

# SENATE BILL No. 818

November 10, 2011, Introduced by Senators PROOS, PAPPAGEORGE, PAVLOV, HANSEN, MEEKHOF, MOOLENAAR, GLEASON, JONES, HOPGOOD, BOOHER and CASPERSON and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80198b (MCL 324.80198b), as amended by 2007 PA 8.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 80198b. (1) The owner or person in charge of a bathing  
2 beach maintained primarily for public use shall not knowingly  
3 permit a person to bathe or swim from the bathing beach unless  
4 buoys outlining a safe bathing or swimming area are established in  
5 accordance with section 80159.

6           (2) A person who is bathing or swimming from a bathing beach  
7 maintained primarily for public use shall not bathe or swim in  
8 waters that are within 100 feet beyond the buoyed bathing or

1 swimming area. This subsection does not apply to persons swimming  
2 from adjacent privately owned beaches that are not open to the  
3 general public.

4 (3) AT EACH DESIGNATED BATHING BEACH ALONG THE GREAT LAKES,  
5 THE OWNER OR PERSON IN CHARGE OF THE BATHING BEACH SHALL UTILIZE A  
6 FLAG SIGNAL SYSTEM TO ALERT BEACH USERS OF WATER CONDITIONS AT THE  
7 BATHING BEACH. THE FLAG SIGNAL SYSTEM SHALL INCLUDE ALL OF THE  
8 FOLLOWING:

9 (A) THE FLAG SIGNALS SHALL BE MAINTAINED THROUGHOUT THE  
10 SWIMMING SEASON AS DEFINED BY USE PATTERNS AND SEASONS AND SHALL  
11 INDICATE THE POTENTIAL FOR ADVERSE WATER CONDITIONS.

12 (B) FLAGS SHALL BE TRIANGULAR IN SHAPE AND A MINIMUM OF 18  
13 INCHES ON THE SIDE PARALLEL WITH THE FLAG STAFF AND EXTEND A  
14 MINIMUM OF 36 INCHES WHEN MEASURED AT RIGHT ANGLES TO THE FLAG  
15 STAFF EDGE.

16 (C) A FLAG AND EXPLANATORY SIGN SHALL BE LOCATED NEAR THE  
17 ENTRANCE TO THE DESIGNATED BATHING BEACH. ADDITIONAL FLAGS AND  
18 EXPLANATORY SIGNS SHALL BE STRATEGICALLY LOCATED ON THE BEACH  
19 ITSELF. THE NUMBER AND PLACEMENT OF FLAG STAFFS ON THE BEACH SHALL  
20 BE DESIGNED SO THAT A VISITOR ANYWHERE IN THE DESIGNATED SWIMMING  
21 AREA WILL HAVE CLEAR VISION OF AT LEAST 1 FLAG.

22 (D) FADED OR TATTERED FLAGS SHALL BE REPLACED AS NEEDED.

23 (E) FLAGS SHALL CONSIST OF THE FOLLOWING COLORS BASED UPON THE  
24 POTENTIAL FOR ADVERSE WATER CONDITIONS, AS FOLLOWS:

25 (i) A GREEN FLAG SHALL REPRESENT LAKE CONDITIONS GENERALLY  
26 CONSIDERED SAFE FOR SWIMMING, IN WHICH AN UNDERTOW OR RIP TIDE IS  
27 NOT EXPECTED, THERE IS MINIMAL WAVE ACTION, THERE IS MINIMAL WIND,

1 LONGSHORE CURRENTS ARE UNDETECTABLE, AND THE WATER IS CLEAN.

2 (ii) A YELLOW FLAG SHALL REPRESENT LAKE CONDITIONS GENERALLY  
3 CONSIDERED MODERATELY DANGEROUS FOR SWIMMING, CONSISTING OF 2- TO  
4 4-FOOT WAVES, BUT WITHOUT AN EXPECTATION FOR AN UNDERTOW OR RIP  
5 TIDE, AND A LONGSHORE CURRENT OF NOT MORE THAN 50 FEET PER MINUTE.  
6 IN ADDITION, STRONG OFFSHORE WINDS MAY BE PRESENT CREATING  
7 CONDITIONS IN WHICH INFLATABLE DEVICES ARE NOT SAFE IN THE WATER.

8 (iii) A RED FLAG SHALL REPRESENT LAKE CONDITIONS THAT ARE  
9 CONSIDERED EXTREMELY DANGEROUS FOR SWIMMING, CONSISTING OF WAVES  
10 OVER 4 FEET, A VERY STRONG UNDERTOW OR RIPTIDE, LONGSHORE CURRENTS  
11 OF MORE THAN 50 FEET PER MINUTE, A CONTAMINATED WATER ADVISORY, OR  
12 A COMBINATION OF ANY OF THESE CONDITIONS.

13 (4) AT EACH DESIGNATED BATHING BEACH ALONG THE GREAT LAKES,  
14 THE OWNER OR PERSON IN CHARGE OF THE BATHING BEACH SHALL ERECT A  
15 SIGN THAT DESCRIBES A RIPTIDE AND THE BEST TECHNIQUES FOR SWIMMING  
16 SAFELY OUT FROM A RIPTIDE.

17 (5) THE DEPARTMENT SHALL POST ON THE DEPARTMENT'S WEBSITE THE  
18 WATER CONDITIONS AT DESIGNATED BATHING BEACHES ALONG THE GREAT  
19 LAKES THAT ARE UNDER OWNERSHIP OR CONTROL OF THE DEPARTMENT. IN  
20 ADDITION, THE OWNER OR PERSON IN CHARGE OF A DESIGNATED BATHING  
21 BEACH ALONG THE GREAT LAKES, OTHER THAN THE DEPARTMENT, MAY REPORT  
22 THE WATER CONDITIONS AT THE BATHING BEACH TO THE DEPARTMENT, WHICH  
23 SHALL POST THOSE CONDITIONS ON THE DEPARTMENT'S WEBSITE.

24 (6) ~~(3)~~—A person who violates this section is responsible for  
25 a state civil infraction and may be ordered to pay a civil fine of  
26 not more than \$500.00.

27 (7) AS USED IN THIS SECTION:

1           (A) "DESIGNATED BATHING BEACH" MEANS THAT PORTION OF A BATHING  
2 BEACH MAINTAINED PRIMARILY FOR PUBLIC USE THAT IS DESIGNATED BY THE  
3 OWNER OR PERSON IN CONTROL OF THE BATHING BEACH FOR SWIMMING.

4           (B) "LONGSHORE CURRENT" MEANS A CURRENT CAUSED BY WIND THAT  
5 RUNS PARALLEL TO SHORE AND SOMETIMES TRAVELS IN EXCESS OF 120 FEET  
6 PER MINUTE.

7           (C) "RIPTIDE" MEANS AN UNDERCURRENT THAT OCCURS WHEN STRONG  
8 WINDS FORM LARGE WAVES WHICH CRASH ONTO THE BEACH, THEN FLOW BACK  
9 DOWN UNDER THE INCOMING WAVES TO FORM A STRONG UNDERCURRENT THAT  
10 FLOWS OUT INTO THE LAKE.