HOUSE BILL NO. 5037

June 16, 2021, Introduced by Reps. Lasinski, Coleman, Sabo, Aiyash, Sowerby, Scott, Puri, Weiss, Anthony, Morse, Brabec, Young, Hood, Cavanagh and Whitsett 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:
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 that retain the waters of this state for 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.

(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
must 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), or (q), 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), or (q), 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 must 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 must 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 must be determined by the records as of the day of filing the supplemental petition.

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