LATERAL AND SUBJACENT SUPPORT TO ADJOINING LAND

Act 314 of 1921

AN ACT to prescribe the duties of an owner or occupant of lands, upon which excavations are made, in reference to the furnishing of lateral and subjacent support to adjoining lands and structures thereon; and to fix remedies for the violation thereof.

History: 1921, Act 314, Eff. Aug. 18, 1921

The People of the State of Michigan enact:

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554.251 Owner or occupant of excavated land; duty to support adjacent land and structures.

Sec. 1.

It shall be the duty of every person, partnership or corporation who excavate upon land owned or occupied by them to a depth exceeding 12 feet below the established grade of a street or highway upon which such land abuts or, if there be no such established grade, below the surface of the adjoining land, to furnish sufficient lateral and subjacent support to the adjoining land to protect said land and all structures thereon from injury due to the removed material in its natural state, or due to the disturbance of other existing conditions caused by such excavation.

History: 1921, Act 314, Eff. Aug. 18, 1921 ;-- CL 1929, 13500 ;-- CL 1948, 554.251

554.252 Failure to support adjacent land; liability.

Sec. 2.

Such owner or occupant shall be liable to the proper person entitled to sue therefor, for the actual damage to land and structures and any other resulting damages, arising from failure to fulfill the duty created by this act. They shall also be liable to occupants or tenants of such land or structures for damage to their property or business proximately resulting from injury to such land or structures caused by their failure to fulfill said duty.

History: 1921, Act 314, Eff. Aug. 18, 1921 ;-- CL 1929, 13501 ;-- CL 1948, 554.252

554.253 Failure to support adjacent land; equitable relief.

Sec. 3.

The owners or occupants of adjoining lands or structures shall also be entitled to relief in a court of equity by way of injunction or other appropriate equitable relief, to restrain the prosecution of such excavating operations without the taking of such precautions to provide such lateral and subjacent support as are reasonable under the circumstances, and it shall not be necessary in such proceedings to allege or show that there is no adequate remedy at law. Such court of equity shall have jurisdiction in such proceedings to adjudicate all disputes arising in connection with the subject matter thereof.

History: 1921, Act 314, Eff. Aug. 18, 1921 ;-- CL 1929, 13502 ;-- CL 1948, 554.253

554.254 Common law duties and remedies.

Sec. 4.

The remedies herein provided and the duty herein created are in addition to the duty and remedies existing at common law.

History: 1921, Act 314, Eff. Aug. 18, 1921 ;-- CL 1929, 13503 ;-- CL 1948, 554.254

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