

# HOUSE BILL No. 4130

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

A bill to amend section 4d of Act No. 279 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

as amended by Act No. 201 of the Public Acts of 1988, being section 117.4d of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 4d of Act No. 279 of the Public Acts of  
2 1909, as amended by Act No. 201 of the Public Acts of 1988, being  
3 section 117.4d of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 4d. (1) Each city may in its charter provide ~~—(a)~~  
6 ~~For~~ FOR assessing and reassessing the ~~costs~~ COST, or a portion

1 of the ~~costs~~ COST, of a public improvement to a special  
2 district. IF THE COST OF ACQUISITION, IMPROVEMENT, AND MAINTENANCE OF A PUBLIC PARK OR RECREATION GROUND OR THE COST OF ACQUISITION, ESTABLISHMENT, OPERATION, EXTENSION, AND MAINTENANCE OF A FACILITY FOR THE STORAGE AND PARKING OF VEHICLES IS RECOVERED ENTIRELY BY SPECIAL ASSESSMENTS, THE LEGISLATIVE BODY OF THE CITY MAY LIMIT ACCESS TO THE PUBLIC PARK, RECREATION GROUND, OR FACILITY TO OWNERS AND OCCUPANTS OF THE PROPERTY IN THE SPECIAL ASSESSMENT DISTRICT AND THEIR GUESTS AND PATRONS.

10 (2) ~~(b) For~~ EACH CITY MAY IN ITS CHARTER PROVIDE FOR  
11 assessing the cost, or a portion of the ~~costs~~ COST, of installing a boulevard lighting system on a street upon the ~~lands~~ REAL PROPERTY abutting the street. A city shall not establish a special assessment district for a boulevard lighting system if the district includes the entire city, unless the special assessments against the real property within the district are levied on other than an ad valorem basis.

18 (3) ~~(2)~~ As used in this section:

19 (a) "Boulevard lighting system" means ~~any~~ A design or  
20 method of providing light to a street.

21 (b) "Cost" includes necessary condemnation cost and necessary expenses incurred for engineering, financial, legal, or administrative services; operation and maintenance of a boulevard lighting system, whether that service is provided directly by the city or is provided by an investor-owned utility; and other services of a similar kind involved in the making and financing of the improvement and in the levying and collecting of the special

1 assessments for the improvement. If the service is rendered by  
2 city employees, the city may include the fair and reasonable cost  
3 of rendering the service. The inclusion of a cost specified in  
4 this subdivision as part of the cost of an improvement for which  
5 special assessments have been levied before ~~the effective date~~  
6 ~~of the 1987 amendatory act amending this section~~ MARCH 31, 1986  
7 is validated.

8 (c) "Street" means a public avenue, street, highway, road,  
9 path, boulevard, ~~or~~ alley, or other access used for travel by  
10 the public.