

SENATE BILL No. 1091

September 24, 2014, Introduced by Senator CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3317. (1) A LOCAL UNIT OF GOVERNMENT MAY ADOPT AN
2 ORDINANCE FOR THE PREVENTION, CONTROL, OR ERADICATION OF AQUATIC
3 INVASIVE SPECIES IN A WATERBODY, OTHER THAN A GREAT LAKE OR
4 CONNECTING WATER, THAT IS LOCATED IN WHOLE OR PART WITHIN THE
5 BOUNDARIES OF THE LOCAL UNIT OF GOVERNMENT AND TO WHICH THE PUBLIC
6 HAS ACCESS.

7 (2) AN ORDINANCE ADOPTED UNDER SUBSECTION (1) MAY PROVIDE FOR
8 THE IMPOSITION OF FEES FOR ACTIVITIES SUCH AS PREVENTION, CONTROL,
9 OR ERADICATION OF AQUATIC INVASIVE SPECIES, USING A BOAT LAUNCH OR
10 A BOAT WASHING STATION, OR PARKING A MOTOR VEHICLE AND TRAILER USED

1 TO HAUL A BOAT. THE ORDINANCE SHALL NOT IMPOSE FEES TOTALING MORE
2 THAN \$10.00 PER BOAT PER DAY OR \$45.00 PER BOAT PER YEAR. IN
3 ADDITION, A FEE SHALL NOT BE IMPOSED UNLESS AN AQUATIC INVASIVE
4 SPECIES IS PRESENT IN THE WATERBODY. THE ORDINANCE SHALL EXEMPT A
5 PESTICIDE APPLICATOR, LAKE MANAGEMENT CONSULTANT, OR OTHER PERSON
6 ENGAGED IN AQUATIC INVASIVE SPECIES MANAGEMENT ACTIVITIES FROM
7 PAYMENT OF A FEE. THE ORDINANCE MAY EXEMPT A GOVERNMENT ENTITY OR A
8 NONPROFIT ORGANIZATION FROM PAYMENT OF A FEE.

9 (3) FEES COLLECTED UNDER THE ORDINANCE SHALL BE DEPOSITED IN A
10 RESTRICTED FUND. ANY INTEREST AND EARNINGS FROM INVESTMENTS OF
11 RESTRICTED FUND ASSETS SHALL BE DEPOSITED IN THE RESTRICTED FUND.
12 MONEY IN THE RESTRICTED FUND SHALL BE EXPENDED EXCLUSIVELY FOR THE
13 PURPOSES DESCRIBED IN SUBSECTION (1), INCLUDING THE COSTS OF
14 ADMINISTERING AND ENFORCING THE ORDINANCE. MONEY IN THE RESTRICTED
15 FUND AT THE CLOSE OF THE LOCAL UNIT OF GOVERNMENT'S FISCAL YEAR
16 SHALL REMAIN IN THE RESTRICTED FUND AND SHALL NOT LAPSE TO ANY
17 OTHER FUND.

18 (4) AN ORDINANCE UNDER THIS SECTION IS NOT ENFORCEABLE UNLESS
19 1 OF THE FOLLOWING APPLIES:

20 (A) IF THE WATERBODY IS LOCATED WHOLLY WITHIN 1 COUNTY, THE
21 SAME ORDINANCE IS ADOPTED BY AT LEAST 50% OF THE CITIES AND
22 TOWNSHIPS WITHIN WHICH THE WATERBODY IS LOCATED AND AT LEAST 2/3 OF
23 THE SURFACE AREA OF THE WATERBODY IS LOCATED WITHIN THE ADOPTING
24 CITIES AND TOWNSHIPS.

25 (B) IF THE WATERBODY IS LOCATED IN MORE THAN 1 COUNTY, THE
26 SAME ORDINANCE IS ADOPTED BY AT LEAST 50% OF THE COUNTIES WITHIN
27 WHICH THE WATERBODY IS LOCATED AND AT LEAST 2/3 OF THE SURFACE AREA

1 OF THE WATERBODY IS LOCATED WITHIN THE ADOPTING COUNTIES.

2 (5) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL NOT CONFLICT
3 WITH STATE LAW.

4 (6) AT LEAST ONCE EVERY 3 YEARS AFTER THE EFFECTIVE DATE OF AN
5 ORDINANCE UNDER THIS SECTION, THE LEGISLATIVE BODY OF THE LOCAL
6 UNIT OF GOVERNMENT SHALL RECEIVE COMMENTS ON AND REVIEW THE
7 ORDINANCE AT A PUBLIC MEETING.