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CHAPTER 1238
ZONING OF MANUFACTURED HOUSING
S.F. 2228

AN ACT prohibiting zoning regulations or other ordinances which disallow plans and specifications of a proposed residential dwelling solely because the proposed dwelling is a manufactured home.

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

Section 1. Chapter 358A, Code 1983, is amended by adding the following new section.

NEW SECTION. MANUFACTURED HOME. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot. As used in this section, "manufactured home" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in section 135D.1 is not a manufactured home, unless it has been converted to real property as provided in section 135D.26, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

Sec. 2. Chapter 414, Code 1983, is amended by adding the following new section:

NEW SECTION. MANUFACTURED HOME. A city shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a foundation system, set-back, and minimum square footage which would apply to a site-built, single

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family dwelling on the same lot. As used in this section, "manufactured home" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in section 135D.1 is not a manufactured home, unless it has been converted to real property as provided in section 135D.26, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

Approved May 9, 1984

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PUBLIC HEALTH AND WELFARE

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Legislative History. For legislative history and purpose of Pub.L. 93-383, see 1974 U.S. Code Cong. and Adm. News, p. 4273. See also, Pub.L. 96-399, 1980 U.S. Code Cong. and Adm. News, p. 3506; Pub.L. 97-35, 1981 U.S. Code Cong. and Adm. News, p. 396.

Cross References

Manufactured homes having same meaning as under this section for purposes of accelerated cost recovery system, see section 168 of Title 26, Internal Revenue Code.

§ 5403. Construction and safety standards

(a) Establishment pursuant to orders of Secretary; consultation with Consumer Product Safety Commission; reasonableness; consideration of State and local laws

The Secretary, after consultation with the Consumer Product Safety Commission, shall establish by order appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction.

(b) Notice and hearing

All orders issued under this section shall be issued after notice and an opportunity for interested persons to participate are provided in accordance with the provisions of section 553 of Title 5.

(c) Effective date of orders establishing standards

Each order establishing a Federal manufactured home construction and safety standard shall specify the date such standard is to take effect, which shall not be sooner than one hundred and eighty days or later than one year after the date such order is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest, and publishes his reasons for such finding.

(d) Supremacy of Federal standards

Whenever a Federal manufactured home construction and safety standard established under this chapter is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any manufactured home covered, any standard regarding construction or safety applicable to the same aspect of performance of such manufactured home which is not identical to the Federal manufactured home construction and safety standard.

(e) Amendment or revocation by Secretary; effective date

The Secretary may by order amend or revoke any Federal manufactured home construction or safety standard established under this section. Such order shall specify the date on which such amendment or revocation is to take effect, which shall not be sooner than one hundred and eighty days or later than one year from the date the order is issued, unless the Secretary finds, for good cause shown, that an earlier or later date is in the public interest, and publishes his reasons for such finding.

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(Pub L. 93-35 IX, § 902(a), Oct. 5, 1980.

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(f) Criteria

In establishing standards under this section, the Secretary shall—

(1) consider relevant available manufactured home construction and safety data, including the results of the research, development, testing, and evaluation activities conducted pursuant to this chapter, and those activities conducted by private organizations and other governmental agencies to determine how to best protect the public;

(2) consult with such State or interstate agencies (including legislative committees) as he deems appropriate;

(3) consider whether any such proposed standard is reasonable for the particular type of manufactured home or for the geographic region for which it is prescribed;

(4) consider the probable effect of such standard on the cost of the manufactured home to the public; and

(5) consider the extent to which any such standard will contribute to carrying out the purposes of this chapter.

(g) Time for issuance of order establishing initial standards

The Secretary shall issue an order establishing initial Federal manufactured home construction and safety standards not later than one year after August 22, 1974.

(h) Coverage; exclusion

The Secretary shall exclude from the coverage of this chapter any structure which the manufacturer certifies, in a form prescribed by the Secretary, to be:

(1) designed only for erection or installation on a site-built permanent foundation;

(2) not designed to be moved once so erected or installed;

(3) designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing, or with minimum property standards adopted by the Secretary pursuant to Title II of the National Housing Act [12 U.S.C.A. § 1707 et seq.]; and

(4) to the manufacturer's knowledge is not intended to be used other than on a site-built permanent foundation.

¹Pub.L. 93-383, Title VI, § 604, Aug. 22, 1974, 88 Stat. 701; Pub.L. 95-128, Title IX, § 902(a), Oct. 12, 1977, 91 Stat. 1149; Pub.L. 96-399, Title III, § 308(c)(4), (Oct. 8, 1980, 94 Stat. 1641.)

²So in original. Probably should be "that".

Historical Note

References in Text. The National Housing Act, referred to in subsec. (h)(3), is Act June 27, 1934, c. 847, 48 Stat. 1246, as amended. Title II of the National Housing Act is classified principally to subchapter II (section 1707 et seq.) of chapter 13 of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables volume.

1980 Amendment. Subsecs. (a), (c) to (g). Pub.L. 96-399 substituted "manufactured home" for "mobile home" wherever appearing.

1977 Amendment. Subsec. (h). Pub.L. 95-128 added subsec. (h).

Effective Date. Section effective upon the expiration of 180 days following Aug. 22, 1974, see section 628 of Pub.L. 93-383, set out as an Effective Date note under section 5401 of this title.

Legislative History. For legislative history and purpose of Pub.L. 93-383, see 1974 U.S. Code Cong. and Adm. News, p. 4273. See, also, Pub.L. 95-128, 1977 U.S. Code Cong. and Adm. News, p. 2884; Pub.L. 96-399, 1980 U.S. Code Cong. and Adm. News, p. 3506.

Code of Federal Regulations

Standards applicable, see 24 CFR 3280.1 et seq., 3282.1 et seq.

§ 5404. National Manufactured Home Advisory Council

- (a) **Appointment; composition; appointments without regard to civil service laws; publication of names of members and designation of members representing general public**

The Secretary shall appoint a National Manufactured Home Advisory Council with the following composition: eight members selected from among consumer organizations, community organizations, and recognized consumer leaders; eight members from the manufactured home industry and related groups including at least one representative of small business; and eight members selected from government agencies including Federal, State, and local governments. Appointments under this subsection shall be made without regard to the provisions of Title 5 relating to appointments in the competitive service, classification, and General Schedule pay rates. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public.

- (b) **Consultation by Secretary with Council prior to establishment, etc., of standards**

The Secretary shall, to the extent feasible, consult with the Advisory Council prior to establishing, amending, or revoking any manufactured home construction or safety standard pursuant to the provisions of this chapter.

- (c) **Compensation; per diem; travel expenses**

Any member of the National Manufactured Home Advisory Council who is appointed from outside the Federal Government may be compensated at a rate not to exceed \$100 per diem (including travel-time) when engaged in the actual duties of the Advisory Council. Such members, while away from their homes or regular places of business, may be allowed travel expenses.

including per diem in Title 5 for persons in (Pub.L. 93-383, Title VI III, § 308(c)(4), Oct. 8.

References in Text. Title 5 governing appointment service, referred to in section 3301, Government Organization

The provisions of Title 5, referred to in subsec. generally to chapter 51 (see and to subchapter III (see chapter 53 of Title 5.

The General Schedule, sec. (a), is set out under section 5.

Section 5703 of Title 5, sec. (c), was amended by 94-22, § 4, May 19, 1975. So amended does not con-

1980 Amendment. Section 96-399 substituted "Manufactured Home" for "Mobile Home" and "home" for "mobile home" wherever appearing.

Subsec. (b). Pub.L. 96-399 substituted "Manufactured Home" for

Mobile Home Advisory Council

§ 5405. Judicial review; copy

(a)(1) In a case of section 5403 of this order when it is effective order is issued file a copy of the order wherein such judicial review of the order is transmitted by the Secretary to the court for the record of the order is provided in section 5403 of this title.

(2) If the petition for review is filed, and show that the order is material.

BUILDING PERMIT APPLICATION
ADDENDUM - MANUFACTURED HOMES

Before a building permit may be issued for erection of a manufactured home in certain zoned areas of Dickinson County certain requirements must be met:

1. The home is a factory built structure to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

2. The home has a label or tag attached to it which is a manufacturer's certification that the home conforms to all applicable Federal construction and safety standards for manufactured homes. The number on the label is _____.

3. Purchaser of the home has received a consumer's manual which explains and identifies purchaser's responsibility for maintenance, operation and repair of their manufactured home.

4. The home will, when erected, be located and installed according to all standards, including but not limited to, a foundation system, set-back and minimum square footage which would apply to a site-built, single family dwelling on the same lot.

I hereby certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding paragraphs numbered 1-4 are true and correct.

Date

Applicant

If paragraphs 2 and 3 cannot be attested to by the applicant then proof that the home has been excluded from coverage under Chapter 70 - Manufactured Home Construction Safety Standards of 42 U.S.C. Section 5401 et. seq. by the Secretary of Housing and Urban Development and the home bears an insignia of approval from the State Building Code Commissioner which attests that the home complies with the Iowa State Building Code applicable to factory-built structures. (The number on the insignia is _____.)

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