

Public Road End Bill is Almost Michigan Law

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It appears that the many decades-long battles at public road ends that have engulfed lakes throughout Michigan may finally be coming to an end! The Michigan Legislature has passed a bill that would outlaw private docks, piers, boat hoists, and similar items at public road ends at lakes, as well as the overnight mooring, storing, or anchoring of boats thereon. To date, there has been no indication that Governor Snyder will not sign the legislation into law.

The legislation would make it a criminal misdemeanor for any person to maintain a private dock, pier, boat cradle, or similar item, or moor, anchor, or store a boat or other watercraft overnight at a public road end at a lake or the bottomlands thereof. Any police officer could write an appearance ticket for a violation. Upon conviction, violators would be subject to up to a \$500 fine. Local municipalities could still adopt their own road-end ordinances and nearby riparians could still pursue private lawsuits for improper public road end uses. It would also be illegal to interfere with anyone who is properly using a public road end for ingress or egress to the body of water involved.

One exception contained in the legislation involves a relatively small number of public road ends; that is, public road ends that expressly allow dockage or boat moorage in their dedications or where a court order in the past has allowed dockage or boat moorage at the particular road end. It is estimated that those exceptions will apply to probably less than five percent (and perhaps as low as one percent) of all public road ends at lakes in existence in Michigan.

Finally, riparian property owners throughout Michigan (and anyone who respects the law) will have the benefit of strong legislation to end widespread flaunting of the rule of law. Riparians owe a debt of gratitude to the Michigan Waterfront Alliance, the Michigan Lake & Stream Associations, Inc., the Walloon Lake Association and the Higgins Lake Property Owners Association for their long battle in support of this type of legislation. In addition, the countless citizens who have contacted their legislators over the years to demand that this type of common sense legislation have also contributed to what will likely be a significant legislative victory.

The legislation creates a new statutory subsection, which is MCL 324.30111B. The language of the legislation passed by the Michigan Legislature states as follows:

The People of the State of Michigan Enact:

Sec. 30111B

- (1) A public road end shall not be used for any of the following unless a recorded deed, recorded easement, or other recorded dedication expressly provides otherwise:
 - (A) Construction, installation, maintenance, or use of boat hoists or boat anchorage devices.
 - (B) Mooring or docking of a vessel between 12 midnight and sunrise.
 - (C) Any activity that obstructs ingress to or egress from the inland lake or stream.
- (2) A public road end shall not be used for the construction, installation, maintenance, or use of a dock or wharf other than a single seasonal public dock or wharf that is authorized by the local unit of government, subject to any permit required under this part. This subsection does not prohibit any use that is expressly authorized by a recorded deed, recorded easement, or other recorded dedication. This subsection does not permit any use that exceeds the uses authorized by a recorded deed, recorded easement,



other recorded dedication, or a court order.

- (3) The local unit of government may prohibit a use of a public road end that violates this section.
- (4) A person who violates subsection (1) or (2) is guilty of a misdemeanor punishable by a fine of not more than \$500.00. Each 24-hour period in which a violation exists constitutes a separate violation of this Section. A peace officer may issue an appearance ticket as authorized by Sections 9C to 9G of Chapter IV of the Code of Criminal Procedure, 1927 PA 175, MCL 764.9C to 764.9G, to a person who violates subsection (1) or (2).
- (5) This section does not prohibit a person or agency from commencing a civil action for conduct that violates this section.
- (6) As used in this section:
 - (A) "Local Unit of Government" means the county, township, city, or village with jurisdiction over a public road.
 - (B) "Public Road" means a county road or a township, city, or village street that is open for use by the public.
 - (C) "Public Road End" means the terminus of a public road at an inland lake or stream.

Up to date information regarding this legislation can also be found on the web at www.mymlsa.org.

BREAKING NEWS! After this article was written, Governor Snyder signed the road end legislation into law on March 21, 2012. Substitute Senate Bill No. 778 (at MCL 324.30111b) is now the law of Michigan!