

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 designee and by the local fire chief or his or her
20 designee. Certification that this agreement exists shall be
21 signed by the owner of the mobile home park or his or her
22 designee and by the local fire chief or his or her designee and
23 submitted with each application for original licensure or

1 licensure renewal required under Section 6 of this Act. A copy
2 of this agreement shall be on file at the local fire department
3 or fire protection district and posted in public view at the
4 mobile home park site by the mobile home park owner or his or
5 her designee and available for inspection.

6 Nothing in this Section shall be construed to mandate a
7 mobile home park, constructed prior to 1998, to install new
8 water supply systems or hydrants for fire safety purposes.

9 Each mobile home park shall be inspected annually pursuant
10 to the applicable mobile home park fire protection standards by
11 the municipal fire department or fire protection district that
12 has jurisdictional responsibility for responding to a fire call
13 in that park. As used in this Section, "applicable mobile home
14 park fire protection standards" means (i) in the case of a home
15 rule unit, the fire protection standards ordinance of the
16 municipality or fire protection district that has
17 jurisdictional responsibility for responding to a fire call in
18 that park or (ii) if there is no ordinance or in the case of a
19 non-home rule unit, the rules adopted by the Office of the
20 State Fire Marshal for fire safety in mobile home parks. If,
21 upon inspection, the municipal fire department or fire
22 protection district finds that a park does not meet the
23 applicable fire protection standards, the municipal fire
24 department or fire protection district shall give within 5
25 working days of the inspection a written notice of violation to
26 the licensee and to the Department of Public Health of any

1 violation or required modification or repair. The licensee has
2 30 days after receipt of the written notice to correct the
3 violation or make the required modification or repair. Not less
4 than 30 days after the licensee's receipt of the notice, the
5 municipal fire department or fire protection district shall
6 reinspect the park and issue a written reinspection report to
7 the licensee and to the Department of Public Health concerning
8 the status of the licensee's compliance with the notice and
9 whether any violation still exists. If the municipal fire
10 department or fire protection district determines on
11 reinspection that a licensee has made a good faith and
12 substantial effort to comply with the notice but that
13 compliance is not complete, the municipal fire department or
14 fire protection district may grant the licensee an extension of
15 time for compliance, as they deem fit, by a written notice of
16 extension of time for compliance issued within 5 working days
17 after the reinspection that identifies what remains to be
18 corrected, modified, or repaired and a date by which compliance
19 must be achieved. If an extension is granted, the municipal
20 fire department or fire protection district shall make another
21 inspection within 10 days after the date set for compliance and
22 issue a final written report to the licensee and the Department
23 of Public Health concerning the status of the licensee's
24 compliance with the notice, written report, and written notice
25 of extension of time for compliance and whether a violation
26 still exists. If a licensee fails to cure the violation or

1 comply with the requirements stated in the notice of violation,
2 or if a written notice of extension of time for compliance is
3 issued and the final written report states that a violation
4 still exists, the municipal fire department or fire protection
5 district shall notify the Department of Public Health of the
6 licensee's failure to comply with the notice of violation and
7 the written report and shall deliver to the Department for
8 purposes of enforcement under this Section copies of all
9 written notices and reports concerning the violation.

10 Upon receipt of the written reports concerning the
11 violation, the Department shall issue to the licensee a notice
12 of intent to assess civil penalties in the amount of \$500 per
13 day, per violation for non-compliance with the written notice
14 of violation issued by the municipal fire department or fire
15 protection district and provide the licensee with the
16 opportunity for an administrative hearing pursuant to the
17 provisions of Section 22 of this Act.

18 Notwithstanding the foregoing provisions of this Section,
19 the enforcement of home rule ordinances and regulations shall
20 be by the appropriate local authorities, including local public
21 health departments, municipal attorneys, and State's
22 Attorneys.

23 A home rule unit may not regulate the legal rights,
24 remedies, and obligations of a licensee under this Section in a
25 manner less restrictive than the regulation by the State of
26 fire safety in a mobile home park under this Section. This

1 Section is a limitation under subsection (i) of Section 6 of
2 Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of powers and function exercised by
4 the State.

5 This Section does not apply to any mobile home park located
6 within a home rule county if the home rule county actively
7 regulates mobile home parks.

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