

TOWNSHIP OF FRANKLIN

ORDINANCE NO. 104-12

TEMPORARY DWELLING ORDINANCE

An Ordinance to protect the public health, safety and general welfare from the potential adverse effects from the use of mobile homes and trailer coaches as temporary dwelling units in the Township and to repeal ordinances adopted by the Township Board in its entirety and repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date.

TOWNSHIP OF FRANKLIN ORDAINS:

SECTION 1. TITLE.

This Ordinance shall be known and cited as the "Franklin Township Temporary Dwelling Ordinance."

SECTION 2. PURPOSE.

Franklin Township recognizes the need to regulate temporary dwelling units to protect the health, safety and welfare of the public and to minimize adverse impacts on adjacent properties. However, the Township recognizes that, in certain limited circumstances and for a limited duration, temporary dwellings – such as a Mobile Home or Trailer Coach – are appropriate and necessary. The purpose of this Ordinance is to protect the public health, safety and general welfare of the residents of the Township from the potential detrimental impacts from the temporary use of mobile homes and trailer coaches as dwelling units in the Township by enacting certain regulations and restrictions.

SECTION 3. DEFINITIONS.

For the purpose of this Ordinance, the following terms have the following meanings:

"Mobile Home" or "Trailer Coach" means any movable vehicular unit (with or without motive power), designed to permit occupancy as a dwelling or sleeping place by one or more persons, but which is not located within a Mobile Home Park or Trailer Coach Park.

"Mobile Home Park" or "Trailer Coach Park" means a parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made for it.

SECTION 4. GENERAL PROVISIONS.

After the effective date of this Ordinance, it is unlawful for any person to use in the Township any temporary dwelling, such as a Mobile Home or Trailer Coach, for dwelling purposes or any other purpose, except as provided and permitted by this Ordinance.

- A. The Township Board may permit, upon written request, the use of a Trailer Coach or Mobile Home as a temporary dwelling for a period of 90 days when (1) the occupant of said lot where it will be placed is affirmatively engaged in the erection of a permanent dwelling on the same lot; and (2) necessary and proper health, sanitation, plumbing and fresh water facilities are provided. On a showing of good cause and upon receipt of a written application and if substantial progress has been made toward the completion of the permanent dwelling, the Township Board may grant an extension of an additional period not exceeding one year.
- B. A trailer coach that is used for traveling purposes (and by extension, temporary or transient dwelling) by one or more persons who are not residents of the principal dwelling unit is permitted as follows: (1) only one trailer coach is permitted on any tract, lot, site, or parcel of land at any time; (2) the parking or storage of the trailer coach must otherwise comply with all applicable Township ordinances; (3) the owners or occupants of the trailer coach must use the toilets, bathing, and laundry facilities of the principal dwelling unit located on the tract, lot, site, or parcel of land where the trailer coach is parked or stored; and (4) no trailer coach used for temporary or transient dwelling may be located on any tract, lot, site, or parcel of land for a period longer than 30 consecutive days in one calendar year without approval from the Township upon a showing of good cause. The Township Board may extend this period at its discretion for good cause on receipt of an application made in writing to the Township Board.
- C. A Mobile Home or Trailer Coach is permitted for the occupancy of construction workers for a specific job on a tract, lot, site, or parcel of land approved by the Township under a "Temporary Permit". The employer must first make written request through the Township Board (or its designated representative), giving all pertinent data, including description of the land to be used, details of the construction project, and other relevant information the Township Board requests. A Mobile Home or Trailer Coach permitted by this subsection may not be located less than 200 feet away from any public highway or boundary of adjoining property; and (2) must have adequate fresh water supply and sanitary facilities. A permit issued under this subsection is effective for a period not to exceed one year. The Township Board may extend this period at its discretion for good cause on receipt of an application in writing.
- D. A Trailer Coach may be openly parked on any tract, lot, site, parcel of land, or field, provided that (1) the trailer coach is not used for temporary or permanent dwelling; (2) the trailer coach is at least 10 feet from any side or rear property line and at least 100 feet away from any public highway; and (3) any open parking or

storage of a trailer coach is subject to any rule, restriction or ordinance governing the use of the tract, lot, site or parcel of land.

SECTION 5. REVOCATION OF PERMISSION.

If any of the following conditions exist on any tract, lot, site, parcel of land, or field where a Mobile Home or Trailer Coach is permitted pursuant to this Ordinance, the Township may revoke any previously issued permit through written notice to the owner of such tract, lot, site, parcel of land, or field and a public hearing:

- A. More than one mobile home or trailer coach is located on the same tract, lot, site, or parcel of land when not expressly permitted by the Township.
- B. An accessory structure, garage, or storage shed is erected adjacent to or in close proximity to a temporary dwelling, such as a Mobile Home or Trailer Coach, when not expressly permitted by the Township.
- C. A mobile home is not connected to a fresh water supply and septic tank and drain field sewerage system.

SECTION 6. PERMIT REQUIRED.

Except as provided under Section 4.B of this Ordinance, a permit from the Township Board is required to locate and establish a Trailer Coach or Mobile Home for use as a temporary or transient dwelling. Issuance of a permit is based on the standards in this Ordinance and subject to such safeguards and conditions as the Township Board reasonably may impose.

SECTION 7. VIOLATION - PENALTY.

The Township may enforce any violation of this Ordinance by:

A. Criminal Penalties.

A violation of the provisions of this Ordinance constitutes a misdemeanor; any person who violates this Ordinance may, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 90 days, or both. Each day a violation exists is a separate offense.

B. Injunction and Abatement.

In addition to any other remedies that may be available under this Section, the Township may sue in a court of proper jurisdiction to enjoin or abate any public nuisance in violation of this Ordinance. Such proceedings are governed by the applicable statutes and court rules of the State of Michigan, and may include compensating the Township for its costs and reasonable attorney's fees.

