

Municipal Liens

Public Improvements

The Revenue Bond Act of 1933 (MCL 141.121) provides the authority for a lien to be placed on real property for the delinquent (for six months or more) payment of services charged by a public corporation (including a village or city) for a public improvement. MCL 141.103(b) defines a public improvement to include sewage disposal and the supply of water, utilities, cable, and television. The lien may be enforced in the same manner as provided for unpaid taxes. The public corporation should adopt an ordinance providing for the time and manner of certification and other details for the collection of the charges and enforcement of liens.

Water and Sewer

MCL 123.161 et seq. provides for a lien for unpaid water or sewage system charges by a village or city. MCL 123.162 states that the lien is effective immediately upon the distribution of the water or sewage system service and is enforceable for five years. MCL 123.163 provides that the lien may be enforced in the manner prescribed “in the charter of the municipality, by the general laws of the state providing for the enforcement of tax liens, or by an ordinance duly passed by the governing body of the municipality.”

Housing Law (MCL 125.541; 125.541a)

A city or village shall have a lien on property for the amount of a judgment obtained pursuant to MCL 125.541(7) for the cost of the demolition of, maintenance of, or making safe, an unsafe building or structure. MCL 125.541a provides that the city or village shall have a lien for the amount of such judgment against the owner's interest in all real property located in the state. A lien provided for by this section takes effect once notice of the lien is filed or recorded. These liens are not entitled to priority over prior liens or encumbrances.

Taxes

MCL 211.40 provides for all taxes due to a city or village to be assessed on tax day to become a lien on the real or personal property assessed until paid and to be seized, if personal property, or foreclosed, if real property, according to MCL 211.47 and MCL 211.78, respectively, if not timely paid. MCL 211.47 allows the municipality to seize and auction property or sue and garnish the wages of the property owner. 1999 PA 123 amended the General Property Tax Act with respect to the procedure for the foreclosure and sale of liens. MCL 211.78 et seq. lays out the procedure that municipalities must follow in order to seize and foreclose on the property securing the delinquent taxes.

Noxious Weeds

MCL 247.64 provides for liens against real property for the expense of eradicating noxious weeds. A village or city may enforce the lien either in the manner provided for construction liens or, if by ordinance, in the manner provided for tax liens.

Cemetery Fences

MCL 128.101 requires all private cemeteries in cities to erect a fence around the property of the cemetery. A city may erect the fence on behalf of the cemetery after proper notice has been given. MCL 128.103. MCL 128.103 allows for a lien against the estate held in any private cemetery for the expenses incurred by the city that had to erect the fence on behalf of the cemetery.

Municipal Civil Infraction Judgments

If a defendant does not pay a civil fine or costs or an installment order under MCL 600.8727 in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the

municipality may obtain a lien against the land, building, or structure by recording a copy of the court order requiring payment with the register of deeds. MCL 600.8731.

This publication was written by the law firm of Miller Canfield.