

February 21, 1963.

Senate File 243

Passed on File.

By SHAFF.

Transportation Ho

Passed Senate, Date.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to mobile home parks and mobile homes and travel trailers and to provide fees and taxes thereon and to provide for an appropriation.

Be It Enacted by the General Assembly of the State of Iowa:

1 Chapter one hundred thirty-five D (135D), Code 1962, is hereby
2 repealed and the following enacted in lieu thereof.

1 Section 1. Definitions. The following definitions shall apply
2 to this chapter:

3 1. "Mobile home" shall include "house trailer" and "travel
4 trailer" and shall mean any vehicle used or so constructed as to
5 permit its being used as a conveyance on the public streets or
6 highways, and duly licensable as such, and shall include nonself-
7 propelled vehicles so designed, constructed, reconstructed, or
8 added to by means of an enclosed addition or room in such manner
9 as will permit the occupancy thereof as a dwelling or sleeping
10 place for one or more persons, whether upon a foundation, blocks,
11 wheels, jacks, skids or similar supports.

12 2. "Mobile home park" shall mean any site, lot, field, or
13 tract of land upon which two or more occupied mobile homes are
14 harbored, and served by common water supply, common sewage system
15 or other common sanitary facilities, either free of charge or for
16 revenue purposes, and shall include any building, structure, tent,
17 vehicle, or enclosure used or intended for use as part of the
18 equipment of such mobile home park. Any mobile home park located

19 in more than one municipality shall be dealt with as two separate
20 mobile home parks.

21 The term "mobile home park" shall not be construed to include
22 facilities provided for mobile homes on the state, county, and
23 county 4-H fair grounds during the times that such fairs are
24 held, nor mobile homes temporarily maintained by any individual,
25 educational institution, or company on their own premises and
26 used exclusively to house their own labor or students. This
27 provision shall not be construed to interfere in any way with
28 the enforcement of sanitation regulations by the local board of
29 health having jurisdiction.

30 Any mobile home park owned and operated by any municipality
31 or political subdivision of this state shall meet all the provi-
32 sions of this chapter. Any mobile home park owned and operated
33 by any agency or department of this state shall meet all the
34 provisions of this chapter except section seven (7) of this Act.

35 3. "Department" shall mean, for the purposes of this chapter,
36 the state department of health.

1 Sec. 2. Rules and regulations. The department shall have
2 full authority to prescribe reasonable rules and regulations for
3 the administration and enforcement of this chapter, in addition
4 hereto and not inconsistent herewith. All rules and regulations
5 shall be filed and entered by the department in its office in an
6 index, permanent book, or record, with the effective date thereof
7 suitably indicated, and such book or document shall be a public
8 document. Whenever a new rule or regulation is adopted by the
9 department, a copy of the same shall be provided to each licensee
10 hereunder. All rules and regulations issued shall be in con-
11 formity with the provisions of chapter seventeen A (17A) of

12 the Code.

1 Sec. 3. Permit for construction or remodeling of park. No
2 person, agency, firm, or corporation shall construct, expand,
3 remodel, or make alterations to the sanitary facilities and ap-
4 purtenances thereto, in a mobile home park within this state
5 without first obtaining a permit therefor from the department.
6 The application for such permit, accompanied by appropriate plans
7 and specifications, shall be made to the department in such
8 manner as may be prescribed by the regulations of the department;
9 provided that, when such mobile home park is located within a
10 municipality, the application and the plans and specifications
11 shall be filed with the local board of health, which shall for-
12 ward the same to the department when the proposed facilities
13 have been found to comply with local ordinances, codes, and other
14 local regulatory measures, applicable thereto and not in conflict
15 with this chapter.

16 When the application has been approved, the department shall
17 issue a permit to the applicant to construct or to make altera-
18 tions to the sanitary facilities and appurtenances thereto accord-
19 ing to the plans and specifications presented with the approved
20 application. No approval of plans and specifications nor is-
21 suance of a permit to construct or to make alterations to the
22 sanitary facilities and appurtenances thereto by the department
23 shall be construed as having been approved for other than sanita-
24 tion. Such a permit does not relieve the applicant from securing
25 building, plumbing, and similar permits in municipalities having
26 pertinent codes or ordinances.

27 Construction or alteration of the sanitary facilities and
28 appurtenances thereto of a mobile home park shall not be started

29 until the permit has been duly issued; and such construction and
30 alteration shall be performed in accordance with the plans and
31 specifications providing the basis for issuing the permit.

1 Sec. 4. Annual license for park. No person, firm, agency, or
2 corporation shall establish, maintain, conduct, or operate a
3 mobile home park within this state without first obtaining a
4 license therefor from the department. Such license shall be
5 issued for the calendar year applied for and shall expire at mid-
6 night on December 31 of such year.

7 The license for each existing mobile home park that is operated
8 and maintained shall be renewed annually. The application for
9 such renewal of license shall be submitted to the department on
10 or before January 31 of each year. On February 1 of each year
11 a penalty of five percent of the annual license fee shall be
12 added to all license fees not paid by that date, and five percent
13 of the annual license fee shall be added to such fees on the first
14 of each month thereafter that the same remains unpaid; until
15 paid; provided that in no case shall the penalty be less than
16 one dollar. This license fee shall be in lieu of any fee by any
17 other governmental agency.

1 Sec. 5. Application for license. The application for license,
2 or renewal of license, to operate a mobile home park shall be
3 made to the department, at such office and in such manner as may
4 be prescribed by regulations of the department; provided that,
5 when such mobile home park is located within a municipality, the
6 application shall be filed with the local board of health who
7 shall forward the same to the department when the park facilities
8 have been found to comply with local ordinances, codes, and other
9 local regulatory measures applicable thereto, and not in conflict

10 with this chapter.

1 Sec. 6. Form of application for license. The application
2 for such license, or renewal of license, shall be in writing and
3 upon such form as the department may by regulation provide, and
4 shall include the following information :

5 1. The full name and address of the applicant or applicants,
6 or names and addresses of the partners if the applicant is a part-
7 nership, or the names and addresses of the officers if the appli-
8 cant is a corporation, and present or last occupation of the
9 applicant at the time of the filing of the application.

10 2. A legal description of the site, lot, field, or tract of
11 land upon which it is proposed to operate and maintain a mobile
12 home park.

13 3. The existing facilities on and about such site, lot, field,
14 or tract of land for the maintaining of a sanitary community
15 building for toilets, urinals, sinks, wash basins, bathing facili-
16 ties, laundry facilities, and drains; source of water supply; and
17 sewage, garbage, and waste disposal.

18 4. The proposed method of lighting the structures and site,
19 lot, field, or tract of land upon which said mobile park is
20 located.

21 5. The calendar months of the year in which applicant will
22 operate said mobile home park.

1 Sec. 7. Annual license fees. The annual license fee, which
2 shall be submitted with the application for a license, or renewal
3 of license, to operate a mobile home park, shall be twenty-five
4 dollars for each park with facilities for twenty or less mobile
5 homes, and shall be twenty-five dollars, plus five dollars for
6 each additional twenty or fraction thereof in excess of twenty,

7 in each park with facilities for twenty-one or more mobile homes.
8 In the event a mobile home park has facilities for three or less
9 mobile homes, the annual license fee shall not exceed ten dollars.

10 If an applicant for a license to operate a mobile home park
11 desires to operate the mobile home park only during the period
12 between May 1 and October 1, he shall pay only one-half of the
13 annual license fee as specified above.

14 All annual license fees collected by the department under this
15 section shall be placed in a special fund by the treasurer of
16 state and the state comptroller, to be known as the "state mobile
17 home park fund," to be used by the department to assist in the
18 administration and the enforcement of this chapter. Said fund
19 shall be subject at all times to the warrant of the state comp-
20 troller, drawn upon the written requisition of the state commis-
21 sioner of public health, for the payment of expenses necessary
22 to administer and to enforce this chapter. In case the annual fees
23 do not provide sufficient amount to cover the cost of administra-
24 tion and enforcement an amount sufficient to cover the deficit is
25 hereby appropriated to the said fund from the general fund of the
26 state. Any remainder in said fund at the end of each fiscal year
27 shall be paid into the general fund of the state.

1 Sec. 8. Forms by department. The department shall furnish
2 all necessary forms to be executed in making application for all
3 permits and licenses under this chapter.

1 Sec. 9. Issuing of license. When the application for a
2 license, or renewal of license, to operate a mobile home park
3 is received by the department, it shall promptly cause the mobile
4 home park and appurtenances thereto to be inspected. When such
5 inspection and report has been made and the department finds that

6 all requirements of this chapter and such conditions of health
7 and sanitation as the department may require have been met by
8 the applicant, the department shall forthwith issue such license
9 in the name of the state.

1 Sec. 10. Distribution of copies of permit and license. When
2 the department has approved an application for a permit to con-
3 struct, or to make alternations to the sanitary facilities and
4 appurtenances thereto, in a mobile home park, or a license to
5 operate the same, it shall retain the original application, plans,
6 and specifications, and keep a file thereof. One copy of each
7 permit or license shall be returned to the applicant or his agent,
8 and one copy of each to the local board of health having juris-
9 diction over the park site.

10 It shall be the duty of the department to notify, or cause to
11 be notified, the treasurer of each municipality of the issuance
12 of each mobile home park license to any park located within the
13 jurisdiction of such municipality.

1 Sec. 11. Denial of permit or license. If the applicant for a
2 permit to construct, or to make alterations in the sanitary facil-
3 ities and appurtenances thereto, in a mobile home park, or a
4 license to operate the same, is denied by the department, it
5 shall so state in writing, giving the reason for denying the ap-
6 plication. If the objection can be corrected, the applicant may
7 amend his application and resubmit it for approval, and if denied,
8 the applicant may within thirty days appeal from the decision
9 of the department to the district court of the county in which
10 said mobile home park is located, and the case shall be tried in
11 equity.

1 Sec. 12. Annual tax. There shall be an annual tax on each

2 mobile home paid to the county treasurer, which shall be computed
3 on the basis of fifteen cents per square foot of space and any
4 addition thereto of similar construction of five cents per square
5 foot, except such vehicles assigned to or belonging to a dealer
6 or manufacturer's stock. A deduction of three feet in length
7 may be made for trailer hitch or other permanent extensions.
8 The tax herein shall be the same for the first six years of the
9 age of the vehicle determined by the year of manufacture. The
10 seventh and eighth years the tax shall be seventy percent of the
11 original tax and for the ninth year and thereafter the tax shall
12 be fifty percent. On a new vehicle or one on a dealer's used
13 vehicle list or one coming in from out of state the tax shall
14 be one twelfth multiplied by the number of unexpired months of
15 the year. The tax herein levied shall be paid semiannually
16 and shall be delinquent February 1 and August 1 after which a
17 penalty of five percent shall be added each month until paid.
18 The tax shall be paid in the county where the vehicle rests on
19 January 1 and July 1. The annual tax may be paid in full, if
20 so desired.

21 Each mobile home park licensee is hereby required to keep an
22 accurate and complete record of the number of units of mobile
23 homes harbored in his park, listing the owner's name, year and
24 make of the unit, on which there is no current registration
25 plate, and to report such information on or before the tenth
26 day of each month to the county treasurer, and the records of
27 such licensee shall be open to inspection by a duly authorized
28 representative of any law enforcement agency. Any property owner,
29 manager or tenant shall report to the county treasurer any and
30 all mobile homes on which there is no current registration and

31 which is parked upon any property which is owned, managed or
32 rented by the individual.

33 The county treasurer shall report to the motor vehicle divi-
34 sion of the Iowa department of public safety the name of the
35 owner, year, make and serial number of each unit on which there
36 is no current registration plate. The motor vehicle division
37 shall be the chief enforcement agency and shall provide adequate
38 manpower. The tax and registration fee shall be a lien on the
39 vehicle senior to any other lien there may be upon it. The
40 mobile home and automobile bearing current registration plates
41 issued by any other state than the state of Iowa occupying space
42 within a licensed mobile home park for an accumulated period not
43 to exceed ninety days in any twelve-month period; provided,
44 further that all occupants of the said mobile home with accompany-
45 ing automobile are tourists or vacationists, shall not be subject
46 to Iowa tax. When one or more persons occupying a mobil home
47 bearing a foreign registration are employed within the state
48 of Iowa, there shall be no exemption from Iowa registration and
49 tax herein levied. This tax shall be in lieu of all other taxes
50 general or local.

1 Sec. 13. Distribution of mobile home tax. The mobile home
2 tax shall be paid at the county treasurer's office when the
3 vehicle is registered under section three hundred twenty-one point
4 one hundred twenty-three (321.123), subsection three (3), of the
5 Code, and a receipt issued upon payment of the same, showing
6 amount of tax paid and the registration paid. This receipt
7 must be available upon demand by the enforcement officers. This
8 tax shall be credited to the school fund of the district wherein
9 the mobile home park is located.

1 Sec. 14. Annual tax in lieu of property tax. All mobile homes
2 for which an annual or semiannual tax is collected under the
3 provisions of this chapter and those in a dealer or manufacturer's
4 stock shall not be assessed for property tax, but this exemption
5 shall not apply to the property contained in any registered mobile
6 home.

1 Sec. 15. Powers delegated to local boards. The department
2 shall have the power to delegate to local boards of health the
3 duties of inspection and regulation of mobile home parks located
4 within the jurisdiction of such local boards of health, where,
5 in the opinion of the department, such delegation can best effec-
6 tuate the provisions of this chapter. When said duties are so
7 delegated, fifty percent of the annual license fee collected
8 therefrom shall be turned over to the treasurer of the juris-
9 diction involved, and there is hereby appropriated from the
10 general fund of the state an amount sufficient to pay the pro-
11 portionate fees allowable to the jurisdiction involved, as pro-
12 vided in this section.

1 Sec. 16. Revocation and suspension of license. Any license
2 granted hereunder shall be subject to revocation or suspension
3 by a court of proper authority and jurisdiction, and the depart-
4 ment shall first serve or cause to be served a written notice
5 specifying a way or ways in which said licensee has failed to
6 comply with the chapter, or any special rules or regulations pro-
7 mulgated by the department pertaining thereto. Said notice shall
8 direct the licensee to remove or abate such nuisance, insani-
9 tary or objectionable condition specified in said notice within
10 five days, or within such reasonable period of time or extended
11 period of time as may be reasonably allowed by the complaining

12 officer upon notice from the department. If the licensee fails
13 to comply with the terms and conditions of said notices, within
14 the time specified or such extended period of time, it shall
15 be the duty of the county attorney of the county in which such
16 violation occurred to start a civil action to remove or abate such
17 nuisance, insanitary, unhealthful, or objectionable condition
18 as complained of in the court of proper authority and jurisdic-
19 tion of the city or county in the name of the state of Iowa, and
20 if found guilty a decision may be entered by the court to revoke
21 or suspend such license.

1 Sec. 17. Penalty. Any person constructing, enlarging, or
2 making alterations to the sanitary facilities in any mobile
3 home park without a permit, or operating a mobile home park
4 without a license, or violating any other provision of this
5 chapter shall be fined not less than ten dollars nor more than
6 one hundred dollars or be imprisoned in the county jail for not
7 more than thirty days.

1 Sec. 18. The licenses and fees provided for in this chapter
2 shall be in addition to any licenses and fees provided for in
3 chapter three hundred twenty-one (321) of the Code.

1 Sec. 19. This Act shall become effective January 1, 1964.