

CITY OF MARSHALL

ORDINANCE NO. 2023-O-26

AN ORDINANCE AMENDING CHAPTER 53. MOBILE HOMES OF THE CODE OF
ORDINANCES, CITY OF MARSHALL, ILLINOIS.

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this
24 day of April, 2023.

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AN ORDINANCE AMENDING CHAPTER 53. MOBILE HOMES OF THE CODE OF ORDINANCES, CITY OF MARSHALL, ILLINOIS.

BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That Chapter 53. Mobile Homes of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

Sec. 53-1. DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAMPER. A mobile living unit designed to be mounted upon and conveyed by a vehicle. No *CAMPER* unit shall be occupied in the city, ~~except as provided in the zoning ordinance, as set forth in Appendix A of this title.~~

MOBILE HOME. A structure less than 5 years of age, and 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 of 1 or more persons. This definition shall include this type of structure, regardless of whether wheels are in place on or removed from the structure. A prefabricated home shall not be included in this definition. A home complying with the terms of the city building code relating to construction of single-family homes, and placed on a foundation complying with all of the terms of the city building code relating to single-family homes, shall not be deemed to be a *MOBILE HOME*.

MOBILE HOME PARK. A tract of land, or 2 or more contiguous tracts of land, upon which contain sites with the necessary utilities for 5 or more independent mobile homes for permanent habitation, either free of charge or for revenue purposes, and including any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of that *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. Neither an immobilized ~~mobile home~~ recreational vehicle -nor an operational motorized recreational vehicle shall be construed as being a part of a *MOBILE HOME PARK*. Mobile Homes, regardless of age, may be moved from a nonconforming use property within the city limits of the City of Marshall to a licensed trailer park within the city limits of the City of Marshall.

TRAVEL TRAILER. A mobile home or trailer designed for human occupancy, and not more than 8 feet or more than 2.4 meters in width, nor more than 33 feet or 10 meters in length.

UNIT. A mobile home or similar portable structure as defined in this section.

Sec. 53-2. MOBILE HOMES; LOCATION.

No mobile home shall be permitted within the boundaries of the city zoning ordinance, as set forth in Appendix A- Zoning of the ordinances of the City of Marshall ~~of this title~~, unless located in a licensed mobile home park.

Sec. 53-3. NONCONFORMING USE SITES.

(A) All sites upon which a mobile home is located within the city zoning limits but not within a licensed mobile home park at the time of the effective date of this chapter shall be designated as nonconforming use sites. The lawful nonconforming use of these sites may be continued, although that use does not conform to the provisions of this chapter, provided that the use complies with the conditions for nonconforming use sites hereinafter set forth.

(B) A nonconforming use shall not be extended or expanded. The extension or expansion of a nonconforming use to any portion of the site designated specifically for a nonconforming use, which existed prior to the effective date of this chapter, shall not be deemed an extension or expansion of the nonconforming use. Any such valid extension or expansion must meet the requirements of this chapter.

(C) A mobile home on a nonconforming use site may be replaced by another mobile home, provided that the replacement mobile home is less than 5 years old and, except for location outside of a licensed mobile home park, conforms with this section.

(D) If a nonconforming use has ceased for a period of 1 year or more, it shall not be reestablished. If the mobile home shall remain unoccupied for residency purposes for a period of 1 year or more, it shall be treated as a cessation of the nonconforming use. Once changed to a conforming use, no site shall be permitted to revert to a nonconforming use, and the site shall no longer be designated a nonconforming use site.

(E) No person shall maintain any unit on a site within the city, or use any unit for living or sleeping quarters, or make application for a permit pursuant to this section, unless he or she has first complied with the following conditions:

(1) Each unit shall be equipped with a complete toilet, wash bowl, and shower bath or bathtub;

(2) Each unit shall be connected to City utilities including water, sewer, electricity, and natural gas (unless no gas is used for heating). have an adequate supply of wholesome water with a separate connection to the regular water system of the city; ~~provided, however, if city water is not available to the unit, then the unit shall be connected to an approved well; all of which.~~ All connections shall be made in accordance with established rules, regulations, codes, and ordinances of the city;

(3) Each unit shall have a separate liquid waste outlet, connected with the regular established sewer system of the city; provided, however, if city sewer is not available to the unit, then the unit shall be connected to an approved septic system; all of which connections shall be made in accordance with established rules, regulations, codes, and ordinances of the city;

(4) Each unit shall be equipped with a smoke detector in working order, as required by existing state law;

~~(5) Each unit shall have electric service connected with the regular established electrical system of the city, which electrical connection shall be in accordance with the rules, regulations, codes, and ordinances of the city;~~

(65) Each unit shall be securely anchored in accordance with the Mobile Home Tie-Down Act, ILCS Chapter 210, Act 120, §§ *et seq.*;

(76) Each unit shall be equipped with secure skirting so as to enclose the space between the bottom of the unit and the ground;

(87) Garbage, rubbish, and trash shall be disposed of in a manner which creates neither a nuisance nor a menace to health;

(98) Each unit shall have no less than 2 entranceways. Each entranceway shall be easily useable and shall have steps or a porch to facilitate use; and

(109) Each unit shall be equipped with fire extinguishers in working order, 1 in each end of the mobile home.

~~(F) No person shall maintain any unit on a site within the city or use a unit within the city for living or sleeping purposes without first having obtained a permit from the city. No nonconforming sites will be added to the City after the effective date of this ordinance.~~

~~(G) A person desiring to use a unit for living or sleeping purposes on a nonconforming site shall make application in writing with the City Clerk on forms provided by the City Clerk. An application in writing for a permit shall be made for any unit that is situated on a site in the city, and this application shall be made within 10 days of the time the unit is placed on the site. All nonconforming sites in existence at the time of the passage of this chapter shall have 1 year during which to make application for the permit.~~

~~(H) Promptly upon application being made, the Mayor shall appoint a representative of the city to inspect the unit and the nonconforming use site where the unit is located and determine if the person making application has complied with the conditions and provisions of this section. If the written application and the inspection of the unit and site show compliance with the conditions and provisions of this section, the City Clerk shall issue a permit certificate as hereinafter described.~~

~~(I) If a permit is granted for a nonconforming use site and unit by the city, it shall issue a certificate showing the name of the permittee, the date of issuance, and the location of the unit, and shall be signed in the name of the city by the Mayor and Clerk and be impressed with the city seal. The City Clerk shall keep a record of all such permits issued.~~

~~(J) No nonconforming use site permit shall be transferable or assignable.~~

~~(K) The permit granted under this section shall be perpetual, so long as the permittee complies with the conditions and provisions of this section.~~

~~(L) Any permit issued by the city under this section shall be suspended or revoked by the Mayor and Council for any of the following causes:~~

~~(1) Fraud, misrepresentation, or incorrect statement contained in the application;~~

~~(2) Actions unauthorized or beyond the scope of the permit granted;~~

~~—(3) Violation of any of the conditions or provisions of this chapter applicable to the activity for which the permit has been granted;~~

~~—(4) Failure to continuously comply with all conditions required as precedent to the approval of the permit;~~

~~—(5) Using or maintaining the unit in such a manner as to constitute a breach of peace or a menace to the health, safety, or welfare of the public; or~~

~~—(6) Violation of any statute of the state or ordinance of the city which protects the health and safety of the public, or prohibits nuisances, or otherwise regulates the condition of buildings or structures.~~

(ME) A unit used or maintained in the city contrary to the provisions of this section is declared a nuisance, and the city shall have available all remedies as provided in the city ordinances and code provisions.

Sec. 53-4. MOBILE HOME PARKS.

Mobile home parks are allowed by license under this chapter, but are otherwise strictly prohibited.

Sec. 53-5. REGULATIONS; COMPLIANCE REQUIRED.

(A) Every mobile home park hereafter established in the city shall, at a minimum, conform to the requirements of:

(1) An Act to Provide for License, and Regulate Mobile Homes and Mobile Home Parks, ILCS Chapter 210, Act 115, §§ 1 *et seq.*;

(2) Rules and Regulations for Mobile Home Parks, State Department of Public Health, Consumer Protection Division, as now or hereafter amended; and

(3) This chapter.

(B) In case of conflict between any provisions of the above, the more stringent provision shall control.

Sec. 53-6. MOBILE HOME PARKS; LICENSE; INSPECTION; STANDARDS.

(A) A mobile home park constructed prior to the effective date of this chapter but not licensed by the city shall not require a construction permit. A written application for an original license shall be submitted to the city, and shall include all of the necessary information on the application except for the actual construction information.

(B) Any person seeking to establish, maintain, conduct, or operate a mobile home park after the effective date of this chapter shall first obtain a license from the ~~City Clerk~~ Mayor. All plans shall be submitted to the ~~City Clerk~~ Mayor or his designee for approval prior to the granting of a license.

(C) A license does not relieve the applicant from complying with this chapter or any other applicable ordinance or code provision.

(D) Upon completion of the proposed construction of a mobile home park or a proposed alteration of an existing mobile home park, the applicant shall notify the City Clerk Mayor in order that an inspection of the complete facilities can be made. Notification to the City Clerk Mayor shall be in writing and addressed to the City Clerk Mayor's office at City Hall. Inspection shall be made by persons designated by the Mayor.

(E) The City Clerk Mayor or his/her designee shall review each application and all plan documents submitted. When the application and plan documents are found to be in compliance with this chapter and the Rules and Regulations for Mobile Home Parks, as promulgated by the State Department of Public Health, the City Clerk Mayor may authorize the issuance of ~~may issue~~ a license to conduct or operate a mobile home park to the applicant. ~~The City Clerk~~ A license shall not be issued ~~shall not issue a license until~~ the Council shall have issued a certificate of occupancy certifying compliance with the provisions of this chapter approved a resolution allowing the license to be issued. Licenses shall be nontransferable and shall expire on the May 1 subsequent to the date of issuance of the license.

(F) Any license granted hereunder shall be subject to revocation or suspension by the City Council. However, the City Council 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 the licensee has failed to comply with the statutes or this chapter, or any rules or regulations promulgated by the state or city pertaining thereto. The notice shall require the licensee to remove or abate the nuisances, or unsanitary or objectionable conditions, specified in the notice, within 5 days or within a longer period of time as may be allowed by the City Council. If the licensee fails to comply with the terms and conditions of the notice within the time frame specified or the extended period of time, the City Council may revoke or suspend the license. Service may be had by either personal service or by mail to the licensee or agent named in and to the address listed in the most recent annual license application.

(G) In order to obtain a license to construct or alter, or an original license to operate a mobile home park, the applicant shall file with the City Clerk Mayor a written application and plan documents. Two copies of the plan document shall accompany the application filed with the city to obtain a license to construct or alter a mobile home park or an original license to operate a mobile home park not previously licensed by the city. These plans shall include, but not be limited to, the design and construction criteria set forth herein.

(H) The application shall be completed by the applicant or an engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, the name and address of the corporation's registered agent shall be provided;

(2) The address, location, and legal description of the tract of land upon which it is proposed to construct, operate, and maintain a mobile home park;

(3) The name of the mobile home park;

(4) Detailed plans and specifications which include a general plot plan of the mobile home park with all sites and structures shown, building plans and specifications for existing buildings and

facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities, the water supply system, the sewage disposal system, the electrical system, the fuel supply system, the lighting system, the method of disposal of solid waste, all streets and sidewalks, swimming and bathing facilities, fire hydrants, and details of all auxiliary structures as well as additional information requested by the City;

(5) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached; and

(6) A nonrefundable application fee of \$200 for a license to construct or a nonrefundable application fee of \$150 for a license to alter or to change the size of the park.

(I) Sites selected for mobile home development shall be well drained and free from topographical or geological hindrances and from other conditions unfavorable to a proper residential environment. The mobile home development shall not be located near swamps, marshes, or other breeding places of insects, rats, and mice. When good, natural drainage is not available, storm drainage shall be provided, and this drainage shall not endanger any water supply or surface watercourse.

(J) All streets in mobile parks shall have a minimum road width of 28 feet. Road surface shall be a Double Oil and Chip Surface, 8" Sub-base, Type A: Woven or nonwoven pavement fabric. When sidewalks and walkways are constructed abutting a street in a mobile home park, they shall be a minimum of 4 feet in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual site. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

(K) Size, area, width, and yard requirements include the following:

(1) *Minimum area.* Each mobile home site rented or used in a mobile home park shall contain a contiguous area of at least 4,000 square feet per mobile home;

(2) *Front yard.* The minimum distance between the mobile home and the pavement edge of the street serving the mobile home site shall be 15 feet;

(3) *Side yard.* The minimum distance between mobile homes shall be 20 feet, excluding hitches and steps, Bay Windows or other projections of a mobile home shall be considered the outer wall of a mobile home when considering the side and rear requirements;

(4) *Rear yard.* There shall be a rear yard provided for each mobile home, of at least 10 feet. The rear yard is the yard farthest from the street; and

(5) *Mobile home stand.* A mobile home stand shall be provided for each mobile home site, of sufficient size to accommodate the mobile home to be located thereon. A mobile home stand shall be solid, continuous concrete slab constructed so as not to shift or settle unevenly under the weight of the mobile home or other forces due to frost, vibration, wind, or water. The mobile home shall be secured to the ground with an approved tie-down or anchoring device, as required by state statutes.

(L) Miscellaneous restrictions include:

(1) Not more than 1 mobile home shall be parked in 1 space;

(2) All mobile home spaces shall be located in a licensed mobile home park except those mobile homes totally in place on the effective date of this chapter or replaced pursuant to §53.3 of this code;

- (3) All mobile home spaces shall have individual utilities; and
- (4) Each mobile home lot shall be required to provide 2 off-street parking spaces.
- (5) Each mobile home shall be for one single family residence and shall not be subdivided into additional residences and shall not be subleased.

(M) The annual license fee per mobile home park shall be \$25, and shall be due and payable on or before May 1 of each year. The annual license fee shall be nonrefundable.

Sec. 53-7. PERIODIC INSPECTIONS.

A committee designated by the City Council shall periodically inspect all mobile homes and all mobile home parks to verify compliance with the provisions of this chapter.

Sec. 53-8. DENIAL, SUSPENSION, OR REVOCATION; HEARING.

In the event the city shall deny an application or suspend or revoke a permit under this chapter, it shall notify the applicant or permittee of that denial, suspension, or revocation. Any person aggrieved by this action by the city shall have the right to a hearing before the Council, provided a written request therefor is filed with the City Clerk within 10 days after receipt of the denial, suspension, or revocation. The action taken by the Council after such a hearing shall be final.

Sec. 53-9. VIOLATIONS; REMEDIES.

(A) In case any unit is located, replaced, altered, added to, or maintained, or any person constructs, alters, changes the number of spaces, operates, or maintains a mobile home park in violation of this chapter or of any ordinance or other regulation made under the authority conferred hereby, the proper authorities of the city, or any owner or tenant of real property within 1,200 feet in any direction of the property on which the alleged violation occurred who shows that the owner's or tenant's property will be affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding:

- (1) To prevent the unlawful location, replacement, alteration, addition, maintenance, construction, change, or operation;
- (2) To prevent the occupancy of the building, structure, or land;
- (3) To prevent any illegal act, conduct, business, or use in or about the premises; or
- (4) To restrain, correct, or abate the violation.

(B) When any such action is instituted by an owner or tenant, notice of the action shall be served upon the city at the time suit is begun, by serving a copy of the complaint on the Mayor of the city and mailing a copy of the complaint to the City Attorney, and no such action may be maintained until this notice has been given.

Sec. 53-10. PENALTY.

Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined as allowed in Chapter 1- General Provisions, section 5 of the Marshall Municipal Code. Each day that a violation is permitted to exist shall constitute a separate offense.

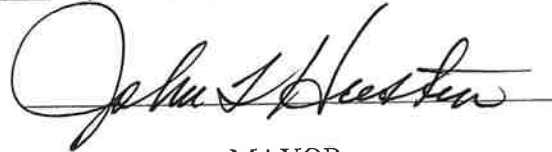
Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Michael Smitley	✓		
Warren J. Le Fever	✓		
Vickie Wallace	✓		
Jarod Green	✓		
Josh Sanders	✓		
Robert Nelson	✓		
Foster Propst	✓		
Rob Knott	✓		

PASSED this 24 day of April, 2023.

APPROVED this 24 day of April, 2023.



MAYOR

ATTESTED, filed in my office,
and published in pamphlet form
this 24 day of April, 2023.


CITY CLERK

(SEAL)