

ORDINANCE NO. 601

AN ORDINANCE PROVIDING FOR THE REGULATION OF  
MANUFACTURED HOUSING IN THE CITY OF SUMNER, ILLINOIS

RECITALS

WHEREAS, the City of Sumner, Illinois (City) is a municipal corporation duly organized and existing municipality created under the provisions of the State of Illinois; and

WHEREAS, the City has the power and authority to adopt and enforce regulations for the location and occupancy of mobile homes and other manufactured housing within its corporate limits, pursuant to Section 11-5-8 of the Illinois Municipal Code (65 ILCS 5/11-5-8); and

WHEREAS, the corporate authorities have found and determined that it is necessary for the health, safety and general welfare of the City and its residence to amend its existing ordinances in regard to the regulation of mobile homes and to establish a more comprehensive set of regulations in regard to manufactured housing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sumner, Illinois, as follows:

**Article I**  
**Incorporation of Recitals**

The Recitals contained in the preamble of this Ordinance are incorporated in this Ordinance as if set out fully herein.

**Article II**  
**Purpose and Effect**

Section 1. This Ordinance was adopted for the following purposes:

- (a) To promote and protect the public health, safety, morals, comfort, convenience and general welfare of residents;
- (b) To provide adequate light, air, privacy, and convenience of access to property;
- (c) To regulate the intensity of use of lots and to determine the area of open spaces around buildings and manufactured housing that is necessary to provide adequate light and air and protect the public health;
- (d) To provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.

Section 2. All ordinances and parts of ordinance in conflict with this Ordinance are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the City prior to the effective date of this Ordinance.

Section 3. In the event that any section, clause, provision or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all parts that are severable shall remain in full force and effect. If any part of this Ordinance is found to be invalid and any one or more of its severable applications, all valid applications that are severable from the invalid application shall remain in effect.

### **Article III** **Definitions**

The terms used in this Ordinance shall have the following meanings:

“AFFIDAVIT” means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

“APPLICANT” means any person making application for a license or permit.

“CORPORATE AUTHORITIES” shall mean the Mayor and the City Council.

“IMMOBILIZED MANUFACTURED HOME” As applied to a manufactured home, “immobilize” means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location.

“LICENSE” means a license certificate issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Code and the rules and regulations issued hereunder.

“LICENSEE” means any person having a license or permit under this Ordinance.

“MANUFACTURED 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 location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the federal “**National Manufactured Housing Construction and Safety Standards Act of 1974**”. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ration of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6)**

inch minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a “**manufactured home**”, but shall be an “**immobilized manufactured home**”. A manufactured home should not be confused with a “**camping trailer**” or “**recreational vehicle**”. (See 210 ILCS Sec. 115/2.10)

“MANUFACTURED HOME, DEPENDENT” means a manufactured home which does not have a toilet and bath or shore facilities.

“MANUFACTURED HOME, DOUBLE-WIDE” consists of **two (2) mobile units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

“MANUFACTURED HOME, INDEPENDENT” means a manufactured home which has self-contained toilet and bath or shower facilities.

“MANUFACTURED HOME LOT” means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

“MANUFACTURED HOME PAD” means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

“MANUFACTURED HOME PARK” means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent manufactured 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 manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. (See 210 ILCS Sec. 115/2.5)

“MANUFACTURED HOME SALES AREA” means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

“MANUFACTURED HOME SPACE” means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

“MANUFACTURED HOUSING UNIT” includes all forms of housing units listed in this Article and as regulated in this Ordinance.

“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 location at

which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **“mobile home”** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **“National Manufactured Housing Construction and Safety Standards Act of 1974”**.

**“MODULAR HOME”** A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed in a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the Building Code (BOCA). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

**“OWNER” OR “OPERATOR”** means the licensee.

**“PERMANENT FOUNDATION”**, for a manufactured home, means a continuous perimeter foundation of material such as mortared concrete block, mortared brick, or concrete that extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least **one-half (1/2) inch** in diameter, spaced at intervals of no more than **six (6) feet** and within **one (1) foot** of the corners, and embedded at least **seven (7) inches** into concrete foundations or **fifteen (15) inches** into block foundations.

**“PERMIT”** means a certificate issued by the City, permitting the construction, alteration, or reduction in number of spaces of a manufactured home park under the provisions of this Ordinance.

**“PERSON”** means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

**“REVOCATION”** means to declare invalid a permit or license issued to the applicant or licensee by this City for an indefinite period of time.

**“SITE”** means the lot on which the manufactured home is located for permanent habitation. (See 210 ILCS Sec. 115/2.7)

**“SPACE”** shall be synonymous with **“Manufactured Home Space”**.

"SUSPENSION" means to declare invalid a permit or license issued to the applicant or licensee by this City for a temporary period of time with an expectation of resumption.

**Article IV**  
**Adoption of State Laws and Regulations**

Section 1. The Illinois Mobile Home Park and the Mobile Home Tiedown Act (77 Ill. Admin. Code 870) of the Illinois Compiled Statutes, Chapter 210, Section 115/1 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 manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the City.

Section 2. The Illinois Manufactured Housing and Mobile Home Act, as passed and approved by the Illinois General Assembly is hereby adopted by the City and the applicable provisions pertaining to manufactured homes and immobilized manufactured homes shall be controlling with the City.

Section 3. The Manufactured Home Community Code as approved by the Illinois Department of Public Health is hereby adopted by the City. The applicable provisions pertaining to the Manufactured Home community shall be controlling within the corporate limits.

**Article V**  
**Requirements and Standards**

Section 1. All immobilized manufactured homes located in the City shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently affix it to the ground in a manner that conforms to the definition of a immobilized manufactured home in Article III of this Ordinance. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Ordinance.

Section 2. There shall be only one (1) immobilized manufactured home per lot in the City. An immobilized manufactured home shall not be located on a lot having an area of less than 3,200 square feet, or on a lot which has a pre-existing dwelling. No immobilized manufactured home shall be situated less than 10 feet from any lot boundary or pre-existing building, except a garage used as an accessory building.

Section 3. There shall be adequate parking space to accommodate at least one automobile or other motor vehicle on any lot with a manufactured housing unit located thereon.

Section 4. All manufactured homes must be underpinned with wood, plastic, metal, concrete blocks, or such other material as may be permitted by state law and regulations.

Section 5. It shall be unlawful to locate a dependent manufactured home in the City, unless placed in a state-licensed travel trailer park.

Section 6. All manufactured housing units located in the City shall be connected directly to the municipal water and sewer system within 30 days of location upon a lot. All fixtures for connection to the City's water and sewer systems must be inspected and approved by the superintendent of public work prior to installation. The superintendent may approve a 15 day extension for compliance with this Section. Any further extensions must be duly approved by a majority vote of the corporate authorities.

Section 7. All manufactured homes located in the City shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that it will reasonably protect the manufactured housing unit. All fire extinguishers shall be approved by the Chief of Police or his designated representative prior to installation.

Section 8. All manufactured homes located in the City shall be subject to reasonable inspection by the Chief of Police or any other official designated by the Corporate Authorities.

Section 9. It shall be unlawful to park any manufactured housing unit, or part thereof, on any street, alley, highway, or other public way for more than 24 hours, except with the approval of the Chief of Police or his authorized representative.

## **Article VI** **Permit Procedures**

Section 1. All persons seeking to locate or replace a manufactured home outside a manufactured home park shall first obtain a Manufactured Home Permit from the City. No utility services shall be connected to the unit until the City has issued a permit. The fee to locate or relocate a manufactured home in the City shall be \$100.00

Section 2. Prior to locating or replacing a manufactured home in the City, the owner shall make application to the City Clerk on a form prescribed by the City and signed by the owner. The permit fee set forth in Section 1 shall be paid when the application is filed. The fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the City.

Section 3. Each application shall include the following information and supporting documents:

- (a) The name, address and telephone number of the owner;
- (b) Proof of ownership of the unit;
- (c) The current location of the unit;
- (d) The proposed location of the unit;

- (e) A description of the unit, including year, make, model, and any serial or title number;
- (f) Proof that the unit has been inspected and approved by a certified building inspector. The City will furnish to the applicant a list of certified building inspectors approved by the City for purposes of this Section.
- (g) Proof that the unit has been inspected and approved by a certified master electrician.

All inspections shall be conducted not more than 30 days prior to submission of the application to the City.

Section 4. Within 3 days of receipt of the application and all supporting documentation, the City Clerk shall submit copies to the Chief of Police for review. The Chief of Police or his designated representative shall review the application and conduct such inspections of the unit and proposed location as shall be reasonably necessary to verify the information set forth in the application and supporting documents. The applicant shall cooperate fully in the inspections and investigations conducted by the Chief of Police or his designated representative. The applicant's failure or refusal to give any information reasonably relevant to a review of the application; to allow an inspection of the unit; or to otherwise fail to cooperate with the investigation and inspection required by this Article shall be grounds for denial of the permit.

Section 5. Within 30 days after submission of a properly completed application, the Chief of Police shall make recommendation to the City Clerk for approval or denial of the permit. The City Clerk shall immediately deny the application or issue the permit based upon the recommendation of the Chief of Police. Notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application.

Section 6. Upon denial of an application, the applicant may request in writing a hearing before the Corporate Authorities. At the hearing, the applicant may present and submit evidence and witnesses to refute the basis for denial of the application. At the conclusion of the hearing, the Corporate Authorities may, by majority vote, affirm the denial of the application, or order the City Clerk to issue a permit.

Section 7. Upon the issuance of a permit under this Article, the owner shall within 30 days meet all the requirements of this Ordinance. The owner may be granted a 15 day extension to meet the requirements of this Ordinance upon receiving approval of the Corporate Authorities. The owner shall pay an extension fee of \$50.00 for purposes of compliance with this Ordinance.

Section 8. The applicant shall be responsible for all inspection fees and other costs incidental to compliance with the permit procedures set forth herein.

**Article VII**  
**Pre-Existing Manufactured Homes**

Section 1. Nothing in this Ordinance shall require the moving or removal of any manufactured home situated on any lot within the City prior to the effective date of this Ordinance. All manufactured homes situated on lots within the City shall be permitted to remain situated as on the effective date of this Ordinance, provided, however, that if any such manufactured home is removed or replaced and a manufactured home is placed on the same location, the replacement manufactured home shall be situated on said lot in accordance with this Ordinance.

Section 2. Any manufactured home now within the City shall have 60 days from the effective date of this Ordinance to comply with all terms of this Ordinance.

**Article VIII**  
**Manufactured Home Parks**

Section 1. Compliance with Statutes, Applicability of Article. Every manufactured home park hereafter established in the City shall, at a minimum, conform to the requirements of:

- (a) The Illinois Mobile Home Park Act and the Mobile Home Tiedown Act (77 Ill. Adm. Code 870) of the Illinois Compiled Statutes, Chapter 201, Section 115/1 et seq., as passed and approved and amended by the Illinois General Assembly are hereby adopted by the City. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the City.
- (b) The Manufactured Home Community Code as approved by the Illinois Department of Public Health (1998) is hereby adopted by the City. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.
- (c) This Ordinance.

Section 2. Permitting and Planning a Park. Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

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“Construct or operate a manufactured home park”, as used in this Ordinance shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from five (5) or more independent manufactured homes. (All plans shall be submitted to the City Council for approval prior to the granting of a permit.)

Section 3. Local Government Requirements. A permit does not relieve the applicant from complying with all other ordinances applicable thereto.



Section 4. Permits. The City Council shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the "Manufactured Home Community Code", as approved by the Illinois Department of Public Health, the City Council or its designee may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for one (1) year from date of issue.

Section 5. Inspection of Manufactured Home Park. Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the City or the designated official in order that an inspection of the complete facilities can be made.

Section 6. Violation Proceedings. Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative 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 statutes, or any rules or regulations promulgated by the City pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within five (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 specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

Section 7. Initial Permit Required. Each manufactured home that locates on a lot in a manufactured home park shall secure an Initial Permit from the City.

Section 8. Plan Document. In order to obtain a permit to construct or an original license to operate a manufactured home park, the applicant shall file within the City a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. Two (2) copies of the plan document shall accompany the application filed with the City Clerk to obtain a permit to construct or alter a manufactured home park or an original license to operate a manufactured 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.

Section 9. Application.

- (a) Every applicant shall file with the City Clerk a written application and plan documents for the proposed construction or alteration of a manufactured home park.
- (b) The application shall be completed by the applicant and the engineer or architect and shall include:
  - (i) 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, a copy of the certificate of incorporation must be filed with the application.

- (ii) The proposed method of lighting the structures and land upon which the manufactured home park is to be located.
- (iii) The plot plans of the manufactured home park, 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.
- (iv) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.
- (v) Each application shall be accompanied by an application fee of Three Hundred Dollars (\$300.00) for a permit to construct, or an application fee of One Hundred Fifty Dollars (\$150.00) for a permit to alter to increase the size of the park.

Section 10. Location.

- (a) Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.
- (b) The City Council may authorize a site survey to ascertain that the proposed location complies with the above requirements.

Section 11. Roadways and Parking.

- (a) All streets and driveways in every park shall be constructed in compliance with all applicable ordinance.
- (b) All streets in parks constructed shall have a minimum right-of-way of fifty (50) feet and a minimum road width of thirty-two (32) feet for the purpose of this Ordinance, and shall be considered private streets to be maintained by the park owner or operator.

If a manufactured home park has more than fifty (50) unites, a wider street may be required by the Corporate Authorities.

- (c) Sidewalks and walkways shall be constructed abutting a street in a manufactured home park and shall be a minimum of four (4) feet in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

Section 12. Lot Size. The minimum lot size for a manufactured home pad shall be three thousand two hundred (3,200) square feet.

Section 13. Miscellaneous Restrictions.

- (a) No manufactured home unit parked in a manufactured home park shall be immobilized.
- (b) Not more than one (1) manufactured home unit shall be parked in one (1) space.
- (c) No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the City Council or the Zoning Board.

Section 14. License Fee. The annual license fee per manufactured home park shall be One Hundred Dollars (\$100.00), and shall be due and payable on or before May 1<sup>st</sup> of each year. The City Clerk shall notify the owner or operator of the annual fee at least thirty (30) days prior to May 1<sup>st</sup>.

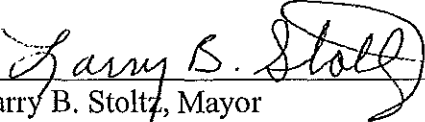
**Article IX**  
**Enforcement**

Section 1. It shall be the duty of the Chief of Police to enforce this Ordinance.

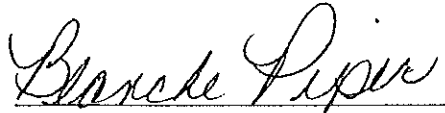
Section 2. Any person who violates this Ordinance shall be fined not less than \$200.00 nor more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

PASSED and ADOPTED by the City Council of the City of Sumner, Illinois and APPROVED by the Mayor this 6<sup>th</sup> day of December, 2011.

VOTE: 5 Ayes      1 Nays      0 Absent      0 Abstain

  
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Larry B. Stoltz, Mayor  
City of Sumner, Illinois

Attest:

A handwritten signature in cursive script that reads "Blanche Piper". The signature is written in dark ink and is positioned above a horizontal line.

Blanche Piper, City Clerk  
City of Sumner, Illinois