

**VILLAGE OF SHELBY
REGULAR COUNCIL MEETING OF MONDAY, NOVEMBER 12, 2024 at 6:00 P.M.
COUNCIL PROCEEDINGS**



1. CALL TO ORDER:

The regular meeting of the Common Council of the Village of Shelby was called to order at 6:00 P.M. by President Paul Inglis.

2. ROLL CALL:

Answering the roll call: Mike Termer, Steve Crothers, Paul Inglis, Dan Zaverl, Damian Omness, John Sutton, and Curt Trott.

Staff present: Village Administrator Phil Morse, Village Clerk/Treasurer Crystal Budde, DPW Supervisor Jeremiah Helenhouse, and Police Chief Dean Roesler.

3. PLEDGE OF ALLEGIANCE: All stood for the pledge.

4. INVOCATION: Invocation was shared.

5. MINUTES:

a.) October 28, 2024

Steve Crothers moved to approve the minutes of the Regular Council meeting of October 28, 2024 as presented.

Seconded by: Mike Termer.

Voice Vote: All in favor.

Motion Carried.

6. ADDITIONS TO THE AGENDA: No Additions to Agenda.

7. PRESIDENT'S REPORT: Nothing to report.

8. ADMINISTRATOR'S REPORT:

VA Morse reported that the DPW staff did a great job of getting the picnic tables, benches, and trash bins out at Getty Park.

VA Morse did his own survey and recording of the condition of Village roads. He does plan to request a PASER study for a more technical road condition study. These studies will be used to plan the necessary road work for the next fiscal year.

The fence for the Sixth Street hill sidewalk is anticipated to be installed next week. Officer Krause connected with Consumers Energy to replace the power pole that had been leaning over the road.

VA Morse met with two chain saw carvers at his request. One gentleman is from Holton and the other

is from Scottville. The idea is to have a festival or two every year themed around chain saw carving. He is tentatively looking at the Fourth of July weekend in 2025 for the first festival.

Don DeVries has surveyed and started a design for a sidewalk from Shelby Acres to Sixth Street. A design will be brought to the Council for review once that is completed.

9. DEPARTMENT HEADS' REPORTS:

Chief Roesler had nothing to report.

DPW Supervisor Jeremiah Helenhouse reported that the tree trimming throughout the Village has begun. The Oceana County Road Commission will begin installing the School Zone signs this week.

10. CORRESPONDENCE: No Correspondence.

11. CITIZEN PARTICIPATION: No Citizen Participation.

12. OLD BUSINESS:

a.) United Methodist Church Building

Councilmembers Steve Crothers and John Sutton took a tour of the United Methodist Church building as a potential new location for the Shelby Village Hall and Shelby Township offices. Both Mr. Crothers and Mr. Sutton stated that there were some spaces that would need a great deal of updating and there was a great deal of space that they were not sure could be utilized or how it would be used. All the Village Council members will hold a Special Meeting on November 25, 2024 to tour the building.

b.) Getty Park Internet

At its October 14th meeting, the Village Council consensus was to allow VA Morse to post a survey for the Village residents regarding the internet feature at Getty Park. Approximately 60% of the participants believed that adding the internet feature would be beneficial.

Damian Omness moved to approve the Public Wi-Fi feature at Getty Park to include features that would not allow users to visit adult websites and that the Wi-Fi is accessible only during the hours that Getty Park is open.

Seconded by: Steve Crothers.

Roll Call Vote:

Ayes: Crothers, Omness, Sutton, Trott, and Inglis.

Nays: Termer and Zaverl.

Motion Carried 5-2.

13. NEW BUSINESS:

a.) Acquisition of Shelby Acres Pump Station Parcel & Pump Station

There is a booster station on the Shelby Acres site that is going to be installed to pump water up Oceana Drive to Baseline Road. Currently, the property is owned by the non-profit developer of Shelby Acres. A grant was received by Shelby Township via the State of Michigan to cover the cost of the installation of that pump station; however, a non-profit cannot be the recipient of the grant. The current holder of the parcel would like to offer it to the Village of Shelby at no cost. The Water and Sanitation Committee was presented with the proposal and voted to recommend to the Council the approval of the stated transaction.

Mike Termer moved to approve Resolution Number 72-24. (See attached)
Seconded by: Curt Trott.

Roll Call Vote:

Ayes: Termer, Trott, Crothers, Zaverl, Omness, Sutton, and Inglis.
Motion Carried 7-0.

b.) General Law Village Code Adoption

The Village Council approved the draft General Law Village Code Rewrite on September 9, 2024. General Code has provided the Code Adoption Ordinance that if approved will be included in Chapter 1, Article II of the Code.

Curt Trott moved to adopt Ordinance 02-24. (See Attached)
Seconded by: Mike Termer.

Roll Call Vote:

Ayes: Trott, Termer, Crothers, Zaverl, Omness, Sutton, and Inglis.
Motion Carried 7-0.

c.) Nuisance Ordinance Amendment

As VA Morse has become more familiar with the Village Ordinances and having day-to-day interactions with Village residents and conversations with staff, he noted items that would be beneficial to add to the Nuisance Ordinance. VA Morse proposed the following sections be added:

Section 296-7 - Littering – depositing waste materials on streets, and so forth; depositing snow or ice on sidewalks, and so forth.

Section 296-8 - Graffiti

Section 296-9 - Accessory Structures and Fences

Curt Trott moved to approve the Nuisance Ordinance Amendment Sections 296-7, 296-8, and 296-9 as presented. (see attached)
Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Trott, Omness, Termer, Crothers, Zaverl, Sutton, and Inglis.

Motion Carried 7-0.

d.) Sidewalk Ordinance Amendment

After reviewing the Sidewalk Ordinance, having conversations with staff, and reviewing previous versions of the Village Ordinances, VA Morse recommended that additional language be added to the Sidewalk Ordinance. The recommended amendment would be to add Section 430-22 – Sidewalk Maintenance.

Curt Trott moved to approve the Sidewalk Ordinance Amendment Section 430-22. (See attached)
Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Trott, Omness, Termer, Crothers, Zaverl, Sutton, and Inglis.

Motion Carried 7-0.

e.) Vendor Truck Ordinance

The Village does not currently have a Vendor Truck Ordinance. It was recommended by VA Morse that the Village adopt a Vendor Truck Ordinance for any future Vendor selling food in the Village.

Curt Trott moved to adopt the Vendor Truck Ordinance, Ordinance 03-24. (See attached)
Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Trott, Omness, Termer, Crothers, Zaverl, Sutton, and Inglis.

Motion Carried 7-0.

14. COMMITTEE REPORTS:

a. PLANNING COMMISSION: Ex-Officio: John Sutton, Paul Inglis:

The Planning Commission will be meeting on November 19, 2024 at 6:00 P.M. There are no action items on the Agenda, but a brief training video will be on the meeting agenda.

b. WATER & SANITATION: Chair: Mike Termer, John Sutton:

Nothing to report.

c. STREETS AND SIDEWALKS: Chair: Dan Zaverl, Curt Trott:

Nothing to report.

d. PARKS, REC. & BLDGS: Chair: Damian Omness, Steve Crothers:

Parks, Recreation, and Buildings Chair Damian Omness reported that the Getty Park Open House

went well, and the Shelby Optimist Club is appreciated for all the help with serving and purchasing cider and doughnuts. He greatly appreciated former Administrator Brady Selner for all his work in making the Getty Park renovation a reality.

e. FINANCE and INSURANCE: Chair: Steve Crothers, Mike Termer:

Nothing to report.

f. PERSONNEL: Chair: John Sutton, Damian Omness:

Nothing to report.

g. ORDINANCES – Chair Curt Trott, Dan Zaverl:

Ordinance Committee Chair Curt Trott thanked everyone for all their hard work on the Ordinance project.

15. PAYMENT OF BILLS: Steve Crothers moved to approve the payment of the bills of November 12, 2024 in the amount of \$15,783.09.

Seconded by: Damian Omness.

Roll Call Vote:

Ayes: Crothers, Omness, Termer, Zaverl, Sutton, Trott, and Inglis.

Motion Carried 7-0.

President Inglis stated that it was never his intention to seek any public office after his retirement from Oceana County as its first County Administrator. After a great deal of thought and the desire to see the community that he was born and raised in grow and develop, he became determined to do whatever he could to establish and complete a vision for the Village of Shelby. Some of the most important needs, from his perspective were the complete makeover of Getty Park, redevelopment of the downtown business district; upgrades to the Village's infrastructure; additional safe and affordable housing; more effective blight control in the neighborhoods; and, improved employee morale. Mr. Inglis was elected to the position of Shelby Village President in November 2014. Much progress has been made in all of those areas of need. It has not been achieved by just one member of the Council or by one staff member; rather, it has been a genuine collective effort by the Village Council, past and present, Village Administrators, Department Heads, Administrative staff and DPW and Police Department personnel. He stated he will forever be grateful for the opportunity to serve the people of the Village of Shelby who truly deserve to live, work and play in a safe and friendly small-town environment. Mr. Inglis urged each Council member, VA Morse, each Department Head, and every Village employee to continue to follow his personal motto in work and in life: "If you are unable to demonstrate reliability, responsibility, and accountability, then you become a liability." Always stay committed to and focused on what your obligations to the residents of the Village of Shelby are.

16. ADJOURNMENT: There being no further business President Inglis adjourned the meeting at 7:30 P.M.

Council minutes are not official until approved at the November 25, 2024 Council meeting.

Approved

Crystal Budde November 25, 2024
Minutes Respectfully Submitted by Crystal Budde, Village Clerk/Treasurer Date



November 12, 2024

RESOLUTION

No. 72-24

A Resolution of the Shelby Village Council Accepting the Pumphouse and Land from PF Land Holdings, LLC at no cost, and Authorizing Village Administrator Phil Morse to Sign on Behalf of the Village

WHEREAS, the Shelby Village Council has determined that it is in the best interest of the Village to accept the to-be-constructed pumphouse and land located at Legal Description - "Part of the West ½ of section 9, Town 14 North, Range 17 West, Shelby Township, Oceana County, MI, Parcel 7", at no cost to the Village; and

WHEREAS, the acceptance of this property will benefit the Village by providing essential infrastructure for the water supply system east of Oceana Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Shelby, as follows:

1. The Council hereby accepts the to-be-constructed pumphouse and land located at Legal Description - "Part of the West ½ of section 9, Town 14 North, Range 17 West, Shelby Township, Oceana County, MI, Parcel 7", at no cost to the Village.
2. Village Administrator Phil Morse is hereby authorized to sign all necessary documents on behalf of the Village to complete the real estate transaction and closing for the creation of a new deed for the property.

PASSED AND ADOPTED by the Council of the Shelby on this 12th day of November, 2024.

Moved: Mike Termer

Seconded: Curt Trott

Yes: Termer, Trott, Crochows, Zaverl, Omnell, Section & Ingis

No: 0

ABSENT: 0

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE VILLAGE OF SHELBY, MICHIGAN
November 2024

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624

800 836-8834
www.generalcode.com

**VILLAGE OF SHELBY
OCEANA COUNTY, MICHIGAN**

ORDINANCE NO. 02-24

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE VILLAGE OF SHELBY, COUNTY OF OCEANA, STATE OF MICHIGAN; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

The Village of Shelby ordains as follows:

§ 1-3. Adoption of Code.

In accordance with MCLA § 78.24a, the ordinances of the Village of Shelby of a general and permanent nature adopted by the Village Council of the Village of Shelby, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 560, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Village of Shelby," hereinafter known and referred to as the "Code."

§ 1-4. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-5. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Village of Shelby by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-6. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Shelby" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as

provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-7. Publication; filing.

The Clerk of the Village of Shelby, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance in a newspaper of general circulation in the Village. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-8. Adoption; when effective.

This ordinance shall be published in the manner as required by law. Except as otherwise provided by law, this ordinance shall be effective on the day after final publication.

§ 1-9. Code book to be kept up-to-date.

It shall be the duty of the Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the Code required to be filed in his or her office for the use of the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

§ 1-10. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Village Council of the Village of Shelby. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-11. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Shelby to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$500 or imprisonment for not more than 90 days, or both, in the discretion of the Judge imposing the same.

§ 1-12. Severability of Code provisions.

This Code and the various parts, sections, subsections, paragraphs, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this Code shall not be affected thereby and shall remain in effect and valid.

§ 1-13. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-14. Repeal of inconsistent legislation.

- A. Except as provided in § 1-15, Ordinances saved from repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Shelby which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific provisions. The Village Council of the Village of Shelby has determined that the following ordinances and/or provisions of the 2020 Codified Ordinances are no longer in effect and hereby specifically repeals the following legislation:
 - (1) Ordinance No. 20190311-1, Blight, adopted March 11, 2019.
 - (2) Former Sections 202.01, 202.02, 202.04, 202.05 and 202.06 of the 2000 Codified Ordinances.
 - (3) Former Chapter 242, Clerk, of the 2000 Codified Ordinances.
 - (4) Former Chapter 246, Treasurer, of the 2000 Codified Ordinances.
 - (5) Former Chapter 420, Street Obstructions and Special Uses, of the 2000 Codified Ordinances.
 - (6) Former Chapter 430, Vehicle Equipment, of the 2000 Codified Ordinances.
 - (7) Former Chapter 640, Inoperable Motor Vehicles, of the 2000 Codified Ordinances.
 - (8) Former Sections 670.01 through 670.09, 670.99, Safety Sanitation and Health, of the 2000 Codified Ordinances.
 - (9) Former Chapter 810, Cable Television, of the 2000 Codified Ordinances.

- (10) Former Chapter 850, Peddlers and Solicitors, of the 2000 Codified Ordinances.
- (11) Former Section 852.01, Permanent Public Shows, Theaters and Exhibitions, of the 2000 Codified Ordinances.
- (12) Former Section 852.02, Transient Public Shows, Circuses, Menageries and Other Traveling Exhibitions, of the 2000 Codified Ordinances.
- (13) Former Chapter 860, Transient Traders and Dealers, of the 2000 Codified Ordinances.
- (14) Former Chapter 1020, Sidewalks and Curbs, of the 2000 Codified Ordinances.
- (15) Former Chapter 1440, Trailer Coaches, of the 2000 Codified Ordinances.

§ 1-15. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-14 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal. The ordinances or portions of ordinances designated below continue in full force and effect to the same extent as if published at length in this Code.

- A. Any ordinance adopted subsequent to February 26, 2024
- B. Any ordinance or portion of any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- C. Any ordinance or portion of any ordinance authorizing or approving any contract, deed, or agreement.
- D. Any ordinance or portion of any ordinance granting any right or franchise.
- E. Any ordinance or portion of any ordinance making or approving any appropriation or budget.
- F. Any ordinance or portion of any ordinance providing for salaries or other employee benefits or personnel policies not codified in this Code.
- G. Any ordinance or portion of any ordinance levying, imposing, or otherwise relating to taxes not codified in this Code.
- H. Any ordinance or portion of any ordinance adopting or amending the Village Master Plan.
- I. Any ordinance or portion of any ordinance dedicating, accepting, or vacating any plat or subdivision.

- J. Any ordinance or portion of any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing, or vacating any street, sidewalk, or alley.
- K. Any ordinance or portion of any ordinance establishing the grade of any street or sidewalk.
- L. Any ordinance or portion of any ordinance levying or imposing any special assessment.
- M. Any ordinance rezoning property.
- N. Any ordinance regarding special districts.
- O. Any ordinance or portion of any ordinance that is temporary although general in effect.
- P. Any ordinance or portion of any ordinance that is special although permanent in effect.
- Q. Any ordinance or portion of any ordinance the purpose of which has been accomplished.
- R. Any Village ordinance (or portions thereof) adopted by reference and not fully incorporated or restated within this Code.

§ 1-16. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as ordinances previously adopted by the Village relating to the same subject matter, shall be construed as restatements and continuations thereof and not as entirely new enactments.

§ 1-17. Effect on prior offenses or rights.

- A. Nothing in this Code (or the ordinance adopting this Code) affects any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established before the effective date of this Code.
- B. The adoption of this Code does not authorize any use or the continuation of any use of a structure, building, or premises in violation of any Village ordinance on the effective date of this Code.

§ 1-18. Changes in previously adopted ordinances.

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the Village Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Global revisions; nomenclature changes.

(1) Throughout the Code, references to MSA are deleted.

- (2) “Michigan Department of Environmental Quality (DEQ)” is changed to “Michigan Department of Environment, Great Lakes, and Energy (EGLE).”
- (3) Village “Clerk” and “Treasurer” are changed to “Clerk/Treasurer.”
- (4) Village “Manager” is changed to “Administrator.”

C. The changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-19. References to Michigan Compiled Laws.

- A. Throughout the Code, a reference to “Michigan Compiled Laws” shall include all sections of law, as last amended, which are assigned a compilation number by the legislative service bureau and are not subsequently repealed.
- B. Unless otherwise specifically provided, a reference to all or part of a statute, regardless of whether the words “as amended” are used in the reference, shall include the latest amendments to the statute or part.

Adopted this 12 day of November, 2024, by the Village Council, Village of Shelby, Michigan.

On roll call, the vote was:

Yeas: Trott, Termer, Crothers, Zaverl, Omness, Sutton and Ingl's.

Nays: 0

7-0 motion carried
By: Crystal Buddle

Certification

I, Crystal Buddle, Clerk of the Village of Shelby, Michigan, do hereby certify that the foregoing is a true copy of the ordinance adopted by the Village of Shelby Village Council at a regular meeting held on November 12, 2024, at

Regular Council Meeting and that it was published in Oceana Echo on 11-22, 2024.

Crista Budak, Clerk

Village of Shelby
Oceana County, Michigan
Ordinance Amendment No. 01-24

ORDINANCE

THE VILLAGE OF SHELBY HEREBY ORDAINS:

Chapter 296 (Noise and Nuisances) of the Code of Ordinances of the Village of Shelby, Michigan, is amended and adopted to read as follows:

Sec. 296-7 Littering—depositing waste materials on streets, etc.; depositing snow or ice on sidewalks, etc.

- (a) Depositing, etc., on street, etc. No person shall place, deposit, throw, scatter or leave in any street, highway, lane, alley, public place or square, or on the private property of another, any grass clippings, bush trimmings, leaves, refuse, waste or other such materials; provided, however, that such materials may be deposited on Village streets only in such area as it is directly adjacent to the property from which the materials are removed and only as directed by the Village during designated Village-wide clean-up periods.
- (b) Transporting or dumping so as to litter stream, etc. No person shall transport or dump any refuse or other waste materials in such a manner as to cause the littering of any stream or public place, or the private property of another, or to cause the obstruction of any ditch, drain, culvert or gutter.
- (c) Depositing snow or ice on sidewalk, etc. No person, in removing snow or ice from private property, shall deposit the same on any sidewalk or on the roadway portion of any street, nor in any area between the sidewalk and the curblin except such area as is adjacent to the property from which the snow is removed and then only in such quantity as will not create a traffic hazard.

Sec. 296-8 Graffiti

Graffiti results in visual pollution and is hereby declared a public nuisance. Graffiti must be abated as quickly as possible to avoid detrimental impacts on the Village, its residents, visitors and to prevent the further spread of graffiti.

- (a) Purpose and intent. The purpose of this section is to protect the health, safety and welfare of the citizens of Shelby by preventing blight, protecting property values, and remedying the nuisance.
- (b) Definitions. As used in this section, the following terms shall have the meanings indicated:

- a. GRAFFITI — Any mark or marks on any surface, including, but not limited to, writing, inscribing, drawing, tagging, sketching, spray-painting, painting, etching, scratching, carving, engraving, scraping, or attaching, placed on any building, accessory building, fence or other structure, or surface by a person other than the owner or someone authorized by the owner.
- (c) Removal of graffiti. No person who owns or otherwise leases or manages property shall permit or allow any graffiti to be or remain on any surface or structure on the property for a period longer than five days. The enforcing officer for this section shall be the Chief of Police or his or her authorized representative.
- (d) Notice to abate — generally.
- a. Notice to abate. The enforcing officer, upon failure of the owner and other parties responsible for the property to comply with Subsection (3), shall notify the owner and other parties responsible for the property to abate such nuisance within five days.
 - b. Notice to abate as required by this section shall be given by the enforcing officer or authorized representative, in writing, clearly notifying the owner and other parties responsible for the property of the violation.
- (e) Emergency abatement by Village; charging cost. An enforcing officer may abate a public nuisance under Subsection (e) of this section, without giving notice, if the public health, safety, or welfare requires immediate abatement, including but not limited to threats against a specific person or group of people, incendiary language, profanity or sexually explicit language. The cost of abating the nuisance condition(s) may be charged against the premises and the owner in accordance with the following provision: the cost shall be the standard hourly rate for labor and machinery used by the Village of Shelby or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by the master fee resolution adopted by the Village Council from time to time.
- (f) Right of entry of enforcing officer, etc. An enforcing officer or his or her authorized representative is hereby empowered to enter upon any premises in the Village for the purpose of determining compliance with Subsection (e) of this section.
- (g) Appeal of assessment.
- a. A property owner assessed for abatement costs may appeal the assessment to the Village Administrator. On appeal, the Village Administrator shall determine whether:
 - 1. The property was in violation of Subsection (e) of this section;
 - 2. Whether the Village provided notice as required by Subsection (d) before the Village abated the condition (except for emergency abatements); and
 - 3. Whether the costs assessed against the property owner were properly calculated.

- b. An appeal shall be filed within 21 days after the Village mails notice to the property owner that the costs will be assessed against the property owner.

Sec. 296-9. Accessory structures and fences.

- (a) Nuisance structure or fence. Any accessory structure or fence where the condition of the accessory structure or fence poses a threat to the health, safety or general welfare of the public is declared to be a nuisance.
- (b) Notice to abate. The enforcing officer, upon determining that an accessory structure or fence is a nuisance as defined under Subsection (a), shall notify the owner, occupant or agent to abate such nuisance within seven days. The owner, occupant or agent shall abate the nuisance as directed by the notice.
- (c) Abatement by Village; charging cost. If the owner or occupant fails to abate a nuisance as defined under Subsection (a) within seven days after notice has been given, the enforcing officer may abate the nuisance without giving further notice. The enforcing officer may abate the nuisance by arranging for Village employees or private contractors to remove the accessory structure or fence by appropriate means. The cost of abating the nuisance condition(s) may be charged against the premises and the owner in accordance with the following provision: the cost shall be the standard hourly rate for labor and machinery used by the Village of Shelby or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by the master fee resolution adopted by the Village Council from time to time.
- (d) Emergency abatement by Village; charging cost. The enforcing officer may abate any such nuisance as defined under Subsection (a) without giving notice, if the public health or safety requires immediate attention. The cost of abating the nuisance condition(s) may be charged against the premises and the owner in accordance with the following provision: the cost shall be the standard hourly rate for labor and machinery used by the Village of Shelby or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by the master fee resolution adopted by the Village Council from time to time.
- (e) Right of entry of enforcing officer, etc. The enforcing officer or his or her authorized representative is hereby empowered to enter upon any premises in the Village for the purpose of determining compliance with Subsection (b).
- (f) Appeal of assessment.
 - a. A property owner assessed for abatement costs may appeal the assessment to the Village Administrator. On appeal, the Village Administrator shall determine whether:
 - 1. The property was in violation of Subsection (a);
 - 2. The property owner and occupant were mailed notices of the violation at least seven days before the Village abated the condition [except for emergency abatements under Subsection (d)]; and
 - 3. The costs assessed against the property owner were properly calculated.

(2) An appeal shall be filed within 21 days after the Village mails notice to the property owner that the costs will be assessed against the property owner and the premises.

This ordinance adopted:

Ayes: Trotter, Omness, Termer, Crothers, Zaveri, Sutton & Inglis
Nays: 0

Adoption Date: 11-12-2024
Effective Date: 12-2-2024

VILLAGE OF SHELBY

By Crystal Budde
Crystal Budde, Village Clerk

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 Council of the Village of Shelby, at a regular meeting of the Village Council on 12th day of November, 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the Village of Shelby. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Section 66.4(1) of Michigan Public Act 3 of 1895 ("General Law Village Act"), as amended, and that minutes were kept and will be or have been made available as required thereby. A true and complete copy of the Ordinance can be inspected or obtained from the office of the Village Clerk at 218 North Michigan Avenue, Shelby, Michigan 49455

DATED: 11-12, 2024



Crystal Budde
Clerk, Village of Shelby

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

Village of Shelby
Oceana County, Michigan
Ordinance Amendment No. 02-24

ORDINANCE

THE VILLAGE OF SHELBY HEREBY ORDAINS:

Section 22 (Sidewalk Maintenance), Chapter 430 (Streets and Sidewalks) of the Code of Ordinances of the Village of Shelby, Michigan, is amended and adopted to read as follows:

Section 430 – Sidewalk Maintenance

- (a) The cost of replacement or repair of a sidewalk is the responsibility of the Village with exceptions stated in section (b).
- (b) Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to:
 - a. Trees or other growth
 - b. Surface drainage
 - c. On site construction and vehicular traffic
 - d. Other on-site activities

The abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Village for any damages, costs or expenses resulting from such owner defaults as well as liability to others.

- (c) Obstructions: No person shall place or cause to be placed any snow, dirt, trash, goods, wares, or merchandise on the public sidewalks, or in any way to obstruct free passageway along and over the sidewalks of the Village without first obtaining the approval of the Council.
- (d) Cleanliness: Property owners and/or occupants shall keep the sidewalks abutting their premises clear and clean, and shall remove all papers, leaves, trash, personal property, grass and weed overgrowth, and all protruding branches or overhanging shrubbery, thereby providing a passage at least seven feet high and six inches outside of the sidewalk boundaries.
- (e) Snow and Ice Removal: The occupant of every lot or premises adjoining any street, or the owner of such lot or premises if the same are not occupied, shall clear all snow and ice from the sidewalks adjoining such lot or premises within the time required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within thirty-six hours after such cessation. When a fall of snow or ice shall

have ceased during the nighttime hours, it shall be cleared from the sidewalks by 6:00pm of the following day.

- a. In the case of the business district,
- (f) Notice to abate. The enforcing officer, upon determining that a sidewalk is in non-compliance with the terms of this Chapter, shall notify the owner, occupant or agent to abate such non-compliance. The owner, occupant or agent shall abate the nuisance as directed by the notice.
- (g) Abatement by Village; charging cost. If the owner or occupant fails to comply with the terms of this Chapter within 48 hours after notice has been given, the enforcing officer may abate the non-compliance without giving further notice. The enforcing officer may abate the non-compliance by arranging for Village employees or private contractors to remove the snow and ice by appropriate means. The cost of abatement may be charged against the premises and the owner in accordance with the following provision: the cost shall be the standard hourly rate for labor and machinery used by the Village of Shelby or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by the master fee resolution adopted by the Village Council from time to time.
- (h) Emergency abatement by Village; charging cost. The enforcing officer may abate the non-compliance by arranging for Village employees or private contractors to remove the accessory structure or fence by appropriate means. The cost of abatement may be charged against the premises and the owner in accordance with the following provision: the cost shall be the standard hourly rate for labor and machinery used by the Village of Shelby or the reasonable cost incurred by a private contractor, whichever is appropriate, plus an administrative fee as provided by the master fee resolution adopted by the Village Council from time to time.

This ordinance adopted:

Ayes: Trotter, Omness, Termer, Crothers, Zaveri, Sutton & Inglis
Nays: 0

Adoption Date: 11-12-2024
Effective Date: 12-2-2024

VILLAGE OF SHELBY

By Crystal Budde
Crystal Budde, Village Clerk

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 Council of the Village of Shelby, at a regular meeting of the Village Council on 12th day of November, 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the Village of Shelby. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Section 66.4(1) of Michigan Public Act 3 of 1895 ("General Law Village Act"), as amended, and that minutes were kept and will be or have been made available as required thereby. A true and complete copy of the Ordinance can be inspected or obtained from the office of the Village Clerk at 218 North Michigan Avenue, Shelby, Michigan 49455.

DATED: November 12, 2024



Crystal Budde
Clerk, Village of Shelby

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

Village of Shelby
Oceana County, Michigan
Ordinance Amendment No. 03-24

ORDINANCE

THE VILLAGE OF SHELBY HEREBY ORDAINS:

Article III (Vendor Trucks), Chapter 325 (Peddlers and Solicitors) of the Code of Ordinances of the Village of Shelby, Michigan, is adopted to read as follows:

**TITLE – Vendor Trucks
Chapter 325**

Section 325-20 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) PERSON — Includes any person, firm, association, corporation, limited-liability company, partnership or two or more persons having a joint or common interest.
- (b) VENDOR TRUCK — A truck, camper, trailer, tent, stand or similar mobile structure used to sell food, merchandise, goods, wares or services from a fixed location.

Section 325-21 License — required, exceptions.

- (a) A person shall not engage in business as a vendor truck without having first obtained a vendor truck license from the Village Clerk. A vendor truck license shall be obtained under the provisions of this article. A person, being a vendor truck operator, shall not peddle or engage in business in any manner in which a license is required in this chapter, unless the person is also licensed in accordance with the requirements of that article.
- (b) The provisions of this section shall not apply to a person who has a regularly established place of business within the Village of Shelby and who is on the Village tax rolls.

Section 325-22 Application.

Applications for a vendor truck license under the provisions of this article shall include the following information and other information that the Village Clerk may require:

- (a) The full name and mailing address of the applicant at the time of the filing of the application.
- (b) The full name and mailing address of the business or organization, if any, that will be engaged in the vendor truck business.
- (c) If the business of the applicant shall require the use of weighing or measuring devices, then the application shall be accompanied by a certificate from the sealer of weights and measures stating that such devices have been examined and approved.

- (d) The anticipated locations and dates where the vendor truck will be set up and operating for the licensing year.
- (e) If the vendor truck will be selling food, a copy of the current and valid annual food service license issued by the local, County or State Health Department shall be submitted with the application.
- (f) A description of the operation including:
 - 1. Operating hours;
 - 2. Merchandise, food, wares or services being sold;
 - 3. Electricity or power requirements and how it will be supplied;
 - 4. Water and sewer requirements and how they will be provided;
 - 5. Garbage requirements and how it will be provided;
 - 6. Bathroom facilities and how they will be provided.

Section 325-23 Fee.

For each vendor truck license issued under the provisions of this article, the licensee shall pay the fee established by a resolution adopted by Village Council. A licensee who sells goods, wares, merchandise or services for a religious organization, educational institution, other nonprofit or licensee who only operates under a contract with the Village of Shelby may be exempt from payment of an annual vendor truck license. A licensee who only gives away (no sales) prepackaged food may be exempt from payment of an annual vendor truck license.

Section 325-24 Conditions of doing business.

No licensee under the provisions of this article shall do or perform any of the following things or acts:

- (a) Posting license. Fail to post the license issued under the terms of this article in a conspicuous location at the place where his or her business is conducted, where it shall remain in plain sight during the entire time during which such business is carried on.
- (b) Zoning. Conduct his or her business in any zone district besides commercial and industrial zoning districts.
- (c) Building entrance or exit. Place or operate his or her business in the entrance or exit areas of any building or parking area so as to hinder ingress or egress to the building or property.
- (d) Compliance with Code, etc. Violate any provision of this Code or any state or federal law relating to the business in which he or she is engaged, or any regulation which is promulgated and operative under any such law.
- (e) Nuisance. Create a nuisance or violate any of the Village of Shelby ordinances.

Section 325-25 Enforcing Officer.

The Village Administrator or any Village employee or officer designated by him or her shall be the enforcing officer of this article. Exceptions The standards above shall not apply to food trucks that do business, under a Special Event Permit approved by the Village Council, for travelling on public rights-of-way from neighborhood to neighborhood, such as ice cream trucks. Such vendor trucks shall not be regulated by this Ordinance.

Section 325-26 Violations and penalties.

A person who violates a provision of this article is guilty of a Class II municipal civil infraction.

This ordinance adopted:

Ayes: Trott, Omness, Fermer, Crothers, Zaveri, Sutton & Inglis.
Nays: 0

Adoption Date: 11-12-2024
Effective Date: 12-02-2024

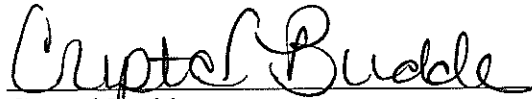
VILLAGE OF SHELBY

By Crystal Budde
Crystal Budde, Village Clerk

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 Council of the Village of Shelby, at a regular meeting of the Village Council on the 12th day of November, 2024, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the Village of Shelby. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Section 66.4(1) of Michigan Public Act 3 of 1895 ("General Law Village Act"), as amended, and that minutes were kept and will be or have been made available as required thereby. A true and complete copy of the Ordinance can be inspected or obtained from the office of the Village Clerk at 218 North Michigan Avenue, Shelby, Michigan 49455

DATED: November 12, 2024



Crystal Budde
Clerk, Village of Shelby

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