

Act No. 456
Public Acts of 2016
Approved by the Governor
January 4, 2017
Filed with the Secretary of State
January 5, 2017
EFFECTIVE DATE: April 5, 2017

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senator Casperson

ENROLLED SENATE BILL No. 708

AN ACT 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 of a county road except sidewalk installation and repair without first obtaining a permit from the county road commission having jurisdiction over the road and from the township, city, or village in which the county road is located when a permit is required by ordinance of the township, city, or village, under the authority conferred by section 29 of article VII of the state constitution of 1963. The adjacent property owner shall not be required to obtain a permit for work incidental to the maintenance of the right-of-way lying outside of the shoulder and roadway.

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

(3) When a road commission adopts procedures for the issuance of permits or adopts a schedule of fees as provided in this section, separate procedures and fee schedules shall be adopted for the issuance of annual and emergency permits that reflect the minimal administrative burden of issuing an annual permit for frequent but routine and unobtrusive work such as surveying and the extraordinary emergency repairs to municipal or public utilities.

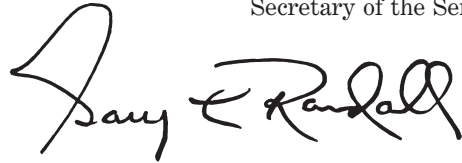
(4) A county road commission may not refuse a permit requested by a government entity for the installation of a facility or utility owned by that entity if security is given by the permittee or its contractor to the county road commission sufficient to insure restoration of the road and appurtenances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

(5) This section does not authorize a county road commission to require a permit for an activity that is otherwise permissible under the laws of this state. A county road commission shall not be held liable for the failure of a person performing work for which a permit is not required on a county road right-of-way to post a sign that gives advance warning of the work being performed in the right-of-way.

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



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor