

Ordinance No. 2024-70 Replacement 2017-07

Selma Township Blight Prevention Ordinance

An ordinance to prevent, reduce or eliminate blight or potential blight, so secure the public health, safety and general welfare, to maintain property values and to maintain and improve aesthetic appearance of the community by prohibiting or eliminating blight or potential blight within the Township of Selma, Wexford County, Michigan, and for the establishment for enforcement procedures and penalties for violation of this Ordinance.

Selma Township ORDAINS:

Section 1. This Ordinance shall replace Selma Township Ordinance No. 2017-07, and be cited as the Selma Township Blight Prevention Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to establish Township control to reduce or eliminate blight or potential blight, unregulated junk, and dangerous buildings and structures within the Township to the extent permissible by Michigan law.

Section 3. Definitions.

"Blight" a stage of depreciation that occurs over time through neglect or damaging actions, when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to health, safety or public welfare.

"Junk" is any of the following:

(a) Old scrap ferris or non-ferris material, rubber, cloth, paper, rubbish, refuse, litter, and batteries;

(b) Materials from demolition, and waste building materials;

(c) Abandoned, scrap, dismantled or wrecked vehicles (including parts or several items held for salvaging parts), automobiles, boats, trailers, mobile or modular homes, appliances, and all other machines, excluding farm equipment.

(d) Motor vehicles which are not licensed as required by the State of Michigan, or any wrecked, discarded or dismantled vehicle which is not capable of performing the functions for which it was manufactured. Junk motor vehicles do not include those that are in operating condition (i.e., possess an operating motor, wheels/tires, and battery) and eligible for use in accordance with the Michigan Motor Vehicle Code, P.A. 300 of 1949, as amended.

"Person" is an individual, firm, corporate, association, partnership, limited liability company, or trust.

"Private premises" is any lot or parcel of land owned or occupied by any person whether or not improved with any house, dwelling, building or other structure, whether inhabited, temporarily or continuously uninhabited, or vacant.

"Dangerous structure" is any building or structure, residential or otherwise, that is damaged in violation of the minimum requirements of the Michigan Housing Law, P.A. 167 of 1917, as amended; vacant, dilapidated or deteriorated to represent a nuisance; unsanitary, unsafe or unfit form human habitation as determined by District Health Department #10; and/or deemed to potentially harm public health, safety or general welfare.

Section 4. Regulations.

No person shall maintain or permit to be maintained any of the following causes of blight or blight conditions upon any property in Selma Township owned, leased, rented, or occupied by such person.

1. The storage or accumulation on a private premises of any junk unless the following apply:

(a) The junk is wholly contained within an enclosed building.

(b) No more than one (1) modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for purpose other than for which it was manufactured, provided no building or garage is located on the premises in which said vehicle could be stored or parked.

(c) Junk vehicles within a commercial salvage yard surrounded by a solid eight (8) foot high fence and effectively screened to prevent outside view of all storage materials.

(d) Junk vehicles storage on the premises of a commercial repair establishment for not more than thirty (30) days.

2. The storage upon any property of building materials unless there is in force a valid building permit issued for construction upon said property and said building material are intended for use in connection with said construction.

3. The outdoor storage of household waste, rubbish, or trash, except for such reasonable periods of time awaiting regular, systematic removal and disposal in accordance with law.

4. Any building or structure, or part of which, damaged by fire, wind or other natural cause, or physical deterioration rendering it uninhabitable or no longer useful for its intended purpose.

5. A vacant building or structure, unless adequately secured from outside entrance by the public.

6. Any incomplete structure or building, unless in the course of construction in accordance with a valid building permit.

Section 5. Nuisance, Abatement and Costs.

The existence, allowance, or maintenance of blight or blight conditions in violation of this Ordinance are a nuisance *per se*, and which may be enjoined, abated or removed pursuant to law and/or for which the violator may be subject to civil damages. Further, the Township shall be entitled to receive reasonable legal and other costs incurred as the result of Ordinance enforcement to abate any blight or blight condition. Such costs shall be assessed against the property as a lien, and/or as adjudicated by a court of competent jurisdiction.

Section 6. Enforcement and Penalties.

This Ordinance shall be enforced by the Township Ordinance Enforcement Officer, acting under the authority of the Selma Township Board of Trustees, or any other official as designated by the Township Board.

The owner(s) and occupant(s) of any property upon which any of the causes of blight or blight conditions set forth above is found to exist shall be notified in writing to remove or eliminate such blight or blight conditions from such property within thirty (30) days after service of notice upon such owner(s) or occupant(s). Such notice shall be delivered by certified mail, and posted on the land or attached to a building or structure on the premises. An additional notice shall be sent by first class mail to the owner(s)' or operator(s)' last know address(es). Additional reasonable time may be granted by the Ordinance Enforcement Officer were bonafide efforts to remove or eliminate the blight or blight conditions are in progress.

If the owner(s) or occupant(s) fail to comply with the notice to eliminate the blight or blight conditions within the timeframe set forth above, the Ordinance Enforcement Officer may thereafter authorize issuance of a citation in violation of this Ordinance.

A violation of the Ordinance is a municipal infraction for which the fine shall be \$250 for the first offense; \$500 for a second offense (to be assessed after 6 months of the first violation notice); and \$1,000 (to be assessed after 6 months of the second violation notice); and like amount for all subsequent offenses, regardless of the interval between them, in addition to all other costs, damages, expenses and other reasonable

fees and remedies provided for or allowed by law. Each day a violation occurs shall be considered a separate violation of this Ordinance.

Section 7. Repeal.

All ordinances or parts of ordinances in conflict herewith, including Selma Township Ordinance No. 2017-07, are hereby repealed.

Section 8. Savings Clause.

Provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason by a court of competent jurisdiction, the remaining portions of said Ordinance shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect upon publication in accordance with law.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is true and complete copy of an Ordinance adopted by the Selma Township Board of Trustees, Wexford County, Michigan, at a regular meeting held on Oct 8th 2024, and that public notice of said meeting was given pursuant to the Open Meetings Act, being P.A. 267 of 1976, as amended.

I further certify that said Ordinance has been recorded and authenticated by the Township Supervisor and Clerk.

Dated: October 8th, 2024

Carle Perrin
Township Clerk