

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 708

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:

1

CHAPTER IV

2

Sec. 19b. (1) A person, partnership, association, corporation,

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or governmental entity shall not construct, operate, maintain, or

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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. A COUNTY ROAD COMMISSION SHALL NOT BE**
15 **HELD LIABLE FOR THE FAILURE OF A PERSON PERFORMING WORK FOR WHICH A**
16 **PERMIT IS NOT REQUIRED ON A COUNTY ROAD RIGHT-OF-WAY TO POST A SIGN**
17 **THAT GIVES ADVANCE WARNING OF THE WORK BEING PERFORMED IN THE**
18 **RIGHT-OF-WAY.**

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