

SUBSTITUTE FOR
SENATE BILL NO. 205
(As amended October 7, 1999)

A bill to amend 1981 PA 93, entitled
"Michigan right to farm act,"
by amending section 4 (MCL 286.474), as amended by 1995 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. ~~(1) This act does not affect the application of~~
2 ~~state statutes and federal statutes.~~
3 ~~(2) For purposes of this section, "state statutes"~~
4 ~~includes, but is not limited to, any of the following:~~
5 ~~(a) The county rural zoning enabling act, Act No. 183 of the~~
6 ~~Public Acts of 1943, being sections 125.201 to 125.232 of the~~
7 ~~Michigan Compiled Laws.~~
8 ~~(b) The township rural zoning act, Act No. 184 of the Public~~
9 ~~Acts of 1943, being sections 125.271 to 125.301 of the Michigan~~
10 ~~Compiled Laws.~~

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~~(c) Act No. 207 of the Public Acts of 1921, being sections~~

~~125.581 to 125.592 of the Michigan Compiled Laws.~~ (1) EXCEPT AS

PROVIDED IN SUBSECTION (2), THIS act does not affect the application
of state statutes and federal statutes.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IT IS THE

EXPRESS LEGISLATIVE INTENT THAT THIS ACT PREEMPT ANY LOCAL

ORDINANCE, REGULATION, OR RESOLUTION THAT PURPORTS TO DUPLICATE,

EXTEND OR REVISE IN ANY MANNER THE PROVISIONS OF THIS ACT OR

GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPS)
DEVELOPED UNDER THIS ACT. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS
SECTION, A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT, MAINTAIN, OR
ENFORCE AN ORDINANCE, REGULATION, OR RESOLUTION THAT CONTRADICTS OR
CONFLICTS IN ANY MANNER WITH THIS ACT OR GAAMPS DEVELOPED UNDER THIS
ACT.

(3) A LOCAL UNIT OF GOVERNMENT MAY ENACT AN ORDINANCE
PRESCRIBING STANDARDS DIFFERENT FROM THOSE CONTAINED IN THE
GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES IF
UNREASONABLE ADVERSE EFFECTS ON PUBLIC HEALTH WILL EXIST WITHIN THE
LOCAL UNIT OF GOVERNMENT. THE DETERMINATION THAT UNREASONABLE
ADVERSE EFFECTS ON PUBLIC HEALTH WILL EXIST SHALL TAKE INTO
CONSIDERATION SPECIFIC POPULATIONS WHOSE HEALTH MAY BE ADVERSELY
AFFECTED WITHIN THAT LOCAL UNIT OF GOVERNMENT.

(4) AN ORDINANCE ENACTED PURSUANT TO SUBSECTION (3) SHALL NOT
CONFLICT WITH EXISTING STATE LAWS OR FEDERAL LAWS. AN ORDINANCE
ENACTED PURSUANT TO SUBSECTION (3) SHALL NOT BE ENFORCED BY A LOCAL
UNIT OF GOVERNMENT UNTIL APPROVED BY THE COMMISSION OF AGRICULTURE.
IF THE COMMISSION OF AGRICULTURE DENIES AN ORDINANCE ENACTED
PURSUANT TO SUBSECTION (3), THE COMMISSION OF AGRICULTURE SHALL
PROVIDE A DETAILED EXPLANATION OF THE BASIS OF THE DENIAL WITHIN 60
DAYS.

(5) UPON IDENTIFICATION OF UNREASONABLE ADVERSE EFFECTS ON
PUBLIC HEALTH BY A LOCAL UNIT OF GOVERNMENT AS EVIDENCED BY A
RESOLUTION SUBMITTED TO THE DEPARTMENT, THE DEPARTMENT SHALL HOLD A
LOCAL PUBLIC MEETING WITHIN 60 DAYS AFTER THE SUBMISSION OF THE
RESOLUTION TO DETERMINE THE NATURE AND EXTENT OF UNREASONABLE
ADVERSE EFFECTS ON PUBLIC HEALTH. WITHIN 30 DAYS AFTER THE LOCAL
PUBLIC MEETING, THE DEPARTMENT SHALL ISSUE A DETAILED OPINION
REGARDING THE EXISTENCE OF UNREASONABLE ADVERSE EFFECTS ON PUBLIC
HEALTH AS IDENTIFIED BY THE RESOLUTION OF THE LOCAL UNIT OF
GOVERNMENT.

(6) APPEALS TO ORDINANCES ENACTED PURSUANT TO SUBSECTION (3)
SHALL BE MADE TO THE COMMISSION OF AGRICULTURE IN WRITING. THE
COMMISSION SHALL RENDER A DECISION WITHIN 60 DAYS.

(7) FOR PURPOSES OF THIS SECTION UNREASONABLE ADVERSE EFFECTS
ON PUBLIC HEALTH MEANS ANY UNREASONABLE RISK TO HUMAN BEINGS TAKING
INTO ACCOUNT THE ECONOMIC, SOCIAL AND ENVIRONMENTAL COSTS AND
BENEFITS.

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