

PART 1

AN ORDINANCE ESTABLISHING HEALTH AND SAFETY STANDARDS FOR MANUFACTURED HOMES, MOBILE HOMES, PRE-OWNED MANUFACTURED HOMES, MODULAR HOMES, POLE BARNs, PORTABLE BUILDINGS, GARAGES, SHEDS, RAILROAD CARS, AND CONTAINERS

ORD # 17-001

WHEREAS, under the authority of the Illinois State Statutes 55 ILCS Sec. 5/Counties Code, and the Illinois Manufactured House and Mobile Home Safety Act; a county may establish standards, conditions, and inspection program for manufactured homes, mobile homes, pre-owned manufactured homes, pole barns, portable buildings, garages, sheds, railroad cars, and containers which are located; and

WHEREAS, the County recognizes that certain structures or similar vehicular equipment in addition to mobile home/manufactured housing meets the needs of many county residents for affordable housing or other alternative housing; and

WHEREAS, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of Jersey County are furthered when standards for the condition of the structures, including manufactured homes, mobile homes, pre-owned manufactured homes, modular homes, pole barns, portable buildings, garages, sheds, railroad cars, and containers;

NOW, THEREFORE, BE IT RESOLVED by the Board of Jersey County that all manufactured homes, mobile homes, pre-owned manufactured homes, modular homes, pole barns, portable buildings, garages, sheds, railroad cars, and containers located to or within the jurisdiction shall comply with the provisions of this ordinance.

Section 1. Definitions

Unless otherwise expressly stated or clearly indicted by the context, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section:

(a) Abandoned. Any manufactured home or other structure that ceases to be occupied for more than twelve (12) months and no active attempt to rent via regular advertisement effort or no longer complies with Section 5; and/or a manufactured home for which an owner cannot be determined through reasonable efforts that include utilizing the Jersey County Supervisor of Assessments records, or other appropriate sources.

(b) Affidavit. An oath in writing, sworn before and attested by an individual who has authority to administer an oath.

(c) Applicant. Any person seeking to install or place an allowable structure in the Unincorporated area of Jersey County, Illinois.

(d) Certificate of Occupancy. A document issued by the County Code Administrator certifying that a new manufactured home and pre-owned manufactured homes is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.

(e) "Code Compliance Certificate". A certificate provided by the manufacturer to the Department that warrants that the manufactured housing unit or mobile home complies with the applicable code.

(f) County Code Administrator. Person appointed by the County Board of Jersey as the official of planning, permits and inspections; or any of his or her assistants and may be referred as "Code Official".

(g) Dead storage. Keeping or accumulating items or materials that are not being used for their intended purpose(s) for an extended period of time.

(h) Department. Means the Department of Public Health

(i) Dependent mobile home. A mobile home which does not have a toilet and bath or shower facilities.

(j) Floodplain and "Special Flood Hazard Area (SFHA)". Those lands within the jurisdiction of the county that is subject inundation by the base flood. The floodplains of the *Macoupin Creek, Mill Creek, Phils Creek, Piasa Creek, Otter Creek, Illinois and Mississippi Rivers* are generally identified as such on the Flood Insurance Rate Map of Jersey County prepared by the Federal Emergency Management Agency and dated April 2, 2009. Floodplain also includes those areas of known flooding as identified by the community.

(k) Independent mobile home. A mobile home which has a self-contained toilet and bath or shower facilities.

(l) Immobilized mobile home. A mobile home served by individual utilities (sewer, water, electricity) resting on a permanent perimeter foundation which extends below the established frost depth with the wheels, tongue and hitch removed and the home secured in compliance with the Illinois Mobile Home Tiedown Act. (210 ILCS 120)

(m) Install. Means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

(n) Jurisdiction. The unincorporated areas of Jersey County, Illinois.

(o) Manufactured home. A structure that was constructed on or after June 15, 1976 per HUD requirements and is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) 8 body feet or more in width, (ii) 40 body feet or more in length, and (iii) 320 or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for

year round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles.

(p) Mobile home. A structure that was constructed before June 15, 1976, and is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis, and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, and is a movable or portable unit that is (i) **8** body feet or more in width, (ii) **40** body feet or more in length, and (iii) **320** or more square feet, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of its construction to the location, or subsequent locations, at which it is installed and set up according to the manufacturer's instructions and connected to utilities for year-round occupancy for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term shall include units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expected to provide additional cubic capacity, and that are designed to be joined into one integral unit capable of being separated again into the components for repeated towing. The term excludes campers and recreational vehicles.

(q) Mobile home park. 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 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 park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park. All mobile home parks must be in strict compliance with the Illinois Mobile Home Park Act. 210 ILCS 115/1.

(r) Modular home. Also known as panelized or prefab, is constructed of premade parts and unit modules at a factory. Wall panels, trusses, and other pre-fabricated house parts are transported on a flatbed truck from the factory to the building site, these house sections are lifted onto the foundation where they are for the locations where they are erected.

(s) Permanent habitation. Habitation for a period of two (2) or more consecutive months.

(t) Pole barn. A building which lacks a conventional foundation built from treated poles, typically at eight foot intervals and anchored into the ground with cement and rock. Boards and metals are used for the sides and roof with screws to attach to the metal. Floor may be concrete, rock or bare ground.

(u) Portable building. Any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled onsite, which can be moved without disassembly to another location.

(v) Pre-owned manufactured home. Any manufactured home that has been previously used as a dwelling or for any other purpose and has been titled.

(w) Railroad car. A railway wagon or railway carriage, also called a train car or train wagon, is a vehicle used for the carrying of cargo or passengers on a rail transport system.

(x) Shipping containers. A shipping container is a container with strength suitable to withstand shipment, storage, and handling. Shipping containers range from large reusable steel boxes used for intermodal shipments to the corrugated boxes and are used for the shipment of freight. The majority of containers measure eight feet (8') wide and lengths can be twenty (20) or forty (40) feet. Standard height measures eight feet six inches (8'6").

(y) Site. The lot on which the structure is located or is to be located for permanent habitation.

(z) Structure. Anything constructed or erected with a fixed location on the ground. This includes buildings, mobile homes, manufactured homes, modular homes, portable sheds, pole barns, trailers, garages, carports, sheds and shipping containers.

Section 2. Purpose

The purpose of this Ordinance is to establish the requirement and procedures for the management of mobile homes, manufactured homes structures, and pre-owned manufactured homes and similar vehicular equipment designed for use as a storage, living or business quarters that have been allowed to deteriorate to the point of constituting a safety and health condition.

Section 3. Responsibility for enforcement

The responsibility for enforcement of this Ordinance is hereby assigned to the Jersey County Code Administrator, who is hereby authorized and directed to conduct and or delegate such inspections in the manner permitted by the laws of the state as are necessary to ascertain compliance or violation of this ordinance. The Code Official shall have the authority to appoint a designee, at his/her discretion, to assist in the enforcement of the Ordinance. Nothing in this section is or shall be construed to limit the authority of any other official of the County, including without limitation the County Board of Jersey County to observe and report violations of this Ordinance during the course of conduct and within the scope of official duties.

Section 4. Conditions

(a) It is unlawful for any person to rent, sell, or offer for sale within this State any mobile home manufactured after July 1, 1974, or any manufactured housing unit (double-wide) manufactured after July 1, 1976, unless such mobile home or manufactured housing unit bears a seal issued by the Department and a certification by the manufacturer or dealer, that the mobile home manufactured housing unit complies with applicable safety code. 430 ILCS 115/3

(b) No person shall sell, install or bring into unincorporated Jersey County mobile homes pre-dated of July 1, 1974 (IL mobile structure) or a manufactured unit pre-dated dated June 15, 1976 (pre-Hud) for occupancy, business or storage purposes.

(c) No Dependent mobile home, manufactured home, mobile home or modular home may be sold, installed or brought into unincorporated Jersey County without a title, Code Compliant Certificate and serial number.

(d) No pre-owned manufactured or mobile home older than twelve (12) years from the current date shall be brought into unincorporated Jersey County.

(e) No manufactured home or pre-owned mobile home shall be placed for permanent habitation on an area containing less than 7,200 square feet, provided that if zoning regulations are subsequently adopted, such area or lot size shall conform to the related minimum lot size prescribed for the zoning district in which the manufactured home is located.

(f) No manufactured home or pre-owned mobile home for temporary habitation shall be placed on an area containing not less than 3,000 square feet.

(g) Mobile homes or pre-existing mobile homes used for "dead storage" shall still be required to meet the minimum health and safety standards as defined in Section 1(g).

(h) The Illinois Mobile Home Tiedown Act requires all manufactured homes that are moved or set up on site after January 1, 1980 to be tied down in accordance with rules promulgated by the Illinois Department of Public Health. It is the homeowner's responsibility to ensure that the home is tied down within 30 days after the home is installed.

(i) All manufactured homes or mobile homes installed after December 31, 2001 shall be installed by a Illinois licensed manufactured home installer. Nothing in this Ordinance shall be construed to require a person who installs a new or used manufactured home on his or her own property outside of a mobile home park as defined in the Mobile Home Park Act [210 ILCS 115] to acquire an installer's license. Such individual also waives any rights under the Act as a result of not using a licensed installer.

Section 5. Minimum health and safety standards

No person shall occupy for the purpose of living within a home which does not comply with the following requirements before being issued a certificate of occupancy by the Code Official and:

(a) HUD CODE: Every new manufactured and pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 and shall not have been altered in such a way that the home no longer meets the code.

(b) Every new manufactured and pre-owned manufactured home located in the jurisdiction shall be in compliance and enforced with the Illinois Department of Public Health and the State of Illinois requirements as listed below:

1. Manufactured Home Quality Assurance Act [430 ILCS 117]
2. Illinois Mobile Home Tiedown Act [210 ILCS 120]
3. Illinois Manufactured Housing and Mobile Home Safety Act [430 ILCS 115]
4. Abandoned Mobile Home Act [210 ILCS 117]
5. Mobile Home Park Act [210 ILCS 115]

(c) Pre-owned interior condition. Every floor, interior wall, and ceiling shall be in sound condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration. Doors and windows shall be operable, watertight and in good working condition.

(d) The exterior of all new manufactured homes and pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

(e) Sanitary facilities. Every plumbing fixture, water, and waste pipe of a new manufactured home and pre-owned manufactured home shall be in sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

(f) Heating systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.

(g) Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panes shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. (2014 NEC, Article 550). Each new manufactured and pre-owned manufactured home shall contain a water heater in safe and working order. No aluminum wire allowed. (2014 NEC 550.15)

(h) Hot water supply. Each home shall contain a water heater in safe and working condition.

(i) Egress windows. Each bedroom of a manufactured home shall have at least one (1) operable window of sufficient size to allow egress.

(j) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device. There shall be adequate ventilation in all bathrooms.

(k) Smoke detectors. Each new and pre-owned manufactured home shall contain one operable battery-operated smoke detector in each bedroom and in the kitchen, which must be installed in accordance to the manufacturer's instructions.

(l) Steps and landings. Steps and landings are required for all new or pre-owned manufactured homes at an egress door. Loose or/and stacked steps are strictly prohibited. If the landing is over thirty (30") inches from the ground then handrails and guardrails are required.

(m) Skirting. Installation of skirting shall be required. Installation shall be in accordance with the manufactures instructions. Acceptable materials include masonry, stone, fiberglass, simulated brick or stone, vinyl, or other materials for the purpose of skirting.

Section 6. Manufactured home parks

Proposed manufactured home parks/communities shall be in strict compliance with the Illinois Mobile Home Park Act [210 ILCS 115/1] *et seq.*

Section 7. Dependent mobile homes, portable sheds, pole barns, sheds, railroad cars, and containers

(a) Dependent mobile homes, portable sheds, pole barns, sheds, railroad cars, or containers shall not be used for permanent habitation or for business purposes and will be required to sign a Non-Conversion Agreement.

(b) A permit must be obtained for Dependent mobile homes, portable buildings, sheds, pole barns, carports and containers **before** being placed or moved upon any lot or tract or parcel of land to ensure the structure is in compliance with Ordinances of Jersey County and state statutes.

(c) Pole barns, railroad cars or containers must meet all State, Federal and County residential requirements concerning building construction to be converted into a residential structure. The owner must follow the application procedure outlined in the *Code of Ordinances* and all adopted codes of the County to be issued a building permit and a Certificate of Occupancy.

Section 8. Registration and moving

(a) Every person, firm, corporation, or other entity holding title to or possessing a new manufactured home and pre-owned manufactured home which is placed or located within the jurisdiction of Jersey County shall report the location of the home to the Supervisor of Assessments. When moving, selling or renting a previously permitted manufactured home under this Ordinance, regardless if the destination is within or outside of Jersey County, applicant shall obtain a permit from the Code Administrator prior to moving.

(b) The Illinois Mobile Home Tiedown Act requires all manufactured homes that are moved or set up on site after January 1, 1980 to be tied down in accordance with rules promulgated by the Illinois Department of Public Health. It is the homeowner's responsibility to ensure that the home is tied down within 30 days after the home is installed. There are no mandatory requirements for the installers of anchoring equipment but the Department recommends that a certified manufactured home installer be used. Homeowners may do their own installation. Anyone that installs tie-down equipment must comply with the requirements of the Manufactured Home Tiedown code.

Section 9. Temporary habitations of less than two months

(a) Each manufactured home, new or pre-owned for permanent habitation, two (2) months or more, must be an independent manufactured home and immobilized as provided in Article 1, Section 1. It must also have a means of disposal of waste water as provided for in Section 1 (e).

(b) Each manufactured home, new or pre-owned either dependent or independent for temporary habitation, less than two (2) months, need not be immobilized as provided in Article I, Section 1 but must have a means of disposal of wastes which creates neither a nuisance nor a menace to health. The relocation of less than one-eighth (1/8) of a mile of a manufactured home for temporary habitation by the same occupant from its original location shall not be considered a new location for the purpose of determining the limitation of less than two (2) months.

Section 10. Permitting, inspections, Certificate of Occupancy and fees

No structure, mobile home, manufactured home, modular home, portable building, pole barn, garage, carport, shed, container shall be constructed, moved or placed upon any lot, tract or parcel of land until a building permit has been obtained as provided in the Ordinance.

(a) Permit. To obtain a permit, applicants shall provide the Code Administrator with the following:

- (1)** Permit or letter issued by the Jersey County Health Department that application was made for a waste disposal system or documentation of the existing system to be in working order.
- (2)** An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards as defined in Article II Section 1.
- (3)** A drawing of the lot, showing the lot size, and planned location of the structure.
- (4)** Inspection by the Code Administrator to inspect the mobile home on the exterior and interior.
- (5)** Alternative inspection. At the request of the applicant, the Code Administrator may inspect a new manufactured home or pre-owned mobile home prior to its being relocated if the home is then located at another site within the County.
- (6)** 9-1-1 address is required for the location of the manufactured home.
- (7)** Zoning permits. If the home is to be located within the mile and one-half of the municipalities of the City of Jerseyville or Brighton a zoning permit is required from the municipality prior to application of a building permit.
- (8)** A copy of original sales invoice or title to the manufactured home. (The invoice or title must show the year, make and/or model, square footage and serial number of home).
- (9)** Proof the structure meets the standards established under the National Manufacturing Housing Construction and Safety Act, 42 U.S.C. 5401-5445 (HUD Code).
- (10)** Description of foundation and Tiedown in accordance with Jurisdiction requirements.
- (11)** Copy of the mobile home title or bill of sale from manufacturer.

(b) Permit. To obtain a demolition permit for deconstruction, recycling or scrapping of a manufactured, mobile home, pole, barn, portable building, accessory building, shed, railroad car or containers.

- (1)** Proof of ownership
- (2)** No Tax Due letter from the County Treasurer
- (3)** Agreement with Illinois licensed scrapper or landfill
- (4)** Detailed information on the nature of demolition
- (5)** Proof of disconnection of utility services

(c) Setbacks. No mobile home, manufactured home, modular home or other structure shall be constructed, established or maintained which does not conform to the following setbacks:

(1) No structure shall be located closer than thirty five feet (35') from the road-right-of way of any street or public road.

(2) No structure shall be located closer than fifteen feet (15') from the property line in the rear and sides of the lot, tract or parcel of land for residential use.

(d) Fee. A permit fee shall be charged to the applicant to cover the cost to the County to process the permit applicant and subsequent inspections.

(e) Inspections. Upon receipt of a permit, applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for all required inspections. It is the responsibility of the property owner to call the Code Administrator office to schedule the mandatory inspections.

(1) Certificate of Occupancy. A Certificate of Occupancy shall be issued to the applicant at such time that the Code Official certifies that the requirements of the Ordinance have been met. No structure may be occupied until a Certificate of Occupancy is issued.

(2) Expiration. Permits issued are active for 180 days, after the expiration date a new permit will be required.

Section 11. Disposition of non-habitable or abandoned homes, containers or other structures

(a) Effective as of the date of this Ordinance, any owner of a pre-dated mobile home or manufactured home or property owner that signs a *Affidavit of Non-Habitability* with the Supervisor of Assessments must remove the structure from Jersey County or otherwise be disposed of in a legal manner within ninety (90) days of the date the of the signed Affidavit.

(b) Any pre-dated mobile home or manufactured home determined to be lawfully removed pursuant to [210 ILCS 117/] of the *Illinois Safety Act, Abandoned Mobile Home Act*, or pursuant to Illinois Counties Code 55 ILCS 5/5 – 1121, or under an Order of Abatement issued by a court of competent jurisdiction may be disposed of by the County or the County authorized person or entity having custody of the mobile home or other structures pertaining to this Ordinance. Disposition of such mobile home/structures may be carried out in compliance with any applicable recycling program and/or ordinances, and shall not occur until at least thirty (30) calendar days following the probable cause hearing.

(c) It shall be unlawful for the registered owner or person entitled to possession of a mobile or manufactured home and for the owner, lessee, or occupant of the real property upon which the home is located to demolish, burn, deconstruct or scrap in a non legal manner.

(d) Before a mobile or manufactured home may be demolished, scrapped, deconstructed, or recycled, the registered owner or person entitled to possession of a mobile or manufactured home and for

the owner, lessee, or occupant of the real property upon which the home is located first must obtain the proper permits from the Jersey County Code Administrator.

Section 12. Violation-penalty and enforcement

(a) Any person, firm, or corporation, who violates, disobeys, or willfully fails to comply with any of the provisions of this Ordinance shall be subject to a fine of no less than \$50.00 up to \$750.00 for each violation. Each day that such violation exists shall constitute a separate offense.

(b) Failure to remove a pre-owned manufactured home or any other structure from the jurisdiction upon failure to receive a Certificate of Occupancy or have been cited as a nuisance shall be fined \$500.00. Each day that such violation exists shall be considered a separate offense.

(c) The Board of Jersey County may exercise their powers to recover the cost incurred of the demolition, repair, enclosure, or removal of dangerous and unsafe structures or uncompleted and abandoned mobile homes, manufactured homes and other structures in the Ordinance; by placing a lien on the real estate. Court costs shall be included in the lien and said lien shall be recorded with the Jersey County Recorder of Deeds.

Section 13. Exceptions.

(a) The provisions of this Ordinance shall not apply to mobile homes that are actively being used for residential purposes; provided that the mobile home has been properly permitted and is being operated in a lawful manner, including but not limited to, operation so as not to constitute a public nuisance.

(b) The restrictions as provided in this Ordinance shall not apply to any mobile, manufactured or modular home in existence on the effective date of this Ordinance; provided, however, that such nonconformance shall continue to exist only during the life of such existing mobile home, manufactured home, residential pole barn or modular home. Nothing in this section shall be construed to permit or authorize any existing mobile homes, manufactured home, residential pole barn or modular homes to be maintained in violation of any housing or fire protection codes or statutes now existing or hereinafter enacted the County of Jersey, State or Federal government.

(c) All existing mobile, manufactured, residential pole barn or modular home shall be exempt from compliance with this Ordinance so long as they remain in their existing locations. If such mobile, manufactured, modular homes or portable buildings are removed from their existing locations, replacement units may be so installed only if in compliance with this Ordinance, State statutes and Federal regulations.

Section 14. Means of Appeals

(a) Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are

adequately satisfied by other means. If a written appeal is not received within the specified period, the actions of the County Code Administrator regarding the Notice of Violation shall stand.

(b) The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms. The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

(c) Compensation of members shall be determined by the County Board of Jersey County Illinois.

(d) The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

Section 15. Abrogation

This Ordinance is not to be construed as amending or rescinding of *An Ordinance Regulating Development In Floodplain Areas adopted October 14, 2008*, or the *Jersey County Sign & Billboard Ordinance* adopted January 10, 2012, or the *Ordinance Providing for the Control of Stormwater Drainage and Detention, Soil Erosion, and Sediment Control within the Unincorporated Areas of Jersey County, Illinois* adopted September 8, 2009, or the *Jersey County Code of Ordinances* adopted November 9, 2016.

Section 16. Severability

Should any provision of this Ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the County Board of Jersey County, Illinois.

PASSED AND APPROVED this 12th day of December, 2017

/S/ Donald Little
DONALD LITTLE - CHAIRMAN

ATTEST:

/S/ Pam Warford
PAM WARFORD- COUNTY CLERK

Published in pamphlet form by authority of the County Board of the County of Jersey, Jersey County, Illinois, this 12th day of December, 2017 pursuant to the provisions contained in 55 ILCS 5/5 – 1063



PART 2

TO ORDINANCE ORD# 17-001

ORDINANCE TO RESTRICT THE ENTRY INTO AND PLACEMENT AND INSTALLATION IN JERSEY COUNTY OF MOBILE HOMES CONSTRUCTED PRIOR TO JULY 1, 1974 (IL SAFETY ACT) AND JUNE 15, 1976 (PRE-HUD), TO RESTRICT RELOCATION OF PRE-HUD MOBILE HOMES, AND TO PROHIBIT ABANDONED PRE-HUD MOBILE HOMES

WHEREAS, the Board of Jersey County has authority pursuant to 55 ILCS 5/Counties Code and 210 ILCS 117/ of the Abandoned Mobile Home Act, deems it in the best interests of the citizens of Jersey County, as well as County government, to restrict the placement and installation of mobile homes constructed prior to July 1, 1974 and June 15, 1976 in unincorporated areas of Jersey County; provided, however, that it would not be appropriate to require immediate removal of such homes that are already occupied; and

WHEREAS, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of Jersey County are furthered when standards for the condition of structures, including pre-owned manufactured homes, are established and enforced. For the purpose of this Ordinance, mobile or manufactured homes constructed prior to July 1, 1974 and June 15, 1976 will be referred to as "pre-dated".

WHEREAS, the Board finds that mobile homes constructed prior to July 1, 1974 and June 15, 1976 (pre-Hud), were constructed or equipped according to standards which will not promote the health, safety and general welfare of the present and future residents of Jersey County, including but not limited to the following:

- (a) The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater were not required to be lined with 1/2" gypsum board.
- (b) Each room designated expressly for sleeping purposes was not required to be equipped with an exit door or at least one (1) outside egress window or other approved exit device with a minimum clear opening of five feet seven inches (5'.7") square feet.
- (c) Most units from 1959 to 1976 were wired with aluminum wire, and ground fault circuit interrupters (GFI) were not installed.
- (d) Smoke alarms in older pre-dated mobile homes were dangerous due to not being hard-wired. They are battery operated only.
- (e) Interior walls did not have wall linings. The average pre-dated home burns down in less than five (5) minutes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Jersey County as follows:

Section 1. Definitions. The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them as in the Section 1, Part 1, of this Ordinance and as follows:

- (a) *Applicant* means any person seeking to install a pre-dated manufactured home in the unincorporated area of Jersey County.
- (b) *Building Official* means the person appointed, employed, or otherwise designated as the Jersey County Code Administrator, responsible for permitting and inspections; or any of his or her assistants.
- (i) *Pre-dated* means any manufactured home or mobile home constructed prior to July 1, 1974 (IL mobile structures) that does not bear a seal issued by the Department and a certification by the manufacturer that the unit complies with the applicable safety code; or any manufactured home or mobile home constructed prior to June 15, 1976 (pre-Hud) that is not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.
- (k) *Pre-owned* means any manufactured home that has been previously used as a residential dwelling and has been titled.

Section 2. Conditions and provisions.

- (a) Effective of this date of the adoption of this Ordinance, no pre-dated mobile homes or manufactured homes shall be permitted to enter and remain in Jersey County or to be installed and placed for habitable living units, storage or any other purposes within the unincorporated area of Jersey County.
- (b) Effective as of the date of the adoption of this Ordinance, no pre-dated mobile home or manufactured home shall be moved to any property within the unincorporated area of Jersey County with the intent that said mobile or manufactured home be placed and used for any purpose, except as set forth herein. For purposes of this Ordinance, the separation of a pre-dated mobile or manufactured home from the vehicle transporting it shall be presumptive evidence of an intent to place and/or install the mobile or manufactured home on property in the unincorporated area of Jersey County.
- (c) Provisions relating to the relocation of pre-dated mobile homes within Jersey County.
 - 1. Any pre-dated mobile home or manufactured home which is currently installed and occupied as a business or living unit other than the owner of the mobile home in the unincorporated area of Jersey County shall be permitted to remain in its

present location, but may not be relocated to or installed upon any other parcel of property in Jersey County.

2. Any pre-dated mobile home which is currently installed and occupied as a business or living unit by its owner may remain in its present location, but may not be relocated to or installed upon any other parcel of property in Jersey County.

3. Upon the sale or transfer of title of a pre-dated mobile home or manufactured home structure occupied by its owner, such mobile home may not thereafter be relocated for use as occupancy to another location in Jersey County.

(d) Effective as of the date of this Ordinance, any abandoned pre-dated mobile home or manufactured home must be removed from Jersey County or otherwise disposed of in a legal manner within ninety (90) days of the date the mobile home is abandoned.

(e) Effective as of the date of this Ordinance, any owner of a pre-dated mobile home or manufactured home or property owner that signs a *Affidavit of Non-Habitability* with the Supervisor of Assessments must remove the structure from Jersey County or otherwise be disposed of in a legal manner within ninety (90) days of the date the of the signed Affidavit.

(f) Any pre-dated mobile home or manufactured home which is destroyed or damaged to the extent of fifty percent (50%) or more of its structure or value must be removed from Jersey County or otherwise disposed of in a legal manner within ninety (90) days of its destruction or damage and may not be rebuilt.

Section 3. Disposition of Removed Mobile or Manufactured Homes

Refer to Part 1/Section 11

Section 4. Violation-penalty and enforcement

Refer to Part 1/Section 12

Section 5. Exceptions

(a) The provisions of this Ordinance shall not apply to mobile homes that are actively being used for residential purposes; provided that the mobile home has been properly permitted and is being operated in a lawful manner, including but not limited to, operation so as not to constitute a public nuisance.

Section 6. Means of Appeals

Refer to Part 1/Section 14

Section 7. Abrogation

This Ordinance is not to be construed as amending or rescinding of *An Ordinance Regulating Development In Floodplain Areas* adopted October 14, 2008, or the *Jersey County Sign & Billboard*

Ordinance adopted January 10, 2012, or the *Ordinance Providing for the Control of Stormwater Drainage and Detention, Soil Erosion, and Sediment Control within the Unincorporated Areas of Jersey County, Illinois* adopted September 8, 2009, or the *Jersey County Code of Ordinances* adopted November 9, 2016.

Section 8. Severability

Should any provision of this Ordinance be rendered invalid by a court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the County Board of Jersey County, Illinois.

PASSED AND APPROVED this **12th** day of **December, 2017**

/S/ Donald Little
DON LITTLE, CHAIRMAN

ATTEST:

/S/ Pam Warford
PAM WARFORD, JERSEY COUNTY CLERK

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