

CITY OF O'FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
THE CITY CODE OF ORDINANCES,  
BY ADDING A NEW CHAPTER 156,  
“MOBILE HOME PARK CODE”**

**WHEREAS**, the State of Illinois has abdicated its responsibility to regulate mobile home parks within Home Rule Municipalities; and

**WHEREAS**, the City of O'Fallon, being a Home Rule Municipality desires to establish a Mobile Home Park Code that is consistent with the State's rules and regulations for the creation, alteration and inspection of mobile home parks; and

**WHEREAS**, the City desires to adopt a new Chapter 156 of the City Code of Ordinances, to include police power, licensing and public welfare provisions for the establishment, licensing and regulation of Mobile Home Parks.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1:** The forgoing recitals are incorporated herein as findings of the City Council.

**Section 2:** The City Code of Ordinances of the City of O'Fallon is hereby amended by adopting Chapter 156, a “Mobile Home Park Code,” a copy of which is attached hereto and incorporated herein.



## **Mobile Home Park Code**

### **Section.156.01. Definitions**

Unless the context clearly requires otherwise, the words and phrases set forth in the Mobile Home Park Code, shall have the meanings set forth hereafter.

- 1) **Accessory Structure:** A subordinate building or structure, the use of which is incidental to and customarily in conjunction with the main building or use and which is located on the same lot as the main building or use. Accessory Structures shall include sheds, detached garages, decks, pools and covered patios.
- 2) **City:** The City of O'Fallon, Illinois.
- 3) **Individual Utilities:** The provision for each mobile home of; a separate metered connection to electrical service; separately tapped water service from an approved public water supply or a separate private water supply; and a separately tapped connection to an approved public sewer system or a separate private sewage disposal system.
- 4) **Mobile Home:** A structure, transportable in one or more sections, which, in traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utility's, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. All mobile homes shall comply with the Federal Manufactured Home Construction and safety standards established pursuant to the National Manufactured Home Construction and Safety Standards Act, 42. U.S.C. Section 5403 and constructed after June 15, 1976. Each mobile home unit shall contain a red metal label, permanently affixed to the rear of each towable unit and comply with the requirement of the Department of Housing and Urban Development (HUD), the Illinois Department of Public Health and all other applicable agencies. The term Manufactured Home is synonymous with the term mobile home.
- 5) **Mobile Home Park:** A tract of land or 2 or more contiguous tracts of land upon which contain sites with the necessary utilities for 2 or more mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. A motorized recreational vehicle shall not be construed as being a part of a mobile home park.
- 6) **Revenue purposes:** Shall include, but not be limited to, monies or other valuable consideration paid by a tenant or lessee or paid by a contract purchaser pursuant to a lease, rental agreement, contract for deed, sale or purchase prior to the delivery of the deed conveying legal title.

7) Site: The lot on which the mobile home is located for permanent habitation.

**Section 156.02. Planned Use Approval**

No person, firm or corporation shall alter an existing mobile home park, or construct or establish a new Mobile Home Park without first obtaining Planned Use rezoning approval through Article 9 "Planned Uses" of the City's Zoning Code of Ordinances. The term "alter" shall include but not be limited to any expansion or material change to any improvements within the Mobile Home Park such as utilities, streets, pads or buildings, or any resubdivision, but shall not include changes only to a mobile home structure itself or minor maintenance.

**Section 156.03. Application for Permit**

Upon Planned Use rezoning approval and receipt of an application for a permit to construct a new Mobile Home Park or an application for a permit to alter a licensed mobile home park, the City shall, if the park is, or the proposed park will be, in conformity with this Code and the rules and regulations adopted by the City pursuant thereto, issue a permit to construct, a permit to alter or an original license, as the case may be. If the application for a permit to construct, a permit to alter or an original license is declined, the City shall give the reasons therefore in writing to the applicant; and if the objections can be corrected, the applicant may amend his application and re-submit it for approval.

If a permit to construct or a permit to alter a park has been issued, the applicant upon completion thereof shall notify the City. The City shall then inspect the park and, if completed in accordance with the approved plans, shall issue a license for the number of approved sites after receipt of the required fee.

**Section 156.04. License**

No person, firm or corporation shall establish, maintain, conduct, or operate a Mobile Home Park after the effective date of the City Ordinance adopting this code, without first obtaining and maintaining a valid license therefore from the City. "Conduct or operate a mobile home park" as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer or other utility supply or service, or the collection of rents directly or indirectly from 2 or more independent mobile homes. Such license shall expire April 30 of each year and a new license shall be issued upon proper application and payment of the annual license fee provided the applicant is in compliance with this Code. The annual license fee shall be in an amount as established by the City.

Annual license fees submitted after April 30 shall be subject to a late fee as established by the City. The licensee shall also complete and return a license renewal application by March 31 of each year

The licensee shall pay to the City within 30 days of receipt of notification from the City an additional fee, as established by the City, for each additional mobile home site added to the park under authority of a written permit to alter the park as provided in this Code. Payment of the addition fee for the additional mobile home sites shall be paid and amended license therefore obtained before any mobile homes are accommodated on

the additional mobile home sites. The City shall issue an amended license to cover such additional mobile home sites, when they are to be occupied before the end of the license year, for which an annual license has been previously issued.

Each license fee shall be paid to the City and any license fee or any part thereof, once paid to and accepted by the City shall not be refunded.

All permits to construct, all licenses to operate, and all permits to make alterations therein shall be prominently displayed in the park office. All licenses issued under this Code shall be transferable only with the written consent of the City, provided, however, that the City may not withhold such consent where the provisions of this Code have been met.

### **Section 156.05. Standards**

Each Mobile Home Park licensed or to be constructed under the provisions of this Code shall be operated and maintained in accordance with the requirements of this Section and all other applicable codes and regulations of the City and the following supplemental regulations:

- 1) Every Mobile Home Park shall be managed by a responsible individual whose name, address and telephone number shall be on file at all times with the City and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and shall be responsible, with the licensee, for any violation of the provisions of this Code.
- 2) No Mobile Home Park shall be so located that the drainage of the park area will endanger any water supply. All such parks shall be well drained. No waste water shall be deposited on the surface of the ground within the mobile home park.
- 3) Each site on which a mobile home is accommodated shall have a minimum area of 2,500 square feet.
- 4) Except as noted hereafter, no mobile home shall be parked closer than 5 feet to the side lot lines of a park. However a minimum separation of 10 feet shall be maintained between the mobile home and any other structures including those structures on adjoining property. No mobile home shall be situated closer than 25 feet to a public street, alley or building and no closer than 10 feet to a private street or alley. Each individual site shall abut or face on a private or public street. All streets shall have unobstructed access to a public street.
- 5) When a water carriage system of sewage is used each site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes, connected to said sewer while located in the park. Sewer connections in unoccupied sites shall be so closed that they will emit no odors or cause a breeding place for flies. No water or waste shall be allowed to fall on the ground from a mobile home.

- 6) A sufficient number of adequate fly proof and watertight containers in accordance with Rules and Regulations adopted by the City shall be supplied for the storage of garbage.
- 7) Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for flies. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the City.
- 8) Adequate insect and rodent control measures shall be employed. All buildings shall be fly and rodent proof and rodent harborages shall not be permitted to exist in the park or pathways.
- 9) All streets in every park must be maintained in a passable and reasonably dust-proof condition at all times.
- 10) The management and owner of every park shall assume full responsibility for maintaining in good repair and condition all sanitary, electrical and safety appliances in the park, and shall promptly bring such action as is necessary to prosecute or eject from the park any person or persons who willfully or maliciously damage such appliances, or any person or persons who fail to comply with the regulations of this Code.
- 11) Electrical outlets for each individual site shall be provided and the installation shall be in accordance with all state or local codes and ordinances.
- 12) In no event shall a non-permanent shelter or other vehicle designed or used for sleeping purposes, other than a mobile home, be permitted for occupancy at any time in a Mobile Home Park.
- 13) When community kitchens, dining rooms, laundries, or other facilities are provided, such facilities and equipment as are supplied must be maintained in a sanitary condition and kept in good repair, and subject to such rules and regulations as may be issued by the City.
- 14) All buildings constructed or altered, all plumbing, and all electrical and heating installations shall be in accordance with existing City Ordinances & Codes and the applicable codes and regulation of the State of Illinois.
- 15) The City shall keep a record of all mobile home parks; said records to show the names and addresses of all parks, names and addresses of the licensees, number of mobile home lots in each park, source of sewage and garbage disposal, and any other information desired by the City.
- 16) A register shall be maintained by the manager of each Mobile Home Park. Such register shall include the name and address of the owner of each mobile home and every occupant of such mobile home and the square feet of floor space contained in such mobile home and the date of entry of such mobile home into the park. The register shall be signed by the owner or occupant of the mobile home. Any person furnishing misinformation for purposes of registration shall be deemed in violation of this code. The registration records shall be neatly and securely maintained, and no registration records shall be destroyed until one year following change in ownership

of a mobile home or the termination of a lease of a mobile home or eviction of the mobile home or tenant from the park. The register shall be available for inspection upon request by all law enforcement officers and by the City.

17) Mobile Home Parks shall comply with such additional requirements as set forth in 210 ILCS 115, "Mobile Home Park Act" and any state regulations enacted pursuant thereto except where inconsistent with the requirements herein.

18) The Code Official shall be authorized to adopt such interpretations, regulations, or orders as may be necessary to enforce and apply the provisions and intent of this Section.

#### **Section 156.06. Inspection**

The City shall inspect at least once each year, each Mobile Home Park and all the accommodations and facilities therewith. Such officials or officers are hereby granted the power and authority to enter upon the premises of such parks at any time for the purposes herein set forth.

The City may issue rules and regulations to carry out the provisions of this Code. Such rules may contain provisions for the City to grant a waiver to a Mobile Home Park, if the intent and purpose of the Code are met.

#### **Section 156.07. Suspension or Revocation of License**

Any license granted hereunder shall be subject to revocation or suspension by the City. However, the City shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the Code, or any rules or regulations promulgated by the City pertaining thereto. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice, within 5 days or within a longer period of time as may be allowed by the City. If the licensee fails to comply with the terms and conditions of said notice, within the time specified or such extended period of time, the City may revoke or suspend such license.

A Mobile Home Park, whose license has been voided, suspended, denied or revoked, may be re-licensed by submission of an application to the City. Approval shall be issued if an inspection of the park, by the City, reveals compliance with this Code and the rules promulgated pursuant to this Code.

#### **Section 156.08. Penalty**

Any person who shall violate any of the provisions of this Code or shall fail to comply with any lawful order issued pursuant to any section of this Code, upon conviction therefore, shall be punished in accordance with the general penalty for violation of ordinances of the City of O'Fallon. Each day such violation or failure to comply continues after issuance of notice by the City, shall constitute a separate offence. Nothing herein shall limit any other remedy that the City may move by law. Any failure to operate a Mobile Home Park without a valid license shall also preclude any claim of continued lawful nonconforming status as may otherwise exist pursuant to Article 6, Nonconformities and Vested Rights, with the Zoning Code of the City.

**Section 156.09. Appeal and Judicial Review**

Any person whose application for a license is denied or whose license is suspended or revoked shall have the right to appeal the decision to the Hearing Officer and judicial review in the same manner as an appeal pursuant to Article 15 of the City Zoning Code. Any person that fails to file such an appeal within the time frames and requirements set forth therein shall to the full extent permitted by law be barred from obtaining judicial review of such administrative decision for failure to exhaust applicable remedies.

**Section 156.10. Mobile Home Park Code**

This Code shall be known and may be cited as the Mobile Home Park Code.