

Act No. 274
Public Acts of 1993
Approved by the Governor
December 22, 1993
Filed with the Secretary of State
December 28, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Galloway, Gustafson, Vorva, Rhead, Hill, Bullard, Kukuk, Bodem, Stille, Dalman, Nye, Whyman, Crissman, Hammerstrom, Brown, Middleton, Middaugh, Alley, Porreca, Clack, Weeks, Points, Voorhees, Wetters, Yokich, Jersevic, Baade, Munsell, Dobb, Byrum, McBryde, Llewellyn, Griffin, Harrison, Freeman, Randall, Johnson, Bankes, McManus, Shugars, Jamian, Gernaat and London

ENROLLED HOUSE BILL No. 5047

AN ACT to regulate the placement of fishing shanties on the ice of the waters of this state; to limit the regulatory powers of local units of government; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

(a) "Fishing shanty" means a fishing house or any other structure or shelter placed on the ice on the waters over which this state has jurisdiction.

(b) "Local unit of government" means a county, city, township, village, or other governmental unit. Local unit of government does not include the state.

(c) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

Sec. 2. (1) A person shall not set, place, erect, or cause to be set, placed, or erected, or use a fishing shanty at any time upon the ice in waters over which the state has jurisdiction, unless the name and address of the owner is affixed to each side of the outside of the fishing shanty in legible letters not less than 2 inches in height. The letters shall be readily visible and consist of materials that are not soluble in water.

(2) Placing the owner's name and address on a piece of wood, plastic, or other material and affixing that piece of material to the fishing shanty is not in compliance with this section.

Sec. 3. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of any waters within the Upper Peninsula, or the waters of the Great Lakes adjacent to the Upper Peninsula, shall remove the fishing shanty before ice conditions are unsafe for its removal. However, except as provided in section 6, the fishing shanty shall not remain on the ice beyond midnight, March 31, of any year.

Sec. 4. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of any water in 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 the counties listed in this section, shall remove a fishing shanty before ice

conditions are unsafe for its removal. However, except as provided in section 6, the fishing shanty shall not remain on the ice beyond midnight, March 15, of any year.

Sec. 5. A person who sets, places, erects, or causes to be set, placed, or erected a fishing shanty upon the ice of water in any of the counties of this state not listed in section 3 or 4, and those waters of the Great Lakes adjacent to these counties, except as provided in section 7, shall remove a fishing shanty before ice conditions are unsafe for its removal. However, except as provided in section 6, the fishing shanty shall not remain on the ice beyond midnight, March 1, of any year.

Sec. 6. After the dates listed in sections 3, 4, and 5, a person may place and use a fishing shanty for the purposes of fishing if the fishing shanty is removed from the ice at the conclusion of each day's fishing activity.

Sec. 7. A person who sets, places, erects, or causes to be set, placed, or erected any fishing shanty upon the ice of lake St. Clair within the jurisdiction of the state shall remove the fishing shanty before ice conditions are unsafe for its removal or before sundown on the first Sunday after February 20 and on a daily basis following that date. Failure to remove a fishing shanty within the time specified in this section is a violation of this act, and the department of natural resources or the local unit of government may then authorize the removal and storage or destruction of the fishing shanty.

Sec. 8. A local unit of government shall not pass an ordinance, rule, or regulation regulating the placement, use, marking, or removal of a fishing shanty on the ice of any waters over which this state has jurisdiction. An ordinance, rule, or regulation described in this section that is in effect on the effective date of this act is void. However, if a person fails to remove a fishing shanty within the time specified in sections 3, 4, and 5, a local unit of government may remove the fishing shanty from the ice or water and store or destroy the fishing shanty.

Sec. 9. (1) A person who violates this act is guilty of a misdemeanor, punishable by imprisonment for not more than 30 days, or by a fine of not less than \$100.00 or more than \$500.00, or both, and costs of prosecution.

(2) Upon conviction for the violation of this act, the court shall order the defendant to reimburse the governmental entity that removes or provides for the removal of the fishing shanty from the water or ice an amount equal to 3 times the cost of removal.

Sec. 10. Act No. 134 of the Public Acts of 1943, being sections 752.211 to 752.213 of the Michigan Compiled Laws, is repealed.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.

