

ORDINANCE XX-XX
AMENDMENT OF ZONING ORDINANCE
OF THE TOWN OF SELMA, NORTH CAROLINA
REGARDING VACANT PROPERTIES LOCATED IN THE SELMA
COMMERCIAL AND NON-RESIDENTIAL DISTRICTS

WHEREAS, the Town of Selma has a particular Zoning Ordinance which provides for the regulation of construction and design guidelines, and a large percentage of buildings in the Commercial Districts require maintenance and repairs; and

WHEREAS, due to this need, the Planning Director has submitted a proposed text amendment to the ordinance to require a minimum standard for general maintenance of the buildings within the Commercial Districts; and

WHEREAS, the intent of the proposed amendment is to establish a standard that promotes continued growth and investment in properties located within the Commercial Districts; and

WHEREAS, the Town of Selma Planning and Zoning Board has made a recommendation to the Town Council on the amendment; and

WHEREAS, the Town Council has conducted a Public Hearing at the regular session on the 7th day of December, 2023, at which time the floor was open to all interested citizens, residents, property owners, and agencies to be heard on the proposed amendment.

NOW THEREFORE, BE IT ORDAINED and established by the Town Council of Selma, North Carolina, assembled in regular session this the 7th day of December, 2023, as follows:

Pursuant to the authority granted by N.C.G.S. § 160D-703, the Official Zoning Ordinance of the Town of Selma, North Carolina shall be amended to add the following language to the Zoning Ordinance.

Article V. – Standards and Supplementary Use Regulations, Part 4. - Long-Term Maintenance Requirements, to add the following:

Sec. 17-594. - Vacant Properties.

A. Purpose. The Town finds that the presence of properties exhibiting evidence of vacancy poses special risks to the health, safety, and welfare of the community, and therefore requires heightened regulatory attention. The provisions of this ordinance shall apply to all non-residential and commercial properties within the Commercial Districts. It is the purpose and intent of the Town of Selma Council, through the adoption of this Ordinance, to establish a Vacant Building Registration for all vacant commercial and non-residential properties in the Commercial Districts. Commercial Districts are described in Sec. 17-307 and include Institutional and Office (IN), Neighborhood Business (NB), Central Business (CB), General Business (GB), and Interstate Business (IB).

1. The purpose of this registration ordinance is to ensure that Owners of vacant properties:
 - a. Are identified to the Town and other interested parties;
 - b. Establish a point of contact with the Town;

- c. Are aware of the obligations of ownership under relevant codes and regulations; and
 - d. Meet minimum standards of maintenance of vacant properties.
2. The intent of this ordinance is to preserve the integrity of the districts from becoming blighted through a lack of adequate maintenance and security of abandoned and vacant properties, and to prevent the appearance of vacancy or neglect of unoccupied properties.
 3. The Town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties.
 4. The Town intends to reduce the risk of damage from fire, flooding, or other hazards, and to promote the comfort, happiness, and emotional stability of area residents.
 5. The fee structure established in this ordinance is assessed for the purpose of covering costs incurred by the Town from the regulation of vacant properties, intended to motivate owners to restore and subsequently occupy the properties.

B. Duties and Responsibilities of the Owner. It is the sole duty and responsibility of the property owners of commercial and/or non-residential premises located within the Commercial Districts to ensure that the properties are maintained to minimize the appearance of vacancy and to prevent the appearance of blight or neglect in accordance with the following sections.

C. Registration Required. Property owners of commercial and/or non-residential premises located within the Commercial Districts shall be required to register the vacant premises with the Town. The purpose of registration is to identify and document the location of vacant structures to monitor blight, prevent the abandonment and deterioration of structures leading to unsafe conditions, to improve the quality of life for residents, and to promote the economic vitality of the Town. The following requirements for owners of commercial and non-residential properties are as follows:

1. Any vacant commercial or non-residential property that is expected to be vacant in excess of ninety days must be registered by the owner with the Town of Selma Planning Department. The owner shall register the property with the Town within the 90-day vacancy period unless the owner can provide clear and convincing evidence that the property is not vacant.
2. For properties that exhibit evidence of vacancy, if registration is not made within ninety days, the Town Planning Director shall send a notice of registration to the owner of record. Registration compliance shall occur within fifteen days of the notice date. Property owners failing to complete the registration shall be subject to violations and penalties as described herein.

D. General Maintenance of Vacant Properties. All commercial and non-residential properties shall comply with the Town of Selma Ordinance Sec. 17-590. – Long Term Maintenance requirements, additionally:

1. The windows and doors of the building shall be intact, operable, and shall be maintained in a way that does not provide evidence of vacancy, which prohibits the use of coverings of plastic, paper, plywood, or other obscuring material.
2. The storefronts and facades of buildings shall be maintained in a way that does not provide evidence of vacancy.
3. All awnings and signs shall be maintained. Signage that appears worn, tattered, or has missing areas shall be in violation.
4. Interiors visible by the storefront windows, shall be maintained in a way that does not exhibit evidence of vacancy, including trash, debris, stored materials, or goods.

5. Broken windows shall be replaced or re-glazed. Windows shall not be boarded up, except as a temporary security measure, which must be approved in writing by the Town's Planning Director.
6. Vacant properties shall have lighting at entrances and exits from dusk to dawn.

E. Requirements for Property Management for Out-of-Town Owners.

1. If the property owner's principal address is not local, then a local property management company, business, or resident shall be designated as the point of contact to fulfill the maintenance and security requirements as described herein, together with all other applicable laws.
2. The requirements set forth may be waived for owners who (1) reliably demonstrate an ability to maintain the property; and (2) have not received any citations for maintenance violations in the previous calendar year. The property owner shall request a waiver at the time of registering the vacant property. Waivers will be considered on a case-by-case basis.

F. Exemptions. The following buildings shall be eligible for an exemption status from the registration fee:

1. Buildings with damage resulting from fire or natural disaster. The owner shall have one hundred twenty days to repair or demolish the building. If the repair or demolition cannot be completed within one hundred twenty days, the property owner shall register the property as a vacant building with the Town pursuant to the requirements described herein.
2. The property is for sale or lease and said listing shall not exceed 2 years. The owner shall provide proof that the building is actively and continuously being marketed through a licensed real estate broker and provide proof of advertising in the area. The listing price for lease or purchase shall not exceed 25% over the assessed value or market rate, said rate shall be verified by an appraisal provided by a licensed appraiser using accepted appraisal standards.
3. The property is under an active renovation process. Renovations shall not exceed 120 days unless otherwise agreed upon, in writing, by the Town of Selma Planning Department.

G. Inspections. The Town shall have the authority and the duty to inspect properties subject to this subchapter for compliance and to issue citations for any violations. The County Building Inspection Department or other entities acting for the Town may perform the inspections as an agent for the Town.

H. Enforcement, Violations, and Penalties.

1. It shall be unlawful for any owner to be in violation of any of the provisions of this subchapter.
2. Any person who violates a provision of this subchapter or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a Class 3 misdemeanor, punishable as provided in this chapter.
3. The imposition of one penalty for any violation shall not excuse the violation or authorize its continuance.
4. All such persons shall be required to submit an acceptable plan of action to the Town's Planning Director within ten (10) business days from the date of the notice of violation. The plan of action must include but is not limited to the following: a description of the work to be done, by whom, and a specific schedule for the described work. Upon review of the plans and written confirmation of staff approval, work is to commence within fifteen (15) days of written approval. If not otherwise

specified, failure to meet any stated condition within ten (10) days of required action shall constitute a separate offense.

5. If the registration fee is not paid during the appropriate time period, the owner shall be in violation of this ordinance and a lien may be assessed against the property.

I. Registration Fees. Registration with the Town of Selma shall be for a six-month term and must be renewed every 6 months so long as the property remains vacant. The Registration process starts with the submittal of the application.

1. Fee Schedule:

- a. Registration for the first 6-month period (1-6 months): \$250.00
 - b. Registration for the second 6-month period (6-12 months): \$500.00
 - c. Registration for the third 6-month period (12-18 months): \$750.00
 - d. Registration for the fourth 6-month period (18-24 months): \$1,000.00
2. Extensions after 2 years will be assessed on a case-by-case basis.
 3. The property owner must maintain liability insurance coverage of at least \$250,000.00 for a vacant property. Proof of Insurance is required with the application and shall be provided by the owner when any renewals are submitted.
 4. The interior and exterior of the building shall be inspected by the Town's Planning Director at the time of each registration and renewal.

J. Appeals. Any property owner aggrieved under this chapter may present an appeal in writing to the Town's Planning Director and then, if not satisfied, appeal to the Town's Board of Adjustment.

K. Severability. Should any provision of this article be determined or declared invalid by any final court action or by reason of preemptive legislation, the remaining provisions shall remain in full force and effect.

L. Penalties.

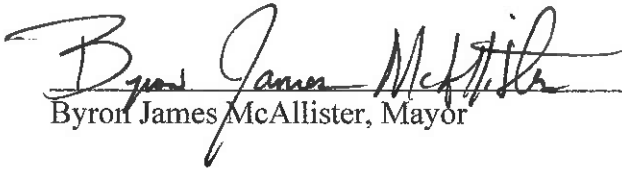
1. Any violations of the provisions of this chapter for which no specific penalty is provided shall be subject to Sec. 1-12 of the Selma Municipal Code.
2. Failure to comply with the requirements of this article may result in additional civil penalties which are assessed at fifty dollars per day up to the maximum allowed in the discretion of the Town.
3. For violations of this chapter, each day that a violation remains in effect shall constitute a separate violation.

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This Ordinance shall be effective upon adoption by the Town of Selma Council.

PASSED and ADOPTED, this the 7th day of December, 2023.

This the 7th day of DECEMBER 2023.


Byron James McAllister, Mayor

ATTEST:


Dalton Larsen-Batten, Town Clerk

