

STATE OF MICHIGAN
COURT OF APPEALS

LYNN TOWNSHIP,

Plaintiff-Appellee,

v

CLARENCE MARTER, MYRTLE MARTER,
and MARK MARTER,

Defendants-Appellants.

UNPUBLISHED

December 28, 2001

No. 226472

St. Clair Circuit Court

LC No. 99-000472-CZ

Before: Meter, P.J., and Jansen and R. D. Gotham*, JJ.

PER CURIAM.

Defendants appeal as of right the trial court's order granting plaintiff's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendants installed a mobile home on their property located within plaintiff's boundaries. The home measured twelve feet in width. Plaintiff notified defendants that the home violated the township's zoning ordinance that required a single-family dwelling to be at least twenty feet wide. Defendants refused to correct the violation or to move the home.

Plaintiff filed a complaint alleging that defendants' home did not comply with zoning requirements, and that it constituted a nuisance. Plaintiff moved for summary disposition pursuant to MCR 2.116(C)(10). In response, defendants argued that plaintiff's ordinance violated MCL 125.2307(3), which states that a local government ordinance cannot "be designed as exclusionary to mobile homes generally whether the mobile homes are located inside or outside of mobile home parks or seasonal mobile home parks." Defendants asserted that plaintiff's ordinance prevented the placement of any single-wide mobile home within plaintiff's boundaries. The trial court granted plaintiff's motion, finding that because the ordinance treated all single-family dwellings in the same manner, it was not exclusionary to mobile homes.

We review de novo a trial court's decision on a motion for summary disposition. *Harrison v Olde Financial Corp*, 225 Mich App 601, 605; 572 NW2d 679 (1997).

* Circuit judge, sitting on the Court of Appeals by assignment.

Defendants argue that the trial court erred by granting plaintiff's motion for summary disposition. We disagree and affirm. A blanket exclusion of mobile homes from all areas not designated as mobile home parks is not a permissible exercise of police power; however, mobile homes can be excluded from an area if they fail to meet reasonable standards designed to ensure the favorable comparison of mobile homes with site-built housing. *Robinson Twp v Knoll*, 410 Mich 293, 310; 302 NW2d 146 (1981).

In *Gackler Land Co, Inc v Yankee Springs Twp*, 427 Mich 562; 398 NW2d 393 (1986), our Supreme Court upheld a township ordinance that required that a mobile home placed outside of a mobile home park meet the definition of a dwelling. The ordinance defined a dwelling as a structure that was at least twenty-four feet wide. The *Gackler* Court held that the ordinance did not exclude the placement of all single-wide mobile homes outside of mobile home parks, and did not treat mobile homes differently than site-built homes. *Id.*, 570.

In *Howard Twp Bd of Trustees v Waldo*, 168 Mich App 565; 425 NW2d 180 (1988), this Court held that a municipal ordinance requiring that single-family dwellings must be at least twenty-four feet wide was constitutional and did not operate to preclude the placement of all single-wide mobile homes in areas outside mobile home parks. *Id.* at 569-572.

Here, plaintiff's ordinance requiring that a single-family dwelling be at least twenty feet wide treats all single-family dwellings, including single-wide mobile homes and site-built homes, equally. The ordinance specifies that the size requirements do not apply to mobile homes located in licensed mobile home parks. The ordinance is not exclusionary to mobile homes generally, and does not contravene MCL 125.2307(3). The trial court properly granted plaintiff's motion for summary disposition. *Knoll, supra*; *Gackler, supra*; *Waldo, supra*.

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Roy D. Gotham