

FULTON COUNTY HEALTH ORDINANCE PART IX

MOBILE HOME PARKS

SECTION A, SCOPE:

An Ordinance regulating the licensing, operation, and health safety and sanitation requirements, of the Mobile Home Park.

Pursuant to the powers granted the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and Whereas, the improper construction and/or operation of Mobile Home Parks is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Fulton County, Illinois that the following Ordinance is hereby made and adopted.

SECTION B, ADOPTION BY REFERENCE:

In addition to the provisions set forth in this Ordinance, the Fulton County Board adopts, by reference, the provisions set forth in the State of Illinois, Mobile Home Park Act, the Mobil Home Tiedown Act and the Mobile Home Park Rules and Regulations for Mobile Home Parks, and subsequent Rules and Regulations as established by the Fulton County Board of Health.

SECTION C, PERMIT:

It shall be unlawful for any person to operate a mobile home park within the boundaries of Fulton County who does not possess a valid Fulton County Mobile Home Park Permit issued by the Fulton County Board of Health. Only a person who complies with the requirements of this Ordinance and the Rules and Regulations as adopted by reference by the Fulton County Board and subsequent Rules and Regulations as adopted by the Fulton County Board of Health shall receive and retain such a permit. Permits shall not be transferable from person to person nor shall said permit be applicable to any locations or places other than that for which it is issued. A valid permit shall be posted in the onsite office of such mobile home park. The permit is valid only for one (1) calendar year. All permits will expire on December 31st of each year.

SECTION D, ENFORCEMENT PROVISIONS:

1) Issuance of Permit:

- a. Any person desiring to operate a mobile home park shall make written application for a permit on forms provided by the Fulton County Health Department.

- b. Upon receipt of such application, the Health Officer shall make an inspection of the mobile home park to determine compliance with the provisions of this Ordinance, the Rules and Regulations adopted by the Fulton County Board, and subsequent Rules and Regulations as established by the Fulton County Board of Health. When inspections reveals that all applicable requirements of the Ordinance and all Rules and Regulations have been met, the Health Officer shall issue a permit to the applicant.
- c. The permit shall be in such form as adopted and approved by the Fulton County Board of Health.

2) Suspension of Permit:

- a. The Mobile Home Park Permit may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this Ordinance.
- b. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing is filed with the Board of Health by the permit holder.
- c. Notwithstanding the other provisions of this Ordinance, whenever the Health Officer finds unsafe and unsanitary conditions in the operation of the mobile home park which, in his judgement, constitutes a substantial hazard to the public health, the Health Officer, without warning, notice or hearing may issue a written notice to the permit holder or operator citing such condition, specifying the time period within which such action shall be taken and if deemed necessary such order shall state that the permit is immediately discontinued. Any person to who such an order is issued shall comply immediately herewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible.

3) Reinstatement of Suspended Permit:

Any person whose permit has been suspended may, at any time, make Application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the condition causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is in compliance with the requirements of this Ordinance, the permit shall be reinstated.

4) Revocation of Permit:

For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Health Officer in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health.

5) Appeals:

A person whose permit has been suspended or revoked may make a written request within five (5) days of notification of such suspension or revocations to the Health Officer for a hearing before the Board of Health to contest the conditions of the suspension or revocation of a permit. Failure to request such hearing within five (5) days of the aforementioned notification shall constitute a waiver of the permit holder's right to a hearing to contest such suspension or revocation. Any mobile home park for which the permit has been suspended or revoked shall remain closed during those periods when an appeal and/or a hearing is being sought or under consideration by the Board of Health.

All hearing shall be conducted so as to provide the parties with written notice of the hearings, written notice of the conditions which have lead to the suspension or revocation, adequate time to prepare, the right to make an opening statement, the right to present evidence in support of their position including the right to present witnesses, the right to cross-examine any witness called to testify, the right to legal counsel at their expense, and the right to make a closing statement. All hearings shall be conducted in an informal manner, with consideration to be provided to all parties. All hearings shall be tape-recorded.

The formal rules of evidence shall not apply; however, all witnesses called to testify shall do so under oath or affirmation administered by the Chair of the Board of Health. The hearing body may exclude irrelevant or immaterial evidence. The hearing body, the Board of Health, may question any witness called to testify to clarify any point or to otherwise assist the body in reaching a decision. Written notice of a hearing may be waived by the party.

The health officer shall be designated as "petitioner", and the permit holder shall be designated as "respondent" in hearings before the Board of Health. The petitioner bears a civil burden of proof, preponderance of the evidence, to have a suspension or revocation of a permit affirmed by the Board of Health. A majority decision of the Board of Health of the members present at the hearing shall be required to affirm a suspension or revocation of a permit. The decision of the appeal body, the Board of Health shall be a final decision.

6) Inspection:

- 1) The Health Officer after proper identification, shall be permitted to enter any mobile home park within Fulton County, Illinois, or its jurisdiction for the purpose of making inspections to determine compliance with this Ordinance. He/she shall be permitted to any records to obtain pertinent information pertaining to the operations and maintenance of the mobile home park. A report of the findings will be left with the operator or person in charge.
- 2) The Health Officer shall inspect each mobile home park located in Fulton County, Illinois at least two (2) times per year or as often as necessary as determined by the Health Officer for the enforcement of this Ordinance. Interference in the performance of these inspections will be grounds for suspension or revocation of the Mobile Home Park Permit.