

H.B. 5752

A bill to amend 1954 PA 188, entitled

"An act to provide for the making of certain improvements by townships; to provide for paying for the improvements 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 improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,"

by amending sections 2 and 3 (MCL 41.722 and 41.723), as amended by 1995 PA 139.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) The construction, improvement, and maintenance of storm
4 or sanitary sewers or the improvement and maintenance of, but not
5 the construction of new or expanded, combined storm and sanitary
6 sewer systems.

1 (b) The construction, improvement, and maintenance of water
2 systems.

3 (c) The construction, improvement, and maintenance of public
4 roads.

5 (d) The acquisition, improvement, and maintenance of public
6 parks.

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

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

10 (g) The construction, maintenance, and improvement of bicy-
11 cle paths.

12 (h) The construction, maintenance, and improvement of ero-
13 sion control structures or dikes.

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

15 (j) The installation, improvement, and maintenance of light-
16 ing systems.

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

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

20 (m) The construction, improvement, and maintenance of pri-
21 vate roads.

22 (n) The construction, improvement, and maintenance of a
23 lake, pond, river, stream, lagoon, or other body of water or of
24 an improvement to the body of water. This subdivision includes,
25 but is not limited to, dredging.

HB5752, As Passed House, June 25, 1998

H.B. 5752 as amended June 24, 1998

3

1 (o) The construction, improvement, and maintenance of dams
2 and other structures ~~which~~ THAT retain the waters of this state
3 for recreational purposes.

4 (P) [THE SUPPRESSION OR CONTROL OF GYPSY MOTHS.

5]

6 (2) A road under the jurisdiction of either the state trans-
7 portation department or the board of county road commissioners
8 shall not be improved under this act without the written approval
9 of the state transportation department or the board of county
10 road commissioners. As a condition to ~~the granting of such~~
11 THAT approval, the state transportation department or the board
12 of county road commissioners may require 1 or more of the
13 following:

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

17 (b) That all construction, including ~~the~~ ~~awarding of~~
18 contracts for construction, in connection with the improvement be
19 pursuant to the specifications of the state transportation
20 department or the board of county road commissioners.

21 (c) That the cost of the engineering and supervision be paid
22 to the state transportation department or the board of county
23 road commissioners from the funds of the special assessment
24 district.

25 (3) A lake, pond, river, stream, lagoon, or other body of
26 water under the jurisdiction of a county drain commissioner shall
27 not be improved under this act without the written approval of

1 the county drain commissioner of the county in which the lake,
2 pond, river, stream, lagoon, or other body of water is located.

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

7 (a) For an improvement under section 2(1)(a), (b), (d), (e),
8 (f), (h), (i), (j), (l), (n), ~~or~~ (o), OR (P) by the record
9 owners of land constituting more than 20% of the total land area
10 in the proposed special assessment district.

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

14 (2) A township board may require ~~the filing of~~ THAT a
15 petition meeting the requirements of subsection (3) BE FILED
16 before proceeding with an improvement under this act.

17 (3) If written objections are filed as provided in subsec-
18 tion (1), or if the township board requires a petition before
19 proceeding, the township board shall not proceed with the
20 improvement until ~~there is filed with the board~~ a petition
21 signed as follows IS FILED WITH THE BOARD:

22 (a) For an improvement under section 2(1)(a), (b), (d), (e),
23 (f), (h), (i), (j), (l), (n), ~~or~~ (o), OR (P) by the record
24 owners of land constituting more than 50% of the total land area
25 in the special assessment district as finally established by the
26 township board.

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

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