



Swim Rafts

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As a follow-up to my article in the Fall, 2019 issue of *The Michigan Riparian* magazine entitled “Hazards to Navigability”, I thought it might be helpful to specifically address swim rafts, water trampolines, and other floating platforms (called “Swim Rafts” in this article).

Of course, Swim Rafts are subject to MCL 324.80163, which prohibits hazards to navigability and allows the Michigan Department of Natural Resources to require the removal or moving of hazards to navigation in inland lakes, including offending Swim Rafts. Seasonal Swim Rafts normally do not require a state permit. However, if a Swim Raft will remain permanently out in a lake or is accidentally left in the lake over the winter (which raft may or may not be frozen in the ice), a state permit is required pursuant to MCL 324.30103. Riparians should also be aware that specific bodies of water may have additional Swim Raft regulations via special watercraft rules under the Michigan Administrative Code.

Can a Swim Raft have night lights? There is no express Michigan statute prohibiting night lights (including solar powered lights) on a Swim Raft. However, such lights could be deemed a “hazard to navigation” under MCL 324.80163. Can Swim Rafts have reflectors? Likewise, there is no state statute prohibiting reflectors on Swim Rafts, and they may be useful as a safety measure.

Can Swim Rafts have benches, flags, or similar items? That is not addressed by state law. However, local municipalities (including cities, villages and townships) can regulate (or even ban) Swim Rafts (and their accessories) by local ordinances. Those ordinances can also regulate the size and height of Swim Rafts, their distance from shore, attachments such as flags, benches and steps, and other matters. In addition, a local ordinance can also have “parallel” provisions to state law regarding impediments to navigability.

Riparians who have Swim Rafts should also consider the civil liability potential associated with those items. The riparian’s insurance agent should be notified of the presence of a Swim Raft, to make sure that it is covered by the

riparian’s liability insurance policy. In addition, if a boater is injured or killed due to the negligent or reckless placement or design of a Swim Raft, the owner of the Swim Raft could also potentially face criminal charges.

Finally, a riparian should make sure that his or her Swim Raft is placed only on their own lake bottomlands. Swim Rafts should be placed, maintained, and used responsibly. *R.*

