



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4576 (Substitute H-2 as passed by the House)
House Bill 4577 (Substitute H-2 as passed by the House)
Sponsor: Representative Walter DeLange
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

Date Completed: 5-22-96

CONTENT

House Bill 4576 (H-2) and House Bill 4577 (H-2) would amend the County Rural Zoning Enabling Act and the Township Rural Zoning Act, respectively, to revise procedures for registered electors residing in a county or township, outside of a city or village limit, to petition for a referendum on a county or township zoning ordinance.

Under the bills, a county or township zoning ordinance would take effect seven days after publication, as required under the Acts, or at a later date after publication as specified by a county board of commissioners or a township board. (Currently, publication in a newspaper of general circulation is required within 15 days of adoption of a zoning ordinance by a township board, or within 15 days after approval of a county zoning ordinance by the State.)

Under both Acts, within 30 days after the effective date of a county or township zoning ordinance, a petition signed by a number of persons residing in that portion of a county or township, outside of city or village limits, that is equal to at least a certain percentage of the total vote cast in that portion of the county or township for all candidates for Governor at the last gubernatorial election may be filed with the county or township clerk, respectively, requesting the ordinance be submitted to the county or township voters. The minimum percentage for a county zoning ordinance is 15% and the minimum for a township ordinance is 8%. House Bill 4577 (H-2) would increase the amount from 8% to 10%.

Under the bills, within seven days after publication of a county or township zoning ordinance, a registered elector residing in the portion of the county or township outside the limits of cities and villages could file with the county or township clerk a notice of intent to file a petition. Upon the filing of the notice, an ordinance could not take effect until one of the following occurred:

- The expiration of 30 days after the ordinance's publication, if a petition were not filed within that time.
- If a petition were filed within 30 days after the publication of the ordinance, a county or township clerk determined that the petition was inadequate.
- If a petition were filed within 30 days after the ordinance's publication, a county or township clerk determined that the petition was adequate and the ordinance or part of it was approved by a majority of the registered electors residing in the part of the county or township outside of city or village limits.

House Bill 4576 (H-2) also specifies that the provisions on petitioning for a referendum on a county zoning ordinance would supersede the requirements relative to referenda on county ordinance under Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners.

In addition, under the County Rural Zoning Enabling Act, a county board of commissioner must submit a zoning ordinance for approval to the Department of Natural Resources. House Bill 4576 (H-2) would delete reference to the DNR and require, instead, that a zoning ordinance be submitted to the Department of Commerce.

MCL 125.211 & 125.212 (H.B. 4576)
125.281 & 125.282 (H.B. 4577)

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.