

Act No. 80
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 Geo. Hart and Holmes

ENROLLED SENATE BILL No. 104

AN ACT to amend the title of Act No. 246 of the Public Acts of 1931, entitled as amended "An act to provide for the construction and maintenance of pavements or sidewalks on or along public highways; to provide for the levying of taxes and of special assessments therefor; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain officers with reference thereto; and to validate actions taken, special assessments levied, and bonds issued," being sections 41.271 to 41.287 of the Michigan Compiled Laws; to add sections 18, 18a, 18b, 19, 19a, 19b, 19c, 19d, and 20; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Section 1. The title of Act No. 246 of the Public Acts of 1931, being sections 41.271 to 41.287 of the Michigan Compiled Laws, is amended and sections 18, 18a, 18b, 19, 19a, 19b, 19c, 19d, and 20 are added to read as follows:

TITLE

An act to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges.

Sec. 18. (1) The township board of a township may install sidewalks along the sides of a highway and may install elevated structures for foot travel over highways in the township. The township board may pay for the elevated structures out of the funds of the township or purchase the elevated structures on title retaining contracts. Contracts shall not be entered into or issued for a period longer than 10 years. A highway under the jurisdiction of the director of the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the director of the state transportation department or the board of county road commissioners.

(2) In proceedings under this section, the township board may provide that the cost of the sidewalk or elevated structure shall be paid entirely by public money and may allocate for this purpose unexpended money in the contingent fund or general fund of the township.

Sec. 18a. (1) The township board of a township may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the township because of the health, safety, or welfare of the residents of the township.

(2) The township board shall hold a public meeting relative to the ordering of the sidewalk construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.

(3) If the board determines that the construction, repair, or maintenance of sidewalks is necessary, it may construct, repair, or maintain the sidewalks and assess the costs to the property involved, payable over a 5-year

period, or permit the owners of the property involved to have the sidewalks constructed, repaired, or maintained according to township specifications at their own expenses. Sidewalks constructed, repaired, or maintained under this section on the right-of-way of state highways or county roads must have the approval of the state or county highway authority having jurisdiction over the highway or road.

(4) A township board may construct, repair, and maintain walkways or sidewalks along main or arterial roads where it considers it necessary to protect the safety of the public. The costs of the sidewalks may be paid by the township at large. When determined necessary by the township board, the board shall submit to the electors the question of raising the necessary funds by a levy not to exceed 1 mill at a general, primary, or special election.

Sec. 18b. The township board of a township, by a majority vote at a regular meeting or a special meeting called for that purpose, may authorize the purchase of a public street cleaning vehicle or vehicles and snow removal equipment, and may provide for the maintenance and operation of the vehicles and equipment, payable from the funds of the township. The written approval of the board of county road commissioners shall first be obtained.

Sec. 19. The township board of a township may authorize the expenditure of funds to provide for the lighting by artificial means of roads, highways, and bridges in the township that are located outside of the limits of incorporated villages. The expense of the lighting shall be paid out of the funds of the township. If a road, highway, or bridge is situated in or between 2 or more townships, a provision shall be made by a majority vote of the township boards of the townships in or between which the road, highway, or bridge is situated, at a joint meeting of the boards, held for that purpose, and the proportion of the expense to be paid by each of the townships shall be determined at the joint meeting. This section and sections 19a to 19d for reasons of public safety authorize the lighting of a state trunk line highway, county road, or platted road or street outside the limits of incorporated villages, whether the road or street has been dedicated to the public use or not.

Sec. 19a. If lighting of a road, highway, or bridge is provided in accordance with section 19, the supervisor of the township shall exercise general supervision over the installing and maintenance of the lighting system, under the direction of the township board. However, if a road, highway, or bridge is situated in or between 2 or more townships, it shall be determined by the township boards which one of the township supervisors shall exercise supervision. The township board, or in case of roads, highways, or bridges located in or between 2 or more townships, then the township boards of the townships in or between which the road, highway, or bridge is situated, may contract for a period of time not exceeding 10 years with a person for furnishing the road, highway, or bridge lighting by artificial means, upon the terms and conditions as may be agreed.

Sec. 19b. The township board or boards mentioned in section 19, either on its or their own motion, or upon petitions signed by not less than 10 real property owners in the district described in the petitions to be lighted, may order the expenses for lighting the highways to be defrayed by a special assessment on all the taxable lands in the territory described in the petitions or the order of the township board. A part of the expenses may be paid by the township or townships at large and the balance assessed against the lands in the described district. The township board or boards shall then estimate the cost and expense of the lighting system and fix a day, time, and place for a hearing on the question of creating a district and defraying the expenses of the district by special assessment. A notice stating the time, place, and purpose of the hearing shall be published in a newspaper of general circulation in the district. If there is not a newspaper of general circulation in the district, then notices shall be posted in at least 3 of the most public places in the district. Notice shall be published or posted at least 5 days before the date of the hearing.

Sec. 19c. If the township board or boards create a district under section 19b, it or they shall determine the boundaries of the district by resolution and shall direct the township supervisor or supervisors to make a special assessment upon the lands and premises in the district benefited by the lighting to defray the expenses of lighting the roads, highways, or bridges or to defray that portion of the expenses to be assessed against the district. The board or boards shall thereafter annually determine the amount to be assessed in the district for lighting the roads, highways, and bridges and shall direct the supervisor or assessor to levy this amount or the supervisors or assessors to levy the portion of this amount attributable to the territory of the district within their respective townships. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other township taxes are assessed, levied, and collected and shall be returned in the same manner for nonpayment.

Sec. 19d. A district that has been lighting its streets or highways under this act may be relieved of this duty by action of the township board or boards on their own motion or by a petition to the township board or boards as provided in section 19b.

Sec. 20. (1) Notwithstanding sections 19 through 19d, the board of county road commissioners of a county operating under the county road system may provide for the lighting, by artificial means, of roads, highways, and bridges under its jurisdiction, located outside of the limits of incorporated cities and villages. The township board or boards of a township or townships in which county roads, highways, and bridges are located may also provide for the lighting, by artificial means. Boards of county road commissioners and township boards may also provide for the lighting by joint action, and by dividing the expense of the lighting between the county or counties and the township or townships affected as may be determined by joint meeting of the boards. The board of county road commissioners or township board, acting separately or in conjunction with other boards of county road commissioners or with a township board or township boards, may enter into a contract with a person for a period not exceeding 10 years for the lighting upon terms and conditions as may be agreed upon, and may also contract for the extensions of lines or service to furnish the lighting. The boards of county road commissioners may pay from available highway funds under their control and jurisdiction sums required to provide for the extensions and furnish the lighting. If funds are not available, the board of county road commissioners shall submit to the county board of commissioners a statement and budget designating the roads, highways, and bridges to be lighted, and the estimated cost of the lighting. At the next October session of the county board of commissioners, the board shall pass upon the statement and budget, and, if a majority of the county board of commissioners agree, the sum required shall be apportioned among the several townships and cities of the county according to their equalized valuation. The supervisors or other assessing officers in the townships and cities shall levy and apportion the tax so apportioned as provided in this section, to their respective townships and cities. The tax shall be collected and paid to the county treasurer and disbursed by him or her upon orders of the board of county road commissioners, the orders to be signed by the chairperson and countersigned by the clerk of the board. The county board of commissioners shall raise a sum which, together with the other funds available, is sufficient to provide the lighting for which the facilities have, under an existing contract, been previously installed and operated.

(2) With the approval of the director of the state transportation department, boards of county road commissioners and township boards acting together or separately, may, with respect to state trunk line highways and bridges located in whole or in part within their respective counties and townships, provide for the lighting of these highways and bridges by artificial means and may contract in the same manner as for county roads. In such case, the entire expense shall be borne by the boards of county road commissioners or township boards, or by both.

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

- (a) Act No. 67 of the Public Acts of 1961, being sections 41.921 to 41.925 of the Michigan Compiled Laws.
- (b) Act No. 203 of the Public Acts of 1957, being section 41.291 of the Michigan Compiled Laws.
- (c) Act No. 251 of the Public Acts of 1957, being sections 41.401 to 41.402 of the Michigan Compiled Laws.
- (d) Act No. 35 of the Public Acts of 1966, being sections 41.931 to 41.934 of the Michigan Compiled Laws.
- (e) Act No. 221 of the Public Acts of 1931, being sections 41.261 to 41.262 of the Michigan Compiled Laws.
- (f) Act No. 264 of the Public Acts of 1917, being sections 41.251 to 41.257 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.