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## ICE FISHING SHANTIES ACT

House Bill 5047

Sponsor: Rep. David Galloway

Committee: Conservation, Environment  
& Great Lakes Affairs

Complete to 11-5-93

### A SUMMARY OF HOUSE BILL 5047 INTRODUCED 9-23-93

House Bill 5047 would repeal and replace Public Act 134 of 1943, the act regulating the placement of ice fishing shanties on Michigan lakes. Under the bill, a person would be prohibited from erecting a fishing shanty (defined under the bill to mean a "fishing house or any other structure or shelter placed on the ice" on the waters over which the state had jurisdiction) unless the name and address of the owner were affixed to each side of the outside of the shanty in legible letters at least two inches high. The letters would have to be readily visible, consist of materials that were not soluble in water, and be printed in a color that contrasted sharply with the color of the basic structure. Placing an owner's name and address on a piece of wood or other material and affixing it to a shanty would not serve as meeting these requirements.

Deadlines for Removal. House Bill 5047 would also require that fishing shanties be removed from the ice on the following waters before ice conditions made it unsafe for removal:

**\*\*The waters within the Upper Peninsula or the waters of the Great Lakes adjacent to the Upper Peninsula.** The final deadline for removal would be midnight of March 31st each year.

**\*\*The waters of Emmet, Cheboygan, Presque Isle, Charlevoix, Leelanau, Antrim, Otsego, Montmorency, Alpena, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee, Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin, Arenac, Oceana, Newaygo, Mecosta, Isabella, Midland, or Bay counties, or those waters of the Great Lakes adjacent to these counties.** The final deadline for removal would be midnight, March 15th, of each year.

**\*\*Fishing shanties on waters not listed above (except for Lake St. Clair; see below)** would also have to be removed before ice conditions were unsafe for removal; the final deadline for removal of shanties in other areas of the state would be midnight of March 1st of each year.

After the final deadline for removal, fishing shanties could be placed on the ice of these waters provided that they were removed at the conclusion of each day's fishing activity.

Lake St. Clair. A person who rented ten or more fishing shanties upon the ice of Lake St. Clair within the jurisdiction of the state would have to remove each shanty before

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ice conditions were unsafe for removal (but the bill contains no date for final removal of shanties.) Otherwise, fishing shanties on Lake St. Clair would have to be removed before ice conditions were unsafe for removal, or before sundown on the first Sunday after February 20, and on a daily basis following that date. Failure to remove a shanty within the specified time would be considered a violation of the act, and the director of the Department of Natural Resources (DNR) could authorize the removal and storage or destruction of the shanty.

Supremacy of State Law. The bill would prohibit local units of government from passing ordinances, rules, or regulations concerning fishing shanties and any ordinance, rule, or regulation in effect on the effective date of the bill would be considered void. However, a local unit of government could require the registration of fishing shanties on the ice of an inland body of water within its boundaries, or on the ice above bottomlands of the Great Lakes and their connecting waters that were owned by a local unit of government, and could charge reasonable fees to administer the registration program.

Penalties. Under the bill, the following would be considered a misdemeanor, punishable by imprisonment for up to 30 days, a fine of between \$100 and \$500, or both, and costs of prosecution: failure to follow the bill's requirements for removal of a fishing shanty; failure to affix one's name and address to a shanty, as required under the bill; affixing a fictitious name or address, or both, to a fishing shanty; and otherwise violating the provisions of the bill. (Note: the bill also specifies that "erection of a fishing shanty on the ice of any body of water over which the state exercises jurisdiction" would be a violation. Apparently, the provision is intended to specify that such a structure would be a violation only when its placement wasn't in compliance with the provisions of the bill.)

Under the provisions of the bill, a person who failed to remove a fishing shanty under the provisions of the bill would be ordered by the court to reimburse the governmental entity that removed the structure in an amount equal to three times the cost of removal.