

# HOUSE BILL No. 5200

December 12, 2013, Introduced by Reps. Callton, Schor, Singh, LaVoy, Durhal, Segal, Cavanagh, Knezek, Haines and Darany and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2455 (MCL 333.2455).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2455. (1) A local health department or the department may  
2 issue an order to avoid, correct, or remove, at the owner's  
3 expense, a building or condition ~~which~~**THAT** violates health laws or  
4 ~~which~~**THAT** the local health officer or director reasonably believes  
5 to be a nuisance, unsanitary condition, **INFESTATION**, or cause of  
6 illness.

7           (2) If the owner or occupant does not comply with the order  
8 **ISSUED UNDER SUBSECTION (1)**, the local health department or  
9 department may cause the violation, nuisance, unsanitary condition,

1 **INFESTATION**, or cause of illness to be removed and may seek a  
2 warrant for this purpose. The owner of the premises shall pay the  
3 expenses incurred **BY THE LOCAL HEALTH DEPARTMENT OR DEPARTMENT**  
4 **UNDER THIS SUBSECTION.**

5 (3) If the owner of the premises refuses on demand to pay  
6 expenses incurred **BY THE LOCAL HEALTH DEPARTMENT OR DEPARTMENT**  
7 **UNDER SUBSECTION (2)**, the ~~sums~~ **AMOUNT OF THE EXPENSES** paid shall be  
8 assessed against the property and shall be collected and treated in  
9 the same manner as taxes assessed under the general laws of this  
10 state. An occupant or other person who caused or permitted the  
11 violation, nuisance, unsanitary condition, **INFESTATION**, or cause of  
12 illness to exist is liable to the owner of the premises for the  
13 amount paid by the owner or assessed against the property, ~~which~~  
14 ~~amount shall be recoverable in an~~ **AND THE OWNER MAY RECOVER THE**  
15 **AMOUNT IN A CIVIL** action.

16 (4) A court, upon a finding that a violation or nuisance may  
17 be injurious to the public health, may order the removal,  
18 abatement, or destruction of the violation or nuisance at the  
19 expense of the defendant, under the direction of the local health  
20 department where the violation or nuisance is found. The form of  
21 the warrant to the sheriff or other law enforcement officer may be  
22 varied accordingly.

23 (5) This section does not affect powers otherwise granted to  
24 local governments.

25 (6) **AS USED IN THIS SECTION:**

26 (A) **"INFESTATION" MEANS THE OCCURRENCE OF A SUSTAINED**  
27 **POPULATION OF 1 OR MORE PEST SPECIES IN AN AREA OR LOCATION IN**

1 NUMBERS OR QUANTITIES LARGE ENOUGH TO BE HARMFUL, THREATENING, OR  
2 OBNOXIOUS.

3 (B) "PEST" MEANS A PLANT OR ANIMAL DETRIMENTAL TO HUMANS OR  
4 HUMAN CONCERNS.

5 Enacting section 1. This amendatory act does not take effect  
6 unless all of the following bills of the 97th Legislature are  
7 enacted into law:

8 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5199 (request no.  
9 02341'13).

10 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5201 (request no.  
11 03143'13).