



HOUSE BILL No. 5047

September 23, 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 and referred to the Committee on Conservation, Environment and Great Lakes.

A bill 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:

1 Sec. 1. As used in this act:

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

5 (b) "Local unit of government" means a county, city, town-
6 ship, village, or other governmental unit. Local unit of
7 government does not include the state.

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

3 Sec. 2. (1) A person shall not set, place, erect, or cause
4 to be set, placed, or erected, or use a fishing shanty at any
5 time upon the ice in waters over which the state has jurisdic-
6 tion, unless the name and address of the owner is affixed to each
7 side of the outside of the fishing shanty in legible letters not
8 less than 2 inches in height. The letters shall be readily visi-
9 ble, consist of materials that are not soluble in water, and be
10 printed in a color that contrasts sharply with the color of the
11 basic structure.

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

15 Sec. 3. A person who sets, places, erects, or causes to be
16 set, placed, or erected a fishing shanty upon the ice of any
17 waters within the Upper Peninsula, or the waters of the Great
18 Lakes adjacent to the Upper Peninsula, shall remove the fishing
19 shanty before ice conditions are unsafe for its removal.

20 However, except as provided in section 6, the fishing shanty
21 shall not remain on the ice beyond midnight, March 31, of any
22 year.

23 Sec. 4. A person who sets, places, erects, or causes to be
24 set, placed, or erected a fishing shanty upon the ice of any
25 water in Emmet, Cheboygan, Presque Isle, Charlevoix, Leelanau,
26 Antrim, Otsego, Montmorency, Alpena, Benzie, Grand Traverse,
27 Kalkaska, Crawford, Oscoda, Alcona, Manistee, Wexford, Missaukee,

1 Roscommon, Ogemaw, Iosco, Mason, Lake, Osceola, Clare, Gladwin,
2 Arenac, Oceana, Newaygo, Mecosta, Isabella, Midland, or Bay coun-
3 ties, or those waters of the Great Lakes adjacent to the counties
4 listed in this section, shall remove a fishing shanty before ice
5 conditions are unsafe for its removal. However, except as pro-
6 vided in section 6, the fishing shanty shall not remain on the
7 ice beyond midnight, March 15, of any year.

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

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

0 Sec. 7. (1) A person who rents or offers to rent 10 or more
1 fishing shanties and who sets, places, erects, or causes to be
2 set, placed, or erected any fishing shanty upon the ice of lake
3 St. Clair within the jurisdiction of the state shall remove the
4 fishing shanty before ice conditions are unsafe for its removal.

5 (2) Any other person, not described in subsection (1), who
6 sets, places, erects, or causes to be set, placed, or erected any
7 fishing shanty upon the ice of lake St. Clair within the

1 jurisdiction of this state shall remove the fishing shanty before
2 ice conditions are unsafe for its removal or before sundown on
3 the first Sunday after February 20 and on a daily basis following
4 that date. Failure to remove a fishing shanty within the time
5 specified in this section is a violation of this act, and the
6 director of the department of natural resources may then autho-
7 rize the removal and storage or destruction of the fishing
8 shanty.

9 Sec. 8. A person shall not use or occupy a fishing shanty
10 on the waters over which this state has jurisdiction unless the
11 fishing shanty is equipped with a latch that will permit the door
12 to be readily opened from the outside at any time that the struc-
13 ture is occupied.

14 Sec. 9. A local unit of government shall not pass an ordi-
15 nance, rule, or regulation regulating the placement, use, mark-
16 ing, or removal of a fishing shanty on the ice of any waters over
17 which this state has jurisdiction. An ordinance, rule, or regu-
18 lation described in this section that is in effect on the effec-
19 tive date of this act is void. However, a local unit of govern-
20 ment may require the registration of any fishing shanty placed
21 upon the ice of an inland body of water within its boundaries, or
22 on the ice above bottomlands of the Great Lakes and their con-
23 necting waters that are wholly owned by a local unit of govern-
24 ment, and may charge reasonable fees for the administration of
25 the registration program.

26 Sec. 10. (1) A person who does any of the following is
27 guilty of a misdemeanor, punishable by imprisonment for not more

1 than 30 days, or by a fine of not less than \$100.00 or more than
2 \$500.00, or both, and costs of prosecution:

3 (a) Sets, places, erects, uses, or causes to be set, placed,
4 or erected a fishing shanty on the ice of any body of water over
5 which this state exercises jurisdiction.

6 (b) Fails to remove a fishing shanty as provided in this
7 act.

8 (c) Fails to affix his or her name and address as provided
9 in this act.

10 (d) Affixes a fictitious name or address, or both, to the
11 fishing shanty.

12 (e) Otherwise violates this act.

13 (2) In addition to subsection (1), if a person fails to
14 remove a fishing shanty, when the failure to remove such fishing
15 shanty is a violation of this act, the person shall reimburse the
16 governmental entity that removes or provides for the removal of
17 the structure from the water or ice, for 3 times the cost of
18 removal. Upon conviction for the violation, the court shall
19 order the defendant to reimburse the governmental entity that
20 removes or provides for the removal of the fishing shanty.

21 (3) In any criminal proceedings for a violation of this act,
22 upon a finding of guilty, a court of competent jurisdiction shall
23 order the defendant to reimburse the governmental entity causing
24 the removal of the fishing shanty for 3 times the cost of
25 removal.

1 Sec. 11. Act No. 134 of the Public Acts of 1943, being
2 sections 752.211 to 752.213 of the Michigan Compiled Laws, is
3 repealed.