

Legislative Analysis



LAKE ACCESS SITES AT END OF PUBLIC ROADS

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House Bill 4576 (Substitute H-3)

Sponsor: Rep. John Stakoe

Committee: Local Government and Urban Policy

Complete to 6-20-05

A SUMMARY OF HOUSE BILL 4576 AS REPORTED BY COMMITTEE 6-15-05

The bill would add a new section to the Natural Resources and Environmental Protection Act (MCL 30111a) regarding the construction of boat hoists or seasonal docks at public road ends that provide access to inland streams and lakes. The bill would apply to public roads under the jurisdiction of a local unit of government.

Beginning September 15, 2006, unless a recorded deed, recorded easement, or other recorded document or evidence regarding the scope of the dedication provided otherwise, the road could not be used for any of the following:

- Construction, installation, or maintenance of boat hoists on the road or in the adjacent water.
- Construction, installation, or maintenance of a seasonal dock larger than a length designated by the Department of Natural Resources (unless the dock would aid in the public access and the dock was authorized under Part 301 of the act or the local unit of government). However, a smaller dock for the purpose of aiding in public access could be installed unless otherwise prohibited by Part 131 or the municipality.
- Obstructing ingress into or egress from the water in any manner.
- Mooring or docking an unoccupied vessel between midnight and sunrise on bottomland directly offshore from the public road.

A violation would be a state civil infraction; a violator could be ordered to pay a civil fine of not more than \$500. A legislative body of a local unit of government could adopt a substantially similar ordinance to regulate the use of road ends within its jurisdiction if the uses authorized under the ordinance did not exceed the scope of the dedication and were otherwise in compliance with law. An ordinance would have to provide for a civil fine of not more than \$500.

The bill would not prohibit a local unit of government, or other person, from applying for a permit under Section 30104 of the act. It also would not alter the rights of the public to use lawfully accessible inland lakes and streams in a manner authorized by law.

FISCAL IMPACT:

The bill would have no fiscal impact on the state. There would be an indeterminate local impact. Revenue realized through fines would be provided to local libraries.

POSITIONS:

A representative of the Michigan Townships Association testified in support of the bill. (6-15-05)

A representative of the Walloon Lake Association testified in support of the bill. (6-15-05)

A representative of the Michigan Waterfront Alliance testified in support of the bill. (6-15-05)

A representative of the Burt Lake Preservation Association indicated support for the bill. (6-15-05)

A representative of the Corey Lake Association indicated support for the bill. (6-15-05)

A representative of the Lake Fenton Property Owners Association indicated support for the bill. (6-15-05)

A representative of the Higgins Lake Property Owners Association indicated support for the bill. (6-15-05)

A representative of the Higgins Lake Civic Association testified in opposition to the bill. (6-15-05)

A representative of Lyon Township indicated opposition to the bill.

A representative of Sovereign Park Association/Higgins Lake indicated opposition to the bill. (6-15-05)

A representative of the Walloon Lake 4th Street Association indicated opposition to the bill. (6-15-05)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Kirk Lindquist

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.