

# SENATE BILL No. 889

November 10, 2005, Introduced by Senators CHERRY, BRATER, SCHAUER and GOSCHKA and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1945 PA 246, entitled

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

by amending section 3 (MCL 41.183), as amended by 1999 PA 59, and by adding sections 7a and 7b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) The township board may provide in a township  
2 ordinance a sanction for violation of the ordinance.

3       (2) Consistent with any of the following statutes, the  
4 township board may adopt an ordinance that designates a violation  
5 of the ordinance as a civil infraction and provides a civil fine

1 for that violation:

2 (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
3 257.923.

4 (b) 1969 PA 235, MCL 257.941 to 257.943.

5 (c) 1956 PA 62, MCL 257.951 to ~~257.954~~ **257.955**.

6 (3) The township board may adopt an ordinance that designates  
7 a violation of the ordinance as a municipal civil infraction and  
8 provides a civil fine for that violation. An ordinance shall not  
9 designate a violation as a municipal civil infraction if that  
10 violation may be designated as a civil infraction under subsection  
11 (2). A statute may provide that a violation of a specific type of  
12 ordinance is a municipal civil infraction whether or not the  
13 ordinance designates the violation as a municipal civil infraction.

14 (4) An ordinance shall not make an act or omission a municipal  
15 civil infraction **OR A BLIGHT VIOLATION** if that act or omission  
16 constitutes a crime under any of the following:

17 (a) Article 7 ~~or section 17766a~~ of the public health code,  
18 1978 PA 368, MCL 333.7101 to 333.7545. ~~and 333.17766a.~~

19 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to  
20 750.568.

21 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
22 257.923.

23 (d) The Michigan liquor control code of 1998, 1998 PA 58, MCL  
24 436.1101 to 436.2303.

25 (e) Part 801 of the natural resources and environmental  
26 protection act, 1994 PA 451, 324.80101 to 324.80199.

27 (f) The aeronautics code of the state of Michigan, 1945 PA

1 327, MCL 259.1 to 259.208.

2 (g) Part 821 of the natural resources and environmental  
3 protection act, 1994 PA 451, MCL 324.82101 to 324.82160.

4 (h) Part 811 of the natural resources and environmental  
5 protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

6 (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA  
7 354, MCL 462.351 to 462.365.

8 (j) Any law of this state under which the act or omission is  
9 punishable by imprisonment for more than 93 days.

10 (5) An ordinance not described in subsection (2) or (3) may  
11 provide a penalty for violation of the ordinance consisting of a  
12 fine not exceeding \$500.00 or imprisonment not exceeding 90 days,  
13 or both. However, unless otherwise provided by law, the ordinance  
14 may provide that a violation of the ordinance is punishable by  
15 imprisonment for not more than 93 days or a fine of not more than  
16 \$500.00, or both, if the violation substantially corresponds to a  
17 violation of state law that is a misdemeanor for which the maximum  
18 period of imprisonment is 93 days.

19 (6) **THE TOWNSHIP BOARD MAY ADOPT AN ORDINANCE THAT DESIGNATES**  
20 **A VIOLATION OF THE ORDINANCE AS A BLIGHT VIOLATION AND PROVIDES A**  
21 **CIVIL FINE AND OTHER SANCTIONS FOR THAT VIOLATION CONSISTENT WITH**  
22 **SECTION 7A. AN ORDINANCE SHALL NOT DESIGNATE A VIOLATION AS A**  
23 **BLIGHT VIOLATION IF THAT VIOLATION MAY BE DESIGNATED A CIVIL**  
24 **INFRACTION UNDER SUBSECTION (2). AN ORDINANCE SHALL NOT DESIGNATE A**  
25 **VIOLATION AS BOTH A MUNICIPAL CIVIL INFRACTION AND A BLIGHT**  
26 **VIOLATION.**

27 (7) ~~—(6)—~~ An action for the violation of a township ordinance

1 shall be instituted in the district court, unless the person  
2 alleged to have violated the ordinance admits responsibility at a  
3 parking violations bureau, ~~or~~ municipal ordinance violation  
4 bureau, **OR ADMINISTRATIVE HEARINGS BUREAU** as otherwise provided and  
5 authorized by law. Fines and costs imposed or assessed in such an  
6 action shall be distributed in accordance with section 8379 of the  
7 revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

8       **SEC. 7A. (1) A TOWNSHIP, INCLUDING A CHARTER TOWNSHIP, MAY**  
9 **ESTABLISH AN ADMINISTRATIVE HEARINGS BUREAU TO ADJUDICATE AND**  
10 **IMPOSE SANCTIONS FOR VIOLATIONS OF CHARTER OR ORDINANCES DESIGNATED**  
11 **IN THE CHARTER OR ORDINANCE AS A BLIGHT VIOLATION. THE BUREAU MAY**  
12 **ACCEPT ADMISSIONS OF RESPONSIBILITY FOR BLIGHT VIOLATIONS. PURSUANT**  
13 **TO A SCHEDULE OF CIVIL FINES AND COSTS, THE BUREAU MAY COLLECT**  
14 **CIVIL FINES AND COSTS FOR BLIGHT VIOLATIONS.**

15       **(2) THE EXPENSE OF THE OPERATION OF AN ADMINISTRATIVE HEARINGS**  
16 **BUREAU SHALL BE BORNE BY THE TOWNSHIP ESTABLISHING THE BUREAU.**

17       **(3) AN ADMINISTRATIVE HEARINGS BUREAU SHALL NOT HAVE**  
18 **JURISDICTION OVER CRIMINAL OFFENSES, TRAFFIC CIVIL INFRACTIONS,**  
19 **MUNICIPAL CIVIL INFRACTIONS, OR STATE CIVIL INFRACTIONS. THE BUREAU**  
20 **AND ITS HEARING OFFICERS SHALL NOT HAVE THE AUTHORITY TO IMPOSE A**  
21 **PENALTY OF INCARCERATION AND MAY NOT IMPOSE A CIVIL FINE IN EXCESS**  
22 **OF \$10,000.00.**

23       **(4) A TOWNSHIP THAT ESTABLISHES AN ADMINISTRATIVE HEARINGS**  
24 **BUREAU UNDER THIS SECTION SHALL ESTABLISH BY ORDINANCE THE**  
25 **JURISDICTION OF THE BUREAU FOR ADJUDICATING ALLEGED BLIGHT**  
26 **VIOLATIONS, MAKING DETERMINATIONS OF RESPONSIBILITY, AND IMPOSING**  
27 **SANCTIONS UPON THOSE FOUND RESPONSIBLE FOR A VIOLATION. THE**

1 TOWNSHIP MAY DESIGNATE ONLY A VIOLATION OF ANY OF THE FOLLOWING  
2 TYPES OF ORDINANCES AS A BLIGHT VIOLATION:

3 (A) ZONING.

4 (B) BUILDING OR PROPERTY MAINTENANCE.

5 (C) SOLID WASTE AND ILLEGAL DUMPING.

6 (D) DISEASE AND SANITATION.

7 (E) NOXIOUS WEEDS.

8 (F) VEHICLE ABANDONMENT, INOPERATIVE VEHICLES, VEHICLE  
9 IMPOUNDMENT, AND MUNICIPAL VEHICLE LICENSING.

10 (5) TO INITIATE A PROCEEDING FOR A BLIGHT VIOLATION, THE  
11 TOWNSHIP SHALL ISSUE AND SERVE UPON AN ALLEGED VIOLATOR A WRITTEN  
12 VIOLATION NOTICE ON WHICH AN AUTHORIZED LOCAL OFFICIAL RECORDS THE  
13 OCCURRENCE OR EXISTENCE OF 1 OR MORE BLIGHT VIOLATIONS BY THE  
14 PERSON CITED AND WHICH DIRECTS THE NAMED PERSON TO PAY A CIVIL FINE  
15 FOR THE VIOLATION OR APPEAR AT THE ADMINISTRATIVE HEARINGS BUREAU  
16 AS PROVIDED IN THIS SECTION. A VIOLATION NOTICE TO APPEAR AT AN  
17 ADMINISTRATIVE HEARINGS BUREAU SHALL BE TREATED AS MADE UNDER OATH  
18 IF THE VIOLATION ALLEGED IN THE NOTICE OCCURRED IN THE PRESENCE OF  
19 THE AUTHORIZED LOCAL OFFICIAL SIGNING THE VIOLATION NOTICE AND IF  
20 THE NOTICE CONTAINS THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE  
21 DATE AND SIGNATURE OF THE OFFICIAL: "I DECLARE UNDER THE PENALTIES  
22 OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY  
23 INFORMATION, KNOWLEDGE, AND BELIEF.". AN AUTHORIZED LOCAL OFFICIAL  
24 MAY ISSUE A VIOLATION NOTICE TO APPEAR IF, BASED UPON  
25 INVESTIGATION, THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT  
26 THE PERSON IS RESPONSIBLE FOR A BLIGHT VIOLATION AND IF THE  
27 TOWNSHIP ATTORNEY OR AN ASSISTANT TOWNSHIP ATTORNEY APPROVES IN

1 WRITING THE ISSUANCE OF THE VIOLATION NOTICE.

2 (6) IF A TOWNSHIP HAS A RENTAL INSPECTION PROGRAM WITH WHICH A  
3 LANDLORD MUST REGISTER IN ORDER TO RENT PREMISES FOR RESIDENTIAL  
4 PURPOSES AND IF A LANDLORD OF PREMISES RENTED IN THE TOWNSHIP FOR  
5 RESIDENTIAL PURPOSES IS REGISTERED WITH THE TOWNSHIP'S RENTAL  
6 INSPECTION PROGRAM, THE TOWNSHIP SHALL NOT ISSUE A BLIGHT VIOLATION  
7 NOTICE DURING AN INSPECTION OF THE PREMISES UNLESS EITHER OF THE  
8 FOLLOWING OCCURS:

9 (A) THE LANDLORD IS GIVEN A WRITTEN CORRECTION NOTICE OF THE  
10 VIOLATION AND A REASONABLE OPPORTUNITY TO CORRECT THE CIRCUMSTANCES  
11 BEFORE A REINSPECTION OF THE PREMISES OR A DATE SPECIFIED IN THE  
12 NOTICE.

13 (B) THE VIOLATION IS A DIRECT RESULT OF THE LANDLORD'S ACTION  
14 OR INACTION AND CREATES AN EMERGENCY THAT PRESENTS AN IMMEDIATE  
15 RISK OF HARM TO PEOPLE OR DAMAGE TO PROPERTY INCLUDING, BUT NOT  
16 LIMITED TO, A FLOODED BASEMENT OR PREMISES WITHOUT HEAT.

17 (7) A TOWNSHIP THAT DOES NOT HAVE A RENTAL INSPECTION PROGRAM,  
18 OR DOES NOT REQUIRE A LANDLORD TO REGISTER AS PART OF A RENTAL  
19 INSPECTION PROGRAM, SHALL NOT ISSUE A BLIGHT VIOLATION NOTICE TO A  
20 LANDLORD OF PREMISES RENTED IN THE TOWNSHIP FOR RESIDENTIAL  
21 PURPOSES DURING AN INSPECTION OF THE PREMISES UNLESS EITHER OF THE  
22 FOLLOWING OCCURS:

23 (A) THE LANDLORD IS GIVEN A WRITTEN CORRECTION NOTICE OF THE  
24 VIOLATION AND A REASONABLE OPPORTUNITY TO CORRECT THE CIRCUMSTANCES  
25 BEFORE A REINSPECTION OF THE PREMISES OR A DATE SPECIFIED IN THE  
26 NOTICE.

27 (B) THE VIOLATION IS A DIRECT RESULT OF THE LANDLORD'S ACTION

1 OR INACTION AND CREATES AN EMERGENCY THAT PRESENTS AN IMMEDIATE  
2 RISK OF HARM TO PEOPLE OR DAMAGE TO PROPERTY, INCLUDING, BUT NOT  
3 LIMITED TO, A FLOODED BASEMENT OR PREMISES WITHOUT HEAT.

4 (8) THE PERSON NAMED IN THE VIOLATION NOTICE SHALL APPEAR ON  
5 OR BEFORE THE TIME SPECIFIED IN THE VIOLATION NOTICE AND MAY  
6 RESPOND TO THE ALLEGATIONS IN THE NOTICE, AS FOLLOWS:

7 (A) IF THE ALLEGED VIOLATOR WISHES TO ADMIT RESPONSIBILITY FOR  
8 THE BLIGHT VIOLATION, THE PERSON MAY DO SO BY APPEARING IN PERSON,  
9 BY REPRESENTATION, OR BY MAIL. IF APPEARANCE IS MADE BY  
10 REPRESENTATION OR MAIL, THE ADMINISTRATIVE HEARINGS BUREAU MAY  
11 ACCEPT THE ADMISSION AS THOUGH THE PERSON PERSONALLY APPEARED. UPON  
12 ACCEPTANCE OF THE ADMISSION, A HEARING OFFICER MAY ORDER ANY OF THE  
13 SANCTIONS PERMITTED UNDER THIS SECTION.

14 (B) IF THE ALLEGED VIOLATOR WISHES TO DENY RESPONSIBILITY FOR  
15 THE BLIGHT VIOLATION, OR ADMIT RESPONSIBILITY WITH AN EXPLANATION,  
16 THE PERSON MAY DO SO BY APPEARING IN PERSON ON THE DATE SCHEDULED  
17 FOR THE ADMINISTRATIVE HEARING FOR THE PURPOSE OF ADJUDICATING THE  
18 ALLEGED VIOLATION.

19 (C) IF THE ALLEGED VIOLATOR FAILS TO APPEAR, A DECISION AND  
20 ORDER OF DEFAULT MAY BE ENTERED.

21 (9) IF AN ADMISSION OF RESPONSIBILITY IS NOT MADE AND THE  
22 CIVIL FINE AND COSTS, IF ANY, PRESCRIBED BY CHARTER OR ORDINANCE  
23 FOR THE VIOLATION ARE NOT PAID AT THE ADMINISTRATIVE HEARINGS  
24 BUREAU, AND THE ALLEGED VIOLATOR FAILS TO APPEAR AT A HEARING  
25 SCHEDULED IN ACCORDANCE WITH THIS SECTION, A FINAL DECISION AND  
26 ORDER OF RESPONSIBILITY IN THE AMOUNT OF THE PRESCRIBED CIVIL FINE  
27 AND COSTS MAY BE ISSUED BY THE ADMINISTRATIVE HEARINGS BUREAU.

1           (10) THE TOWNSHIP ESTABLISHING AN ADMINISTRATIVE HEARINGS  
2 BUREAU SHALL ESTABLISH RULES AND PROCEDURES FOR AN ALLEGED VIOLATOR  
3 TO SET ASIDE THE ENTRY OF A DECISION AND ORDER OF DEFAULT.

4           (11) THE ORDINANCE ESTABLISHING THE BUREAU SHALL PROVIDE FOR  
5 ADJUDICATORY HEARINGS BY HEARING OFFICERS. EACH HEARING OFFICER  
6 SHALL BE AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE FOR AT  
7 LEAST 5 YEARS. HEARING OFFICERS SHALL BE APPOINTED IN A MANNER  
8 CONSISTENT WITH APPLICABLE LAW FOR THE APPOINTMENT OF OTHER  
9 TOWNSHIP OFFICERS OR EMPLOYEES AND SHALL ONLY BE REMOVED FOR  
10 REASONABLE CAUSE. BEFORE CONDUCTING ADMINISTRATIVE ADJUDICATION  
11 PROCEEDINGS, ADMINISTRATIVE HEARING OFFICERS SHALL SUCCESSFULLY  
12 COMPLETE A FORMAL TRAINING PROGRAM WHICH INCLUDES ALL OF THE  
13 FOLLOWING:

14           (A) INSTRUCTION ON THE RULES OF PROCEDURE OF THE  
15 ADMINISTRATIVE HEARINGS THAT THEY WILL CONDUCT.

16           (B) ORIENTATION TO EACH SUBJECT AREA OF THE ORDINANCE  
17 VIOLATIONS THAT THEY WILL ADJUDICATE.

18           (C) OBSERVATION OF ADMINISTRATIVE HEARINGS.

19           (D) PARTICIPATION IN HYPOTHETICAL CASES, INCLUDING RULING ON  
20 EVIDENCE AND ISSUING FINAL ORDERS.

21           (E) THE IMPORTANCE OF IMPARTIALITY IN THE CONDUCT OF THE  
22 ADMINISTRATIVE HEARING AND ADJUDICATION OF THE VIOLATION.

23           (F) INSTRUCTIONS ON THE PREPARATION OF A RECORD THAT IS  
24 ADEQUATE FOR JUDICIAL REVIEW.

25           (12) THE AUTHORITY AND DUTIES OF A HEARING OFFICER SHALL  
26 INCLUDE ALL OF THE FOLLOWING:

27           (A) HEARING TESTIMONY AND ACCEPTING EVIDENCE THAT IS RELEVANT



1 TO THE EXISTENCE OF THE BLIGHT VIOLATION.

2 (B) ISSUING SUBPOENAS DIRECTING WITNESSES TO APPEAR AND GIVE  
3 RELEVANT TESTIMONY AT THE HEARING, UPON REQUEST OF A PARTY OR A  
4 PARTY'S ATTORNEY.

5 (C) PRESERVING AND AUTHENTICATING THE RECORD OF THE HEARING  
6 AND ALL EXHIBITS AND EVIDENCE INTRODUCED AT THE HEARING.

7 (D) ISSUING A DETERMINATION, BASED UPON THE EVIDENCE PRESENTED  
8 AT THE HEARING, WHETHER A BLIGHT VIOLATION EXISTS. THE  
9 DETERMINATION SHALL BE IN WRITING AND SHALL INCLUDE WRITTEN  
10 FINDINGS OF FACT, A DECISION, AND AN ORDER. THE TOWNSHIP SHALL HAVE  
11 THE BURDEN OF ESTABLISHING THE RESPONSIBILITY OF THE ALLEGED  
12 VIOLATOR BY A PREPONDERANCE OF THE EVIDENCE. UNLESS THE BURDEN IS  
13 MET, THE MATTER SHALL BE DISMISSED. A DECISION AND AN ORDER SHALL  
14 NOT BE MADE EXCEPT UPON CONSIDERATION OF THE RECORD AS A WHOLE OR A  
15 PORTION OF THE RECORD AS MAY BE CITED BY ANY PARTY TO THE  
16 PROCEEDING AND AS SUPPORTED BY AND IN ACCORDANCE WITH THE  
17 COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE. A DECISION AND ORDER  
18 FINDING THE ALLEGED VIOLATOR RESPONSIBLE FOR THE VIOLATION SHALL  
19 INCLUDE THE CIVIL FINE, IF ANY, OR ANY ACTION WITH WHICH THE  
20 VIOLATOR MUST COMPLY, OR BOTH.

21 (E) IMPOSING REASONABLE AND PROPORTIONATE SANCTIONS CONSISTENT  
22 WITH APPLICABLE ORDINANCE PROVISIONS AND ASSESSING COSTS UPON A  
23 FINDING THAT THE ALLEGED VIOLATOR IS RESPONSIBLE FOR THE ALLEGED  
24 VIOLATION. THE MAXIMUM MONETARY CIVIL FINE ALLOWED UNDER THIS  
25 SECTION EXCLUDES COSTS OF ENFORCEMENT OR COSTS IMPOSED TO SECURE  
26 COMPLIANCE WITH THE TOWNSHIP'S ORDINANCES AND IS NOT APPLICABLE TO  
27 ENFORCE THE COLLECTION OF ANY TAX IMPOSED AND COLLECTED BY THE

1 TOWNSHIP.

2 (13) IN ADDITION TO FINES AND COSTS IMPOSED UNDER SUBSECTION  
3 (12), THE HEARING OFFICER SHALL IMPOSE A JUSTICE SYSTEM ASSESSMENT  
4 OF \$10.00 FOR EACH BLIGHT VIOLATION DETERMINATION. UPON PAYMENT OF  
5 THE ASSESSMENT, THE TOWNSHIP SHALL TRANSMIT THE ASSESSMENT  
6 COLLECTED TO THE STATE TREASURY TO BE DEPOSITED INTO THE JUSTICE  
7 SYSTEM FUND CREATED IN SECTION 181 OF THE REVISED JUDICATURE ACT OF  
8 1961, 1961 PA 236, MCL 600.181.

9 (14) A PARTY SHALL BE PROVIDED WITH THE OPPORTUNITY FOR A  
10 HEARING DURING WHICH THEY MAY BE REPRESENTED BY COUNSEL, PRESENT  
11 WITNESSES, AND CROSS-EXAMINE WITNESSES. A PARTY MAY REQUEST THE  
12 HEARING OFFICER TO ISSUE SUBPOENAS TO DIRECT THE ATTENDANCE AND  
13 TESTIMONY OF RELEVANT WITNESSES AND THE PRODUCTION OF RELEVANT  
14 DOCUMENTS. HEARINGS SHALL BE SCHEDULED WITH REASONABLE PROMPTNESS,  
15 EXCEPT THAT FOR HEARINGS SCHEDULED IN ALL NONEMERGENCY SITUATIONS  
16 THE ALLEGED VIOLATOR IF HE OR SHE REQUESTS SHALL HAVE AT LEAST 14  
17 DAYS AFTER SERVICE OF PROCESS TO PREPARE FOR THE HEARING. FOR  
18 PURPOSES OF THIS SUBSECTION, "NONEMERGENCY SITUATION" MEANS ANY  
19 SITUATION THAT DOES NOT REASONABLY CONSTITUTE A THREAT TO THE  
20 PUBLIC INTEREST, SAFETY, OR WELFARE. IF SERVICE IS PROVIDED BY  
21 FIRST-CLASS MAIL, THE 14-DAY PERIOD BEGINS TO RUN ON THE DAY THAT  
22 THE NOTICE IS DEPOSITED IN THE MAIL.

23 (15) IN AN ADMINISTRATIVE HEARING UNDER THIS SECTION, THE  
24 RULES OF EVIDENCE AS APPLIED IN A NONJURY CIVIL CASE IN CIRCUIT  
25 COURT SHALL BE FOLLOWED AS FAR AS PRACTICABLE, BUT THE HEARING  
26 OFFICER MAY ADMIT AND GIVE PROBATIVE EFFECT TO EVIDENCE OF A TYPE  
27 COMMONLY RELIED UPON BY REASONABLY PRUDENT PERSONS IN THE CONDUCT

1 OF THEIR AFFAIRS. IRRELEVANT, IMMATERIAL, OR UNDULY REPETITIOUS  
2 EVIDENCE MAY BE EXCLUDED. EFFECT SHALL BE GIVEN TO THE RULES OF  
3 PRIVILEGE RECOGNIZED BY LAW. OBJECTIONS TO OFFERS OF EVIDENCE MAY  
4 BE MADE AND SHALL BE NOTED IN THE RECORD. SUBJECT TO THESE  
5 REQUIREMENTS, THE HEARING OFFICER, FOR THE PURPOSE OF EXPEDITING  
6 HEARINGS AND WHEN THE INTERESTS OF THE PARTIES WILL NOT BE  
7 SUBSTANTIALLY PREJUDICED THEREBY, MAY PROVIDE IN AN ADMINISTRATIVE  
8 HEARING OR BY RULE FOR SUBMISSION OF ALL OR PART OF THE EVIDENCE IN  
9 WRITTEN FORM.

10 (16) ANY FINAL DECISION BY A HEARING OFFICER THAT A BLIGHT  
11 VIOLATION DOES OR DOES NOT EXIST CONSTITUTES A FINAL DECISION AND  
12 ORDER FOR PURPOSES OF JUDICIAL REVIEW AND MAY BE ENFORCED IN THE  
13 SAME MANNER AS A JUDGMENT ENTERED BY A COURT OF COMPETENT  
14 JURISDICTION.

15 (17) A PARTY MAY FILE AN APPEAL WITHIN 28 DAYS AFTER ENTRY OF  
16 THE DECISION AND ORDER BY THE HEARING OFFICER. AN APPEAL OF A FINAL  
17 DECISION AND ORDER OF AN ADMINISTRATIVE HEARING OFFICER IS TO THE  
18 CIRCUIT COURT.

19 (18) AN ALLEGED VIOLATOR WHO APPEALS A FINAL DECISION AND  
20 ORDER TO CIRCUIT COURT SHALL POST WITH THE ADMINISTRATIVE HEARINGS  
21 BUREAU, AT THE TIME THE APPEAL IS TAKEN, A BOND EQUAL TO THE FINE  
22 AND COSTS IMPOSED. A PARTY WHO HAS PAID THE FINE AND COSTS IS NOT  
23 REQUIRED TO POST A BOND. IF A PARTY WHO HAS POSTED A BOND FAILS TO  
24 COMPLY WITH THE REQUIREMENTS OF SUPREME COURT RULES FOR AN APPEAL  
25 TO THE CIRCUIT COURT, THE APPEAL MAY BE CONSIDERED ABANDONED, AND  
26 THE BUREAU MAY DISMISS THE APPEAL ON 7 DAYS' NOTICE TO THE PARTIES.  
27 THE ADMINISTRATIVE HEARINGS BUREAU MUST PROMPTLY NOTIFY THE CIRCUIT

1 COURT OF A DISMISSAL, AND THE CIRCUIT COURT SHALL DISMISS THE CLAIM  
2 OF APPEAL. IF THE APPEAL IS DISMISSED OR THE DECISION AND ORDER ARE  
3 AFFIRMED, THE ADMINISTRATIVE HEARINGS BUREAU MAY APPLY THE BOND TO  
4 THE FINE AND COSTS. AN APPEAL BY THE TOWNSHIP MUST BE ASSERTED BY  
5 THE TOWNSHIP'S ATTORNEY AND A BOND IS NOT REQUIRED.

6 (19) AN APPEAL TO CIRCUIT COURT SHALL BE A REVIEW BY THE COURT  
7 OF THE CERTIFIED RECORD PROVIDED BY THE ADMINISTRATIVE HEARINGS  
8 BUREAU. PENDING APPEAL, AND SUBJECT TO THE BOND REQUIREMENT UNDER  
9 SUBSECTION (18), THE HEARING OFFICER MAY STAY THE ORDER AND ANY  
10 SANCTIONS OR COSTS IMPOSED. ONCE AN APPEAL IS FILED, AND SUBJECT TO  
11 THE BOND REQUIREMENT UNDER SUBSECTION (18), THE COURT MAY STAY THE  
12 ORDER AND ANY SANCTIONS OR COSTS IMPOSED. THE COURT, AS  
13 APPROPRIATE, MAY AFFIRM, REVERSE, OR MODIFY THE DECISION OR ORDER,  
14 OR REMAND THE MATTER FOR FURTHER PROCEEDINGS. THE COURT SHALL HOLD  
15 UNLAWFUL AND SET ASIDE A DECISION OR ORDER OF THE HEARING OFFICER  
16 IF SUBSTANTIAL RIGHTS OF AN ALLEGED VIOLATOR HAVE BEEN PREJUDICED  
17 BECAUSE THE DECISION OR ORDER IS ANY OF THE FOLLOWING:

18 (A) IN VIOLATION OF THE CONSTITUTION OR A STATUTE, CHARTER, OR  
19 ORDINANCE.

20 (B) IN EXCESS OF THE AUTHORITY OR JURISDICTION OF THE AGENCY  
21 AS CONFERRED BY STATUTE, CHARTER, OR ORDINANCE.

22 (C) MADE UPON UNLAWFUL PROCEDURE RESULTING IN MATERIAL  
23 PREJUDICE TO A PARTY.

24 (D) NOT SUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL  
25 EVIDENCE ON THE WHOLE RECORD.

26 (E) ARBITRARY, CAPRICIOUS, OR CLEARLY AN ABUSE OR UNWARRANTED  
27 EXERCISE OF DISCRETION.

1 (F) AFFECTED BY OTHER SUBSTANTIAL AND MATERIAL ERROR OF LAW.

2 SEC. 7B. (1) IF A DEFENDANT DOES NOT PAY A CIVIL FINE OR COSTS  
3 OR AN INSTALLMENT PAYMENT ORDERED BY A HEARING OFFICER UNDER  
4 SECTION 7A WITHIN 30 DAYS AFTER THE DATE ON WHICH PAYMENT IS DUE  
5 FOR A BLIGHT VIOLATION INVOLVING THE USE OR OCCUPATION OF LAND OR A  
6 BUILDING OR OTHER STRUCTURE, THE TOWNSHIP MAY OBTAIN A LIEN AGAINST  
7 THE LAND, BUILDING, OR STRUCTURE INVOLVED IN THE VIOLATION BY  
8 RECORDING A COPY OF THE FINAL DECISION AND ORDER REQUIRING PAYMENT  
9 OF THE FINES AND COSTS WITH THE REGISTER OF DEEDS FOR THE COUNTY IN  
10 WHICH THE LAND, BUILDING, OR STRUCTURE IS LOCATED. THE ORDER SHALL  
11 NOT BE RECORDED UNLESS A LEGAL DESCRIPTION OF THE PROPERTY IS  
12 INCORPORATED IN OR ATTACHED TO THE ORDER. THE LIEN IS EFFECTIVE  
13 IMMEDIATELY UPON RECORDING OF THE ORDER WITH THE REGISTER OF DEEDS.

14 (2) THE ORDER RECORDED UNDER SUBSECTION (1) WITH THE REGISTER  
15 OF DEEDS CONSTITUTES NOTICE OF THE PENDENCY OF THE LIEN. IN  
16 ADDITION, A WRITTEN NOTICE OF THE LIEN SHALL BE SENT BY THE  
17 TOWNSHIP BY FIRST-CLASS MAIL TO THE OWNER OF RECORD OF THE LAND,  
18 BUILDING, OR STRUCTURE AT THE OWNER'S LAST KNOWN ADDRESS.

19 (3) THE LIEN MAY BE ENFORCED AND DISCHARGED BY THE TOWNSHIP IN  
20 THE MANNER PRESCRIBED BY ITS CHARTER, BY THE GENERAL PROPERTY TAX  
21 ACT, 1893 PA 206, MCL 211.1 TO 211.157, OR BY AN ORDINANCE DULY  
22 PASSED BY THE GOVERNING BODY OF THE TOWNSHIP. HOWEVER, PROPERTY IS  
23 NOT SUBJECT TO FORFEITURE, FORECLOSURE, AND SALE UNDER SECTIONS 78  
24 TO 79A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.78 TO  
25 211.79A, FOR NONPAYMENT OF A CIVIL FINE OR COSTS OR AN INSTALLMENT  
26 ORDERED UNDER SECTION 7A UNLESS THE PROPERTY IS ALSO SUBJECT TO  
27 FORFEITURE, FORECLOSURE, AND SALE UNDER SECTIONS 78 TO 79A OF THE

1 GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.78 TO 211.79A, FOR  
2 DELINQUENT PROPERTY TAXES.

3 (4) A LIEN CREATED UNDER THIS SECTION HAS PRIORITY OVER ANY  
4 OTHER LIEN UNLESS 1 OR MORE OF THE FOLLOWING APPLY:

5 (A) THE OTHER LIEN IS A LIEN FOR TAXES OR SPECIAL ASSESSMENTS.

6 (B) THE OTHER LIEN IS CREATED BEFORE MAY 1, 1994.

7 (C) FEDERAL LAW PROVIDES THAT THE OTHER LIEN HAS PRIORITY.

8 (D) THE OTHER LIEN IS RECORDED BEFORE THE LIEN UNDER THIS  
9 SECTION IS RECORDED.

10 (5) THE TOWNSHIP MAY INSTITUTE AN ACTION IN A COURT OF  
11 COMPETENT JURISDICTION FOR THE COLLECTION OF THE JUDGMENT IMPOSED  
12 BY AN ORDER UNDER THIS SECTION FOR A BLIGHT VIOLATION. HOWEVER, AN  
13 ATTEMPT BY THE TOWNSHIP TO COLLECT THE JUDGMENT BY ANY PROCESS DOES  
14 NOT INVALIDATE OR WAIVE THE LIEN UPON THE LAND, BUILDING, OR  
15 STRUCTURE.

16 (6) A LIEN PROVIDED FOR BY THIS SECTION SHALL NOT CONTINUE FOR  
17 A PERIOD LONGER THAN 10 YEARS AFTER A COPY OF THE ORDER IMPOSING A  
18 FINE OR COSTS, OR BOTH, IS RECORDED, UNLESS WITHIN THAT TIME AN  
19 ACTION TO ENFORCE THE LIEN IS COMMENCED.

20 (7) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS UNDER  
21 SECTION 7A OR AN INSTALLMENT OF THE FINE OR COSTS MAY BE COLLECTED  
22 BY A MEANS AUTHORIZED FOR THE ENFORCEMENT OF A COURT JUDGMENT UNDER  
23 CHAPTER 40 OR 60 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA  
24 236, MCL 600.4001 TO 600.4065, AND MCL 600.6001 TO 600.6098.

25 Enacting section 1. This amendatory act does not take effect  
26 unless all of the following bills of the 93rd Legislature are  
27 enacted into law:

1 (a) Senate Bill No. 888.

2

3 (b) Senate Bill No. 886.

4

5 (c) Senate Bill No. 887.

6