

# HOUSE BILL No. 5096

October 23, 2013, Introduced by Reps. Schmidt and Nesbitt and referred to the Committee on Energy and Technology.

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 **RIGHT-OF-WAY** of a county road, except sidewalk installation and  
2 repair, without first obtaining a permit from the county road  
3 commission having jurisdiction over the road and from the township,  
4 city, or village in which the county road is located when a permit  
5 is required by ordinance of the township, city, or village,  
6 pursuant to authority conferred by ~~article VII,~~ section 29 of  
7 **ARTICLE VII OF** the Michigan-**STATE** constitution of 1963. The  
8 adjacent property owner ~~shall~~-**IS** not ~~be~~-required to obtain a permit  
9 for work incidental to the maintenance of the ~~right of way~~-**RIGHT-**  
10 **OF-WAY** lying outside of the 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~~-**BEFORE** the  
15 hearing, reasonable permit requirements and, **SUBJECT TO SUBSECTION**  
16 **(5)**, a schedule of fees to be charged sufficient to cover only the  
17 necessary and actual costs applied in a reasonable manner for ~~the~~  
18 ~~issuance of~~-**ISSUING** the permit and for review of the proposed  
19 activity, inspection, and related expenses. After the work  
20 authorized in the permit has been completed, itemization of all  
21 costs shall be supplied upon request of the permit holder.

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

1 unobtrusive work such as surveying and the extraordinary emergency  
2 repairs to municipal or public utilities.

3 (4) A county road commission may not refuse a permit requested  
4 by a government entity for the installation of a facility or  
5 utility owned by that **GOVERNMENT** entity if security is given by the  
6 permittee or its contractor to the county road commission  
7 sufficient to insure restoration of the road and appurtenances  
8 thereto and adjacent ~~right-of-way~~ **RIGHT-OF-WAY** to a condition  
9 reasonably equal to or better than that existing ~~prior to~~ **BEFORE**  
10 such installation. ~~nor may a~~

11 (5) **A** county road commission **SHALL NOT** charge ~~a government~~ **ANY**  
12 entity a permit fee exceeding \$300.00 per permit or \$1,000.00 total  
13 for all permits per project.