

HOUSE BILL No. 6046

November 10, 2016, Introduced by Reps. Driskell, Darany, Dianda, Geiss, Chirkun, Chang, Vaupel, Irwin, Zemke and LaVoy and referred to the Committee on Communications and Technology.

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), section 2 as amended by 2002 PA 585 and section 3 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 this
2 act:

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

7 (b) The construction, improvement, and maintenance of water

1 systems.

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

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

6 (e) The construction, improvement, and maintenance of elevated
7 structures for foot travel over roads in the township.

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

9 (g) The construction, maintenance, and improvement of bicycle
10 paths.

11 (h) The construction, maintenance, and improvement of erosion
12 control structures or dikes.

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

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

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

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

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

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

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

(p) The construction, improvement, and maintenance of sound attenuation walls, pavement, or other sound mitigation treatments unless a written objection is filed in the same manner as provided under section 3 by the record owners of land constituting more than 20% of the total area in the proposed special assessment district. If a written objection is filed, then the township board shall not proceed with the improvement until a petition signed by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established is filed with the board.

(Q) THE CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF COMMUNICATIONS INFRASTRUCTURE, INCLUDING BROADBAND AND HIGH-SPEED INTERNET.

(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 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.

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

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

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

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

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

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

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

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

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

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

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.