



**House
Legislative
Analysis
Section**

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NATURAL BEAUTY STREETS

House Bill 4390

Sponsor: Rep. Dale Shugars

Committee: Transportation

Complete to 4-26-93

A SUMMARY OF HOUSE BILL 4390 AS INTRODUCED 3-2-93

The bill would amend Public Act 150 of 1970, which provides for the designation of certain roads as natural beauty roads, to permit a street located within a city or village to be designated as a "natural beauty street." Under the bill, 25 or more freeholders of a city or village could petition the city's or village's legislative body in order to designate a city or village street, or a portion of one, as a natural beauty street. Within six months after it received the petition, the respective legislative body would have to hold a public hearing (and notify the public of this meeting before it took place) to consider making the designation, where persons could express their support or objections to the proposal. The body would have 30 days to consider making the designation; if it decided to do so, it would have to file a true copy of its resolution making the designation to the city or village clerk. The bill also would provide a process for property owners along a street designated a natural beauty street to petition the respective legislative body to withdraw the designation and for the body to act upon such a petition; and the legislative body, itself, could vote to revoke the designation.

The bill would require the Department of Natural Resources to develop uniform guidelines that could be adopted by a city or village legislative body to preserve "native vegetation" (that is, plants, trees, shrubs and the like that are original or indigenous to the state) in a natural beauty street right-of-way from destruction or damage by cutting, spraying, dusting, salting, mowing or other means. Any guidelines developed, however, could not prohibit the application of "accepted principles of sound forest management" in a natural beauty street right-of-way. A legislative body would have to provide a public hearing before an act was permitted that would result in substantial damage to native vegetation in a natural beauty street right-of-way. Also, the bill would not affect the right of a public utility to control vegetation in connection with the maintenance, repair or replacement of public utility facilities that crossed a natural beauty street or a street that was to be designated as one.

The bill establishes a process for freeholders of a city or village to file a complaint against a person who violated the guidelines or procedures adopted by the respective legislative body relative to a natural beauty street with the city or village attorney, or with the attorney general. Any of these, on behalf of the respective legislative body or the DNR, could commence a civil action seeking either 1) a temporary or permanent injunction to enjoin the violation, or 2) a civil fine of not more than \$400 for the violation. A default in paying the fine or costs ordered under the act could be remedied by any means authorized by the Revised Judicature Act.

House Bill 4390 (4-26-93)