

SB2434



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2434

Introduced 2/15/2008, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

210 ILCS 115/9.15

Amends the Mobile Home Park Act. Provides that the agreement required in the case of a mobile home park that does not have a private water supply system and hydrants must be signed and dated by the owner of the mobile home park or his or her representative and by the local fire chief or his or her representative and must be submitted with each application for an original license or license renewal application under the Act. Provides that a mobile home park constructed after January 1, 1998 must be located in an area protected by a fire department or fire protection district and provided with fire hydrants within 500 feet of any structure in the mobile home park. Provides that as an alternative to fire hydrants, a holding pond or other source of water of 100,000 gallons or more accessible to the fire department or fire protection district may be used, if the fire department or fire protection district is capable of pumping from the body of water. Provides minimum standards for water main size and for system pressure. Eliminates a provision that a mobile home park constructed before 1998 is not required to install new water supply systems or hydrants for fire safety purposes.

LRB095 19290 DRJ 45581 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mobile Home Park Act is amended by changing
5 Section 9.15 as follows:

6 (210 ILCS 115/9.15)

7 Sec. 9.15. Fire safety. All private water supply systems
8 and hydrants for fire safety purposes in existence on the
9 effective date of this amendatory Act of the 94th General
10 Assembly shall be maintained in operable condition and good
11 repair as defined by the State Fire Marshal or mobile home park
12 licensing agency. A mobile home park that does not have a
13 private water supply system and hydrants shall have an
14 agreement, approved by the State Fire Marshal or licensing
15 agency in consultation with the municipal fire department or
16 the local fire protection district, to provide an adequate and
17 reliable water supply for fire mitigation needs. This agreement
18 shall be signed and dated by the owner of the mobile home park
19 or his or her representative and by the local fire chief or his
20 or her representative. A copy of the agreement shall be
21 submitted with each application for an original license or
22 license renewal application required under Section 6 of this
23 Act.

1 A mobile home park constructed after January 1, 1998 must
2 be located in an area protected by a fire department or fire
3 protection district and provided with fire hydrants within 500
4 feet of any structure in the mobile home park. As an
5 alternative to fire hydrants, a holding pond or other source of
6 water of 100,000 gallons or more accessible to the fire
7 department or fire protection district may be used, if the fire
8 department or fire protection district is capable of pumping
9 from the body of water. The minimum size water main for
10 providing fire protection shall be 6 inches in diameter. The
11 system shall be designed to maintain a minimum pressure of 20
12 psi at all points in the distribution system under normal
13 conditions of flow. ~~Nothing in this Section shall be construed~~
14 ~~to mandate a mobile home park, constructed prior to 1998, to~~
15 ~~install new water supply systems or hydrants for fire safety~~
16 ~~purposes.~~

17 Each mobile home park shall be inspected annually pursuant
18 to the applicable mobile home park fire protection standards by
19 the municipal fire department or fire protection district that
20 has jurisdictional responsibility for responding to a fire call
21 in that park. As used in this Section, "applicable mobile home
22 park fire protection standards" means (i) in the case of a home
23 rule unit, the fire protection standards ordinance of the
24 municipality or fire protection district that has
25 jurisdictional responsibility for responding to a fire call in
26 that park or (ii) if there is no ordinance or in the case of a

1 non-home rule unit, the rules adopted by the Office of the
2 State Fire Marshal for fire safety in mobile home parks. If,
3 upon inspection, the municipal fire department or fire
4 protection district finds that a park does not meet the
5 applicable fire protection standards, the municipal fire
6 department or fire protection district shall give within 5
7 working days of the inspection a written notice of violation to
8 the licensee and to the Department of Public Health of any
9 violation or required modification or repair. The licensee has
10 30 days after receipt of the written notice to correct the
11 violation or make the required modification or repair. Not less
12 than 30 days after the licensee's receipt of the notice, the
13 municipal fire department or fire protection district shall
14 reinspect the park and issue a written reinspection report to
15 the licensee and to the Department of Public Health concerning
16 the status of the licensee's compliance with the notice and
17 whether any violation still exists. If the municipal fire
18 department or fire protection district determines on
19 reinspection that a licensee has made a good faith and
20 substantial effort to comply with the notice but that
21 compliance is not complete, the municipal fire department or
22 fire protection district may grant the licensee an extension of
23 time for compliance, as they deem fit, by a written notice of
24 extension of time for compliance issued within 5 working days
25 after the reinspection that identifies what remains to be
26 corrected, modified, or repaired and a date by which compliance

1 must be achieved. If an extension is granted, the municipal
2 fire department or fire protection district shall make another
3 inspection within 10 days after the date set for compliance and
4 issue a final written report to the licensee and the Department
5 of Public Health concerning the status of the licensee's
6 compliance with the notice, written report, and written notice
7 of extension of time for compliance and whether a violation
8 still exists. If a licensee fails to cure the violation or
9 comply with the requirements stated in the notice of violation,
10 or if a written notice of extension of time for compliance is
11 issued and the final written report states that a violation
12 still exists, the municipal fire department or fire protection
13 district shall notify the Department of Public Health of the
14 licensee's failure to comply with the notice of violation and
15 the written report and shall deliver to the Department for
16 purposes of enforcement under this Section copies of all
17 written notices and reports concerning the violation.

18 Upon receipt of the written reports concerning the
19 violation, the Department shall issue to the licensee a notice
20 of intent to assess civil penalties in the amount of \$500 per
21 day, per violation for non-compliance with the written notice
22 of violation issued by the municipal fire department or fire
23 protection district and provide the licensee with the
24 opportunity for an administrative hearing pursuant to the
25 provisions of Section 22 of this Act.

26 Notwithstanding the foregoing provisions of this Section,

1 the enforcement of home rule ordinances and regulations shall
2 be by the appropriate local authorities, including local public
3 health departments, municipal attorneys, and State's
4 Attorneys.

5 A home rule unit may not regulate the legal rights,
6 remedies, and obligations of a licensee under this Section in a
7 manner less restrictive than the regulation by the State of
8 fire safety in a mobile home park under this Section. This
9 Section is a limitation under subsection (i) of Section 6 of
10 Article VII of the Illinois Constitution on the concurrent
11 exercise by home rule units of powers and function exercised by
12 the State.

13 This Section does not apply to any mobile home park located
14 within a home rule county if the home rule county actively
15 regulates mobile home parks.

16 (Source: P.A. 94-1080, eff. 6-1-07.)