



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



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DIRECTOR

Procedures for Public Act 72 of 2020 (Temporary Local Watercraft Control)

[MCL 324.80112a](#)

Under [MCL 324.80112a](#), local units of government who feel they a need for a temporary (6 months) Local Watercraft Control (LWC) to regulate the use of vessels, instead of a permanent LWC under [MCL 324.80110](#) through [324.80112](#), shall follow the procedures outlined below. Local Watercraft Control is state language. When a local unit of government adopts a temporary LWC they may use the term ordinance.

The Department of Natural Resources (DNR) shall investigate the need for special regulations for the use of vessel and other contrivances on the waters of the state to assure compatibility of uses and to protect public safety. Submitting an application and resolution does not guarantee approval of a LWC.

- 1) When a local unit of government believes a temporary regulation is needed for the use of vessels on waters within their jurisdiction, they may submit a resolution and an application for a temporary LWC to the DNR Law Enforcement Division (LED).
 - a) The resolution shall be approved by a majority of the governing body of the local unit of government following a public hearing on the resolution.
 - b) [The application shall be on a form provided by the DNR.](#)
 - i) The application must be filled out in its entirety in order not to delay the process.
 - c) The application, a copy of the public notice advertising the public hearing, resolution, and minutes of the public hearing shall be submitted to the DNR LED.

- 2) The local unit of government shall ensure the following issues are completely addressed in the application.
 - 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 the name of the political subdivision with 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.

- l) The circumstances that justify a temporary regulation rather than a permanent LWC under [section 80110](#).
 - m) A complete list of all local ordinances, regulations, controls and rules concerning the water body and how they are enforced. For those approved by the state view the [controls by county](#).
 - n) If a temporary LWC is approved, how the local unit of government will provide for and fund the public notice, including buoy placement and signage.
 - o) If a temporary LWC is approved, how the local unit of government will enforce the temporary LWC.
 - p) Any other information the local unit of government believes is relevant or necessary to support the need for a temporary LWC.
- 3) Upon receipt of an application, resolution and public hearing minutes, the DNR has 10 days to review the paperwork.
- a) If the paperwork is complete, the DNR has 10 days to conduct an investigation and inquiry into the need for the temporary LWC.
 - b) If the paperwork is not complete, additional information will be requested from the local unit of government.
 - i) Within 10 days after receiving the additional information the DNR shall conduct an investigation and inquiry into the need for the temporary LWC.
- 4) Within 10 days after completing the investigation and inquiry, if the DNR determines there is a need for a temporary LWC, the DNR will propose a temporary LWC to the local unit of government.
- a) The proposed temporary LWC becomes valid only after the following conditions are met.
 - i) The local unit of government adopts the temporary LWC in its entirety at a public meeting.
 - A. The wording used in the local unit of government's temporary ordinance shall be identical to the proposed LWC recommended by the DNR.
 - ii) The local unit of government notifies the department of the adoption.
 - A. Notification to the DNR shall include all the following:
 - 1) A copy of minutes from the public meeting showing the adoption.
 - 2) Proof of publication in a locally circulated newspaper. The proof of publication must show the date and the name of the newspaper.
 - A. The page directly from the newspaper, or
 - B. A photocopy of the page from the newspaper
 - b) The conditions in 4) a) must be completed within 30 days from the date the DNR submits the proposed temporary LWC to the local unit of government.
 - i) If the local unit of government fails to notify the DNR within 30 days, the proposed temporary LWC is considered disapproved.
- 5) If the DNR determines there is not a need for a temporary LWC, the DNR shall notify the local unit of government and provide the specific reasons for the denial.
- a) The local unit of government may appeal to the Director of the DNR.
 - A. The Director shall make the final decision.

- 6) A temporary ordinance adopted and approved by the local unit of government expires 6 months after the DNR receives the notification of the adoption of it.
 - i) A temporary ordinance may be extended or renewed in consecutive years, only if the local unit of government is in the process of requesting a permanent LWC under MCL [324.80110-324.80111](#) and the public hearing required under [section 80110\(4\)](#) has occurred.
- 7) Other responsibilities of the local unit of government.
 - a) The boundaries of the area described in the temporary LWC shall be marked with signs and/or with buoys and maintained by the local unit of government.
 - i) The local unit of government is responsible for the purchase, placement, maintenance and removal of all signs and buoys.
 - ii) All buoys must be placed as provided in a permit ([Application for Permit to Place Buoys/Beacons in Michigan Water {PR9203}](#)) issued by the DNR and be in conformance with the [State Uniform Waterway Marking System](#).
 - A. The permit shall only be valid for the 6-month period of the temporary LWC.
 - B. If the temporary LWC is extended, the local unit of government shall notify the DNR and request an extension of the buoy permit.
 - iii) Buoys shall not be placed in a commercial shipping channel.
 - b) Any state, county or local law enforcement officer having jurisdiction over the controlled area can enforce the temporary LWC or ordinance.
 - i) A temporary LWC or ordinance is only enforceable when clearly and properly marked.
 - c) It is recommended the local unit of government post signs at any public launches, marinas and beaches educating boaters of the temporary LWC or ordinance.
 - d) It is recommended the local unit of government post information on their website and social media platforms educating boaters of the temporary LWC or ordinance.
 - e) Upon the expiration of the temporary LWC or ordinance, the local unit of government shall have the buoys and any signs removed and remove any electronic (website, social media, etc.) messaging regarding the temporary restriction.
- 8) Temporary LWC or ordinances can only be requested for waters within the jurisdictional boundaries of a local unit of government.
- 9) If a body of water is within multiple jurisdictions, each local unit of government shall follow this process to request a restriction within their jurisdiction.
- 10) Local units of government can email their requests to DNR-LED-RecSafety@michigan.gov or mail them to:

DNR-LED
P.O. Box 30031
Lansing, MI 48909
Attn: Boating Law Administrator

Submitting an application and resolution does not guarantee the approval of a temporary LWC.