

Mr McKinnon

**RODNEY COUNTY COUNCIL (MOBILE
HOME PARKS) EMPOWERING**

[LOCAL]

ANALYSIS

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A BILL INTITULED

**An Act to empower the Rodney County Council to
authorise the establishment of mobile home parks
within its district**

- 5 WHEREAS the legislation governing the management and use of the several camping grounds located in the district of the Rodney County Council (hereinafter called the Council) prohibits the occupancy on a permanent basis of the living places located therein: And whereas the Council is desirous of
- 10 securing authority to allow, subject to its control and supervision, the establishment in its district of mobile home parks intended to be available either for permanent or temporary living accommodation at the option of the owner or occupier: And whereas the minimum standards of fitness
- 15 for houses (which include mobile homes) as set out in Part I of the Housing Improvement Regulations 1947 are not in all circumstances appropriate for application to mobile homes intended for permanent occupancy: And whereas it is

expedient to empower the Council to the extent and subject to the provisions hereinafter set forth to set aside suitable areas of land in its district as mobile home parks in which mobile homes may be occupied for residential purposes, either temporarily or permanently: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Rodney County Council (Mobile Home Parks) Empowering Act 10 1982.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Caravan” means a vehicle (as defined in the Transport Act 1962) drawn or propelled by mechanical power 15 and designed to provide living accommodation therein and which is currently registered under Part II of that Act and in respect of which a certificate of fitness has been issued under section 143 of that Act:

“Mobile home” means a structure comprising a group of 20 rooms occupied or intended to be occupied permanently or temporarily as the living quarters of a single housekeeping unit (whether of one or more persons) which is completely self contained in respect of domestic equipment and facilities, and which is 25 designed to be relocatable; but does not include a caravan or a free standing tent:

“Mobile home park” means an area of land used or intended to be used to accommodate mobile homes.

3. Establishment of mobile home parks—(1) Any 30 person desirous of establishing a mobile home park shall, as the first step, deposit with the Council for its approval a plan of the same which shall include the intended roading pattern therein, the position of each proposed mobile home site, and his proposals for reticulated water supply and sewage 35 disposal systems.

(2) Subject to compliance with the provisions of the Town and Country Planning Act 1977, the Council may permit a defined area or areas of land within its district to be used as the site for a mobile home park. 40

(3) A mobile home park shall not be established on any land licensed as a camping ground under the Camping Ground Regulations 1936, and a camping ground shall not be established on any land set aside for a mobile home park.

5 (4) A mobile home shall not be placed within a camping ground and a caravan shall not be placed on land set aside as a mobile home park.

4. Housing Improvement Regulations 1947 not to apply to mobile homes—The provisions of the Housing
10 Improvement Regulations 1947 shall not apply to mobile homes.

5. Mobile homes to be licensed—(1) Every mobile home shall be licensed by the Council for occupation as such, and every licence shall state the maximum number of persons
15 entitled to occupy it at any one time.

(2) In deciding whether to grant or to withhold a licence, the Council shall first be provided with and shall have regard to the design of the proposed mobile home, its proposed site, and the number of persons intending to occupy it then and in
20 the future. In addition to the relevant provisions of its bylaws the Council shall also have regard to whether the placing of the particular mobile home might lead to overcrowding, taking into account the extent of residential occupancy in the immediate vicinity. Every licence shall apply to a particular
25 mobile home and to its intended site, and a mobile home shall not be moved from one site to another site within the mobile home park without the previous written consent of the Council.

(3) It shall be an offence for the occupier or person in
30 charge of a mobile home to allow a number of persons to occupy it in excess of the figure stated in the licence.

6. Bylaws—(1) The Council may from time to time make bylaws dealing with all or any of the following matters:

- (a) Licensing mobile homes;
- 35 (b) Regulating the placing of mobile homes, including separation distances of mobile homes from one another;
- (c) The minimum standards of fitness for mobile homes;
- (d) The provision of communal social facilities;
- 40 (e) Fire protection;

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- (f) The provision of water and facilities for disposal of foul and stormwater sewage; and
- (g) Incidental matters connected therewith.
- (2) Sections 65 and 67 of the Health Act 1956 shall apply to all bylaws proposed to be enacted under this section. 5

7. Nuisances—The provisions of sections 29 to 35 of the Health Act 1956 shall apply to every mobile home and to every mobile home park.

8. Rates and uniform annual charges—(1) Notwithstanding anything to the contrary in the Rating Act 1967, the owner of a mobile home park shall be primarily liable for all rates becoming due and payable in respect of that property, and he shall be entitled to recover from every occupier of a mobile home site therein an equal proportion of the rates so paid. 15

(2) The proportion referred to in subsection (1) of this section shall be reached by taking the total number of mobile home sites in the mobile home park at the time the rate is made (whether or not there is an occupier for all of them and whether or not a mobile home is on every site) and by dividing the rate by that total. 20

(3) For the purpose of calculating a uniform annual charge or charges made and levied on a mobile home park under any of the relevant provisions of Part IX of the Local Government Act 1974, each mobile home site and any balance land used or intended to be used for recreational, community, or administrative purposes shall be deemed to be separate rateable property, and primary liability for the payment of the total of each uniform annual charge calculated as aforesaid shall lie with the owner of the mobile home park. The owner shall be entitled to recover from the occupier of a mobile home site an amount equivalent to the assessment of the uniform annual charge made against his mobile home site. 25 30

(4) In this section the word “occupier” means the person who has a right to occupy a mobile home site by virtue of a tenancy granted for a term of not less than 12 months certain. 35

9. Application of this Act extended—(1) If any site in a camping ground is being occupied by a mobile home, whether the occupancy occurred before or after the passing of this Act, 40

the Council may by notice in writing served upon the occupier require the same to be removed from the camping ground.

(2) The notice referred to in subsection (1) of this section shall specify a reasonable time within which the mobile home is to be removed from the camping ground which shall be not less than 1 month.

10. Offences—Every person who commits an offence against this Act, or against any bylaw made under this Act, for which no penalty is provided elsewhere than in this section, is liable to a fine not exceeding \$500 and, if the offence is a continuing one, to a further fine not exceeding \$50 for every day during which the offence has continued.