

CHERRY VALLEY TOWNSHIP

COUNTY OF LAKE

BLIGHT ORDINANCE

ORDINANCE NO. 012022

An Ordinance to prevent, reduce, or eliminate blight and conditions contributing to or causing blight within the Township, to secure the public health, safety, and general welfare by prohibiting, eliminating, or otherwise regulating the accumulation of trash, refuse, or junk in any place other than designated or licensed landfills or licensed junkyards, and the unauthorized use of mobile homes and campers that do not meet public health code standards as residential dwellings, and to provide penalties for violations of the Ordinance.

THE TOWNSHIP OF CHERRY VALLEY ORDAINS:

**Section 1. Findings.** The Cherry Valley Township Board find that conditions of blight occur in Cherry Valley Township as a result of the accumulation of trash, refuse, or junk in any place other than designated or licensed landfills, or licensed junkyards, and as a result of the unauthorized occupancy of mobile homes or campers that do not meet public health code standards as residential dwellings.

**Section 2. Definitions.** For purposes of this Ordinance:

- a. "Blight" means a condition on real property characterized by the accumulation of trash, refuse, or junk that persists 30 days or more outside of an enclosed building, licensed landfill, or licensed junkyard, or the unauthorized use of mobile homes and campers as residential dwellings.
- b. "Trash, refuse, or junk" means waste material of all types, including without limitation: garbage, food waste, trash, inoperable machines or appliances, refuse, broken toys, dead animals, junk, scrap lumber, scrap metal, debris, litter, uninhabitable mobile homes, and parts of dismantled mobile homes that are not stored within an enclosed building.
- c. "Accumulation" means the on-site disposal, keeping, or storage of trash, refuse, or junk that is not within an enclosed building, or trash receptacle for disposal or collection on a regular basis.
- d. "Person" means an individual, firm, corporation, trust, partnership, limited liability company, or other legal entity.
- e. "Junk motor vehicle" means, without limitation, any vehicle which is not licensed for use upon the state highways for a period more than 120 days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period more than 120 days' provided, however, that this definition of a "junk motor vehicle" is subject to the following exceptions:
  - (1) 2 unlicensed or inoperative motor vehicles which are covered with a motor vehicle fitting covering or other type of covering.
  - (2) Unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or another motorized vehicle.
  - (3) Unlicensed but operative, vehicles which are being stored on the vehicle owner's premises or on the premises of a family member while the vehicle owner is in the military service or is attending collect.
    - a. A registered motor vehicle repair garage shall be a period of 180 days rather than 120 days with the right to have said period extended for an additional period of 120 days upon presentation to

the enforcing officer of written proof that the vehicle is involved in insurance claim litigation or a similar matter: and

- b. Any person who is actively, and in good faith, engaged in the hobby of restoring or reconditioning old or antique vehicles or building or rebuilding racing vehicles shall be a period of 1 year rather than 120 days.
- (4) Unlicensed, but operative vehicles which are recreational vehicles for use off from the state highways.
- (5) Farm equipment and implements of husbandry are also excluded from this ordinance.

**Section 3. Prohibition.** Causing, keeping, or allowing blight or blighted conditions on any real property in Cherry Valley Township is prohibited. Any person who causes, keeps, or allows blight or blighted conditions on any real property in Cherry Valley Township shall be responsible for a municipal civil infraction.

Section 4. Occupancy of Mobile Homes. No person shall occupy any mobile home as a dwelling within the township until a certificate of approval shall be issued by the Lake County Building Official which permit shall indicate satisfactory compliance with all requirements of the single state construction code.

Section 5. Restrictions on Occupancy of Mobile Homes and Campers. No person shall use, occupy, or permit the use or occupancy of a mobile home or a camper as a dwelling within the township not designated as a mobile home park, unless:

- (1) Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto.
- (2) A mobile home shall be installed pursuant to the manufacture's set-up instructions and shall have a foundation, of pile construction or otherwise, that meets the requirements of a single state construction code for mobile home installation and adequate for support of the maximum anticipated load. The mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the state mobile home commission. If installed without a foundation wall of the same perimeter dimensions of the mobile home, it shall be enclosed or skirted around the bottom with a material that shall match the exterior construction of the mobile home. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the single state construction code.
- (3) Construction of, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be a type of quality conforming to the United State Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR 3280) and as from time to time amended.
- (4) Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United State Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.
- (5) The camper is used or occupied as a dwelling for less than 30 consecutive days.

**Section 6. Enforcement.** The Cherry Valley Township Supervisor or designee is authorized to write a municipal civil infraction ticket to any person who violates this Ordinance after 30 days written notice of a blight condition is given to the owner, tenant, or user of real property within Cherry Valley Township, and the blight condition is not removed, remedied, or cleaned up.

Section 7. Penalty. Any person who violates or refuses to comply with an provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of not less than fifty dollars (\$50.00) for a first violation, one hundred fifty dollars (\$150.00) for a second violation, and three hundred dollars (\$300.00) or more for a third or subsequent violation and shall in addition, be liable for the payment of the costs of prosecution in an amount of not less than ten dollars (\$10.00). Each act of violation and every day upon which any violation shall occur or continue shall constitute a separate offense and shall make the violator liable for the imposition of a fine for each day. In addition to the fines and penalties provided in this section, the District Court shall have jurisdiction to enforce any judgement, writ, or order as necessary to enforce the terms of this Ordinance, the violation of which is a municipal civil infraction, including but not limited to, abatement of the violating condition or granting injunctive relief. In addition, the Court may impose the total amount of the civil fine, costs, or both as a lien on the property where the violation occurred.

**Section 8. Severability.** If a court deems any provision of the term of this Ordinance to be unlawful, such finding shall not invalidate the remainder of the Ordinance which is declared to be severable.

**Section 9. Effective Date.** This Ordinance shall take effect thirty (30) days following its publication as provided by law.

Roll Call Vote – Yays: Supervisor Supernois, Clerk Grimm, Trustee Avery, Treasurer Jeffrey

Nays – 0

Absent: Trustee Shepler

I hereby attest that the above is a true copy of the Blight Ordinance adopted by the Cherry Valley Township Board pursuant to the required statutory procedures.

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Sherri Grimm, Clerk

Cherry Valley Township