

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

GENERAL RULES

(By authority conferred on the department of conservation by sections 27 and 151 of Act No. 303 of the Public Acts of 1967, being SS281.1027 and 281.1151 of the Michigan Compiled Laws)

PART 1. REGATTAS AND MARINE PARADES

R 281.1001 Definitions.

Rule 1. The terms defined in Act No. 303 of the Public Acts of 1967, being SS281.1001 to 281.1199 of the Michigan Compiled Laws, have the same meaning when used in these rules.

History: 1979 AC.

R 281.1002 Applications; filing and contents.

Rule 2. An individual or organization planning to hold a regatta or marine parade on the waters of this state shall file with the director an application for a sanction to hold such event. The application shall include the following:

- (a) Name and address of applicant.
- (b) Name and address of sponsoring organization.
- (c) Name, address and telephone number of person in charge of event.
- (d) Nature and purpose of event.
- (e) Location where the proposed event is to be held, including body of water, township and county.
- (f) Sketch of the body of water showing portion to be used for the event, including dimensions.
- (g) Date and hours of proposed event.
- (h) Time schedule and description of event.
- (i) Estimated number and types of vessels participating in event.
- (j) Estimated number and types of spectator vessels.
- (k) Number of vessels to be furnished by sponsoring organization to patrol event.
- (l) Number of vessels to be furnished by county sheriff's department for patrol to protect the public interest and safety.
- (m) Information as to general public interest in the event.
- (n) Signature of applicant.

History: 1979 AC.

R 281.1003 Action by director on applications.

Rule 3. (1) The director shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life and property. To assist in his determination, if he deems it necessary, he may hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) The director shall notify the applicant of 1 of the following decisions and issue a sanction for the event in case it is approved:

- (a) That the application is approved and the event requires no restriction or patrol of the regatta or marine parade area.
- (b) That the application is approved, and the nature of the limited restrictions, if any, which he has established pursuant to R 281.1004.

(c) That the interest of safety of life and property on the waters of this state requires specific change or changes in the application before it can be approved.

(d) That the application is disapproved, with reasons for such disapproval.

(3) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the director, subject to conditions established by him, may issue a sanction for such series of events for a fixed period not to exceed 1 year.

History: 1979 AC.

R 281.1004 Limited restrictions on water activities in area.

Rule 4. In approving a regatta or marine parade, the director in the interest of safety may establish limited restrictions on the movement of vessels or other water activities in the immediate area of the event. The restrictions shall be limited to the time immediately prior to, during and immediately after the approved regatta or marine parade.

History: 1979 AC.

R 281.1005 Public notice of events and limited restrictions.

Rule 5. (1) After approving a regatta or marine parade and establishing limited restrictions pertaining thereto, the director shall give the public full and adequate notice of the time and location of the regatta or marine parade, together with full and complete information as to the limited restrictions.

(2) After approving a regatta or marine parade and determining that limited restrictions are not necessary, the director may require the sponsors of the event to give the public full and adequate notice of the time and location of the event.

(3) Notices under this rule shall be published at least once, not less than 5 days prior to the holding of the event, in a newspaper of general circulation in the area where the event will be held.

History: 1979 AC.

R 281.1006 Patrol of regattas and marine parades.

Rule 6. The director, if he deems it necessary for safety, may require 1 or more marine enforcement vessels to patrol the course of the regatta or marine parade for the purpose of enforcing not only the limited restrictions, but also for assistance of persons or property in peril, and the enforcement of laws generally. Issuance of the sanction may be made contingent upon meeting the requirement for patrol vessels.

History: 1979 AC.

R 281.1007 Aids to navigation.

Rule 7. The director may require the sponsors of an approved regatta or marine parade to establish aids to navigation as he deems necessary to assist in the observance and enforcement of the limited restrictions established by him or are incidental to the holding of the regatta or marine parade.

History: 1979 AC.

PART 2. WATERCRAFT CAPACITY AND HORSEPOWER FORMULA

R 281.1021

History: 1979 AC.

R 281.1022

History: 1979 AC.

R 281.1023

History: 1979 AC.

R 281.1024

History: 1979 AC.

R 281.1025

History: 1979 AC.

R 281.1026 Rescinded.

History: 1979 AC.

PART 3. STATE AID FOR MARINE SAFETY PROGRAMS

R 281.1031 Definitions.

Rule 31. (1) As used in these rules:

(a) "Act" means Act No. 303 of the Public Acts of 1967, as amended, being SS281.1001 to 281.1199 of the Michigan Compiled Laws.

(b) "Need study" means a study conducted by the department to assist in determining the amount of state aid to be allocated to a county for its marine safety program.

(2) Terms defined in the act have the same meaning when used in these rules.

History: 1979 AC.

R 281.1032 Requests for state aid.

Rule 32. The county clerk of a county requesting state aid for the conduct of a marine safety program shall, by December 31 of each year, submit to the department an estimate of authorized expenditures for the following calendar year on forms furnished by the department. The estimate of authorized expenditures shall consist of a complete statement on the type and extent of the marine safety program to be conducted and a certification that the board of commissioners has appropriated the funds indicated on the estimate of authorized expenditures. Submission of an estimate of authorized expenditures by a county is deemed an agreement by the county to comply with these rules.

History: 1979 AC.

R 281.1033 Marine safety functions.

Rule 33. (1) Equipment which has originally been purchased with state matching funds or has been included in a claim for which reimbursement has been made in accordance with the act and these rules shall be used exclusively in the conduct of the marine safety program.

(2) Marine safety laws applicable to waters within the county's jurisdiction shall be enforced. Court disposition shall be submitted on forms prescribed by the department.

(3) Marine complaints and marine violations within the county's jurisdiction including those referred to the county by the department, shall be investigated.

(4) The department shall purchase uniform vessel violation notices and furnish them to the counties participating in the marine safety program. A county may purchase vessel violation notices provided the violation notice contains the minimum information contained on the uniform vessel violation notice furnished by the department. A participating county shall issue vessel violation notices for violation of marine safety laws and rules promulgated in accordance with marine statutes.

(5) Marine accidents occurring within the county's jurisdiction shall be investigated and required reports submitted.

(6) Reasonable efforts shall be made to recover bodies of persons drowned in waters within the county's jurisdiction but outside the corporate limits of a city.

(7) Livery boats within the county shall be inspected for compliance with Act No. 257 of the Public Acts of 1952, as amended, being S281.561 et seq. of the Michigan Compiled Laws, and rules established thereunder.

(8) Equipment purchased or leased under the state aid program shall be made available to the director or his authorized representative for the purpose of inspection, investigation, or other official duties.

(9) Cooperation with the United States coast guard, other counties of the state, the Michigan state police, and the department, shall be given upon request of the director or his authorized representative.

History: 1979 AC.

R 281.1034 Personnel.

Rule 34. (1) Personnel assigned to marine safety duties shall be mentally and physically capable of performing the duties to which they are assigned. They shall have a good knowledge of the provisions of Act No. 303 of the Public Acts of 1967, as amended, Act No. 257 of the Public Acts of 1952, as amended, Act No. 139 of the Public Acts of 1947, being SS281.1001 et seq., 281.561 et seq., and 51.301 et seq. of the Michigan Compiled Laws, and all rules promulgated in accordance with the provisions of such acts. They shall have a good knowledge of the powers, duties, and limitations of authority of peace officers and a thorough knowledge of the operation of small boats. The authority of personnel who have not completed the required hours of training pursuant to Act No. 187 of the Public Acts of 1970, being SS28.601 to 28.616 of the Michigan Compiled Laws, shall be restricted to the following acts:

(a) Act No. 303 of the Public Acts of 1967, as amended, being SS281.1001 to 281.1199 of the Michigan Compiled Laws, and rules and local ordinances established in accordance with the provisions of the act.

(b) Act No. 167 of the Public Acts of 1970, being SS323.331 to 323.342 of the Michigan Compiled Laws, and rules established in accordance with the provisions of the act.

(c) Act No. 106 of the Public Acts of 1963, being SS752.901 to 752.906 of the Michigan Compiled Laws.

(d) Act No. 257 of the Public Acts of 1952, being SS281.561 to 281.569 of the Michigan Compiled Laws, and rules established in accordance with the provisions of the act.

(e) Act No. 228 of the Public Acts of 1965, being SS281.801 to 281.813 of the Michigan Compiled Laws, and rules established in accordance with the provisions of the act.

(f) Act No. 139 of the Public Acts of 1947, being SS51.301 to 51.302 of the Michigan Compiled Laws.

(g) Sections 167 to 168 of Act No. 328 of the Public Acts of 1931, being SS750.167 to 750.168 of the Michigan Compiled Laws.

(2) Such personnel shall actively cooperate with the director or his representatives including but not limited to, the answering of questions, making reports, and showing records as requested.

(3) Hourly pay rates for personnel assigned to marine safety duties shall not exceed the hourly rates of other personnel assigned to similar duties within the county sheriff's department.

(4) Personnel assigned to marine safety duties shall not be paid overtime or premium pay unless such personnel have worked in excess of 40 hours on marine safety duties in a scheduled work week. Overtime may be paid for hours worked in excess of 40 hours if approved by the county sheriff or immediate supervisor.

(5) A county sheriff is not eligible to receive payment of salary or wages from the marine safety fund.

History: 1979 AC.

R 281.1035 Publicity, records, and reports.

Rule 35. (1) Publicity shall be disseminated by the county regarding existing laws and rules and any new laws or rules which may be established. Persons shall be provided with information regarding safe methods of vessel operation.

(2) Public information provided by the department shall be distributed by the county.

(3) The county shall maintain records pertaining to marine violations, marine related accidents, body recovery, livery boat inspections, boating safety education, public meetings attended, daily vehicle mileage, daily personnel time records, and marine program expenditures.

(4) Daily time records shall be maintained by the county for each employee assigned to marine safety duties. Reimbursement to the county shall be made for hours actually worked in the marine safety program as documented by daily time records.

(5) Reports as may be required by the director or his authorized representative shall be submitted by the county.

(6) A detail of authorized expenditures actually incurred shall be submitted to the department by the county and shall be certified as true and correct.

History: 1979 AC.

R 281.1036 County restricted marine safety funds.

Rule 36. Using the county appropriation for the conduct of a marine safety program for the following calendar year the county treasurer or fiscal officer shall establish a restricted marine safety fund for such calendar year. Special account numbers and expenditure voucher retention procedures shall be as directed by the local audit division of the state department of treasury. Expenditures from the fund shall be made solely for the payroll and authorized expenditure costs of the marine safety program.

History: 1979 AC.

R 281.1037 State aid claim vouchers.

Rule 37. (1) Within 90 days after the close of the calendar year for which a county has submitted the required certified resolution and the estimate of authorized expenditures and has conducted the marine safety program, the county fiscal officer shall file a state aid claim voucher with the department on forms provided by the department. State aid claim vouchers, or supplements thereto, received subsequent to such 90-day period are not eligible for payment.

(2) The director or his authorized representative shall review a state aid claim voucher and shall certify the claim for payment in accordance with the following procedure:

(a) Expenditures not in accordance with the act, the schedule of authorized expenditures, and these rules shall be deducted.

(b) The department shall certify for payment the lesser of the following:

(i) Two-thirds of the total of the claim voucher after all necessary adjustments have been made.

(ii) The amount of state aid originally approved on the county's marine budget.

History: 1979 AC.

R 281.1038 Authorized expenditures.

Rule 38. (1) Two-thirds of the payroll and other expenditures when made in accordance with the schedule of authorized expenditures prepared by the director and with these rules shall, subject to R 281.1037, be reimbursable to a county upon submission of a claim. However, other items of expenditures may be authorized if found to be reasonable and necessary. Prior approval of an expenditure not contained on the schedule of authorized expenditures shall be obtained from the department in writing; otherwise, such expenditure shall not be considered an authorized expenditure and shall not qualify for reimbursement.

(2) If authorized equipment, which has originally been purchased with state matching funds or has been included in a claim for which reimbursement has been made in accordance with the act and these rules, is in need of replacement, the trade-in value or fair market value shall not be included in the claim for reimbursement for the purchase of new equipment.

(3) Receipts from the sale of any equipment and gas tax and insurance premium refunds shall be deposited to the credit of the county marine safety fund and deducted from the claim on the state aid voucher form R 9250.

History: 1979 AC.

R 281.1039 Withholding and denying payment of claims.

Rule 39. (1) The department reserves the right to withhold payment of a claim pending investigation of the details of such claim.

(2) The department reserves the right to deny payment of a claim, or part thereof, which is not in accordance with the schedule of authorized expenditures or for which prior written authorization was not obtained from the department.

(3) The department reserves the right to deny payment of a claim if any part of such claim is found to be false and submitted with intent to defraud.

(4) The department reserves the right to deny payment of a claim for compensation paid to personnel deemed to be unfit to carry out the duties assigned to them.

(5) The department reserves the right to deny payment to any county which, in the opinion of the director, after investigation and written notice, is not adequately conducting a marine safety program, is not submitting the required reports, or is not complying with these rules.

History: 1979 AC.

R 281.1040 Discontinuance of county participation in state aid.

Rule 40. (1) If a county discontinues participation in the state aid program, the county clerk shall, by December 31 of the year prior to discontinuance, notify the department of the county's decision by certified resolution. Upon submission of a state aid voucher for the final calendar year of county participation, a deduction shall be made from the total state aid voucher of the fair market value of all authorized equipment previously included in a claim for which reimbursement has been made in accordance with the act and these rules. For those years when a proration was applicable to equipment purchases, such proration shall be taken into consideration.

(2) When the fair market value of such authorized equipment exceeds the total claims for the final year of county participation, 2/3 of such excess, excluding the proration, if applicable, shall be refunded to the department by the county and deposited in the state treasury to the credit of the marine safety fund.

(3) If the county is utilizing equipment furnished by the department without expense to the county, such equipment shall be reclaimed by the department.

(4) If it is deemed by the department to be in the best interest of the state, the department reserves the right to claim any equipment from the county which was purchased with marine safety funds for which reimbursement has been made by paying to the county 1/3 of the fair market value of such equipment. For those years when a proration was applicable to equipment purchases, such proration shall be taken into consideration.

History: 1979 AC.

PART 4. NUMBERING OF MOTORBOATS

R 281.1051 Rescinded.

History: 1979 AC.