

HOUSE BILL No. 4578

March 24, 2005, Introduced by Reps. Sheltroun, Hopgood, Spade, Gillard and Farrah and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 30111a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 30111A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 A PUBLIC ROAD UNDER THE JURISDICTION OF A GOVERNMENTAL ENTITY THAT
3 TERMINATES AT AND PROVIDES ACCESS TO AN INLAND LAKE OR STREAM SHALL
4 BE OPEN TO THE PUBLIC TO PROVIDE INGRESS AND EGRESS TO THE INLAND
5 LAKE OR STREAM. HOWEVER, THE PUBLIC ACCESS SHALL NOT BE USED FOR
6 ANY OF THE FOLLOWING:

7 (A) CONSTRUCTION, INSTALLATION, OR MAINTENANCE OF BOAT HOISTS
8 ON THE ROAD OR IN THE ADJACENT WATERS.

9 (B) CONSTRUCTION, INSTALLATION, OR MAINTENANCE OF A DOCK

1 UNLESS THE PURPOSE OF THE DOCK IS TO AID IN THE PUBLIC ACCESS AND
2 THE CONSTRUCTION, INSTALLATION, OR MAINTENANCE OF THE DOCK IS
3 AUTHORIZED BY THE GOVERNMENTAL ENTITY HAVING JURISDICTION OVER THE
4 ROAD.

5 (2) SUBSECTION (1) DOES NOT APPLY UNDER ANY OF THE FOLLOWING
6 CIRCUMSTANCES:

7 (A) IF A RECORDED DEED, EASEMENT, OR OTHER DEDICATION PROVIDES
8 FOR OTHER USES OF THE PUBLIC ROAD.

9 (B) IF A REGULATORY PERMIT OR LICENSE PROVIDES FOR OTHER USES
10 OF THE PUBLIC ROAD.

11 (C) IF THE PUBLIC ROAD IS LOCATED WITHIN A RECORDED PLAT THAT
12 BORDERS THE INLAND LAKE OR STREAM.

13 (3) IF, AS DESCRIBED UNDER SUBSECTION (2)(C), THE PUBLIC ROAD
14 IS LOCATED WITHIN A RECORDED PLAT THAT BORDERS THE INLAND LAKE OR
15 STREAM, EACH OWNER OF PROPERTY WITHIN THE RECORDED PLAT SHALL HAVE
16 FREE AND OPEN ACCESS TO THE INLAND LAKE OR STREAM BY ALL PUBLIC
17 ROADS THAT ARE PARALLEL TO OR TERMINATE AT THE EDGE OF THE INLAND
18 LAKE OR STREAM. THIS FREE AND OPEN ACCESS INCLUDES THE RIGHT TO
19 ENGAGE IN SHORELINE ACTIVITIES, INCLUDING, BUT NOT LIMITED TO, ALL
20 OF THE FOLLOWING:

21 (A) SUNBATHING.

22 (B) LOUNGING.

23 (C) PICNICKING.

24 (D) INSTALLING A TEMPORARY OR SEASONAL DOCK.

25 (E) INSTALLING A TEMPORARY OR SEASONAL BOAT HOIST FOR 1
26 REGISTERED WATERCRAFT TO AID IN ACCESS TO THE WATER BY AN OWNER OF
27 PROPERTY IN THE RECORDED PLAT WHO RESIDES EITHER FULL-TIME OR PART-

1 TIME IN A DWELLING ON HIS OR HER PROPERTY.

2 (4) THE USES OF A PUBLIC ROAD UNDER SUBSECTION (3) SHALL NOT
3 LIMIT THE GENERAL PUBLIC'S ABILITY TO USE THE PUBLIC ROAD FOR ITS
4 INTENDED USES OR PROHIBIT THE GENERAL PUBLIC'S INGRESS OR EGRESS TO
5 THE INLAND LAKE OR STREAM.

6 (5) EXCEPT AS PROVIDED IN SUBSECTION (3), THE GOVERNING BODY
7 OF THE GOVERNMENTAL ENTITY WITH JURISDICTION OVER A PUBLIC ROAD MAY
8 DO EITHER OR BOTH OF THE FOLLOWING:

9 (A) REGULATE USES OF THAT PUBLIC ROAD AND THE PUBLIC ACCESS
10 THAT IS PROVIDED AT THAT PUBLIC ROAD.

11 (B) ADOPT AN ORDINANCE TO ISSUE PERMITS ON AN ANNUAL BASIS FOR
12 THE CONSTRUCTION, INSTALLATION, AND MAINTENANCE OF BOAT HOISTS AND
13 A DOCK ON THE ROAD OR IN THE ADJACENT WATERS.

14 (6) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
15 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00 FOR EACH
16 DAY OF VIOLATION. A PEACE OFFICER MAY ISSUE AN APPEARANCE TICKET AS
17 DESCRIBED AND AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE
18 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, TO
19 AN INDIVIDUAL WHO VIOLATES THIS SECTION.