

HOUSE BILL No. 6065

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1909 PA 283, entitled

"An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,"

by amending sections 3, 6, 11, 18, and 19b of chapter IV (MCL 224.3, 224.6, 224.11, 224.18, and 224.19b), section 6 as amended by 2012 PA 14, section 18 as amended by 2000 PA 342, and section 19b as added by 1980 PA 212.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 3. (1) ~~Said~~ **BEFORE JANUARY 1, 2015, THE** clerk shall cause

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1 ~~such~~ notice, printed in the form of a handbill, to be posted in 3
 2 or more public places in each township and ward of ~~such~~ **THE** county,
 3 at least 2 weeks before the time of ~~such~~ **THE** election, and also to
 4 be published in such newspaper or newspapers published and
 5 circulated in ~~said~~ **THE** county as the board of ~~supervisors~~
 6 **COMMISSIONERS** may direct, once in each week for at least 2 weeks
 7 before ~~said~~ **THE** election. Proof of the posting and publication of
 8 ~~such~~ **THE** notice may be made by affidavit of any person or persons
 9 knowing the facts and be filed in the office of ~~said~~ **THE** clerk and
 10 shall be recorded in the records of the proceedings of the board of
 11 ~~supervisors~~. ~~Such~~ **COMMISSIONERS**. **THE** affidavit or the record
 12 thereof, or a certified copy of ~~such~~ **THE** affidavit or the record
 13 thereof, shall be prima facie evidence of the facts stated therein.

14 (2) **BEGINNING JANUARY 1, 2015, NOTICE OF THE ELECTION SHALL BE**
 15 **GIVEN IN THE SAME MANNER REQUIRED BY SECTION 653A OF THE MICHIGAN**
 16 **ELECTION LAW, 1954 PA 116, MCL 168.653A.**

17 (3) Ballots shall be prepared and distributed by the same
 18 officers prescribed by law for general elections. The questions
 19 shall be stated on ~~such~~ **THE** ballots as follows: ~~viz.:~~ "Shall the
 20 county road system be adopted by the county of
 21?" and immediately below and on different
 22 lines shall be printed the word "yes" and the word "no." At the
 23 time mentioned in ~~such~~ **THE** resolution ~~such~~ **THE** election shall be
 24 held and the vote taken accordingly.

25 Sec. 6. (1) Except as otherwise provided by law and under
 26 subsection (4), (5), (7), or (8), in a county where the county road
 27 system is adopted, a board of county road commissioners consisting

1 of not less than 3 members or more than 5 members shall be elected
2 by the people of the county. The initial road commissioners shall
3 be appointed by the county board of commissioners or elected at a
4 general or special election called for that purpose, as determined
5 by the county board of commissioners. The county board of
6 commissioners may by resolution provide for staggered terms of
7 office for the road commissioners under this subsection so that not
8 more than 2 road commissioners' terms of office expire in the same
9 year.

10 (2) If the road commissioners are appointed, they shall hold
11 office only until January 1 of the first odd numbered year
12 following the date of appointment. If the road commissioners are to
13 be elected at a general or special election, notice of the
14 election, embodying a copy of the resolutions of the county board
15 of commissioners, giving the number and terms of the office of the
16 road commissioners to be elected, shall be published **OR POSTED** by
17 the clerk as required by section 3 of this chapter.

18 (3) The regular election of county road commissioners shall be
19 held at the general election on the first Tuesday after the first
20 Monday in November. The term of office of an elected county road
21 commissioner shall commence on January 1 in the year following his
22 or her election. The notice of the election shall be given at the
23 time notice is given of the general election of county officers.

24 (4) The election of county road commissioners shall not be
25 mandatory in any county that contains all or part of 12 surveyed
26 townships as determined by the government survey of the county.
27 Except as provided under subsection (5), in a county under this

1 subsection the county board of commissioners, by a majority of its
2 members elect, may appoint the county road commissioners. A county
3 road commissioner appointed under this subsection shall not be
4 removed from office before the expiration of his or her term of
5 office without being given written notice of the charges made
6 against him or her and an opportunity to appear before the county
7 board of commissioners for a hearing on the charges.

8 (5) In a county having a population of 750,000 or more that
9 has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the
10 powers and duties that are otherwise provided by law for a board of
11 county road commissioners may be reorganized by amendment to the
12 charter. In a county having a population of 750,000 or more with a
13 charter commission proposing a charter under 1966 PA 293, MCL
14 45.501 to 45.521, the powers and duties that are otherwise provided
15 by law for a board of county road commissioners may be reorganized
16 under the charter if, at the election considering the approval of
17 the charter, the voters approve both the charter and a separate
18 ballot question presented by the charter commission to reorganize
19 the board of county road commissioners. Funds provided to the
20 county under 1951 PA 51, MCL 247.651 to 247.675, shall only be
21 expended for the purposes provided under 1951 PA 51, MCL 247.651 to
22 247.675.

23 (6) If the county board of commissioners proposes to alter the
24 number of county road commissioners as allowed under this act, the
25 county board of commissioners shall hold not less than 1 public
26 hearing on the proposed change to the road commission. The county
27 board of commissioners shall give notice as required under the open

1 meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and
2 place of the public hearing not less than 28 days before the
3 hearing. The county board of commissioners shall also provide
4 written notice of the hearing to the county road commission and, if
5 available, by posting the notice on the county's website. The
6 county board of commissioners may vote on whether to alter the
7 number of county road commissioners at the meeting noticed under
8 this subsection.

9 (7) Except as otherwise provided under subsection (5) and
10 subject to the requirement provided in subsection (9), before
11 January 1, 2015, the powers, duties, and functions that are
12 otherwise provided by law for an appointed board of county road
13 commissioners may be transferred to the county board of
14 commissioners by a resolution as allowed under section 11 of 1851
15 PA 156, MCL 46.11. The appointed board of county road commissioners
16 of that county is dissolved on the date specified in the resolution
17 adopted under this subsection, and the county board of
18 commissioners is authorized to receive and expend funds as allowed
19 under 1951 PA 51, MCL 247.651 to 247.675.

20 (8) Except as otherwise provided in subsection (5) and subject
21 to the requirement provided in subsection (9), before January 1,
22 2015, the county board of commissioners in a county with an elected
23 board of county road commissioners may, by a resolution as allowed
24 under section 11 of 1851 PA 156, MCL 46.11, submit to the qualified
25 and registered electors of the county at the next regular election
26 to be held in the county the question of transferring the powers,
27 duties, and functions of the elected board of county road

1 commissioners of that county to the county board of commissioners.
 2 If a majority of the qualified and registered electors of the
 3 county voting on the question vote in favor of transferring the
 4 powers, duties, and functions of the elected board of county road
 5 commissioners of that county to the county board of commissioners,
 6 the elected board of county road commissioners of that county is
 7 dissolved and the county board of commissioners is authorized to
 8 receive and expend funds as allowed under 1951 PA 51, MCL 247.651
 9 to 247.675.

10 (9) Before adopting a resolution under subsection (7) or (8),
 11 the county board of commissioners shall conduct, at a minimum, 2
 12 public hearings on whether to transfer the powers, duties, and
 13 functions of the board of county road commissioners to the county
 14 board of commissioners.

15 Sec. 11. (1) The board of county road commissioners may lay
 16 out new roads within the county as ~~they consider~~ **THE BOARD**
 17 **CONSIDERS** necessary. The roads shall be not less than 4 rods wide.
 18 The board may also change the width or the location or straighten
 19 the line of a road over which it takes jurisdiction.

20 (2) Before the board approves a project for the construction
 21 of a new road or improvement of an existing road not part of the
 22 federal-aid systems, as defined in ~~section 103 of Public Law 85-~~
 23 ~~767, 23 U.S.C. 103,~~ **23 USC 103**, which improvement consists of
 24 widening or straightening the line of a road, the board of county
 25 road commissioners shall conduct a public hearing pursuant to the
 26 following procedure:

27 (a) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of the public

1 hearing shall be given at least twice in a newspaper having general
2 circulation in the vicinity of the proposed undertaking. ~~The~~**BEFORE**
3 **JANUARY 1, 2015, THE** first notice shall appear 30 to 40 days before
4 the scheduled hearing with the second notice appearing 5 to 12 days
5 before the hearing.

6 (B) **BEGINNING JANUARY 1, 2015, NOT MORE THAN 30 OR LESS THAN**
7 **14 DAYS BEFORE THE SCHEDULED HEARING, TIER A PUBLIC NOTICE OF THE**
8 **PUBLIC HEARING SHALL BE PROVIDED AS SET FORTH IN THE LOCAL**
9 **GOVERNMENT PUBLIC NOTICE ACT.**

10 (C) ~~(b)~~The required ~~notices~~**NOTICE** shall contain the date,
11 time, and place of the hearing and shall include a description of
12 the proposed action. The notice shall also contain a map or drawing
13 of the proposed action. The map or drawing shall be made available
14 to the public. The notice shall set forth the tentative schedule
15 for the right of way acquisition, if necessary for the proposed
16 action, and for the beginning of the construction or improvement.

17 (D) ~~(e)~~A copy of the notice shall be delivered to the local
18 news media and to the executive official of each affected
19 municipality.

20 (3) If the record owners of 100% of the property adjacent to a
21 local road which is 1/4 mile or less in length and which has only 1
22 outlet ~~oppose~~ the construction or improvement of the local road,
23 the board of county road commissioners shall not approve the
24 project.

25 (4) If in the laying out, widening, changing, or straightening
26 of a road it becomes necessary to take private property, the board
27 shall cause a survey of the proposed road to be made, together with

1 an accurate description of the lands required for the road. ~~It~~**THE**
2 **BOARD** shall endeavor to agree with each owner, who is a resident of
3 the county, for the purchase of a right of way over the owner's
4 land included within the description. If ~~it~~**THE BOARD** is able to
5 agree with the owner of the property, ~~it~~**THE BOARD** may purchase the
6 property and pay for the property out of the funds under ~~its~~**THE**
7 **BOARD'S** control. The land shall be conveyed to the county for the
8 use and purpose of a road.

9 Sec. 18. (1) If state reward is to be applied for, the board
10 of county road commissioners shall file with the state
11 transportation commission, for its approval, a map of the county
12 showing the location of the proposed system of county roads. This
13 proposed system may be changed if approved by the state
14 transportation commission. All state rewarded roads composing a
15 part of this system shall be taken over as county roads by the
16 board of county road commissioners and any road or part of a road
17 previously laid out shall become a county road if the board of
18 county road commissioners shall at any time so determine, and in
19 passing through or on the line between townships or villages or
20 cities any streets or parts of streets may be adopted as a county
21 road, with the consent of the proper authorities of that city or
22 cities, village or villages. If a street is taken over and improved
23 as a county road, city and village authorities may further improve
24 the road by surfacing it outside the portion constructed by the
25 county and by the addition of gutters, curbs, sidewalks, and other
26 improvements, may provide for the care and maintenance of the
27 improvements, and may levy and collect taxes for the improvements.

1 The vote of the county road commissioners in respect to the
2 determination shall be taken by yeas and nays, and shall be entered
3 at large on the records of the board of county road commissioners.
4 Notice of the determination shall be immediately given by the clerk
5 to the highway authorities of each city or village in which the
6 road or any part of the road is situated. ~~7 and~~ **BEFORE JANUARY 1,**
7 **2015, NOTICE OF THE DETERMINATION SHALL BE** published in a newspaper
8 of general circulation in the county, once in each week for 3
9 successive weeks. **BEGINNING JANUARY 1, 2015, THE CLERK SHALL**
10 **PROVIDE TIER A PUBLIC NOTICE OF THE DETERMINATION AS SET FORTH IN**
11 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** Proof of service and
12 publication **OR POSTING** may be made by affidavit by any person
13 knowing the facts and filed with the clerk. The affidavit or the
14 record thereof or certified copy of the affidavit or record shall
15 be prima facie evidence of its contents. After service and
16 publication **OR POSTING** of the notice, the board of county road
17 commissioners shall have exclusive jurisdiction and control of the
18 road embraced within the determination, and the municipality within
19 which the road is situated shall be relieved from all
20 responsibility for the road. Immediately after laying out or taking
21 control of a road the board shall give the road a name. The board
22 may change the name of the road if it determines that a name change
23 is necessary in order to conform to a general plan or avoid
24 confusion or duplication. The name given by the board to any road
25 under its jurisdiction, either originally or in case of a change as
26 provided for in this section, is the official name by which the
27 road shall be known.

1 (2) The board also may enter into agreements with the board of
2 county road commissioners in any adjoining county with reference to
3 the laying out, maintenance, construction, and improvement of
4 inter-county roads. The decision of each board to become a party to
5 an agreement is limited to the construction, improvement, or
6 maintenance of the portion of the road subject to the jurisdiction
7 of that board.

8 (3) The board of county road commissioners of any county that
9 has adopted the county road system, at any time, may either
10 relinquish jurisdiction of or absolutely abandon and discontinue
11 any county road, or any part of a county road, by a resolution
12 adopted by a majority vote. The vote of the county road
13 commissioners in respect to either relinquishment of jurisdiction
14 or absolute abandonment and discontinuance shall be taken and
15 entered, and notice given, in the same manner as required in this
16 section in cases in which county roads are adopted. After
17 proceedings to relinquish jurisdiction have been had, the
18 jurisdiction and control of the road, or part of the road, except
19 as otherwise provided in this section, shall revert to the
20 municipality within which the road is situated, and the county
21 shall be relieved of the responsibility for the road. After
22 proceedings to abandon absolutely and discontinue, the road or part
23 of the road shall cease to exist as a public highway unless the
24 unit of government that acquires the property or control of the
25 property permits use as a public highway. Subject to subsection
26 (8), the board, at the time of the passage of a resolution to
27 abandon absolutely and discontinue any portion of a highway under

1 its jurisdiction, shall determine in the resolution that it is in
2 the best interests of the public that the highway or portion of the
3 highway be absolutely abandoned and discontinued. The board shall
4 cause a true copy of every resolution or other proceeding
5 containing an accurate description of the lands comprising the
6 highway or portion of the highway that has been absolutely
7 abandoned and discontinued to be recorded in the office of the
8 register of deeds for the county where the lands are situated.

9 (4) The board of county road commissioners shall not
10 absolutely abandon and discontinue any highway, or part of a
11 highway, except as provided in this section, upon the written
12 petition of 7 or more freeholders of the township in which the road
13 is sought to be absolutely abandoned and discontinued. The petition
14 for absolutely abandoning and discontinuing a highway shall
15 describe the road in general terms or by any name by which it is
16 known, and if the absolute abandonment and discontinuance of only a
17 portion of a road is asked for, that portion shall be specified.
18 The petition shall be accompanied by a true and correct list of the
19 names and mailing addresses of the occupants of each parcel of land
20 abutting the highway, or portion of the highway, sought to be
21 absolutely abandoned and discontinued, which list shall be
22 certified to under oath by 1 of the persons making or presenting
23 the petition.

24 (5) If a petition for absolute abandonment and discontinuance
25 of a road or portion of a road contains the signatures of all of
26 the owners of record and occupants of land abutting the road, as
27 ascertained from the records in the office of the register of deeds

1 and the certified list provided for in subsection (4), the board of
2 county road commissioners shall, within 20 days after receiving the
3 petition, subject to subsection (8), determine the advisability of
4 the abandonment and discontinuance and either grant or deny the
5 petition without further proceedings. In all other cases the board
6 shall, within 20 days after receiving a petition, issue a written
7 notice stating the object of the petition and appointing a time and
8 place of hearing, which notice shall be served on the township
9 board of the township in which the road is situated and on the
10 owners of record and occupants of lands through or adjoining which
11 it is proposed to absolutely abandon and discontinue the road, by
12 mailing a copy of the notice by first-class mail to the township
13 board of the township in which the road is situated and to the
14 residence of each owner of record or occupant at his or her last
15 known address at least 30 days before the time of hearing. The
16 township board of the township in which the road is situated shall
17 have first priority to retain the property or portion of the
18 property. The board shall also notify the township or municipality
19 within which the road is situated, the state transportation
20 department, and the department of natural resources if the action
21 concerns any county road or portion of a county road that borders
22 on, crosses, is adjacent to, or ends at a lake or the general
23 course of a stream and the proposed action would result in the loss
24 of public access. ~~If~~**BEFORE JANUARY 1, 2015, IF** the owner does not
25 reside upon the land or the owner of record or occupant cannot be
26 found within the county in which the land is situated, the notice
27 to the owner of record or occupant of the land shall be served by

1 posting in 3 public places in the township in which the road is
2 situated, and by publication in a newspaper circulated within the
3 county, 30 days before the time of hearing. **BEGINNING JANUARY 1,**
4 **2015, IF THE OWNER DOES NOT RESIDE UPON THE LAND OR THE OWNER OF**
5 **RECORD OR OCCUPANT CANNOT BE FOUND WITHIN THE COUNTY IN WHICH THE**
6 **LAND IS SITUATED, THE NOTICE TO THE OWNER OF RECORD OR OCCUPANT OF**
7 **THE LAND SHALL BE SERVED BY POSTING IN 3 PUBLIC PLACES IN THE**
8 **TOWNSHIP IN WHICH THE ROAD IS SITUATED, AND BY HAVING TIER A PUBLIC**
9 **NOTICE PROVIDED 30 DAYS BEFORE THE TIME OF THE HEARING AS SET FORTH**
10 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** Notice shall be served
11 upon railroad companies by leaving a copy with the agent in charge
12 of any ticket or freight office of the company operating the
13 railroad, on the railroad line. The department of natural resources
14 and the township or municipality within which the road is situated
15 shall review the petition and determine within 30 days whether the
16 property should be retained as an ingress and egress point. If the
17 road is situated in a township, the township shall have first
18 priority and the department of natural resources shall have second
19 priority to retain the property as an ingress and egress point. If
20 the road is not situated in a township, the department of natural
21 resources shall have first priority to retain the property as an
22 ingress and egress point.

23 (6) Upon the service of the notice required in subsection (5),
24 and before any further proceedings are held, the person by whom the
25 service was made shall make and annex to the notice, or a copy of
26 the notice, an affidavit stating the time and manner of service,
27 which shall be by first-class mail, and by posting and advertising.

1 In addition, if service is upon a railroad company, the affidavit
2 shall so state and shall specify the agent upon whom service was
3 made. The notice and affidavit, together with an affidavit of
4 publication **OR POSTING** if the notice was published **OR POSTED**, shall
5 be attached to the petition, and the whole shall be present at the
6 time of the hearing upon the petition. The board of county road
7 commissioners may designate, as hearing examiner, an employee to
8 hold the hearing upon the petition. After the hearing, the examiner
9 shall report all findings of fact to the board.

10 (7) The board of county road commissioners or the
11 superintendent or engineer employed by the board shall proceed to
12 view the premises described in the petition and notice, and the
13 board shall ascertain the necessity or advisability of absolutely
14 abandoning and discontinuing the highway pursuant to the petition.

15 (8) Subject to subsection (5), if the board of county road
16 commissioners determines ~~pursuant to~~ **UNDER** this section to
17 relinquish control, discontinue, abandon, or vacate any county road
18 or portion of a county road that borders on, crosses, is adjacent
19 to, or ends at a lake or the general course of a stream and the
20 township, if applicable, or the department of natural resources
21 decides to maintain the road as a public access site, ~~it~~ **THE BOARD**
22 shall convey by quitclaim deed or relinquish jurisdiction over the
23 property if the interest is nontransferable to the township or the
24 state. If the township obtains the property or jurisdiction over
25 the property as an ingress and egress point and later proposes to
26 transfer the property or jurisdiction over the property, ~~it~~ **THE**
27 **TOWNSHIP** shall give the department of natural resources first

1 priority to obtain the property or jurisdiction over the property.
2 If the state obtains the property or jurisdiction over the property
3 under this subsection, the property shall be under the jurisdiction
4 of the department of natural resources. The state may retain title
5 to the property, transfer title to a local unit of government, or
6 deed the property to the adjacent property owners. If the state has
7 purchased the property with restricted fund revenue, money obtained
8 from sale of the property shall be returned to that restricted
9 fund. The local unit of government shall either maintain the
10 property as a site of public access or allow it to revert to the
11 adjoining landowners.

12 (9) Subject to subsection (5), if the board of county road
13 commissioners determines ~~pursuant to~~ **UNDER** this section to abandon
14 any county road or portion of a county road to a township, ~~it~~ **THE**
15 **BOARD** shall quitclaim deed the property if the interest is
16 nontransferable to the township. The township shall either retain
17 the property or allow it to revert to the adjoining landowners.

18 (10) Within 30 days after final determination upon the
19 petition for absolutely abandoning and discontinuing a highway, the
20 board of county road commissioners shall file with the state
21 transportation commission a full record and return of its
22 proceedings. A determination by the board of county road
23 commissioners under this section is binding for purposes of 1927 PA
24 341, MCL 247.41 to 247.46.

25 (11) The board of county road commissioners may reserve an
26 easement for public utility purposes within the right-of-way of any
27 road absolutely abandoned and discontinued under this section and

1 may, by resolution, extinguish any easement so reserved whenever
2 the easement ceases to be used for public utility purposes.

3 (12) If interest in the property is conveyed or control over
4 the property is relinquished to a local unit or this state under
5 subsection (8), the local unit or this state, as applicable, shall
6 operate and maintain the property so as to prevent and eliminate
7 garbage and litter accumulation, unsanitary conditions, undue
8 noise, and congestion as necessary.

9 (13) If a person shows substantial noncompliance with the
10 requirements of subsection (12), the circuit court may order the
11 local unit or this state to close the road ending in a manner to
12 prevent ingress and egress to the body of water for a period of up
13 to 30 days.

14 (14) If a person shows substantial noncompliance with the
15 requirements of subsection (12) and the circuit court has
16 previously closed the road ending for up to 30 days under
17 subsection (13), the circuit court may order the local unit or this
18 state to close the road ending in a manner to prevent ingress and
19 egress to the body of water for 90 days.

20 (15) If a person shows substantial noncompliance with the
21 requirements of subsection (12) and the circuit court has
22 previously closed the road ending for 90 days under subsection
23 (14), the circuit court may order the local unit or this state to
24 close the road ending in a manner to prevent ingress and egress to
25 the body of water for 180 days.

26 (16) If a person shows substantial noncompliance with the
27 requirements of subsection (12) and the circuit court has

1 previously closed the road ending for 180 days under subsection
2 (15), the circuit court shall order the local unit or this state to
3 show cause why the road ending should not be permanently closed in
4 a manner to prevent ingress and egress to the body of water.
5 Subject to subsection (17), the circuit court shall permanently
6 close the road ending unless the local unit or this state shows
7 cause why the road ending should not be closed.

8 (17) After a road ending is closed under subsection (16), and
9 unless the property has been conveyed or relinquished to the
10 adjacent landowners under subsection (18), the local unit or this
11 state may petition the circuit court to reopen the road ending. The
12 circuit court may order the road ending reopened if the local unit
13 or this state presents a management plan to and posts a performance
14 bond with the circuit court, and the circuit court finds that the
15 management plan and performance bond are adequate to ensure
16 compliance with subsection (12).

17 (18) After a road ending is closed by the circuit court under
18 subsection (16), 1 or more of the adjacent landowners may petition
19 the circuit court to order the local unit or this state to convey
20 any interest in the property that the local unit or this state
21 holds to the adjacent landowners, or, if the interest is
22 nontransferable, to relinquish control over the property to the
23 adjacent landowners.

24 (19) Proceedings under subsection (13), (14), (15), or (16)
25 shall be initiated by application of 7 owners of record title of
26 land in the local unit who own land within 1 mile of the road
27 ending to the circuit court for the county in which the road ending

1 is located. The applicants in the proceedings under subsection
2 (13), (14), (15), (16), (17), or (18) shall give the persons
3 described in subsection (5) notice of the application by registered
4 mail.

5 Sec. 19b. (1) A person, partnership, association, corporation,
6 or governmental entity shall not construct, operate, maintain, or
7 remove a facility or perform any other work within the right of way
8 of a county road except sidewalk installation and repair without
9 first obtaining a permit from the county road commission having
10 jurisdiction over the road and from the township, city, or village
11 in which the county road is located ~~when~~**IF** a permit is required by
12 ordinance of the township, city, or village, pursuant to authority
13 conferred by ~~article VII,~~ section 29 of **ARTICLE VII OF** the Michigan
14 **STATE** constitution of 1963. The adjacent property owner shall not
15 be required to obtain a permit for work incidental to the
16 maintenance of the right of way lying outside of the shoulder and
17 roadway.

18 (2) ~~A~~**BEFORE JANUARY 1, 2015, A** county road commission and a
19 local unit of government may adopt, after a public hearing of which
20 notice has been given by publication at least twice in a newspaper
21 circulated in the county not more than 30 days ~~nor~~**OR** less than 7
22 days ~~prior to~~**BEFORE** the hearing, reasonable permit requirements
23 and a schedule of fees to be charged sufficient to cover only the
24 necessary and actual costs applied in a reasonable manner for the
25 issuance of the permit and for review of the proposed activity,
26 inspection, and related expenses. **BEGINNING JANUARY 1, 2015, AFTER**
27 **A PUBLIC HEARING OF WHICH TIER C PUBLIC NOTICE HAS BEEN GIVEN AS**

1 SET FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT NOT MORE THAN
2 30 DAYS OR LESS THAN 7 DAYS BEFORE THE HEARING, A COUNTY ROAD
3 COMMISSION AND A LOCAL UNIT OF GOVERNMENT MAY ADOPT REASONABLE
4 PERMIT REQUIREMENTS AND A SCHEDULE OF FEES TO BE CHARGED SUFFICIENT
5 TO COVER ONLY THE NECESSARY AND ACTUAL COSTS APPLIED IN A
6 REASONABLE MANNER FOR THE ISSUANCE OF THE PERMIT AND FOR REVIEW OF
7 THE PROPOSED ACTIVITY, INSPECTION, AND RELATED EXPENSES. After the
8 work authorized in the permit has been completed, itemization of
9 all costs shall be supplied upon request of the permit holder.

10 (3) When a road commission adopts procedures for ~~the issuance~~
11 ~~of~~ **ISSUING** permits or adopts a schedule of fees in accordance with
12 ~~the provisions of~~ this section, separate procedures and fee
13 schedules shall be adopted for ~~the issuance of~~ **ISSUING** annual and
14 emergency permits ~~which~~ **THAT** reflect the minimal administrative
15 burden of issuing an annual permit for frequent but routine and
16 unobtrusive work such as surveying and the extraordinary emergency
17 repairs to municipal or public utilities.

18 (4) A county road commission may not refuse a permit requested
19 by a government entity for the installation of a facility or
20 utility owned by that entity if security is given by the permittee
21 or its contractor to the county road commission sufficient to
22 insure restoration of the road and appurtenances thereto and
23 adjacent right of way to a condition reasonably equal to or better
24 than that existing ~~prior to such~~ **BEFORE THE** installation, nor may a
25 county road commission charge a government entity a permit fee
26 exceeding \$300.00 per permit or \$1,000.00 total for all permits per
27 project.

1 Enacting section 1. This amendatory act does not take effect
2 unless House Bill No. 5560 of the 97th Legislature is enacted into
3 law.