

# SENATE BILL No. 104

February 7, 1989, Introduced by Senators GEO. HART and HOLMES and referred to the Committee on Local Government and Veterans.

A bill 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:

1       Section 1. The title of Act No. 246 of the Public Acts of  
2       1931, being sections 41.271 to 41.287 of the Michigan Compiled  
3       Laws, is amended and sections 18, 18a, 18b, 19, 19a, 19b, 19c,  
4       19d, and 20 are added to read as follows:

## TITLE

1  
2 An act to provide for the construction, REPAIR, and maintenance of pavements, ~~or~~ sidewalks, AND ELEVATED STRUCTURES on or  
3 along public ROADS AND highways; to provide for the levying of  
4 taxes and of special assessments; ~~therefor,~~ to authorize the  
5 borrowing of money and the issuance of bonds; to prescribe the  
6 powers and duties of certain STATE AND LOCAL AGENCIES AND officers;  
7 ~~with reference thereto, and~~ to validate actions taken,  
8 special assessments levied, and bonds issued; AND TO PROVIDE FOR  
9 THE LIGHTING OF CERTAIN ROADS, HIGHWAYS, AND BRIDGES.  
10

11 SEC. 18. (1) THE TOWNSHIP BOARD OF A TOWNSHIP MAY INSTALL  
12 SIDEWALKS ALONG THE SIDES OF A HIGHWAY AND MAY INSTALL ELEVATED  
13 STRUCTURES FOR FOOT TRAVEL OVER HIGHWAYS IN THE TOWNSHIP. THE  
14 TOWNSHIP BOARD MAY PAY FOR THE ELEVATED STRUCTURES OUT OF THE  
15 FUNDS OF THE TOWNSHIP OR PURCHASE THE ELEVATED STRUCTURES ON  
16 TITLE RETAINING CONTRACTS. CONTRACTS SHALL NOT BE ENTERED INTO  
17 OR ISSUED FOR A PERIOD LONGER THAN 10 YEARS. A HIGHWAY UNDER THE  
18 JURISDICTION OF THE DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT  
19 OR THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL NOT BE  
20 IMPROVED UNDER THIS ACT WITHOUT THE WRITTEN APPROVAL OF THE  
21 DIRECTOR OF THE STATE TRANSPORTATION DEPARTMENT OR THE BOARD OF  
22 COUNTY ROAD COMMISSIONERS.

23 (2) IN PROCEEDINGS UNDER THIS SECTION, THE TOWNSHIP BOARD  
24 MAY PROVIDE THAT THE COST OF THE SIDEWALK OR ELEVATED STRUCTURE  
25 SHALL BE PAID ENTIRELY BY PUBLIC MONEY AND MAY ALLOCATE FOR THIS  
26 PURPOSE UNEXPENDED MONEY IN THE CONTINGENT FUND OR GENERAL FUND  
27 OF THE TOWNSHIP.

1        SEC. 18A. (1) THE TOWNSHIP BOARD OF A TOWNSHIP MAY ORDER  
2 THE CONSTRUCTION, REPAIR, OR MAINTENANCE OF, OR MAY CONSTRUCT,  
3 REPAIR, OR MAINTAIN SIDEWALKS IN A DESIGNATED AREA WITHIN THE  
4 TOWNSHIP BECAUSE OF THE HEALTH, SAFETY, OR WELFARE OF THE RESI-  
5 DENTS OF THE TOWNSHIP.

6        (2) THE TOWNSHIP BOARD SHALL HOLD A PUBLIC MEETING RELATIVE  
7 TO THE ORDERING OF THE SIDEWALK CONSTRUCTION, REPAIR, OR MAINTE-  
8 NANCE AND SHALL NOTIFY PROPERTY OWNERS INVOLVED OF THE TIME AND  
9 PLACE OF THE HEARING.

10       (3) IF THE BOARD DETERMINES THAT THE CONSTRUCTION, REPAIR,  
11 OR MAINTENANCE OF SIDEWALKS IS NECESSARY, IT MAY CONSTRUCT,  
12 REPAIR, OR MAINTAIN THE SIDEWALKS AND ASSESS THE COSTS TO THE  
13 PROPERTY INVOLVED, PAYABLE OVER A 5-YEAR PERIOD, OR PERMIT THE  
14 OWNERS OF THE PROPERTY INVOLVED TO HAVE THE SIDEWALKS CON-  
15 STRUCTED, REPAIRED, OR MAINTAINED ACCORDING TO TOWNSHIP SPECIFI-  
16 CATIONS AT THEIR OWN EXPENSES. SIDEWALKS CONSTRUCTED, REPAIRED,  
17 OR MAINTAINED UNDER THIS SECTION ON THE RIGHT-OF-WAY OF STATE  
18 HIGHWAYS OR COUNTY ROADS MUST HAVE THE APPROVAL OF THE STATE OR  
19 COUNTY HIGHWAY AUTHORITY HAVING JURISDICTION OVER THE HIGHWAY OR  
20 ROAD.

21       (4) A TOWNSHIP BOARD MAY CONSTRUCT, REPAIR, AND MAINTAIN  
22 WALKWAYS OR SIDEWALKS ALONG MAIN OR ARTERIAL ROADS WHERE IT CON-  
23 SIDERS IT NECESSARY TO PROTECT THE SAFETY OF THE PUBLIC. THE  
24 COSTS OF THE SIDEWALKS MAY BE PAID BY THE TOWNSHIP AT LARGE.  
25 WHEN DETERMINED NECESSARY BY THE TOWNSHIP BOARD, THE BOARD SHALL  
26 SUBMIT TO THE ELECTORS THE QUESTION OF RAISING THE NECESSARY

1 FUNDS BY A LEVY NOT TO EXCEED 1 MILL AT A GENERAL, PRIMARY, OR  
2 SPECIAL ELECTION.

3 SEC. 18B. THE TOWNSHIP BOARD OF A TOWNSHIP, BY A MAJORITY  
4 VOTE AT A REGULAR MEETING OR A SPECIAL MEETING CALLED FOR THAT  
5 PURPOSE, MAY AUTHORIZE THE PURCHASE OF A PUBLIC STREET CLEANING  
6 VEHICLE OR VEHICLES AND SNOW REMOVAL EQUIPMENT, AND MAY PROVIDE  
7 FOR THE MAINTENANCE AND OPERATION OF THE VEHICLES AND EQUIPMENT,  
8 PAYABLE FROM THE FUNDS OF THE TOWNSHIP. THE WRITTEN APPROVAL OF  
9 THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL FIRST BE OBTAINED.

10 SEC. 19. THE TOWNSHIP BOARD OF A TOWNSHIP MAY AUTHORIZE THE  
11 EXPENDITURE OF FUNDS TO PROVIDE FOR THE LIGHTING BY ARTIFICIAL  
12 MEANS OF ROADS, HIGHWAYS, AND BRIDGES IN THE TOWNSHIP THAT ARE  
13 LOCATED OUTSIDE OF THE LIMITS OF INCORPORATED VILLAGES. THE  
14 EXPENSE OF THE LIGHTING SHALL BE PAID OUT OF THE FUNDS OF THE  
15 TOWNSHIP. IF A ROAD, HIGHWAY, OR BRIDGE IS SITUATED IN OR  
16 BETWEEN 2 OR MORE TOWNSHIPS, A PROVISION SHALL BE MADE BY A  
17 MAJORITY VOTE OF THE TOWNSHIP BOARDS OF THE TOWNSHIPS IN OR  
18 BETWEEN WHICH THE ROAD, HIGHWAY, OR BRIDGE IS SITUATED, AT A  
19 JOINT MEETING OF THE BOARDS, HELD FOR THAT PURPOSE, AND THE PRO-  
20 PORTION OF THE EXPENSE TO BE PAID BY EACH OF THE TOWNSHIPS SHALL  
21 BE DETERMINED AT THE JOINT MEETING. THIS SECTION AND SECTIONS  
22 19A TO 19D FOR REASONS OF PUBLIC SAFETY AUTHORIZE THE LIGHTING OF  
23 A STATE TRUNK LINE HIGHWAY, COUNTY ROAD, OR PLATTED ROAD OR  
24 STREET OUTSIDE THE LIMITS OF INCORPORATED VILLAGES, WHETHER THE  
25 ROAD OR STREET HAS BEEN DEDICATED TO THE PUBLIC USE OR NOT.

26 SEC. 19A. IF LIGHTING OF A ROAD, HIGHWAY, OR BRIDGE IS  
27 PROVIDED IN ACCORDANCE WITH SECTION 19, THE SUPERVISOR OF THE

1 TOWNSHIP SHALL EXERCISE GENERAL SUPERVISION OVER THE INSTALLING  
2 AND MAINTENANCE OF THE LIGHTING SYSTEM, UNDER THE DIRECTION OF  
3 THE TOWNSHIP BOARD. HOWEVER, IF A ROAD, HIGHWAY, OR BRIDGE IS  
4 SITUATED IN OR BETWEEN 2 OR MORE TOWNSHIPS, IT SHALL BE DETER-  
5 MINED BY THE TOWNSHIP BOARDS WHICH ONE OF THE TOWNSHIP SUPERVI-  
6 SORS SHALL EXERCISE SUPERVISION. THE TOWNSHIP BOARD, OR IN CASE  
7 OF ROADS, HIGHWAYS, OR BRIDGES LOCATED IN OR BETWEEN 2 OR MORE  
8 TOWNSHIPS, THEN THE TOWNSHIP BOARDS OF THE TOWNSHIPS IN OR  
9 BETWEEN WHICH THE ROAD, HIGHWAY, OR BRIDGE IS SITUATED, MAY CON-  
10 TRACT FOR A PERIOD OF TIME NOT EXCEEDING 10 YEARS WITH A PERSON  
11 FOR FURNISHING THE ROAD, HIGHWAY, OR BRIDGE LIGHTING BY ARTIFI-  
12 CIAL MEANS, UPON THE TERMS AND CONDITIONS AS MAY BE AGREED.

13 SEC. 19B. THE TOWNSHIP BOARD OR BOARDS MENTIONED IN SECTION  
14 19, EITHER ON ITS OR THEIR OWN MOTION, OR UPON PETITIONS SIGNED  
15 BY NOT LESS THAN 10 REAL PROPERTY OWNERS IN THE DISTRICT  
16 DESCRIBED IN THE PETITIONS TO BE LIGHTED, MAY ORDER THE EXPENSES  
17 FOR LIGHTING THE HIGHWAYS TO BE DEFRAID BY A SPECIAL ASSESSMENT  
18 ON ALL THE TAXABLE LANDS IN THE TERRITORY DESCRIBED IN THE PETI-  
19 TIONS OR THE ORDER OF THE TOWNSHIP BOARD. A PART OF THE EXPENSES  
20 MAY BE PAID BY THE TOWNSHIP OR TOWNSHIPS AT LARGE AND THE BALANCE  
21 ASSESSED AGAINST THE LANDS IN THE DESCRIBED DISTRICT. THE TOWN-  
22 SHIP BOARD OR BOARDS SHALL THEN ESTIMATE THE COST AND EXPENSE OF  
23 THE LIGHTING SYSTEM AND FIX A DAY, TIME, AND PLACE FOR A HEARING  
24 ON THE QUESTION OF CREATING A DISTRICT AND DEFRAIDING THE EXPENSES  
25 OF THE DISTRICT BY SPECIAL ASSESSMENT. A NOTICE STATING THE  
26 TIME, PLACE, AND PURPOSE OF THE HEARING SHALL BE PUBLISHED IN A  
27 NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT. IF THERE IS

1 NOT A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT, THEN  
2 NOTICES SHALL BE POSTED IN AT LEAST 3 OF THE MOST PUBLIC PLACES  
3 IN THE DISTRICT. NOTICE SHALL BE PUBLISHED OR POSTED AT LEAST 5  
4 DAYS BEFORE THE DATE OF THE HEARING.

5        SEC. 19C. IF THE TOWNSHIP BOARD OR BOARDS CREATE A DISTRICT  
6 UNDER SECTION 19B, IT OR THEY SHALL DETERMINE THE BOUNDARIES OF  
7 THE DISTRICT BY RESOLUTION AND SHALL DIRECT THE TOWNSHIP SUPERVI-  
8 SOR OR SUPERVISORS TO MAKE A SPECIAL ASSESSMENT UPON THE LANDS  
9 AND PREMISES IN THE DISTRICT BENEFITED BY THE LIGHTING TO DEFRAY  
10 THE EXPENSES OF LIGHTING THE ROADS, HIGHWAYS, OR BRIDGES OR TO  
11 DEFRAY THAT PORTION OF THE EXPENSES TO BE ASSESSED AGAINST THE  
12 DISTRICT. THE BOARD OR BOARDS SHALL THEREAFTER ANNUALLY DETER-  
13 MINE THE AMOUNT TO BE ASSESSED IN THE DISTRICT FOR LIGHTING THE  
14 ROADS, HIGHWAYS, AND BRIDGES AND SHALL DIRECT THE SUPERVISOR OR  
15 ASSESSOR TO LEVY THIS AMOUNT OR THE SUPERVISORS OR ASSESSORS TO  
16 LEVY THE PORTION OF THIS AMOUNT ATTRIBUTABLE TO THE TERRITORY OF  
17 THE DISTRICT WITHIN THEIR RESPECTIVE TOWNSHIPS. THE ASSESSMENT  
18 MAY BE MADE EITHER IN A SPECIAL ASSESSMENT ROLL OR IN A COLUMN  
19 PROVIDED IN THE REGULAR TAX ROLL. THE ASSESSMENT SHALL BE SPREAD  
20 AND BECOME DUE AND BE COLLECTED AT THE SAME TIME AS THE OTHER  
21 TOWNSHIP TAXES ARE ASSESSED, LEVIED, AND COLLECTED AND SHALL BE  
22 RETURNED IN THE SAME MANNER FOR NONPAYMENT.

23        SEC. 19D. A DISTRICT THAT HAS BEEN LIGHTING ITS STREETS OR  
24 HIGHWAYS UNDER THIS ACT MAY BE RELIEVED OF THIS DUTY BY ACTION OF  
25 THE TOWNSHIP BOARD OR BOARDS ON THEIR OWN MOTION OR BY A PETITION  
26 TO THE TOWNSHIP BOARD OR BOARDS AS PROVIDED IN SECTION 19B.

1        SEC. 20. (1) NOTWITHSTANDING SECTIONS 19 THROUGH 19D, THE  
2 BOARD OF COUNTY ROAD COMMISSIONERS OF A COUNTY OPERATING UNDER  
3 THE COUNTY ROAD SYSTEM MAY PROVIDE FOR THE LIGHTING, BY ARTIFI-  
4 CIAL MEANS, OF ROADS, HIGHWAYS, AND BRIDGES UNDER ITS JURISDIC-  
5 TION, LOCATED OUTSIDE OF THE LIMITS OF INCORPORATED CITIES AND  
6 VILLAGES. THE TOWNSHIP BOARD OR BOARDS OF A TOWNSHIP OR TOWN-  
7 SHIPS IN WHICH COUNTY ROADS, HIGHWAYS, AND BRIDGES ARE LOCATED  
8 MAY ALSO PROVIDE FOR THE LIGHTING, BY ARTIFICIAL MEANS. BOARDS  
9 OF COUNTY ROAD COMMISSIONERS AND TOWNSHIP BOARDS MAY ALSO PROVIDE  
10 FOR THE LIGHTING BY JOINT ACTION, AND BY DIVIDING THE EXPENSE OF  
11 THE LIGHTING BETWEEN THE COUNTY OR COUNTIES AND THE TOWNSHIP OR  
12 TOWNSHIPS AFFECTED AS MAY BE DETERMINED BY JOINT MEETING OF THE  
13 BOARDS. THE BOARD OF COUNTY ROAD COMMISSIONERS OR TOWNSHIP  
14 BOARD, ACTING SEPARATELY OR IN CONJUNCTION WITH OTHER BOARDS OF  
15 COUNTY ROAD COMMISSIONERS OR WITH A TOWNSHIP BOARD OR TOWNSHIP  
16 BOARDS, MAY ENTER INTO A CONTRACT WITH A PERSON FOR A PERIOD NOT  
17 EXCEEDING 10 YEARS FOR THE LIGHTING UPON TERMS AND CONDITIONS AS  
18 MAY BE AGREED UPON, AND MAY ALSO CONTRACT FOR THE EXTENSIONS OF  
19 LINES OR SERVICE TO FURNISH THE LIGHTING. THE BOARDS OF COUNTY  
20 ROAD COMMISSIONERS MAY PAY FROM AVAILABLE HIGHWAY FUNDS UNDER  
21 THEIR CONTROL AND JURISDICTION SUMS REQUIRED TO PROVIDE FOR THE  
22 EXTENSIONS AND FURNISH THE LIGHTING. IF FUNDS ARE NOT AVAILABLE,  
23 THE BOARD OF COUNTY ROAD COMMISSIONERS SHALL SUBMIT TO THE COUNTY  
24 BOARD OF COMMISSIONERS A STATEMENT AND BUDGET DESIGNATING THE  
25 ROADS, HIGHWAYS, AND BRIDGES TO BE LIGHTED, AND THE ESTIMATED  
26 COST OF THE LIGHTING. AT THE NEXT OCTOBER SESSION OF THE COUNTY  
27 BOARD OF COMMISSIONERS, THE BOARD SHALL PASS UPON THE STATEMENT

1 AND BUDGET, AND, IF A MAJORITY OF THE COUNTY BOARD OF  
2 COMMISSIONERS AGREE, THE SUM REQUIRED SHALL BE APPORTIONED AMONG  
3 THE SEVERAL TOWNSHIPS AND CITIES OF THE COUNTY ACCORDING TO THEIR  
4 EQUALIZED VALUATION. THE SUPERVISORS OR OTHER ASSESSING OFFICERS  
5 IN THE TOWNSHIPS AND CITIES SHALL LEVY AND APPORTION THE TAX SO  
6 APPORTIONED AS PROVIDED IN THIS SECTION, TO THEIR RESPECTIVE  
7 TOWNSHIPS AND CITIES. THE TAX SHALL BE COLLECTED AND PAID TO THE  
8 COUNTY TREASURER AND DISBURSED BY HIM OR HER UPON ORDERS OF THE  
9 BOARD OF COUNTY ROAD COMMISSIONERS, THE ORDERS TO BE SIGNED BY  
10 THE CHAIRPERSON AND COUNTERSIGNED BY THE CLERK OF THE BOARD. THE  
11 COUNTY BOARD OF COMMISSIONERS SHALL RAISE A SUM WHICH, TOGETHER  
12 WITH THE OTHER FUNDS AVAILABLE, IS SUFFICIENT TO PROVIDE THE  
13 LIGHTING FOR WHICH THE FACILITIES HAVE, UNDER AN EXISTING CON-  
14 TRACT, BEEN PREVIOUSLY INSTALLED AND OPERATED.

15 (2) WITH THE APPROVAL OF THE DIRECTOR OF THE STATE TRANSPOR-  
16 TATION DEPARTMENT, BOARDS OF COUNTY ROAD COMMISSIONERS AND TOWN-  
17 SHIP BOARDS ACTING TOGETHER OR SEPARATELY, MAY, WITH RESPECT TO  
18 STATE TRUNK LINE HIGHWAYS AND BRIDGES LOCATED IN WHOLE OR IN PART  
19 WITHIN THEIR RESPECTIVE COUNTIES AND TOWNSHIPS, PROVIDE FOR THE  
20 LIGHTING OF THESE HIGHWAYS AND BRIDGES BY ARTIFICIAL MEANS AND  
21 MAY CONTRACT IN THE SAME MANNER AS FOR COUNTY ROADS. IN SUCH  
22 CASE, THE ENTIRE EXPENSE SHALL BE BORNE BY THE BOARDS OF COUNTY  
23 ROAD COMMISSIONERS OR TOWNSHIP BOARDS, OR BY BOTH.

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

26 (a) Act No. 67 of the Public Acts of 1961, being sections  
27 41.921 to 41.925 of the Michigan Compiled Laws.



1 (b) Act No. 203 of the Public Acts of 1957, being section  
2 41.291 of the Michigan Compiled Laws.

3 (c) Act No. 251 of the Public Acts of 1957, being sections  
4 41.401 to 41.402 of the Michigan Compiled Laws.

5 (d) Act No. 35 of the Public Acts of 1966, being sections  
6 41.931 to 41.934 of the Michigan Compiled Laws.

7 (e) Act No. 221 of the Public Acts of 1931, being sections  
8 41.261 to 41.262 of the Michigan Compiled Laws.

9 (f) Act No. 264 of the Public Acts of 1917, being sections  
10 41.251 to 41.257 of the Michigan Compiled Laws.