

VILLAGE OF CHAPIN
ORDINANCE NO. 98-3

AN ORDINANCE PROVIDING FOR THE REGULATION
OF MOBILE HOMES

FOR THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS

THIS 5 DAY OF Aug., 1998

Published in pamphlet form by authority of the President and Board of Trustees of
the Village of Chapin, Morgan County, Illinois this 5 day of
Aug., 1998.

ORDINANCE NO. 98-3

PRELIMINARY
DRAFT

**AN ORDINANCE TO AMEND ORDINANCE NO. 97-1, REPEAL
ORDINANCE NO. 97-4 AND TO PROVIDE FOR THE REGULATION
OF MOBILE HOMES WITHIN THE CORPORATE
LIMITS OF THE VILLAGE OF CHAPIN**

WHEREAS, pursuant to Section 11-5-8 of the Illinois Municipal Code (65 ILCS 5/11-5-8) the corporate authorities may prohibit mobile homes which are not within the confines of a mobile home park; and

WHEREAS, the corporate authorities for the Village of Chapin find that it is in the best interest of the public health, safety and welfare of the Village and its citizens to prohibit the location of mobile homes within the Village of Chapin, except within the confines of a lawful mobile home park.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

PART ONE AMENDMENT. Ordinance No. 97-1 adopted on January 2, 1997, is hereby amended as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1. DEFINITIONS. The terms used in this chapter shall have the following meanings:

(a) **MOBILE HOME** means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent locations at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured

Housing Construction and Safety Standards Act of 1974 (42 USCA §5401 et seq.).

A mobile home shall not include camping trailers or recreational vehicles.

(b) **IMMOBILIZED MOBILE HOME** means a mobile home permanently and physically affixed to a permanent foundation with perimeter supporting walls, which has the wheels, tongue and hitch permanently removed. The term "permanent foundation" shall mean a foundation constructed of cement block or poured concrete which shall extend into the ground to a depth below the frost line. The term "perimeter supporting walls" shall mean foundation walls constructed of poured concrete a minimum of eight inches (8") thick or eight inch (8") cement block which shall extend to a depth below the frost line and upon which the mobile home shall rest and to which the mobile home shall be permanently and physically affixed. In addition, the following criteria must be met for the mobile home to be immobilized:

(1) The mobile home shall be secured in compliance with the Illinois Mobile Home Tiedown Act (210 ILCS 120/1 et seq.) and the regulations promulgated thereunder.

(2) The mobile home shall be in compliance with the Illinois Manufactured Housing and Mobile Home Safety Act (430 ILCS 115/2) and the regulations promulgated thereunder and have the seal required thereunder.

(3) The mobile home shall have a minimum square footage of 900 square feet.

(c) **DEPENDENT MOBILE HOME** means a mobile home or camper or travel trailer, not designed for permanent habitation, which does not have a flush

toilet or a bathtub or shower.

(d) **MOBILE HOME PARK** means an area of land or two or more contiguous tracts of land under unified ownership and/or control on which five (5) or more occupied mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park, including courts, developments and communities.

(e) **SPACE** means a mobile home space or portion of a mobile home park designed for the use or occupancy of one mobile home.

(f) **OTHER PRINCIPAL STRUCTURE**, as used in Article II, Section 1 below, means a building serving as the main building on a lot and used for the purposes for which the lot is primarily used, such as a store, a church, etc.

(g) **APPURTENANT** means accessory or incidental to, but necessarily connected with the use and enjoyment of, the residence structure or the other principal structure on a particular lot. Without limiting the scope of this definition but by way of illustration, a garage or a storage shed would be considered appurtenant to a residence building on the same lot, but a second residence building would not be appurtenant to a first residence building on the same lot.

Section 2. STATE REQUIREMENTS ADOPTED BY REFERENCE. The Mobile Home Park Act, 210 ILCS 115/1 and the Mobile Home Tiedown Act, 210 ILCS 120/1 as passed, approved, and amended by the Illinois General Assembly are hereby adopted by the Village. The applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the corporate limits of the Village.

Section 3. ILLINOIS DEPARTMENT OF PUBLIC HEALTH REGULATIONS. The "Regulations for Mobile Homes and Mobile Home Parks," as approved by the Illinois Department of Public Health (77 Ill. Adm. Code 860), as amended, are hereby adopted by the Village; the applicable provisions as they pertain to mobile homes and immobilized mobile homes shall be controlling within the Village.

ARTICLE II - LOCATION OF MOBILE HOMES

Section 1. IMMOBILIZED MOBILE HOMES. Immobilized mobile homes, other than dependent mobile homes, may be placed on any lot, subject to the provisions of this Article III, provided no mobile home shall be placed on any lot on which there is another residence or other principal structure not appurtenant to the mobile home. For purposes of this section, a lot shall be a lot as shown by any subdivision plat, any other tract of common ownership, or any part thereof into which such a lot or tract may legally be subdivided. The minimum lot size for the location of an immobilized mobile home shall be five thousand (5,000) square feet. All units shall be at least fifteen feet (15') from any lot line, twenty-five feet (25') from any building on any adjacent lot or twenty-five feet (25') from any street.

Section 2. DEPENDENT MOBILE HOMES. No dependent mobile home not constituting a camper, travel trailer, or other like vehicle used principally for recreational purposes shall be permitted in the Village, except that, upon application being made by the owner of a lot in the Village, the President and Board of Trustees may grant the owner so applying a temporary permit to place such a dependent mobile home on the lot for which application is made for a period not exceeding one year, upon a showing of good cause. Such a permit may be renewed from year to year upon application and a

showing of continuing good cause. Any such permit may be revoked at any time for a violation of any conditions of the permit or any other good cause shown, upon at least 30 days' prior written notice being given by the President and Board of Trustees to the person to whom the permit was granted, provided that said person is accorded the right to a hearing before the President and Board of Trustees but fails to show good cause why the revocation should not occur, with said hearing being held not later than 10 days before the effective date of the permit revocation.

Section 3. OTHER MOBILE HOMES. All mobile homes not falling within Section 1 or Section 2 of this Article II shall be situated only in licensed mobile home parks; it shall be unlawful to locate such mobile homes at any other location in the Village.

Section 4. EXISTING IMMOBILIZED MOBILE HOMES, DEPENDANT MOBILE HOMES, AND OTHER MOBILE HOMES. All immobilized mobile homes, dependent mobile homes and all other mobile homes located in the Village of Chapin on the effective date of this Ordinance and not situated within a mobile home park shall be exempt from compliance with this Ordinance so long as they remain in their existing locations. If any such immobilized mobile homes, dependent mobile homes or other mobile homes are removed from their existing locations as of the effective date of this Ordinance, for whatever reason, replacement units may be installed at the same locations, without regard to the provisions of this chapter which would otherwise be applicable as to sizes of lots and location, provided the replacement units are so installed within six (6) months after the removal of the original units, but in all other respects, such replacement units may be so installed only if in compliance with this Ordinance. In particular, all such replacement mobile homes must be immobilized mobile homes, and all requirements for

such immobilization must be fully complied with. Permits shall be required for all replacement mobile homes, and all requirements shall be the same as for any other mobile homes newly brought into the Village, except as specified above for replacements installed within six (6) months.

ARTICLE III - IMMOBILIZED MOBILE HOMES

Section 1. IMMOBILIZED MOBILE HOMES. All persons owning, renting or leasing a mobile home outside a mobile home park shall comply with Article I, Section 1(b) of this Ordinance, except as provided at Article II, Section 4 of this Ordinance. All mobile homes located outside a licensed mobile home park shall be on a lot owned by the person seeking the permit.

Section 2. PERMIT. All persons seeking to locate or replace a mobile home outside a mobile home park shall obtain a permit from the President and Board of Trustees of the Village. No such permit shall be issued to any applicant unless an inspection report or certificate that the mobile home is safe and complies in its present condition with all governmental standards for construction of mobile homes has been executed by a reputable licensed mobile home dealer or other expert reasonably approved by the Village and has been presented to and approved by the President and Board of Trustees. The Applicant shall certify that the mobile home shall be located in compliance with this Ordinance as well as all applicable State laws and regulations. No utility services shall be connected to the unit until the mobile home has been immobilized as provided herein and otherwise complies with this Ordinance. The applicant for the permit shall pay the Village an administrative fee of \$50.00 for the permit.

PART TWO - EFFECTIVE DATE, SEVERABILITY, AND REPEAL

Section 1. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Section 2. SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any other provision of this Ordinance.

Section 3. REPEAL. All other ordinances, resolutions or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. Ordinance 97-4 is hereby repealed in its entirety. Articles I, II and III of Ordinance 97-1 are hereby repealed in their entirety. Section 3 of Article V of Ordinance 97-1 is hereby repealed in its entirety.

AYES: 5

NAYS: 0

ABSENT: 1

PASSED THIS 5 day of Aug., 1998.

Shirley Coffman
Village Clerk

APPROVED THIS 5 day of Aug., 1998.

James P. Deans
President

ATTEST:
Shirley Coffman
Village Clerk

(SEAL)