

FEED LAW (EXCERPT)
Act 120 of 1975

287.538 Actions by local unit of government.

Sec. 18.

(1) Except as otherwise provided in this section, this act preempts any local ordinance, regulation, or resolution that would in any manner duplicate, extend, revise, contradict, or conflict with the provisions of this act. Except as otherwise provided in this section, a local unit of government shall not adopt, maintain, or enforce an ordinance, regulation, or resolution that in any manner duplicates, extends, revises, contradicts, or conflicts with this act.

(2) If a local unit of government is under contract with the department to act as its agent or the local unit of government has received prior written authorization from the department, that local unit of government may adopt an ordinance that is identical to this act and rules promulgated under this act, except as prohibited in subsection (6). The local unit of government's enforcement response for a violation of the ordinance that involves the manufacturing, storage, distribution, sale, or agricultural use of products regulated by this act is limited to issuing a cease order in the manner prescribed in section 15.

(3) A local unit of government may adopt an ordinance prescribing standards different from those contained in this act and rules promulgated under this act and that regulates the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act only under either or both of the following circumstances:

(a) The local unit of government has determined that unreasonable adverse effects on the environment or public health will otherwise exist within the local unit of government, taking into consideration specific populations within that local unit of government whose health may be adversely affected.

(b) The local unit of government has determined that the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act within that unit of government has resulted or will result in the violation of other existing state or federal laws.

(4) An ordinance adopted under subsection (2) or (3) shall not conflict with existing state laws or federal laws. An ordinance adopted under subsection (3) shall not be enforced by a local unit of government until approved by the commission. The commission shall provide a detailed explanation of the basis of a denial within 60 days.

(5) Within 60 days after the legislative body of a local unit of government submits to the department a resolution identifying unreasonable adverse effects on the environment or public health as provided for in subsection (3)(a), the director shall hold a local public meeting to determine the nature and extent of unreasonable adverse effects on the environment or public health due to the manufacturing, storage, distribution, sale, or agricultural use of a product regulated by this act. Within 30 days after the local public meeting, the director shall issue a detailed opinion regarding the existence of unreasonable adverse effects on the environment or public health as identified by the resolution of the local unit of government.

(6) The director may contract with a local unit of government to act as its agent for the purpose of enforcing this act and the rules promulgated under this section. The director has sole authority to assess fees and license feed manufacturers and distributors.

(7) A local unit of government that adopts an ordinance under subsection (2) or (3) shall require persons enforcing the ordinance to comply with training and enforcement requirements determined appropriate by the director.

History: Add. 2015, Act 83, Eff. Oct. 1, 2015