

HOUSE BILL No. 6085

December 9, 2014, Introduced by Rep. Genetski and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80159 (MCL 324.80159), as amended by 2004 PA 325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80159. (1) ~~A~~**SUBJECT TO SUBSECTION (2), A** person shall
2 not place a beacon or buoy, other than a mooring buoy, in the
3 waters of this state except as authorized by a permit issued by the
4 department pursuant to part 13. The department may issue a permit
5 for the placing of buoys or beacons in the waters of this state to
6 mark **AN** obstruction to navigation, to designate bathing areas, to
7 designate vessel anchorages, or for any other purpose ~~if it~~**THAT**
8 will promote safety or navigation. An application for a permit

1 shall contain information required by the department.

2 (2) A HOMEOWNERS ASSOCIATION THAT BORDERS THE GREAT LAKES OR
3 THEIR CONNECTING WATERWAYS MAY REQUEST A TEMPORARY PERMIT THAT RUNS
4 FROM JUNE 1 UNTIL SEPTEMBER 30 FOR PURPOSES OF PLACING BUOYS IN THE
5 WATERS OF THE GREAT LAKES OR THEIR CONNECTING WATERWAYS MARKING THE
6 LOCATION OF DESIGNATED BATHING AREAS. THE LOCATION OF A DESIGNATED
7 BATHING AREA SUBJECT TO A TEMPORARY PERMIT UNDER THIS SUBSECTION
8 SHALL NOT EXTEND BEYOND 200 FEET FROM THE SHORELINE. A TEMPORARY
9 PERMIT UNDER THIS SUBSECTION IS VALID FOR 1 YEAR, BUT MAY BE
10 RENEWED ANNUALLY.

11 (3) If buoys or beacons are placed in the waters of this state
12 without a permit, ~~having been issued,~~ the department may order
13 their removal. If, in the judgment of the department, buoys or
14 beacons authorized by the department are ~~found to be~~ improperly
15 placed, the reason for their placement no longer exists, or the
16 buoys or beacons do not conform to the uniform system of marking
17 established by state regulation, the department may revoke the
18 permit authorizing their placement and may order their removal.
19 Revocation of permits and orders of removal shall be by written
20 notice to the person placing the buoys or beacons or to the person
21 to whom the permit was issued at his or her last known address,
22 directing the removal within a specified time. The person to whom
23 the notice is directed shall remove the buoys or beacons in
24 accordance with the instructions. If the person fails to remove the
25 buoys or beacons within the specified time, the department may
26 cause their removal, and the cost ~~and expense~~ of the removal shall
27 be charged against the person authorized to place the buoys or

1 beacons or, ~~where~~ **IF** authorization has not been granted, the person
2 ~~placing such~~ **WHO PLACED THE** buoys or beacons and ~~shall be~~ **IS**
3 recoverable through any court of competent jurisdiction.