



HOUSE BILL No. 4493

March 1, 1995, Introduced by Reps. Wetters, DeMars and Pitoniak and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend the title and sections 2, 3, and 9a 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,"

sections 2 and 3 as amended by Act No. 180 of the Public Acts of 1986, being sections 41.722, 41.723, and 41.729a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 2, 3, and 9a of Act
2 No. 188 of the Public Acts of 1954, sections 2 and 3 as amended
3 by Act No. 180 of the Public Acts of 1986, being sections 41.722,
4 41.723, and 41.729a of the Michigan Compiled Laws, are amended to
5 read as follows:

TITLE

1
2 An act to provide for the making of certain ~~public~~
3 improvements by townships; to provide for paying for the ~~same~~
4 IMPROVEMENTS by the issuance of bonds; to provide for the levying
5 of taxes; to provide for assessing the whole or a part of the
6 cost of ~~public~~ improvements against property benefited; and to
7 provide for the issuance of bonds in anticipation of the collec-
8 tion of ~~such~~ special assessments ~~—~~ and for the obligation of
9 the township ~~thereon~~ ON THE BONDS.

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

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

14 (b) The construction, improvement, and maintenance of water
15 systems.

16 (c) The construction, improvement, and maintenance of public
17 roads.

18 (d) The acquisition, improvement, and maintenance of public
19 parks.

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

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

23 (g) The construction, maintenance, and improvement of bicy-
24 cle paths.

25 (h) The construction, maintenance, ~~repair, or~~ AND improve-
26 ment of erosion control structures or dikes.

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

(j) The installation, improvement, and maintenance of lighting systems.

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

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

(m) The construction, improvement, and maintenance of private roads.

(N) THE CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF A LAKE, POND, RIVER, STREAM, LAGOON, OR OTHER BODY OF WATER OR OF AN IMPROVEMENT TO THE BODY OF WATER. THIS SUBDIVISION INCLUDES, BUT IS NOT LIMITED TO, DREDGING.

(2) A road under the jurisdiction of either the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the state transportation department or the board of county road commissioners. As a condition to the granting of such approval, the state transportation department or the board of county road commissioners may require 1 or more of the following:

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

(b) That all construction, including the awarding of contracts for construction, in connection with the improvement be ~~in accordance with~~ PURSUANT TO the specifications of the state

1 transportation department or the board of county road
2 commissioners.

3 (c) That the cost of the engineering and supervision be paid
4 to the state transportation department or the board of county
5 road commissioners from the funds of the special assessment
6 district.

7 Sec. 3. (1) The township board may proceed to carry out an
8 improvement as provided in this act unless written objections to
9 the improvement are filed with the township board at or before
10 the hearing provided in section 4 by property owners as follows:

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

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

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

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

26 (a) For an improvement under section 2(1)(a), (b), (d), (e),
27 (f), (h), (i), (j), ~~or~~ (l), OR (N) by the record owners of land

1 constituting more than 50% of the total land area in the special
2 assessment district as finally established by the township
3 board.

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

7 (4) Record owners shall be determined by the records in the
8 register of deeds' office as of the day of the filing of a peti-
9 tion, or if written objections are filed as provided in subsec-
10 tion (1), then on the day of the hearing. In determining the
11 sufficiency of the petition, lands not subject to special assess-
12 ment and lands within a public highway or alley shall not be
13 included in computing frontage or an assessment district area.
14 ~~Any~~ A filed petition may be supplemented as to signatures by
15 the filing of an additional signed copy or copies of the
16 petition. ~~, and the~~ THE validity of the signatures on a supple-
17 mental petition shall be determined by the records as of the day
18 of filing the supplemental petition.

19 Sec. 9a. (1) An owner of property who by reason of hard-
20 ship is unable to contribute to the cost of an assessment for an
21 improvement authorized in section 2(1)(a), (b), (c), (g), ~~or~~
22 (h), OR (N) may have the assessment deferred by application to
23 the assessing officer. Upon receipt of evidence of hardship, the
24 township may defer partial or total payment of the assessment.

25 (2) The township board ~~of trustees~~ may enact an ordinance
26 to define hardship and to permit deferred or partial payment of
27 an assessment pursuant to this section. As a condition of

1 granting the deferred or partial payment of an assessment, the
2 township board shall require that any deferred assessment ~~will~~
3 constitute a recorded lien against the property.