

Act No. 139  
Public Acts of 1995  
Approved by the Governor  
July 9, 1995  
Filed with the Secretary of State  
July 9, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Reps. Wetters, DeMars and Pitoniak

# **ENROLLED HOUSE BILL No. 4493**

AN ACT 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:*

Section 1. The title and sections 2, 3, and 9a of Act No. 188 of the Public Acts of 1954, 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, are amended to read as follows:

## **TITLE**

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.

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

- (a) The construction, improvement, and maintenance of storm or sanitary sewers or the improvement and maintenance of, but not the construction of new or expanded, combined storm and sanitary sewer systems.
- (b) The construction, improvement, and maintenance of water systems.
- (c) The construction, improvement, and maintenance of public roads.
- (d) The acquisition, improvement, and maintenance of public parks.
- (e) The construction, improvement, and maintenance of elevated structures for foot travel over roads in the township.
- (f) The collection and disposal of garbage and rubbish.
- (g) The construction, maintenance, and improvement of bicycle paths.
- (h) The construction, maintenance, and improvement 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.

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

(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 pursuant to the specifications of the state transportation department or the board of county road commissioners.

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

(3) A lake, pond, river, stream, lagoon, or other body of water under the jurisdiction of a county drain commissioner shall not be improved under this act without the written approval of the county drain commissioner of the county in which the lake, pond, river, stream, lagoon, or other body of water is located.

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

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

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

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

(3) If written objections are filed as provided in subsection (1), or if the township board requires a petition before proceeding, the township board shall not proceed with the improvement until there is filed with the board a petition signed as follows:

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

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

(4) Record owners shall be determined by the records in the register of deeds' office as of the day of the filing of a petition, or if written objections are filed as provided in subsection (1), then on the day of the hearing. In determining the sufficiency of the petition, lands not subject to special assessment and lands within a public highway or alley shall not be included in computing frontage or an assessment district area. A filed petition may be supplemented as to signatures by the filing of an additional signed copy or copies of the petition. The validity of the signatures on a supplemental petition shall be determined by the records as of the day of filing the supplemental petition.

Sec. 9a. (1) An owner of property who by reason of hardship is unable to contribute to the cost of an assessment for an improvement authorized in section 2(1)(a), (b), (c), (g), (h), or (n) may have the assessment deferred by application to the assessing officer. Upon receipt of evidence of hardship, the township may defer partial or total payment of the assessment.

(2) The township board may enact an ordinance to define hardship and to permit deferred or partial payment of an assessment pursuant to this section. As a condition of granting the deferred or partial payment of an assessment, the township board shall require that any deferred assessment constitute a recorded lien against the property.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.