

SEP 19 2013

FAIRPLAIN TOWNSHIP
MONTCALM COUNTY, MICHIGAN

KRISTEN MILLARD
MONTCALM COUNTY CLERK

An Ordinance to amend, consolidate and restate Ordinance 91-2 (now known as 91-2A) to regulate the placement of all single family residences, site built, mobile, modular and manufactured homes located within Fairplain Township, Montcalm County, Michigan.

The Township of Fairplain, (hereafter referred to as "Township") Montcalm County, Michigan ordains:

Section 1. Citation

This Ordinance may be cited and referred to as the Fairplain Township Safe Housing and Construction Ordinance.

Section 2. Legislative Findings

The Township Board enacts this Ordinance based upon the following facts or findings which the Board finds to be true:

- a. Act 344 of the Public Acts of 1945, as amended, permit's the Township to enact this Ordinance.
- b. Under general township law, the township has the right to legislate to Protect the health, welfare and safety of its inhabitants. MCL 41.181
- c. The people of the Township and their property will be protected by this Ordinance and it will serve to guide and protect future growth and development of the Township.
- d. The people of this Township recognize that there are, or may in the future be dwelling and non-dwelling structures which are or may become unsafe, dilapidated, dangerous, unhygienic or unsanitary as to constitute a menace to the health and safety of the public.

Section 3. Definitions

"Building Permit" means a permit comporting with the provisions of this Ordinance.

"Dwelling" means any structure which is wholly or partly used or intended to be used for living or sleeping by human occupants. "Dwelling" does not include modular or manufactured housing more than 10 years old.

"Lot" means a parcel of land occupied or designed to be occupied by one building and the Accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such buildings.

"Lot Line" means a boundary line of a lot.

"Lot Line Front" means the exterior line or right-of-way of a road on which a lot fronts or abuts.

"Lot Line Side" means any lot line not a front lot line or a rear lot line.

"Lot Line Rear" means any lot line, other than a front lot line, which is parallel or nearly parallel to the front line.

"Lot Width" means the average distance between said lot lines taken at the front yard or building line and measured at right angles to the side lot lines along a parallel to the street.

"Manufactured Home" means homes built entirely in the factory under a federal building code administered by the U.S. Department of housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the JUD Code) went into effect June 15, 1976. Manufactured homes may be multi-section and are transported to the site and installed.

"Stick-Built" means a wooden house constructed entirely or largely on-site; that is, built on the site which it is intended to be occupied upon its completion, rather than in a factory or similar facility. This term is used to contrast such a dwelling with mobile homes and modular homes that are assembled in a factory and transported to the site entirely or mostly complete and hence are not "stick-built".

"Mobile Home" means (also called trailers or house trailers) prefabricated homes built in factories, on a permanently attached chassis, rather than on-site, and then taken to the place where they will be occupied.

"Modular Home" means sectional prefabricated buildings or houses, that consist of multiple sections called modules. The modules are constructed in a remote facility, then delivered to their intended site of use. Modular homes do not have axles or a frame and must conform to all local building codes for their proposed use.

"Camper" means

"Camper" means: 5th wheel, motor home and "bumper-pull" type recreational vehicles designed for camping out while traveling.

Section 4. Purpose

It is the purpose of this Ordinance to protect the safety and health of the public and to promote the comfort, convenience and welfare of the public by establishing minimum dimensions for a single family residences in the Township outside mobile home parks, by establishing specific pre-construction inspection requirements and standards applicable to existing single family residences, whether manufactured or site-built, proposed to be moved within or into the Township of Fairplain; and by establishing standards pertaining

to foundations, anchoring systems and skirting to assure that stick-built, modular manufactured and mobile homes located outside mobile home parks are so constructed and placed that the safety and appearance of single family residences in Fairplain Township are consistent with the interests of the residents and citizens in developing and maintaining safe, attractive, and affordable housing.

Section 5. Residential Use of Certain Structures or Objects Prohibited

No person shall reside in any camper, tent, car, bus or other motor vehicle or any other structure, place or location not originally designed and intended for residential use and/or not constructed in a manner and with materials that comply with the requirements of applicable Federal, State, County and Fairplain Township Ordinances for residential structures.

Section 6. Lot Size and Setbacks

Minimum specifications for any new construction are as follows:

- a. Lot area to be at least 20,000 square feet;
- b. Lot width to be at least 100 feet;
- c. Front yard to be a minimum of 25 feet plus roadway right-of-way;
- d. Side yard to be a minimum of 10 feet plus roadway right-of-way;
- e. Rear yard to be a minimum of 10 feet plus roadway right-of-way.

Section 7. Lot Use

For residential or dwelling purposes, there will be one single-family freestanding dwelling on each lot. Where any part of any building is used for residential purposes and the remainder is used for conducting any business, commercial or industrial enterprise, that part occupied as a dwelling shall conform to the minimum requirements for dwellings with reference to floor space and sanitary requirements. No modular, manufactured housing, stick-built houses or any other dwellings more than 10 years old shall be moved onto any lot in Fairplain Township nor shall any unoccupied mobile home or manufactured home be used for a storage building within Fairplain Township.

Section 8. Minimum Floor Area

- a. From and after May 6, 2013, all stick-built homes constructed and all modular and manufactured homes to be placed within Fairplain Township for single-family residences shall have a floor area of not less than 780 square feet and a width dimension of no less than 18 Feet.
- b. All single-family residences, including site-built homes, modular and manufactured homes to be constructed or located in Fairplain Township shall conform to all HUD, State, County and Fairplain Township Code requirements. These codes shall

apply to all single-family residences built or brought into the Township, those whose location is changed within the Township or on a lot, and those residences, stick-built, modular or manufactured homes which replace an existing modular, manufactured homes, mobile home or residence.

Section 9. Square Footage Determination

a. In determining the square footage referred to in Section 8. (a) above, any additions or attempted additions shall not be considered or permitted in an effort to meet the minimum requirements.

b. Two or more manufactured homes may not be tied together, nor may a manufactured home be added to an existing manufactured home. No manufactured home may be installed as an addition to an existing conventionally constructed home.

Section 10. Required Permits

a. Sanitary/well permits - Prior to commencing construction or prior to a placement of any stick-built, modular or manufactured home, there shall be obtained from the Montcalm County Health Department the necessary sanitary/well permits. A copy of said permits must be attached to the Building Permit Application.

b. Any applicable inspection permit for previously stick-built, modular or manufactured homes.

1. All approvals required under this Section must occur prior to moving all stick-built, modular or manufactured homes from previous placement. All stick-built, modular or manufactured homes located outside of Fairplain Township that require inspection under this Section must be inspected by a Fairplain Township Board member or the Montcalm County Building Department prior to being brought into Fairplain Township. Said stick-built, modular or manufactured residences shall be 10 years or newer as of January 1st of the year that structure is placed in Fairplain Township. The initial inspection will be made by Fairplain Township or Montcalm County Building inspectors within fourteen (14) days of request. Once the initial inspection has taken place, the home must be moved to the lot site and set on permanent foundation within sixty (60) days of locating on permanent foundation. The lot will then be cleaned up in compliance with Fairplain Township specifications.

2. Prior to placement of any site-built, modular or manufactured homes which were previously placed in another location either within or outside of Fairplain Township, an inspection of the site-built, modular or manufactured home must be conducted by Fairplain Township or the Montcalm County Building Department and the results of that inspection attached to the Fairplain Township Building Permit Application. Said inspection will be conducted in order to determine whether the previously placed stick-built, modular or manufactured home meets all Federal, State, County and Township codes regarding stick-built, modular or manufactured homes in order to provide for the safety and welfare of Fairplain Township residents.

3. All inspections under this Section shall be subject to the fee schedule adopted by Fairplain Township. In addition, any mileage and fees incurred for inspection purposes outside of Fairplain Township shall be paid by the applicant.

Section 11. Modular and Manufactured Home Minimum Foundation Requirements

All such modular or manufactured homes shall be set on a permanent foundation which shall meet "BOCA" or "HUD" and Montcalm County Building Department Code requirements. Specifications will be issued by Montcalm County Building Department at the time of Permit Application.

Section 12. Anchoring System

All modular and manufactured homes must meet "BOCA" or "HUD" requirements and be anchored by means of a combination of ties, anchoring equipment and ground anchors that will, when properly installed, resist movement of an in-place modular or manufactured home caused by wind force.

Section 13. Skirting

All modular and manufactured homes must meet "BOCA" or "HUD" Code requirements and must be skirted. The material between the ground and the base of the home must conform and be of similar material to the original structure or masonry material. Skirting must be installed within thirty (30) days of placing on permanent foundation or before occupancy, whichever occurs first.

Section 14. Sanctions and Enforcement

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction, as defined by Michigan Law and shall be punishable by a civil fine determined in accordance with the following schedule:

1 st Offense	Minimum fine of \$75.00
2 nd Offense within 3 year period	Minimum fine of \$150.00
3 rd Offense within 3 year period	Minimum fine of \$325.00
4 or more offenses within 3 year period	Minimum fine of \$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Fairplain Township has been charged in connection with the municipal civil infraction. Further, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

Section 15. Effective Date

This Ordinance shall take effect thirty (30) days after its publication as required by law.

Moved by Member: Sharon E. Swindell, Treas.

Supported by Member: Tom Sanderson

To adopt the foregoing Ordinance.

Ayes: 5

Nays: 0

Absent/Abstentions: 0

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Board of Fairplain Township, Montcalm County, Michigan, at a meeting held on May 6, 2013. I further certify that the Ordinance was published on May 29, 2013 in the Daily News and that a copy of this Ordinance was filed with the Montcalm County Clerk on Sept. 11, 2013.

Coleen Myers
Coleen Myers, Fairplain Township Clerk

Adoption of New Fairplain Township Ordinance known as 91-2A, an Ordinance to amend, consolidate and restate Ordinance 91-2

Section 1. CITATION: Presents the title of the Ordinance.

Section 2. LEGISLATIVE FINDINGS: Presents the Township's right to enact the Ordinance.

Section 3. DEFINITIONS: Presents the definition of certain specific terms used in the Ordinance.

Section 4. PURPOSE: Presents the purposes of enacting the Ordinance.

Section 5. RESIDENTIAL USE OF CERTAIN STRUCTURES OR OBJECTS PROHIBITED: Presents uses prohibited by Federal, State, County and Township Ordinances.

Section 6. LOT SIZE AND SETBACKS: States specifications for new construction.

Section 7. LOT USE: States the lot use, type and age requirements for residential, commercial and industrial dwellings.

Section 8. MINIMUM FLOOR AREA: States the minimum square footage and dimension for stick-built, modular and manufactured homes.

Section 9. SQUARE FOOTAGE DETERMINATION: Presents considerations not to be used in determining square footage.

Section 10. REQUIRED PERMITS: Presents instruction to secure all applicable permits, inspections, and approvals prior to placement or construction of stick-built, modular or manufactured homes.

Section 11. MODULAR AND MANUFACTURED HOME MINIMUM FOUNDATION REQUIREMENTS: Presents that foundation requirements are to meet "BOCA", "HUD", or Montcalm County Code requirements.

Section 12. ANCHORING SYSTEM: Presents that anchoring systems are to meet "BOCA" OR "HUD", Code requirements.

Section 13. SKIRTING: Presents description of skirting requirements.

Section 14. SANCTIONS AND ENFORCEMENT: Presents violations and penalties. Establishes violations as municipal civil infractions punishable by civil fines of \$500.00 or more as well as payment of costs which may include all expenses, direct and indirect to which Fairplain Township may be charged in connection with the infraction.

Section 15. EFFECTIVE DATE: States the date this Ordinance shall take effect.

THIS ORDINANCE SHALL TAKE EFFECT 30 DAYS AFTER PUBLICATION AS REQUIRED BY LAW.

A TRUE COPY OF THIS ORDINANCE MAY BE INSPECTED OR OBTAINED AT THE FAIRPLAIN TOWNSHIP HALL, 8383 GROW RD, GREENVILLE, MI 48838.

Thomas B. Sova
Fairplain Township Supervisor

5/29/2013

COUNTY CLERK'S OFFICE
STANTON, MICHIGAN
FILED

SEP 18 2013

KRISTEN MILLARD
MONTCALM COUNTY CLERK