

EXETER TOWNSHIP ORDINANCE #36-2013-2
BLIGHT

AN ORDINANCE TO PROHIBIT THE CONTINUATION OF BLIGHTING CONDITIONS AND FACTORS AND TO SAFEGUARD ECONOMIC STRUCTURES UPON WHICH THE PUBLIC GOOD DEPENDS, AND TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF. THIS ORDINANCE SHALL BE REFERRED TO AS THE "EXETER TOWNSHIP BLIGHT ORDINANCE."

EXETER TOWNSHIP HEREBY ORDAINS:

SECTION I: PURPOSE

It is the purpose of this ordinance to remove, eliminate, repair, or rehabilitate such structures, uses, and activities which are of a nature to cause blight or blighting conditions and to safeguard economic structures upon which the public good depends.

SECTION II: CAUSES OF BLIGHT OR BLIGHTING FACTORS

It is hereby determined that the following structures, uses and activities are causes of blight or are blighting factors which, if allowed to exist, will result in blighted neighborhoods and will harm the economic structure upon which the public good depends. On and after the effective date of this ordinance, no person, firm or corporation or any group of any kind may maintain or permit to be maintained any existing or future blights or blighting conditions upon any land or premises in Exeter Township, owned, leased, rented or occupied by such person, firm or corporation or group of any kind.

The following activities are expressly prohibited in Exeter Township, except as defined therein:

A. UNLICENSED MOTOR VEHICLES

The storage of more than two (2) motor vehicles without a valid unexpired license plate for a period of sixty (60) days or longer, unless such vehicle is completely enclosed in a building or structure preventing its being seen from the outside. Such vehicles shall also possess all main component parts as an indication of potential on-road use. The presence of more than two (2) unlicensed motor vehicles as described above shall come under the definition of "junk yard" and shall be subject to the rules and regulations concerning same in the Exeter Township Zoning Ordinance.

B. OUTDOOR STORAGE OF BUILDING MATERIALS

In any area zoned Agricultural/Residential by the Exeter Township Zoning Ordinance, the outdoor storage upon any premises of building materials, unless construction work is being done or is being contemplated within sixty (60) days on said premises in accordance with a valid building permit and said materials are intended for use in connection with such construction. Building materials shall include but not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other materials used in any structure. All construction debris shall be removed from any premises within thirty (30) days after completion of the construction as confirmed by the Building Inspector.

Allowable building materials shall be stored in the rear of a residence and neatly covered with a tarpaulin, plastic or other cover. Such storage area is not intended for use as a commercially available supply of building material on a regular basis.

C. FARM STORAGE

In any area zoned Agricultural/Residential where the land use is a farm, the outside storage of farm implements and machinery shall not fall within the meaning of junk or junk motor vehicles. The storage of usable building materials for eventual use on the farm property shall be permitted, provided such materials are neatly stored to the rear of the farm residence.

"Farm" as used herein, shall mean real property used for commercial agriculture comprising at least twenty (20) contiguous acres, all of which is operated by a sole proprietorship, partnership, or corporation.

D. GARBAGE, TRASH, RUBBISH, REFUSE

In any area zoned residential by said Zoning Ordinance, the storage or accumulation of garbage, trash, rubbish, or refuse of any kind, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 30 days.

E. STORAGE OF MISCELLANEOUS ITEMS

The accumulation of any junk materials or other articles not prohibited above shall be neatly stored and/or covered and located to the rear of property in such a manner so as not to cause a nuisance to neighboring property owners, or be detrimental to public health, safety, and welfare. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, metal or any other materials or other castoff material of any kind whether or not same could be put to any reasonable use.

F. VACANT DWELLINGS

In any area zoned Agricultural/Residential by said Zoning Ordinance, the existence of any vacant building, garage or outbuilding, unless same is kept securely locked with windows glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons.

G. LOSS OF USE

In any area, the existence of any structure or part of structure which because of fire, wind or other natural disaster or physical deterioration is no longer habitable as a dwelling, nor useful for any purpose for which it may have been originally intended.

H. PARTIALLY COMPLETED STRUCTURES

In any area, the existence of any partially completed structure, unless such structure is in the course of construction according to a valid and existing building permit issued by Exeter Township, and unless exterior construction is completed within one year after issuance thereof.

I. IN ANY AREA ZONED OTHER THAN AGRICULTURAL/RESIDENTIAL

By the Exeter Township Zoning Ordinance, the causes of blight or blighting factors hereinbefore prohibited in any Agricultural or Residential zones are prohibited unless such use of property is incidental to and necessary for the carrying on of any business or occupation lawfully being conducted upon the premises involved.

SECTION III: ENFORCEMENT AND PENALTIES

A. The determination of "Blight" shall be at the discretion of the Township Ordinance Enforcement

Officer. In the case of a dispute as to whether or not a violation has occurred, the Township Board shall have the authority to review the decision of the Ordinance Enforcement Officer and interpret the Ordinance.

- B. The owner, if possible, and the occupant of property upon which any causes of blight or blighting factors set forth in Section II hereof are found to exist, shall be notified by the Ordinance Officer to remove or eliminate causes of blight or blighting factors or anything or condition which, under the terms of this ordinance, would endanger the economic structure upon which the public good depends, from such property within ten (10) days after serving of the notice upon him. Notice may be served personally or by certified "return receipt requested" mail. The Ordinance Officer may grant the owner/occupant additional time to comply when bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.
- C. The existence of blight or blighting factors as defined herein after the expiration of the notice period provided in Section III, subsection B, shall constitute a violation of this Ordinance, with each day that the blight continues to exist constituting a separate offense.
- D. Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both fine and imprisonment, at the discretion of the Court.
- E. The Township hereby reserves the right to seek injunctive relief from the Circuit Court to enforce compliance with the Ordinance, and to permit the Township to petition the Court for an order impounding and allowing the sale of the blighting factors where appropriate.

SECTION IV: SEVERABILITY

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void, illegal or ineffective, shall thereby cease to be part of this Ordinance; but the remainder of this Ordinance shall stand and be in full force and effect.

SECTION V: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication. All ordinances or parts of in conflict herewith are hereby repealed.

This Ordinance was adopted at a Regular Meeting of the Exeter Township Board held on December 17, 2013, by roll call vote as follows:

Iott	(<u>X</u>)	Yes	()	No
Baltrip	(<u>X</u>)	Yes	()	No
Boggs	(<u>X</u>)	Yes	()	No
L. Kernyo	(<u>X</u>)	Yes	()	No
T. Kernyo	(<u>X</u>)	Yes	()	No

The Ordinance is hereby ordered to be given publication in the manner duly prescribed by law.

Billie Iott
Billie Iott, Exeter Township Clerk

12-17-2013
Date