurally sound, weather-tight, waterproof, vermin-proof, or is otherwise dangerous.
- B. Building Material – Any lumber, bricks, concrete, cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, cement, nails, screws, or other materials commonly used in the construction or repair of any buildings or structures.
- C. Enforcement Officer – A Shelby Village Police Officer.
- D. Junk– Any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, stove, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons, or crates, as well as any materials or litter of any kind that may be detrimental to public health and safety.
- E. Garbage – All refuse of animal, fruit, or vegetable matter that attends the preparation, use, cooking, dealing in, transportation or storing of meat, fish, fowl, fruit, vegetable; also dead animals under six pounds in weight and killed for food or in which the process of decay has commenced or is about to commence; also waste generated by household pets; also discarded bottles, jugs, cans, or other food and

beverage containers not specifically banned from Michigan landfills by State Statute.

- F. Person – Any natural person, firm, association, partnership, limited liability company or corporation.
- G. Unsecured Vacant Building – Any building which is unoccupied and which is not securely locked, the windows glazed or of which is not securely boarded up and protected against the elements, from vandals, and from rodents and/or other animals.

Section 3. Prohibited Conduct.

Except as may otherwise be permitted by the holding of a specific business license or by other ordinances of the Village of Shelby or state or federal law, no person in the Village of Shelby shall:

- A. Store, accumulate, or permit the storage or accumulation of junk or garbage on premises owned, leased, rented, or occupied by him/her unless such junk or garbage is stored or accumulated for the purposes of collection and disposal, in which case such junk or garbage shall be stored or accumulated in a closed container, if possible, or in a closed structure. If it is impossible to store or accumulate such junk or garbage in a closed container or closed structure, such junk or garbage shall be covered in a manner sufficient to prevent such materials from causing dust and debris to be blown about or spread to other areas. Junk or garbage may be stored or accumulated in such manner only for the minimum period necessary to provide for collection and disposal of same and at no time shall that period exceed ten (10) days.
- B. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable nor useful for any other purpose of which it may have been intended, or as may be prohibited by the Michigan Building Code.
- C. Store, accumulate, or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him/her for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.
- D. Keep or permit the existence of any unsecured vacant building on property owned, leased, rented or occupied by him/her.
- E. Keep or permit the existence of any blighted structure on property owned, leased, rented or occupied by him/her.

Section 4. Enforcement.

- A. Except for emergency or hazardous situations, before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction citation.
- B. Prosecution may be commenced against a violator(s), without prior notice, in any instance where a violation notice had previously been sent, with the previous 12 months, relating to the same address.
- C. Each day that a violation under this ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

- D. If, at the expiration of any time limit in the notice issued pursuant to this Chapter, the owner has not complied with the requirements thereof, the Village may carry out the requirements of the notice. The cost of such abatement shall be charged against the property and the owner thereof. If the owner declines the pay the cost of abatement, the Village may place a lien on the property for the cost.
- E. If the Village of Shelby determines that a condition exists or is likely to exist which is an emergency or hazard, the Village of Shelby shall immediately attempt to verbally inform the owner, occupant or responsible agent of the property of the nature of the emergency or hazard and instruct such person to immediately correct the condition. Any such verbal order shall be effective immediately. Written notice shall be prepared and mailed to the owner, occupant or responsible agent of the property as soon as practicable after verbal notice has been attempted.

Section 5. Penalty.

Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction which shall be processed in accordance with MCLA 600.8701. The assessment and collection of fines and costs shall be in accordance with MCLA 600.8701 et seq.

- A. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- B. Any repeat offense shall be subject to increased fines as follows:
 - 1. First repeated offense shall be no less than \$150.00 plus costs.
 - 2. A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.
- C. In addition to ordering that the person found in violation of this Ordinance must pay civil fines and costs the District Court Judge or District Court Magistrate may issue any writ or order necessary to enforce the Ordinance including but not limited to the authority to order the person found in violation of this Ordinance to correct the blight condition giving rise to the civil infraction within 30 days or be subject to the contempt powers of the District Court as authorized and provided for by applicable Michigan Statutes.

Section 6. Severability.

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

EFFECTIVE DATE

This ordinance shall become effective in the Village of Shelby following the adoption by the Village Council and upon publication.

We hereby certify that the foregoing Ordinance was adopted on the Second Reading by the Village of Shelby Council on Monday, March 11, 2019.

Adopted: March 11, 2019
Published: March 21, 2019
Effective: March 31, 2019

CERTIFICATE

The undersigned, being the duly qualified Clerk of the Village of Shelby, Oceana County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Shelby, at a regular meeting of the Village Board on the 11th day of March, 2019, at which meeting a quorum was present and remained throughout, and that the meeting was conducted and public notice was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

Date: 3-12 _____, 2019


Crystal Budde, Village Clerk

Publish: Notice of Adoption to be published once within ten (10) days of final adoption.