

# HOUSE BILL No. 4499

April 22, 2015, Introduced by Reps. Glenn, Iden, Kesto and Cole and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 3815 (MCL 600.3815), as amended by 2014 PA 387.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3815. (1) In an action under this chapter, evidence of  
2       the general reputation of the building, vehicle, boat, aircraft, or  
3       place is admissible for the purpose of proving the existence of the  
4       nuisance.

5       (2) In an action under this chapter, proof of knowledge of the  
6       existence of the nuisance on the part of 1 or more of the  
7       defendants is not required.

8       (3) In an action under this chapter, it is not necessary for  
9       the court to find the property involved was being used as and for a  
10      nuisance at the time of the hearing, or for the plaintiff to prove

1 that the nuisance was continuing at the time the complaint was  
2 filed, if the complaint is filed within 90 days after any act, any  
3 violation, or the existence of a condition described in section  
4 3801 as a nuisance. ~~but on~~

5 (4) THE PLAINTIFF IN AN ACTION UNDER THIS CHAPTER HAS THE  
6 BURDEN OF PROVING THE EXISTENCE OF THE NUISANCE BY CLEAR AND  
7 CONVINCING EVIDENCE. ON finding THAT THE PLAINTIFF HAS SATISFIED  
8 THE BURDEN OF PROOF AND that the material allegations of the  
9 complaint are true, the court shall enter a judgment and order of  
10 abatement as provided in this chapter.