

identification that an individual is an inspector, an inspector of the department of inspections and appeals may enter the elder family home to determine if the home is in fact operating as an unlicensed health care facility. If the inspector is denied entrance, the inspector may, with the assistance of the county attorney in the county in which the elder family home is located, apply to the district court for an order requiring the responsible party to permit entry and inspection.

5. The department of elder affairs shall maintain a registry of elder family homes and shall act as a resource and referral agency for elder family homes.

6. Upon application for registration by a person seeking approval for an elder family home, the department shall notify the city council or county board of supervisors of the city or county in which the proposed elder family home is to be located. The city council or county board of supervisors shall respond to the application within thirty days of notification.

7. The department may delegate any duties under this section to local area agencies on aging.

8. The commission shall adopt by rule procedures for appointing members of a care review committee for each elder family home. To the maximum extent possible, the care review committee appointed for an elder family home shall include a person involved in a local retired senior volunteer program. The rules shall incorporate the provisions, if applicable, for care review committees pursuant to sections 135C.25, 135C.38, and 249D.44.

9. The commission of elder affairs shall adopt rules as necessary, to implement this section.

Sec. 3. NEW SECTION. 358A.31 ELDER FAMILY HOMES.

A county board of supervisors or county zoning commission shall consider an elder family home a family home, as defined in section 358A.25, for purposes of zoning, in accordance with section 135K.2, and may identify limitations regarding the proximity of one proposed elder family home to another.

Sec. 4. NEW SECTION. 414.29 ELDER FAMILY HOMES.

A city council or city zoning commission shall consider an elder family home a family home, as defined in section 414.22, for purposes of zoning, in accordance with section 135K.2, and may identify limitations regarding the proximity of one proposed elder family home to another.

Approved May 1, 1991

CHAPTER 89

PESTICIDE DEALER LICENSING

S.F. 33

AN ACT amending the pesticide Act of Iowa, by providing requirements for pesticide dealers, and providing for fees.

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

Section 1. Section 206.8, subsection 2, Code 1991, is amended to read as follows:

2. A pesticide dealer shall pay by June 30 of each year to the department an annual license fee based on the gross retail sales of all pesticides sold for use in this state by the dealer in the previous year. The license fee shall be set as follows:

a. A pesticide dealer with less than one hundred thousand dollars in gross retail pesticide sales shall have the option to pay a license fee based on one-tenth of one percent of the gross retail pesticide sales in the previous year or to pay a license fee according to the following:

(1) Twenty-five dollars, if the annual gross retail pesticide sales are less than twenty-five thousand dollars.

(2) Fifty dollars, if the annual gross retail pesticide sales are twenty-five thousand dollars or more but less than fifty thousand dollars.

(3) Seventy-five dollars, if the annual gross retail pesticide sales are fifty thousand dollars or more but less than seventy-five thousand dollars.

(4) One hundred dollars, if the annual gross retail pesticide sales are seventy-five thousand dollars or more but less than one hundred thousand dollars.

The secretary shall provide for a three-month grace period for licensure and shall impose a late fee of ten dollars upon the licensure of a dealer applying for licensure during the month of October, a late fee of fifteen dollars upon the licensure of a dealer applying for licensure during the month of November, a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure during the month of December, and a late fee of twenty-five dollars upon the licensure of a dealer applying for licensure for each month after the month of December.

b. A pesticide dealer with one hundred thousand dollars or more in gross retail pesticide sales shall pay the greater of a minimum annual license fee of twenty-five dollars or an annual license fee based on one-tenth of one percent of the gross retail pesticide sales of all pesticides sold at retail for use in this state by the pesticide dealer in the previous year. The annual license fee shall be paid to the department of agriculture and land stewardship, beginning July 1, 1988, and July 1 of each year thereafter. The secretary shall provide for a ninety-day three-month grace period for licensure and shall impose a late fee of two percent of gross retail sales the license fee upon the licensure of a pesticide dealer applying for licensure during the period July 2 through July 31 month of October, a late fee of four percent of gross retail sales the license fee upon the licensure of a pesticide dealer applying for licensure during the month of August November, and a late fee of five percent of gross retail sales the license fee upon the licensure of a pesticide dealer applying for licensure during the month of September December, and a late fee of five percent upon the licensure of a dealer applying for licensure for each month after the month of December. A licensee shall pay a fee of twenty-five dollars for the period July 1, 1987, through June 30, 1988.

The initial Up to twenty-five dollars of each annual license fee shall be retained by the department for administration of the program, and the remaining moneys collected shall be deposited in the agriculture management account of the groundwater protection fund.

Sec. 2. Section 206.10, Code 1991, is amended to read as follows:

206.10 LICENSE RENEWALS — DELINQUENT FEE.

If the application for renewal of any a license provided for in this chapter, other than a pesticide dealer license, is not filed prior to the first of January in any year, a delinquent fee of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be is issued. A delinquent fee shall does not apply if the applicant furnishes an affidavit certifying that the applicant has not applied pesticides after the expiration of the applicant's license. All licenses issued under this chapter shall expire December 31 each year. However, a license issued to a pesticide dealer expires as provided in section 206.8.

Sec. 3. Section 206.12, subsection 7, paragraph a, subparagraph (1), Code 1991, is amended to read as follows:

(1) The gross retail sales of the all pesticides sold by the licensee at retail for use in this state by a licensee with one hundred thousand dollars or more in gross retail sales of the pesticides sold for use in this state.

Approved May 1, 1991

CHAPTER 90

TRANSIENT FOOD SERVICE ESTABLISHMENTS

S.F. 269

AN ACT regulating transient food service establishments and providing for licensing fees.

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

Section 1. Section 137B.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 11A. "Transient food service establishment" means a food service establishment which operates at various locations during a year, if the establishment does not operate at one location for more than three consecutive days in conjunction with a single event or celebration.

Sec. 2. Section 137B.6, subsection 2, Code 1991, is amended by adding the following new paragraph after paragraph b, and relettering the subsequent paragraphs:

NEW PARAGRAPH. c. Transient food service establishments.

Sec. 3. Section 137B.7, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 2A. For a transient food service establishment, forty dollars.

Approved May 1, 1991

CHAPTER 91

MOBILE HOME PARKS – TRAFFIC REGULATION

S.F. 331

AN ACT extending traffic enforcement authority to mobile home parks.

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

Section 1. Section 321.251, Code 1991, is amended to read as follows:
321.251 RIGHTS OF OWNERS OF REAL PROPERTY.

1. ~~Nothing in this~~ This chapter shall not be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.

2. a. The owner of real property upon which a mobile home park is located, may elect to have the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority where the real property is located, apply to the real property and any persons located on the real property by granting authority to any peace officer to enforce the vehicular traffic provisions of this chapter, or the ordinances, rules, or regulations of the local authority as well as any regulations or conditions imposed on the real property pursuant to subsection 1. An election made pursuant to this subsection shall not create a higher priority for the enforcement of traffic laws on real property upon which a mobile home is located than exists for the enforcement of traffic laws on public property.

b. A written notice of election shall be filed with the designated officials of the local authority whose ordinances, rules, or regulations will govern the vehicular traffic. The appropriate officials shall be the city clerk and chief of police of the city in which the real property is located and the county sheriff and the county recorder of the county in which the real property is located. The notice shall include the legal description of the real property, the street address,