 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>704</b>	Page(s) 1 of 3
	<b>IMPOUNDMENT OF PERSONAL PROPERTY PROCEDURE</b>	<b>Date Approved: November 1, 2002</b>	

## **A. AUTHORIZATION/REFERENCE**


- THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451;
- PART 5, GENERAL POWERS AND DUTIES , as amended, BEING SECTIONS 324.501 TO 324.51514 OF THE MICHIGAN COMPILED LAWS ANNOTATED
- PART 89, LITTERING, as amended, being sections 8901 to 8907, MCL 324.8901 to MCL 324.8907.
- PART 515, BURN PERMITS, INTENTIONALLY CAUSING FIRE, as amended, being sections 51501 to 51514, MCL 324.51501 to MCL 324.51514.
- PART 742, CAMP REGISTRATION CARD, as amended, being sections 74201 to 74207, MCL 324.74201 to 423.74207.
- PART 811, ORV, as amended, being sections 81101 to 81150, MCL 324.81101 to MCL 324.81150.
- PART 821, SNOWMOBILES, as amended, being sections 82101 to 82160, MCL 324.82101 to MCL 324.82160.
- PART 831, FOREST RECREATION, as amended, being sections 83101 TO 83109, MCL 324.83101 to MCL 324.83109.
- THE REVISED JUDICATURE ACT, 1961 PA 236, as amended by 2000 PA 80, BEING SECTION 600.8801 OF THE MICHIGAN COMPILES LAWS ANNOTATED.
- State land use rules provided in R 299.921 through R 299.933 of the Michigan administrative code.
- MICHIGAN VEHICLE CODE, 1949 PA 300, Sections 255, 311, 624a, 674, 904, 904a, MCL 257.255,257.311,257.624a, 257.674, 257.904, 257.904a.
- MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, Section 703, MCL 436.1703
- THE MICHIGAN PENAL CODE, 1931 PA 328 Chapter 48, MCL 750.335 to 750.347, Chapter 52, MCL 750.356 to 750.367c, Sections 377a, MCL 750.377a, Section 243a to 243e, MCL 750.243a to 750.243e., and Section 167, MCL 750.167
- THE PUBLIC HEALTH CODE, 1978 PA 368, Sections 7403 and 7404, MCL 333.7403 and 333.7404.
- FMFM Policy 700 - General State Forest Officer and Enforcement Procedure
- FMFM Policy 701 - Law Enforcement Administrative Procedure
- FMFM Policy 702 - Use of Force by FMFM State Forest Officers Procedure
- FMFM Policy 703 - Handling Intoxicated Individuals Procedure
- FMFM Policy 704 - Impoundment of Personal Property Procedure
- FMFM Policy 705 - Eviction from Department Facilities Procedure
- FMFM Policy 706 - Incidents, Property Damage and Larceny Procedure
- FMFM Policy 707 - Disposal of Alcoholic Beverages and Narcotics Procedure
- FMFM Policy 708 - Transportation of Prisoners Procedure

## **B. POLICY**

Occasionally it is necessary to remove vehicles, camping equipment, and other personal property that is abandoned or illegally placed on Department administered lands. It is important that any impoundment of personal property be done only when a good reason exists and by following a strict procedure.

## **C. PROCEDURE**

### **DEFINITIONS**

 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>704</b>	Page(s) 2 of 3
	<b>IMPOUNDMENT OF PERSONAL PROPERTY PROCEDURE</b>	<b>Date Approved: November 1, 2002</b>	

**Abandoned Property:** Property that has been left unattended for a period exceeding 48 hours without written permission, or property that, due to the circumstances, appears to be stolen property or property that by its nature is very prone to theft or vandalism if left unattended.


**Illegally Placed Property:** Property that is on Department administered land in violation of an Administrative Rule, Land Use Order of the Director, or State Law.

Property may be impounded for any of the following reasons:

1. It is Abandoned Property or Illegally Placed Property meeting the definitions above.
2. Vehicles that are illegally parked and present a hazard to traffic.
3. Vehicles that are off designated roadways and towing is the only way to minimize environmental damage.
4. The property constitutes evidence in an on-going investigation.

#### ACTION TAKEN

1. An attempt will be made to locate the owner of any unattended property. Instructions as to the present location, condition, and expected actions by the owner should be conveyed, if and when contact is established.
2. Towing and impounding is a serious action. If this action is deemed necessary by the State Forest Officer for vehicles subject to the Michigan Vehicle Code, 1949 PA 300, State Forest Officers should refer such cases to the County Sheriff, and the Forest, Mineral and Fire Management (FMFM) Unit should be prepared to provide administrative assistance and support as may be necessary.
3. When property is being impounded, an inventory of the property will be made by the State Forest Officer and one other employee present, if at all possible. Form R1018E will be utilized for this record.
4. An incident report (R1004e) will be completed by the FMFM Management Unit. The State Forest Officer will note the general condition of the property and any existing damage on the incident report.
5. All property will be released to its owner upon the payment of appropriate fees such as towing, storage, or camping fees, and the completion of any court action if an appearance ticket was issued as part of the incident.

 <b>DNR</b> Forest, Mineral and Fire Management	<b>POLICY AND PROCEDURES</b>	Number <b>704</b>	Page(s) 3 of 3
	<b>IMPOUNDMENT OF PERSONAL PROPERTY PROCEDURE</b>	<b>Date Approved:</b> <b>November 1, 2002</b>	

6. Property held as evidence will be released at the direction of the prosecutor, the court, or when the State Forest Officer believes there is no reasonable likelihood of prosecution.
  
7. Unclaimed items must be held for six (6) months before starting the disposal process. Yearly, after September 15, unclaimed or abandoned property will be readied for transfer and disposal per DNR Procedure 04.04.01.