



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

PROCEDURES - LOCAL WATERCRAFT CONTROL ORDINANCE

MICHIGAN DEPARTMENT OF NATURAL
RESOURCES LAW ENFORCEMENT DIVISION

The local political subdivision that believes that a special local watercraft control ordinance is needed on waters subject to their jurisdiction shall inform the department and request assistance. All such requests shall be in the form of an official resolution approved by a majority of the governing body of the concerned political subdivision following a public hearing, by the local political subdivision on the resolution.

The department shall upon receiving the written resolution from a local political subdivision initiate an investigation and inquiry. The department will prepare a preliminary report that includes the evaluation and preliminary recommendation as to whether special rules are needed for the water body. Upon completion of the preliminary report the department will provide a copy of the preliminary report to the requesting political subdivision and the department shall schedule a public hearing in the vicinity of the water body to gather public input on the preliminary report and the need for special rules.

Notice of a public hearing shall be made in a newspaper of general circulation in the area in which the local ordinance is to be imposed, amended, or repealed, not less than 10 calendar days before the hearing. Interested persons shall be afforded an opportunity to present their views on the proposed local ordinance either orally or in writing.

After the completion of the public hearing, if the department determines that there is a need for special rules for the water body, the department will propose a local ordinance or changes to a local ordinance. If the department determines there is not a need for the special rules, the department will notify the local subdivision, including specific reasons for the determination. A determination by the department that there is not a need for special rules for a water body maybe appealed to the Natural Resource Commission, by the political subdivision that has water subject to its jurisdiction.

Within 60 calendar days after receiving a proposed special rule, the local governing body requesting the special rule shall inform the department that it approves or disapproves of the proposed local ordinance. If the required information is not received within the time specified, the department shall consider the proposed local ordinance disapproved by the governing body. If the governing body disapproves the proposed local ordinance, or if the 60-day period has elapsed without a reply having been received from the governing body, no further action shall be taken. If the governing body approves the proposed local ordinance, the local ordinance shall be enacted identical in all respects to the local ordinance proposed by the department.

Further information may be obtained by contacting:

Michigan DNR Law Enforcement Division
P.O. Box 30031 Lansing, Michigan 48909-7531
Or call: 517-284-6026

CRITERIA FOR CONSIDERATION WHEN ESTABLISHING A LOCAL WATERCRAFT CONTROL

The department's investigation and inquiry into whether special rules are needed on a particular body of water shall include a consideration of all of the following:

- Whether the activities subject to the proposed special rules pose any issues of safety to life or property.
- The profile of the body of water, including local jurisdiction, size, geographic location, and amount of vessel traffic.
- The current and historical depth of the body of water, including whether there is an established lake level for the body of water.
- Whether any identifiable special problems or conditions exist on the water for the activities subject to the proposed special rules, such as rocks, pier heads, swimming areas, public access sites, shallow waters, and submerged obstacles.
- Whether the proposed special rules would unreasonably interfere with normal navigational traffic.
- Whether user conflicts exist on the body of water.
- Complaints received by local law enforcement agencies regarding activities on the body of water.
- The status of any accidents that have occurred on the body of water.
- Historical uses of the body of water and potential future uses on the body of water.
- Whether the body of water is public or private.
- Whether the existing law adequately regulates the activities subject to the proposed special rules.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES LAW
ENFORCEMENT DIVISION

*Complete

R E S O L U T I O N
WATERCRAFT

WHEREAS, the *Board, County of *
State of Michigan, has become aware that recreational boating and surface water use problems exist on*
.....which was determined by a
public hearing held on (date):2012, at (address):.....
and approved by a majority of the local political subdivision.

WHEREAS, such recreational boating and surface water use problems consist of *
.....and

WHEREAS, Act 451 of the Public Acts of 1994, Part 801, as amended, requires that the Department of
Natural Resources conduct a public hearing and such investigations as are deemed necessary prior to
recommending local watercraft controls on problem waters.

NOW, THEREFORE, BE IT RESOLVED, that the *Board does
hereby request the Department of Natural Resources to hold a public hearing to inquire into the need for
special local watercraft controls on*.....
*Board*Township,
County of *, State of Michigan.

VOTE ON THE RESOLUTION:

Yeas _____
Nays _____
Absent _____

DATE CLERK

I hereby certify the above to be a true and correct transcript of the action taken by the
*Board, Township of
.....County, State of Michigan.

DATE CLERK

TELEPHONE NUMBER ADDRESS

**Public Act 451 of 1994, Part 801, Marine Safety
Sections: 324.80110, 324.80111, 324.80112.**

324.80110 Special rules for vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances; investigations and inquiries; preliminary report; notice of public hearing; presentation of views by interested persons; determination by department; proposal for local ordinance; appeal; "water body" defined.

Sec. 80110. (1) The department may initiate investigations and inquiries into the need for special rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances on any of the waters of this state to assure compatibility of uses and to protect public safety. If the department receives a resolution pursuant to section 80112, the department shall initiate an investigation and inquiry under this subsection.

(2) The department's investigation and inquiry under subsection (1) into whether special rules are needed on a particular water body shall include a consideration of all of the following:

(a) Whether the activities subject to the proposed special rules pose any issues of safety to life or property.

(b) The profile of the water body, including local jurisdiction, size, geographic location, and amount of vessel traffic.

(c) The current and historical depth of the water body, including whether there is an established lake level for the water body.

(d) Whether any identifiable special problems or conditions exist on the water body for the activities subject to the proposed special rules, such as rocks, pier heads, swimming areas, public access sites, shallow waters, and submerged obstacles.

(e) Whether the proposed special rules would unreasonably interfere with normal navigational traffic.

(f) Whether user conflicts exist on the water body.

(g) Complaints received by local law enforcement agencies regarding activities on the water body.

(h) The status of any accidents that have occurred on the water body.

(i) Historical uses of the water body and potential future uses of the water body.

(j) Whether the water body is public or private.

(k) Whether existing law adequately regulates the activities subject to the proposed special rules.

(3) Following completion of the department's investigation and inquiry, the department shall prepare a preliminary report that includes the department's evaluation of the items listed in subsection (2) and the department's preliminary recommendation as to whether special rules are needed for the water body.

(4) Upon preparation of the preliminary report, the department shall provide a copy of the preliminary report to the local political subdivision that has waters subject to its jurisdiction for which the proposed special rules are being considered and shall schedule a public hearing in the vicinity of the water body to gather public input on the preliminary report and the need for special rules. Notice of the public hearing shall be made in a newspaper of general circulation in the area where the water body is located, not less than 10 calendar days before the hearing. At the public hearing, interested persons shall be afforded an opportunity to present their views on the preliminary report and the need for special rules, either orally or in writing.

(5) Within 90 days following the public hearing under subsection (4), if the department determines that there is a need for special rules for the water body, the department shall propose a local ordinance or appropriate changes to a local ordinance. If the department determines that there is not a need for special rules, the department shall notify the political subdivision that has waters subject to its jurisdiction and shall provide the specific reasons for its determination.

(6) A determination by the department that there is not a need for special rules for a water body may be appealed to the commission by the political subdivision that has waters subject to its jurisdiction. The commission shall make the final agency decision on the need for special rules for a water body.

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

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995; -- Am. 2006, Act 237, Imd. Eff. June 26, 2006

324.80111 Proposed local ordinance; submission to governing body; approval or disapproval; enactment; enforcement.

Sec. 80111. A local ordinance proposed pursuant to section 80110 shall be submitted to the governing body of the political subdivision in which the water body subject to the proposed special rules is located. Within 60 calendar days, the governing body shall inform the department that it approves or disapproves of the proposed local ordinance. If the required information is not received within the time specified, the department shall consider the proposed local ordinance disapproved by the governing body. If the governing body disapproves the proposed local ordinance, or if the 60-day period has elapsed without a reply having been received from the governing body, no further action shall be taken. If the governing body approves the proposed local ordinance, the local ordinance shall be enacted identical in all respects to the local ordinance proposed by the department. After the local ordinance is enacted, the local ordinance shall be enforced as provided for in section 80113.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995; -- Am. 2006, Act 237, Imd. Eff. June 26, 2006

324.80112 Special local ordinances; request for assistance; form; receipt of resolution by department.

Sec. 80112. Local political subdivisions that believe that special local ordinances of the type authorized by this part are needed on waters subject to their jurisdiction shall inform the department and request assistance. All such requests shall be in the form of an official resolution approved by a majority of the governing body of the concerned political subdivision following a public hearing on the resolution. Upon receipt of a resolution under this section, the department shall proceed as required by sections 80110 and 80111.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995; -- Am. 2006, Act 237, Imd. Eff. June 26, 2006