

Act No. 296  
Public Acts of 1996  
Approved by the Governor  
June 19, 1996  
Filed with the Secretary of State  
June 19, 1996

**STATE OF MICHIGAN**  
**88TH LEGISLATURE**  
**REGULAR SESSION OF 1996**

Introduced by Reps. DeLange, Pitoniak, Brackenridge, McBryde, Jellema, Hammerstrom and Voorhees

**ENROLLED HOUSE BILL No. 4576**

AN ACT to amend sections 11 and 12 of Act No. 183 of the Public Acts of 1943, entitled as amended "An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; and to provide for the repeal of acts in conflict with this act," being sections 125.211 and 125.212 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 11 and 12 of Act No. 183 of the Public Acts of 1943, being sections 125.211 and 125.212 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 11. After the adoption of a zoning ordinance by the county board of commissioners, the ordinance, including zoning maps, signed by the chairperson of the county board of commissioners and certified by the county clerk, shall be submitted to the department of commerce for approval. The approval of the department of commerce shall be conclusively presumed unless the department, within 30 days after receipt, notifies the county clerk of its disapproval. Disapproval of a county zoning ordinance shall be based upon noncompliance or conflict with either state or federal law or administrative rule or regulation, or a decision of a state or federal court. Subject to section 12, the zoning ordinance shall take effect upon the expiration of 7 days after publication under section 11a or at such later date after publication as may be specified by the county board of commissioners, regardless of the requirements relative to the effective date of county ordinances as specified in Act No. 156 of the Public Acts of 1851, being sections 46.1 to 46.32 of the Michigan Compiled Laws. The zoning ordinance and subsequent amendments shall be filed with the county clerk, who shall maintain a copy in the office of the county clerk for public use.

Sec. 12. (1) Within 7 days after publication of a zoning ordinance under section 11a, a registered elector residing in the portion of the county outside the limits of cities and villages may file with the county clerk a notice of intent to file a petition under this section. If a notice of intent is filed, then within 30 days after the publication of the zoning ordinance, a petition signed by a number of registered electors residing in that portion of the county outside the limits

of cities and villages equal to not less than 15% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in that portion of the county outside the limits of cities and villages, may be filed with the county clerk requesting the submission of the zoning ordinance or a part of the zoning ordinance to the electors residing in that portion of the county outside the limits of cities and villages for their approval or rejection. Upon the filing of the notice of intent, the zoning ordinance or part of the zoning ordinance shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the county clerk determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the county clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in that portion of the county outside the limits of cities and villages voting on the zoning ordinance or part of the zoning ordinance at a regular election or special election called for that purpose. The county board of commissioners shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval and determining the result of the election.

(2) This section supersedes the requirements relative to referenda on county ordinances under Act No. 156 of the Public Acts of 1851, being sections 46.1 to 46.32 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.