

# SENATE BILL No. 708

January 14, 2016, Introduced by Senator CASPERSON and referred to the Committee on Transportation.

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 section 19b of chapter IV (MCL 224.19b), as added by 1980 PA 212.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER IV

Sec. 19b. (1) A person, partnership, association, corporation, or governmental entity shall not construct, operate, maintain, or remove a facility or perform any other work within the right-of-way

1 of a county road except sidewalk installation and repair without  
2 first obtaining a permit from the county road commission having  
3 jurisdiction over the road and from the township, city, or village  
4 in which the county road is located when a permit is required by  
5 ordinance of the township, city, or village, ~~pursuant to~~ **UNDER THE**  
6 authority conferred by ~~article VII, section 29~~ **OF ARTICLE VII** of  
7 the ~~Michigan~~ **STATE** constitution of 1963. The adjacent property  
8 owner shall not be required to obtain a permit for work incidental  
9 to the maintenance of the right-of-way lying outside of the  
10 shoulder and roadway.

11 (2) A county road commission and a local unit of government  
12 may adopt after a public hearing of which notice has been given by  
13 publication at least twice in a newspaper circulated in the county  
14 not more than 30 days nor less than 7 days prior to the hearing,  
15 reasonable permit requirements and a schedule of fees to be charged  
16 sufficient to cover only the necessary and actual costs applied in  
17 a reasonable manner for the issuance of the permit and for review  
18 of the proposed activity, inspection, and related expenses. After  
19 the work authorized in the permit has been completed, itemization  
20 of all costs shall be supplied upon request of the permit holder.

21 (3) When a road commission adopts procedures for the issuance  
22 of permits or adopts a schedule of fees ~~in accordance with the~~  
23 ~~provisions of~~ **AS PROVIDED IN** this section, separate procedures and  
24 fee schedules shall be adopted for the issuance of annual and  
25 emergency permits ~~which~~ **THAT** reflect the minimal administrative  
26 burden of issuing an annual permit for frequent but routine and  
27 unobtrusive work such as surveying and the extraordinary emergency

1 repairs to municipal or public utilities.

2 (4) A county road commission may not refuse a permit requested  
3 by a government entity for the installation of a facility or  
4 utility owned by that entity if security is given by the permittee  
5 or its contractor to the county road commission sufficient to  
6 insure restoration of the road and appurtenances ~~thereto~~ **TO THE**  
7 **ROAD** and **THE** adjacent right-of-way to a condition reasonably equal  
8 to or better than that existing prior to such installation nor may  
9 a county road commission charge a government entity a permit fee  
10 exceeding \$300.00 per permit or \$1,000.00 total for all permits per  
11 project.

12 (5) **THIS SECTION DOES NOT AUTHORIZE A COUNTY ROAD COMMISSION**  
13 **TO REQUIRE A PERMIT FOR AN ACTIVITY THAT IS OTHERWISE PERMISSIBLE**  
14 **UNDER THE LAWS OF THIS STATE.**

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