

ORDINANCE NO. 205-94

**AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN,
ADOPTING AN ORDINANCE TO BE KNOWN AS:**

**One Family Dwelling; House Trailer and Trailer Camp
Ordinance**

The Village of Bancroft Ordains:

Sec. 1. Purpose:

An ordinance to prohibit the improper placement and/or parking of house trailers as herein defined; provide regulations for one-family dwellings; provide for complaints thereof; provide for exceptions thereof; provide for appeals, hearing and determination; provide for penalties for violations thereof; and to provide for civil remedies thereof.

Sec. 2. Definitions:

(1) For the purpose of this ordinance, the term "house trailer" shall mean any vehicle used or intended for use as a dwelling, and which does not fit within the definition of a "one-family dwelling" as defined hereafter and does not comply with the one-family regulations as set forth hereafter. House trailer shall include vehicles which are self propelled or are moved by other agencies. Except as specifically provided in this ordinance, the restrictions contained herein shall apply to house trailers.

(2) For the purpose of this ordinance, the term "one-family dwelling" shall mean a building, structure, mobile home or prefabricated, premanufactured or precut structure designed exclusively for and occupied exclusively by one (1) family.

Sec. 3. Violation:

(1) No person shall park overnight or permit the parking overnight of any house trailer upon any public highway, street, alley, park or other public place within the Village.

(2) No person shall park or permit the parking of a house trailer for occupancy on any private property within the Village except in an authorized trailer camp licensed under the provisions of Act 243, Public Acts of 1959, State of Michigan, as amended.

(3) No person shall park or permit the parking of any unoccupied trailer outside of a duly licensed trailer coach camp, except the parking of unoccupied trailers in any accessory private garage building, or in any rear yard, is permitted provided no living quarters shall be maintained or any business practiced in said trailers. Provided, however, that nothing

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herein contained shall be construed to hinder or prevent any person from engaging in the business of handling trailer coaches for sale or resale or for storage, subject to such regulations as may be prescribed by this code relative to zoning or regulation of such business.

(4) Emergency or temporary parking or stopping is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibitions, regulations or limitations imposed by the Uniform Traffic Code of the State of Michigan for that street, alley or highway.

(5) Owners of trailers and members of their family may use and occupy one trailer on premises whereon there is located a dwelling occupied by such family for a period of not more than thirty (30) days, provide such occupancy meets all required zoning laws in effect for such occupancy.

Sec. 4. One-Family Dwelling Regulations:

A one-family dwelling and any additions or alterations thereto, erected or placed in the Village, shall conform to the following regulations in addition to all other regulations in this ordinance:

(1) It shall comply with all pertinent building, construction and fire codes for single-family dwellings.

(2) The plan outline of the dwelling, including only heated living area, shall be large enough to contain within it a square of twenty (20) feet on a side. This size requirement shall not make any houses existing at the date of amendment nonconforming so that they cannot be enlarged or improved.

(3) It shall be firmly attached to a permanent foundation constructed on the site in accordance with the state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

(4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

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(5) It shall be connected to a public sewer and water supply, if available, or if not available, to private facilities approved by the Shiawassee County Health Department.

(6) It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, lot size, setback, yards, etc., in the zoning district in which it is located.

(7) It shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow-load and strength requirements.

(8) It shall be aesthetically compatible in design and appearance to homes in the neighborhood in which it is located. In the first instance, it shall be the responsibility of a designated Village employee to determine whether this standard is met. The determination of compatibility shall be based upon the character, design and appearance of residential dwelling located outside the mobile home parks within 2000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or where said area is not so develop[ed, by the character, design and appearance of the residential dwellings generally found throughout the Village in which it is to be located. The determination of compatibility shall also be based upon compliance with the following standards:

(a) The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is to be located.

(b) The dwelling shall have windows located on the front side, and exterior doors either the front or rear, or front and side as generally found in homes in the neighborhood in which it is to be located.

(c) The dwelling shall not have a detached garage, if attached garages are typically found in the neighborhood in which it is to be located.

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(d) The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and roof pitch of homes typically found in the neighborhood in which it is to be located.

(e) The dwelling shall have a chimney that is constructed of a material and style similar to those of other dwellings typically found in the neighborhood in which it is to be located.

A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site has other design features that make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

Sec. 5. Complaints:

Upon complaint from any person, either verbal or written, of any violation of this ordinance, the Village of Bancroft shall cause an investigation thereof to be made by a designated Village officer or employee, and if it is found that this ordinance is in fact being violated, said designated official or employee shall serve upon said owner, occupant or person having control of such property, a written notice to terminate the violation within ten (10) days after receipt of said notice. Said notice may be served personally or by first class mail.

Sec. 6. Appeal:

Any person receiving such violation notice who considers himself aggrieved or who is unable to comply with the provisions of this ordinance within the time period granted because of illness, old age, inclement weather or other undue hardship, may appeal or request an extension of time in which to comply by delivering a written claim of appeal or request for extension of time, giving the reasons thereof, to the Village Clerk within said ten (10) days. Any person aggrieved by an adverse decision by the designated official, may appeal to the Village Council, which will make a determination with findings, based upon its individual judgment, without reference to the standards for the granting of variances.

Sec. 7. Hearing and Determination:

(1) Said appeal or request for extension of time shall be heard by the Village Council at the next regular meeting thereof,

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and said appellant shall appear before the Council and show cause, if any he has, supporting his appeal or request. Any officer of the Village or any resident may also appear and present any facts they may have regarding the matter.

(2) After hearing the appeal or request, the Village Council may uphold the notice as given; or extend the time for termination of the violation; or set aside the notice entirely; in accordance with the facts presented.

(3) If a notice is upheld by the Village Council, the appellant shall have ten (10) days thereafter, or such additional time as granted by said Council, in which to so remove said items.

Sec. 8. Criminal Penalty:

Any person who shall fail, refuse or neglect to so remove said items within ten (10) days after said notice is so served upon him, or within ten (10) days after the decision on the appeal, if an appeal is taken and the notice is upheld, by the Village Council on said appeal, then said person shall be subject to a fine of not more than fifty (50) dollars or imprisonment of not more than thirty (30) days, or both, for a first offense. For a second or subsequent offense charged as such, said person shall be subject to a fine of one hundred (100) dollars, or imprisonment of not more than ninety (90) days, or both, at the discretion of the Court. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by law, shall be deemed guilty of a misdemeanor and shall be punished accordingly. (M.S.A. 5.1284)

Sec. 9. Civil Remedies:

In addition to the criminal penalties set forth above, any storage or accumulation of house trailers in violation of this ordinance may be removed by the direction of the Village Council, and the cost of such removal and/or subsequent storage shall be charged to the owner or occupant of the subject property or to the person having control of such property. The Village Council shall have the right to use any legal or equitable remedy available to it to enforce payment of such charges, including levying the amount thereof as a special assessment against the lands from which said items were so removed.

Sec. 10. Severability:

The ordinance and the several sections and subsections hereof are hereby declared severable. If any part or clause

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hereof is adjudged invalid, the balance of this ordinance shall not be affected thereby.

Sec. 11. Conflicting Ordinances Repealed.

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety. With reference being made to Nos. 113-56 and 140-83.

Sec. 11. Effective Date:

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter.

Date of adoption: October 10, 1994

Date of publication: October 21, 1994

Effective date: October 30, 1994

I, Karen K. Cole, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 205-94 passed on 10-12 1994, by the Village Council, by a vote of 5 yeas and 0 nays. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to M.S.A. 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12 day of October, A.D., 1994.

BY:

Roderick Cox

Village President

Karen K. Cole

Karen K. Cole

Village Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN

County of Shiawassee

In the matter of the Estate of

Publication Notice
Adopted ordinances - Village of Bancroft

STATE OF MICHIGAN,

County of Shiawassee,

ss.

Thomas E. Campbell

Being first duly sworn, says that he is the Publisher/General Manager of The ARGUS-PRESS, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published ~~once a week for~~ *one time only* consecutive weeks

and that the first insertion of said Notice was on the *21st* day of *October* A. D., 19*94*, and that the last insertion was on the _____ day of _____, A. D. 19____.

PRINTER'S BILL

2 Folios *1* Times,
Proof of Publication
Total *32.50*
Copies *50*
Total *33.00*

SIGNED:

[Signature]
Subscribed and sworn to before me this *21st* day of *Oct* A. D., 19*94*

Janis M. Samson

Notary Public, Shiawassee County, Michigan

My Commission Expires

JANIS M. SAMSON, NOTARY PUBLIC
SHIAWASSEE COUNTY, STATE OF MICHIGAN
MY COMMISSION EXPIRES 04-17-95

PUBLICATION NOTICE

I, Karen Cole, being the Clerk of the Village of Bancroft, Michigan, does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At a regular meeting of the Bancroft Village Council, held on October 12, 1994, the following Village ordinances were adopted:

199 - Repeal of 1887 Acts.; 200 - prohibition of the storage of junk and vehicle repair; 201 - prohibition of disorderly conduct; 202 - adoption of the latest MI State Uniform Traffic Code; 203 - Shade tree, grass and weed cutting regulations; 204 - dangerous dogs and dogs creating a nuisance; 205 - regulations regarding use of house trailers as single family dwellings.

The aforementioned ordinances may be viewed in their entirety by contacting the Village of Bancroft Clerk, at 106 Higgins Street, Bancroft. Phone number 634-5375.

Publish: October 21, 1994

Rec'd Payment