

CITY OF NOKOMIS, ILLINOIS

ORDINANCE NO. 2119

**AN ORDINANCE AMENDING CHAPTER 23 AND CHAPTER 27 OF THE
REVISED CODE OF ORDINANCES OF NOKOMIS, ILLINOIS**

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF NOKOMIS, ILLINOIS

THIS 22ND DAY OF APRIL, 2024

Published in pamphlet form by the authority of the City Council of the City of
Nokomis, Montgomery County, Illinois, this 22 day of April, 2024.

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Ordinance No. 2119

**AN ORDINANCE AMENDING CHAPTER 23 AND CHAPTER 27 OF THE
REVISED CODE OF ORDINANCES OF NOKOMIS, ILLINOIS**

WHEREAS, the City of Nokomis, Illinois (the “City”) an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the City is authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety, and welfare; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, states, “[t]he corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper”; and

WHEREAS, the City heretofore approved and adopted Chapter 23 of the City’s Revised Code of Ordinances, entitled “Manufactured Housing Code”, which replaced and superseded the City’s “Mobile Housing Code”; and

WHEREAS, prior to adoption of the City’s Manufactured Housing Code, Section 23-2-10 of the City’s Mobile Housing Code made it “unlawful for any person to inhabit a dependent mobile home, camper, or travel trailer in the City for a period of more than **one (1) month** out of each calendar year” (emphasis in original); and

WHEREAS, the corporate authorities find that it is in the interest of the public’s health, safety, and welfare that the Manufactured Housing Code (Chapter 23 of the Revised Code) be amended to again prohibit habitation within a mobile home, camper, or travel trailer for certain durations; and

WHEREAS, the Illinois Administrative Code, 77 Ill. Admin. Code § 890.1130, states, in pertinent part, that “[t]he water distribution system shall be protected against backflow”; and

WHEREAS, the corporate authorities find that it is in the interest of the public’s health, safety, and welfare that the City’s water distribution system be protected against backflow and that Chapter 23 of the Revised Code be amended to prohibit any recreational vehicle from connecting to the public water supply; and

WHEREAS, the corporate authorities find that camping on private property without proper sanitary measures and for other than a minimal duration adversely

affects the public health, safety, and welfare of the City's residents and adversely affects private property values of neighboring properties; and

WHEREAS, the corporate authorities find that it is in the interest of the public's health, safety, and welfare that camping on private property for more than a reasonable period should be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: Section 23-1-1 of the Manufactured Housing Code is hereby amended to include the following definitions:

"INHABIT" means to be live, dwell, or be present in or occupy as a place of settled residence or habitat any building, structure, or vehicle.

"RECREATIONAL VEHICLE" means any camper, camping trailer, motor home, mini-motor home, travel trailer, or other similar vehicle or structure, including any truck camper, van camper, house car, house trailer, houseboat, or tiny house, whether towed by another vehicle or self-propelled, which is used primarily for temporary living quarters for recreational, camping, touring, or travel use and which is not used commercially or owned by a commercial enterprise.

"PORTABLE BUILDING" means any building that is portable in nature, without wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation.

"TINY HOUSE" means a single-family home, 900 square feet or less, excluding lofts, which is a dwelling to be used as housing with permanent provisions for living, sleeping, eating, cooking, and sanitation.

SECTION 3: Section 23-1-10 of the Manufactured Housing Code is hereby amended to read as follows:

23-1-10 PROHIBITED USES.

(A) **Manufactured Home.** It shall be unlawful to locate a manufactured home in the City unless placed in a state-licensed mobile home park.

(B) **Mobile Home.** It shall be unlawful to locate a mobile home in the City unless placed in a state-licensed mobile home park.

(C) **Recreational Vehicle.**

(1) It shall be unlawful for any person owning, occupying, leasing, or otherwise controlling real property within the City to inhabit a recreational vehicle, or to permit any person to inhabit a recreational vehicle located on such property, either:

(a) three (3) or more consecutive days, or

(b) fourteen (14) or more nonconsecutive days in any 30-day period.

(2) It shall be unlawful for any recreational vehicle to be connected to City utilities unless it is located in a state-licensed travel trailer park.

(D) **Portable Buildings/Permanent Foundation Required.** No portable building, other than a modular home, shall be used for residential purposes. Except as otherwise authorized by this section, permanent habitation is not allowed by any person in any structure that lacks a permanent foundation.

(E) **Manufactured Home/Mobile Home Storage.** The parking or storing of an unoccupied manufactured home or mobile home in a building or in a rear yard or rear portion of a lot, other than in a mobile home park, shall be permitted with written approval of the City Council, provided that the same shall not be inhabited or used for sleeping or business purposes while so parked or stored.

(F) **Storage, Non-Residential Use.** No manufactured home, mobile home, or recreational vehicle within the City and not placed in a state-licensed mobile home park shall be used for storage or other non-residential purposes. This Section, however, shall not apply to temporary construction trailers, classrooms, or offices, which are subject to regulation by the Illinois Department of Public Health.

(G) **Violations & Penalties.** Failure to comply with this Section shall constitute a violation of this Section and shall be punishable by a fine of not less than \$100.00 but not more than \$750.00 for the first offense, not less than \$200.00 but not more than \$750.00 for the second offense, and not less than \$300.00 but not more than \$750.00 for each subsequent offense.

(H) **Nuisances.** In addition to the remedies allowed pursuant to the Abandoned Mobile Home Act, as may be amended from time to time or superseded, or any other provision of Illinois law, manufactured homes, mobile homes, recreational vehicles, and tiny houses shall be deemed buildings or structures as defined anywhere in this Code relating to abandoned or dangerous and unsafe buildings or structures and abatement of nuisances, and, for all such purposes, a manufactured home, mobile home, a recreational vehicle, or a tiny house may be treated as if it were a building or structure affixed to the real estate for

purposes of abatement, including, but not limited to, the remedies of removal or demolition.

SECTION 4: Article IV of Chapter 27 of the Revised Code, pertaining to “Public Health, Safety and Decency”, is hereby amended by adding the following as Section 27-4-7:

27-4-7 ENCAMPMENT ON PRIVATE PROPERTY.

(A) No person shall camp or allow camping on private property within the City for a period of more than three (3) consecutive days.

(B) For purposes of this Section, the following definitions shall apply:

(1) “Camp” means to place, pitch, or occupy camp facilities; to live temporarily in a camp facility or outdoors and not in a permanent dwelling; or to use camping paraphernalia for purposes of temporary human habitations. The term does not include the act of sleeping on its own. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, that the participant in conducting such activities is in fact using the area as a sleeping or living accommodation, regardless of the intent of the participant or the nature of any other activities in which the participant may be engaging.

(2) “Camp facilities” includes, but is not limited to, tents, huts, teepees, shacks, recreational vehicles, motor vehicles, cardboard boxes or structures, or other temporary shelters, including, but not limited to, those that lack permanent improvements or utilities, such as plumbing, sewer, toilets, electrical, and/or cooking facilities.

(3) “Camping paraphernalia” includes, but is not limited to, materials intended to be used as beds or bedding, such as blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks, and the like.

(C) Failure to comply with this Section shall constitute a violation of this Section and shall be punishable by a fine of not less than \$100.00 but not more than \$750.00 for the first offense, not less than \$200.00 but not more than \$750.00 for the second offense, and not less than \$300.00 but not more than \$750.00 for each subsequent offense.

SECTION 5: Article IV of Chapter 27 of the Revised Code, pertaining to “Public Health, Safety and Decency”, is hereby amended by adding the following as Section 27-4-8:

27-4-8 Unlawful Habitation. It shall be unlawful for any person to reside in, inhabit, or occupy any building or structure not designed for human habitation or that otherwise does not meet the requirements set forth this Code, including, but not limited to, Chapter 23 (the “Manufactured Housing Code”) and Chapter 29 (the “Property Maintenance Code”), or not in conformity with the laws of the State of Illinois.

(A) Unless otherwise authorized elsewhere by this Code, any building or structure used for residential purposes shall have a minimum living area of not less than **nine hundred (900) square feet.**

(B) No person shall reside in, inhabit, or occupy any portable building, storage shed, or similar structure that is customarily used incidentally, subordinate to, or in conjunction with the primary use of a residence, business, or other primary building located on the same lot.

(C) **Violations & Penalties.** Failure to comply with this Section shall constitute a violation of this Section and shall be punishable by a fine of not less than \$100.00 but not more than \$750.00 for the first offense, not less than \$200.00 but not more than \$750.00 for the second offense, and not less than \$300.00 but not more than \$750.00 for each subsequent offense.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance, which are hereby declared to be separable.

SECTION 7: All ordinances, resolutions, motions, or parts thereof in conflict with this Ordinance are hereby superseded.

SECTION 8: This Ordinance shall apply to any “Tiny House” installed, constructed, or modified after the effective date of this Ordinance. Any “Tiny House” in place before the effective date of this Ordinance shall not be required to meet the

requirements of this Ordinance until the replacement, alteration, or expansion thereof. This Ordinance shall otherwise be in full force and effect from and after its passage, approval, and publication as provided by law.

SECTION 9: The Mayor is authorized and directed to sign and the City Clerk is authorized and directed to attest to this Ordinance.

SECTION 10: The City Clerk shall publish this Ordinance in pamphlet form and see to inclusion of this Ordinance in the next update of the City Code of Ordinances.

Adopted this 22nd day of April, 2024, by roll call votes as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Present</u>
Commissioner Arkebauer	X			X
Commissioner Morris	X			X
Commissioner Glenn	X			X
Commissioner Stauder			X	
Mayor Goldsmith	X			X

APPROVED by the Mayor of the City of Nokomis, Illinois this 22 day of April, 2024.

ATTEST:

Rachel Cassidy
CITY CLERK

Dylan Goldsmith
MAYOR

STATE OF ILLINOIS)
COUNTY OF MONTGOMERY) SS.
CITY OF NOKOMIS)

CERTIFICATE

I certify that I am the duly appointed and acting City Clerk of the City of Nokomis, Montgomery County, Illinois, and, as such, am the keeper of records and seal thereof; that the foregoing is a true, complete, and correct copy of Ordinance No. 2119 of said City; that said Ordinance, which is

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was passed by the City Council of the City of Nokomis, Montgomery County, Illinois, by yea and nay vote on the 22nd day of April, 2024; that said Ordinance was approved by the Mayor on the 22 day of April, 2024; and that said Ordinance was then deposited in the office of the City Clerk of said City and filed therein; and that the same was recorded in the Record of Ordinances of said City.

I further certify said Ordinance provided by its terms that it should be published in pamphlet form; that the pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared; that a copy of such Ordinance was posted in the Nokomis City Hall, commencing on the 22 day of April, 2024, to continue for at least ten (10) days thereafter; and that copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Nokomis, Illinois, this 22 day of April, 2024.

(SEAL)



City Clerk