CAMPGROUNDS

Act 162 of 1990

AN ACT to provide certain remedies to owners and operators of certain campgrounds in case of disturbances, damage to property, nonpayment of rent, or unlawful presence on certain campgrounds; to allow for a lien in favor of campground owners and operators and to provide for its enforcement; and to prescribe certain powers of law enforcement officers.

History: 1990, Act 162, Eff. Mar. 28, 1991

The People of the State of Michigan enact:

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554.651 Definitions.

Sec. 1.

As used in this act:

(a) "Campground" means that term as defined in section 12501 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12501 of the Michigan Compiled Laws, except that campground does not include land or sites operated by this state or the federal government, and does not include a membership campground.

(b) "Membership campground" means a campground that sells or offers to sell memberships that entitle persons to purchase, share ownership in, or rent a campground site or sites for a 1-time or periodic fee pursuant to a written membership contract or a purchase agreement.

(c) "Occupant" means a person who occupies a site in a campground.

(d) "Operator" means a person who owns or operates a campground, and includes the employees and agents of the person who owns or operates the campground.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.652 Removal of occupant, guest, or other individual from campground; grounds; civil rights.

Sec. 2.

The operator of a campground may remove or cause to be removed from the campground, in the manner provided in this section, any occupant of the campground or guest of an occupant or other individual who, while on the premises of the campground, disturbs the peace and comfort of other occupants, who causes physical harm to the campground facilities, or who fails to pay rent at the rental rate agreed upon by the time agreed upon. However, admission to, or removal from, any campground shall not be based upon a person's religion, race, color, national origin, age, sex, height, weight, or marital status as prohibited under the Elliott-Larsen civil rights act, Act No. 453 of the Public Acts of 1976, being sections 37.2101 to 37.2804 of the Michigan Compiled Laws.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.653 Requesting occupant to depart as condition to removal from campground; contents of written request; return of unused portion of advance payment; remaining on campground as misdemeanor; penalty.

Sec. 3.

Before an occupant is removed from a campground for a reason prescribed in section 2, the operator shall request that the occupant immediately depart from the campground. The request shall be in writing and shall include the reason or reasons for the request. If the occupant has paid in advance, the operator, at the time the request is given to the occupant, shall return to the occupant the unused portion of the advance payment. An occupant who remains or attempts to remain in a campground after being requested to leave for the reasons and in the manner prescribed in this act is guilty of a misdemeanor, punishable by a fine of not more than $100.00, or imprisonment for not more than 30 days, or both.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.654 Disconnecting utilities; grounds; notice; written arrangement for payment of account; copy; payment agreement; reconnecting utilities.

Sec. 4.

If an occupant has accumulated an outstanding account in excess of an amount equal to 3 nights' rent at a campground, the operator may disconnect the utilities of the occupant's recreational vehicle and give written notice to the occupant that the action is for the purpose of requiring the occupant to meet with the operator and arrange for payment of the occupant's account. The arrangement shall be in writing, and a copy shall be furnished to the occupant. Upon entering into a payment agreement, the operator shall reconnect the utilities of the recreational vehicle.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.655 Removal or arrest by law enforcement officer; service of warrant; care of personal property; refund.

Sec. 5.

(1) If any occupant, guest of an occupant, or other individual engages in an act or omission for which an operator may remove a person under section 2, the operator may call upon any law enforcement officer for assistance. The law enforcement officer, upon the request of the operator, shall remove from the campground an occupant or other individual who violates in the presence of the officer section 2. If a warrant has been issued by the proper judicial officer for the arrest of any occupant or guest of an occupant, the officer shall serve the warrant, arrest the occupant or guest, and take the occupant or guest into custody.

(2) Upon arrest, with or without warrant for a violation of section 2, an occupant shall be considered to have given up any right to occupancy of the campground site, and the operator shall employ all reasonable and proper means to adequately care for any personal property which may be left on the campground site by the occupant and shall refund to the occupant any unused portion of money paid by the occupant for the occupancy of the campground site.

History: 1990, Act 162, Eff. Mar. 28, 1991

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554.656 Grounds for eviction.

Sec. 6.

In addition to grounds for eviction established under this act, grounds for eviction may be established in a written lease agreement between the occupant and the operator.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.657 Lien generally.

Sec. 7.

The operator has a lien upon all personal property left on the campground site for rent or other lawful charges incurred and not paid in the occupancy of the campground site, including expenses necessary for its preservation, or reasonably incurred in its sale pursuant to this act. The amount of the lien shall not exceed $600.00. The lien attaches as of the date of nonpayment of the rent or other lawful charges.

History: 1990, Act 162, Eff. Mar. 28, 1991

554.658 Enforcement of lien; sale of personal property; notice; advertisement; time and place of sale; redemption; inventory; lien searches; payment by prior lienholder; rights of purchaser in good faith; responsibility for procuring title; distribution of proceeds; records; donations to charity or other disposition of property; damages for noncompliance.

Sec. 8.

(1) An operator's lien under section 7 shall be enforced only as provided in this section.

(2) An operator whose claim for rent or other lawful charges described in section 7 has not been satisfied may sell the personal property subject to the lien at a public sale, if the public sale conforms to this section.

(3) The occupant, and any person who is a titleholder in the personal property, shall be notified of the proposed sale of personal property to satisfy the claim of the operator by notice personally delivered or sent by first-class mail and by certified mail to the last known address of the occupant, if the occupant provided his or her address to the operator. Any person who has a lien on the personal property shall be notified of the proposed sale of the personal property to satisfy the claim of the operator by notice personally delivered or by first-class mail and by certified mail to the address of the lienholder. The notice shall include:

(a) An itemized statement of the operator's claim showing the amount due at the time of the notice and the date on which the amount became due.

(b) A demand for payment within a period of 30 days after delivery of the notice.

(c) A conspicuous statement, printed in not less than 10-point type, indicating that unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale and sold. The statement shall specify the time, place, and manner of the proposed sale.

(d) A description of the personal property. If the property is a motor vehicle, watercraft, snowmobile, ORV, pickup camper, mobile home, or other titled personal property, the description shall include the vehicle identification number or other appropriate identification number.

(e) The name, address, and telephone number of the operator.

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(f) If the personal property is a vehicle, watercraft, snowmobile, ORV, pickup camper, mobile home, or other titled personal property, the name and address of the titleholder and any lienholders of record.

(4) After the expiration of the 30-day period in subsection (3)(b), an advertisement of the proposed sale shall be published once a week for 2 consecutive weeks in a newspaper of general circulation in the city, village, or township in which the campground is located. If there is no newspaper of general circulation in the city, village, or township in which the campground is located, the advertisement shall be posted at least 10 days before the date of the sale in not less than 6 conspicuous places in the city, village, or township in which the campground is located. The advertisement shall include all of the following:

(a) A brief, general description of the personal property subject to the lien. The description shall reasonably identify the property, except that any container, including but not limited to a suitcase, trunk, valise, or box, that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents.

(b) The address of the campground and, if known to the operator, the name of the occupant and the name of the titleholder of the personal property.

(c) The time, place, and manner of the proposed sale.

(5) The sale shall take place not sooner than 30 days after the first publication or posting. A sale of the personal property shall be held at the campground or at the nearest suitable place.

(6) Before a sale of personal property pursuant to this section, the occupant, the titleholder, or a lienholder may pay the amount necessary to satisfy the lien, including the reasonable expenses incurred by the operator under this section, and redeem the personal property. Upon receipt of this payment, the operator shall return the personal property to the occupant, titleholder, or lienholder who made the payment, in the same condition, or substantially the same condition, as it was in when it was left at the campground by the occupant.

(7) Before a sale of personal property pursuant to this section, the operator shall complete an inventory of the personal property.

(8) Before a sale of a motor vehicle or other titled personal property pursuant to this section, the operator shall contact the appropriate agency of the federal, state, or local government where liens are recorded on that type of personal property to determine the name and address of any registered owners, titleholders, and lienholders, and the operator shall notify every such registered owner, titleholder, and lienholder of the time and place of the proposed sale. Failure to make the lien searches required by this subsection shall result in liability only to valid lienholders injured by that failure.

(9) Before a sale of personal property pursuant to this section, a holder of a prior lien on any of the property to be sold may pay the operator the amount of the operator's lien attributable to storage of the property, including the reasonable expenses incurred by the operator under this section. A payment made to the operator shall be added to the amount of the lien of the prior lienholder who made the payment, and shall be subtracted from the amount of the operator's lien.

(10) A purchaser in good faith of the personal property sold under this section takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the operator with the requirements of this section.

(11) A person who acquires a motor vehicle, boat, or recreational vehicle pursuant to this section is responsible for procuring a title to the motor vehicle, boat, or recreational vehicle from the secretary of state. The operator who conducts the sale shall provide to the purchaser, titleholder, and lienholder a signed written statement that the operator has complied with the provisions of this act regarding sales of personal property.

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(12) In a sale under this section, the party conducting the sale shall distribute the proceeds in the following sequence:

(a) First, to satisfy the operator's lien pursuant to section 7, minus any amount already paid to the operator pursuant to subsection (9).

(b) Second, to satisfy outstanding balances owed to prior perfected lienholders.

(c) Third, in the case of the sale of a motor vehicle, boat, or recreational vehicle, the title to which is held by a person other than the occupant, any proceeds remaining after the distribution is made under subdivision (a) or (b) shall be returned to the titleholder of the motor vehicle, boat, or recreational vehicle.

(d) Fourth, any proceeds of the sale remaining after the distribution is made under subdivision (a), (b), or (c) shall be returned to the occupant by mailing the proceeds to the occupant's last known address by certified mail and by notifying the occupant by first-class mail. If the occupant does not claim the remaining proceeds within 2 years after the date of sale, the remaining proceeds shall escheat to the state.

(13) The operator shall maintain proper records of money received in any sale held under this section, and the records shall be subject to audit by the state.

(14) The operator shall dispose of any property offered for sale but not purchased by donating it to a charitable organization or, if the property is not accepted by a charitable organization, by any other means.

(15) An occupant who suffers damages because of an operator's failure to comply with this act may bring an action in a court of appropriate jurisdiction for the actual amount of the damages or $250.00, whichever is greater, together with reasonable attorney's fees.

History: 1990, Act 162, Eff. Mar. 28, 1991

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