



HOUSE BILL No. 4390

March 2, 1993, Introduced by Reps. Shugars, McNutt, Goschka, McManus, Gernaat, Middleton, McBryde and Jaye and referred to the Committee on Transportation.

A bill 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:

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

TITLE

1
2 An act to designate certain roads AND STREETS as ~~Michigan~~
3 natural beauty roads AND NATURAL BEAUTY STREETS; to provide cer-
4 tain powers and duties; to provide for the development of guide-
5 lines and procedures; and to provide remedies.

6 Sec. 1. As used in this act:

7 (a) "Board" means ~~a~~ board of county road commissioners.

8 (b) "Department" means ~~the~~ department of natural
9 resources.

10 (c) "Native vegetation" means ~~an~~ original or indigenous
11 ~~plant~~ PLANTS of this state including trees, shrubs, vines, wild
12 flowers, aquatic plants, or ground cover.

13 (d) "Natural" means in a state provided by nature, without
14 man-made changes, wild, or uncultivated.

15 (E) "CITY STREET" MEANS CITY MAJOR STREET OR CITY LOCAL
16 STREET AS DESCRIBED IN SECTION 9 OF ACT NO. 51 OF THE PUBLIC ACTS
17 OF 1951, BEING SECTION 247.659 OF THE MICHIGAN COMPILED LAWS.

18 (F) ~~(e)~~ "County local road" means ~~a~~ county local road as
19 ~~defined~~ DESCRIBED in section 4 of Act No. 51 of the Public Acts
20 of 1951, being section 247.654 of the MICHIGAN Compiled Laws.
21 ~~of 1948.~~

22 (G) "STREET" MEANS CITY STREET OR VILLAGE STREET.

23 (H) "VILLAGE STREET" MEANS VILLAGE MAJOR STREET OR VILLAGE
24 LOCAL STREET AS DESCRIBED IN SECTION 9 OF ACT NO. 51 OF THE
25 PUBLIC ACTS OF 1951.

26 Sec. 2. (1) Twenty-five or more freeholders of a township
27 may apply by petition to ~~their~~ THE board FOR THE COUNTY IN

1 WHICH THAT TOWNSHIP IS LOCATED for designation of a county local
2 road or portion ~~thereof~~ OF A COUNTY LOCAL ROAD as a natural
3 beauty road. TWENTY-FIVE OR MORE FREEHOLDERS OF A CITY MAY PETI-
4 TION THE LEGISLATIVE BODY OF THE CITY FOR DESIGNATION OF A CITY
5 STREET OR A PORTION OF A CITY STREET AS A NATURAL BEAUTY STREET.
6 TWENTY-FIVE OR MORE FREEHOLDERS OF A VILLAGE MAY PETITION THE
7 LEGISLATIVE BODY OF THE VILLAGE FOR DESIGNATION OF A VILLAGE
8 STREET OR A PORTION OF A VILLAGE STREET AS A NATURAL BEAUTY
9 STREET.

10 (2) Within 6 months after a petition is received, the board
11 OR THE LEGISLATIVE BODY OF THE CITY OR VILLAGE shall hold a
12 public hearing to consider designating the ~~described~~ road OR
13 STREET DESCRIBED IN THE PETITION as a natural beauty road OR NAT-
14 URAL BEAUTY STREET, RESPECTIVELY. The hearing shall be held at a
15 suitable place within the township in which the proposed natural
16 beauty road is located OR THE CITY OR VILLAGE IN WHICH THE PRO-
17 POSED NATURAL BEAUTY STREET IS LOCATED. At the hearing, a party
18 or interested person ~~shall be given an opportunity to present~~
19 ~~his~~ MAY support ~~for~~ or ~~objections~~ OBJECT to the proposed
20 designation. ~~Notice~~ THE BOARD, THE LEGISLATIVE BODY OF THE
21 CITY, OR THE LEGISLATIVE BODY OF THE VILLAGE SHALL GIVE NOTICE of
22 the hearing ~~shall be given by the board by causing a notice~~
23 ~~thereof to be published~~ BY PUBLICATION at least once ~~in~~ each
24 week for 2 successive weeks in a newspaper of general circulation
25 in the county, CITY, OR VILLAGE, RESPECTIVELY, and by posting 5
26 notices within the limits of the portion of the road OR STREET to
27 be designated, in public and conspicuous places. ~~therein.~~ The

1 posting shall be done and at least 1 publication in the newspaper
2 shall be made not less than 10 days before the hearing.

3 (3) Within 30 days after the hearing, if the board, ~~deems~~
4 THE LEGISLATIVE BODY OF THE CITY, OR THE LEGISLATIVE BODY OF THE
5 VILLAGE CONSIDERS the designation desirable, it shall file with
6 the county clerk, CITY CLERK, OR VILLAGE CLERK, RESPECTIVELY, a
7 true copy of its resolution designating the portion of the county
8 local road as a natural beauty road, THE PORTION OF THE CITY
9 STREET AS A NATURAL BEAUTY STREET, OR THE PORTION OF THE VILLAGE
10 STREET AS A NATURAL BEAUTY STREET, RESPECTIVELY.

11 Sec. 3. (1) ~~If the~~ NOT MORE THAN 45 DAYS AFTER A board
12 designates a road as a natural beauty road OR THE LEGISLATIVE
13 BODY OF A CITY OR VILLAGE DESIGNATES A STREET AS A NATURAL BEAUTY
14 STREET, the property owners of record of 51% or more of the
15 lineal footage along the natural beauty road OR NATURAL BEAUTY
16 STREET may submit ~~within 45 days after the road is so~~
17 ~~designated~~ a petition to the board OR THE LEGISLATIVE BODY OF
18 THE CITY OR VILLAGE, RESPECTIVELY, requesting that the ~~natural~~
19 ~~beauty road~~ designation be withdrawn. ~~and if~~ IF the petition
20 is valid, the designation as a natural beauty road OR NATURAL
21 BEAUTY STREET shall be withdrawn.

22 (2) A BOARD OR THE LEGISLATIVE BODY OF A CITY OR VILLAGE MAY
23 REVOKE A designation of a natural beauty road ~~may be withdrawn~~
24 ~~or revoked by the board after the board holds~~ OR NATURAL BEAUTY
25 STREET AFTER HOLDING a public hearing in accordance with the pro-
26 cedure described in SECTION 2(2). ~~subsection (2) of section 2.~~
27 ~~Within~~ NOT MORE THAN 30 days after a hearing, if the board, THE

1 LEGISLATIVE BODY OF THE CITY, OR THE LEGISLATIVE BODY OF THE
2 VILLAGE by majority vote determines THAT the revocation IS neces-
3 sary, it shall file with the county clerk, CITY CLERK, OR VILLAGE
4 CLERK, RESPECTIVELY, a notice of its determination and publish
5 the notice in a newspaper of general circulation IN THE COUNTY,
6 CITY, OR VILLAGE, RESPECTIVELY, once ~~in~~ each week for 2 succes-
7 sive weeks. After publication of the notice, the road OR STREET
8 previously designated shall revert to its former status.

9 Sec. 4. (1) The department shall develop uniform guidelines
10 and procedures ~~which~~ THAT may be adopted by ~~the~~ A board to
11 preserve native vegetation in a natural beauty road right-of-way
12 from destruction or substantial damage by cutting, spraying,
13 dusting, salting, mowing, or ~~by~~ other means. ~~No guidelines~~
14 THE DEPARTMENT SHALL DEVELOP UNIFORM GUIDELINES THAT MAY BE
15 ADOPTED BY THE LEGISLATIVE BODY OF A CITY OR VILLAGE TO PRESERVE
16 NATIVE VEGETATION IN A NATURAL BEAUTY STREET RIGHT-OF-WAY FROM
17 DESTRUCTION OR SUBSTANTIAL DAMAGE BY CUTTING, SPRAYING, DUSTING,
18 SALTING, MOWING, OR OTHER MEANS. GUIDELINES and procedures
19 ~~adopted under the authority of this act~~ DEVELOPED PURSUANT TO
20 THIS SUBSECTION shall NOT prohibit the application of accepted
21 principles of sound forest management in a natural beauty road OR
22 NATURAL BEAUTY STREET right-of-way.

23 (2) The department may advise and consult with ~~the~~ A board
24 OR A CITY OR VILLAGE LEGISLATIVE BODY on the application of the
25 guidelines and procedures.

26 (3) The board OR A CITY OR VILLAGE LEGISLATIVE BODY shall
27 provide for a public hearing before an act ~~is permitted which~~

1 THAT would result in substantial damage to native vegetation in
2 the right-of-way OF A NATURAL BEAUTY ROAD OR NATURAL BEAUTY
3 STREET, RESPECTIVELY, IS PERMITTED.

4 (4) ~~Nothing in this act shall~~ THIS ACT DOES NOT affect the
5 right of a public utility to control vegetation in connection
6 with the maintenance, repair, or replacement of public utility
7 facilities ~~, which were~~ constructed in a road ~~prior to~~ OR
8 STREET BEFORE its designation as a natural beauty road OR NATURAL
9 BEAUTY STREET, or in connection with the construction, mainte-
10 nance, repair, or replacement of public utility facilities cross-
11 ing a natural beauty road OR NATURAL BEAUTY STREET.

12 Sec. 6. (1) If there is a violation of a guideline or pro-
13 cedure adopted by a board, ~~pursuant to this act~~ THE LEGISLATIVE
14 BODY OF A CITY, OR THE LEGISLATIVE BODY OF A VILLAGE PURSUANT TO
15 SECTION 4, a complaint, signed by 5 or more freeholders ~~or a~~
16 ~~complaint signed by 1 or more~~ of the TOWNSHIP, CITY, OR VILLAGE,
17 RESPECTIVELY, OR BY freeholders representing 10% or more of the
18 lineal frontage along a natural beauty road OR NATURAL BEAUTY
19 STREET, may be filed with the COUNTY PROSECUTOR, CITY ATTORNEY,
20 OR VILLAGE ATTORNEY, RESPECTIVELY, OR WITH THE attorney general.
21 ~~or county prosecutor who on behalf of the department or a board~~
22 THE COUNTY PROSECUTOR, THE CITY ATTORNEY, THE VILLAGE ATTORNEY,
23 OR THE ATTORNEY GENERAL, ON BEHALF OF THE BOARD, THE LEGISLATIVE
24 BODY OF THE CITY, THE LEGISLATIVE BODY OF THE VILLAGE, OR THE
25 DEPARTMENT, may commence a civil action seeking either of the
26 following:

1 (a) A temporary or permanent injunction to enjoin the
2 violation of ~~a~~ THE guideline or procedure. ~~adopted by a board~~
3 ~~pursuant to this act.~~

4 (b) A civil fine of not more than \$400.00 for the violation
5 of ~~a~~ THE guideline or procedure. ~~adopted by a board pursuant~~
6 ~~to this act.~~

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