

HOUSE BILL No. 4127

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

A bill to amend the title and sections 1 and 2 of Act No. 116 of the Public Acts of 1923, entitled as amended "Township and village public improvement act," being sections 41.411 and 41.412 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1 and 2 of Act No. 116 of
2 the Public Acts of 1923, being sections 41.411 and 41.412 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 TITLE

5 An act to authorize CERTAIN TOWNSHIP OR VILLAGE PUBLIC
6 improvements AND SERVICES AND TO PROVIDE METHODS FOR FINANCING
7 THE IMPROVEMENTS AND SERVICES. ~~in and for lands in townships or~~
8 ~~waters, adjacent or contiguous thereto, by constructing bridges~~
9 ~~over natural or artificial waterways, grading, paving, curbing,~~
10 ~~stoning, graveling, macadamizing or cinderizing streets, laying~~

~~1 storm sewers to care for surface water in such streets,
2 destroying weeds, providing street markers and lighting, con-
3 tracting for public transportation facilities, providing police
4 protection or contracting therefor, establishing and maintaining
5 garbage systems or plants for the collection and disposal of gar-
6 bage or contracting therefor, constructing or acquiring and main-
7 taining sanitary sewers and sewage disposal plants, constructing
8 filtration plants, constructing sidewalks, purchasing or con-
9 structing waterworks, purchasing or contracting for fire appa-
10 ratus and equipment, constructing and maintaining housing facili-
11 ties for fire apparatus and equipment, making extension of water
12 mains to provide water for fire protection and domestic uses, for
13 the trimming and spraying of trees and shrubbery, and construct-
14 ing breakwaters, retaining walls or sea walls, or any combination
15 of the foregoing for beach and soil erosion control, providing
16 for the suppression of swimmers' itch and other aquatic
17 nuisance producing organisms, to provide for making, levying and
18 collecting of special assessments to pay the cost thereof, and to
19 issue special assessment bonds in anticipation of the collection
20 of such special assessment taxes to provide the money with which
21 to pay the cost of such improvements, and advance the amount nec-
22 essary to pay such bonds and reimburse the township for such
23 advances, and if necessary thereto to reassess the district.~~

24 Sec. 1. (1) In ~~any~~ township lands, the township board or
25 common council or board of trustees of an incorporated village
26 ~~shall have the authority to make~~ MAY MAKE PUBLIC improvements

1 and provide public service by ~~constructing~~ DOING 1 OR MORE OF
2 THE FOLLOWING:

3 (A) CONSTRUCTING bridges over natural or artificial
4 waterways. ~~, grading~~

5 (B) GRADING, paving, curbing, stoning, graveling,
6 macadamizing, or cinderizing streets. ~~, or to treat the~~

7 (C) TREATING streets with chloride or other suitable dust
8 laying process or material. ~~, laying~~

9 (D) LAYING storm sewers to care for surface water in ~~such~~
10 streets. ~~, destroying~~

11 (E) DESTROYING weeds. ~~, providing~~

12 (F) PROVIDING street markers and lighting. ~~, contracting~~

13 (G) CONTRACTING for public transportation facilities. ~~,
14 providing~~

15 (H) ACQUIRING OR CONSTRUCTING, MAINTAINING, AND OPERATING
16 PARKING FACILITIES.

17 (I) PROVIDING police protection or contracting ~~therefor,~~
18 ~~establishing~~ FOR POLICE PROTECTION.

19 (J) ESTABLISHING and maintaining garbage and mixed refuse
20 systems or plants for the collection and disposal of garbage and
21 mixed refuse or contracting for such collection and disposal for
22 not to exceed 30 years. ~~, constructing~~

23 (K) CONSTRUCTING or acquiring and maintaining sanitary
24 sewers and sewage disposal plants or equipment. ~~, constructing~~

25 (L) CONSTRUCTING filtration plants. ~~, constructing~~

26 (M) CONSTRUCTING sidewalks. ~~, purchasing~~

1 (N) PURCHASING or constructing waterworks. ~~, purchasing~~

2 (O) PURCHASING fire apparatus and equipment. ~~,~~

3 ~~constructing~~

4 (P) CONSTRUCTING and maintaining housing facilities for fire
5 apparatus and equipment. ~~, making extension~~

6 (Q) MAKING EXTENSIONS of water mains to provide water for
7 fire protection and domestic uses. ~~, for the trimming~~

8 (R) TRIMMING and spraying ~~of~~ trees and shrubbery. ~~, to~~
9 ~~provide and maintain~~

10 (S) PROVIDING AND MAINTAINING soil and beach erosion control
11 measures including, but not limited to, the construction of
12 breakwaters, retaining walls, ~~or~~ AND sea walls, ~~or any combi-~~
13 ~~nation of the foregoing,~~ in or for ~~any such~~ TOWNSHIP lands or
14 waters adjacent or contiguous ~~thereto, to establish and conduct~~
15 TO THESE LANDS.

16 (T) ESTABLISHING AND CONDUCTING chemical beach treatment
17 service necessary ~~to~~ FOR the control of aquatic nuisances such
18 as swimmers' itch or ~~to contract~~ CONTRACTING with others to
19 provide ~~said~~ THE services. ~~, to levy~~

20 (U) ACQUIRING, MAINTAINING, AND OPERATING PARKS.

21 (2) A TOWNSHIP BOARD OR COMMON COUNCIL OR BOARD OF TRUSTEES
22 OF AN INCORPORATED VILLAGE SHALL LEVY and collect special assess-
23 ments to pay the cost ~~thereof and to~~ OF AN IMPROVEMENT OR SERV-
24 ICE MADE OR PROVIDED UNDER SUBSECTION (1) AND issue bonds in
25 anticipation of the collection of ~~said~~ THE special assessments,
26 upon THE filing OF the petition and subject to the terms and
27 conditions ~~hereinafter~~ provided IN THIS ACT.

1 (3) In AN incorporated ~~villages~~ VILLAGE, the common
2 council or board of trustees ~~thereof shall be~~ IS vested with
3 and shall perform the powers and duties vested BY THIS ACT in the
4 township board in areas outside OF THE incorporated ~~villages~~
5 VILLAGE.

6 (4) The township board, ~~or~~ common council, or board of
7 trustees of ~~any~~ AN incorporated village may purchase, accept by
8 gift or ~~device~~ DEVISE, or condemn private property. If THE
9 PROPERTY IS TO BE ACQUIRED by condemnation, the provisions of Act
10 No. 149 of the Public Acts of 1911, as amended, being sections
11 213.21 to ~~213.41~~ 213.25 of the MICHIGAN Compiled Laws; ~~of~~
12 ~~1948,~~ THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT NO. 87 OF THE
13 PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO 213.77 OF THE
14 MICHIGAN COMPILED LAWS; or ~~such~~ other appropriate provisions
15 ~~thereof as exist or shall be made by~~ OF law ~~,~~ may be adopted
16 and used for the purpose of instituting and prosecuting ~~such~~
17 THE condemnation proceedings.

18 (5) This act shall be known and may be cited as the
19 "township and village public improvement AND PUBLIC SERVICE
20 act".

21 Sec. 2. (1) Upon the filing of petitions verified both as
22 to signature and ownership, signed by record owners of land to be
23 made into a special assessment district, in which ~~any of the~~
24 ~~improvements~~ AN IMPROVEMENT OR SERVICE specified in section 1
25 ~~are~~ IS desired by the owners of ~~such~~ THE land, the township
26 board ~~shall have power to construct and maintain such~~
27 ~~improvements, to~~ MAY UNDERTAKE THE IMPROVEMENT OR SERVICE,

1 determine the cost ~~thereof~~ OF THE IMPROVEMENT OR SERVICE, and
2 ~~to~~ create, define, and establish a special assessment district
3 within all or within and comprising not less than 80% ~~per~~
4 ~~centum~~ of ~~such~~ THE area. ~~and upon which district the~~ THE
5 cost of ~~such~~ THE improvement OR SERVICE shall be levied
6 ~~: Provided, however, That such petition, verified as to signa-~~
7 ~~ture and ownership, shall have been signed by~~ UPON THE
8 DISTRICT. HOWEVER, the record owners of not less than 65% ~~per~~
9 ~~centum~~ of the land actually created into ~~such~~ THE special
10 assessment district by ~~said~~ THE township board ~~, and a~~ MUST
11 HAVE SIGNED THE PETITIONS.

12 (2) A district established and assessed may be enlarged
13 through a petition, circulated and signed as required for an
14 original district, but covering only the area to be added to
15 create the enlarged district. ~~, and benefits~~ BENEFITS of an
16 improvement OR SERVICE MAY BE extended to the added part, and the
17 entire enlarged district MAY BE assessed for the ~~same~~
18 IMPROVEMENT OR SERVICE, as provided for an original district.
19 ~~The term "improvement" shall include any service authorized~~
20 ~~hereunder. Where~~ IF a service has been instituted ~~but~~ AND no
21 assessment bonds FOR THE SERVICE are outstanding, ~~therefor,~~
22 ~~such~~ THE service may be discontinued upon petition by owners of
23 ~~a like percentage~~ 65% of THE lands.

24 (3) THE TOWNSHIP BOARD MAY LIMIT ACCESS TO A PARK TO OWNERS
25 AND OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT DISTRICT AND
26 THEIR GUESTS AND PATRONS IF THE PARK IS ACQUIRED, MAINTAINED, AND
27 OPERATED PURSUANT TO THIS ACT. THE TOWNSHIP BOARD MAY LIMIT

1 ACCESS TO A PARKING FACILITY TO OWNERS AND OCCUPANTS OF PROPERTY
2 IN THE SPECIAL ASSESSMENT DISTRICT AND THEIR GUESTS AND PATRONS
3 IF THE PARKING FACILITY IS ACQUIRED OR CONSTRUCTED, MAINTAINED,
4 AND OPERATED PURSUANT TO THIS ACT.