



New Limited Michigan Legislation Regarding Emergency Local Boating Regulations

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As everyone knows, during the past year or two, both the Great Lakes and many inland lakes in Michigan have been at historically high lake levels. High water, combined with waves from storms and certain boating activities (particularly, from wake boats), have severely damaged and eroded shorelines throughout Michigan. Such conditions have also flooded lake front yards, harmed docks and seawalls, and flooded basements. Improper boating practices only exacerbate the problem.

Recently, Michigan Governor Gretchen Whitmer signed into law Public Act No. 70 of 2020 (House Bill 5401) and Public Act No. 71 of 2020 (House Bill 5402). Effective April 2, 2020, Public Act Nos. 70 and 71 permit the County Sherriff, the Michigan Department of Natural Resources, or the County Emergency Management Coordinator to establish temporary reduced watercraft speed limits upon the request of a local municipality in order to protect life and property during emergency conditions. The temporary speed limits are limited to a maximum duration of 14 days. Violation of a temporary speed limit is a civil infraction. Generally, temporary speed limits can only be issued once per calendar year; however, they may be issued twice if the municipality is seeking to implement the speed limit restrictions under a temporary ordinance.

Also effective April 2, 2020, Public Act No. 72 of 2020 (House Bill 5463) permits municipalities to request Michigan Department of Natural Resources authorization to implement temporary ordinances regulating the use of watercraft. A temporary ordinance is limited to a maximum duration of six months and may be extended or renewed only if the municipality is seeking to implement the restrictions as a permanent special local rule under MCL 324.80110.

The newly-enacted laws provide municipalities with more options in regulating the use of waters under their jurisdiction. However, the ability of a municipality to implement such regulations on its own remains limited. See Clifford H. Bloom, *On-Lake Regulations*, *The Michigan Riparian* magazine, p 11 (2015) for a discussion of permanent special local rules and the ability of municipalities to implement regulations without Michigan Department of Natural Resources approval. [↗](#)