

**LOCAL UNIT OF GOVERNMENT ESSENTIAL SERVICES SPECIAL ASSESSMENT ACT
(EXCERPT)
Act 406 of 2012**

***** 123.1243.new THIS NEW SECTION IS EFFECTIVE WHEN CONDITIONS APPLIED BY ENACTING SECTION 1 OF ACT 406 OF 2012 ARE MET: See enacting section 1 of Act 406 of 2012 *****
123.1243.new THIS SECTION IS REPEALED BY ACT 92 OF 2014 EFFECTIVE WHEN THE CONDITION APPLIED BY ENACTING SECTION 2 IS MET: See enacting sections 1 and 2 of Act 92 of 2014 *****

123.1243.new Industrial real property and commercial real property; essential services equipment and essential services; special assessment; creation of special assessment district; resolution; hearing; resolution to determine boundaries; modification of boundaries.

Sec. 3. (1) Beginning January 1, 2016, the legislative body of a local unit of government may by resolution propose that all or a portion of the cost of essential services equipment, the cost for maintenance of the essential services equipment, and the cost for provision of essential services be defrayed by a special assessment levied on industrial real property and commercial real property located in that local unit of government, which industrial real property and commercial real property is conclusively presumed to be benefited by the provision of the essential services equipment and the essential services.

(2) The local unit of government shall schedule a hearing on the question of creating a special assessment district, and on the question of defraying all or a portion of the cost of the essential services equipment, the cost for maintenance of the essential services equipment, and the cost for provision of essential services by special assessment on the industrial real property and commercial real property to be especially benefited.

(3) The hearing required under subsection (2) shall be a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition, the local unit of government shall publish in a newspaper of general circulation in the proposed special assessment district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed special assessment district, notices shall be posted in not less than 3 public places in the proposed special assessment district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the legislative body of the local unit of government shall be in session to hear objections that may be offered against the creation of the special assessment district and on the question of defraying the cost of the essential services equipment, the cost for maintenance of the essential services equipment, and the cost for provision of essential services by special assessment.

(4) Following the hearing under subsection (3), if the legislative body of the local unit of government determines to create a special assessment district, it shall by resolution determine the boundaries of the special assessment district, which shall be coterminous with the boundaries of the local unit of government.

(5) A local unit of government is not required to establish a special assessment district under this section more than once. A local unit of government shall modify the boundaries of the special assessment district if the boundaries of the local unit of government change after the special assessment district is established.

History: 2012, Act 406, Eff. (pending).

Compiler's note: Enacting section 1 of Act 406 of 2012 provides:

"Enacting section 1. This act does not take effect unless House Bill No. 6026 of the 96th Legislature is approved by a majority of the qualified electors of this state voting on the question at an election to be held on the August regular election date in 2014."

Enacting section 1 of Act 92 of 2014 provides:

"Enacting section 1. The local unit of government essential services special assessment act, 2012 PA 406, MCL 123.1241 to 123.1247, is repealed."

Enacting section 2 of Act 92 of 2014 provides:

"Enacting section 2. This act does not take effect unless Senate Bill No. 822 of the 97th Legislature is approved by a majority of the qualified electors of this state voting on the question at an election to be held on the August regular election date in 2014."