

ORDINANCE 819

AN ORDINANCE AMENDING CHAPTER 23,
MOBILE HOUSING CODE ARTICLES I & II & III

Article I - General Provisions of the Mobile Housing Code of the City of Nokomis, is hereby amended as follows:

All definitions remain the same except for the definition of Single Wide Mobile Home or Trailer, Double Wide Mobile Home and Manufactured Home and Permit which are hereby amended as follows:

"SINGLE WIDE MOBILE HOME" OR "TRAILER": means a movable or portable unit constructed to be towed in one or more sections on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations and designed to be used as a dwelling with or without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

"DOUBLE WIDE MOBILE HOME AND MANUFACTURED HOME": means units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles. Such units manufactured after June 15, 1976 are known as "manufactured homes" and must bear a red metal label on exterior of the home signifying compliance with the Federal Manufactured Home construction and safety standards and have a title as proof of ownership.

PERMIT: means a certificate issued by the City, permitting the replacement of a single wide mobile home, and the construction, alteration, or reduction in number of spaces of a mobile home park as well as the yearly permit for the operation of a Mobile Home Park.

The following definitions are hereby added to the Mobile Home Code as follows:

DWELLING, SINGLE-FAMILY: A detached dwelling containing one dwelling unit and intended for the occupancy of one family. Trailer, mobile homes, and manufactured homes are excluded.

"MODULAR UNITS": means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or

assembly and installation, on the building site, attached to a permanent perimeter foundation which extend below the frost depth or concrete piers approved by the building inspector. This unit must display a yellow seal on the electrical panel box denoting approval by the Illinois Department of Public Health.

IMMOBILIZED MOBILE HOMES: means a mobile home of any type served by individual utilities, resting on a permanent perimeter foundation which extends below the established frost depth or concrete piers approved by the building inspector, with the wheels, tongue and hitch removed and the home secured in compliance with the Illinois Mobile Home TieDown Act, 210 ILCS 120 /1 et seq..

BUILDING INSPECTOR: For purposes of the Mobile Housing Code, the Building Inspector shall be the Council Member appointed as Commissioner of Public Health and Safety.

All definitions shall coincide with definitions in current use by the State of Illinois.

23-1-2 APPLICABLE ILLINOIS LAWS: The Mobile Home Park Act, 210 ILCS 115/1 et seq., Abandoned Mobile Home Act, 210 ILCS 117/1 et seq., and the Illinois Mobile Home TieDown Act, 210 ILCS 120/1 et seq., as passed, approved and amended by the Illinois General Assembly are hereby adopted by the City. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the City. (See Figure 5)

23-1-3 Unchanged.

ARTICLE II - Immobilized Mobile Homes of the Mobile Housing Code is hereby amended as follows:

ARTICLE II - Mobile Homes and Immobilized Mobile Homes.

23-2-1 MOBILE HOME LOCATION: It shall be unlawful for any person to locate, maintain or establish any single wide mobile home or trailer, used for human habitation upon any parcel of land in the City or within its jurisdictional limits, except in a licensed mobile home park and as allowed pursuant to 23-2-2.

23-2-2 REPLACEMENT OF EXISTING MOBILE HOMES: All existing single wide mobile homes or trailer located within the city limits of the City of Nokomis, but outside a licensed mobile home park, may be replaced in the same location upon obtaining a permit and meeting the following requirements.

- A. The replacement single wide mobile home or trailer must be a single wide mobile home or trailer not older than ten years old at the time of placement as evidenced by the manufacturing date and must be in place within 60 days of the removal of the

mobile home being replaced. In the event any one party desires additional time, the time limit of 60 days may be extended by the City Council upon the submitting of appropriate evidence of circumstances warranting an extension.

- B. All mobile homes must be immobilized mobile homes and must be on a permanent, perimeter foundation or slabs of 4 inches of reinforced concrete or concrete piers approved by the building inspector.
- C. All mobile homes shall be skirted within 90 days of the replacement with either concrete blocks, mortar and bricks, vinyl or metal skirting.
- D. All replacement mobile homes must be located on property that is owned by the owner of the mobile home.
- E. All owners of replacement mobile homes must receive a permit issued by the Building Inspector pursuant to 23-2-9.

23-2-3 same

23-2-4 same

23-2-5 Amended as follows:

ILLINOIS MOBILE HOME SAFETY ACT: No single wide mobile home, double wide mobile home, trailer and manufactured home shall hereafter be brought into this municipality unless said home conforms to construction/safety standards adopted by the State of Illinois in the Illinois Manufactured Housing Mobile Home Safety Act 430 ILCS 115/1 et seq.

23-2-6 same

23-2-7 same

23-2-8 FIRE EXTINGUISHING AND APPROVAL. That each and every single wide mobile home, double wide mobile home, trailer and manufactured home (hereinafter referred to as mobile homes for this paragraph) located within the corporate limits of the City of Nokomis, Montgomery County, Illinois shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires, including but not limited to electrical fires, gasoline fires, natural gas fires, oil fires, grease fires and any other fires of similar type which might or could likely be found in occupied mobile homes. That such fire extinguisher be of sufficient size to reasonable protect said mobile home and such fire extinguisher shall be approved before installation by the Building Inspector of this municipality.

23-2-9 PERMIT APPLICATION: It shall be unlawful to

establish, maintain or locate any single wide mobile home or trailer, in the municipality of Nokomis, Illinois without first having obtained a permit therefore. Application for such permit shall be made to the City Clerk of the City of Nokomis, Illinois showing the following information:

- a. The date of the application.
- b. The name of the applicant.
- c. A plan or sketch showing the size and location of the Mobile Home and lot upon which it is to be situated in the City.
- d. Each application shall be signed by the owner of the single wide mobile home or trailer and the owner of the real estate upon which it is located.
- e. Each application so submitted to the City Clerk shall be accompanied by a fee of Twenty-five Dollars (\$25.00).
- f. Each application must be approved in writing by the City Council at a regular or special City meeting and such approval is to be placed in the minutes of the meeting of the City Council.

Upon the receipt of the application in due form, together with said fee, the City Clerk shall designate a time and place for an inspection by the Building Inspector. No permit shall be issued except after a passing inspection by the Building Inspector. The Building Inspector shall consider the following: the fitness of said single wide mobile home or trailer as a residence, the safety of such single wide mobile home or trailer for the occupants thereof, including but not limited to wiring, plumbing, and other matters of like nature relating to the use and fitness as a residence, the appearance of said single wide mobile home or trailer, and any other pertinent matter which may be raised relative to the fitness for use of said single wide mobile home or trailer as a residence and as relates to the safety of said residence and other residences and other inhabitants of this City. No City utility service shall be supplied to any single wide mobile home or trailer until such time as a permit has been obtained pursuant to this ordinance.

It shall be unlawful to establish or locate a modular home, double wide mobile home or manufactured mobile home in the municipality of the City of Nokomis without first obtaining a building permit pursuant to previous Ordinances.

23-2-10 HABITATION. It shall be unlawful for any person to inhabit a dependent mobile home, camper, or travel trailer in the City for a period more than one (1) month out of each calendar year.

23-2-11 RENEWAL: An original permit, once issued for a certain single wide mobile home or trailer at a site described in such permit, need not thereafter be renewed or assigned to any successor in ownership or possession of such licensed single wide

mobile home or trailer at such licensed site; however, the requirements of this article shall be binding upon any successors in ownership or possession to the original applicant(s), and any violation of the provisions of this article shall subject such successors in ownership or possession, or both as the case may be, to revocation of the single wide mobile home or trailer and to penalties for violation of this article as herein provided.

23-2-12 ENFORCEMENT:

a. Enforcement officer. Duties. The Building Inspector is hereby authorized and directed to administer and enforce the provisions of this ordinance. This broad responsibility encompasses, but is not necessarily limited to, the following duties:

1. To review and make recommendations to the city council of all applications for mobile home licenses;

2. To inspect mobile homes and sites in accordance with this section, and, where there are violations, to take appropriate corrective action;

3. To provide information to the general public in matters related to this ordinance; and

4. To perform such other duties as the City Council may from time to time prescribe.

5. The city council shall approve all applications for licenses.

b. Inspections. Pursuant to properly filed complaints or upon direction of the city council, the Building Inspector may inspect any single wide mobile home, or trailer site as often as reasonably necessary to determine whether such single wide mobile home or trailer is in compliance with this ordinance.

c. Complaints. Whenever any violation of this ordinance occurs, or is alleged to have occurred, any person may file a complaint in writing on a form provided by the Building Inspector. The City Clerk shall receive and record such complaints. The building inspector shall properly investigate, and, if necessary, initiate appropriate corrective action.

d. Corrective action orders. Whenever the Building Inspector determines by inspection or otherwise that any mobile home is in violation of this ordinance, he shall so notify in writing the holder of the mobile home license or the successor in ownership or possession of the licensed mobile home, as appropriate, and shall order appropriate corrective action.

e. Contents of corrective action order. The order to take corrective action shall contain the following information:

1. Location of mobile home;
2. Nature of violation;
3. Remedial action necessary to effect compliance;
4. The date by which the violations must be corrected;
5. The date by which an appeal of the Order must be filed, and a brief explanation of the filing procedure; and
6. A statement that failure to obey the corrective action order may result in revocation of the mobile home license or imposition of a fine.

f. Service of Order. A corrective action order shall be deemed properly served upon the license holder or successor in ownership or possession of a licensed mobile home, as the case may be, if it is:

1. Served upon him/her personally;
2. Sent by certified mail to his last known address as stated in the license application; or
3. Posted on or near the entrance to the mobile home.

23-2-13 GRIEVANCE:

A. Any person aggrieved by any decision or order of the Building Inspector related to the issuance, denial or revocation of a license or occupancy permit may appeal such decision to the City Council. Such appeal must be stated in writing, the City Council shall consider the appeal at a regular or special meeting of the City Council with notice of the date and time of said meeting to be given to the person appealing.

B. If the holder of any mobile home license or any successor in ownership or possession of a licensed mobile home fails to obey a corrective action order from the Building Inspector issued in accordance with the provisions of this license upon written notice sent by certified mail to the holder of such mobile home license as disclosed in the mobile home license application or to the successor in ownership or possession of the licensed mobile home at the address of the single wide mobile home or trailer, said license shall be revoked within 10 days. Every license revocation notice shall include a statement informing the license holder of his right to appeal to the City Council.

23-2-14 PENALTIES:

a. Whoever shall violate any of the provisions of this Ordinance shall be subject to a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) to each day of violation.

b. In addition to the remedies allowed pursuant to the Abandoned Mobile Home Act 210 ILCS 177/1 et seq. the City may consider all abandoned mobile homes as defined under said act to be nuisances and shall be allowed all remedies allowed under the

nuisance statute as well as seek and receive a court order to have the mobile home removed or destroyed.

23-2-15 INTERPRETATION: Every provision of this ordinance shall be construed liberally in favor of this municipality, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety and welfare.

23-2-16 RELATIONSHIP TO LAWS: Whenever the requirements of this ordinance differ from those of any state statute, regulation or other ordinance of this municipality, the more stringent requirement shall prevail.

23-2-17 DISCLAIMER OF LIABILITY: Except as may be provided otherwise by statute or ordinance, no officer, board member, agent or employee of this municipality shall render himself personally liable for any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, board member, agent or employee of this municipality, as a result of any act required or permitted in the discharge of his duties under this ordinance, shall be defended by the municipal attorney until the final determination of the legal proceeding.

23-2-18 SEPARABILITY: If any provision of this ordinance is declared unconstitutional or invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remainder of this ordinance.

23-2-19 EXEMPTIONS FROM THIS ARTICLE: All mobile homes located in mobile home parks as defined and licensed by the Illinois Department of Public Health, Ch. 111 $\frac{1}{2}$ Ill Rev. Stats. Section 711 et seq., as from time to time amended, shall not be subject to this article.

23-3-21 of Division IV of Article III- Mobile Home Parks is hereby amended as follows:

23-3-21 LICENSE FEE: The annual license fee per mobile home park shall be One Hundred Dollars (\$100.00), and also a fee of \$3.00 for each trailer space located in the mobile home park. Said fee shall be due and payable on or before May 1st of each year. The funds shall be placed in the General Fund and be applied to the administration of costs of the inspection.

Passed by the City Council and approved by the Mayor of the
City of Nokomis, Illinois, this 22 day of April 1996.

Donald M. Tooley
Donald Tooley, Mayor

(CORPORATE SEAL)

ATTEST:

Mary Jean Scheller
Mary Jean Scheller, City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MONTGOMERY)
)
CITY OF NOKOMIS)

I, Mary Jean Scheller, City Clerk of the City of Nokomis, Illinois, do hereby certify that the above and foregoing Ordinance entitled:

ORDINANCE AMENDING CHAPTER 23,
MOBILE HOUSING CODE ARTICLES I & II & III

was duly passed by the City Council of said City on the 22 day of April 1996, and was afterwards on the same day and date duly approved by the Mayor of the said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City of Nokomis, Illinois, this the 22 day of April 1996.

Mary Jean Scheller
Mary Jean Scheller, City Clerk of
the City of Nokomis, Illinois

(CORPORATE SEAL)

ORDINANCE 819

SECTION _____

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS
CITY OF NOKOMIS)

I, Mary Jean Scheller, City Clerk of the City of Nokomis, Illinois, do hereby certify that the above and foregoing Ordinance entitled:

ORDINANCE AMENDING CHAPTER 23,
MOBILE HOUSING CODE ARTICLES I & II & III

was duly published in the Free Press-Progress a public secular newspaper of general circulation published in said City on the 8th day of ~~April~~ ^{May} 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City of Nokomis, Illinois, this the 8th day of ~~April~~ ^{May} 1996.

Mary Jean Scheller
Mary Jean Scheller

(CORPORATE SEAL)