

HOUSE BILL No. 4181

February 7, 1991, Introduced by Rep. Alley and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 2 of Act No. 346 of the Public Acts of 1972, entitled "Inland lakes and streams act of 1972," being section 281.952 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 346 of the Public Acts of
2 1972, being section 281.952 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2. As used in this act:

5 (a) "Bottomland" means the land area of an inland lake or
6 stream which lies below the ordinary high-water mark and which
7 may or may not be covered by water.

8 (b) "Bulkhead line" means a line which is established
9 pursuant to this act beyond which dredging, filling or
10 construction of any kind is not allowed without a permit.

1 (c) "Commission" means the ~~natural resources~~ commission OF
2 CONSERVATION AND RECREATION.

3 (d) "Department" means the department of natural resources.

4 (e) "Impoundment" means water held back by a dam, dike,
5 floodgate or other barrier.

6 (f) "Inland lake or stream" means a natural or artificial
7 lake, pond or impoundment; a river, stream or creek which may or
8 may not be serving as a drain as defined by THE DRAIN CODE OF
9 1956, Act No. 40 of the Public Acts of 1956, as amended, being
10 sections 280.1 to ~~280.623~~ 280.630 of the MICHIGAN Compiled
11 Laws; ~~of 1948,~~ or any other body of water which has definite
12 banks, a bed and visible evidence of a continued flow or contin-
13 ued occurrence of water, including the St. Marys, St. Clair and
14 Detroit rivers. ~~It~~ INLAND LAKE OR STREAM does not include the
15 Great Lakes, Lake St. Clair and a lake or pond which has a sur-
16 face area of less than 5 acres.

17 (g) "Marina" means a facility which is owned or operated by
18 a person, extends into or over an inland lake or stream and
19 offers service to the public or members of the marina for dock-
20 ing, loading or other servicing of recreational watercraft.

21 (h) "Ordinary high water mark" means the line between upland
22 and bottomland which persists through successive changes in water
23 levels, below which the presence and action of the water is so
24 common or recurrent that the character of the land is marked dis-
25 tinctly from the upland and is apparent in the soil itself, the
26 configuration of the surface of the soil and the vegetation. On
27 an inland lake which has a level established by law, it means the

1 high established level. Where water returns to its natural level
2 as the result of the permanent removal or abandonment of a dam,
3 it means the natural ordinary high water mark.

4 (i) "Person" means any individual, partnership, corporation,
5 association, political subdivision of the state, the department
6 or other instrumentality or agency of the state, political subdi-
7 vision thereof or other legal entity.

8 (j) "Project" means an activity which requires a permit pur-
9 suant to section 3.

10 (k) "Property owners' association" means any group of orga-
11 nized property owners publishing a directory of their membership,
12 the majority of which are riparian owners and are located on the
13 inland lake or stream which is affected by the proposed project.

14 (l) "Riparian owner" means a person who has riparian
15 rights.

16 (m) "Riparian rights" means those rights which are associ-
17 ated with the ownership of the bank or shore of an inland lake or
18 stream.

19 (n) "Seasonal structure" includes any type of dock, boat
20 hoist, ramp, raft or other recreational structure which is placed
21 into an inland lake or stream and removed at the end of the boat-
22 ing season.

23 (o) "Structure" includes a marina, wharf, dock, pier, dam,
24 weir, stream deflector, breakwater, groin, jetty, sewer, pipe-
25 line, cable and bridge.

26 (p) "Upland" means the land area which lies above the
27 ordinary high water mark.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 86th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 4177 (request
5 no. 00827'91).

6 (b) Senate Bill No. _____ or House Bill No. 4173 (request
7 no. 00827'91 a).