

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.35704 Guidelines and procedures for native vegetation preservation; rights of public utilities or governmental agencies or municipalities.

Sec. 35704. (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 or prevent a local road authority from regulating speed and from taking actions to modify specific road features to correct traffic hazards that 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) A 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) Subject to subsections (5), (6), and (7), prior to approval of any construction project or tree cutting that would significantly impact native vegetation within the right-of-way of a natural beauty road, the board shall notify the clerk of the city, village, or township within which the road lies of the proposed activity. If the city, village, or township desires to hold a public hearing on the proposed activity, the clerk of the city, village, or township shall notify the board within 7 days of the transmittal of notice by the board. The notice to the board shall include the date, time, and place of the township, city, or village hearing. The hearing shall take place within 14 days of the transmittal of notice to the board. A member of the board or a representative of the board shall attend the hearing. The city, village, or township clerk shall provide the board with a written report of testimony taken at the hearing within 10 days of the hearing. The board shall not approve the construction project or tree cutting until 12 days after notice of the proposed activity has been sent to the city, village, or township clerk, or if notification of a hearing is timely received by the board, until 12 days after the public hearing is held. The board shall consider, in approval or denial of the proposed activity, any report of testimony taken at the public hearing received from the city, village, or township.

(5) The notification and hearing provided for in subsection (4) are not required if the construction or tree cutting is necessitated by emergency conditions.

(6) This part 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.

(7) This part does not affect or restrict the maintenance activities of a governmental agency or municipality having jurisdiction over a beauty road.

History: Add. 1995, Act 59, Imd. Eff. May 24, 1995;—Am. 1996, Act 119, Imd. Eff. Mar. 6, 1996.

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