Chapter 220

GENERAL HIGHWAY LAW

PUBLIC HIGHWAYS AND PRIVATE ROADS

Act 283 of 1909

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.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1929, Act 31, Eff. Aug. 28, 1929 ;-- Am. 1951, Act 50, Imd. Eff. June 1, 1951 ;-- Am. 1996, Act 218, Imd. Eff. May 28, 1996 ;-- Am. 1998, Act 173, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

220.1 Highways and private roads; establishment and maintenance; authority of municipalities; highway officials, duties.

Sec. 1.

Public highways and private roads may be established, opened, improved and maintained within this state under the provisions of this act, and the counties, townships, cities, villages and districts of this state shall possess the authority herein prescribed for the building, repairing and preservation of bridges and culverts; the draining of highways, cutting of weeds and brush in the improvement of highways and the duties of state, county, township, city, village and district highway officials shall be as defined in this act.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4287 ;-- CL 1929, 3916 ;-- CL 1948, 220.1
Former Law: See Act 243 of 1881, being CL 1897, §§ 4035 to 4050, 4057 to 4070, and 4072 to 4192; Act 306 of 1905; Act 62 of 1889, being CL 1897, §§ 4051 to 4056; Act 163 of 1889, being CL 1897, § 4071; Act 173 of 1897, being CL 1897, §§ 4193 to 4197; Act 154 of 1869, being CL 1897 §§ 4198 to 4201; Act 176 of 1881, being CL 1897, § 4202; Act 60 of 1883, being CL 1897, §§ 4203 to 4209; Act 71 of 1881, being CL 1897, §§ 4210 and 4211; Act 72 of 1881, being CL 1897, §§ 4212 and 4213; Act 234 of 1879, being CL 1897, §§ 4214 and 4215; Act 149 of 1855, being CL 1897, §§ 4216 to 4219; Act 16 of 1883, being CL 1897, §§ 4220 to 4223; Act 57 of 1883, being CL 1897, §§ 4224 and 4225; Act 13 of 1885, being CL 1897, § 4228; Act 149 of 1893, being CL 1897, §§ 4262 to 4290; Revised Statutes of 1846, Ch. 44, being CL 1897, §§ 4291 to 4297; Act 264 of 1887, being CL 1897, §§ 3441 to 3445; Act 159 of 1903; Act 21 of 1893; Act 72 of 1899; Act 76 of 1899; Act 56 of 1903; Act 203 of 1903; Act 231 of 1903; Act 69 of 1905; Act 146 of 1905; Act 247 of 1905; Act 108 of 1907; Act 166 of 1907; Act 168 of 1907; Act 263 of 1907; Act 327 of 1907; Act 268 of 1907; Act 249 of 1897, being CL 1897, §§ 3499 to 3511; Act 261 of 1859, being CL 1897, §§ 5707 and 5708; and Act 292 of 1887, being CL 1897, §§ 5516 to 5521.

Chapter I
LAYING OUT, ALTERING AND DISCONTINUING HIGHWAYS

221.1-221.19 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections regulated width, laying out, altering or discontinuing highways.

221.20 Public highway; definition, width.

Sec. 20.

All highways regularly established in pursuance of existing laws, all roads that shall have been used as such for 10 years or more, whether any record or other proof exists that they were ever established as highways or not, and all roads which have been or which may hereafter be laid out and not recorded, and which shall have been used 8 years or more, shall be deemed public highways, subject to be altered or discontinued according to the provisions of this act. All highways that are or that may become such by time and use, shall be 4 rods in width, and where they are situated on section or quarter section lines, such lines shall be the center of such roads, and the land belonging to such roads shall be 2 rods in width on each side of such lines.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4307 ;-- CL 1929, 3936 ;-- CL 1948, 221.20

221.20a Declaration of road as public highway; consent; petition; action in circuit court; order; purchase or condemnation.

Sec. 20a.

A township with the prior written consent of the board of county road commissioners and upon petition to the township board by 51% of the property owners whose frontage abuts a road may commence an action in circuit court to have the road determined to be a public highway and to determine the length and boundaries of the road. If the court finds that there has been public use of the road for at least 10 years and that public authorities have expended public money on the road, it shall enter an order that the road has become a public highway setting forth the length and boundaries of that public highway. If the court finds that the road has not become a public highway, the township may in the same action acquire by purchase or condemnation in accordance with section 20h of this chapter the property rights of those owners who in the action claim that the road is not a public highway and the court shall enter its order that the road is a public highway and set forth the length and boundaries of that public highway.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974 ;-- Am. 1978, Act 233, Eff. Mar. 30, 1979

221.20b Declaration of road as public highway; complaint; deposit.

Sec. 20b.

(1) A township proceeding under section 20a shall file a complaint for declaration of the road as a public highway in the circuit court of the county in which the road is located. The complaint shall contain or have annexed thereto (a) a copy of the petition from abutting property owners, (b) a description of the length and boundaries of the road, and (c) the names of persons having claims to the road as a private road, including any public utility having facilities located on the road.

(2) Before proceeding under section 20a the township board may require a deposit from the petitioners of an amount estimated by the township board to be sufficient to pay the cost of all legal proceedings.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20c Order fixing date for hearing; contents of order; service of complaint and order; notice of hearing; service and publication of complaint.

Sec. 20c.

(1) Upon the filing of a complaint, the court shall enter an order fixing a date for hearing, which shall be not less

than 3 weeks thereafter. The order shall recite the names of persons mentioned in the complaint as parties in interest, reasonably describe the road alleged to be a public highway, state the purpose of the complaint, and order the persons recited to appear before the court at the time fixed in the order for the hearing. A copy of the complaint and order shall be served upon the board of county road commissioners of that county not less than 20 days before the hearing.

(2) Notice of the hearing and service and publication of the complaint shall be made and proved in the same manner as provided for hearing upon a petition for condemnation under Act No. 295 of the Public Acts of 1966, as amended, being sections 213.361 to 213.391 of the Michigan Compiled Laws.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20d Determining sufficiency of petition; trial date; order.

Sec. 20d.

On the date of the hearing the court shall determine the sufficiency of the petition required by section 20a and set a date certain for trial as to the question of whether the road has become a public highway in fact or if persons do not appear to contest the action, may, upon hearing of such proofs as the court deems necessary, enter its order determining the road to be a public highway and determining the length and boundaries thereof.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20e Applicability of rules for civil actions.

Sec. 20e.

Except as therein otherwise provided, the proceedings taken under sections 20a to 20h, shall be in the same manner and governed by the same rules as for civil actions.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20f Notice of filing of complaint; contents; recordation.

Sec. 20f.

For the filing of a complaint in court to be constructive notice to a purchaser of real estate, the township shall file for record with the register of deeds of the county a notice of the filing of the complaint. The notice shall set forth the title of the cause and the general object thereof and a description of the property to be affected thereby. The register of deeds shall then record the notice in a book kept for that purpose upon payment of the fee provided by law for recording deeds. The register of deeds shall enter in an indexed book kept in his office references to the notice which will enable all persons interested to search for the notice without inconvenience.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20g Improvement of road by township; standards; special assessment; petition; acceptance of public highway; maintenance.

Sec. 20g.

Any road determined to be a public highway in accordance with this chapter shall be improved by the township to standards determined in writing by the board of county road commissioners of that county. The standards may be less than the standards adopted by that board of county road commissioners for construction of subdivision streets. The township may specially assess all or part of the costs of the improvements against benefited property owners pursuant to Act No. 188 of the Public Acts of 1954, as amended, being sections 41.721 to 41.737 of the Michigan Compiled Laws. The petition required by section 20a may serve as the petition for commencing special assessment proceedings if the petition so states. Upon completion of the improvements to board of county road commissioners standards the public highway shall be accepted by the board of county road commissioners as a county road and made a part of the county road system in accordance with the provisions of section 18 of chapter 4. Between the time that the court enters its order declaring that the road is a public highway and the time that the public highway is accepted by the board of county road commissioners neither the township nor the board of county road commissioners shall be responsible for maintaining the public highway nor be liable for failure to maintain the public highway.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.20h Acquisition of property by township by gift, purchase, or condemnation; petition; order of taking.

Sec. 20h.

The township may acquire property by gift, purchase, or condemnation as it deems necessary to establish a road as a public highway or for improvement of a road following a court order that the road is a public highway. For purposes of condemnation the township may proceed under Act No. 295 of the Public Acts of 1966, as amended. The complaint filed under this act, or any amendment thereof, may serve as the petition required under that act if it contains all elements required therein. An order of taking shall not be entered until a road has been determined to be a public highway.

History: Add. 1974, Act 336, Imd. Eff. Dec. 17, 1974

221.21 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section required that roads be ascertained, described, and entered of record if records of roads were or might be defective.

221.22 Public highway; discontinuance.

Sec. 22.

Every public highway already laid out, or hereafter to be laid out, no part of which shall have been opened and worked within 4 years after the time of its being so laid out, shall cease to be a road for any purpose whatever.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4309 ;-- CL 1929, 3938 ;-- CL 1948, 221.22 ;-- CL 1897, 4063
Compiler's Notes: This section re-enacts Sec. 22 of Ch. I of Act 243 of 1881, being How. 1317.

221.23-221.26 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections set forth matters to be considered in determination of damages or benefits from laying out, alteration, or discontinuance of a highway, described procedure for paying damages and assessing them, authorized commissioners to lay out and open highways, and provided for care, alteration and discontinuance of state roads.

221.27 Repealed. 1993, Act 354, Imd. Eff. Jan. 14, 1994.

Compiler's Notes: The repealed section pertained to highways across railroads and powers of the public utilities commission.

221.28-221.30 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections authorized laying out of state line highways, provided survey expenses, and permitted highways of less than standard width.

Chapter II
TAXES FOR HIGHWAY PURPOSES

222.1-222.19 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections provided for taxes for highway purposes and set forth procedures for collecting and accounting and for borrowing in anticipation of tax.

Chapter IV
COUNTY ROAD LAW

224.1 Adoption of county road system; referendum; form of resolution; special election; violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 1.

(1) On petition signed by registered electors of a county equal to not less than 10% of the registered electors residing in each of the several organized townships, incorporated villages and cities, of the county, or upon a majority vote of the members of the board of supervisors, the board of supervisors of the county may submit the question of adopting the county road system to a vote of the electors of the county. The board of supervisors may submit the question at a general or special election called for that purpose. The form of resolution for submitting the question is as follows: "Resolved, That the question of adopting the county road system be submitted to a vote of the electors of the county of ..... at (the general or special election) to be held on the ..... day of ..... nineteen hundred .....".

(2) If a special election is to be called, a clause shall be added to the resolution under subsection (1), as follows: "And a special election is called to be held in the townships and wards of the county on that day, for the purpose of taking the vote.".

(3) In a county of this state in which the question of adopting the county road system, whether under this act or under any previous law providing for a county road system, has previously been submitted to a vote of the electors and has been approved, and in which the county road system for any reason has not been put into actual operation and effect, the question of the adoption of the provisions of this chapter may be submitted as provided in this chapter, notwithstanding the previous submission and adoption.

(4) A petition under subsection (1), including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in subsection (1) is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4347 ;-- Am. 1921, Act 122, Eff. Aug. 18, 1921 ;-- CL 1929, 3976 ;-- CL 1948, 224.1 ;-- Am. 1998, Act 173, Eff. Mar. 23, 1999
Former Law: See section 1 of Act 149 of 1893, being CL 1897, § 4262; Act 199 of 1905; and Act 82 of 1907.
Popular Name: County Road Law

224.2 Election; time notice, form.

Sec. 2.

At least 3 weeks shall intervene between the adoption of the resolution by the board of supervisors and the time of holding such election. After the adoption of the resolution by the board of supervisors, the county clerk shall give notice thereof. Such notice shall be addressed to the electors of the county and shall set forth the action of the board of supervisors together with a copy of the resolution, and shall further give notice that said question will be stated upon the ballot to be used at said election, as follows: Shall the county road system be adopted by the county of .....? Said notice may be in the form following, viz:

To the electors of the county of .....

Notice is hereby given that at a meeting of the board of supervisors of said county held on the ..... day of ..... 19...., the following resolution was adopted, viz.: (here set forth the resolution).

Notice is further given that said question will be stated on the ballots to be used at said election, as follows: Shall the county road system be adopted by the county of .....?

Dated .....

.....

Clerk of the county of .....

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4348 ;-- CL 1929, 3977 ;-- CL 1948, 224.2
Former Law: See section 2 of Act 149 of 1893, being CL 1897, § 4263, and Act 82 of 1907.
Popular Name: County Road Law

224.3 Election; publication of notice, ballots.

Sec. 3.

Said clerk shall cause such notice, printed in the form of a handbill, to be posted in 3 or more public places in each township and ward of such county, at least 2 weeks before the time of such election, and also to be published in such newspaper or newspapers published and circulated in said county as the board of supervisors may direct, once in each week for at least 2 weeks before said election. Proof of the posting and publication of such notice may be made by affidavit of any person or persons knowing the facts and be filed in the office of said clerk and shall be recorded in the records of the proceedings of the board of supervisors. Such affidavit or the record thereof, or a certified copy of such affidavit or the record thereof, shall be prima facie evidence of the facts stated therein. Ballots shall be prepared and distributed by the same officers prescribed by law for general elections. The questions shall be stated on such ballots as follows, viz.: Shall the county road system be adopted by the county of .....? and immediately below and on different lines shall be printed the word "yes" and the word "no." At the time mentioned in such resolution such election shall be held and the vote taken accordingly.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4349 ;-- CL 1929, 3978 ;-- CL 1948, 224.3
Former Law: See section 3 of Act 149 of 1893, being CL 1897, § 4264.
Popular Name: County Road Law

224.4 Election; results.

Sec. 4.

If upon the canvass of the votes cast at such election it shall appear that the majority is in favor of the adoption thereof, then the county road system shall be considered as adopted in such county, and thereupon the provisions of this act and all other acts relative to such system shall be and become operative in such county.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4350 ;-- CL 1929, 3979 ;-- CL 1948, 224.4
Former Law: See section 4 of Act 149 of 1893, being CL 1897, § 4265.
Popular Name: County Road Law

224.5 Election; conduct.

Sec. 5.

In all elections held under this act the manner of preparing and distributing the ballots, the manner of conducting, canvassing, returning and declaring the result, shall be the same as now prescribed by law for other like county elections, except as herein otherwise provided.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4351 ;-- CL 1929, 3980 ;-- CL 1948, 224.5
Former Law: See section 5 of Act 149 of 1893, being CL 1897, § 4266.
Popular Name: County Road Law

224.6 Board of county road commissioners; election or appointment; notice of election; date; term of office; removal from office; notice of charges; county with population of 750,000 or more; powers and duties; reorganization; expenditure of funds; alteration of number of county road commissioners; transfer of powers and duties of county road commissioners to county board of commissioners; resolution.

Sec. 6.

(1) Except as otherwise provided by law and under subsection (4), (5), (7), or (8), in a county where the county road system is adopted, a board of county road commissioners consisting of not less than 3 members or more than 5 members must be elected by the people of the county. The initial road commissioners must be appointed by the county board of commissioners or elected at a general or special election called for that purpose, as determined by the county board of commissioners. The county board of commissioners may by resolution provide for staggered terms of office for the road commissioners under this subsection so that not more than 2 road commissioners' terms of office expire in the same year.

(2) If the road commissioners are appointed, they shall hold office only until January 1 of the first odd numbered year following the date of appointment. If the road commissioners are to be elected at a general or special election, notice of the election, embodying a copy of the resolutions of the county board of commissioners, giving the number and terms of the office of the road commissioners to be elected, must be published by the clerk as required by section 3 of this chapter.

(3) The regular election of county road commissioners must be held at the general election on the first Tuesday after the first Monday in November. The term of office of an elected county road commissioner commences on January 1 in the year following his or her election. The notice of the election must be given at the time notice is given of the general election of county officers.

(4) The election of county road commissioners is not mandatory in any county that contains all or part of 12 surveyed townships as determined by the government survey of the county. Except as provided under subsection (5), in a county under this subsection the county board of commissioners, by a majority of its members elect, may appoint the county road commissioners. A county road commissioner appointed under this subsection must not be removed from office before the expiration of his or her term of office without being given written notice of the

charges made against him or her and an opportunity to appear before the county board of commissioners for a hearing on the charges. A county board of commissioners in a county under this subsection with an elected board of county road commissioners shall not transfer the powers, duties, and functions of the elected board of county road commissioners to an appointed board of county road commissioners unless both of the following occur:

(a) The county board of commissioners submits that question to the qualified and registered electors of the county at the next regular election to be held in the county.

(b) A majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners to an appointed board of county road commissioners.

(5) In a county having a population of 750,000 or more that has adopted a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized by amendment to the charter. In a county having a population of 750,000 or more with a charter commission proposing a charter under 1966 PA 293, MCL 45.501 to 45.521, the powers and duties that are otherwise provided by law for a board of county road commissioners may be reorganized under the charter if, at the election considering the approval of the charter, the voters approve both the charter and a separate ballot question presented by the charter commission to reorganize the board of county road commissioners. Funds provided to the county under 1951 PA 51, MCL 247.651 to 247.675, must only be expended for the purposes provided under 1951 PA 51, MCL 247.651 to 247.675.

(6) If the county board of commissioners proposes to alter the number of county road commissioners as allowed under this act, the county board of commissioners shall hold not less than 1 public hearing on the proposed change to the road commission. The county board of commissioners shall give notice as required under the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, of the time and place of the public hearing not less than 28 days before the hearing. The county board of commissioners shall also provide written notice of the hearing to the county road commission and, if available, by posting the notice on the county's website. The county board of commissioners may vote on whether to alter the number of county road commissioners at the meeting noticed under this subsection.

(7) Except as otherwise provided under subsection (5) and subject to the requirement provided in subsection (9), the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners may be transferred to the county board of commissioners by a resolution as allowed under section 11 of 1851 PA 156, MCL 46.11. The appointed board of county road commissioners of that county is dissolved on the date specified in the resolution adopted under this subsection, and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675.

(8) Except as otherwise provided in subsection (5) and subject to the requirement provided in subsection (9), the county board of commissioners in a county with an elected board of county road commissioners may, by a resolution as allowed under section 11 of 1851 PA 156, MCL 46.11, submit to the qualified and registered electors of the county at the next regular election to be held in the county the question of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners. If a majority of the qualified and registered electors of the county voting on the question vote in favor of transferring the powers, duties, and functions of the elected board of county road commissioners of that county to the county board of commissioners, the elected board of county road commissioners of that county is dissolved and the county board of commissioners is authorized to receive and expend funds as allowed under 1951 PA 51, MCL 247.651 to 247.675.

(9) Before adopting a resolution under subsection (7) or (8), the county board of commissioners shall conduct, at a minimum, 2 public hearings on whether to transfer the powers, duties, and functions of the board of county road commissioners to the county board of commissioners.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 148, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 400, Eff. Aug. 14, 1913 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- Am. 1915, Act 181, Eff. Aug. 24, 1915 ;-- CL 1915, 4352 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- Am. 1929, Act 233, Eff. Aug. 28, 1929 ;-- CL 1929, 3981 ;-- CL 1948, 224.6 ;-- Am. 1982, Act 299, Imd. Eff. Oct. 11, 1982 ;-- Am. 2006, Act 598, Imd. Eff. Jan. 3, 2007 ;-- Am. 2009, Act 39, Imd. Eff. June 12, 2009 ;-- Am. 2012, Act 14, Imd. Eff. Feb. 21, 2012 ;-- Am. 2015, Act 237, Imd. Eff. Dec. 22, 2015 ;-- Am. 2020, Act 2, Imd. Eff. Jan. 27, 2020

Compiler's Notes: As to inter-county highways, super-highways, and limited access highways, see MCL 252.1 et seq.

Former Law: See section 6 of Act 149 of 1893, being CL 1897, § 4267; Act 197 of 1905; and Act 82 of 1907.

Popular Name: County Road Law

224.7 County road commissioners; oath, bond, regular term, succession, eligibility.

Sec. 7.

Any person elected or appointed county road commissioner shall, within 10 days after being notified in writing by the clerk of such county of his election or appointment, take and subscribe the constitutional oath of office and file the same with said clerk. Each and every county road commissioner shall be required to execute and give official bond in such amount as the board of supervisors of such county may determine, the expense of securing such bond, if any, to be paid from the county road fund. The term of office of the first commissioners elected or appointed in any county under this act, shall commence immediately upon filing such oath of office and bond, and shall continue as herein provided. The successor to each such commissioner shall be elected at the general election on the first Tuesday after the first Monday in November preceding the expiration of his term. They shall hold office for 2, 4 and 6 years respectively, from the said first day of January; and thereafter 1 commissioner shall be elected or appointed biennially for the full term of 6 years. No member of the board of supervisors shall be eligible to the office of county road commissioner, and such offices shall not be held by the same person at the same time.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4353 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- CL 1929, 3982 ;-- CL 1948, 224.7
Former Law: See section 7 of Act 149 of 1893, being CL 1897, § 4268; Act 98 of 1899; and Act 82 of 1907.
Popular Name: County Road Law

224.8 County road commissioners; vacancies; compensation; participation in insurance or retirement program.

Sec. 8.

(1) If a vacancy occurs in the office of county road commissioner, the county board of commissioners shall appoint a county road commissioner to fill the vacancy. The county road commissioner who is appointed shall hold office for the unexpired portion of the term in which the vacancy occurs. Each county road commissioner shall hold office until his or her successor is elected or appointed and qualified.

(2) The county board of commissioners shall fix the compensation of county road commissioners.

(3) The county board of commissioners may authorize the participation of county road commissioners in an insurance or retirement program established under section 10a. Any such authorization granted by a county board of commissioners before this subsection was added is valid. The cost of participation in the insurance or retirement program shall be paid by the county road commission from county road funds.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 148, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 371, Eff. Aug. 14, 1913 ;-- CL 1915, 4354 ;-- CL 1929, 3983 ;-- Am. 1943, Act 121, Eff. July 30, 1943 ;-- CL 1948, 224.8 ;-- Am. 1951, Act 50, Eff. June 1, 1951 ;-- Am. 1994, Act 320, Imd. Eff. Oct. 6, 1994
Former Law: See Act 149 of 1893, being CL 1897, § 4269; and Act 197 of 1905.
Popular Name: County Road Law

224.9 Board of county road commissioners; body corporate; common seal; quorum; conducting business at public meeting; notice; chairperson; function of board; other employment; appointment of superintendent; official name for suing, being sued, and holding land; service of process; conveyances; clerk; records and accounts; secretary; salaries.

Sec. 9.

(1) The board of county road commissioners shall constitute and be a body corporate with the right of making and using a common seal and altering the same. A majority of the members of the board shall constitute a quorum for the transaction of business. The business which the board of county road commissioners performs shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting of the board shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) The board shall annually appoint 1 member as chairperson to serve during the pleasure of the board. The board of county road commissioners shall act as an administrative board only and the function of the board shall be

limited to the formulation of policy and the performance of official duties imposed by law and delegated by the county board of commissioners, and a member of the board of county road commissioners shall not be employed individually in any other capacity by, or for other duties with, the board of county road commissioners.

(3) Nothing in this act shall interfere with the work of a commissioner during the commissioner's present term of office. The board shall appoint a competent superintendent, skilled in road building, who may be an engineer and who shall supervise road building operations in the county under the direction of the board. The board shall be known as the board of county road commissioners of the county of _____ and by that name may sue and be sued, and may hold in that name the title to land or an interest in land, acquired in the manner authorized by law. Process may be served on the chairperson or clerk of the board. The board may also sell and convey land or an interest in land held in the name of the board, or improvements located on the land, when the land, interest in land, or improvements, are not a part of a public street, highway, or park, or are not required to be used for a public street, highway, or park. A conveyance shall be signed by the chairperson and countersigned by the clerk, or deputy clerk, of the board. The seal of the board shall be attached and the conveyance shall be acknowledged by the signers, as authorized by the board, and as the free act and deed of the board. The clerk of the county shall be clerk of the board of county road commissioners, and shall keep the records and accounts of the board. When the record keeping is of sufficient volume, the board may appoint a secretary, with the consent of the county board of commissioners, who shall act as clerk of the board, and whose salary, together with the salaries of the members of the board of county road commissioners, shall be paid by the board of county road commissioners from county road funds.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4355 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- Am. 1919, Act 116, Eff. Aug. 14, 1919 ;-- Am. 1929, Act 277, Eff. Aug. 28, 1929 ;-- CL 1929, 3984 ;-- CL 1948, 224.9 ;-- Am. 1951, Act 50, Eff. June 1, 1951 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978
Former Law: See section 9 of Act 149 of 1893, being CL 1897, § 4270.
Popular Name: County Road Law

224.9a Availability of writings to public.

Sec. 9a.

A writing prepared, owned, used, in the possession of, or retained by the court commissioners appointed under this act or a board, road institute, jury, or arbitrators created or appointed under this act, in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1978, Act 264, Imd. Eff. June 29, 1978
Popular Name: County Road Law

224.10 Board of county road commissioners subject to MCL 15.321 to 15.330; employment and duties of county highway engineer; professional and consultant services; laborers; purchase of machines, tools, appliances, and materials; advertising for sealed proposals for purchase of vehicles; equal opportunity for minority business enterprises; plan; purchase of property for public purposes.

Sec. 10.

(1) The clerk and the members of a board of county road commissioners are subject to 1968 PA 317, MCL 15.321 to 15.330.

(2) The board of county road commissioners shall employ a competent county highway engineer who shall make surveys ordered by the board, prepare plans and specifications for roads, bridges, and culverts, and exercise general supervision over construction to insure that the plans and specifications are strictly followed. Two or more adjoining counties may employ the same engineer, if the work in 1 or more of the counties is not enough to employ the whole time of the engineer. The engineer employed by the board shall be known as the county highway engineer.

(3) The board may also engage other professional and consultant services as it considers necessary to implement

this act and promote efficiency and economy in the operation of the county road system. The board may also employ other necessary laborers and may purchase machines, tools, appliances, and materials that it considers necessary or convenient for the performance of work by the laborers. In cases involving the expenditure of an amount greater than $15,000.00 for the purchase of machines, tools, appliances, and materials, the board of county road commissioners shall advertise for sealed proposals for the machines, tools, appliances, and materials proposed to be purchased, except under emergency conditions, in which case the limit must not exceed $50,000.00. All purchases made under this section must be compiled separately for purposes of board approval. The board shall advertise for sealed proposals for the purchase of passenger vehicles and trucks weighing less than 5,000 pounds. The board may purchase surplus properties from the state and federal governments without advertising for sealed proposals.

(4) Each county road commission shall take all reasonable steps to ensure minority business enterprises have the equal opportunity to compete and perform contracts or purchases of services, or both, for the county road commission. The county road commission shall issue a plan for implementing this subsection.

(5) A county road commission may enter into a contract or agreement for the purchase of real or personal property for public purposes, to be paid for in installments over a period not to exceed 30 years or the useful life of the property acquired, whichever is less. Real or personal property purchased under this act may serve as collateral in support of the purchase, contract, or agreement.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 355, Eff. Aug. 14, 1913 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4356 ;-- CL 1929, 3985 ;-- Am. 1937, Act 292, Imd. Eff. July 23, 1937 ;-- Am. 1943, Act 75, Imd. Eff. Mar. 29, 1943 ;-- Am. 1945, Act 139, Imd. Eff. May 4, 1945 ;-- Am. 1946, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 25, 1946 ;-- CL 1948, 224.10 ;-- Am. 1967, Act 39, Imd. Eff. June 6, 1967 ;-- Am. 1980, Act 381, Imd. Eff. Jan. 2, 1981 ;-- Am. 1984, Act 133, Imd. Eff. June 1, 1984 ;-- Am. 1989, Act 251, Imd. Eff. Dec. 26, 1989 ;-- Am. 2003, Act 137, Imd. Eff. Aug. 1, 2003 ;-- Am. 2004, Act 516, Imd. Eff. Jan. 3, 2005 ;-- Am. 2020, Act 286, Eff. Mar. 24, 2021
Former Law: See Act 149 of 1893, being CL 1897, § 4271.
Popular Name: County Road Law

224.10a Employees and retirees of board of county road commissioners; insurance; annuities or benefits; participation; purchase; participation for members of collective bargaining unit; report; credit for previous service.

Sec. 10a.

(1) The board of county road commissioners may participate in the cost of, or provide life, health and accident, and hospitalization insurance for employees under its jurisdiction, and its retired employees, and their dependents in any county where the board of supervisors has not made benefits available to the employees pursuant to section 12a of Act No. 156 of the Public Acts of 1851, as amended, being section 46.12a of the Compiled Laws of 1948.

(2) In any county where the board of supervisors has not adopted and established a plan providing for retirement benefits or pensions for employees under the jurisdiction of the board of county road commissioners pursuant to the provisions of section 12a of Act No. 156 of the Public Acts of 1851, as amended, the board of county road commissioners may purchase or participate in the cost of endowment policies or retirement annuities for employees under its jurisdiction, to provide annuities or benefits for each employee after he has attained the age of 60 years in an amount not to exceed $100.00 per month or 2% of the average monthly earnings of the employee times the years of service of the employee, whichever is the lesser sum. The board as an alternative may establish and maintain a retirement system for employees under its jurisdiction and provide for financing, funding and benefit amounts and conditions, in accordance with and subject to section 12a of Act No. 156 of the Public Acts of 1851, as amended.

(3) Endowment policies or annuities in excess of the amounts herein stipulated may be provided by a plan of employee participation whereby the employees shall pay the total cost of the excess. If the employment or the annuity benefits of any employee who has participated in the cost of annuity benefits shall be terminated before the employee has received annuity benefits equal to the total amount of his participation, the balance of his total participation shall be refunded to the employee or his heirs at the time of termination.

(4) Any board of county road commissioners electing to pay or provide for annuities or benefits under this section shall grant benefits to all employees eligible therefor according to a uniform scale and shall not deny benefits to any employee by termination of his employment after such employee has become eligible therefor. Endowment policies or annuities provided for in this section shall be purchased from legal reserve companies authorized to write annuities in this state.

(5) Nothing in this section shall prohibit or restrict a board of county road commissioners who have prior to January 1, 1968 entered into a collective bargaining agreement from participating in a pension or insurance program for those of its employees who are members of a collective bargaining unit, as determined pursuant to section 13 of Act No. 336 of the Public Acts of 1947, as added, being section 423.213 of the Compiled Laws of 1948, which complies with and is established under the then existing requirements of section 302(c) of the national labor relations act, as amended, 29 USC 186(c), and the applicable provisions of the internal revenue code, notwithstanding the failure of the pension or insurance program to (a) provide benefits in the form of endowment policies or annuities, (b) provide benefits within the dollar limitations of this section, (c) provide benefits in accordance with the conditions of eligibility of this section, (d) provide for vesting of benefits before the employee commences retirement, or (e) provide for coverage of employees outside the bargaining unit covered by the collective bargaining agreement.

(6) A report of the condition of the retirement system shall be filed annually with the county pension committee provided for under section 12a of Act No. 156 of the Public Acts of 1851, as amended, in a form prescribed by the committee.

(7) A board of county road commissioners, by resolution, may credit a member of its retirement system with the amounts of service credit which he had previously been credited by a retirement system of the state or 1 of its political subdivisions, subject to the following conditions:

(a) Employment by the road commission shall have occurred within 1 year following his last separation from employment with the state or 1 of its political subdivisions.

(b) Service rendered prior to the last break in service of more than 1 year shall not be credited.

(c) He shall deposit in the road commission retirement system an amount equal to the amount he would have contributed had the service been rendered with the road commission, with interest thereon compounded annually, at a rate determined by the board.

(d) Any service which is recognized for the purpose of a deferred or vested benefit under another retirement system shall not be credited.

History: Add. 1941, Act 171, Eff. Jan. 10, 1942 ;-- Am. 1945, Act 80, Eff. Sept. 6, 1945 ;-- CL 1948, 224.10a ;-- Am. 1965, Act 185, Imd. Eff. July 15, 1965 ;-- Am. 1968, Act 211, Imd. Eff. June 24, 1968 ;-- Am. 1971, Act 184, Imd. Eff. Dec. 20, 1971
Popular Name: County Road Law

224.11 Construction or improvement of roads; public hearing; notice; opposition of certain record owners; purchase of private property.

Sec. 11.

(1) The board of county road commissioners may lay out new roads within the county as they consider necessary. The roads shall be not less than 4 rods wide. The board may also change the width or the location or straighten the line of a road over which it takes jurisdiction.

(2) Before the board approves a project for the construction of a new road or improvement of an existing road not part of the federal-aid systems, as defined in section 103 of Public Law 85-767, 23 U.S.C. 103, which improvement consists of widening or straightening the line of a road the board of county road commissioners shall conduct a public hearing pursuant to the following procedure:

(a) Notice of the public hearing shall be given at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The first notice shall appear 30 to 40 days before the scheduled hearing with the second notice appearing 5 to 12 days before the hearing.

(b) The required notices shall contain the date, time, and place of the hearing and shall include a description of the proposed action. The notice shall also contain a map or drawing of the proposed action. The map or drawing shall be made available to the public. The notice shall set forth the tentative schedule for the right of way acquisition, if necessary for the proposed action, and for the beginning of the construction or improvement.

(c) A copy of the notice shall be delivered to the local news media and to the executive official of each affected municipality.

(3) If the record owners of 100% of the property adjacent to a local road which is 1/4 mile or less in length and which has only 1 outlet, oppose the construction or improvement of the local road, the board of county road commissioners shall not approve the project.

(4) If in the laying out, widening, changing, or straightening of a road it becomes necessary to take private property, the board shall cause a survey of the proposed road to be made, together with an accurate description of the lands required for the road. It shall endeavor to agree with each owner, who is a resident of the county, for the purchase of a right of way over the owner's land included within the description. If it is able to agree with the

owner of the property, it may purchase the property and pay for the property out of the funds under its control. The land shall be conveyed to the county for the use and purpose of a road.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4357 ;-- Am. 1929, Act 275, Eff. Aug. 28, 1929 ;-- CL 1929, 3986 ;-- Am. 1931, Act 145, Eff. Sept. 18, 1931 ;-- CL 1948, 224.11 ;-- Am. 1976, Act 150, Imd. Eff. June 16, 1976 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978
Former Law: See section 11 of Act 149 of 1893, being CL 1897, § 4272.
Popular Name: County Road Law

224.11a County road commissioners; acceptance of land, payment of taxes and special assessments.

Sec. 11a.

The board of county road commissioners in laying out, widening, changing or straightening, or in any manner acquiring lands for county road purposes, shall not accept any lot or lands deeded to it unless all taxes and special assessments on such lands have been paid in full.

History: Add. 1963, Act 59, Eff. Sept. 6, 1963
Popular Name: County Road Law

224.12 Condemnation; petition for appointment of commissioners; order for hearing; publication and service; proof.

Sec. 12.

Whenever said board shall by resolution declare it necessary to condemn private property for the laying out, widening, changing or straightening of any road or for any other purpose for which the board is authorized to acquire private property the board may present to the circuit court or probate court of the county a petition describing the proposed road and each parcel of land necessary therefor giving the name of each person interested in each parcel so far as known, and praying for the appointment of 3 commissioners to determine the necessity of such proposed road, the necessity of taking each such parcel therefor, and to appraise the damages to be paid as compensation for such taking of each parcel for road purposes. The court shall appoint a guardian ad litem for any minor, insane or incompetent person interested in the proceedings. The guardian shall be a resident of the county. Upon the filing of the petition, the court shall make an order fixing a day for the hearing on such petition, which shall be not less than 3 weeks thereafter. Such order shall recite the names of the persons mentioned in the petition, and state the purpose of the petition. Such order shall be published once in each week for 3 successive weeks in some newspaper published and circulated in the county to be designated by the court, and notice thereof shall be served on each person named in the petition interested in the land who resides within the county, and upon each such guardian, at least 10 days before the day of hearing. Such service may be made personally or by leaving at the place of residence of the person to be served. Such publication shall constitute service of said order upon all non-residents of the county and all persons absent from the jurisdiction or unknown, or who are evading service or who for any other reason cannot be found. Proof of publication and service may be made by affidavit of any person or persons having knowledge of the facts. Such proof shall be filed with the court on the day of hearing, and thereupon the court shall have jurisdiction of the subject matter involved in the proceedings and of the parties interested therein.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4358 ;-- Am. 1929, Act 275, Eff. Aug. 28, 1929 ;-- CL 1929, 3987 ;-- Am. 1931, Act 145, Eff. Sept. 18, 1931 ;-- CL 1948, 224.12
Former Law: See section 12 of Act 149 of 1893, being CL 1897, § 4273.
Popular Name: County Road Law

224.13 Condemnation; commissioners; appointment, duties, qualifications.

Sec. 13.

On the day of hearing, the court shall hear the parties and appoint 3 disinterested persons commissioners, herein called court commissioners, whose duty it shall be to determine the necessity of such proposed road and the necessity for taking each parcel of land described in the petition therefor, and if they shall decide that it is necessary, then to appraise the damages to be paid as compensation for the taking of each such parcel therefor. Said commissioners shall not be residents of the townships in which the land sought to be taken is situated, nor of any township adjacent thereto. The court commissioners shall be sworn faithfully to discharge their duty. The courts shall fix the time and place for the first meeting of such court commissioners, and require their attendance; it may also authorize the court commissioners to adjourn their meeting from time to time not later than to a day to be named, and shall fix the time for filing the report of such court commissioners.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4359 ;-- Am. 1921, Act 367, Eff. Aug. 18, 1921 ;-- CL 1929, 3988 ;-- CL 1948, 224.13
Former Law: See section 13 of Act 149 of 1893, being CL 1897, § 4274.
Popular Name: County Road Law

224.14 Condemnation; meeting of court commissioners; adjournment; conducting business at public meeting; notice; subpoenas; oaths; view of premises; hearing proofs and allegations; decision; report; further proceedings; determination of damages.

Sec. 14.

(1) The court commissioners shall meet at the time and place ordered by the court. If all the commissioners do not appear, a smaller number may adjourn to a time certain, but an adjournment shall not be made to a day later than the time allowed by the court.

(2) The business which the court commissioners may perform shall be conducted at a public meeting held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The court or the clerk of the court may issue subpoenas to compel the attendance of witnesses before the court or before the court commissioners. A court commissioner may administer oaths to witnesses. The court commissioners, at the time fixed by the court or at the time fixed by adjournment, shall view the premises described in the petition, hear the proofs and allegations of the parties, and render a decision in the premises. The court commissioners shall report the decision in writing, signed by them or a majority of them, at the time fixed for that purpose. If the decision is that the road is unnecessary or that a part of the land described in the petition is unnecessary to be taken for the road, further proceedings for the establishment of the road shall not be taken for 1 year after that decision. If the decision is that the proposed road is necessary and that the land is necessary to be taken for the road, the court commissioners shall appraise the damages to be paid as compensation to each person interested for each parcel of land. In determining the damages, the commissioners shall take into consideration the benefits accruing to the owners of the land by reason of the laying out, straightening, altering, or widening the highway.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4360 ;-- Am. 1925, Act 191, Imd. Eff. May 5, 1925 ;-- CL 1929, 3989 ;-- CL 1948, 224.14 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978
Former Law: See section 14 of Act 149 of 1893, being CL 1897, § 4275.
Popular Name: County Road Law

224.15 Condemnation; powers of court.

Sec. 15.

The court may, at the time of the filing of the report or at such other time to which it may adjourn the proceedings, on cause shown, set aside the report and refer it back to such court commissioners or appoint other commissioners to retry the questions involved, whereupon such proceedings shall be had as are hereinbefore

provided for. The court may permit the amendment of any petition, affidavit, order, report or proceeding filed or had in the premises in such manner as shall be just and proper; it may fill any vacancy that shall occur among the court commissioners; it may permit a defective proceeding to be set aside and other proceedings in compliance with law to be had in place thereof; it may adjourn such proceedings or any part thereof from time to time, and may make all such orders in the premises as may be just and proper to further and accomplish the purpose thereof.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4361 ;-- CL 1929, 3990 ;-- CL 1948, 224.15
Former Law: See section 15 of Act 149 of 1893, being CL 1897, § 4276.
Popular Name: County Road Law

224.16 Condemnation; payment of awards; certificate of court, recording; vesting of title; prima facie evidence; court commissioners, compensation, expenses.

Sec. 16.

After the court shall confirm the report of the court commissioners, it shall enter an order authorizing the board of county road commissioners to pay the several sums awarded for damages, and the board shall pay the same accordingly. Such payment shall be made in money to the several persons entitled thereto, and if refused, or if there be no person properly authorized to receive the same, it shall be deposited as directed by the court. Upon filing proof of payment or deposit as ordered, the court shall prepare a certificate under its seal, signed by the judge, reciting briefly the proceedings that have been had, giving the names of the parties interested, describing the lands taken for such road, the award of damages therefor and the payment or deposit of the money, and deliver the same to the board of county road commissioners, and thereupon the title to such land shall be deemed vested in the county to be used for road purposes only. Such certificate shall be recorded in the book of deeds in the office of the register of deeds. Such certificate, certificates or the record thereof or a certified copy of such record, shall be prima facie evidence of the facts recited therein, and of title to such lands in the county and of the right of the board of county road commissioners to construct and maintain a road thereon. The court shall fix the compensation of the court commissioners and determine the amount of necessary expenses incurred in connection with such proceedings which shall be paid by the board of county road commissioners.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4362 ;-- Am. 1929, Act 275, Eff. Aug. 28, 1929 ;-- CL 1929, 3991 ;-- CL 1948, 224.16
Former Law: See section 16 of Act 149 of 1893, being CL 1897, § 4277.
Popular Name: County Road Law

224.17 County line road; establishment; proceedings; arbitration; hearing; conducting business at public meeting; notice; adjournment; allotment; refusing or neglecting to construct or maintain road; petition; duty of state highway commission; deduction from weight and gasoline tax refunds.

Sec. 17.

The boards of county road commissioners of adjoining counties may unite in laying out and establishing a county road on or near the line between their counties; may institute proceedings to acquire the lands for the road; and may construct and maintain the road at the joint expense of the counties. Should a part of the line road become abandoned, or should the division of the line road between the counties for opening, improvement, and maintenance become unjust and inequitable, on the written application of 7 or more property owners of either county, or on application of the state highway commission addressed to the county road commissioners of a county, the commissioners to whom the application is made within 5 days after receipt of the application, shall notify the county road commission of the adjoining interested county. Each commission shall appoint as arbitrator 1 of its members, and the 2 shall jointly appoint a time and place of hearing. The hearing shall not be less than 10 nor more than 20 days after the receipt of the application. The business which the arbitrators may perform shall be conducted at a public meeting of the arbitrators held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the hearing shall be posted in 3 public places in the county affected in the manner required by Act No. 267 of the Public Acts of 1976. The hearing may be adjourned, but for not more than 20 days.

At a hearing the arbitrators shall jointly determine whether the former division of the road is just and equitable, and if not, shall determine and allot what portion of road shall be improved and maintained by either of the counties. The allotment shall take effect immediately. Should the arbitrators be unable to agree, they shall adjourn the hearing, and on the adjourned day associate with themselves a county road commissioner of another immediately adjoining county. Should the 2 arbitrators be unable to agree on the third arbitrator, on notification of the state highway commission by the county road commission to which application for redivision has been made that they are unable to agree on the third arbitrator, the state highway commission shall appoint a third disinterested party, and the 3 shall determine the questions by majority vote. When a line road or bridge has been laid out or established, and the county road commissions refuse or neglect to construct or maintain their designated portion of the road in a manner reasonably safe and fit for public travel, the state highway commission, on a petition of 7 property owners of either county, shall inspect the merits of the petition. If the state highway commission decides with the petitioners, the state highway commission shall direct the county road commission to which the road or bridge belongs to construct and maintain the road or bridge, and in default shall be authorized to cause the road to be placed in condition safe and fit for public travel and pay for cost out of the highway fund, reimbursing the fund by appropriate deduction from the next installment of weight and gasoline tax refunds due the county or counties.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4363 ;-- CL 1929, 3992 ;-- Am. 1935, Act 142, Imd. Eff. June 4, 1935 ;-- CL 1948, 224.17 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978
Former Law: See section 17 of Act 149 of 1893, being CL 1897, § 4278.
Popular Name: County Road Law

224.18 State reward; map; conversion; determination; notice; official name; intercounty roads; abandonment; discontinuance of jurisdiction; petition; list of occupants on abutting land; hearing; property as site of public access; determination as binding; easement; operation and maintenance of property; effect of noncompliance with subsection (12); reopening road ending; closure; initiation of proceedings.

Sec. 18.

(1) If state reward is to be applied for, the board of county road commissioners shall file with the state transportation commission, for its approval, a map of the county showing the location of the proposed system of county roads. This proposed system may be changed if approved by the state transportation commission. All state rewarded roads composing a part of this system shall be taken over as county roads by the board of county road commissioners and any road or part of a road previously laid out shall become a county road if the board of county road commissioners shall at any time so determine, and in passing through or on the line between townships or villages or cities any streets or parts of streets may be adopted as a county road, with the consent of the proper authorities of that city or cities, village or villages. If a street is taken over and improved as a county road, city and village authorities may further improve the road by surfacing it outside the portion constructed by the county and by the addition of gutters, curbs, sidewalks, and other improvements, may provide for the care and maintenance of the improvements, and may levy and collect taxes for the improvements. The vote of the county road commissioners in respect to the determination shall be taken by yeas and nays, and shall be entered at large on the records of the board of county road commissioners. Notice of the determination shall be immediately given by the clerk to the highway authorities of each city or village in which the road or any part of the road is situated, and published in a newspaper of general circulation in the county, once in each week for 3 successive weeks. Proof of service and publication may be made by affidavit by any person knowing the facts and filed with the clerk. The affidavit or the record thereof or certified copy of the affidavit or record shall be prima facie evidence of its contents. After service and publication of the notice, the board of county road commissioners shall have exclusive jurisdiction and control of the road embraced within the determination, and the municipality within which the road is situated shall be relieved from all responsibility for the road. Immediately after laying out or taking control of a road the board shall give the road a name. The board may change the name of the road if it determines that a name change is necessary in order to conform to a general plan or avoid confusion or duplication. The name given by the board to any road under its jurisdiction, either originally or in case of a change as provided for in this section, is the official name by which the road shall be known.

(2) The board also may enter into agreements with the board of county road commissioners in any adjoining county with reference to the laying out, maintenance, construction, and improvement of inter-county roads. The decision of each board to become a party to an agreement is limited to the construction, improvement, or maintenance of the portion of the road subject to the jurisdiction of that board.

(3) The board of county road commissioners of any county that has adopted the county road system, at any time,

may either relinquish jurisdiction of or absolutely abandon and discontinue any county road, or any part of a county road, by a resolution adopted by a majority vote. The vote of the county road commissioners in respect to either relinquishment of jurisdiction or absolute abandonment and discontinuance shall be taken and entered, and notice given, in the same manner as required in this section in cases in which county roads are adopted. After proceedings to relinquish jurisdiction have been had, the jurisdiction and control of the road, or part of the road, except as otherwise provided in this section, shall revert to the municipality within which the road is situated, and the county shall be relieved of the responsibility for the road. After proceedings to abandon absolutely and discontinue, the road or part of the road shall cease to exist as a public highway unless the unit of government that acquires the property or control of the property permits use as a public highway. Subject to subsection (8), the board, at the time of the passage of a resolution to abandon absolutely and discontinue any portion of a highway under its jurisdiction, shall determine in the resolution that it is in the best interests of the public that the highway or portion of the highway be absolutely abandoned and discontinued. The board shall cause a true copy of every resolution or other proceeding containing an accurate description of the lands comprising the highway or portion of the highway that has been absolutely abandoned and discontinued to be recorded in the office of the register of deeds for the county where the lands are situated.

(4) The board of county road commissioners shall not absolutely abandon and discontinue any highway, or part of a highway, except as provided in this section, upon the written petition of 7 or more freeholders of the township in which the road is sought to be absolutely abandoned and discontinued. The petition for absolutely abandoning and discontinuing a highway shall describe the road in general terms or by any name by which it is known, and if the absolute abandonment and discontinuance of only a portion of a road is asked for, that portion shall be specified. The petition shall be accompanied by a true and correct list of the names and mailing addresses of the occupants of each parcel of land abutting the highway, or portion of the highway, sought to be absolutely abandoned and discontinued, which list shall be certified to under oath by 1 of the persons making or presenting the petition.

(5) If a petition for absolute abandonment and discontinuance of a road or portion of a road contains the signatures of all of the owners of record and occupants of land abutting the road, as ascertained from the records in the office of the register of deeds and the certified list provided for in subsection (4), the board of county road commissioners shall, within 20 days after receiving the petition, subject to subsection (8), determine the advisability of the abandonment and discontinuance and either grant or deny the petition without further proceedings. In all other cases the board shall, within 20 days after receiving a petition, issue a written notice stating the object of the petition and appointing a time and place of hearing, which notice shall be served on the township board of the township in which the road is situated and on the owners of record and occupants of lands through or adjoining which it is proposed to absolutely abandon and discontinue the road, by mailing a copy of the notice by first-class mail to the township board of the township in which the road is situated and to the residence of each owner of record or occupant at his or her last known address at least 30 days before the time of hearing. The township board of the township in which the road is situated shall have first priority to retain the property or portion of the property. The board shall also notify the township or municipality within which the road is situated, the state transportation department, and the department of natural resources if the action concerns any county road or portion of a county road that borders on, crosses, is adjacent to, or ends at a lake or the general course of a stream and the proposed action would result in the loss of public access. If the owner does not reside upon the land or the owner of record or occupant cannot be found within the county in which the land is situated, the notice to the owner of record or occupant of the land shall be served by posting in 3 public places in the township in which the road is situated, and by publication in a newspaper circulated within the county, 30 days before the time of hearing. Notice shall be served upon railroad companies by leaving a copy with the agent in charge of any ticket or freight office of the company operating the railroad, on the railroad line. The department of natural resources and the township or municipality within which the road is situated shall review the petition and determine within 30 days whether the property should be retained as an ingress and egress point. If the road is situated in a township, the township shall have first priority and the department of natural resources shall have second priority to retain the property as an ingress and egress point. If the road is not situated in a township, the department of natural resources shall have first priority to retain the property as an ingress and egress point.

(6) Upon the service of the notice required in subsection (5), and before any further proceedings are held, the person by whom the service was made shall make and annex to the notice, or a copy of the notice, an affidavit stating the time and manner of service, which shall be by first-class mail, and by posting and advertising. In addition, if service is upon a railroad company, the affidavit shall so state and shall specify the agent upon whom service was made. The notice and affidavit, together with an affidavit of publication if the notice was published, shall be attached to the petition, and the whole shall be present at the time of the hearing upon the petition. The board of county road commissioners may designate, as hearing examiner, an employee to hold the hearing upon the petition. After the hearing, the examiner shall report all findings of fact to the board.

(7) The board of county road commissioners or the superintendent or engineer employed by the board shall proceed to view the premises described in the petition and notice, and the board shall ascertain the necessity or advisability of absolutely abandoning and discontinuing the highway pursuant to the petition.

(8) Subject to subsection (5), if the board of county road commissioners determines pursuant to this section to

relinquish control, discontinue, abandon, or vacate any county road or portion of a county road that borders on, crosses, is adjacent to, or ends at a lake or the general course of a stream and the township, if applicable, or the department of natural resources decides to maintain the road as a public access site, it shall convey by quitclaim deed or relinquish jurisdiction over the property if the interest is nontransferable to the township or the state. If the township obtains the property or jurisdiction over the property as an ingress and egress point and later proposes to transfer the property or jurisdiction over the property, it shall give the department of natural resources first priority to obtain the property or jurisdiction over the property. If the state obtains the property or jurisdiction over the property under this subsection, the property shall be under the jurisdiction of the department of natural resources. The state may retain title to the property, transfer title to a local unit of government, or deed the property to the adjacent property owners. If the state has purchased the property with restricted fund revenue, money obtained from sale of the property shall be returned to that restricted fund. The local unit of government shall either maintain the property as a site of public access or allow it to revert to the adjoining landowners.

(9) Subject to subsection (5), if the board of county road commissioners determines pursuant to this section to abandon any county road or portion of a county road to a township, it shall quitclaim deed the property if the interest is nontransferable to the township. The township shall either retain the property or allow it to revert to the adjoining landowners.

(10) Within 30 days after final determination upon the petition for absolutely abandoning and discontinuing a highway, the board of county road commissioners shall file with the state transportation commission a full record and return of its proceedings. A determination by the board of county road commissioners under this section is binding for purposes of 1927 PA 341, MCL 247.41 to 247.46.

(11) The board of county road commissioners may reserve an easement for public utility purposes within the right-of-way of any road absolutely abandoned and discontinued under this section and may, by resolution, extinguish any easement so reserved whenever the easement ceases to be used for public utility purposes.

(12) If interest in the property is conveyed or control over the property is relinquished to a local unit or this state under subsection (8), the local unit or this state, as applicable, shall operate and maintain the property so as to prevent and eliminate garbage and litter accumulation, unsanitary conditions, undue noise, and congestion as necessary.

(13) If a person shows substantial noncompliance with the requirements of subsection (12), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for a period of up to 30 days.

(14) If a person shows substantial noncompliance with the requirements of subsection (12) and the circuit court has previously closed the road ending for up to 30 days under subsection (13), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 90 days.

(15) If a person shows substantial noncompliance with the requirements of subsection (12) and the circuit court has previously closed the road ending for 90 days under subsection (14), the circuit court may order the local unit or this state to close the road ending in a manner to prevent ingress and egress to the body of water for 180 days.

(16) If a person shows substantial noncompliance with the requirements of subsection (12) and the circuit court has previously closed the road ending for 180 days under subsection (15), the circuit court shall order the local unit or this state to show cause why the road ending should not be permanently closed in a manner to prevent ingress and egress to the body of water. Subject to subsection (17), the circuit court shall permanently close the road ending unless the local unit or this state shows cause why the road ending should not be closed.

(17) After a road ending is closed under subsection (16), and unless the property has been conveyed or relinquished to the adjacent landowners under subsection (18), the local unit or this state may petition the circuit court to reopen the road ending. The circuit court may order the road ending reopened if the local unit or this state presents a management plan to and posts a performance bond with the circuit court, and the circuit court finds that the management plan and performance bond are adequate to ensure compliance with subsection (12).

(18) After a road ending is closed by the circuit court under subsection (16), 1 or more of the adjacent landowners may petition the circuit court to order the local unit or this state to convey any interest in the property that the local unit or this state holds to the adjacent landowners, or, if the interest is nontransferable, to relinquish control over the property to the adjacent landowners.

(19) Proceedings under subsection (13), (14), (15), or (16) shall be initiated by application of 7 owners of record title of land in the local unit who own land within 1 mile of the road ending to the circuit court for the county in which the road ending is located. The applicants in the proceedings under subsection (13), (14), (15), (16), (17), or (18) shall give the persons described in subsection (5) notice of the application by registered mail.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 330, Eff. Aug. 14, 1913 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4364 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- Am. 1919, Act 116, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 195, Imd. Eff. May 17, 1921 ;-- Am. 1921, Act 74, Eff. Aug. 18, 1921 ;-- Am. 1921, Act 367, Eff. Aug. 18, 1921 ;-- Am. 1927, Act 369, Eff. Sept. 5, 1927 ;-- CL 1929, 3993 ;-- Am. 1935, Act 135, Imd. Eff. June 4, 1935 ;-- Am. 1937, Act 290, Imd. Eff. July 23, 1937 ;-- Am. 1943, Act 52, Imd. Eff. Mar. 30, 1943 ;-- CL 1948, 224.18 ;-- Am. 1949, Act 206, Imd. Eff. May 29, 1949 ;-- Am. 1952, Act 96, Eff. Sept. 18, 1952 ;-- Am. 1963, Act 46, Imd. Eff. Apr. 29, 1963 ;-- Am. 1996, Act 218, Imd. Eff. May 28, 1996 ;-- Am. 2000, Act 342, Imd. Eff. Dec. 27, 2000

Compiler's Notes: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.
Former Law: See section 18 of Act 149 of 1893, being CL 1897, § 4279.
Popular Name: County Road Law

224.19 Board of county road commissioners; powers and duties generally.

Sec. 19.

(1) The board of county road commissioners may grade, drain, construct, gravel, shale, or macadamize a road under its control, make an improvement in the road, and may extend and enlarge an improvement. The board may construct bridges and culverts on the line of the road, and repair and maintain roads, bridges, and culverts.

(2) The commissioners shall take over, construct, and maintain the bridges included in the proposed system of county roads provided in section 18 of this chapter, except bridges that are lawfully taken over for construction and maintenance in whole or in part by the state. When it is necessary to construct a bridge across a navigable stream over which a road under the control of the board of county road commissioners runs, the board may construct, repair, and maintain a bridge across the navigable stream with proper and adequate approaches to the bridge for the accommodation of traffic, and the bridge and the approaches to the bridge shall be of a width, size, strength, material, pattern, and design which the board considers suitable to meet the necessities and requirements of traffic and the relevant conditions, despite the fact that the bridge or the approaches to the bridge, or a portion of either, is within the limits of an incorporated municipality. The board of county road commissioners may borrow money, enter into contracts, and pledge the credit of the county in the manner and within the limitations provided by law for this purpose. For money borrowed, an obligation assumed, or a pledge of credit given, the bonds of the county may be issued and sold when authorized by the electors in the manner provided by law. The authority and powers granted in this section relative to bridges over navigable streams and the grant of that authority are retroactive and all acts of boards of county road commissioners, county boards of commissioners and other county officers, and all elections held, indebtedness incurred or authorized, and bonds approved or authorized by the electors of the county, to be issued and sold for the purpose and with the intent to provide for the construction, repair, and maintenance of bridges over navigable streams and their approaches are valid and binding acts and obligations. The obligations assumed, indebtedness incurred, pledge of credit given, and bonds issued or authorized by counties within this state for these purposes are valid.

(3) The construction, improvement, and maintenance of roads, bridges, and culverts, shall be in accordance with plans and specifications furnished or approved by the county highway engineer, who shall have supervision of the construction. The county road commissioners have all the authority in respect to the roads, bridges, and culverts which is vested in highway officers in townships, including the right to condemn gravel for road purposes and to petition the county drain commissioner for an outlet drain as provided in section 8 of chapter 15.

(4) The board of county road commissioners may maintain in its own name an action for injury to a county road, a part of the road as laid out and established, or to an improvement on the road. Money recovered in the action shall be paid to the county treasurer and shall be credited to the county road fund.

(5) When the board of county road commissioners decides to build or rebuild a road or bridge by a method other than by employment of day labor and purchase of necessary materials, the board shall advertise for sealed bids for the work, if the work involves an expenditure of an amount greater than $20,000.00. The board may reject any and all bids and may do the work by day labor, purchasing the necessary materials and employing the necessary labor. If the board decides to do the work by day labor, the plans and specifications together with all bids received on the plans and specifications, and the reason, in writing, for not letting the job by contract, shall be filed in the office of the county clerk. If a bridge is to be repaired or built at a cost greater than $500.00, the county road commissioners may apply to the state transportation department, which shall assign a competent engineer to review and report on plans that may have been prepared by the county highway engineer, or decide regarding the merits of each plan on which tenders may have been received before the contract was let, and pass on the completed structure before the contractor for that contract is paid.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 355, Eff. Aug. 14, 1913 ;-- CL 1915, 4365 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- Am. 1919, Act 116, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 195, Imd. Eff. May 17, 1921 ;-- CL 1929, 3994 ;-- CL 1948, 224.19 ;-- Am. 1955, Act 149, Imd. Eff. June 7, 1955 ;-- Am. 1967, Act 176, Imd. Eff. June 30, 1967 ;-- Am. 1980, Act 381, Imd. Eff. Jan. 2, 1981 ;-- Am. 1989, Act 251, Imd. Eff. Dec. 26, 1989
Former Law: See section 19 of Act 149 of 1893, being CL 1897, § 4280.
Popular Name: County Road Law

224.19a Contract for maintenance of road surface; charges; payment of damages.

Sec. 19a.

(1) As used in this section:

(a) "Board" means the governing body of a fair or exposition, which board is created under section 2 of Act No. 11 of the Public Acts of 1929, being section 46.152 of the Michigan Compiled Laws; section 4 of Act No. 80 of the Public Acts of 1855, as amended, being section 453.234 of the Michigan Compiled Laws; or Act No. 327 of the Public Acts of 1931, as amended, being sections 450.62 to 450.192 of the Michigan Compiled Laws.

(b) "Maintenance" means snow removal, grading, salting, controlling weed growth, or a related activity.

(c) "Road surface" means a highway, street, or other surface designed for and used primarily by, motor vehicles or fair events. Road surface includes parking lots, fair tracks, or similar area.

(2) A county road commission may contract with a board for the maintenance of a road surface. Before entering into a contract, the county road commission shall determine the charges to be made for maintenance, which charges shall be sufficient to completely reimburse the county road commission for all expenses incurred in the performance of the maintenance. The contract shall contain terms by which the board and not the county road commission shall be responsible for the payment of damages resulting from the maintenance of a road surface.

History: Add. 1979, Act 42, Imd. Eff. July 2, 1979
Popular Name: County Road Law

224.19b Working within right-of-way of county road; permit required; exceptions; permit requirements and schedule of fees; schedule of civil fines; itemization of costs; annual and emergency permits; security; certain conditions prohibited; limitation on permit fee; performance of routine maintenance or repair work; silvicultural operations; security bond or right-of-way bond; general liability insurance; right-of-way access; voluntary agreement; violation; civil fine; definitions.

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 of a county road, except sidewalk installation and repair, without first obtaining a permit from the county road commission having jurisdiction over the road and from the township, city, or village in which the county road is located when a permit is required by ordinance of the township, city, or village, under the authority conferred by section 29 of article VII of the state constitution of 1963. The adjacent property owner is not required to obtain a permit for work incidental to the maintenance of the right-of-way lying outside of the shoulder and roadway.

(2) A county road commission and a local unit of government may adopt, after a public hearing of which notice has been given by publication at least twice in a newspaper circulated in the county not more than 30 days nor less than 7 days before the hearing, reasonable permit requirements and, subject to subsections (6) and (7), a schedule of fees to be charged sufficient to cover only the necessary and actual costs applied in a reasonable manner for issuing the permit and for review of the proposed activity, inspection, and related expenses. In addition, a county road commission and a local unit of government may adopt a schedule of civil fines that can be imposed on a provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under this section during construction work within the right-of-way. The amount of a civil fine imposed on a provider must not exceed $5,000.00 per violation, and a civil fine must not be imposed on a provider if the work is required in a right-of-way on an emergency basis to restore services impacting public safety. After the work authorized in the permit has been completed, itemization of all costs must be supplied upon request of the permit holder.

(3) When a road commission adopts procedures for issuing permits or adopts a schedule of fees as provided in this section, separate procedures and fee schedules must be adopted for issuing annual and emergency permits that reflect the minimal administrative burden of issuing an annual permit for frequent but routine and unobtrusive work such as surveying and the extraordinary emergency repairs to municipal or public utilities.

(4) A county road commission may not refuse a permit requested by a government entity for the installation of a facility or utility owned by that government entity if security is given by the permittee or its contractor to the

county road commission sufficient to insure restoration of the road and appurtenances to the road and the adjacent right-of-way to a condition reasonably equal to or better than that existing before that installation.

(5) A county road commission shall not require a provider to perform or, except as otherwise provided in this section, pay for any topographic, boundary, environmental, or other kind of survey, study, or analysis of a right-of-way as a condition of or in connection with issuing a permit. A county road commission may require a provider to submit detailed engineering plans directly related to work in the right-of-way by that provider as a condition of or in connection with issuing a permit. In addition to any permit fees, a county road commission may require a provider to pay for any necessary and actual costs for inspections related to work in a right-of-way by that provider.

(6) A county road commission shall not charge a government entity or, except as otherwise provided in this section, a provider a permit fee exceeding $300.00 per permit or, except as otherwise provided in this section, $1,000.00 total for all permit fees per project. In a county with a population of more than 250,000, a county road commission shall not charge a provider a permit fee exceeding $600.00 per permit or, except as otherwise provided in this section, $2,000.00 total for all permit fees per project.

(7) Except as otherwise provided in this section, a county road commission shall not require a provider to obtain a permit for performing routine maintenance or repair work, as defined in the permit, in a right-of-way more than once a year, and shall not charge a provider an annual permit fee exceeding $300.00 for that permit for performing routine maintenance or repair work in a right-of-way. In a county with a population of more than 250,000, a county road commission shall not require a provider to obtain a permit for performing routine maintenance or repair work, as defined in the permit, in a right-of-way more than once a year, and shall not charge a provider an annual permit fee exceeding $600.00 for that permit for performing routine maintenance or repair work in a right-of-way. The annual permit fee provided in this subsection is not included in the permit fee limitation provided in subsection (6).

(8) This section does not authorize a county road commission to require a permit for a driveway or routine maintenance in silvicultural operations that are otherwise permissible under the laws of this state. A county road commission shall not be held liable for the failure of a person performing work for which a permit is not required on a county road right-of-way to post a sign that gives advance warning of the work being performed in the right-of-way. As used in this subsection, "silvicultural operations" means silvicultural practices as that term is defined in section 51101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101.

(9) Except as otherwise provided in this section, a county road commission shall not require a provider to have more than 1 security bond or right-of-way bond to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission. The provider shall determine whether the security bond or right-of-way bond described in this subsection is an insurance bond or a cash bond. A county road commission shall not require the security bond or right-of-way bond to be a cash bond. Except as otherwise provided in this section, the amount of a security bond or right-of-way bond described in this subsection must not exceed $20,000.00. In a county with a population of more than 250,000, the amount of a security bond or right-of-way bond described in this subsection must not exceed $40,000.00. Upon the request of a provider, the county road commission shall return a security bond or right-of-way bond to the provider within 120 days after the provider completes construction work in the right-of-way. Instead of providing a security bond or right-of-way bond, a provider may provide security that consists of an irrevocable letter of credit issued by a state or federally regulated financial institution licensed to do business in this state to secure the performance of the conditions of all permits issued that authorize the provider to construct, operate, maintain, or remove a facility or perform any other work anywhere within the right-of-way, as designated in the permits, of any road under the jurisdiction of the county road commission. Notwithstanding the limitation in this subsection requiring only 1 security bond or right-of-way bond, if there is a claim made against the bond, the provider must provide the county road commission with another security bond or right-of-way bond in order to continue working in that county. A bond required under this subsection must be from a state or federally regulated entity licensed to do business in this state.

(10) A provider shall maintain general liability insurance with minimum policy limits of $2,000,000.00 per occurrence for property damage and $2,000,000.00 per occurrence for bodily injury that apply to all claims, demands, suits, or causes of action arising in connection with or as a direct result of the provider's use and occupancy of a right-of-way under the jurisdiction of a county road commission.

(11) This section does not prohibit a county road commission and a provider from entering into a voluntary agreement regarding right-of-way access that includes permits, terms, and conditions that are different than the requirements or limitations imposed by this section, including, but not limited to, the amount of permit fees, terms of insurance, the size or number of security bonds or right-of-way bonds, or other valuable consideration. A county road commission that enters a voluntary agreement to access the rights-of-way with 1 provider shall offer similar terms and conditions regarding access to the rights-of-way to other providers.

(12) Except if work is required in a right-of-way on an emergency basis to restore services impacting public safety, a provider that performs work in a right-of-way without obtaining a permit as required under this section or that fails to maintain a security bond, right-of-way bond, or irrevocable letter of credit as required under this section

during construction work within the right-of-way is responsible for a civil fine of not more than $5,000.00 per violation as provided in the schedule of civil fines adopted under subsection (2).

(13) As used in this section:

(a) "County road commission" means the board of county road commissioners elected or appointed pursuant to section 6 of this chapter, or, in the case of a charter county with a population of 750,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive for ministerial functions and the county commission provided for in section 14(1)(d) of 1966 PA 293, MCL 45.514, for legislative functions. In addition, if a board of county road commissioners is dissolved as provided in section 6 of this chapter, county road commission includes the county board of commissioners of the county.

(b) "Provider" means either of the following:

(i) A telecommunication provider as that term is defined in section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102.

(ii) A video service provider as that term is defined in section 1 of the uniform video services local franchise act, 2006 PA 480, MCL 484.3301.

History: Add. 1980, Act 212, Eff. Mar. 31, 1981 ;-- Am. 2016, Act 456, Eff. Apr. 5, 2017 ;-- Am. 2018, Act 97, Eff. July 1, 2018
Popular Name: County Road Law

224.19c Road project; conditions requiring competitive bidding; very low-volume local road project; requirements; definitions.

Sec. 19c.

(1) Notwithstanding any provision of law to the contrary and subject to subsections (4) and (6), if a single township contributes 50% or more to the cost of a road project, the road project is located entirely within the jurisdiction of the township, and the road project does not disrupt any multiple township contract, the township board, by resolution, may require that the county road commission contract for the work on that road project through competitive bidding. A county road commission is not prohibited from submitting a competitive bid under this section.

(2) If a township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (1), the county road commission shall use the responsive and reasonable best value bidder process to competitively bid and award the road project contract to a responsive and reasonable best value bidder. As used in this subsection, "responsive and reasonable best value bidder" means a bidder who meets 1 of the following:

(a) Complies with all bid specifications and requirements and is listed by the Michigan department of transportation as a qualified bidder for the particular type of road project involved.

(b) Complies with all bid specifications and requirements and is determined by the Michigan department of transportation or the county road commission to be responsible using all of the following criteria:

(i) The bidder's financial resources.

(ii) The bidder's technical capabilities.

(iii) The bidder's professional experience.

(iv) The bidder's past performance.

(v) The bidder's insurance and bonding capacity.

(3) If a township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (1), the county road commission shall, within 15 days after the deadline for accepting bids, do all of the following:

(a) Based on the responsive and reasonable best value bidder process, determine which bids submitted are qualified and which bids submitted are not qualified.

(b) Clearly mark the bids, indicating which bids are qualified and which bids are not qualified.

(c) Transmit all of the bids received to the township board described in subsection (1) at least 30 days before awarding the contract to a qualified bidder.

(4) Subsections (1), (2), and (3) only apply to the following road projects:

(a) A road project involving unpaved roads with an estimated cost of more than $25,000.00.

(b) A road project involving paved roads with an estimated cost of more than $50,000.00.

(5) Notwithstanding any provision of law to the contrary and subject to subsection (10), if a single township contributes 50% or more to the cost of a very low-volume local road project, the road project is located entirely within the jurisdiction of the township, and the road project does not disrupt any multiple township contract, the

work on that very low-volume local road project shall, at a minimum, comply with the standards adopted by the American Association of State Highway and Transportation Officials for very low-volume local road projects. A county road commission shall not impose construction and design standards on a very low-volume local road project that exceed the American Association of State Highway and Transportation Officials construction and design standards for very low-volume local road projects unless those standards are approved by the township board of a township described in this subsection. As used in this subsection, "very low-volume local road" means that term as defined by the American Association of State Highway and Transportation Officials in guidelines for geometric design of very low-volume local roads (ADT $\leq$ 400).

(6) Notwithstanding any provision of law to the contrary and subject to subsection (9), if 2 or more townships in combination with one another contribute 50% or more to the cost of a road project, the road project is located entirely within the jurisdiction of those townships, and the road project does not disrupt any multiple township contract, the township board of each of those townships, by resolution, may require that the county road commission contract for the work on that road project through competitive bidding. Competitive bidding by the county road commission is required on a road project described in this subsection only if each township board described in this subsection passes a resolution requiring that the work be awarded through competitive bidding. A county road commission is not prohibited from submitting a competitive bid under this section.

(7) If each township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (6), the county road commission shall use the responsive and reasonable best value bidder process to competitively bid and award the road project contract to a responsive and reasonable best value bidder. As used in this subsection, "responsive and reasonable best value bidder" means a bidder who meets 1 of the following:

(a) Complies with all bid specifications and requirements and is listed by the Michigan department of transportation as a qualified bidder for the particular type of road project involved.

(b) Complies with all bid specifications and requirements and is determined by the Michigan department of transportation or the county road commission to be responsible using all of the following criteria:

(i) The bidder's financial resources.

(ii) The bidder's technical capabilities.

(iii) The bidder's professional experience.

(iv) The bidder's past performance.

(v) The bidder's insurance and bonding capacity.

(8) If each township board requires a county road commission to contract for work on a road project through competitive bidding as permitted under subsection (6), the county road commission shall, within 15 days after the deadline for accepting bids, do all of the following:

(a) Based on the responsive and reasonable best value bidder process, determine which bids submitted are qualified and which bids submitted are not qualified.

(b) Clearly mark the bids, indicating which bids are qualified and which bids are not qualified.

(c) Transmit all of the bids received to each township board described in subsection (6) at least 30 days before awarding the contract to a qualified bidder.

(9) Subsections (6), (7), and (8) only apply to the following road projects:

(a) A road project involving unpaved roads with an estimated cost of more than $25,000.00.

(b) A road project involving paved roads with an estimated cost of more than $50,000.00.

(10) Notwithstanding any provision of law to the contrary, if 2 or more townships in combination with one another contribute 50% or more to the cost of a very low-volume local road project, the road project is located entirely within the jurisdiction of those townships, and the road project does not disrupt any multiple township contract, the work on that very low-volume local road project shall, at a minimum, comply with the standards adopted by the American Association of State Highway and Transportation Officials for very low-volume local road projects. A county road commission shall not impose construction and design standards on a very low-volume local road project that exceed the American Association of State Highway and Transportation Officials construction and design standards for very low-volume local road projects unless those standards are approved by the township board of each township described in this subsection. As used in this subsection, "very low-volume local road" means that term as defined by the American Association of State Highway and Transportation Officials in guidelines for geometric design of very low-volume local roads (ADT $\leq$ 400).

History: Add. 2015, Act 181, Imd. Eff. Nov. 10, 2015
Popular Name: County Road Law

224.20 County road commissioners; surveys; tax, determination, maximum; submission to supervisors,

revision, apportionment; tax levy, collection, disbursement.

Sec. 20.

Before the first day of October of each year said board of county road commissioners shall cause preliminary surveys, general plans, specifications and estimates of roads, bridges and culverts to be made by the county highway engineer, whose qualifications shall be approved by the state highway commissioner in case it is intended by the commissioners to apply for said reward. Based upon the above estimates, said board of county road commissioners shall determine upon the amount of tax which in its judgment should be raised for such year in said county for the purposes aforesaid, specifying and itemizing the roads and parts of roads upon which such moneys are to be expended, stating the amount asked for each of such roads, and shall cause such determination to be entered upon its records. Such tax shall not exceed five dollars on each one thousand dollars of assessed valuation according to the assessment roll of the last preceding year in counties where such valuation does not exceed twenty millions of dollars; such tax shall not exceed four dollars on each one thousand dollars of assessed valuation according to the assessment roll of the last preceding year in counties where such valuation is more than twenty million dollars and does not exceed forty millions of dollars; such tax shall not exceed three dollars on each one thousand dollars of assessed valuation according to the assessment roll of the last preceding year in counties where such valuation is more than forty million dollars and does not exceed one hundred million dollars; such tax shall not exceed two dollars on each one thousand dollars of assessed valuation according to the assessment roll of the last preceding year in counties where such valuation is more than one hundred million dollars and does not exceed three hundred million dollars; and such tax shall not exceed one dollar on each one thousand dollars of assessed valuation according to the assessment roll of the last preceding year in counties where such valuation is more than three hundred million dollars. At the annual meeting of the board of supervisors held in October, the county clerk shall lay such determination before the board of supervisors, and such board of supervisors shall pass upon the said determination, and if a majority of such board of supervisors agree therewith, then such tax shall be apportioned among the several townships and cities of said county according to their equalized valuation. If the determination of the board of county road commissioners shall not meet with the approval of a majority of the board of supervisors, then the said board of supervisors shall proceed to decide upon the amount of tax to be raised for such year in such county for the purposes aforesaid, and may allow or reject in whole or in part any or all of the items for the sections of roads thus submitted for its consideration; and it shall not be lawful for such county road commissioners without the consent of such board of supervisors to spend any such moneys upon any other roads than as thus specified. It shall be the duty of the board of supervisors to raise a sufficient tax to keep any county roads or bridges already built in reasonable repair, and in condition reasonably safe and fit for public travel. After the said board of supervisors shall have decided upon the amount of tax to be raised, the said board shall thereupon apportion such tax between the several townships and cities of said county according to their equalized valuation. The supervisors or other assessing officers in such townships and cities shall levy and apportion the taxes so apportioned as provided in this section, to their respective townships and cities respectively, upon which the county taxes are assessed. The taxes so assessed shall be collected and paid to the county treasurer the same as other county taxes. All the provisions of law relating to the assessment, levy, collection and return of county taxes and the sale of property delinquent therefor, shall apply to taxes to be raised pursuant to this act. The county treasurer shall keep a separate account of the taxes collected and moneys received under this act and shall pay the same out only upon the order of such board of county road commissioners and upon warrants signed by the chairman and countersigned by the clerk of the board. In counties having a county auditor or board of county auditors the warrants shall pass through the hands of such county auditors and be further countersigned by them, when payment shall be made thereof by the county treasurer. All moneys raised under the provisions of this act shall be expended by such board of county road commissioners exclusively for the purposes herein mentioned.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 355, Eff. Aug. 14, 1913 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4366 ;-- Am. 1917, Act 157, Eff. Aug. 10, 1917 ;-- Am. 1919, Act 246, Eff. Aug. 14, 1919 ;-- Am. 1921, Act 367, Eff. Aug. 18, 1921 ;-- Am. 1927, Act 177, Imd. Eff. May 14, 1927 ;-- CL 1929, 3995 ;-- Am. 1932, 1st Ex. Sess., Act 36, Imd. Eff. May 13, 1932 ;-- CL 1948, 224.20 ;-- Am. 1953, Act 168, Eff. Oct. 2, 1953
Former Law: See section 20 of Act 149 of 1893, being CL 1897, § 4281; and Act 82 of 1907.
Popular Name: County Road Law

224.20a County road tax; nonapplication of tax rate limitations; local approval; use of revenues.

Sec. 20a.

The tax rate limitations of section 20 shall not apply where an extra tax levy has been approved by the electorate

of the county of not to exceed 1/2 of 1% of the assessed valuation as equalized for the preceding year, if such levy has been submitted to the electorate pursuant to a resolution of the board of supervisors approved by the governing bodies of each city within the county. Revenues derived from the extra tax levy authorized by this section may be used for the improvement of city streets in such amounts and on such projects as shall be mutually agreed upon by the county road commission and the governing bodies of the cities and approved by the board of supervisors. The provision of this section shall apply only when the tax rate limitations of section 20 are exceeded.

History: Add. 1966, Act 89, Imd. Eff. June 14, 1966
Popular Name: County Road Law

224.20b Tax levy for highway, road, and street purposes; submission to electorate; allocation and use of revenues.

Sec. 20b.

(1) Notwithstanding any other provision of this act, the board of commissioners of any county by proper resolution may submit to the electorate of the county at any general or special election the question of a tax levy for highway, road and street purposes or for 1 or more specific highway, road or street purposes, including but not limited to bridges, as may be specified by the board.

(2) Unless otherwise agreed by the governing bodies of the cities and villages and the board of county road commissioners the revenues derived from the tax levy authorized by this section shall be allocated and distributed by the county treasurer as follows:

(a) To the county road fund:

(i) A percentage of the total revenues equal to the proportion that the state equalized valuation of the unincorporated area of the county bears to the total state equalized value of the county.

(ii) A percentage of the remainder of the revenues equal to the proportion that the county primary road mileage within cities and villages bears to the total of the city and village major street mileage in the county plus the county primary road mileage within cities and villages in the county. The mileages to be used are the most recent mileages as certified by the state highway commission.

(b) The remaining revenues shall be distributed to the cities and villages in the proportion that the state equalized valuation of each bears to the total state equalized valuation of the incorporated areas of the county.

(3) The revenues allocated to the cities and villages shall be expended exclusively for highway, road and street purposes. The revenues allocated to the county road fund shall be expended by the board of county road commissioners exclusively for highway, road and street purposes.

(4) Notwithstanding the provisions of section 22 of this chapter, section 7 of Act No. 156 of the Public Acts of 1851, as amended, being section 46.7 of the Compiled Laws of 1948, or section 1 of Act No. 28 of the Public Acts of 1911, being section 141.71 of the Compiled Laws of 1948, a board of county commissioners shall not submit to the electorate of the county the question of a tax levy for any highway, road or street purpose, including but not limited to bridges, nor submit the question of borrowing money for any such purpose, to be voted upon at any election held on or after September 1, 1971 unless the revenues or proceeds are allocated and distributed in the same manner as the revenues derived from a tax levy authorized by this section.

History: Add. 1968, Act 133, Eff. Nov. 15, 1968 ;-- Am. 1971, Act 213, Imd. Eff. Dec. 30, 1971
Popular Name: County Road Law

224.21 County road commissioners; authority to obligate county limitation; roads under construction; duty of county to keep roads in repair; actions brought against board; liability for damages.

Sec. 21.

(1) A board of county road commissioners shall not contract indebtedness for an amount in excess of the money credited to the board and received by the county treasurer. However, the board may incur liability to complete roads under construction and upon contracts, after a tax is voted, to an amount not exceeding 3/4 of the tax.

(2) A county shall keep in reasonable repair, so that they are reasonably safe and convenient for public travel, all

county roads, bridges, and culverts that are within the county's jurisdiction, are under its care and control, and are open to public travel. The provisions of law respecting the liability of townships, cities, villages, and corporations for damages for injuries resulting from a failure in the performance of the same duty respecting roads under their control apply to counties adopting the county road system. This subsection is subject to section 82124 of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 321.82124 of the Michigan Compiled Laws, and section 81131 of part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being section 324.81131 of the Michigan Compiled Laws.

(3) An action arising under subsection (2) shall be brought against the board of county road commissioners of the county and service shall be made upon the clerk and upon the chairperson of the board. The board shall be named in the process as the "board of county road commissioners of the county of .....". Any judgment obtained against the board of county road commissioners in the action shall be audited and paid from the county road fund as are other claims against the board of county road commissioners. However, a board of county road commissioners is not liable for damages to person or property sustained by a person upon a county road because of a defective county road, bridge, or culvert under the jurisdiction of the board of county road commissioners, unless the person serves or causes to be served within 60 days after the occurrence of the injury a notice in writing upon the clerk and upon the chairperson of the board of county road commissioners. The notice shall set forth substantially the time when and place where the injury took place, the manner in which it occurred, the known extent of the injury, the names of any witnesses to the accident, and that the person receiving the injury intends to hold the county liable for damages. This section applies to all county roads whether they become county roads under this chapter or under Act No. 59 of the Public Acts of 1915, being sections 247.418 to 247.481 of the Michigan Compiled Laws.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4367 ;-- Am. 1919, Act 388, Eff. Aug. 14, 1919 ;-- CL 1929, 3996 ;-- CL 1948, 224.21 ;-- Am. 1951, Act 234, Eff. Sept. 28, 1951 ;-- Am. 1954, Act 12, Eff. Aug. 13, 1954 ;-- Am. 1996, Act 23, Imd. Eff. Feb. 16, 1996
Former Law: See section 21 of Act 149 of 1893, being CL 1897, § 4282; and Act 82 of 1907.
Popular Name: County Road Law

224.22 Bond issue; submission to electors; notice; vote; expenditure of proceeds; contract indebtedness or bonds subject to revised municipal finance act.

Sec. 22.

If the board of supervisors of the county by a majority vote of all the members elected to and serving resolve to contract indebtedness or issue bonds to raise money for the construction and maintenance of county roads, the question shall be submitted to a vote of the electors of the county at a general or a special election called for that purpose. Notice of the submission of the resolution to a vote of the electors and, in case a special election is called, notice of the calling of the special election shall be given in the same manner and for the same length of time as provided by law. If a majority of the electors voting on the resolution vote in favor of the resolution, it shall be considered to have carried. The manner of stating the question upon the ballots shall be prescribed by the resolution of the board of supervisors. All money raised by the board of supervisors for the construction and maintenance of county roads shall be expended under the direction of the board of county road commissioners. Contract indebtedness incurred or bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4368 ;-- CL 1929, 3997 ;-- CL 1948, 224.22 ;-- Am. 2002, Act 339, Imd. Eff. May 23, 2002
Former Law: See section 22 of Act 149 of 1893, being CL 1897, § 4283; Act 127 of 1899; and Act 82 of 1907.
Popular Name: County Road Law

224.23, 224.24 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections defined “township roads”, put them in care of township board and highway commissioner, and provided that county road law be inoperative where county road system was not adopted.

Popular Name: County Road Law

224.25 Board of county road commissioners; statement of accounts made to board of supervisors, audit, proof of filing, publication, statement of county clerk, filing with state highway commissioner.

Sec. 25.

Accurate accounts shall be kept under the direction of the board of all money received and disbursed by it, and a full statement thereof together with a complete statement in detail, of all work done, right-of-way acquired, and road constructed by said board shall be made to the board of supervisors of the county at its annual meeting each year. Such statement shall be published in the report of the proceedings of the board of supervisors. The accounts of said board of county road commissioners shall be reported to and audited by the board of supervisors at each meeting thereof or by any committee they may appoint for such purpose: Provided, That in counties having a board of auditors the accounts shall be audited by the board of auditors of that county, but the said board of auditors shall have no jurisdiction over the expenditure of any portion of the county road fund. Proof of filing of such statement with the board of supervisors, sworn to by the chairman of the board of county road commissioners, with copy of such statement annexed, together with sworn statement of the county clerk that such statement was published as a part of the proceedings of the board of supervisors shall be filed with the state highway commissioner within 30 days following such annual meeting.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4371 ;-- CL 1929, 4000 ;-- Am. 1937, Act 178, Imd. Eff. July 9, 1937 ;-- CL 1948, 224.25 ;-- Am. 1952, Act 81, Eff. Sept. 18, 1952
Former Law: See section 25 of Act 149 of 1893, being CL 1897, § 4286.
Popular Name: County Road Law

224.26 Audit required; frequency.

Sec. 26.

(1) Every county road commission in counties of more than 50,000 population shall have an annual audit of its financial records, accounts, and procedures, including those required by law governing the disposition of any state funding.

(2) In counties of less than 50,000 population, the audit shall be required not less frequently than biennially.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Compiler's Notes: Former MCL 224.26, pertaining to state reward roads, was repealed by Act 77 of 1958.
Popular Name: County Road Law

224.27 Audit; contract with certified public accountant; audit as public record; certain persons to receive copies; failure to provide audit; cost; powers, duties, and functions of state agencies not affected.

Sec. 27.

Each county road commission shall contract with a certified public accountant to perform the audit. The proposed contract with the certified public accountant shall be confirmed by the county board of commissioners. Such audit shall be a public record and copies shall be sent to the county commission, the county treasurer and the state treasurer. If a county road commission fails to provide for an audit, the department of treasury shall conduct the audit or cause it to be conducted by a certified public accountant. The cost of any audit required by this act shall be paid by the county road commission audited.

Nothing in this act shall increase or decrease the powers, duties, and functions, including the authority to audit, of any state agency, department, board or commission relative to the boards of county road commissions as

provided by any other law.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Compiler's Notes: Former MCL 224.27, pertaining to state reward roads, was repealed by Act 77 of 1958.
Popular Name: County Road Law

224.28 Audit report; contents.

Sec. 28.

An audit report shall:

(a) State that the audit was conducted in accordance with generally accepted auditing standards and with the standards as provided in Act No. 71 of the Public Acts of 1919, being section 21.41 of the Michigan Compiled Laws.

(b) State that the financial statements in the reports were prepared in accordance with generally accepted accounting principles applied on a consistent basis and with applicable rules of a state department or agency. Deviations from the principles or rules, shall be described.

(c) Disclose material deviations by the county road commission from generally accepted accounting practices or from applicable rules of a state department or agency.

(d) Disclose fiscal irregularities, defalcations, misfeasance, nonfeasance, or malfeasance which came to the auditors' attention.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Popular Name: County Road Law

224.29 Audit report; public inspection.

Sec. 29.

The audit reports submitted under this act shall be made available for public inspection.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Popular Name: County Road Law

224.30 Statutory violations; institution of proceedings.

Sec. 30.

(1) If an audit or investigation conducted under this act discloses statutory violations on the part of an officer, employee, or board of a county road commission, a copy of the report shall be filed with the attorney general who shall review the report and cause to be instituted a proceeding against the officer, employee, or board as the attorney general deems necessary.

(2) The attorney general, within 60 days after receipt of the report, may institute criminal proceedings as he deems necessary against the officer or employee, or direct that the criminal proceedings be instituted by the prosecuting attorney of the county in which the offense was committed.

(3) The attorney general or the prosecuting attorney shall institute civil action in a court of competent jurisdiction for the recovery of public moneys disclosed by an examination to have been illegally expended or collected and not accounted for and for the recovery of public property disclosed to have been converted and misappropriated.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Compiler's Notes: Former MCL 224.30, pertaining to the exception of Marquette county, was repealed by Act 77 of 1958.
Popular Name: County Road Law

224.31 Verification of transactions; immunity of bank, contractor, or other person providing information.

Sec. 31.

(1) For purpose of verifying transactions disclosed by an audit or investigation, a person or firm authorized to conduct an audit under this act may ascertain the deposits, payments, withdrawals, and balances on deposit in a bank account or with a contractor or with any other person having dealings with the county road commission.

(2) A bank, contractor, or person shall not be held liable for making available any of the information required under this act.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Compiler's Notes: Former MCL 224.31, pertaining to township road systems, was repealed by Act 77 of 1958.
Popular Name: County Road Law

224.32 Access to, examination of, or production of records or property.

Sec. 32.

(1) An authorized employee of any state agency, department, board or commission, certified public accountant, or firm of certified public accountants conducting an audit under this act shall have access to, and may examine, all books, accounts, reports, vouchers, correspondence files, and other records, as well as bank accounts, moneys, or other property of a road commission.

(2) An officer of a county road commission, upon demand of persons authorized under this act, shall produce all books, accounts, reports, vouchers, correspondence files, and other records, as well as bank accounts, moneys, or other property of the county road commission under audit or investigation, and shall truthfully answer all questions related thereto.

History: Add. 1975, Act 199, Imd. Eff. Aug. 14, 1975
Popular Name: County Road Law

Chapter V
STATE REWARD FOR ROADS

225.1 State highway department; duties.

Sec. 1.

There is hereby created and established a state highway department, which shall be charged with the giving of instruction in the art of building, improving and repairing public wagon roads and bridges, collecting reports from township and county highway commissioners, overseers of highways and superintendents and commissioners of streets in villages and cities, and with the distribution of any state reward for improving the public wagon roads, that this legislature or any future session may provide for, or any funds that may be given to the state for such purposes by the United States government.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4378 ;-- CL 1929, 4019 ;-- CL 1948, 225.1
Compiler's Notes: Section 2 of amendatory Act 300 of 1947 provides as follows:"Section 2. All records, files and documents in the office of the Mackinac bridge authority shall be turned over to the state highway department, and kept in said department."
Former Law: See section 1 of Act 146 of 1905; and section 1 of Act 203 of 1903.

225.2 Ridesharing programs; administration; duties; appropriation.

Sec. 2.

(1) The department of state highways and transportation shall administer ridesharing programs in the state and shall do all of the following:

(a) Develop a comprehensive state ridesharing program. The program shall examine and recommend application of various ridesharing methods, including carpooling, vanpooling, buspooling, park-and-ride lots, and public transportation.

(b) Provide technical assistance to local transportation and planning agencies.

(c) Develop and maintain computer or manual matching systems for ridesharing programs.

(d) Contract with public and private organizations to perform ridesharing matching programs.

(e) Develop and undertake ridesharing promotional programs.

(f) Coordinate the development of a statewide program of park-and-ride lots.

(g) Coordinate and encourage the development of highway facilities which give preferential treatment to ridesharing vehicles.

(h) Develop and manage state ridesharing programs.

(2) The legislature shall annually appropriate sufficient funds to implement this section.

History: Add. 1978, Act 557, Imd. Eff. Dec. 22, 1978
Compiler's Notes: Former MCL 225.2, pertaining to office of state highway commissioner, was repealed by Act 286 of 1964.

225.2a Repealed. 1964, Act 286, Eff. Jan. 4, 1965.

Compiler's Notes: The repealed section provided for an advisory board.

225.2b Commissioner to control state roads; condemnation, construction and improvement of drains.

Sec. 2b.

The state highway commissioner is hereby invested with full charge and control over roads heretofore or hereafter built or maintained by the state; and shall have the same authority to purchase or condemn land for highway purposes including lands containing gravel, stone or other material used and useful in highway construction as is or may be granted by law to township highway commissioners and to county road commissioners. The procedure that is, or may be, prescribed for condemnation proceedings instituted by boards of county road commissioners, is hereby expressly made applicable to such a proceeding when brought by the state highway commissioner. Such right of purchase or condemnation shall be deemed to exist in the case of the construction or maintenance of any road built or improved solely by the state, or by the state with federal aid, or by the state in conjunction with any of the municipalities of the state. The said commissioner may also exercise the same measure of authority as is or may be granted to county road commissioners with respect to the construction of drains when necessary for the construction or improvement of any highway within the contemplation hereof.

History: Add. 1919, Ex. Sess., Act 24, Imd. Eff. June 25, 1919 ;-- Am. 1921, Act 367, Eff. Aug. 18, 1921 ;-- CL 1929, 4022 ;-- CL 1948, 225.2b

225.3 Road institute; time; place; conducting business at public meeting; notice; duties of delegates; per

diem and expenses.

Sec. 3.

If considered advisable by the state highway commission, the highway commissioners of the townships of this state, and the county highway commissioners in counties working under the county road law, shall meet annually in a road institute, at a time and place as the state highway commission designates. The business which the road institute may perform shall be conducted at a public meeting of the institute held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of a meeting of the road institute shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The delegates to the institute shall consider matters as the state highway commission presents to their attention, and discuss matters of road improvement as may be of special interest to the township and county highway commissioners. A township highway commissioner may collect from his or her township the same per diem as in actual road work, and his or her actual expenses in attending the institute, if reasonable, shall be allowed by the township board and shall be paid by the township. A county highway commissioner may collect from his or her county the same per diem as in actual road work, and his or her actual expenses in attending the institute, if reasonable, shall be allowed by the board or committee, or county auditors who may have the authority in those matters in the county of which he or she is a county highway commissioner, and shall be paid by the county.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 355, Eff. Aug. 14, 1913 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4380 ;-- CL 1929, 4023 ;-- CL 1948, 225.3 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978
Former Law: See section 3 of Act 146 of 1905, as amended by Act 309 of 1907.

225.4-225.8 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections required local officials to make sworn reports to state highway commissioner, required him to furnish plans and advice on building or improvement of public roads or bridges, defined terms and required commissioner to record actions of the department and to make township maps.

225.12, 225.13 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections provided for patrol system for road maintenance and made state highway commissioner's decision final on merit for state reward.

225.14 State department; office and equipment.

Sec. 14.

There shall be assigned to the state highway commissioner, by the board of state auditors, suitable rooms at Lansing, and at such other cities as the state highway commissioner and board of state auditors may determine, for the conducting of the business of the state highway department, and they shall provide suitable furniture and office equipment.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4391 ;-- Am. 1917, Act 356, Imd. Eff. May 10, 1917 ;-- CL 1929, 4031 ;-- CL 1948, 225.14
Former Law: See section 15 of Act 146 of 1905 and section 7 of Act 203 of 1903.

225.17 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section provided state aid for bridges having more than a 30 foot span.

Chapter VI
FOR THE SECURITY OF PERSONS AND PROPERTY ON THE HIGHWAYS

226.1-226.6 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter IX
OPENING OF PRIVATE ROADS AND TEMPORARY HIGHWAYS

229.1 Application for private road; notice.

Sec. 1.

When an application is made to the township supervisor for a private road, he shall give notice in writing to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, which shall not be more than 10 nor less than 5 days from the time of service of the notice, for the purpose of aiding in the striking of a jury to determine the necessity of the road. If the land over which it is proposed to lay the road is nonresident and the owner thereof does not reside in the county, the notice shall be served in the same manner as is provided in laying out public roads, and proof of service or posting shall be made in like manner.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4447 ;-- CL 1929, 4062 ;-- CL 1948, 229.1 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Constitutionality: The Opening of Private Roads and Temporary Highways Act, MCL 229.1 et seq. is unconstitutional because the act authorizes a taking and the taking primarily benefits a private rather than a public purpose and provides for an unconstitutional taking under Const 1963, art X, § 2. Tolksdorf v Griffith, 464 Mich 1; 626 NW2d 163 (2000).
Former Law: See section 1 of Ch. VIII of Act 243 of 1881; How., § 1388; CL 1897, § 4142.

229.2 Jury; formation; citation; conducting business at public meeting; notice.

Sec. 2.

At the time and place designated for selecting a jury the township supervisor shall direct a disinterested person to record the names of 12 disinterested property owners, from which the owner or occupant of the land to be crossed by the road and the applicant for the road shall strike out 3 names each. The balance remaining on the list shall form the jury. If the owner or occupant or the applicant is not present, or being present, shall neglect or refuse to strike the names, the supervisor shall strike for the party absent, neglecting, or refusing. The supervisor shall issue a citation to the property owners to appear before him or her to determine the necessity of the road and the damages resulting from the road if the road is considered necessary. The business which the jury may perform shall be conducted at a public meeting of the jury held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The hearing of the application shall stand continued until the time when the citation is returnable. When a sufficient number of jurors to form a panel shall not appear at the time given in the notice, the supervisor may direct a disinterested property owner to write down the names of disinterested property owners in an amount equal to twice the number of vacancies to be filled. The supervisor shall strike off 1/2 of the names from the list, and shall issue a citation to the property owners to appear.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 64, Eff. Aug. 1, 1911 ;-- CL 1915, 4448 ;-- CL 1929, 4063 ;-- CL 1948, 229.2 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973 ;-- Am. 1978, Act 264, Imd. Eff. June 29, 1978

Former Law: See section 2 of Ch. VIII of Act 243 of 1881, as amended by Act 59 of 1883, being How., § 1389, and CL 1897, § 4143.

229.3 Jury; oath, duty.

Sec. 3.

Such freeholders, when met, shall be sworn by the commissioner well and truly to examine in regard to the necessity of such road, and in case they shall decide that such road is necessary, to justly and impartially appraise the damages of the owner or owners, or occupant of the land, by reason of laying out such road.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4449 ;-- CL 1929, 4064 ;-- CL 1948, 229.3
Former Law: See section 3 of Ch. VIII of Act 243 of 1881, being How., § 1390; CL 1897, § 4144.

229.4 Certificate of determination; appraisal of damages; laying out road; recordation.

Sec. 4.

If the jury determines that the road applied for is necessary, they shall make and subscribe a certificate of the determination and their appraisal of the damages, and shall deliver the same to the township supervisor who shall thereupon lay out the road, describing the same particularly by its bounds, courses and distances, and shall cause a record thereof to be made in the clerk's office of the proper township, which shall be recorded in the same manner as is required of public roads.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4450 ;-- CL 1929, 4065 ;-- CL 1948, 229.4 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Former Law: See section 4 of Ch. VIII of Act 243 of 1881, being How., § 1391, and CL 1897, § 4145.

229.5 Payment of damages and expenses.

Sec. 5.

The damages awarded to the owner or occupant of the land through which the road is laid, together with the expenses of the proceedings, shall be paid to the township supervisor by the person applying for the road, which damages shall be paid or tendered by the supervisor to the owner or occupant, and when paid or tendered the supervisor shall proceed to open the road.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4451 ;-- CL 1929, 4066 ;-- CL 1948, 229.5 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Former Law: See section 5 of Ch. VIII of Act 243 of 1881, being How., § 1391, and CL 1897, § 4145.

229.6 Width of road; use, purpose.

Sec. 6.

Private roads shall not be less than 1 rod in width, and when laid out as above provided, shall be for the use of the applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road; but the owner or occupant of the land through which such road shall be laid out shall not be prevented from making use thereof as a road, if he shall signify his intention of so doing to the jury at the time of laying out such road, and

before the appraisal of the damages by them.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4452 ;-- CL 1929, 4067 ;-- CL 1948, 229.6
Former Law: See section 6 of Ch. VIII of Act 243 of 1881, being How., § 1393; CL 1897, § 4147.

229.7 Temporary highway; application; proceedings.

Sec. 7.

Whenever an owner of any timbered land, not less than 40 acres, shall wish to have a temporary highway laid out, over which a logging railroad may be operated on conditions hereinafter stated, he may in writing make application to the township supervisor of the proper township for that purpose, who shall proceed to impanel a jury, or submit the matter to commissioners if the parties in interest so desire, and the proceedings shall be substantially the same as provided in this chapter for opening private roads.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 153, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 335, Eff. Aug. 14, 1913 ;-- CL 1915, 4453 ;-- CL 1929, 4068 ;-- CL 1948, 229.7 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Former Law: See section 1 of Act 327 of 1907.

229.8 Temporary highway; notice; determinations; duration; logging railroad prohibited.

Sec. 8.

When an application shall be made, the township supervisor in which the road is to be located, shall give notice in writing to the owner and occupant of the land in substantially the same manner as provided in section 1 for the purpose of aiding in the striking of a jury to determine the necessity of the road and to appraise the damages, or the parties in interest may agree upon 3 or more persons as commissioners to act in place of a jury to determine the necessity and appraise the damages. If it is determined that the temporary highway is necessary for the purpose of removing the timber from the lands, the jury or commissioners shall certify under their hands the determination, their appraisal of the damages and the length of time that the highway is necessary; and at the expiration of the time the highway shall cease. The supervisor shall lay out the road in accordance with the determination, describing the same particularly, and shall cause a record thereof to be made in the clerk's office. A logging railroad shall not be operated upon or along a temporary highway.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 153, Eff. Aug. 1, 1911 ;-- Am. 1913, Act 335, Eff. Aug. 14, 1913 ;-- CL 1915, 4454 ;-- Am. 1923, Act 187, Eff. Aug. 30, 1923 ;-- CL 1929, 4069 ;-- CL 1948, 229.8 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Former Law: See section 2 of Act 327 of 1907.

229.9 Owner's consent to highway or logging railroad; temporary highway deemed private highway; payment of expenses and damages; cutting trees.

Sec. 9.

A highway or logging railroad shall not be laid out along or upon any road made or caused to be made by the owner of any land or by any person with the consent of the owner and used by the person who made the same, unless the owner consents thereto in writing. Such temporary highways shall be private highways, and the expenses of their laying out, including the compensation due the township supervisor, the jury or commissioners acting as such, for the services, and damages that may be awarded on account of the taking of lands therefor, shall be paid to the supervisor by the persons applying for the same, and upon the payment they may enter upon, open and work the highways at their own and sole expense, but no trees shall be cut therein except as shall be necessary to make a track or tracks.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 335, Eff. Aug. 14, 1913 ;-- CL 1915, 4455 ;-- CL 1929, 4070 ;-- CL 1948, 229.9 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973
Former Law: See section 3 of Act 327 of 1907.

229.10 Temporary highways; winter use.

Sec. 10.

In case such highway is only to be used in the winter time such facts shall be set up in the application and also in the finding of the jury or commissioners, and this shall be taken into consideration in awarding damages to the owners of the land crossed.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1913, Act 335, Eff. Aug. 14, 1913 ;-- CL 1915, 4456 ;-- CL 1929, 4071 ;-- CL 1948, 229.10
Former Law: See section 4 of Act 327 of 1907.

229.11 Appeal; affidavit; bond; fees; procedure; certification of judgment; costs; stay of proceedings.

Sec. 11.

Any party in interest may appeal from the determination of the jury or commissioners in any proceedings under this chapter to the circuit court for the county, within 30 days, by filing with the township clerk an affidavit made by himself, his agent or attorney, stating that the determination is not in accordance with the just rights of the party, as the person making the affidavit verily believes. The party shall file with the clerk within the time a bond running to the township supervisor for the benefit of all other parties in interest, conditioned that the appellant will prosecute his appeal with all due diligence, and that if a judgment is rendered against him in the circuit court he will pay the judgment, including all costs with interest thereon. The bond shall be in a penalty sufficient to secure the costs and damages and with 1 or more sufficient sureties, who shall justify their responsibility in writing and under oath indorsed on the bond. The appellant shall pay to the township clerk the sum of $1.00 for making his return on appeal, and a sum of $3.00 as clerk and entry fee to be paid by the township clerk to the clerk of the circuit court. The appeal shall be heard before the judge of the circuit court, and a jury of 6 freeholders selected by the parties from the regular panel under the direction of the circuit judge, in the manner jurors are selected in civil causes, or if the parties desire, by 3 commissioners to be appointed by the circuit judge. The county clerk shall act as clerk of the court the same as in other causes, and the proceedings as far as applicable shall be according to the ordinary course of civil procedure. The judgment and determination on appeal shall be certified back to the township clerk for any further proceedings that may be required by the statute. In case of more than 1 appeal they shall be heard together as 1 cause. Costs may be awarded by the circuit court and collected the same as on appeals from district court. On perfecting the appeal all proceedings shall be stayed and no further steps taken until the determination or dismissal of the appeal. Costs shall not be awarded against any party, except those who actually appeal or defend the appeal.

History: Add. 1913, Act 335, Eff. Aug. 14, 1913 ;-- CL 1915, 4457 ;-- CL 1929, 4072 ;-- CL 1948, 229.11 ;-- Am. 1972, Act 375, Imd. Eff. Jan. 9, 1973

Chapter X
PENALTIES AND FORFEITURES

230.1-230.3 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections set penalty for neglect of duty by an overseer or highway commissioner; authorized prosecution by commissioner upon written complaint by resident.

230.4 Obstruction of navigable stream, highway drain or water course; forfeiture.

Sec. 4.

Whoever shall wilfully obstruct the navigation of any river or stream, which is now or may hereafter be declared a public highway, by felling any tree therein or by putting into any such river or stream any refuse lumber, slabs, or other waste materials, or who shall wilfully obstruct any highway, or fill up or place any obstructions in any ditch constructed for draining the water from any highway, or who shall injure any highway by diverting any creek, or by obstructing any water course or sluice, shall forfeit for every such offense a sum not exceeding 25 dollars.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4461 ;-- CL 1929, 4080 ;-- CL 1948, 230.4
Former Law: See section 5 of Ch. 9 of Act 243 of 1881, being How., § 1403; CL 1897, § 4157.

230.5 Mile-stone, guide-post; wilful destruction or injury; penalty.

Sec. 5.

Whoever shall wilfully destroy, remove, injure, or deface any mile-stone, mile-board, guide-post, or guide-board erected on any highway, or shall wilfully injure or deface any inscription or device placed thereupon, or who shall wilfully injure or deface any watering-trough, basin, or fountain placed upon the highway for the use of the public or for ornament, shall forfeit for each offense the sum of 25 dollars.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4462 ;-- CL 1929, 4081 ;-- CL 1948, 230.5
Former Law: See section 6 of Ch. 9 of Act 243 of 1881, being How., § 1404; CL 1897, § 4158.

230.6 Trees or shrubs; wilful destruction or injury; civil liability.

Sec. 6.

Any person who shall wilfully injure, deface, tear, or destroy any tree or shrub planted along the margin of the highway, or purposely left there for shade or ornament, or who shall hitch any horse to any such tree, by means of which the same shall suffer injury, or who shall negligently or carelessly, by any other means, suffer any horse or other beast driven by or for him, or any beast belonging to him and lawfully in the highway, to break down, destroy, or injure any tree or shrub not his own, standing for use or ornament in any highway, shall be liable to an action for damages in a sum not less than 1 nor more than 25 dollars for each offense, to be recovered at the suit and for the benefit of the owner or tenant of the land in front of which such tree or shrub stands, or at the suit of the commissioner in whose township such tree or shrub may be situated, for the benefit of the highway improvement fund of such township.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4463 ;-- CL 1929, 4082 ;-- CL 1948, 230.6
Former Law: See section 7 of Ch. 9 of Act 243 of 1881, being How., § 1405; CL 1897, § 4159.

230.7 Injury to bridges; treble damages.

Sec. 7.

A person that injures a bridge maintained at public expense, or a public road, by drawing logs or timber on the

surface of the road or bridge, or by any other act, is liable in damages to 3 times the amount of the injury, to be recovered in a civil action, brought by the governmental entity with jurisdiction over the bridge or road, to be expended in the repair of roads under the jurisdiction of the governmental entity.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4464 ;-- CL 1929, 4083 ;-- CL 1948, 230.7 ;-- Am. 2022, Act 90, Imd. Eff. June 6, 2022
Former Law: See section 8 of Ch. 9 of Act 243 of 1881, being How., § 1406; CL 1897, § 4160.

230.8 Trees felled in highway; removal, failure, forfeiture.

Sec. 8.

If any trees shall fall or be fallen by any person from any occupied land into any highway, any person may give notice to the occupant of the land from which such trees shall have fallen to remove the same in 2 days, and if such trees shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of 50 cents for every day thereafter until such tree shall be removed.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4465 ;-- CL 1929, 4084 ;-- CL 1948, 230.8
Former Law: See section 9 of Ch. 9 of Act 243 of 1881, being How., § 1407; CL 1897, § 4161.

230.9 Repealed. 1963, Act 106, Eff. Sept. 6, 1963.

Compiler's Notes: The repealed section made deposit of garbage or rubbish on highway a misdemeanor.

Chapter XI
SHADE TREES IN HIGHWAYS

231.1-231.4 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XII
GENERAL DUTIES OF COMMISSIONERS AND OVERSEERS

232.1-232.6 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XIII
MISCELLANEOUS PROVISIONS

233.1-233.5 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections stated township clerks' duties, powers of township highway commissioner, and fees and duties of peace officers, made per diem allowance for commissioner and permitted township to purchase plank or toll roads.

233.7-233.13 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed sections regulated use of trees on land to be used for highway, provided for collection of penalties and their distribution, provided for execution of judgments, defined "commissioner" and "overseer", and provided for care of tools and machinery and for liability for damage resulting from negligence or willful injury.

233.14 Ferry landings; deemed public highways.

Sec. 14.

Ferry landings shall be deemed public highways, and may be laid out, constructed, maintained, altered, or discontinued in the same manner, and shall in all respects be subject to the same regulations, so far as they may be applicable, as other public highways and bridges; and any public highways along the border of, or terminating upon the waters of any stream, river, or other body of water across which a ferry is licensed, may be used as a landing for such ferry, subject to such rules and regulations as the authorities having control over highways may establish and such use shall be deemed a proper use thereof as a highway.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4490 ;-- CL 1929, 4116 ;-- CL 1948, 233.14

233.15 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Compiler's Notes: The repealed section authorized acquisition of gravel lands by highway commissioner.

Chapter XIV
HIGHWAY TAXES AND THE ASSESSMENT THEREOF

234.1-234.18 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XV
DRAINS

235.1 Drain in public highway; release of right-of-way, damages.

Sec. 1.

Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time (a) prescribed in section 4 of chapter 3, such release (b) shall be obtained in the same manner as is provided in this act for obtaining private lands.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4510 ;-- CL 1929, 4139 ;-- CL 1948, 235.1
Compiler's Notes: Section 4 of Chapter 3, referred to in this section, evidently derives from Act 254 of 1897, the provisions of which were

superseded by Act 316 of 1923, which in turn was repealed by Act 247 of 1949, Act 40 of 1953, and Act 40 of 1956.

235.2 Drain in public highways; bridges and culverts; construction strength, apportionment and payment of cost, maintenance by property owner.

Sec. 2.

When any drain crosses a highway, the necessary bridge or culvert shall be constructed on the center line of the highway as located by survey, and in accordance with plans and specifications which shall be approved by the county, township or district highway commissioner having jurisdiction, or by the state highway commissioner if such road is a trunk line road, and such bridge or culvert shall be of a permanent nature and of sufficient strength to safely carry a 15 ton moving load. The cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain after which such bridge or culvert shall be maintained as a part of the highway: Provided, however, That if such highway is a trunk line road, or is a county road, the state highway commissioner, or the board of county road commissioners, as the case may be, may assume and bear such proportion of the cost as may be agreed on between the drain commissioner and state highway commissioner or board. In such case however the contract for the construction of the bridge shall not be let by the drain commissioner without the written consent of the state highway commissioner or the board of county road commissioners. Any such expense assumed by the state shall be met out of any funds appropriated for the state highway department that may be available therefor; and the proportion of the cost of any bridge to be borne by the board of county road commissioners shall be paid out of moneys in the county road fund not otherwise appropriated. When a drain passes along a highway, there shall be constructed at least 1 bridge or passageway across such drain connecting the highway with each enclosed field and with each farm entrance, which bridge or passageway shall also be charged in the first instance as a part of the construction of such drain, after which such bridge or passageway shall be maintained by the owner of the land.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4511 ;-- Am. 1921, Act 367, Eff. Aug. 18, 1921 ;-- CL 1929, 4140 ;-- CL 1948, 235.2

235.3 Open drain in highways; consent of commissioner, location, disposition of earth.

Sec. 3.

Before an open drain shall be laid along a public highway, the highway commissioner of the township in which the drain is located shall be consulted and his consent as to the proposed location of the drain shall be obtained in writing, stipulating that no excavation may be made nearer than 1 rod to the center line of the highway and stating what disposition shall be made of all material excavated. It shall be the duty of the drain commissioner to level down all materials placed in the roadway.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1915, Act 75, Eff. Aug. 24, 1915 ;-- CL 1915, 4512 ;-- Am. 1917, Act 121, Eff. Aug. 10, 1917 ;-- CL 1929, 4141 ;-- CL 1948, 235.3

235.4 Open drain in highway; drain commissioner to apportion costs.

Sec. 4.

The county drain commissioner shall apportion the per centum of the cost of construction of such drain which any township traversed or benefited thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per centum of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per centum assessed against such township as aforesaid, which per centum of benefits shall be apportioned upon and

assessed against the lands benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter 4. Such assessment of per centum for benefits shall thereupon be subject to review and correction, and may be appealed from in the manner hereinafter provided.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4513 ;-- CL 1929, 4142 ;-- CL 1948, 235.4
Compiler's Notes: The provisions of chapter 4, referred to in this section, evidently derive from Act 254 of 1897, which was superseded by Act 316 of 1923. Act 316 of 1923 was in turn repealed by Act 247 of 1949, Act 40 of 1953, and Act 40 of 1956. See now MCL 280.1 et seq.

235.5 Drain across adjacent land; acquisition of right-of-way, approval of board, deed.

Sec. 5.

Whenever it is necessary or more convenient for the proper drainage of any highway in this state that the surplus water be taken onto or across the land adjacent thereto, the highway commissioner of the township in which said highway is situated, may secure the right of way and may open such drain or outlet for the water, and for these purposes may use any highway moneys of the township not otherwise appropriated, and such sums as may be voted for that use by the electors of the township. The highway commissioner shall secure the right of way for any such drain by gift or purchase from the owners of the land to be crossed by such drain; but in case of purchase the purchase price must be approved by the township board before any money be paid thereon. Such right of way shall be acquired by deed duly executed by the owner or owners of the lands sought to be crossed by the said drain, and shall be taken in the name of the township wherein the same is located, and filed in the office of the register of deeds of the county before any highway money shall be expended in opening such drain outside the highway limits.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4514 ;-- CL 1929, 4143 ;-- CL 1948, 235.5
Former Law: See section 1 of Act 56 of 1903; and Act 23 of 1905.

235.6 Report to township electors; contents; highway drain fund, use of surplus.

Sec. 6.

The highway commissioner shall report to the electors of the township at their annual meeting the amount of money expended by him during the year for such highway drainage, specifying the amount expended on each drain. He shall also recommend the raising of such sums as he may deem necessary for opening drains from the highway during the coming year, specifying each proposed drain and the probable amount needed for securing the right of way and opening the same. The money voted for this purpose by the electors of the township shall constitute a special highway drain fund, and shall be used for no other purpose. In case any money be left in the fund, after opening the drain for which it was raised, it may be used in opening any other highway drain in the township, or in cleaning out, when necessary, those already opened.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4515 ;-- CL 1929, 4144 ;-- CL 1948, 235.6
Former Law: See section 2 of Act 56 of 1903.

235.7 Report on construction; contents, filing; powers limited to highway drainage.

Sec. 7.

On the completion by the highway commissioner of any drain constructed under the provisions of this act, it shall be the duty of said highway commissioner to file in the office of the county drain commissioner a detailed report of the construction of such drain, giving the date of construction, the termini and general course thereof, together with a copy of the deed by which the right of way therefor was secured. Nothing in the provisions of the preceding sections shall be construed as giving to highway commissioners power to lay out and construct drains

having any other purpose than the drainage of highways.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4516 ;-- CL 1929, 4145 ;-- CL 1948, 235.7
Former Law: See section 3 of Act 56 of 1903.

235.8 Failure to secure right-of-way; application to drain commissioner, procedure; jurisdiction.

Sec. 8.

In case the highway commissioner cannot secure the right of way across adjacent lands for the construction of any drain by agreement with the owner or owners of the land through which it will pass, he may make under his name of office an application to the drain commissioner of the county in which the proposed drain is situated, to lay out and establish the said drain. Such application shall conform to the law regulating applications for the construction of drains, and shall require no other signature than his own as highway commissioner. Such application shall have the same force and effect and be subject in other respects to the same laws and regulations that govern other applications for the establishment of drains, and shall confer jurisdiction and authority on the county drain commissioner to lay out and establish such drain under and by virtue and in pursuance of the law governing the location and establishment of other drains. It shall not be necessary to submit to the township board or boards of the township or townships crossed or affected by such drain the question of the necessity thereof or whether the same shall be conducive to health, convenience and welfare.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4517 ;-- Am. 1921, Act 354, Eff. Aug. 18, 1921 ;-- CL 1929, 4146 ;-- CL 1948, 235.8
Former Law: See section 4 of Act 56 of 1903.

235.8a Detour roads; expense.

Sec. 8a.

In case it shall be deemed necessary by the state highway commissioner or by the county road commissioners of any county where such drain or other public improvement is under construction to lay out and maintain a detour road for the safety and convenience of public travel, it shall be lawful, except in cities, that the full cost therefor shall be borne as part of the main project whether it be a drain, a road or a highway project.

History: Add. 1921, Act 354, Eff. Aug. 18, 1921 ;-- CL 1929, 4147 ;-- CL 1948, 235.8a

Chapter XVI
POWERS AND DUTIES OF BOARDS OF SUPERVISORS

236.1-236.11 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XVIII
HIGHWAY ORDERS

238.1-238.4 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XIX
CULVERTS, OR CATTLE-PASSES AND HEDGES

239.1 Culverts or cattle-passes; construction, permission, cost.

Sec. 1.

It shall be lawful for all persons owning land on opposite sides of any public highway to construct culverts or cattle-passes under such highways: Provided, That formal application is made to, and permission obtained from the commissioner of highways of the township in which said land is situated, for such construction: Provided further, That such construction and maintenance shall be wholly at the expense of such applicant, his heirs and assigns.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4560 ;-- CL 1929, 4195 ;-- CL 1948, 239.1
Former Law: See section 1 of Act 16 of 1883, being How., § 1455a; CL 1897, § 4220.

239.2 Culverts or cattle-passes; material of construction.

Sec. 2.

Such culverts or cattle-passes, when constructed, shall be of such material and according to such plan as the commissioner of highways shall direct.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4561 ;-- CL 1929, 4196 ;-- CL 1948, 239.2
Former Law: See section 2 of Act 16 of 1883, being How., § 1455b; CL 1897, § 4221.

239.3 Culverts or cattle-passes; failure to repair, removal, cost.

Sec. 3.

In case any such applicant, heirs or assigns shall fail to keep his culvert or cattle-pass already constructed, or hereafter to be constructed, in good repair, it shall be the duty of such highway commissioner to remove such culvert or cattle-pass from such highway at the expense of such applicant, or owner, heirs or assigns, such expense to be collected by suit in the name of such commissioner of highways in an action of trespass on the case before any justice of the peace of such township.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4562 ;-- CL 1929, 4197 ;-- CL 1948, 239.3
Former Law: See section 3 of Act 16 of 1883, being How., § 1455c; CL 1897, § 4222.

239.4 Culverts or cattle-passes; record.

Sec. 4.

A record of such culverts or cattle-passes, and of all proceedings relating thereto, shall be kept in the manner substantially as is provided for the record of private roads.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4563 ;-- CL 1929, 4198 ;-- CL 1948, 239.4
Former Law: See section 4 of Act 16 of 1883, being How., § 1455d; CL 1897, § 4223.

239.5 Hedges; care, removal of brush; cities excepted.

Sec. 5.

It shall be the duty of every owner, occupant or person having charge of lands in this state, to cut or trim, or cause to be cut or trimmed, to a height not exceeding 4 1/2 feet and a width not exceeding 3 feet, all hedges or hedge rows along or on the public highway or adjacent thereto in each and every year, except such hedges as shall have been set out for the protection of fruit trees and nursery stock. Trimmings or brush from such hedge rows shall not be left lying within the limits of the highway, but shall be forthwith removed: Provided, That this section shall not apply to streets or highways within incorporated cities.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- Am. 1911, Act 24, Eff. Aug. 1, 1911 ;-- CL 1915, 4564 ;-- CL 1929, 4199 ;-- CL 1948, 239.5
Former Law: See section 1 of Act 166 of 1907.

239.6 Hedges; penalty for neglect.

Sec. 6.

Any owner, occupant or person having charge of lands who shall fail to comply with the provisions of this act, on conviction before a court of competent jurisdiction, shall be punished by a fine not more than 10 dollars, together with the cost of prosecution, and in default of payment of the same shall be imprisoned in the county jail of the county where the land is situated, for a period not exceeding 20 days.

History: 1909, Act 283, Eff. Sept. 1, 1909 ;-- CL 1915, 4565 ;-- CL 1929, 4200 ;-- CL 1948, 239.6
Former Law: See section 2 of Act 166 of 1907.

Chapter XX
STATE ROADS

240.1-240.5 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XXI
SIDEWALKS

241.1-241.13 Repealed. 1949, Act 300, Eff. Sept. 23, 1949;—1958, Act 77, Eff. Sept. 13, 1958.

Chapter XXII
RECOVERY OF DAMAGES

242.1-242.8 Repealed. 1964, Act 170, Eff. July 1, 1965.

Chapter XXIII
LAW OF THE ROAD

243.1-243.9 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.

Chapter XXIV
NOXIOUS WEEDS

244.1-244.10 Repealed. 1958, Act 77, Eff. Sept. 13, 1958.