

Date 5-8-88

**BLOG. PERMIT #460**

ZONING BOARD OF APPEALS  
VILLAGE OF NEW BERLIN, ILLINOIS

I (We) JOHN GREGOWICZ and \_\_\_\_\_

of 616 MYRTLE, JACKSONVILLE, IL. 62650  
(Address)

respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal:

(Check and complete the applicable appeal)

- 1. An interpretation of Section \_\_\_\_\_ of the Zoning Ordinance.
- 2. An interpretation of a \_\_\_\_\_ District Boundary of the Zoning Map.
- 3. A review by the Board of Appeals to interpret whether a \_\_\_\_\_ shall be permitted in a \_\_\_\_\_  
(Type of Use)  
Commercial District,
- 4. A review by the Board of Appeals to interpret and recommend approval or disapproval of the use of a building or premise for an Industrial purpose in an Industrial District.
- 5. A request to amend (or re-zone) a Zoning District from a RESIDENTIAL District to a MOBILE HOME District.
- 6. A request to establish, place or erect a \_\_\_\_\_.  
(Type of Use or variance)
- 7. A variance to the (area) (height) (coverage) (\_\_\_\_\_ yard)  
(\_\_\_\_\_ ) provisions of the Zoning Ordinance.  
(other)

Describe the appeal being requested more specifically. (i.e. Type of use, type and dimensions of structure, dimension of yard variance, etc.).

REZONE LOTS ~~37, 38~~ <sup>37, 38, 51</sup> AND 52 OF LEE'S SECOND ADDITION  
TO THE VILLAGE OF NEW BERLIN TO MOBILE HOME USE  
FOR PLACEMENT OF A DOUBLE WIDE MOBILE HOME (24' X 56')  
ON A PERMANENT FOUNDATION.

(see reverse side)

The premises are situated at CORNER OF BENTON & ELM

in a RESIDENTIAL District.

Lot No. (s) 37,38,51,52 of LEE'S SECOND ADDITION  
(Addition, Subdivision, etc)

Total Property Dimensions: 101.66' wide 183.36' deep.

Does applicant own the property? NO

What is the approximate cost of the work involved? \$ 30,000.00

Present Property Use VACANT LOTS

(check one)

I hereby request that this appeal be considered at the next regularly scheduled hearing of the Zoning Board of Appeals.  
(NO FEE). N/A

I hereby request that this appeal be considered as promptly as a hearing can be arranged, due notice given and advertisement made. Attached is a check in the amount of \$ 50.00 payable to the Village of New Berlin as payment of the necessary filing fee. (Interpretations-\$20.00. Variations and amendments-\$50.00).

I further state that if this request is granted, I will proceed with the actual construction within one year from the date of approval of this appeal.

Date \_\_\_\_\_

[Signature]  
(Signature of Applicant)

Telephone No. 243-3425

\_\_\_\_\_  
(Signature of Applicant)

\*\*\*\*\* FOR USE OF ZONING BOARD OF APPEALS ONLY \*\*\*\*\*

Hearing Advertised 5-13, 1986. NEW BERLIN BEE

Date of hearing 5-31, 1986.

Decision of the Zoning Board of Appeals: \_\_\_\_\_

Donald E. Prince, Chairman  
(Signature)

\_\_\_\_\_  
(Signature)

VILLAGE of NEW BERLIN, ILLINOIS

APPLICATION for BUILDING PERMIT

NO. 460

FOR NEW BUILDINGS, AND TO MAKE ADDITIONS, ALTERATIONS  
REPAIRS, BASEMENTS, AND FOUNDATIONS

NEW BERLIN, ILL. 4-24 19 88

- X INDEX NO. 1. 20-29A-37-005
- 2. 20-29A-38-006
- 3. 20-29A-51-007
- 4. 20-29A-52-008

BUILDING ADDRESS CORNER OF BENTON & ELM NEW BERLIN, IL.

BUILDING LOCATED SAME

TYPE OF BUILDING Modular - Home - Double Wide TRAILER

MATERIALS WOOD FRAME - MASONRY Siding Constr. Methods STANDARD PRE-FAB ON

PROPOSED USE RESIDENTIAL LIVING QUARTERS PERMANENT FOUNDATION

USE DISTRICT Residential AREA DISTRICT ONE-FAMILY Dwelling

LOT NO. AND LEGAL DESCRIPTION LOT'S 37, 38, 51, AND 52 OF LEE'S SECOND  
ADDITION TO THE VILLAGE OF NEW BERLIN

LOT SIZE 18,640.38 Sq. FEET WIDE 101.66' x 183.36' DEEP

BUILDING SIZE 24' WIDE 56' LONG 38' FT. HIGH 1 STORIES

OWNER'S NAME JOHN GREGOWICZ ADDRESS 616 MYRTLE JACKSONVILLE IL. 62650

ARCHITECT NONE ADDRESS \_\_\_\_\_

CONTRACTOR N/A ADDRESS \_\_\_\_\_

VOLUME OF BUILDING 10,752 CUBIC FT. ESTIMATED COST \$ 30,000

DURATION LENGTH OF PERMIT \_\_\_\_\_

ATTACHED TO THE ORIGINAL OF THIS APPLICATION IS A PLAT OR FLOOR PLAN OF THE PROPOSED CONSTRUCTION, SHOWING POSITION OF IMPROVEMENT ON PROPOSED BUILDING SITE, TOGETHER WITH DISTANCES AND DIMENSIONS.

THIS APPLICATION APPROVED BY BUILDING INSPECTOR \_\_\_\_\_

The applicant hereby agrees that the approval of plans, or the issuing of a permit, procured by misrepresentation of facts or conditions, misstatement in application, or through improper action of any officer or employee of this department, does not legalize an illegal construction, arrangement or condition.

NOTE: VARIANCE Required

Signature John Gregowicz  
Phone 243-3425 Phone \_\_\_\_\_  
OWNER OR AGENT

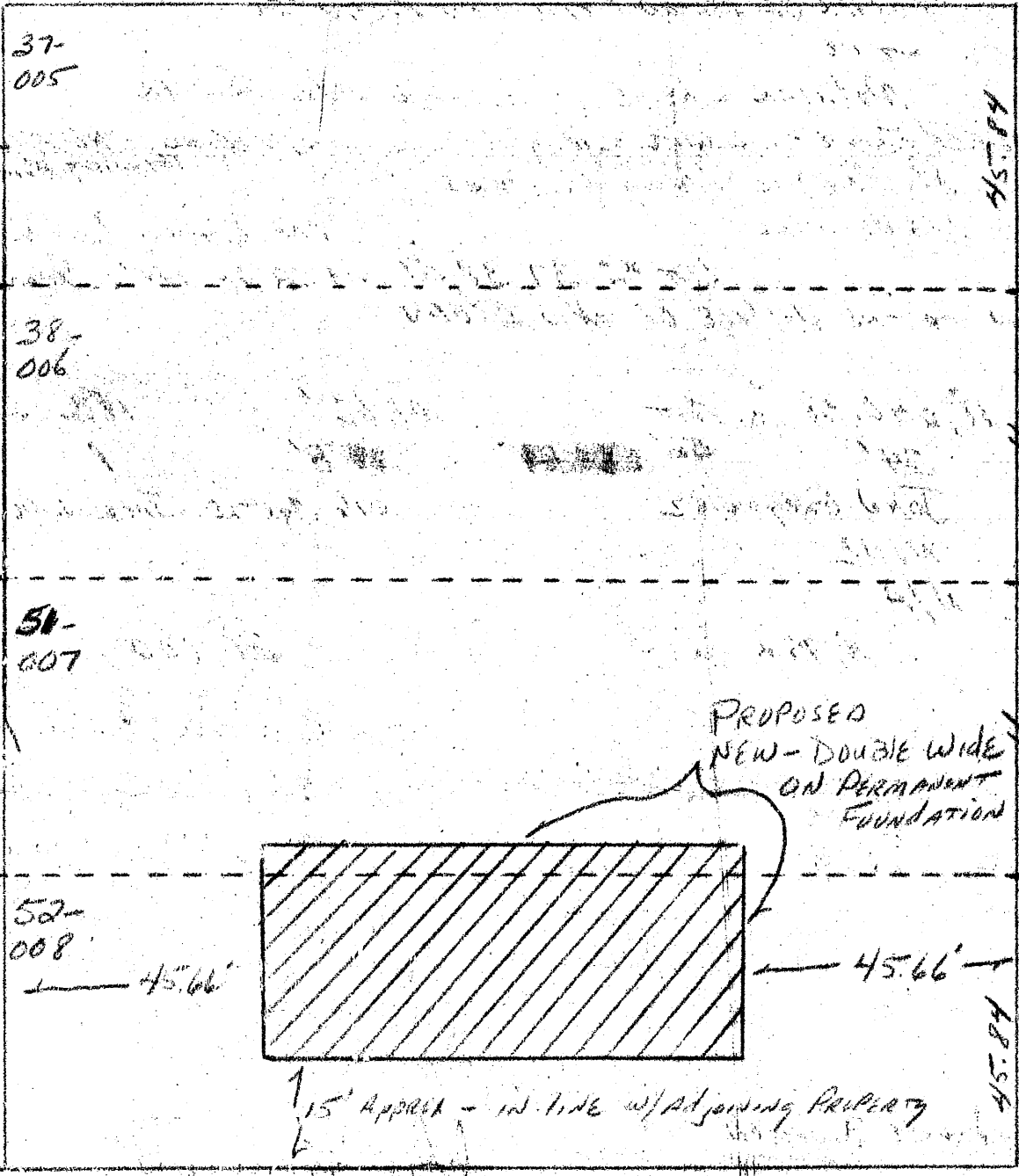
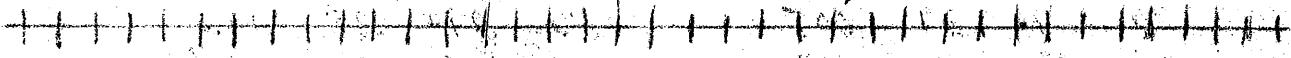
BUILDING PERMIT NO. 460

FEE FOR BUILDING PERMIT \$ 30.00

(N)

↑

N & W



37-005

38-006

51-007

52-008

PROPOSED  
NEW - DOUBLE WIDE  
ON PERMANENT  
FOUNDATION

15' APPROX - IN LINE W/ ADJOINING PROPERTY

45.66'

45.66'

106.66'

45.84'

ETM

NEEDS  
BARRIERS

*Law Offices*

**SHEEHAN AND SHEEHAN**

1214 SOUTH EIGHTH STREET  
SPRINGFIELD, ILLINOIS 62703

PHONE 544-0701  
AREA CODE 217

JOHN C. SHEEHAN  
(1921-1967)

WILLIAM P. SHEEHAN  
(1919-1980)

PATRICK J. SHEEHAN  
WILLIAM J. SHEEHAN

June 27, 1988

Hon. David Marr  
Mayor-Village of New Berlin  
New Berlin, IL 62670

RE: Zoning Matter--Mobile Home, etc.

Dear Dave:

I have now had a chance to look at some Illinois cases pertaining to the above issues, and I have also conferred with Attorney Rick Wilderson, who has been involved in a variety of zoning and subdivision disputes with the City of Springfield during the past several years. On the basis of this background, I have the following observations and suggestions to make:

1. The initial inquiry is whether or not the structure in question constitutes a "mobile home" as defined in the New Berlin Zoning Ordinance, which would thus necessitate a re-zoning. If it is determined that the structure is in fact a "mobile home", then the Village Board will have to act on the request for re-zoning just as it would on any other request for re-zoning.

2. Illinois case law makes it clear that is perfectly permissible for a Village to establish zoning districts on its zoning map so that mobile homes will be located in an area apart from conventional single family residences. However, if similar re-zonings have been granted in the area, the Petitioner in this case may have a valid claim that a denial of his Petition by the Village is "arbitrary and capricious", and that the Ordinance would thereby be void as applied to his property. I believe that you mentioned that a neighboring property (either next door or across the street) has a mobile home on it. Have you determined whether this was a result of a re-zoning or whether it is a "non-conforming use", in existence at the time the Zoning Ordinance was enacted?

3. Another approach the Village Board might take is to look closely at the structure in question and make a determination that it does not constitute a "mobile home" as defined in the Village Code. This would do away with the necessity for the re-zoning of the lot and it would allow the Petitioner to place the structure on the property without re-zoning, subject, however, to all of the other requirements of the Village Code. The advantage to such an approach

David Marr  
Page Two  
June 27, 1988

is that the lot would not need to be re-zoned, which may satisfy the concerns of nearby residents; but, of course, a determination would have to be made that the structure was not in fact a "mobile home".

4. If the Village decides to pursue the approach that determining that the structure is not a mobile home, I would suggest that some type of expert technical input be obtained upon which such a determination can be made. Ideally, a written report from a builder or a mobile home dealer, or both, distinguishing the structure in question from a "mobile home" (as defined in the Village zoning ordinance) could be obtained. Such a written report should be introduced as part of the record of the Village Board Meeting at which the determination takes place. I would caution you, however, that there should be something clearly distinguishable about this structure to take it out of the "mobile home" definition, or you may find yourself with other persons attempting to evade the "mobile home" definition in future cases.

5. Because modern building technology has probably come a long way since the current Zoning Ordinance was drafted, the Board may wish to give consideration to re-writing the definition "mobile home" so that this issue might be made clearer for future cases.

6. Finally, I enclose copies of excerpts of the City of Springfield and Sangamon County zoning ordinances containing definitions of "mobile home". Also enclosed are copies of two Illinois statutory provisions (one from the statute covering "Mobile Home Parks" and the other covering the "Mobile Home Privilege Tax") defining "mobile home". Both definitions exclude structures resting on a permanent foundation with wheels, tongue and hitch permanently removed. These may be of some help to you.

Please give this matter some consideration and then either give me a call or stop into my office this coming Wednesday, June 29, 1988 to discuss it further.

Very sincerely,

SHEEHAN & SHEEHAN, LAWYERS



Patrick J. Sheehan

PJS:cjs  
Enclosures

**MOBILE HOME**

A dwelling designed or intended for permanent habitation, and designed with a fixed axle and wheels, whether wheels or axle are attached or not. (Ord. No. 190-3-79, §2, 3-13-79)

**MODULAR HOME**

A dwelling designed or intended for permanent habitation which is constructed at a factory or plant and then moved to the building site and which meets the minimum building standards as established by the City of Springfield for modular homes. (Ord. No. 190-3-79, § 2, 3-13-79)

**NATURAL GRADE LEVEL:**

"Natural grade level" is the mean level of the ground immediately adjoining the portion or portions of the wall or walls along total length of the building.

**NONCOMPLYING BUILDING OR OTHER STRUCTURE**

A "noncomplying" building or other structure is any lawful building or other structure which does not conform with the applicable bulk regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto.

**NONCONFORMING USE**

A "nonconforming" use is any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto. However, no principal use shall be deemed nonconforming because of failure to provide required accessory off-street parking spaces or required accessory off-street loading spaces, nor because of the existence of accessory signs, business entrances, or show windows which are themselves nonconforming uses.

**OFF-STREET LOADING SPACE**

An "off-street loading space" is an on-the-property space for temporary parking of a commercial vehicle while loading or unloading which abuts upon a street, alley or other appropriate means of access. Such space shall be not less than 10 feet in width, 14 feet in height and 25 feet in length, exclusive of access aisles and maneuvering space, unless otherwise specified.

LOT LINE, SIDE. Any boundary of a lot which is not a front or rear lot line.

LOT, REVERSED CORNER. A corner lot, the side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH. A lot which has a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT, MOBILE HOME. The area assigned to a mobile home in a trailer park.

LOT WIDTH. The distance from side lot line to side lot line at the required front yard line.

MINE. A pit or excavation in the earth, 5 feet or more in depth, from which mineral substances are taken.

MOBILE HOME. A structure designed or intended for permanent habitation, and designed with a fixed axle and wheels, whether the wheels, axle or tongue are attached or not.

MOBILE HOME PARK. Any premises on which are parked three or more mobile homes or any premises used or held out for the purpose of supplying to the public a parking space for three or more such mobile homes. A mobile home park does not include areas where mobile homes are located for inspection and sale.

MODULAR HOME. A dwelling designed or intended for permanent habitation which is constructed at the factory or plant and moved to the building site and is built to the standards required by the Illinois Mobile Home and Manufactured Housing Act.

MOTEL. A building containing lodging rooms having adjoining individual bathrooms, where each lodging room has a doorway opening directly to the outdoors; and where more than 50 percent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

NAMEPLATE. A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

NON-COMPLYING BUILDING OR OTHER STRUCTURE. A "non-complying" building or other structure is any lawful building or other structure which does not conform with the applicable bulk regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto.

NON-CONFORMING USE. A "non-conforming" use is any lawful use of a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either on the effective date of this ordinance or as a result of a subsequent amendment thereto. However, no principal use shall be deemed non-conforming because of failure to provide required accessory off-street parking spaces or required accessory off-

(COUNTY)



111½ § 712 PUBLIC HEALTH

§ 712. Definitions

Unless the context clearly requires otherwise, the words and phrases set forth in Sections 2.1 to 2.9 inclusive,<sup>1</sup> shall have the meanings set forth in this Act.

P.A. 77-1472, § 2, eff. Sept. 8, 1971. Amended by P.A. 78-1170, § 1, eff. Oct. 1, 1974.

<sup>1</sup> Chapter 111½, §§ 712.1 to 712.9.

Historical Note

P.A. 78-1170 substituted "2.9" for "2.- 8." Prior Laws: Laws 1953, p. 1283, § 1. Ill.Rev.Stats.1971, ch. 111½, § 158.

Library References

Words and Phrases (Perm.Ed.)

§ 712.1. Mobile home

"Mobile home" means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for 1 or more persons, provided that any such structure served by individual utilities and resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a "mobile home"

P.A. 77-1472, § 2.1, eff. Sept. 8, 1971. Amended by P.A. 78-1170, § 1, eff. Oct. 1, 1974.

Historical Note

P.A. 78-1170 inserted "served by individual utilities and" preceding "resting on a permanent foundation" near the end of the section. Prior Laws: Laws 1953, p. 1283, § 1.1. Ill.Rev.Stats.1971, ch. 111½, § 159.

Cross References

Security interest for public aid, see ch. 23, § 3-12.

Notes of Decisions

1. In general

\*A municipality has authority to regulate use of trailers through its zoning powers. People of Village of Cahokia v. Wright, 1973, 11 Ill.App.3d 124, 296 N.E.2d 30, affirmed 57 Ill.2d 166, 311 N.E.2d 153.

In limiting use of trailers or mobile homes to mobile home parks, a municipi-

pality may reasonably consider that such type of dwelling unit, whether found on wheels or permanently fixed to the ground, is detrimental to the values of adjacent conventional single-family houses, stifles development of the area for residential purposes or involves potential hazards to public health. Id.

MOBILE H

§ 712.2. Permanent ha

"Permanent habitation" means P.A. 77-1472, § 2.2, eff. Sept. 8, 1971.

§ 712.3. Dependent mo

"Dependent mobile home" means mobile home containing toilet and bath or shower facility. P.A. 77-1472, § 2.3, eff. Sept. 8, 1971.

Prior Laws:

Laws 1953, p. 1283, § 1.2. Ill.Rev.Stats.1971, ch. 111½, § 160.

§ 712.4. Independent m

"Independent mobile home" means mobile home containing toilet and bath or shower facility. P.A. 77-1472, § 2.4, eff. Sept. 8, 1971.

Prior Laws:

Laws 1953, p. 1283, § 1.3. Ill.Rev.Stats.1971, ch. 111½, § 161.

§ 712.5. Mobile home p

"Mobile home park" means a tract of lands upon which five or more mobile homes are located for permanent habitation purposes, and shall include any enclosure used or intended for use as a mobile home park.

P.A. 77-1472, § 2.5, eff. Sept. 8, 1971. eff. Oct. 1, 1974.

P.A. 78-1170 substituted "a tract of lands" for "an area;" substituted "or 2 or more contiguous tracts of lands" for "lands;" and substituted "located for permanent habitation" for "harbor

Board and State Department of Revenue. Foster v. Allphin, 1976, 1 Ill.Dec. 681, 42 Ill.App.3d 871, 356 N.E.2d 963.

#### ons or applications

Paragraph, subdivision, Section, provision or other thereof to any person or circumstances is held affect, impair or invalidate the remainder of this portion held invalid to any other person or circumstance in its operation to the clause, sentence, paragraph, portion thereof directly involved in such holding or to cases therein involved.

Art. I, § 26, eff. July 1, 1974.

*powers and duties from Department of Revenue to Lottery, see ¶ 1178 of this chapter.*

#### ments—Proceeds—Deferred Lottery Prize Winners Disbursements

Deasurer may, with the consent of the Director, contract, including, without limitation, a bank, banking house, sent banking firm, to perform such financial functions, connection with operation of the lottery as the State r may prescribe.

Investments made pursuant to contracts executed by the consent of the Director, to perform financial functions, nnection with operation of the lottery, shall be deposited asurer as ex-officio custodian thereof, separate and apart is State in a special trust fund outside the State al known as the "Deferred Lottery Prize Winners administered by the Director.

Such times and in such amounts as shall be necessary, late Comptroller vouchers requesting payment from the nners Trust Fund to deferred prize winners, in a manner y payment of such amounts owed.

An irrevocable appropriation of all amounts necessary for vocable and continuing authority for and direction to the asurer to make the necessary payments out of such trust

Pursuant to subsection (a) of this Section may be invested. icates of indebtedness, treasury bills, or other securities ons of the United States of America and all securities or ment of principal and interest of which is guaranteed by a and credit of the United States of America. Interest e "Deferred Lottery Prize Winners Trust Fund" shall e used to pay the winners of lottery prizes deferred as to ions are discharged.

of 1985 shall be construed liberally to effect the purposes

Art. I, § 27, added by P.A. 84-124, § 2, eff. July 30, 1985.  
Art. II, § 1, eff. July 1, 1986.

this chapter.

*powers and duties from Department of Revenue to Lottery, see ¶ 1178 of this chapter.*

reflect the trans- of the Lottery from the State Lottery Division of the Department the Department of Revenue.

#### 1178. Transfer of rights, powers and duties

§ 28. All rights, powers and duties vested in the Department of Revenue or any office, division or bureau thereof by this Act and all rights, powers and duties incidental thereto are transferred to the Department of the Lottery.

The Division of the State Lottery established within the Department of Revenue is abolished. Personnel previously assigned to the Division of the State Lottery are transferred to the Department of the Lottery. However, the rights of the employees, the State and its agencies under the Personnel Code or any collective bargaining agreement or under any pension, retirement or annuity plan shall not be affected by this transfer.

All books, records, papers, documents, real and personal property, unexpended appropriations and pending business in any way pertaining to the rights, powers and duties transferred by this Section from the Department of Revenue to the Department of the Lottery shall be delivered to the Department of the Lottery.

The rights, powers and duties transferred by this Section to the Department of the Lottery shall be vested in and shall be exercised by this Department subject to the provisions of this amendatory Act of 1986. Each act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the Department of Revenue, the former State Lottery Division or Lottery Control Board or officers or employees thereof.

Every person or corporation shall be subject to the same obligations, duties and any penalties, civil or criminal, arising therefrom and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties had been exercised by the Department of Revenue, the former State Lottery Division or Lottery Control Board or officers or employees thereof.

Every officer and employee of the Department of the Lottery shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties are transferred to him by this Section.

Whenever reports or notices have been required to be made or given or papers or documents furnished or served by any person to or upon the departments and offices transferred by this Section, the same shall be made, given, furnished or served in the same manner to or upon the Department of the Lottery.

This amendatory Act of 1986 shall not affect any action done, ratified or cancelled, any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause before the effective date of this amendatory Act of 1986, but such actions or proceedings may be prosecuted and continued by the Department of the Lottery.

No rule, regulation or administrative review procedure promulgated by the Division of the State Lottery in the Department of Revenue or the Lottery Control Board, pursuant to an exercise of a right, power or duty which is transferred to the Department of the Lottery, shall be affected by this amendatory Act of 1986. These rules and regulations shall become the rules and regulations of the Department of the Lottery.  
P.A. 78-20, 3rd Sp.Sess., art. I, § 28, added by P.A. 84-1128, Art. II, § 1, eff. July 1, 1986.

#### MOBILE HOME PRIVILEGE TAX

##### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

#### 1201. Mobile home defined

§ 1. As used in this Act, "mobile home" means a factory assembled structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, and placement on a temporary

foundation, at which it is intended to be a permanent habitation, and situated so as to permit the occupancy thereof as a dwelling place for one or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch removed at the time of registration provided for in Section 4 of this Act,<sup>1</sup> shall not be construed as a "mobile home", but shall be assessed and taxed as real property as defined by section 1 of the "Revenue Act of 1939", filed May 17, 1939, as amended.<sup>2</sup> Mobile homes owned by a corporation or partnership and on which personal property taxes are paid as required under the Revenue Act of 1939<sup>3</sup> shall not be subject to this tax. Mobile homes located on a dealer's lot for resale purposes or as an office shall not be subject to this tax.

P.A. 78-375, § 1, eff. Aug. 28, 1973. Amended by P.A. 79-1184, § 1, eff. Dec. 19, 1975.

<sup>1</sup> Paragraph 1204 of this chapter.

<sup>2</sup> Paragraph 482 of this chapter.

<sup>3</sup> Paragraph 482 et seq. of this chapter.

Section 3 of P.A. 79-1184, certified Dec. 19, 1975, provided:

"This amendatory Act of 1975 takes effect upon its becoming a law."

**Title of Act:**

An Act to provide for a local services tax on mobile homes. P.A. 78-375, approved and eff. Aug. 28, 1973. Title amended by P.A. 81-1137, § 2, certified Nov. 26, 1979, eff. July 1, 1980.

**Notes of Decisions**

Construction and application 1  
Validity ½

**½. Validity**

In absence of showing that South Dakota statute under which rates of interest prescribed by laws or contracts which do not specify period of time by which such rates are to be calculated are deemed annual rates is applicable to a service or finance charge imposed in connection with sale of merchandise on credit, Appellate Court would presume that South Dakota law was like that of Illinois, and that statute did not apply to provision for service charge. Occidental Chemical Co. v.

**1202. Mobile home park defined**

§ 2. As used in this Act, the phrase "mobile home park" has the meaning ascribed to it by Section 2.5 of "An Act to provide for, license and regulate mobile homes and mobile home parks and to repeal an Act named herein", approved September 8, 1971, as amended.<sup>1</sup>

P.A. 78-375, § 2, eff. Aug. 28, 1973.

<sup>1</sup> Chapter 111½, ¶ 712.5.

**1202.1. Permanent habitation defined**

§ 2.1. As used in this Act "permanent habitation" means available for habitation for a period of 2 or more months.

P.A. 78-375, § 2.1, added by P.A. 79-1184, § 1, eff. Dec. 19, 1975.

**Notes of Decisions**

**1. In general**

A mobile home must be inhabited before it is subject to the privilege tax and registration pro-

vided for in the Mobile Home Local Services Tax Act. 1976 Op.Atty.Gen. No. S-1042.

A mobile home is inhabited when it is occupied by a person who intends to use the mobile home

as a residence for a period of two or more months. Id.

**1203. Imposition of tax—Rate**

§ 3. Mobile homes in addition to such taxes as provided shall be subject to the following privilege tax only, Except as provided in Section 7,<sup>2</sup> the owner of each inhabitant to the county treasurer of the county in which such mobile home is located, the tax to be computed at the rate shown in the table below:

**TAX YEAR FOLLOWING MODEL YEAR OF MOBILE HOME**

- model year and 1st and 2nd year following:
- 3rd, 4th and 5th years following model year:
- 6th, 7th and 8th years following model year:
- 9th, 10th and 11th years following model year:
- 12th, 13th and 14th years following model year:
- 15th year following model year and subsequent years:

For purposes of this Act, the square-footage shall be the square-footage of the mobile home excluding the length of the mobile home on January 1 of any year shall be the square-footage of the mobile home on July 1, 1976, to December 31, 1976, of any home rule county.

P.A. 78-375, § 3, eff. Aug. 28, 1973. Amended by P.A. 79-1184, § 3, eff. Dec. 19, 1975.

- 1 Paragraph 489.1 et seq. of this chapter.
- 2 Paragraph 1207 of this chapter.

**Notes of Decisions**

Construction and application ¾  
Exemptions 1  
Validity ½

**½. Validity**

Illinois mobile home privilege tax (¶ 1201 et seq. of this chapter) was constitutional, even if considered to be a personal property tax. Berry v. Costello, 1976, 62 Ill.2d 342, 341 N.E.2d 709.

Illinois mobile home privilege tax (¶ 1201 et seq. of this chapter) was not unconstitutional by virtue of fact that tax was imposed on basis of square footage of mobile home rather than on its value. Id.

**¾. Construction and application**

A mobile home is inhabited for purposes of this paragraph even though it is used periodically, and such periodic use is not consecutive for two or more months, so long as residents intend to use the unit as a dwelling for two or more months. 1976 Op.Atty.Gen. No. S-1107.

A mobile home must be inhabited before it is subject to the privilege tax and registration provided for in the Mobile Home Local Services Tax Act. 1976 Op.Atty.Gen. No. S-1042.

A mobile home is inhabited for purposes of this paragraph even though it is used periodically, and such periodic use is not consecutive for two or more months, so long as residents intend to use the unit as a dwelling for two or more months. 1976 Op.Atty.Gen. No. S-1107.

**1. Exemption**

Statute of Illinois which provided for a privilege tax on mobile homes was not unconstitutional by virtue of fact that tax was imposed on basis of square footage of mobile home rather than on its value. Id.

Tax imposed on mobile homes within meaning of Mobile Home Local Services Tax Act. 1976 Op.Atty.Gen. No. S-1107.

Military personnel are exempt from the privilege tax on mobile homes. 1978-375, c. 1, and S-1042.

# PETITION

WE THE UNDERSIGNED OPPOSE  
THE REZONING FOR MOBILE HOMES OF  
THE PROPERTY LOCATED AT THE NORTHWEST  
CORNER OF BENTON AND ELM STREETS,  
VILLAGE OF NEW BERLIN,  
SANGAMON COUNTY, IL.

1. James Eck - 502 Maple - New Berlin, Ill.
2. Don Wilson - 503 E. Elm St - New Berlin, Ill.
3. Linda K. Wilson 503 E. Elm St. New Berlin, Ill.
4. Genevieve Eck 502 Maple New Berlin
5. Tony Crain 304 Benton St., New Berlin
6. Nancy Crain 304 Benton St. New Berlin
7. Charles & Mary Cummings - 602 Elm New Berlin Ill.
8. Patricia A. Miller 502 E. Elm New Berlin Ill.
9. Donald L. Lyjiler 502 E Elm - New Berlin, Ill
10. Charles E. Cantrell 306 Elm - New Berlin, Ill
11. Sharon A. Cantrell 306 Elm New Berlin Ill
12. Sharon Painter 305 So. Henry W. B.

State of Illinois )

) S.S.

County of Sangamon)

I, the undersigned, notary public for the state  
and county aforesaid, hereby certify that the individuals  
listed above appeared before me this 31st day of May,

1988 and stated that they signed the foregoing Petition of their free and voluntary will, have read the foregoing Petition and understand the contents thereof.



Barbara J. McDaniel, Notary Public