

# SENATE BILL No. 103

February 7, 1989, Introduced by Senators V. SMITH and  
CROPSEY and referred to the Committee on Local  
Government and Veterans.

A bill 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:

1       Section 1. The title of Act No. 157 of the Public Acts of  
2   1905, being sections 41.421 to 41.425 of the Michigan Compiled  
3   Laws, is amended and sections 6, 6a, 6b, 6c, 6d, 6e, 6f, 7, 8,  
4   and 9 are added to read as follows:

## TITLE

1  
2 An act to ~~authorize a township or townships to acquire by~~  
3 ~~gift or devise real estate and to own and control the same for a~~  
4 ~~public park, resort, bathing beach or other place of recreation,~~  
5 ~~to provide for a board of commissioners therefor and to authorize~~  
6 ~~said township or townships, by a limited tax on the property in~~  
7 ~~such township or townships, to maintain such park or resort and~~  
8 ~~to make rules and regulations for the control and government of~~  
9 ~~the same~~ PROVIDE FOR THE ACQUISITION, MAINTENANCE, MANAGEMENT,  
10 AND CONTROL OF TOWNSHIP PARKS, RESORTS, BATHING BEACHES, AND  
11 PLACES OF RECREATION; TO PROVIDE FOR THE CREATION OF A TOWNSHIP  
12 PARK COMMISSION; TO PROVIDE FOR A BOARD OF COMMISSIONERS TO PRO-  
13 VIDE FOR THE ISSUANCE OF BONDS AND THE LEVY OF TAXES; TO PROVIDE  
14 FOR THE TRANSFER OF CERTAIN REAL PROPERTY FOR PARKS; TO AUTHORIZE  
15 CITIES AND VILLAGES TO APPROPRIATE MONEY FOR PARK PURPOSES; TO  
16 PROVIDE FOR THE ACQUISITION, CONSTRUCTION, AND USE OF WHARVES,  
17 PIERS, DOCKS, AND LANDING PLACES IN TOWNSHIPS; AND TO PROVIDE THE  
18 POWERS AND DUTIES OF CERTAIN LOCAL UNITS OF GOVERNMENT AND CER-  
19 TAIN OFFICIALS.

20 SEC. 6. ON RECEIPT OF A WRITTEN PETITION SIGNED BY NOT LESS  
21 THAN 8% OF THE REGISTERED VOTERS OF A TOWNSHIP, THE TOWNSHIP  
22 BOARD OF THAT TOWNSHIP, AT ITS FIRST MEETING AFTER THE RECEIPT OF  
23 THE PETITION, SHALL SUBMIT THE QUESTION OF ESTABLISHING A TOWN-  
24 SHIP PARK COMMISSION TO THE REGISTERED VOTERS OF THE TOWNSHIP AT  
25 THE NEXT REGULAR ELECTION TO BE HELD IN THE TOWNSHIP. IF A  
26 MAJORITY OF THE ELECTORS VOTING ON THE QUESTION VOTE IN FAVOR OF  
27 ESTABLISHING A PARK COMMISSION, THE TOWNSHIP BOARD SHALL APPOINT

1 A TOWNSHIP PARK COMMISSION OF 6 MEMBERS. THE MEMBERS SHALL SERVE  
2 UNTIL THE NEXT TOWNSHIP ELECTION AT WHICH TOWNSHIP OFFICERS ARE  
3 ELECTED. AT THE NEXT TOWNSHIP ELECTION AT WHICH TOWNSHIP OFFI-  
4 CERS ARE ELECTED, 6 MEMBERS OF THE TOWNSHIP PARK COMMISSION SHALL  
5 BE ELECTED FOR TERMS OF 4 YEARS EACH.

6 SEC. 6A. THE TOWNSHIP PARK COMMISSION SHALL HAVE AUTHORITY  
7 TO ACQUIRE, MAINTAIN, MANAGE, AND CONTROL TOWNSHIP PARKS AND  
8 PLACES OF RECREATION, INCLUDING BATHING BEACHES, AND SHALL HAVE  
9 AUTHORITY, IN THE NAME OF THE TOWNSHIP, TO CONDEMN LAND FOR THOSE  
10 PURPOSES, IN ACCORDANCE WITH THE CONDEMNATION LAWS OF THIS  
11 STATE. THE TOWNSHIP BOARD MAY AUTHORIZE THE TOWNSHIP PARK COM-  
12 MISSION TO ACT AS THE TOWNSHIP RECREATION BOARD PROVIDED BY ACT  
13 NO. 156 OF THE PUBLIC ACTS OF 1917, BEING SECTIONS 123.51 TO  
14 123.54 OF THE MICHIGAN COMPILED LAWS. THE TOWNSHIP PARK COMMIS-  
15 SION MAY ACCEPT, IN THE NAME OF THE TOWNSHIP, GIFTS, GRANTS, AND  
16 DEVISES OF LAND SUITABLE FOR PARKS AND PLACES OF RECREATION, AND  
17 GIFTS AND BEQUESTS OF MONEY. THAT MONEY SHALL BE HELD IN TRUST  
18 AND USED FOR THE ACQUISITION AND IMPROVEMENT OF LAND SUITABLE FOR  
19 PARKS AND PLACES OF RECREATION.

20 SEC. 6B. THE MEMBERS OF THE TOWNSHIP PARK COMMISSION SHALL  
21 RECEIVE COMPENSATION AS FIXED BY THE TOWNSHIP BOARD. THE TOWN-  
22 SHIP PARK COMMISSION MAY EMPLOY CLERICAL ASSISTANCE AND INCUR  
23 OTHER EXPENSES THAT ARE AUTHORIZED BY THE TOWNSHIP BOARD.  
24 COMPENSATION AND EXPENSES SHALL BE PAID FROM THE PARK MAINTENANCE  
25 FUND PROVIDED FOR IN SECTION 6C.

26 SEC. 6C. THE TOWNSHIP PARK COMMISSION SHALL SUBMIT TO THE  
27 TOWNSHIP BOARD A DETAILED BUDGET COVERING THE COST OF MAINTENANCE

1 OF THE TOWNSHIP PARKS AND PLACES OF RECREATION OF THE TOWNSHIP  
2 FOR THE ENSUING YEAR. THE BUDGET SHALL NOT EXCEED 1 AND 1/2 MILL  
3 ON THE ASSESSED VALUATION OF THE TOWNSHIP. THE TOWNSHIP BOARD  
4 SHALL EXAMINE THE BUDGET AND SHALL APPROVE THE ENTIRE BUDGET, OR  
5 A PART OF THE BUDGET THAT THE BOARD CONSIDERS REASONABLE AND NEC-  
6 ESSARY, WHICH SUM SHALL BE INCORPORATED INTO THE TAX ON THE TOWN-  
7 SHIP, AND WHEN COLLECTED SHALL BE DEPOSITED BY THE TOWNSHIP TREA-  
8 SURER IN A FUND TO BE KNOWN AS THE PARK MAINTENANCE FUND.  
9 EXPENDITURES FROM THIS FUND SHALL BE ON VOUCHERS APPROVED BY THE  
10 TOWNSHIP PARK COMMISSION, AND IT SHALL BE THE DUTY OF THE TOWN-  
11 SHIP TREASURER TO ALLOW AND PAY THESE VOUCHERS ON PRESENTATION TO  
12 HIM OR HER. THE ASSESSMENT, LEVY, AND COLLECTION OF THE TAX PRO-  
13 VIDED IN THIS SECTION SHALL BE PERFORMED IN THE MANNER PROVIDED  
14 IN THE GENERAL PROPERTY TAX ACT, ACT NO. 206 OF THE PUBLIC ACTS  
15 OF 1893, BEING SECTIONS 211.1 TO 211.157 OF THE MICHIGAN COMPILED  
16 LAWS.

17 SEC. 6D. THE TOWNSHIP PARK COMMISSION MAY REQUEST THAT THE  
18 TOWNSHIP BOARD SUBMIT TO THE VOTERS OF THE TOWNSHIP THE QUESTION  
19 OF THE ISSUANCE OF TOWNSHIP BONDS, THE PROCEEDS OF WHICH SHALL BE  
20 USED IN THE ACQUISITION OF LANDS FOR TOWNSHIP PARKS AND PLACES OF  
21 RECREATION. A MAJORITY VOTE OF THE QUALIFIED VOTERS VOTING SHALL  
22 AUTHORIZE THE ISSUANCE OF TOWNSHIP BONDS. THE ISSUANCE OF TOWN-  
23 SHIP BONDS SHALL BE GOVERNED BY THE MUNICIPAL FINANCE ACT, ACT  
24 NO. 202 OF THE PUBLIC ACTS OF 1943, BEING SECTIONS 131.1 TO 139.3  
25 OF THE MICHIGAN COMPILED LAWS. HOWEVER, IF THE TOWNSHIP HAS NO  
26 OUTSTANDING INDEBTEDNESS, BONDED OR OTHERWISE, AND THE AMOUNT OF  
27 THE TOTAL PROPOSED ACQUISITION COST IS LESS THAN 1 PER CENT OF

1 THE ASSESSED VALUATION OF THE TOWNSHIP, THE TOWNSHIP BOARD MAY  
2 AUTHORIZE AND DIRECT THE TOWNSHIP PARK COMMISSION TO PURCHASE OR  
3 CONDEMN DESIGNATED LANDS FOR TOWNSHIP PARKS AND PLACES OF RECRE-  
4 ATION AND MAY PAY ANNUALLY TO THE TOWNSHIP PARK COMMISSION THE  
5 AVAILABLE PORTIONS OF CONTINGENT FUNDS OF THE TOWNSHIP NECESSARY  
6 TO PAY FOR THE ACQUISITION OF THE LANDS. THE TOWNSHIP BOARD  
7 SHALL DETERMINE THE MAXIMUM AMOUNT TO BE PAID FOR THESE LANDS AND  
8 IF ACQUISITION IS MADE BY PURCHASE INSTEAD OF CONDEMNATION, SHALL  
9 ALSO PRESCRIBE THE TERMS OF PAYMENT.

10 SEC. 6E. IF LAND IS, OR HAS BEEN, ACQUIRED UNDER THIS ACT  
11 BY A TOWNSHIP PARK COMMISSION, THE COMMISSION, SUBJECT TO  
12 APPROVAL OF THE TOWNSHIP BOARD, MAY SELL AND CONVEY THE PORTION  
13 OR PORTIONS NOT NEEDED ON TERMS THE TOWNSHIP BOARD CONSIDERS  
14 PROPER.

15 SEC. 6F. THE TOWNSHIP PARK COMMISSION SHALL MAKE A DETAILED  
16 ANNUAL REPORT CONCERNING TOWNSHIP PARKS AND PLACES OF RECREATION  
17 TO THE TOWNSHIP BOARD AND TO THE STATE TREASURER, IN THE FORM AND  
18 CONTAINING INFORMATION THAT THE STATE TREASURER DIRECTS.

19 SEC. 7. THE TOWNSHIP BOARD OF A TOWNSHIP MAY CONVEY TO THE  
20 BOARD OF COUNTY PARK TRUSTEES OF A COUNTY IN WHICH THE TOWNSHIP  
21 IS LOCATED LANDS HELD BY THE TOWNSHIP FOR TOWNSHIP PARKS OR  
22 PLACES OF RECREATION, INCLUDING LANDS ACQUIRED BY THE TOWNSHIP  
23 THROUGH THE DEDICATION OF A PLAT DULY APPROVED AND RECORDED, OR  
24 MAY ARRANGE WITH THE BOARD OF COUNTY PARK TRUSTEES FOR THE  
25 IMPROVEMENT, MAINTENANCE, MANAGEMENT, AND CONTROL OF THOSE  
26 LANDS. UPON THE ACCEPTANCE BY THE COUNTY PARK TRUSTEES OF THE  
27 TRANSFER AND CONVEYANCE, OR UPON THE MAKING OF ANY ARRANGEMENT

1 FOR THE CARE, MANAGEMENT, AND CONTROL, THE COUNTY PARK TRUSTEES  
2 SHALL BE CHARGED WITH ALL THE DUTIES RELATING TO PARKS AND PUBLIC  
3 PLACES AS ARE PROVIDED BY ACT NO. 90 OF THE PUBLIC ACTS OF 1913,  
4 BEING SECTIONS 123.61 TO 123.68 OF THE MICHIGAN COMPILED LAWS.

5        SEC. 8. THE LEGISLATIVE BODY OF A CITY OR VILLAGE MAY  
6 APPROPRIATE, OUT OF THE GENERAL OR CONTINGENT FUNDS OF THAT CITY  
7 OR VILLAGE, FUNDS FOR THE PURPOSE OF CONTRIBUTING TOWARD THE COST  
8 OF THE ACQUISITION, SUPPORT, MAINTENANCE, UPKEEP, AND IMPROVEMENT  
9 OF LAND ACQUIRED BY A TOWNSHIP, OR 2 OR MORE TOWNSHIPS, FOR USE  
10 AS A FREE PUBLIC PARK, RESORT, BATHING BEACH, OR OTHER PLACE OF  
11 RECREATION. THE CONTRIBUTION SHALL BE MADE TO THE PARK COMMIS-  
12 SION CREATED BY THE ACT UNDER WHICH THE PARK SITE WAS OR WILL BE  
13 ACQUIRED.

14        SEC. 9. (1) A TOWNSHIP ABUTTING UPON NAVIGABLE WATERS IN  
15 THIS STATE MAY ACQUIRE, CONSTRUCT, AND MAINTAIN WHARVES, PIERS,  
16 DOCKS, AND LANDING PLACES FOR THE USE AND BENEFIT OF THE PUBLIC  
17 AND MAY LEASE AND CONTROL THE WHARVES, PIERS, DOCKS, AND LANDING  
18 PLACES. THE TOWNSHIP BOARD SHALL ACT FOR THE TOWNSHIP IN ACQUIR-  
19 ING, CONSTRUCTING, AND MAINTAINING WHARVES, PIERS, DOCKS, AND  
20 LANDING PLACES IF AUTHORIZED TO DO SO BY THE AFFIRMATIVE VOTE OF  
21 3/5 OF THE REGISTERED VOTERS OF THE TOWNSHIP VOTING ON THE QUES-  
22 TION AT A GENERAL OR SPECIAL ELECTION.

23        (2) PROCEEDINGS TAKEN UNDER THIS SECTION SHALL BE TAKEN BY  
24 THE TOWNSHIP BOARD, WHICH HAS THE POWER AND AUTHORITY USUALLY  
25 EXERCISED BY THE BOARD OF COUNTY ROAD COMMISSIONERS OF THE TOWN-  
26 SHIP IN ACQUIRING LAND FOR LAYING OUT, CONSTRUCTING, AND  
27 MAINTAINING HIGHWAYS. THE TOWNSHIP BOARD MAY ACQUIRE LAND FOR

1 WHARVES, PIERS, DOCKS, AND LANDING PLACES AND LAY OUT, CONSTRUCT,  
2 AND MAINTAIN THESE IN ACCORDANCE WITH THE SAME PROCEEDINGS, SO  
3 FAR AS APPLICABLE, AS ARE REQUIRED TO BE TAKEN BY THE BOARD OF  
4 COUNTY ROAD COMMISSIONERS OF THE TOWNSHIP FOR ACQUIRING LAND AND  
5 CONSTRUCTING AND MAINTAINING HIGHWAYS. ACT NO. 283 OF THE PUBLIC  
6 ACTS OF 1909, BEING SECTIONS 220.1 TO 239.6 OF THE MICHIGAN  
7 COMPILED LAWS, IS EXTENDED TO INCLUDE WHARVES, PIERS, DOCKS, AND  
8 LANDING PLACES, SUBJECT TO THE PROVISIONS CONTAINED IN THIS  
9 SECTION.

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

12 (a) Act No. 53 of the Public Acts of 1921, being sections  
13 41.501 to 41.507 of the Michigan Compiled Laws.

14 (b) Act No. 97 of the Public Acts of 1919, being sections  
15 41.531 to 41.535 of the Michigan Compiled Laws.

16 (c) Act No. 162 of the Public Acts of 1915, being sections  
17 41.541 to 41.543 of the Michigan Compiled Laws.

18 (d) Act No. 140 of the Public Acts of 1963, being sections  
19 41.561 to 41.562 of the Michigan Compiled Laws.

20 (e) Act No. 271 of the Public Acts of 1931, being sections  
21 41.441 to 41.446 of the Michigan Compiled Laws.

22 (f) Act No. 300 of the Public Acts of 1939, being section  
23 41.431 of the Michigan Compiled Laws.

24 (g) Act No. 307 of the Public Acts of 1941, being section  
25 41.461 of the Michigan Compiled Laws.

26 (h) Act No. 286 of the Public Acts of 1923, being sections  
27 41.481 to 41.482 of the Michigan Compiled Laws.