MUNICIPAL CORPORATIONS—REGULATION OF HOUSE TRAILERS UNDER BUILDING CODE AS PERMANENT DWELLINGS

John W. Potter S.Ed.

University of Michigan Law School

Follow this and additional works at: https://repository.law.umich.edu/mlr

Part of the Property Law and Real Estate Commons, and the State and Local Government Law Commons

Recommended Citation


Available at: https://repository.law.umich.edu/mlr/vol45/iss2/16

This Regular Feature is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
Municipal Corporations—Regulation of House Trailers Under Building Code as Permanent Dwellings—An ordinance of the township in which defendant maintained a trailer camp defined a house trailer as any vehicle used for living or sleeping purposes, and provided that any house trailer so used within the township for an aggregate of more than thirty days in a period of one year should be considered a single family dwelling for all purposes of the building code. Many trailers in defendant's camp rested on boxes or jacks, and they had been used as dwellings for several years. While all trailers were connected with water and electric lines and provided with communal lavatory and laundry facilities, they clearly did not comply with the requirements of the building code. Defendant contended that a trailer camp could be prohibited or regulated only by a zoning ordinance, and that the current house shortage ought to make this restriction void. Held, the ordinance was not an attempt to regulate trailer camps, but dwellings under the building code. Thirty days was a fair standard to determine whether the use was temporary or permanent and as such subject to the code. As the court was not concerned with the

1 A trailer is: a mobile home, principal case at 575; "little houses on wheels," Foos v. Engle, 295 Ky. 114 at 122, 174 S.W. (2d) 5 (1943).
wisdom of the ordinance, the house shortage could not be considered as a reason for invalidating the ordinance. *Lower Merion Township v. Gallup,* 158 Pa. Super. 572, 46 A. (2d) 35 (1946).

The growth of trailer camps and the increased use of trailers as permanent dwellings make the consideration of municipal regulations pertinent. The problem is of recent concern, and case law is limited. Some states have occupied the field and so have restricted municipalities to supplemental regulations. While trailer camps are not nuisances per se, they are subject to control under the police power by means of zoning or by health and safety regulations. The use of trailers has been restricted to trailer camps and the length of occupancy of the site limited. Security of home life, preservation of a favorable environment in which to rear children, protection of morals and health, stabilization of the use and value of property, and the attracting of a desirable citizenry are reasons cited to uphold the regulations. However, an absolute prohibition on the use of trailers has been held to be arbitrary and unreasonable, and zoning regulations solely to prevent particular trailer camps have been struck down by the courts. In the principal case, the housing shortage could have been considered as a factor in determining the reasonableness of the township's exercise of its police power. This is the only case in which trailers were deemed perma-

---

2 Richards v. City of Pontiac, 305 Mich. 666, 9 N.W. (2d) 885 (1943); Right of city to establish tourist camp see 115 A.L.R. 1398 (1938).
4 Egan v. City of Miami, 130 Fla. 465, 178 S. 132 (1938); Loose v. City of Battle Creek, 309 Mich. 1, 14 N.W. (2d) 554 (1944); Richards v. City of Pontiac, 305 Mich. 666, 9 N.W. (2d) 885 (1943) (ordinance in conflict with state law held void).
6 Egan v. City of Miami, 130 Fla. 465, 178 S. 132 (1938); Davis v. City of Mobile, 245 Ala. 80, 16 S. (2d) 1 (1943).
7 Miller v. Quigg, 87 Fla. 462, 100 S. 270 (1924) Tent City; Loose v. City of Battle Creek, 309 Mich. 1, 14 N.W. (2d) 554 (1944).
8 Davis v. City of Mobile, 245 Ala. 80, 16 S. (2d) 1 (1943); Not more than one trailer on private premise, Loose v. City of Battle Creek, 309 Mich. 1, 14 N.W. (2d) 554 (1944).
9 Loose v. City of Battle Creek, 309 Mich. 1, 14 N.W. (2d) 554 (1944) (six weeks); Cady v. City of Detroit, 289 Mich. 499, 286 N. W. 805 (1939) (ninety days), noted in 38 Mich. L. Rev. 400 (1940); Renker v. Village of Brooklyn, 139 Ohio St. 484, 40 N.E. (2d) 925 (1942) (sixty days), noted 5 Univ. Det. L. J. 200 (1942).
nent dwellings \textsuperscript{18} and subject to the requirements of the building code. The court might have looked through the subterfuge, for in effect the regulation amounts to prohibition.

\textit{John W. Potter, S.Ed.}

\textsuperscript{18} See Foos \textit{v. Engle}, 295 Ky. 114, 174 S.W. (2d) 5 (1943), where trailers were not held to be dwellings under restrictive covenants.