

Act No. 101
Public Acts of 1993
Approved by the Governor
July 13, 1993
Filed with the Secretary of State
July 13, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Shugars, McNutt, Goschka, McManus, Gernaat, Middleton, McBryde and Jaye

ENROLLED HOUSE BILL No. 4390

AN ACT to amend the title and sections 1, 2, 3, 4, and 6 of Act No. 150 of the Public Acts of 1970, entitled as amended "An act to designate certain roads as Michigan natural beauty roads; to provide certain powers and duties; to provide for the development of guidelines and procedures; and to provide remedies," section 6 as added by Act No. 81 of the Public Acts of 1991, being sections 247.381, 247.382, 247.383, 247.384, and 247.386 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 2, 3, 4, and 6 of Act No. 150 of the Public Acts of 1970, section 6 as added by Act No. 81 of the Public Acts of 1991, being sections 247.381, 247.382, 247.383, 247.384, and 247.386 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to designate certain roads and streets as natural beauty roads and natural beauty streets; to provide certain powers and duties; to provide for the development of guidelines and procedures; and to provide remedies.

Sec. 1. As used in this act:

- (a) "Board" means board of county road commissioners.
- (b) "Department" means department of natural resources.
- (c) "Native vegetation" means original or indigenous plants of this state including trees, shrubs, vines, wild flowers, aquatic plants, or ground cover.
- (d) "Natural" means in a state provided by nature, without man-made changes, wild, or uncultivated.
- (e) "City street" means city major street or city local street as described in section 9 of Act No. 51 of the Public Acts of 1951, being section 247.659 of the Michigan Compiled Laws.
- (f) "County local road" means county local road as described in section 4 of Act No. 51 of the Public Acts of 1951, being section 247.654 of the Michigan Compiled Laws.
- (g) "Street" means city street or village street.
- (h) "Village street" means village major street or village local street as described in section 9 of Act No. 51 of the Public Acts of 1951.

Sec. 2. (1) Twenty-five or more freeholders of a township may apply by petition to the board for the county in which that township is located for designation of a county local road or portion of a county local road as a natural beauty road.

Twenty-five or more freeholders of a city may petition the legislative body of the city for designation of a city street or a portion of a city street as a natural beauty street. Twenty-five or more freeholders of a village may petition the legislative body of the village for designation of a village street or a portion of a village street as a natural beauty street.

(2) Within 6 months after a petition is received, the board or the legislative body of the city or village shall hold a public hearing to consider designating the road or street described in the petition as a natural beauty road or natural beauty street, respectively. The hearing shall be held at a suitable place within the township in which the proposed natural beauty road is located or the city or village in which the proposed natural beauty street is located. At the hearing, a party or interested person may support or object to the proposed designation. The board, the legislative body of the city, or the legislative body of the village shall give notice of the hearing by publication at least once each week for 2 successive weeks in a newspaper of general circulation in the county, city, or village, respectively, and by posting 5 notices within the limits of the portion of the road or street to be designated, in public and conspicuous places. The posting shall be done and at least 1 publication in the newspaper shall be made not less than 10 days before the hearing.

(3) Within 30 days after the hearing, if the board, the legislative body of the city, or the legislative body of the village considers the designation desirable, it shall file with the county clerk, city clerk, or village clerk, respectively, a true copy of its resolution designating the portion of the county local road as a natural beauty road, the portion of the city street as a natural beauty street, or the portion of the village street as a natural beauty street, respectively.

Sec. 3. (1) Not more than 45 days after a board designates a road as a natural beauty road or the legislative body of a city or village designates a street as a natural beauty street, the property owners of record of 51% or more of the lineal footage along the natural beauty road or natural beauty street may submit a petition to the board or the legislative body of the city or village, respectively, requesting that the designation be withdrawn. If the petition is valid, the designation as a natural beauty road or natural beauty street shall be withdrawn.

(2) A board or the legislative body of a city or village may revoke a designation of a natural beauty road or natural beauty street after holding a public hearing in accordance with the procedure described in section 2(2). Not more than 30 days after a hearing, if the board, the legislative body of the city, or the legislative body of the village by majority vote determines that the revocation is necessary, it shall file with the county clerk, city clerk, or village clerk, respectively, a notice of its determination and publish the notice in a newspaper of general circulation in the county, city, or village, respectively, once each week for 2 successive weeks. After publication of the notice, the road or street previously designated shall revert to its former status.

Sec. 4. (1) The department shall develop uniform guidelines and procedures that may be adopted by a board to preserve native vegetation in a natural beauty road right-of-way from destruction or substantial damage by cutting, spraying, dusting, mowing, or other means. The department shall develop uniform guidelines that may be adopted by the legislative body of a city or village to preserve native vegetation in a natural beauty street right-of-way from destruction or substantial damage by cutting, spraying, dusting, mowing, or other means. Guidelines and procedures developed pursuant to this subsection shall not prohibit the application of accepted principles of sound forest management in a natural beauty road or natural beauty street right-of-way, nor shall they prevent a local road authority from taking actions to modify specific road features to correct traffic hazards which pose a direct and ongoing threat to motorists.

(2) The department may advise and consult with a board or a city or village legislative body on the application of the guidelines and procedures.

(3) The board or a city or village legislative body shall provide for a public hearing before an act that would result in substantial damage to native vegetation in the right-of-way of a natural beauty road or natural beauty street, respectively, is permitted.

(4) This act does not affect the right of a public utility to control vegetation in connection with the maintenance, repair, or replacement of public utility facilities constructed in a road or street before its designation as a natural beauty road or natural beauty street, or in connection with the construction, maintenance, repair, or replacement of public utility facilities crossing a natural beauty road or natural beauty street.

Sec. 6. (1) If there is a violation of a guideline or procedure adopted by a board, the legislative body of a city, or the legislative body of a village pursuant to section 4, a complaint, signed by 5 or more freeholders of the township, city, or village, respectively, or by freeholders representing 10% or more of the lineal frontage along a natural beauty road or natural beauty street, may be filed with the county prosecutor, city attorney, or village attorney, respectively, or with the attorney general. The county prosecutor, the city attorney, the village attorney, or the attorney general, on behalf of the board, the legislative body of the city, the legislative body of the village, or the department, may commence a civil action seeking either of the following:

(a) A temporary or permanent injunction to enjoin the violation of the guideline or procedure.

(b) A civil fine of not more than \$400.00 for the violation of the guideline or procedure.

(2) A default in the payment of a civil fine or costs ordered under this act or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.