

HOUSE BILL No. 4121

February 9, 1989, Introduced by Reps. Honigman, Willis Bullard, Munsell, Dunaskiss and Jondahl and referred to the Committee on Taxation.

A bill to amend sections 2 and 3 of Act No. 188 of the Public Acts of 1954, entitled as amended

"An act to provide for the making of certain public improvements by townships; to provide for paying for the same by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of public improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of such special assessments, and for the obligation of the township thereon,"

as amended by Act No. 180 of the Public Acts of 1986, being sections 41.722 and 41.723 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 3 of Act No. 188 of the Public
2 Acts of 1954, as amended by Act No. 180 of the Public Acts of
3 1986, being sections 41.722 and 41.723 of the Michigan Compiled
4 Laws, are amended to read as follows:

5 Sec. 2. (1) The following improvements may be made under
6 this act:

1 (a) The construction, improvement, and maintenance of storm
2 or sanitary sewers or combined storm and sanitary sewer systems.

3 (b) The construction, improvement, and maintenance of water
4 systems.

5 (c) The construction, improvement, and maintenance of public
6 roads.

7 (d) The acquisition, improvement, ~~and~~ maintenance, AND
8 OPERATION of public parks.

9 (e) The construction, improvement, and maintenance of ele-
10 vated structures for foot travel over roads in the township.

11 (f) The collection and disposal of garbage and rubbish.

12 (g) The construction, maintenance, and improvement of bicy-
13 cle paths.

14 (h) The construction, maintenance, repair, or improvement of
15 erosion control structures or dikes.

16 (i) The planting, maintenance, and removal of trees.

17 (j) The installation, improvement, and maintenance of light-
18 ing systems.

19 (k) The construction, improvement, and maintenance of
20 sidewalks.

21 (l) The eradication or control of aquatic weeds and plants.

22 (m) The construction, improvement, and maintenance of pri-
23 vate roads.

24 (N) THE ACQUISITION OR CONSTRUCTION, IMPROVEMENT, MAINTE-
25 NANCE, AND OPERATION OF PUBLIC PARKING FACILITIES.

26 (2) A road under the jurisdiction of either the state
27 transportation department or the board of county road

1 commissioners shall not be improved under this act without the
2 written approval of the state transportation department or the
3 board of county road commissioners. As a condition to the grant-
4 ing of such approval, the state transportation department or the
5 board of county road commissioners may require 1 or more of the
6 following:

7 (a) That all engineering with respect to the improvement be
8 performed by the state transportation department or the board of
9 county road commissioners.

10 (b) That all construction, including the awarding of con-
11 tracts for construction, in connection with the improvement be in
12 accordance with the specifications of the state transportation
13 department or the board of county road commissioners.

14 (c) That the cost of the engineering and supervision OF
15 CONSTRUCTION be paid to the state transportation department or
16 the board of county road commissioners from the funds of the spe-
17 cial assessment district.

18 (3) IF A TOWNSHIP RECOVERS THE COST OF ACQUISITION, IMPROVE-
19 MENT, MAINTENANCE, AND OPERATION OF A PUBLIC PARK, OR ACQUISITION
20 OR CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND OPERATION OF A
21 PARKING FACILITY, ENTIRELY BY SPECIAL ASSESSMENTS, THE TOWNSHIP
22 BOARD MAY LIMIT ACCESS TO THE PUBLIC PARK OR PARKING FACILITY TO
23 THE OWNERS AND OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT
24 DISTRICT AND THEIR GUESTS AND PATRONS.

25 Sec. 3. (1) The township board may proceed to carry out an
26 improvement as provided in this act unless written objections to

1 the improvement are filed with the township board at or before
2 the hearing provided in section 4 by property owners as follows:

3 (a) For an improvement under section 2(1)(a), (b), (d), (e),
4 (f), (h), (i), (j), ~~or~~ (l), OR (N), by the record owners of
5 land constituting more than 20% of the total land area in the
6 proposed special assessment district.

7 (b) For an improvement under section 2(1)(c), (g), (k), or
8 (m), by the record owners of land constituting more than 20% of
9 the total frontage upon the road, bicycle path, or sidewalk.

10 (2) A township board may require the filing of a petition
11 meeting the requirements of subsection (3) before proceeding with
12 an improvement under this act.

13 (3) If written objections are filed as provided in subsec-
14 tion (1), or if the township board requires a petition before
15 proceeding, the township board shall not proceed with the
16 improvement until ~~a petition~~ THERE is filed with the board
17 ~~which is~~ A PETITION signed as follows:

18 (a) For an improvement under section 2(1)(a), (b), (d), (e),
19 (f), (h), (i), (j), ~~or~~ (l), OR (N), by the record owners of
20 land constituting more than 50% of the total land area in the
21 special assessment district as finally established by the town-
22 ship board.

23 (b) For an improvement under section 2(1)(c), (g), (k), or
24 (m), by the record owners of land constituting more than 50% of
25 the total frontage upon the road, bicycle path, or sidewalk.

26 (4) Record owners shall be determined by the records in the
27 register of deeds' office as of the day of ~~the~~ filing ~~of~~ a

1 petition, or if written objections are filed as provided in
2 subsection (1), then on the day of the hearing. In determining
3 the sufficiency of the petition, lands not subject to special
4 assessment and lands within a public highway or alley shall not
5 be included in computing frontage or an assessment district
6 area. ~~Any~~ A filed petition may be supplemented as to signa-
7 tures by ~~the~~ filing ~~of~~ an additional signed copy or copies of
8 the petition, and the validity of the signatures on a supplemen-
9 tal petition shall be determined by the records as of the day of
10 filing the supplemental petition.