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## **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**

State Forest Officers will occasionally be required to evict users from Department administered lands or facilities. Eviction from Department administered lands or facilities is not a form of punishment, but is a tool to be used when an individual will not comply with Department rules. When at all possible, assistance from another State Forest Officer, Township Police, State Police, Sheriff Department, or DNR Law Enforcement Division should be requested before attempting an eviction.

## **C. PROCEDURE**

When appropriate enforcement action has been taken and the individual has been given notice of eviction from Department administered lands or facilities, the following procedure will be used:

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### JUSTIFICATION FOR AN EVICTION

The State Forest Officer will use eviction to insure a safe and enjoyable environment for other forest users and protect the resource when other enforcement options will not achieve compliance.

### WHEN TO EFFECT AN EVICTION

- a. A State Forest Officer will not routinely evict an individual just because a ticket has been issued.
- b. A State Forest Officer will evict an individual when compliance with the Department rule is not met using other available enforcement options.

### ACTION TO BE TAKEN

1. Inform the involved party briefly and clearly why they are being evicted.
2. A reasonable time limit shall be given for compliance, based on circumstances.
3. Unless unusual circumstances warrant, a refund of user fees already paid should not be given to those individuals who are or have been evicted from a Department facility that requires a user fee. In cases where a refund may be determined to be appropriate, it should be done following Department Policies (Adm. Policy 2.08-01).
4. An eviction from Department administered lands shall be for a minimum of 24 hours.
5. All evictions are reportable incidents utilizing Incident Report, R1004e. The incident report will contain a brief statement detailing the circumstances of the eviction. Circumstances that require the eviction of more than one individual will be noted in the report.