

SENATE BILL No. 198

February 13, 2001, Introduced by Senators MC MANUS, GAST, SIKKEMA, BENNETT and KOIVISTO and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80159 (MCL 324.80159), as added by 1995 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80159. The department may authorize, through the issu-
2 ance of revocable permits, the placing of buoys or beacons in the
3 waters of this state to mark obstruction to navigation, to desig-
4 nate bathing areas, to designate vessel anchorages, or for any
5 other purpose if it will promote safety or navigation. Any
6 person who desires to place buoys or beacons in the waters of
7 this state, without expense to the state, shall make application
8 to the department in a form and containing information required
9 by the department. Buoys or beacons, ~~except for~~ INCLUDING
10 mooring buoys, shall not be placed in the waters of this state

1 unless authorized by the department in writing. If authorization
2 has been granted, the buoys or beacons shall be placed only in
3 accordance with the terms of the permit and shall be considered
4 lawfully placed. If buoys or beacons are placed in the waters of
5 this state without a permit having been issued, the department
6 may order their removal. If, in the judgment of the department,
7 buoys or beacons authorized by the department are found to be
8 improperly placed, the reason for their placement no longer
9 exists, or the buoys or beacons do not conform to the uniform
10 system of marking established by state regulation, the department
11 may revoke the permit authorizing their placement and may order
12 their removal. Revocation of permits and orders of removal shall
13 be by written notice to the person placing the buoys or beacons
14 or to the person to whom the permit was issued at his or her last
15 known address, directing the removal within a specified time.
16 The person to whom the notice is directed shall remove the buoys
17 or beacons in accordance with the instructions. If the person
18 fails to remove the buoys or beacons within the specified time,
19 the department may cause their removal. ~~, and the~~ THE cost and
20 expense of the removal shall be charged against the person autho-
21 rized to place the buoys or beacons or, ~~where~~ IF authorization
22 has not been granted, the person placing ~~such~~ THE buoys or
23 beacons. ~~and shall be~~ THE COST AND EXPENSE OF REMOVAL IS recov-
24 erable through any court of competent jurisdiction.