

PUBLIC ROAD LAKE ACCESS

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Senate Bill 778 as passed by the Senate

Sponsor: Sen. Mike Kowall

House Committee: Government Operations

Senate Committee: Judiciary

Complete to 2-14-12

A SUMMARY OF SENATE BILL 778 (S-1) AS PASSED BY THE SENATE 1-19-12

The bill would amend Part 301, entitled "Inland Lakes and Streams," of the Natural Resources and Environmental Protection Act (MCL 324.30111b). It specifies that, unless a recorded deed, recorded easement, or other recorded dedication expressly provided otherwise, **a public road end** could not be used for any of the following purposes:

- Construction, installation, maintenance, or use of boat hoists or boat anchorage devices.
- Mooring or docking of a vessel between midnight and sunrise.
- Any activity that obstructed ingress to, or egress from, an inland lake or stream.

A public road end also could not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that was authorized by the local unit of government with jurisdiction over the public road. This provision would not prohibit any use that was expressly authorized by a recorded deed, recorded easement, or other recorded dedication, but would not permit any use that exceeded the uses authorized by the deed, easement, or dedication, or a court order.

The bill would define "**public road end**" as the terminus of a public road at an inland lake or stream.

Under the bill, a local unit of government with jurisdiction over a public road could prohibit a use of a public road end that violated the bill.

A violation of the bill would be a misdemeanor punishable by up to 90 days' imprisonment, or a maximum fine of \$500, or both. Each 24-hour period in which a violation existed would constitute a separate violation. A peace officer could issue an appearance ticket, as authorized in the Code of Criminal Procedure, to a person who violated the bill. The bill specifies that it would not prohibit a person or agency from commencing a civil action for conduct that violated it.

The term "public road" would mean a county road or a township, city, or village street that is open for use by the public. The bill would define "local unit of government" to mean the county, township, city, or village with jurisdiction over a public road.

FISCAL IMPACT:

To the extent that the bill's provisions result in additional misdemeanor convictions, it could increase costs on local correctional systems. The costs of incarceration in a county jail and of misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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