

“ASK THE EXPERT”

Question: If an off-lake property owner is improperly keeping a dock and moored boat at a road end or easement at a lake, what must be done legally to stop them? Can we call the police or must a lawsuit occur?

Answer: It depends upon the type of road end or easement involved. If a public road end is involved, new legislation (MCL 324.30111b) makes it a criminal misdemeanor for a private individual to maintain a dock or any overnight boat mooring at a public road end that is open for use by the public. In that situation, a complaint can be made with the local police department, county sheriff or state police. However, if a private road end, easement, walkway, alley or park is involved, the police normally will not become involved, as it would be a private civil matter. In those cases, adjoining or nearby riparians normally must file a civil lawsuit to remedy the situation. In some cases, the local municipality’s zoning regulations or other ordinances might apply. If that is the case, the municipality can typically utilize tickets to enforce its ordinances.