

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.80112a Temporary ordinance for use of vessels on a water body; application; information required; investigation; notice; expiration; right to appeal.

Sec. 80112a.

(1) If a political subdivision believes a temporary ordinance is needed for the use of vessels on a water body subject to its jurisdiction, the political subdivision may submit an application and a resolution for a temporary ordinance to the department.

(2) An application for a temporary ordinance under this section must contain all of the following information:

(a) The resolution and a copy of the public notice that lists the adoption of the resolution on the agenda.

(b) The information required under section 80110(2).

(c) The circumstances that justify a temporary ordinance rather than a special rule under section 80110.

(d) A complete list of all local ordinances, regulations, and rules concerning the water body and how the ordinances, regulations, and rules are enforced.

(e) If the temporary ordinance is approved, how the political subdivision will provide for and fund the public notice of the temporary ordinance, including, but not limited to, buoy placement and signage.

(f) If the temporary ordinance is approved, how the political subdivision will enforce the temporary ordinance.

(g) Any other information the political subdivision believes is relevant or necessary.

(3) Within 10 days after receiving an application under subsection (2), the department shall review the application. If the application is complete, the department shall conduct an investigation and inquiry within 10 days into the need for a temporary ordinance. If additional information is needed, the department shall request the additional information. Within 10 days after receiving the additional information, the department shall conduct an investigation and inquiry into the need for a temporary ordinance.

(4) Within 10 days after completing the investigation and inquiry under subsection (3), if the department determines that there is a need for a temporary ordinance, the department shall propose a temporary ordinance that affects all boats or boat types on the water body. If the department determines that there is not a need for a temporary ordinance, the department shall notify the political subdivision and provide the specific reasons for the determination.

(5) A determination by the department under this section that there is not a need for a temporary ordinance may be appealed by the political subdivision to the director. The director shall make the final agency decision on the need for a temporary ordinance.

(6) If the department determines there is a need for a temporary ordinance, the department shall submit to the political subdivision a proposed temporary ordinance. Notwithstanding any charter provision or other provision of law, the proposed temporary ordinance takes effect when both of the following requirements are met, which must occur within 30 days after the department submits the proposed temporary ordinance to the political subdivision:

(a) The governing body of the political subdivision adopts the ordinance at a public meeting.

(b) The political subdivision notifies the department of the adoption.

(7) If the political subdivision fails to notify the department of the adoption of the proposed temporary ordinance, the proposed temporary ordinance is considered disapproved and no further action shall be taken.

(8) A temporary ordinance expires 6 months after the department is notified of the adoption of the temporary ordinance under subsection (6). The temporary ordinance may be extended or renewed in consecutive years only if the political subdivision is going through the process of adopting a proposed special rule under sections 80110 and 80111, and the public hearing required under section 80110(4) has occurred.

(9) If the department determines that a special rule is not needed under section 80110(5), and the director denies the appeal under section 80110(6), the political subdivision may not extend or renew a temporary ordinance in consecutive years under subsection (8).

(10) As used in this section, "water body" includes all or a portion of a water body.

History: Add. 2020, Act 72, Imd. Eff. Apr. 2, 2020

Popular Name: Act 451

Popular Name: Marine Safety Act

Popular Name: NREPA