



HOUSE BILL No. 5215

December 10, 1999, Introduced by Rep. Thomas and referred to the Committee on Economic Development.

A bill to amend 1961 PA 120, entitled

"An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects,"

(MCL 125.981 to 125.987) by adding chapter 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 2

BUSINESS IMPROVEMENT DISTRICTS

SEC. 8. (1) AS USED IN THIS CHAPTER:

(A) "ASSESSABLE PROPERTY" MEANS REAL PROPERTY IN A DISTRICT OTHER THAN A HOMESTEAD AS DEFINED BY SECTION 7A OF THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.7A, OR OTHER REAL PROPERTY EXEMPT FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1 TO 211.147.

1 (B) "BUSINESS IMPROVEMENT DISTRICT" MEANS A PUBLIC BODY
2 CORPORATE CREATED PURSUANT TO THIS ACT TO SERVE WITHIN A DISTRICT
3 AS PROVIDED IN THIS CHAPTER.

4 (C) "BOARD OF DIRECTORS" MEANS THE BOARD OF DIRECTORS OF A
5 BUSINESS IMPROVEMENT DISTRICT.

6 (D) "DISTRICT" MEANS THE AREA DESIGNATED IN THE DISTRICT
7 PLAN AS THE AREA TO BE SERVED BY THE BUSINESS IMPROVEMENT
8 DISTRICT.

9 (E) "DISTRICT PLAN" MEANS A SET OF GOALS, STRATEGIES, AND
10 GUIDELINES FOR THE OPERATION OF A BUSINESS IMPROVEMENT DISTRICT,
11 AS APPROVED AT A MEETING OF PROPERTY OWNERS CONDUCTED PURSUANT TO
12 SECTION 10.

13 (F) "IMPROVEMENTS" MEANS ANY PROJECT UNDERTAKEN WITHIN THE
14 PUBLIC AREAS OF ANY DISTRICT OR SERVICES PERFORMED BY A BUSINESS
15 IMPROVEMENT DISTRICT UNDER THIS CHAPTER TO IMPROVE THE BUSINESS
16 ENVIRONMENT WITHIN ANY DISTRICT, INCLUDING, BUT NOT LIMITED TO, 1
17 OR MORE OF THE FOLLOWING:

18 (i) PARKS AND RELATED FACILITIES.

19 (ii) SIDEWALKS, STREET CURBING, STREET AND SIDEWALK CLEAN-
20 ING, STREET MEDIANS, PLANTING AREAS, LIGHTING STANDARDS, OR FOUN-
21 TAINS, TREES, SHRUBS, FLOWERS, OR OTHER VEGETATION.

22 (iii) SECURITY SERVICES THROUGH EMPLOYMENT OF PRIVATE SECUR-
23 ITY PERSONNEL AND THE PURCHASE OF EQUIPMENT OR TECHNOLOGY.

24 (iv) ECONOMIC DEVELOPMENT ACTIVITIES, INCLUDING, BUT NOT
25 LIMITED TO, PROMOTION OF BUSINESS, RETAIL, OR INDUSTRIAL DEVELOP-
26 MENT, DEVELOPER RECRUITMENT, BUSINESS RECRUITMENT, BUSINESS
27 MARKETING, AND BUSINESS RETENTION.

1 (v) RECREATIONAL OR CULTURAL ACTIVITIES.

2 (vi) ANY OTHER SERVICES, EVENTS, OR ACTIVITIES THAT WILL
3 ENHANCE THE ECONOMIC PROSPERITY, ENJOYMENT, APPEARANCE, IMAGE,
4 AND SAFETY OF THE DISTRICT.

5 (G) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
6 LIMITED LIABILITY COMPANY, ASSOCIATION, GOVERNMENTAL ENTITY, OR
7 OTHER LEGAL ENTITY.

8 (H) "PROPERTY OWNER" MEANS THE TAXPAYER ON FILE WITH THE
9 CITY, VILLAGE, OR TOWNSHIP IN WHICH THE DISTRICT IS OR WILL BE
10 LOCATED.

11 (I) "SEVEN-YEAR PERIOD" OR "7-YEAR PERIOD" MEANS THE PERIOD
12 IN WHICH A BUSINESS IMPROVEMENT DISTRICT IS AUTHORIZED TO OPER-
13 ATE, BEGINNING ON THE DATE THAT THE DISTRICT IS CREATED OR
14 RENEWED AND ENDING 7 CALENDAR YEARS AFTER THAT DATE.

15 SEC. 9. (1) A CITY, TOWNSHIP, OR VILLAGE MAY ESTABLISH 1 OR
16 MORE BUSINESS IMPROVEMENT DISTRICTS UNDER THIS CHAPTER.

17 (2) THE MAJORITY OF ALL PARCELS INCLUDED IN A DISTRICT, BOTH
18 BY AREA AND BY TAXABLE VALUE, MUST BE OTHER THAN A HOMESTEAD AS
19 DEFINED BY SECTION 7A OF THE GENERAL PROPERTY TAX ACT, 1893
20 PA 206, MCL 211.7A, OR OTHER REAL PROPERTY EXEMPT FROM THE COL-
21 LECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT, 1893 PA 206,
22 MCL 211.1 TO 211.147. PROPERTIES COMPRISING A DISTRICT MUST BE
23 CONTIGUOUS, WITH THE EXCEPTION OF PUBLIC STREETS, ALLEYS, PARKS,
24 AND OTHER PUBLIC RIGHTS-OF-WAY.

25 (3) A DISTRICT UNDER THIS CHAPTER MAY BE ESTABLISHED IN A
26 CITY, TOWNSHIP, OR VILLAGE EVEN IF THE CITY, TOWNSHIP, OR VILLAGE
27 HAS ESTABLISHED A PRINCIPAL SHOPPING DISTRICT. PROPERTY SHALL

1 NOT BE INCLUDED IN MORE THAN 1 DISTRICT OR IN BOTH A DISTRICT AND
2 A PRINCIPAL SHOPPING DISTRICT.

3 SEC. 10. (1) THE ESTABLISHMENT OF A BUSINESS IMPROVEMENT
4 DISTRICT MAY BE INITIATED BY THE DELIVERY OF A PETITION TO THE
5 CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH THE PROPOSED
6 DISTRICT IS LOCATED. THE PETITION SHALL SET FORTH THE BOUNDARIES
7 OF THE DISTRICT AND SHALL BE SIGNED BY PROPERTY OWNERS OF PARCELS
8 REPRESENTING NOT LESS THAN 20% OF THE TOTAL TAXABLE VALUE OF ALL
9 ASSESSABLE PROPERTY WITHIN THE PROPOSED DISTRICT.

10 (2) AFTER A PETITION IS FILED PURSUANT TO SUBSECTION (1),
11 THE CLERK SHALL NOTIFY ALL PROPERTY OWNERS WITHIN THE PROPOSED
12 DISTRICT OF A MEETING ON THE ESTABLISHMENT OF THE BUSINESS
13 IMPROVEMENT DISTRICT. THE NOTICE SHALL BE SENT BY FIRST-CLASS
14 MAIL NOT LESS THAN 10 DAYS PRIOR TO THE SCHEDULED DATE OF THE
15 MEETING. THE NOTICE SHALL INCLUDE THE SPECIFIC LOCATION AND THE
16 SCHEDULED DATE AND TIME OF THE MEETING.

17 (3) AT THE MEETING REQUIRED BY THIS SECTION, THE PROPERTY
18 OWNERS OF ASSESSABLE PROPERTY WITHIN THE PROPOSED DISTRICT MAY
19 ADOPT A DISTRICT PLAN TO BE SUBMITTED FOR APPROVAL BY THE CITY,
20 TOWNSHIP, OR VILLAGE AND THEN BY ALL PROPERTY OWNERS ENTITLED TO
21 VOTE PURSUANT TO SECTION 12. ALL PROPOSED DISTRICT PLANS SHALL
22 INCLUDE ALL OF THE FOLLOWING:

23 (A) A DESCRIPTION OF THE BOUNDARIES OF THE DISTRICT SUFFI-
24 CIENT TO IDENTIFY THE PARCELS INCLUDED, TOGETHER WITH THE IDEN-
25 TITY OF THE INITIAL PROPOSED BOARD OF DIRECTORS OF THE DISTRICT
26 AND THE METHOD FOR REMOVAL, APPOINTMENT, AND REPLACEMENT OF THE

1 BOARD OF DIRECTORS, EXCEPT FOR THE DIRECTOR TO BE NAMED BY THE
2 CITY, TOWNSHIP, OR VILLAGE PURSUANT TO SECTION 14(2).

3 (B) A DESCRIPTION OF THE IMPROVEMENTS IN WHICH THE BUSINESS
4 IMPROVEMENT DISTRICT PLANS TO ENGAGE DURING THE 7-YEAR PERIOD.

5 (C) AN ESTIMATE OF THE TOTAL AMOUNT PROPOSED TO BE EXPENDED
6 FOR IMPROVEMENTS THAT THE BUSINESS IMPROVEMENT DISTRICT PLANS TO
7 UNDERTAKE DURING THE 7-YEAR PERIOD.

8 (D) THE PROPOSED SOURCE OR SOURCES OF FINANCING AND FUNDING
9 FOR THE IMPROVEMENTS. IF THE PROPOSED SOURCES OF FINANCING
10 INCLUDE SPECIAL ASSESSMENTS, THE PLAN SHALL SET FORTH THE AMOUNT
11 OF THE SPECIAL ASSESSMENTS FOR EACH YEAR AND THE BASIS UPON WHICH
12 THE SPECIAL ASSESSMENTS ARE TO BE IMPOSED ON ASSESSABLE
13 PROPERTY.

14 (E) A LISTING, BY TAX PARCEL IDENTIFICATION NUMBER, OF THE
15 INDIVIDUAL PROPERTIES TO BE INCLUDED IN THE DISTRICT, SEPARATELY
16 IDENTIFYING THOSE PARCELS THAT ARE ASSESSABLE PROPERTY.

17 (F) A PLAN OF DISSOLUTION OF THE DISTRICT TO BE IMPLEMENTED
18 IF THE ANNUAL AUDIT REQUIRED BY THIS CHAPTER CONTAINS EXCEPTIONS
19 NOT CORRECTED WITHIN 90 DAYS OF THE DELIVERY OF THE AUDIT TO THE
20 DISTRICT.

21 (4) THE PROPERTY OWNERS SHALL BE DEEMED TO HAVE ADOPTED A
22 DISTRICT PLAN IF A MAJORITY OF THE PROPERTY OWNERS OF ASSESSABLE
23 PROPERTY VOTING AT THE MEETING APPROVE THE DISTRICT PLAN. THE
24 VOTES OF THE PROPERTY OWNERS AT THE MEETING SHALL BE WEIGHTED IN
25 THE MANNER INDICATED IN SECTION 12(2). ANY DISTRICT PLAN ADOPTED
26 UNDER THIS SUBSECTION SHALL BE PRESENTED TO THE CLERK OF THE
27 CITY, TOWNSHIP, OR VILLAGE. A CITY, VILLAGE, OR TOWNSHIP SHALL

1 NOT MAKE IMPROVEMENTS THAT INCLUDE SERVICES THAT THE CITY,
2 VILLAGE, OR TOWNSHIP WOULD OTHERWISE PROVIDE. IT IS THE INTENT
3 THAT SUCH SERVICES WILL BE SUPPLEMENTAL TO, AND WILL NOT REPLACE,
4 THE SERVICES THAT THE CITY, VILLAGE, OR TOWNSHIP WOULD OTHERWISE
5 PROVIDE.

6 SEC. 11. (1) IF A DISTRICT PLAN IS ADOPTED AND PRESENTED TO
7 THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN ACCORDANCE WITH
8 SECTION 10, THE CLERK SHALL NOTIFY ALL PROPERTY OWNERS OF PARCELS
9 WITHIN THE PROPOSED DISTRICT OF A PUBLIC HEARING OF THE CITY,
10 TOWNSHIP, OR VILLAGE TO REVIEW THE DISTRICT PLAN AND RECEIVE COM-
11 MENTS ABOUT ACCEPTING OR REJECTING THE PLAN AND SPECIAL ASSESS-
12 MENTS PROPOSED AS PART OF THE PLAN. AT OR FOLLOWING THE PUBLIC
13 HEARING, THE GOVERNING BODY OF THE CITY, TOWNSHIP, OR VILLAGE
14 SHALL DETERMINE WHETHER OR NOT TO SUBMIT THE ESTABLISHMENT OF THE
15 BUSINESS IMPROVEMENT DISTRICT TO AN ELECTION AS SET FORTH IN
16 SECTION 12. ANY DETERMINATION THAT THE ESTABLISHMENT OF THE
17 BUSINESS IMPROVEMENT DISTRICT SHOULD BE SUBMITTED TO AN ELECTION
18 ALSO SHALL SERVE AS A DETERMINATION BY THE CITY, TOWNSHIP, OR
19 VILLAGE THAT THE SPECIAL ASSESSMENTS SET FORTH IN THE PROPOSED
20 DISTRICT PLAN, INCLUDING THE BASIS FOR ALLOCATING THE SPECIAL
21 ASSESSMENT, IS APPROPRIATE, SUBJECT ONLY TO THE APPROVAL OF THE
22 BUSINESS IMPROVEMENT DISTRICT AND THE DISTRICT PLAN IN ACCORDANCE
23 WITH SECTION 12.

24 (2) IF THE GOVERNING BODY OF THE CITY, TOWNSHIP, OR VILLAGE
25 DETERMINES THAT THE ESTABLISHMENT OF THE BUSINESS IMPROVEMENT
26 DISTRICT SHOULD BE SUBMITTED TO AN ELECTION, IT SHALL SET AN
27 ELECTION DATE NOT MORE THAN 60 DAYS FROM THE DATE OF THE PUBLIC

1 HEARING. ONLY PROPERTY OWNERS OF RECORD OF ASSESSABLE PROPERTY
2 AS OF THE DATE THE PETITION WAS SUBMITTED TO THE CITY, TOWNSHIP,
3 OR VILLAGE CLERK AS PROVIDED IN SECTION 10 ARE ELIGIBLE TO PAR-
4 TICIPATE IN THE ELECTION. IN SETTING THE ELECTION, THE CITY,
5 TOWNSHIP, OR VILLAGE CLERK SHALL REQUIRE THE PERSONS WHO SIGNED
6 THE PETITION TO PROVIDE A BOND SUFFICIENT TO REIMBURSE THE CITY,
7 TOWNSHIP, OR VILLAGE FOR THE COST OF COMPLYING WITH SECTIONS 10,
8 11, AND 12, BUT IN NO EVENT SHALL THE BOND BE IN AN AMOUNT
9 GREATER THAN \$500.00.

10 (3) NOTICE OF AN ELECTION TO APPROVE THE ESTABLISHMENT OF A
11 BUSINESS IMPROVEMENT DISTRICT AND THE DISTRICT PLAN SHALL BE SENT
12 BY FIRST-CLASS MAIL TO THE PROPERTY OWNERS OF RECORD WITHIN THE
13 PROPOSED DISTRICT NOT LESS THAN 30 DAYS PRIOR TO THE DATE SCHED-
14 ULED FOR THE ELECTION AND PUBLISHED AT LEAST TWICE IN A NEWSPAPER
15 OF GENERAL CIRCULATION IN THE CITY, TOWNSHIP, OR VILLAGE. THE
16 FIRST PUBLICATION SHALL NOT BE LESS THAN 10 DAYS OR MORE THAN 30
17 DAYS PRIOR TO THE DATE SCHEDULED FOR THE ELECTION.

18 SEC. 12. (1) ALL PROPERTY OWNERS OF RECORD OF ASSESSABLE
19 PROPERTY WITHIN THE PROPOSED DISTRICT AS OF THE DATE OF THE
20 DELIVERY OF THE PETITION TO THE CLERK AS PROVIDED IN SECTION 10
21 ARE ELIGIBLE TO PARTICIPATE IN THE ELECTION.

22 (2) VOTES OF PROPERTY OWNERS OF ASSESSED PROPERTY WITHIN THE
23 PROPOSED DISTRICT SHALL BE WEIGHTED IN PROPORTION TO THE AMOUNT
24 OF THE TAXABLE VALUE OF THEIR RESPECTIVE REAL PROPERTY FOR THE
25 PRECEDING CALENDAR YEAR, BUT IN NO CASE SHALL THE TOTAL NUMBER OF
26 VOTES ASSIGNED TO ANY 1 PROPERTY OWNER BE EQUAL TO MORE THAN 1/4
27 OF THE TOTAL NUMBER OF VOTES WHICH MAY BE CAST.

1 (3) A DISTRICT PLAN AND THE PROPOSAL FOR THE ESTABLISHMENT
2 OF A BUSINESS IMPROVEMENT DISTRICT, INCLUDING THE IDENTITY OF THE
3 INITIAL BOARD OF DIRECTORS, SHALL BE CONSIDERED ADOPTED AND READY
4 FOR IMPLEMENTATION UPON WRITTEN BALLOT APPROVAL BY 60% OF THE
5 PROPERTY OWNERS VOTING IN THE ELECTION, WITH VOTES WEIGHTED AS
6 PROVIDED IN SUBSECTION (2). ADOPTION OF A BUSINESS IMPROVEMENT
7 DISTRICT AND PROPOSED DISTRICT PLAN AUTHORIZES THE EXISTENCE OF
8 THE BUSINESS IMPROVEMENT DISTRICT AND THE DISTRICT PLAN FOR A
9 7-YEAR PERIOD.

10 (4) UPON ACCEPTANCE OR REJECTION OF A BUSINESS IMPROVEMENT
11 DISTRICT AND PROPOSED DISTRICT PLAN BY THE PROPERTY OWNERS, THE
12 RESULTING BUSINESS IMPROVEMENT DISTRICT OR THE INDIVIDUALS WHO
13 SUBMITTED THE PROPOSAL TO FORM A DISTRICT TO THE CLERK SHALL, AT
14 THE REQUEST OF THE CITY, TOWNSHIP, OR VILLAGE, REIMBURSE THE
15 CITY, TOWNSHIP, OR VILLAGE FOR ALL EXPENSES IN COMPLYING WITH
16 SECTIONS 10, 11, 12, AND 13, WHICH AMOUNT SHALL NOT EXCEED
17 \$500.00.

18 SEC. 13. A BUSINESS IMPROVEMENT DISTRICT HAS THE AUTHORITY
19 TO BORROW MONEY IN ANTICIPATION OF THE RECEIPT OF ASSESSMENTS IF
20 ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

21 (A) THE LOAN WILL NOT BE REQUESTED OR AUTHORIZED, OR WILL
22 NOT MATURE, WITHIN 90 DAYS BEFORE THE EXPIRATION OF THE 7-YEAR
23 PERIOD.

24 (B) THE AMOUNT OF THE LOAN DOES NOT EXCEED 50% OF THE ANNUAL
25 AVERAGE ASSESSMENT REVENUE OF THE BUSINESS IMPROVEMENT DISTRICT
26 DURING THE PREVIOUS YEAR OR, IN THE CASE OF A BUSINESS
27 IMPROVEMENT DISTRICT THAT HAS BEEN IN EXISTENCE FOR LESS THAN 1

1 YEAR, THE LOAN DOES NOT EXCEED 25% OF THE PROJECTED ANNUAL
2 ASSESSMENT REVENUE.

3 (C) THE LOAN REPAYMENT PERIOD DOES NOT EXTEND BEYOND THE
4 CURRENT 7-YEAR PERIOD OF THE DISTRICT PLAN.

5 SEC. 14. (1) THE BOARD OF DIRECTORS SHALL MANAGE THE
6 DAY-TO-DAY ACTIVITIES OF THE BUSINESS IMPROVEMENT DISTRICT AND
7 IMPLEMENT THE DISTRICT PLAN.

8 (2) THE BOARD OF DIRECTORS SHALL CONSIST OF AN ODD NUMBER OF
9 DIRECTORS AND SHALL NOT BE SMALLER THAN 5 AND NOT LARGER THAN 15
10 IN NUMBER. THE BOARD OF DIRECTORS MAY INCLUDE 1 DIRECTOR WHO IS
11 DESIGNATED BY THE CHIEF EXECUTIVE OF THE CITY, TOWNSHIP, OR VIL-
12 LAGE WITH THE APPROVAL OF THE GOVERNING BODY OF THE CITY, TOWN-
13 SHIP, OR VILLAGE.

14 (3) THE DUTIES AND RESPONSIBILITIES OF THE BOARD OF DIREC-
15 TORS SHALL BE PRESCRIBED IN THE DISTRICT PLAN AND TO THE EXTENT
16 APPLICABLE INCLUDE ALL OF THE FOLLOWING DUTIES AND
17 RESPONSIBILITIES:

18 (A) DEVELOPING ADMINISTRATIVE PROCEDURES RELATING TO THE
19 IMPLEMENTATION OF THE DISTRICT PLAN. IN CONNECTION WITH ITS MAN-
20 AGEMENT OF THE DISTRICT PLAN, THE BOARD MAY CONTRACT WITH A
21 NOT-FOR-PROFIT CORPORATION THAT REPRESENTS BUSINESSES WITHIN THE
22 DISTRICT, AND MAY PAY A REASONABLE ADMINISTRATION FEE OR CHARGE
23 FOR THE SERVICES TO BE PROVIDED TO THE DISTRICT.

24 (B) RECOMMENDING AMENDMENTS TO THE DISTRICT PLAN AS ARE CON-
25 sidered advisable. AMENDMENTS SHALL BE EFFECTIVE IF APPROVED BY
26 A MAJORITY OF THE PROPERTY OWNERS OF ASSESSABLE PROPERTY WITHIN
27 THE DISTRICT VOTING ON THE AMENDMENT AT THE ANNUAL MEETING OR A

1 SPECIAL MEETING CALLED FOR THAT PURPOSE, WITH THE VOTES OF THE
2 PROPERTY OWNERS BEING WEIGHTED IN ACCORDANCE WITH SECTION 12(2)
3 AS LONG AS AN AMENDMENT CHANGING ANY SPECIAL ASSESSMENTS IMPOSED
4 WITHIN THE DISTRICT SHALL BE EFFECTIVE ONLY IF IT ALSO HAS BEEN
5 APPROVED BY THE CITY, TOWNSHIP, OR VILLAGE.

6 (C) SCHEDULING AND CONDUCTING A YEARLY MEETING OF THE PROP-
7 ERTY OWNERS OF THE DISTRICT.

8 (D) DEVELOPING A DISTRICT PLAN FOR THE UPCOMING 7-YEAR
9 PERIOD.

10 SEC. 15. (1) PRIOR TO THE EXPIRATION OF ANY 7-YEAR PERIOD,
11 THE PROPERTY OWNERS OF A DISTRICT SHALL BE NOTIFIED BY THE BOARD
12 OF DIRECTORS OF A MEETING OF THE PROPERTY OWNERS BY FIRST-CLASS
13 MAIL AT LEAST 10 DAYS PRIOR TO THE SCHEDULED DATE OF THE MEETING
14 TO APPROVE THE DISTRICT PLAN FOR ANOTHER PERIOD OF UP TO 7
15 YEARS. NOTIFICATION SHALL INCLUDE THE SPECIFIC LOCATION, SCHED-
16 ULED DATE, AND TIME OF THE MEETING.

17 (2) APPROVAL OF THE NEW DISTRICT PLAN AT AN ANNUAL MEETING
18 BY 60% OF THE PROPERTY OWNERS OF ASSESSABLE PROPERTY WITHIN THE
19 DISTRICT VOTING AT THAT MEETING, WITH THE VOTE OF THE PROPERTY
20 OWNERS BEING WEIGHTED IN ACCORDANCE WITH SECTION 12(2), CONSTI-
21 TUTES REAUTHORIZATION OF THE DISTRICT FOR AN ADDITIONAL 7-YEAR
22 PERIOD AS LONG AS ANY REAUTHORIZATION OF THE DISTRICT PLAN SHALL
23 SERVE TO EXTEND THE IMPOSITION OF SPECIAL ASSESSMENTS BEYOND THE
24 PERIOD PREVIOUSLY APPROVED BY THE CITY ONLY WITH THE APPROVAL OF
25 THE GOVERNING BODY OF THE CITY, TOWNSHIP, OR VILLAGE.

26 SEC. 16. (1) A DISTRICT MAY BE FUNDED IN WHOLE OR IN PART
27 BY AN ASSESSMENT AUTHORIZED PURSUANT TO THIS SECTION ON

1 ASSESSABLE PROPERTY WITHIN THE DISTRICT, AS PROVIDED IN THE
2 DISTRICT PLAN. THE ASSESSMENT SHALL BE IN ADDITION TO ANY TAXES
3 OR ASSESSMENTS THAT MAY BE IMPOSED ON REAL PROPERTY THAT IS
4 INCLUDED IN THE DISTRICT.

5 (2) A SPECIAL ASSESSMENT SHALL BE LEVIED AGAINST TAXABLE
6 REAL PROPERTY ONLY ON THE BASIS OF THE SPECIAL BENEFITS TO THAT
7 PARCEL FROM THE IMPROVEMENTS. THERE IS A REBUTTABLE PRESUMPTION
8 THAT AN IMPROVEMENT AUTHORIZED BY A DISTRICT PLAN SPECIALLY BENE-
9 FITS ASSESSABLE PROPERTY LOCATED WITHIN THE DISTRICT.

10 (3) THE CITY, TOWNSHIP, OR VILLAGE SHALL LEVY A SPECIAL
11 ASSESSMENT ON ALL ASSESSABLE PROPERTY WITHIN THE DISTRICT IN THE
12 AMOUNT AUTHORIZED IN THE DISTRICT PLAN.

13 (4) ASSESSMENTS SHALL BE COLLECTED BY THE CITY, TOWNSHIP, OR
14 VILLAGE FROM EACH PROPERTY OWNER WITHIN THE DISTRICT AND REMITTED
15 PROMPTLY TO THE DISTRICT.

16 (5) FROM THE DATE ON WHICH THE SPECIAL ASSESSMENT IS LEVIED,
17 THE FULL AMOUNT OF THE ASSESSMENT AND THE INTEREST THEREON SHALL
18 CONSTITUTE A LIEN ON THE PROPERTY AND THAT AMOUNT SHALL BE A DEBT
19 OF THE PERSON TO WHOM ASSESSED UNTIL PAID AND, IN THE CASE OF
20 DELINQUENCY, MAY BE COLLECTED AS DELINQUENT CITY, TOWNSHIP, OR
21 VILLAGE PROPERTY TAXES OR BY A SUIT AGAINST THE PERSON.

22 SEC. 17. THE EXPENSES INCURRED IN THE CONSTRUCTION, DESIGN-
23 ING, PLANNING, MARKETING, ADMINISTRATION, OR OPERATION OF ANY
24 IMPROVEMENT OR SERVICE IN A DISTRICT SHALL BE FINANCED IN ACCORD-
25 ANCE WITH THE DISTRICT PLAN.

26 SEC. 18. (1) MONEY COLLECTED UNDER SECTION 16 IS NOT STATE
27 MONEY OR MONEY OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH THE

1 DISTRICT IS LOCATED. ALL MONEY COLLECTED UNDER SECTION 16 SHALL
2 BE DEPOSITED IN A FINANCIAL INSTITUTION IN THE NAME OF THE BUSI-
3 NESS IMPROVEMENT DISTRICT. THE BUSINESS IMPROVEMENT DISTRICT
4 SHALL USE THE MONEY ONLY FOR THE NECESSARY EXPENSES INCURRED TO
5 IMPLEMENT THE DISTRICT PLAN.

6 (2) ALL EXPENDITURES BY A BUSINESS IMPROVEMENT DISTRICT
7 SHALL BE AUDITED BY A CERTIFIED PUBLIC ACCOUNTANT AT LEAST ANNU-
8 ALLY, AND WITHIN 30 DAYS AFTER COMPLETION OF THE AUDIT, THE CER-
9 TIFIED PUBLIC ACCOUNTANT SHALL MAKE COPIES OF THE AUDIT AVAILABLE
10 TO THE PROPERTY OWNERS WITHIN THE DISTRICT. AN ACTIVITY AND
11 FINANCIAL REPORT SHALL BE PUBLISHED ANNUALLY AND MADE AVAILABLE
12 TO INTERESTED PARTIES.

13 (3) AS USED IN THIS SECTION, "FINANCIAL INSTITUTION" MEANS A
14 STATE OR NATIONALLY CHARTERED BANK OR A STATE OR FEDERALLY
15 CHARTERED SAVINGS AND LOAN ASSOCIATION, SAVINGS BANK, OR CREDIT
16 UNION WHOSE DEPOSITS ARE INSURED BY AN AGENCY OF THE UNITED
17 STATES GOVERNMENT AND WHICH MAINTAINS A PRINCIPAL OFFICE OR
18 BRANCH OFFICE LOCATED IN THIS STATE UNDER THE LAWS OF THIS STATE
19 OR OF THE UNITED STATES.

20 SEC. 19. (1) UPON WRITTEN PETITION DULY SIGNED BY 30% OF
21 THE PROPERTY OWNERS OF ASSESSABLE PROPERTY WITHIN A DISTRICT, THE
22 BOARD OF DIRECTORS SHALL PLACE ON THE AGENDA OF THE NEXT ANNUAL
23 MEETING THE ISSUE OF DISSOLUTION OF THE BUSINESS IMPROVEMENT
24 DISTRICT.

25 (2) THE BUSINESS IMPROVEMENT DISTRICT SHALL BE DISSOLVED
26 UPON A VOTE OF 60% OF THE PROPERTY OWNERS OF ASSESSABLE PROPERTY
27 VOTING AT AN ANNUAL MEETING, WITH VOTING WEIGHTED IN ACCORDANCE

1 WITH SECTION 12(2). A DISSOLUTION SHALL NOT TAKE EFFECT UNTIL
2 SUCH TIME AS ALL LIQUIDATED DEBTS OF THE DISTRICT HAVE BEEN PAID
3 AND DISCHARGED.

4 (3) UPON DISSOLUTION OF A BUSINESS IMPROVEMENT DISTRICT, ALL
5 MONEY COLLECTED THROUGH ASSESSMENTS AND NOT REQUIRED TO DEFRAY
6 THE EXPENSES OF THE BUSINESS IMPROVEMENT DISTRICT SHALL BE
7 REFUNDED ON A PRO RATA BASIS TO PERSONS FROM WHOM ASSESSMENTS
8 WERE COLLECTED. IF THE BOARD OF DIRECTORS FINDS THAT THE REFUND-
9 ABLE AMOUNT IS SO SMALL AS TO MAKE IMPRACTICABLE THE COMPUTATION
10 AND REFUNDING OF THE MONEY, IT MAY BE TRANSFERRED TO THE CITY,
11 TOWNSHIP, OR VILLAGE IN WHICH THE DISTRICT IS LOCATED.

12 (4) UPON DISSOLUTION OF A BUSINESS IMPROVEMENT DISTRICT, ANY
13 ASSETS OF THE BUSINESS IMPROVEMENT DISTRICT REMAINING SHALL BE
14 TRANSFERRED TO THE CITY, TOWNSHIP, OR VILLAGE IN WHICH THE DIS-
15 TRICT IS LOCATED.

16 SEC. 20. (1) THE BUSINESS WHICH THE BOARD OF DIRECTORS MAY
17 PERFORM SHALL BE CONDUCTED AT A PUBLIC MEETING OF THE BOARD OF
18 DIRECTORS HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976
19 PA 267, MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE,
20 AND PLACE OF THE MEETING SHALL BE GIVEN IN THE MANNER REQUIRED BY
21 THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

22 (2) A WRITING PREPARED, OWNED, USED IN THE POSSESSION OF, OR
23 RETAINED BY A COMMITTEE IN THE PERFORMANCE OF AN OFFICIAL FUNC-
24 TION SHALL BE MADE AVAILABLE TO THE PUBLIC IN COMPLIANCE WITH THE
25 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.