



Bauckham, Sparks, Lohrstorfer, Thall & Seeber, P.C.

Municipal Law Update

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Greetings BSLTS clients and friends:

Amendment to Michigan Zoning Enabling Act (MZEA) - Natural Resources Extraction

On July 20, 2011, Governor Snyder signed HB 4746 into law, thereby amending the Michigan Zoning Enabling Act (MZEA). MCL 125.3205 now includes subsections (3) - (7) limiting a municipality's ability to regulate natural resources extraction unless "very serious consequences" will result. The new legislation effectively undoes the Michigan Supreme Court's opinion in *Kyser v Kasson Township*, 488 Mich 680 (2010), which held that a municipality did not have to prove very serious consequences would result in order to deny approval for mining activities. The Michigan Supreme Court's decision in *Kyser, supra* effectively overturned *Silva v Ada Twp*, 416 Mich 153 (1982).

The recent amendment to the MZEA provides that a zoning ordinance cannot prevent natural resource extraction unless very serious consequences will result. While a municipality may regulate hours of operation, noise levels and dust control measures, among other things, such regulations must be reasonable.

To review MCL 125.3205(3) - (7), click on the link below.

[MZEA amended by PA 113 of 2011](#)

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