

Act No. 79  
Public Acts of 1989  
Approved by the Governor  
June 19, 1989  
Filed with the Secretary of State  
June 20, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Senators V. Smith and Cropsey

# **ENROLLED SENATE BILL No. 103**

AN ACT to amend the title of Act No. 157 of the Public Acts of 1905, entitled as amended "An act to authorize a township or townships to acquire by gift or devise real estate and to own and control the same for a public park, resort, bathing beach or other place of recreation; to provide for a board of commissioners therefor and to authorize said township or townships, by a limited tax on the property in such township or townships, to maintain such park or resort and to make rules and regulations for the control and government of the same," being sections 41.421 to 41.425 of the Michigan Compiled Laws; to add sections 6, 6a, 6b, 6c, 6d, 6e, 6f, 7, 8, and 9; and to repeal certain acts and parts of acts.

*The People of the State of Michigan enact:*

Section 1. The title of Act No. 157 of the Public Acts of 1905, being sections 41.421 to 41.425 of the Michigan Compiled Laws, is amended and sections 6, 6a, 6b, 6c, 6d, 6e, 6f, 7, 8, and 9 are added to read as follows:

## **TITLE**

An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials.

Sec. 6. On receipt of a written petition signed by not less than 8% of the registered voters of a township, the township board of that township, at its first meeting after the receipt of the petition, shall submit the question of establishing a township park commission to the registered voters of the township at the next regular election to be held in the township. If a majority of the electors voting on the question vote in favor of establishing a park commission, the township board shall appoint a township park commission of 6 members. The members shall serve until the next township election at which township officers are elected. At the next township election at which township officers are elected, 6 members of the township park commission shall be elected for terms of 4 years each.

Sec. 6a. The township park commission shall have authority to acquire, maintain, manage, and control township parks and places of recreation, including bathing beaches, and shall have authority, in the name of the township, to condemn land for those purposes, in accordance with the condemnation laws of this state. The township board may authorize the township park commission to act as the township recreation board provided by Act No. 156 of the Public Acts of 1917, being sections 123.51 to 123.54 of the Michigan Compiled Laws. The township park commission may accept, in the name of the township, gifts, grants, and devises of land suitable for parks and places of recreation, and gifts and bequests of money. That money shall be held in trust and used for the acquisition and improvement of land suitable for parks and places of recreation.

Sec. 6b. The members of the township park commission shall receive compensation as fixed by the township board. The township park commission may employ clerical assistance and incur other expenses that are authorized by the township board. Compensation and expenses shall be paid from the park maintenance fund provided for in section 6c.

Sec. 6c. The township park commission shall submit to the township board a detailed budget covering the cost of maintenance of the township parks and places of recreation of the township for the ensuing year. The budget shall not exceed 1 and 1/2 mill on the assessed valuation of the township. The township board shall examine the budget and shall approve the entire budget, or a part of the budget that the board considers reasonable and necessary, which sum shall be incorporated into the tax on the township, and when collected shall be deposited by the township treasurer in a fund to be known as the park maintenance fund. Expenditures from this fund shall be on vouchers approved by the township park commission, and it shall be the duty of the township treasurer to allow and pay these vouchers on presentation to him or her. The assessment, levy, and collection of the tax provided in this section shall be performed in the manner provided in the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

Sec. 6d. The township park commission may request that the township board submit to the voters of the township the question of the issuance of township bonds, the proceeds of which shall be used in the acquisition of lands for township parks and places of recreation. A majority vote of the qualified voters voting shall authorize the issuance of township bonds. The issuance of township bonds shall be governed by the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws. However, if the township has no outstanding indebtedness, bonded or otherwise, and the amount of the total proposed acquisition cost is less than 1 per cent of the assessed valuation of the township, the township board may authorize and direct the township park commission to purchase or condemn designated lands for township parks and places of recreation and may pay annually to the township park commission the available portions of contingent funds of the township necessary to pay for the acquisition of the lands. The township board shall determine the maximum amount to be paid for these lands and if acquisition is made by purchase instead of condemnation, shall also prescribe the terms of payment.

Sec. 6e. If land is, or has been, acquired under this act by a township park commission, the commission, subject to approval of the township board, may sell and convey the portion or portions not needed on terms the township board considers proper.

Sec. 6f. The township park commission shall make a detailed annual report concerning township parks and places of recreation to the township board and to the state treasurer, in the form and containing information that the state treasurer directs.

Sec. 7. The township board of a township may convey to the board of county park trustees of a county in which the township is located lands held by the township for township parks or places of recreation, including lands acquired by the township through the dedication of a plat duly approved and recorded, or may arrange with the board of county park trustees for the improvement, maintenance, management, and control of those lands. Upon the acceptance by the county park trustees of the transfer and conveyance, or upon the making of any arrangement for the care, management, and control, the county park trustees shall be charged with all the duties relating to parks and public places as are provided by Act No. 90 of the Public Acts of 1913, being sections 123.61 to 123.68 of the Michigan Compiled Laws.

Sec. 8. The legislative body of a city or village may appropriate, out of the general or contingent funds of that city or village, funds for the purpose of contributing toward the cost of the acquisition, support, maintenance, upkeep, and improvement of land acquired by a township, or 2 or more townships, for use as a free public park, resort, bathing beach, or other place of recreation. The contribution shall be made to the park commission created by the act under which the park site was or will be acquired.

Sec. 9. (1) A township abutting upon navigable waters in this state may acquire, construct, and maintain wharves, piers, docks, and landing places for the use and benefit of the public and may lease and control the wharves, piers, docks, and landing places. The township board shall act for the township in acquiring, constructing, and maintaining wharves, piers, docks, and landing places if authorized to do so by the affirmative vote of 3/5 of the registered voters of the township voting on the question at a general or special election.

(2) Proceedings taken under this section shall be taken by the township board, which has the power and authority usually exercised by the board of county road commissioners of the township in acquiring land for laying out, constructing, and maintaining highways. The township board may acquire land for wharves, piers,

docks, and landing places and lay out, construct, and maintain these in accordance with the same proceedings, so far as applicable, as are required to be taken by the board of county road commissioners of the township for acquiring land and constructing and maintaining highways. Act No. 283 of the Public Acts of 1909, being sections 220.1 to 239.6 of the Michigan Compiled Laws, is extended to include wharves, piers, docks, and landing places, subject to the provisions contained in this section.

Section 2. The following acts and parts of acts are repealed:

- (a) Act No. 53 of the Public Acts of 1921, being sections 41.501 to 41.507 of the Michigan Compiled Laws.
- (b) Act No. 97 of the Public Acts of 1919, being sections 41.531 to 41.535 of the Michigan Compiled Laws.
- (c) Act No. 162 of the Public Acts of 1915, being sections 41.541 to 41.543 of the Michigan Compiled Laws.
- (d) Act No. 140 of the Public Acts of 1963, being sections 41.561 to 41.562 of the Michigan Compiled Laws.
- (e) Act No. 271 of the Public Acts of 1931, being sections 41.441 to 41.446 of the Michigan Compiled Laws.
- (f) Act No. 300 of the Public Acts of 1939, being section 41.431 of the Michigan Compiled Laws.
- (g) Act No. 307 of the Public Acts of 1941, being section 41.461 of the Michigan Compiled Laws.
- (h) Act No. 286 of the Public Acts of 1923, being sections 41.481 to 41.482 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved.....

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Governor.