

HOUSE BILL NO. 6212

June 09, 2022, Introduced by Reps. Yaroch, Steven Johnson, Tisdell, Bollin, Beeler, Calley, Meerman, Bellino, Hoitenga, Lightner, Clements, Outman, Eisen, Allor and Alexander and referred to the Committee on Oversight.

A bill to amend 1941 PA 207, entitled
"Fire prevention code,"
by amending section 23 (MCL 29.23), as amended by 2006 PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. **(1)** The existence of a fire hazard, of any nature,
2 origin, or cause, is a nuisance and the nuisance may be abated,
3 removed, corrected, and its continuance enjoined in the manner
4 provided by law for the abatement of nuisances. If the state fire
5 marshal determines that a fire hazard is imminently dangerous or

1 menacing to human life and the public safety requires its immediate
2 abatement, removal, correction, or discontinuance, the state fire
3 marshal may bring, or cause to be brought, in the circuit court of
4 the county in which the fire hazard is located, an action to abate,
5 remove, correct, or discontinue the fire hazard. Sections 3801 to
6 3840 of the revised judicature act of 1961, 1961 PA 236, MCL
7 600.3801 to 600.3840, apply to the action. The court, in addition
8 to the powers conferred by that act, may make any order it
9 determines is necessary or expedient to ensure the safety and
10 security of human life, and may direct that a building described in
11 the ~~complaint~~**action** be razed and removed and all rubbish and
12 debris removed, or that the building be repaired and in what manner
13 and to what extent. The court may order the removal of occupancies
14 of a building and the discontinuance of any use of the building
15 that constitute a fire hazard or menace to human life, and may
16 order the clearing and improvement of premises described in the
17 ~~complaint~~**action**. The court may issue an injunction ~~restraining~~
18 **that restrains** the defendant from continuing the existence of a
19 fire hazard, may include specific directions to the defendant, and
20 may retain jurisdiction to compel complete performance of the
21 order, writ, or other determination of the court. The court may
22 direct that the abatement of the fire hazard be done by the
23 department under the court's instructions, and with provision for
24 defraying the cost and expense of the abatement as the court
25 determines equitable and authorized by this act. A continuance of a
26 hearing under this act ~~shall~~**must** not be granted except upon a
27 clear showing of unavoidable circumstances. Jurisdiction of the
28 court under this act does not depend ~~upon~~**on** the amount of money,
29 or value of property, involved.

1 (2) If a circuit court makes an order to abate, remove,
2 correct, or discontinue a fire hazard under subsection (1), the
3 state fire marshal shall, not more than 24 hours after the order is
4 made, provide notice of the order to the member of the senate and
5 member of the house of representatives who represent the geographic
6 area in which the fire hazard is located.