

REQUIRE DEQ TO ISSUE MARINA PERMIT FOR SUMMER DOCK IF LOCAL ORDINANCE ADOPTED

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House Bill 4463

Sponsor: Rep. Matthew Gillard

Committee: Tourism, Outdoor Recreation and Natural Resources

Complete to 3-19-07

A SUMMARY OF HOUSE BILL 4463 AS INTRODUCED 3-14-07

In general, the bill would require the Department to Environmental Quality (DEQ) to issue a marina permit to a local unit of government allowing the construction of a seasonal dock on a road that ends on an inland lake or stream for public access to the lake or stream *if a local unit of government has adopted an ordinance with the specified requirements.*

Requirement that DEQ issue marina permit. The bill would require the DEQ to issue a marina permit if all of the following conditions were met:

- The applicant is a local unit of government and the location of the marina is a road end under the local unit's jurisdiction that provides public access to an inland lake or stream.
- The permit application is to construct, install, or maintain a seasonal dock.
- The local unit of government has adopted an ordinance in compliance with the bill.

Requirements of the local ordinance. The bill contains the following requirements for local ordinances:

Docks

- Only one nonexclusive public dock would be allowed at the end of any public lateral road.
- The local governmental unit would have to specify the exact location of the dock to make sure that the dock remains within the right-of-way of the road (as extended into the waters of the inland lake or stream) and does not encroach on or over the riparian bottomland of adjacent property.
- The dock could only be in place between May 1 and September 30.
- The dock's length could not exceed 250 feet.
- The dock could not be more than 4 feet wide, unless required by state or federal law.
- The dock would have to be constructed with an inverted "L" or a "T" design at the end of the dock to provide access for law enforcement or emergency personnel.

- The length of the dock could not unreasonably interfere with the safety and navigability of the waters.

Hoists

- Only a boat hoist meeting the requirements of the bill would be allowed—no other boat mooring posts or permanent or seasonal boating anchoring devices would be allowed.
- To be allowed to provide seasonal overnight mooring or docking of unoccupied vehicles, a boat hoist would have to meet the following specifications:

(1) Lateral road-end hoists would have to be placed in a uniform straight line running away from and parallel to the shoreline to assure that the hoist and associated moored watercraft remain within the right-of-way of the public road as extended into the waters. The ordinance would have to prohibit a watercraft from encroaching onto or over the riparian bottomland of adjacent property.

(2) Lateral road-end hoists would have to be placed at least 20 feet but no more than 200 feet offshore and would not be allowed to unreasonably interfere with the with the ingress, egress, safety, and navigability of the waters.

(3) Boat hoists could not be placed along the lakeward edge of the inverted "L" or "T" at the end of the dock.

Roadwork permits

- A lateral road terminating at the water's edge of an inland lake or stream could not be altered, improved, or maintained in any manner without first obtaining any applicable land use permit from the local unit of government. The ordinance could require that additional permits be obtained from the county road commission or drain commission.

Violations

- The ordinance would have to contain provisions for violations consistent with the requirements set forth above.

Optional contracting provisions

- The marina could be subcontracted from the local unit of government to a local neighborhood association or civic association.
- Any individual or group of individuals subcontracted by the local unit of government to construct, install, maintain, operate and remove a dock would assume any liability for the dock and attached equipment and, by installing the dock, the individual or group would agree to hold the local unit of government and its officials harmless from any liability for the dock.

- The ordinance could require that any individual or group erecting a dock provide proof of liability insurance to the local clerk (with the local unit of government named as an additional insured party) in the amount of at least \$1 million per incident before receiving a permit to install the dock.
- The ordinance could designate violations of the ordinance as a municipal civil infraction subject to a civil fine of not more than \$500.

FISCAL IMPACT:

This bill would not have a fiscal impact on the state or on local governmental units.

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■ 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.