

ORDINANCE NO. 503

**CITY OF KINMUNDY, ILLINOIS
MOBILE HOME ORDINANCE**

WHEREAS, the City of Kinmundy, Illinois has determined that it is necessary to regulate the placement and installation of mobile homes in order to protect and conserve the safety, health and welfare of the citizens of the City of Kinmundy, Illinois and to provide for the orderly development of the City of Kinmundy; and

WHEREAS, the City of Kinmundy, Illinois has determined that to maintain an orderly, safe, and consistent pattern of development within the City of Kinmundy it is necessary to regulate the placement and installation of mobile homes in the City of Kinmundy; and,

WHEREAS, the City of Kinmundy, Illinois recognizes and finds that there are unique concerns regarding the safety, health and welfare of citizens residing in mobile homes including but not limited to fire safety, regulation of drainage, parking, plumbing and the fixtures, materials, design and installation methods of plumbing systems, heating systems, and electrical systems; and,

WHEREAS, the City of Kinmundy is authorized pursuant to 65 ILCS 5/11-5-8 to regulate mobile homes, and are authorized to locate or prohibit mobile homes which are not within the confines of a mobile home park.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF KINMUNDY THAT:

1. DEFINITIONS: The following terms shall have the following meanings:

A. Mobile Home: The term "mobile home" shall mean 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.

B. Mobile Home Park: The term "mobile home park" shall mean a tract of land or two or more contiguous tracts or lots of land, whether owned by one or more persons or entities, which contain sites with the necessary utilities for the installation of two or more independent mobile homes, or which otherwise is intended for the installation of two or more independent mobile homes, or which actually has two or more independent mobile homes installed thereon.

2. RESTRICTIONS ON MOBILE HOMES: After the effective date of this

Ordinance, mobile homes shall not be placed, constructed, installed or otherwise located within the corporate limits of the City of Kinmundy, Illinois unless said mobile home is placed, constructed, installed or otherwise located in accordance with this Ordinance, and a permit for the placement, construction or installation of the mobile home is issued pursuant to this Ordinance. This Ordinance shall apply with equal force and effect to those mobile homes presently existing within the corporate limits of the City of Kinmundy but which are moved subsequent to the passage of this Ordinance to a different tract or lot of real estate. However, building an addition on to an existing mobile home, or the repositioning of an existing mobile home on the same tract or lot of real estate shall not be deemed to constitute a moving the mobile home.

3. RESTRICTIONS ON MOBILE HOME PARKS: After the effective date of this Ordinance, mobile homes shall not be placed, constructed, installed or otherwise located within a mobile home park within the corporate limits of the City of Kinmundy, Illinois unless the owner of the mobile home to be placed in such mobile home park is issued a permit by the City allowing the placement or installation of a mobile home as provided for herein. Said permit must be issued before placement or installation activities may begin. This Ordinance shall apply with equal force and effect to those mobile homes presently existing within the corporate limits of the City of Kinmundy but which are moved subsequent to the passage of this Ordinance to a different tract or lot of real estate. However, building an addition on to an existing mobile home, or the repositioning of an existing mobile home on the same tract or lot of real estate shall not be deemed to constitute a moving the mobile home.

4. PERMIT APPLICATION PROCESS: In order to receive a permit for the placement and installation of a mobile home within the corporate limits of the City of Kinmundy, Illinois, the person or entity (hereinafter referred to as the "Applicant") seeking to place and install the mobile home shall file with the City Clerk a completed Mobile Home Permit Application (hereinafter referred to as the "Permit Application") and a One Hundred Dollar (\$100.00) non-refundable Permit Application Processing Fee. The City Clerk shall not accept partially completed Permit Applications. The City Clerk, or its designee, may request the Applicant to appear before the City Clerk for additional questioning. The City Clerk, or its designee, may inspect the mobile home and the lot. The City Clerk, or its designee, shall grant all Permit Applications which comply with Section 5 and 6 of this Ordinance and shall deny all Permit Applications which fail to comply with the restrictions stated in Section 5 and 6 of this Ordinance provided that:

A. The City Clerk shall notify the Applicant of the grant or denial of the Permit Application in writing served on the Applicant by certified mail within fifteen (15) days of filing the Permit Application with the City Clerk.

B. Said notice shall inform the Applicant of the reason(s) for the grant or denial of the Permit Application. The Applicant may appeal the decision of the City Clerk to the City Council by filing with the City Clerk within thirty (30) days of the City Clerk's decision a written request for a hearing before the City Council. The Mayor shall schedule a hearing with the Applicant before the City Council to be held within thirty (30) days of

receipt of the Applicant's request for a hearing. At the hearing, the City Council shall hear the reasons for the Applicant's appeal, and shall grant or deny the Applicant's appeal in writing within fifteen (15 days) from the date of the hearing.

5. RESTRICTIONS: All mobile homes proposed for placement and installation pursuant to Section 4 of this Ordinance shall comply with the restrictions listed below.

A. The proposed mobile home shall be placed and installed on a lot of no less than four thousand square feet (4000 sq.ft.), unless the proposed mobile home is to be placed in a mobile home park properly licensed by the State of Illinois pursuant to 210 ILCS 115/1 et.seq.; in such event, the placement of the mobile home shall comply with 210 ILCS 115/1 et.seq.

B. The lot for the proposed mobile home shall provide off-street parking for the Applicant's vehicles. The parking area shall be constructed of concrete, gravel, or other similar material with a suitable grade to provide for adequate drainage.

C. There shall be electrical, gas, and water utility hookup service provided at the lot on which the proposed mobile home is to be placed and installed.

D. The proposed mobile home and the lot on which the proposed mobile home is to be placed and installed shall comply with all federal, state, and local laws and regulations, including, but not limited to, the City of Kinmundy Nuisance Ordinance, as from time to time amended.

E. The City of Kinmundy recognizes the National Manufactured Housing Construction and Safety Standards Act of 1974, and findings contained therein. No mobile home constructed prior to 1976 shall be permitted to be placed or installed within the corporate limits of the City of Kinmundy, Illinois, unless the Applicant demonstrates to the City that the proposed mobile home meets the safety standards stated in said Act, as from time to time amended, and the regulations promulgated pursuant thereto.

F. A one hundred dollar (\$100.00) Permit Application Processing Fee shall be paid, in advance, to the City of Kinmundy, Illinois.

H. A completed Permit Application.

6. ADDITIONAL RESTRICTIONS: All mobile homes which are allowed to be placed and installed within the corporate limits of the City of Kinmundy pursuant to this Ordinance shall, as of the date of their placement and installation, comply with the following additional restrictions:

A. All wheels and hitches on the mobile home shall be removed.

B. The mobile home shall be connected to the City of Kinmundy water mains and sewer mains and shall be connected to electric, gas, and water utility service.

C. The mobile home shall only be used for single-family residential purposes. A mobile home shall not be used for any business purpose.

D. The mobile home shall be underpinned and tied down in accordance with the Illinois Mobile Home Tiedown Act, 210 ILCS 120/1 et.seq. The mobile home shall be skirted.

E. The mobile home shall continue to comply with all restrictions contained in Section 5 of this Ordinance.

7. VIOLATION: A person found to have violated this Ordinance by a court of competent jurisdiction shall be deemed to have committed a civil ordinance violation. The City Attorney serving the City of Kinmundy shall prosecute such violation. Upon entry of a judgment in favor of the City, the violator(s) shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars, (\$500.00) for each violation. Each day that a violation of this Ordinance continues shall constitute a separate and distinct violation for which the violator(s) shall be fined. In addition to any fine, the City may seek injunctive and declaratory relief directing the violator(s) to cure the violation, and the City may revoke the person's Permit.

8. SEVERABILITY: In the event a court of competent jurisdiction declares any particular provision of this Ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable.

9. EFFECTIVE DATE: This Ordinance shall be in full effect from and after passage and approval as provided by law.

10. REPEAL OF PRIOR ORDINANCES AND RESOLUTION: All prior Ordinances and Resolution of the City in conflict with this Ordinance are hereby repealed as to the effective date of this Ordinance.

Published in pamphlet form this 5 day of February, 1998.

Place on file this 5th day of February 1998.

Presented, passed and approved this 5 day of February, 1998.

YEAS: 5
NAYS: 1
ABSENT:

CITY OF KINMUNDY

Larry Engel

Larry Engel, Mayor

ATTEST:

Judi Slane

Judi Slane, City Clerk

MOBILE HOME PERMIT APPLICATION
CITY OF KINMUNDY, ILLINOIS

1. NAME: _____
2. ADDRESS: _____
3. TELEPHONE NUMBER: _____
4. WORK TELEPHONE NUMBER: _____
5. ATTACH COMMON ADDRESS OF LOT WHERE MOBILE HOME WILL BE LOCATED:
6. ATTACH COPY OF TITLE TO MOBILE HOME:
7. ATTACH COLOR PHOTOGRAPH OF MOBILE HOME:
8. STATE INTENDED USE OF MOBILE HOME: _____

9. ATTACH "TO-SCALE" DIAGRAM OF LOT AND SITE OF PROPOSED PLACEMENT OF MOBILE HOME, CONCRETE SUPPORT SURFACE FOR MOBILE HOME, AND PARKING AREA:
10. I HAVE READ AND AGREE TO COMPLY WITH THE CITY OF KINMUNDY'S MOBILE HOME ORDINANCE.

SIGNED: _____
APPLICANT

DATE: _____

RECEIVED: _____
CITY CLERK

DATE: _____

NOTE TO THE CITY CLERK: YOU MUST PROVIDE A COPY OF THE MOBILE HOME ORDINANCE TO THE APPLICANT PRIOR TO THE APPLICANT SIGNING THE APPLICATION.

MOBILE HOME PERMIT

CITY OF KINMUNDY, ILLINOIS

Permit # _____

The City of Kinmundy, Illinois hereby grants to _____
a permit to place and install a mobile home at _____,
Kinmundy, Illinois.

This Permit is granted subject to the above-named person complying with all terms and
conditions contained in City of Kinmundy Mobile Home Ordinance.

GRANTED THIS _____ DAY OF _____, _____.

CITY OF KINMUNDY

City Clerk

NOTICE OF APPEAL

Pursuant to Section 4 of the City of Kinmundy, Illinois Mobile Home Ordinance _____, hereby requests a hearing before the City Council of the City Kinmundy, Illinois to appeal the decision of the City Clerk denying his/her Permit Application dated _____ to place a mobile home within the corporate boundaries of the City of Kinmundy, Illinois.

Section 4 of the City of Kinmundy, Illinois Mobile Home Ordinance states the Applicant may appeal the decision of the City Clerk to the City Council by filing with the City Clerk within thirty (30) days of the City Clerk's decision a written request for a hearing before the City Council. The Mayor shall schedule a hearing with the Applicant before the City Council to be held within thirty (30) days of receipt of the Applicant's request for a hearing. At the hearing, the City Council shall hear the reasons for the Applicant's appeal, and shall grant or deny the Applicant's appeal in writing within fifteen (15) days from the date of the hearing.

APPLICANT: _____

DATE: _____

ADDRESS: _____

PHONE: _____