



HOUSE BILL No. 5330

October 25, 1995, Introduced by Reps. DeHart, Kelly, Scott, Agee, Tesanovich, LaForge and Cherry and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 102 and 117 of Act No. 288 of the Public Acts of 1967, entitled as amended "Subdivision control act of 1967," section 102 as amended by Act No. 156 of the Public Acts of 1990 and section 117 as amended by Act No. 150 of the Public Acts of 1993, being sections 560.102 and 560.117 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 102 and 117 of Act No. 288 of the
2 Public Acts of 1967, section 102 as amended by Act No. 156 of the
3 Public Acts of 1990 and section 117 as amended by Act No. 150 of
4 the Public Acts of 1993, being sections 560.102 and 560.117 of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 102. As used in this act:

(a) "Plat" means a map or chart of a subdivision of land.

(b) "Land" means all land areas occupied by real property.

(c) "Preliminary plat" means a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

(d) "Subdivide" or "subdivision" means the partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than 1 year, or of building development, where the act of division creates 5 or more parcels of land each of which is 10 acres or less in area; or 5 or more parcels of land each of which is 10 acres or less in area are created by successive divisions within a period of 10 years. "Subdivide" or "subdivision" does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local ordinance.

(e) "Parcel" or "tract" means a continuous area or acreage of land which can be described as provided for in this act.

(f) "Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

(g) "Outlot", when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park, or other land dedicated to public use or reserved to private use.

1 (h) "Proprietor" means a natural person, firm, association,
2 partnership, corporation, or combination of any of them which may
3 hold any ownership interest in land whether recorded or not.

4 (i) "Governing body" means the legislative body of a city or
5 village or the township board of a township.

6 (j) "Municipality" means a township, city, or village.

7 (k) "County plat board" means the register of deeds, who
8 shall act as chairperson, the county clerk, who shall act as sec-
9 retary, and the county treasurer. If the offices of county clerk
10 and register of deeds have been combined, the chairperson of the
11 board of supervisors shall be a member of the plat board and
12 shall act as chairperson. In a county where a board of auditors
13 is authorized by law such board may elect to serve on the county
14 plat board by adopting a resolution so ordering. A copy of the
15 recorded resolution shall be sent to the state treasurer.

16 (l) "Public utility" means all persons, firms, corporations,
17 copartnerships, or municipal or other public authority providing
18 gas, electricity, water, steam, telephone, sewer, or other serv-
19 ices of a similar nature.

20 (m) "Caption" means the name by which the plat is legally
21 and commonly known.

22 (n) "Replat" means the process of changing, or the map or
23 plat which changes, the boundaries of a recorded subdivision plat
24 or part thereof. The legal dividing of an outlot within a
25 recorded subdivision plat without changing the exterior bounda-
26 ries of the outlot is not a replat.

1 (o) "Surveyor" means either a land surveyor who is
2 registered in this state as a registered land surveyor or a civil
3 engineer who is registered in the state as a registered profes-
4 sional engineer.

5 (p) "Government survey" means the land surveyed, subdivided
6 and monumented by the United States public land survey.

7 (q) "Michigan coordinate system" means the system defined in
8 Act No. 9 of the Public Acts of 1964, being sections 54.231 to
9 54.239 of the Michigan Compiled Laws.

10 (r) "Alley" means a public or private right of way shown on
11 a plat which provides secondary access to a lot, block, or parcel
12 of land.

13 (s) "Health department" means the state, city, county, or
14 district health department having jurisdiction.

15 (t) "Public sewer" means a sewerage system as defined in
16 ~~section 2 of Act No. 98 of the Public Acts of 1913, as amended,~~
17 ~~being section 325.202~~ 4101 OF PART 41 (SEWERAGE SYSTEMS) OF THE
18 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451
19 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.4101 of the
20 Michigan Compiled Laws.

21 (u) "Public water" means a system of pipes and structures
22 through which water is obtained and distributed to the public,
23 including wells and well structures, intakes, and cribs, pumping
24 stations, treatment plants, reservoirs, storage tanks and appur-
25 tenances, collectively or severally, actually used or intended
26 for use for the purpose of furnishing water to the public for
27 household or drinking purposes.

1 (v) "Topographical map" means a map showing existing
2 physical characteristics, with contour lines at sufficient inter-
3 vals to permit determination of proposed grades and drainage.

4 (w) "Flood plain" means that area of land adjoining the
5 channel of a river, stream, water course, lake, or other similar
6 body of water which will be inundated by a flood which can rea-
7 sonably be expected for that region.

8 Sec. 117. (1) The proprietor shall submit 2 copies of the
9 preliminary plat to the department of natural resources, if any
10 of the subdivision lies wholly or in part within the floodplain
11 of a river, stream, creek, or lake. The department of natural
12 resources, within 30 days of receipt of the preliminary plat,
13 shall approve it and note its approval on the copy to be returned
14 to the proprietor, or reject it. If rejected, the reasons for
15 rejection and requirements for approval shall be given in writing
16 to the proprietor. The determination of a floodplain area shall
17 be based on rules specified in section 105(f).

18 (2) Until October 1, 1995, the preliminary plat submittal to
19 the department of natural resources under subsection (1) shall be
20 accompanied by a fee of \$500.00 to cover the administrative cost
21 of the department's preliminary plat review. If the department
22 of natural resources determines that engineering computations are
23 required to establish the limits of the floodplain on a prelimi-
24 nary plat, the department shall assess an additional fee of
25 \$1,500.00 to cover the department's cost of establishing those
26 limits.

1 (3) The department of natural resources shall forward fees
2 collected under this section to the state treasurer for deposit
3 in the land and water management permit fee fund created in sec-
4 tion ~~+6 of the inland lakes and streams act of 1972, Act No. 346~~
5 ~~of the Public Acts of 1972, being section 281.966~~ 30113 OF PART
6 301 (INLAND LAKES AND STREAMS) OF THE NATURAL RESOURCES AND ENVI-
7 RONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994,
8 BEING SECTION 324.30113 of the Michigan Compiled Laws.