

HEALTH, BOARD OF: Trailer Camps not governed by Sec. 9955
R. S. Mo., 1939, which deals with Tour-
ist Camps and Resorts.

June 11, 1942

Dr. James Stewart
Commissioner of Health
Jefferson City, Missouri



Dear Dr. Stewart:

Your letter requesting an opinion has been referred
to me. This request was as follows:

"Reference is made to Section 9955, Article 6, Chapter 58, Revised Statutes of Missouri, 1939, the law under which our state wide resort law is administered, and to Section One of State Board of Health Regulations Governing Sanitation of Summer Resorts, Tourist and Other Camps as quoted on Page 5 of the enclosed pamphlet. The aforementioned statutes cover, 'all tourist camps, cabins or resorts of whatever kind kept, used, maintained or advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests in which two or more cabins, whether in combination or under separate roofs are furnished for the accommodation of guests'. No specific mention is made of trailers or trailer camps in this statute.

"Section One of our regulations reads as follows, 'The following regulations shall apply to any municipality, community, institution, corporation, as-

sociation, firm or person operating, or maintaining for use within the State of Missouri, any tourist camp, trailer camp, resort, cabins, courts, camp or tract of land in or on which persons may reside, camp or picnic, either free of charge or by payment of fee. For the purpose of this regulation all places covered by this definition shall hereafter be termed resorts.' You will note that specific reference is made to trailer camps in this regulation, approval of which was given by the Attorney General's office under date of July 27, 1939.

"The public health need and significance of sanitation and regulation of trailer camps is quite parallel to sanitation and regulation of tourist camps. It is apparent from our experience that facilities for sanitation at trailer camps are even more inadequate than at tourist camps. It is our belief that the legislature by its action desired to insure adequate sanitation in resort and camp areas and intended coverage of trailers as well as resorts and camps. Trailer camps constitute, in certain defense areas of this state, significant public health problems due largely to migratory workmen and families of civilian workmen and military personnel congregating in defense areas.

"We wish to be advised, therefore, whether or not trailer camps may be construed to be within the jurisdiction of our resort law, and if under the provision of the resort law, under what fee schedule should these establishments be licensed. In event trailer camps do not, in your opinion, come under the resort law, your advice is requested as to the manner in which these establishments may be satisfactorily supervised under our regulations.

"We will appreciate early receipt of the information requested herein."

Section 9955, Article 6, Chapter 58, Revised Statutes of Missouri, 1939, provides as follows:

"The State Board of Health is empowered and it is hereby made their duty through their deputies to have inspected, at least annually and as often as shall be necessary, for the proper regulation and sanitation thereof, all tourist camps, cabins or resorts of whatever kind kept, used, maintained or advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests in which two or more cabins, whether in combination or under separate roofs, are furnished for the accommodations of guests."

Section One of the Regulations Governing Sanitation of Summer Resorts, Tourists and Other Camps, prepared by the State Board of Health is as follows:

"The following regulations shall apply to any municipality, community, institution, corporation, organization, association, firm or person operating, maintaining or offering for use within the State of Missouri, any tourist camp, trailer camp, resort, cabins, courts, camp or tract of land in or on which persons may reside, camp or picnic, either free of charge or by payment of fee. For the purpose of this regulation all places covered by this definition shall hereafter be termed resorts."

We are unable to locate any instance wherein the Courts have defined "Trailer Camps". However, the common understanding is that it is a large parking lot or area wherein people who have trailers attached to their motor vehicles may park same and where certain facilities such as electric lights, water and sewage disposals may be present. At the present time there are many of these located in this State, due to housing conditions. Persons owning these trailers may stop in such camps overnight or they may set up a more or less permanent residence while they are employed in the immediate neighborhood.

On the other hand a "tourist camp" is a place where there are permanent dwellings already constructed, such as cabins, and they are regulated more or less in the same manner in which hotels are. Further, the larger part of their trade is transient and is composed of motorists staying therein overnight. It is possible to tax them under the statute, as there is a specific provision, to wit Section 9955, supra, which prescribes the manner in which they are to be licensed. They are taxed according to the number of units or cabins which they have in their camp. However, a "trailer camp" in the strict sense of the term, may have one trailer in the camp one night and fifty in the camp the next night. So it is apparent that they can not be licensed under the terms of Section 9955, Revised Statutes of Missouri, 1939.

Neither does it appear that at the time of the passage of the above Section, the legislature intended that "trailer camps" were to be included. At no place in the statute is such a term mentioned and we have no intimation whatever to show that they were even considered.

Furthermore, we do not think that the State Board of Health can bring such "trailer camps" within the provisions of the statute by incorporating them within a regulation promulgated by the State Board of Health. It is true that the Board of Health has the power to set up rules and regulations as set out in Section 9735, Revised Statutes of Missouri, 1939. However, we do not believe that the Board can, by

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regulation, place "trailer camps" in the category with "tourist camps" when they have never been mentioned by the legislature.

CONCLUSION

Therefore it is the opinion of this department that "trailer camps" do not come under the terms of the resort law and that the regulations as set up by the Board of Health will not apply to them.

Neither can they be charged a license fee since no provision is made in the Statutes for such license and they can not be licensed in the same manner as "tourist camps".

In order to regulate them in this manner, it will be necessary that legislation be passed for that purpose by the General Assembly.

Respectfully submitted,

JOHN S. PHILLIPS
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APPROVED:

ROY MCKITTRICK
Attorney-General

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