

SENATE BILL No. 778

October 26, 2011, Introduced by Senators KOWALL, JONES, PAPPAGEORGE,
SCHUITMAKER, BIEDA and GREGORY and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 30111B. (1) A PUBLIC ROAD END SHALL NOT BE USED FOR ANY
2 OF THE FOLLOWING UNLESS A RECORDED DEED, RECORDED EASEMENT, OR
3 OTHER RECORDED DEDICATION EXPRESSLY PROVIDES OTHERWISE:

4 (A) CONSTRUCTION, INSTALLATION, MAINTENANCE, OR USE OF BOAT
5 HOISTS OR BOAT ANCHORAGE DEVICES.

6 (B) MOORING OR DOCKING OF A VESSEL BETWEEN 12 MIDNIGHT AND
7 SUNRISE.

8 (C) ANY ACTIVITY THAT OBSTRUCTS INGRESS TO OR EGRESS FROM THE

1 INLAND LAKE OR STREAM.

2 (2) A PUBLIC ROAD END SHALL NOT BE USED FOR THE CONSTRUCTION,
3 INSTALLATION, MAINTENANCE, OR USE OF A DOCK OR WHARF OTHER THAN A
4 SINGLE SEASONAL PUBLIC DOCK OR WHARF THAT IS AUTHORIZED BY THE
5 LOCAL UNIT OF GOVERNMENT. THIS SUBSECTION DOES NOT PROHIBIT ANY USE
6 THAT IS EXPRESSLY AUTHORIZED BY A RECORDED DEED, RECORDED EASEMENT,
7 OR OTHER RECORDED DEDICATION. THIS SUBSECTION DOES NOT PERMIT ANY
8 USE THAT EXCEEDS THE USES AUTHORIZED BY A RECORDED DEED, RECORDED
9 EASEMENT, OTHER RECORDED DEDICATION, OR A COURT ORDER.

10 (3) THE LOCAL UNIT OF GOVERNMENT MAY PROHIBIT A USE OF A
11 PUBLIC ROAD END THAT VIOLATES THIS SECTION.

12 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF A
13 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
14 A FINE OF NOT MORE THAN \$500.00, OR BOTH. EACH 24-HOUR PERIOD IN
15 WHICH A VIOLATION EXISTS CONSTITUTES A SEPARATE VIOLATION OF THIS
16 SECTION. A PEACE OFFICER MAY ISSUE AN APPEARANCE TICKET AS
17 AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF
18 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, TO A PERSON
19 WHO VIOLATES SUBSECTION (1) OR (2).

20 (5) THIS SECTION DOES NOT PROHIBIT A PERSON OR AGENCY FROM
21 COMMENCING A CIVIL ACTION FOR CONDUCT THAT VIOLATES THIS SECTION.

22 (6) AS USED IN THIS SECTION:

23 (A) "LOCAL UNIT OF GOVERNMENT" MEANS THE COUNTY, CITY, OR
24 VILLAGE WITH JURISDICTION OVER A PUBLIC ROAD.

25 (B) "PUBLIC ROAD" MEANS A COUNTY ROAD OR CITY OR VILLAGE
26 STREET THAT IS OPEN FOR USE BY THE PUBLIC.

27 (C) "PUBLIC ROAD END" MEANS THE TERMINUS OF A PUBLIC ROAD AT

1 AN INLAND LAKE OR STREAM.