February 19, 1953.
Passed on File.

House File 327

By MOTOR VEHICLES, COMMERCE AND TRADE.

(As Passed by the House)

Passed House, Date 3-18-53
Vote: Ayes 99 Nays 3
Passed Senate, Date ~~4-2-53~~ 4-27-53
Vote: Ayes ~~46~~ 40 Nays ~~0~~ 4
Approved

Senate – Motor V – 3/20
House concurred & repassed 4/28 – 91-0

A BILL FOR

An Act providing for licensing, inspection and regulation of mobile homes and mobile home parks, prescribing the standards and fees, and providing for regulations, enforcement procedure and penalties; to amend section three hundred twenty-one point four hundred fifty-seven (321.457), Code 1950, relating to maximum length of mobile homes; and to amend section three hundred twenty-one point one hundred thirty (321.130), Code 1950, relating to fees in lieu of taxes.

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

1 Section 1. Section three hundred twenty-one point four
2 hundred fifty-seven (321.457), Code 1950, is hereby amended by
3 striking the period (.) from line five (5) of subsection three
4 (3) and adding thereto the following: ", except that a
5 mobile home not in excess of a length of forty (40) feet may
6 be drawn by any motor vehicle except a motor truck."

1 Sec. 2. The following definitions shall apply to this
2 act:
3 "1. 'Mobile Home' shall mean any vehicle used or so
4 constructed as to permit its being used as a conveyance upon
5 the public streets or highways and duly licenseable as such,
6 and shall include self-propelled or non-self-propelled

7 vehicles, so designed, constructed, reconstructed or added
8 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, having no permanent foundation and supported
11 by wheels, jacks or similar supports.

12 "2. 'Mobile home park' shall mean any site, lot, field
13 or tract of land upon which two or more occupied mobile homes
14 are harbored, either free of charge or for revenue purposes,
15 and shall include any building, structure, tent, vehicle or
16 enclosure used or intended for use as part of the equipment of
17 such mobile home park.

18 "The term 'mobile home park' shall not be construed to
19 include mobile homes, buildings, tents or other structures temporarily
20 maintained by any individual educational institution, or company on their own premises
21 and used exclusively to house their own labor or students."

1 Sec. 3. No person, firm or corporation shall establish,
2 maintain, conduct or operate a mobile home park within this
3 state without first obtaining an annual license therefor
4 from the state department of health. Such annual license
5 shall be issued for the calendar year applied for and shall
6 expire at midnight on December 31 of such year. Any mobile
7 home park located in more than one municipality shall be dealt
8 with as two separate mobile home parks.

1 Sec. 4. The application for annual license to operate
2 and maintain a mobile home park shall be made to the state
3 department of health, at such office and in such manner as

4 may be prescribed by regulations of that department; provided
5 that when such mobile home park is located within a municipality,
6 the application shall be filed with the local board of health
7 who shall forward the same to the state department of health.

1 Sec. 5. The application for such annual license shall
2 be in writing and upon such form as the state department of
3 health may by regulation provide, and shall include the following information:

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

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

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

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

22 5. Designate the calendar months of the year in which

23 applicant will operate said mobile home park.

24 6. Plans and drawings for new construction, including

25 buildings, wells, and sewage and disposal systems, not in

26 existence at the time of the application.

1 Sec. 6. The application for the first annual primary

2 license shall be submitted with all plans and specifications

3 enumerated in section four (4), and payment of twenty-five

4 dollars ($25.00) for each mobile home park with facilities for

5 twenty (20) or fewer mobile homes, or fifty dollars ($50.00)

6 for each mobile home park with facilities for more than twenty

7 (20) mobile homes, and shall be accompanied by an approved permit

8 from the municipality whereon the park is to be located, or a statement

9 that the municipality does not require an approved permit.

10 In the event a mobile park has facilities for three or less

11 mobile homes, the annual license fee shall not exceed ten dollars

12 ($10.00).

13 Each year thereafter, the license fee shall be

14 twenty-five dollars ($25.00). All annual license fees

15 collected by the department of health shall be deposited with

16 the state treasurer.

17 When the application is received by the state department

18 of health, it shall promptly cause the mobile home park and

19 appurtenances thereto to be inspected. When such inspection

20 and report has been made and the state department of health

21 finds that all requirements of this act and such conditions of

22 health and safety as the state department of health may require

23 have been met by the applicant, the state department of health
24 shall forthwith issue such annual primary license in the name
25 of the state.

1 Sec. 7. During the pendency of the application for such
2 annual primary license, any change in the sanitary or safety
3 facilities of the intended mobile home park shall be
4 immediately reported in writing to the state department of
5 health to the office to which the application was made. If no
6 objection is made by the state department of health to such a
7 change in such sanitary or safety facilities within sixty (60)
8 days of the date such change is reported, it shall be deemed
9 to have the approval of the state department of health.

1 Sec. 8. When the application has been approved, the
2 state department of health shall issue a permit to the
3 applicant to construct or make alterations pertaining to
4 water and sewage disposal upon a mobile home park and the
5 appurtenances thereto according to the plans and specifications
6 presented with the approved application.

7 No approval of plans and specifications and issuance of
8 a permit to construct or make alterations upon a mobile home
9 park and the appurtenances by the state department of health
10 shall be construed as having been approved for other than
11 sanitation.

12 Such a permit does not relieve the applicant from
13 securing building permits in municipalities having a building
14 code; or from complying with any other municipal ordinance or

15 ordinances, applicable thereto, and not in conflict with this
16 statute.

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

1 Sec. 10. In addition to the primary and annual license
2 fee provided for in section five (5), each licensee is hereby
3 required to pay for each occupied mobile home occupying space
4 within such licensed mobile home park a monthly fee as follows:
5 For trailers up to thirty (30) feet in length, two dollars
6 ($2.00) per month or major fraction thereof; for trailers from
7 thirty (30) to thirty-five (35) feet in length, two and one-
8 half dollars ($2.50) per month or major fraction thereof; and
9 for all trailers over thirty-five (35) feet in length, three
10 dollars ($3.00) per month or major fraction thereof which
11 monthly fee shall be paid by the licensee on or before the
12 tenth (10th) day of the month, following the month for which
13 such additional fee is due, in the manner herein prescribed.

14 Provided, however, that the licensee of a mobile home park
15 shall not be required to collect or pay a monthly fee, as
16 herein provided, for any space occupied by a mobile home
17 accompanied by an automobile, if such mobile home and automobile
18 bear license plates issued by any other state other than the
19 state of Iowa, for an accumulated period not to exceed ninety
20 (90) days in any twelve (12) month period; provided, further,
21 that all occupants of the said mobile home with accompanying
22 automobile are tourists or vacationists. When one or more
23 persons occupying a mobile home bearing a foreign license
24 are employed within the state of Iowa, there shall be no
25 exemption for monthly fees. In the event that an occupied
26 mobile home is not harbored in a mobile home park the owner
27 of said mobile home shall pay a monthly fee in the amount and
28 in the manner as has heretofore been provided in this section,
29 unless said mobile home is being assessed as personal property.
1 Sec. 11. The monthly fee for each occupied mobile home
2 situated upon a licensed mobile home park shall be paid by
3 the licensee or owner, where the mobile home is not situated
4 in a mobile home park, to the treasurer of the municipality,
5 or county where there is no municipality, wherein such
6 licensed mobile home park or mobile home is situated. Such
7 monthly fee is hereby allocated and required to be paid by
8 the municipal treasurer as follows:
9 For each monthly fee collected by the municipal treasurer,
10 fifty percent (50%) shall be paid to the local public school

11 district wherein said licensed mobile home park or mobile home
12 is located; twenty-five percent (25%) to be retained by the
13 municipality, and twenty-five percent (25%) to be paid to the
14 county treasurer. If there is no municipality, fifty percent
15 (50%) shall be retained by the county treasurer for the
16 general fund.

1 Sec. 12. When the state department of health has
2 approved an application for permit to construct or make alter-
3 ations upon a mobile home park or the appurtenances thereto
4 or a license to operate and maintain the same, it shall re-
5 tain the original and keep a file thereof. One copy shall
6 be returned to the applicant or his agent, one copy to the
7 local board of health, if the mobile home park is located
8 within the limits of a municipality.

1 Sec. 13. The state department of health shall furnish
2 all necessary forms to be executed in making application for
3 all licenses under this act.

1 Sec. 14. It shall be the duty of the state department
2 of health to notify, or cause to be notified, the treasurer
3 of each municipality of the issuance of each mobile home park
4 license issued within the jurisdiction of such municipality.

1 Sec. 15. Any mobile home park owned and operated by
2 any municipality or political sub-division of this state shall
3 meet all provisions of this act.

1 Sec. 16. If any applicant for a mobile home park license
2 desires to operate such mobile home park only during the months

3 from May 1 to October 1, they should pay only one-half (½)
4 of the above mentioned annual license fee, but should pay the
5 full monthly fees hereinbefore required for each month of
6 operation. If in the opinion of the state department of health
7 the sanitary and facility requirements herein contained are
8 too rigid for the mobile home park, it may in writing or by
9 regulation modify such requirements as circumstances may
10 permit and require.

1 Sec. 17. The department shall have full authority to
2 prescribe reasonable rules and regulations for the adminis-
3 tration and enforcement of this act, in addition hereto and
4 not inconsistent herewith. All rules and regulations shall
5 be filed and entered by the department in its office in an
6 index, permanent book or record, with the effective date
7 thereof suitably indicated, and such book or record shall be
8 a public document. Whenever a new ruling or regulation is
9 adopted by the department, a copy of the same shall be mailed
10 by it to each licensee hereunder.

1 Sec. 18. Any license granted hereunder shall be subject
2 to revocation or suspension by a court of proper authority and
3 jurisdiction, and the state department of health shall first
4 serve or cause to be served a written notice specifying a
5 way or ways in which said licensee has failed to comply with
6 the act, or any special rules or regulations promulgated by
7 the state department of health pertaining thereto. Said notice
8 shall direct the licensee to remove or abate such nuisance, un-

9 sanitary or objectionable condition specified in said notice
10 within five days, or within such reasonable period of time or
11 extended period of time as may be reasonably allowed by the
12 complaining officer. If the licensee fails to comply with
13 the terms and conditions of said notices, within the time
14 specified or such extended period or a period of time, the
15 complaining officer may require the county attorney of the
16 county in which such violation occurred to start a civil
17 action to remove or abate such nuisance, unsanitary, unhealth-
18 ful, or objectionable condition as complained of in the court
19 of proper authority and jurisdiction of the city or county
20 in the name of the state of Iowa, and if found guilty a de-
21 cision may be entered by the court to revoke or suspend such
22 license.

1 Sec. 19. Any person violating any provision of this
2 act shall be fined not less than one hundred dollars ($100.00)
3 nor more than one thousand dollars ($1000.00) or be imprisoned
4 in the county jail for not more than six (6) months or by
5 both such fine and imprisonment.

1 Sec. 20. The licenses and fees provided for in this act
2 shall be in addition to any licenses and fees provided for in
3 chapter three hundred twenty-one (321), Code 1950.

1 Sec. 21. Section three hundred twenty-one point one
2 hundred thirty (321.130), Code 1950, is hereby amended by
3 adding thereto the following: "This section shall not apply
4 to occupied mobile homes".

1 Sec. 22. The state department of health shall have the
2 power to delegate to local boards of health the duties of
3 inspection and regulation of mobile home parks located within
4 the jurisdicition of such local board of health, where, in the
5 opinion of the state department of health, such delegation can
6 best effectuate the policies of this act. When said duties are
7 so delegated, fifty percent (50%) of the annual license fee
8 collected therefrom shall be turned over to the treasurer of
9 the jurisdiction involved.

1 Sec. 23. All mobile homes for which a monthly fee is
2 collected under the provisions of this act shall not be
3 assessed for property tax but this exemption shall not apply
4 to the property contained in any mobile home.

EXPLANATION OF H. F. 327

The purpose of this bill is to provide for the proper supervision and control of mobile home parks, and of the facilities and utilities contained herein. These parks have become increasingly more numerous during the last war and subsequent thereto, until, at the present time, legislation licensing and regulating such parks is a practical necessity.

Section 1 allows mobile home units greater length than heretofore when they came under the same length restrictions as do trucks.

These units weigh less than five tons and on an average only travel 200 miles per year on the highways of the state.

This bill sets forth the prerequisites for obtaining a license, the requirements of the application therefor, the annual and renewal fee, the monthly fee, and the allocation of these fees. The bill gives the state department of health the power and authority to either issue or deny a license, and authorizes the promulgation of further regulations by said department. Enforcement and revocation provisions are contained in the bill. Appeal to the District Court is provided for.

This measure is deemed an efficient means of providing clean, attractive and desirable mobile home parks which will be a credit and asset to any community, and will assist greatly through competition and restrictions in the elimination or reconstruction of unsightly and unsanitary mobile home parks. This is a matter requiring state wide legislation, not merely local law.

The states of Minnesota and Michigan have adopted legislation which in general conforms to this bill. In those states it has proved a very efficient method of control.

5

Amend House File 327 by adding a new sentence in section 8, line 16, thereof: "Nothing contained in this act shall invalidate ordinances of any municipal corporation providing inspections or imposing requirements higher than the minimum requirements provided in this act."

Further amend House File 327, section 10, by striking the comma (,) in line 28 and inserting in lieu thereof a period (.) and striking all of line 29.

Further amend House File 327 as follows:

By adding a new sentence to section 10 thereof, following the period (.) in line 13, as follows: "In computing the length herein above described, the total length therein set out shall expressly include the trailer hitch or such other permanent extensions as may be attached to said trailer used or designed for use as a trailer hitch."

Further amend House File 327 by adding the following as a new sentence to section 10: "Each mobile home park licensee is hereby required to keep an accurate and complete record of the number of units of mobile homes harbored in his park and to report such information on or before the tenth (10th) day of each month to the county assessor and the records of every such licensee shall be open to inspection by the county assessor."

Further amend House File 327, section 11, by striking lines 1 to 8, inclusive, and inserting in lieu thereof the following: "The monthly fee for each occupied mobile home situated upon a licensed mobile home park shall be paid by the licensee thereof, or by the owner where the mobile home is not situated in a mobile home park, to the county treasurer of the county wherein such licensed mobile home park or mobile home is situated, on or before the tenth (10th) day of each and every month following thereafter. Such monthly fee is hereby allocated and required to be paid by the county treasurer as follows:"

Further amend House File 327, section 11, by striking the word "municipal" in line 9 thereof and insert in lieu thereof the word "county", and in line 12 by striking the words "to be retained by the municipality" and inserting in lieu thereof the following: "shall be paid to the municipal corporation wherein said licensed mobile home park or mobile home is located." Also in section 11, line 13, by striking the words "to be paid to" and inserting in lieu thereof the words "shall be retained for the general fund by".

Further amend House File 327 by adding a new sentence to section 17 following the period as follows: "All rules and regulations issued shall be in conformity with the provisions of chapter fifty-one (51), Acts of the Fifty-fourth General Assembly".

Filed

April 24, 1953.

By DAILEY.