



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

June 8, 2023

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #22-052-NR)
Legislative Service Bureau (Secretary of State Filing #23-06-02)
Department of Natural Resources

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-052-NR (Secretary of State Filing #23-06-02) on this date at 11:54 A.M. for the Department of Natural Resources entitled, "Mackinac Island State Park Commission – General Rules."

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

June 8, 2023

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-52 MR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated February 15, 2023 for the Department of Natural Resources “**Mackinac Island State Park Commission – General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne Sonneborn", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules

CERTIFICATE OF ADOPTION

By authority conferred on the Mackinac Island state park commission by sections 76504, 76901, and 77702 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76504, 324.76901, and 324.77702, Administrative Rules R 318.111, R 318.145, R 318.145c, and R 318.146 of the Michigan Administrative Code are amended.

Adopted by:


Steven Brisson, Director

5-5-23
Date



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated February 15, 2023, in which the Department of Natural Resources proposes to modify a portion of the Michigan Administrative Code entitled “**Mackinac Island State Park Commission—General Rules**” by:


- ◆ Amending R 318.111, R 318.145, R 318.145c, and R 318.146.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: April 21, 2023

Michigan Office of Administrative Hearings and Rules

By: 
Ashlee N. Lynn,
Attorney

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Natural Resources dated February 15, 2023, amending R 318.111, R 318.145, R 318.145c, and R 318.146 of the Department's rules entitled "Mackinac Island State Park Commission – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: April 21, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF NATURAL RESOURCES
MACKINAC ISLAND STATE PARK COMMISSION

GENERAL RULES

Filed with the secretary of state on June 8, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the Mackinac Island state park commission by sections 76504, 76901, and 77702 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.76504, 324.76901, and 324.77702)

R 318.111, R 318.145, R 318.145c, and R 318.146 of the Michigan Administrative Code are amended, as follows:

PART 1. DEFINITIONS

R 318.111 Definitions.

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

(a) "Carrying passengers for hire" means the act of any person transporting passengers to any point or points on the road or roads for a specified monetary consideration or the act of accepting gratuities for transporting passengers to any point or points on the road or roads.

(b) "Commercial operations" means any activity that involves, directly or indirectly, the buying or selling of goods or services, or the exchange, or attempt or offer to exchange, goods or services for money or barter, by accepting gratuities or for anything of value.

(c) "Commission" means the Mackinac Island state park commission.

(d) "Director" means the director of the Mackinac Island state park commission.

(e) "Drays" means any horse-drawn vehicle used for the transportation of property, goods, or merchandise, either belonging to the owner of the dray or to others, with or without charge, whether the charge is a single fee or is established by contract.

(f) "Drive yourself carriage" means any horse-drawn vehicle for hire that is rented to another person or persons without the services of a driver being employed, engaged, provided, or suggested by the owner or operator of the carriage.

(g) "Electric bicycle" means a device an individual may ride that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of not greater than 750 watts.

(h) "Firework" means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation.

(i) "Hotel bus" means a horse-drawn vehicle that is licensed to a specific hotel, and operates over the roads of the Mackinac Island State Park, and does all of the following:

(i) Carries hotel passengers or their guests for a charge as approved by the Mackinac Island state park commission.

(ii) Operates on a fixed route or routes as designated by the Mackinac Island state park commission.

(iii) Makes infrequent deviations from the designated route or routes for the convenience of hotel guests or their party.

(j) "Livery carriage" means any horse-drawn vehicle for hire transporting passengers for scenic drives charging on a time basis, by the hour or fractions or multiples of an hour, and not at a fixed price per passenger.

(k) "Marquette Park" means that portion of Mackinac Island State Park bounded on the south by Main Street, on the west by Fort Street, on the east by the leasehold commonly known as Anne's Cottage, and on the north by the bluff below Fort Mackinac.

(l) "Motor vehicle" means any device that is self-propelled, or partially self-propelled, by which a person or property may be transported or drawn, including an electric bicycle. Motor vehicle does not include personal assistive mobility devices.

(m) "Personal Assistive Mobility Device" means any battery powered mobility device that is self-balancing, designed to transport only 1 individual at a time, has an electrical propulsion system with average power of 750 watts or 1 horsepower and a maximum speed on a paved level surface of not more than 15 miles per hour, and is used by an individual with a physical impairment that substantially limits the ability of the individual to walk. Personal assistive mobility device does not include gasoline powered devices, golf carts, riding lawn mowers, motorized bicycles, motorcycles, motorized skateboards, or other similar motorized vehicles.

(n) "Rental bicycle" means a bicycle, tricycle, or electric bicycle furnished to a visitor or resident to use in Mackinac Island State Park for a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

(o) "Road" means any thoroughfare, roadway, riding trail, or driving trail that is situated on lands that are under the jurisdiction of the commission.

(p) "Saddle horse" means a riding horse furnished to a visitor or resident, for less than 1 week, for use in Mackinac Island State Park at a rental fee, whether that fee is separately identified or included in other charges, such as room rentals, either explicitly or implicitly.

(q) "Sight-seeing carriage" means any horse-drawn vehicle that carries passengers for hire over prescribed routes established by the commission.

(r) "Sky lantern" means an unmanned hot air balloon made of paper or other lightweight material that is launched into the atmosphere and has a flame inside the balloon.

(s) "State license identification plate" means a metallic plate issued by the commission that bears the license type, the year the plate is valid, a unique number, and any other information as determined by the commission.

(t) "Taxicab" means any horse-drawn vehicle carrying passengers for hire from 1 point on the island to another.

(u) "Unmanned aircraft" means an aircraft remotely operated without the possibility of direct human intervention from within or on the aircraft, whether used for recreational, commercial, academic, or governmental purposes.

(v) "Waterborne candle lantern" means an unmanned container that floats on water and contains a flame.

(2) A term defined in the act has the same meaning when used in these rules.

PART 2. REGULATIONS

R 318.145 Vehicles, personal assistive mobility devices, electric bicycles, and animals.

Rule 45. (1) Though some of the roads within Mackinac Island State Park may be capable of supporting a motor vehicle, none of the roads are designed for motor vehicular travel. A person shall not operate a motor vehicle anywhere within Mackinac Island State Park without proper permission. On other land under the jurisdiction of the commission, a person shall not operate a motor vehicle without proper permission, except in an area or on a road clearly designated for the parking or operation of motor vehicles.

(2) An individual with a physical impairment that substantially limits the ability of the individual to walk that relies on a personal assistive mobility device may operate the device without a permit on all properties under the jurisdiction of the commission, provided that the individual does not carry any passengers. Carrying passengers on a personal assistive mobility device is prohibited.

(3) An individual shall not operate an electric bicycle within Mackinac Island State Park.

(4) Notwithstanding subrule (3) of this rule, an individual with a physical impairment that substantially limits the ability of the individual to pedal a bicycle may use an electric bicycle within Mackinac Island State Park only if the electric bicycle has a manufacturer's label confirming that it is a class 1 electric bicycle. An electric bicycle is a class 1 electric bicycle if it is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour.

(5) An individual shall not ride or lead a horse, other riding animal, or pack animal on, or allow the animal or any animal-drawn vehicle to use or travel on, any areas determined unsafe for such use by order of the commission and posted against such use.

(6) An individual shall not possess a dog on land under the jurisdiction of the commission unless it is under the individual's immediate control or have a dog within any area used as a bathing beach. A dog that is found not in the possession of or under the immediate control of its owner or the owner's agent, or any dog found creating a nuisance or disturbance, may be removed or placed under restraint.

R 318.145c Rental bicycle licenses.

Rule 45c. (1) The commission, after receipt of a completed application, may issue annual licenses for a number of rental bicycles for use in Mackinac Island State Park, as the commission determines are needed in the interest of public safety and proper service to the public.

(2) An applicant may request on the application to rent electric bicycles to customers, but the request must be accompanied by a certification that the applicant will rent only class 1

electric bicycles to an individual with a physical impairment that substantially limits the ability of the individual to pedal a bicycle.

(3) Licenses are nontransferable and must be surrendered to the issuing authority on demand if any transfer is attempted or if ownership of the licensed business or its location is changed or altered in any way.

(4) The commission shall establish the license fees, terms, and conditions under which rental bicycles may be supplied for use in the state park. Licenses are subject to revocation if their terms or conditions are violated.

R 318.146 Miscellaneous unlawful acts.

Rule 46. On lands under the jurisdiction of the commission, it is unlawful for a person to do any of the following:

(a) Use the lands for commercial operations without proper permission. In considering whether to grant permission, the commission shall consider all of the following factors:

(i) The interference with the safety, health, and welfare of the public.

(ii) The need for the service.

(iii) Whether the service is a duplication of available services.

(b) Use a loudspeaker or public address system without proper permission. The commission shall not grant permission if the system is capable of interfering with horse-drawn traffic by having the effect of frightening horses, and endangering the safety of passengers in the vehicles, pedestrians, bicycle riders, and others.

(c) Store or leave a boat, fish shanty, camping equipment, or other property without proper permission.

(d) Enter buildings or areas that has an established admission fee without payment of the fee, or without permission given by the commission, a commissioner, the director, or deputy director under order of the commission. Permission normally is given only to a person on business with the commission, any member of the commission, or any duly authorized staff member.

(e) For any lessee, licensee, or concessionaire to use, construct, or occupy any building within the park that is not furnished with an approved dry chemical fire extinguisher.

(f) For any lessee, licensee, or concessionaire to exercise his or her privileges within the park without procuring and keeping in effect public liability and property damage insurance, as the commission may determine as adequate.

(g) For a person to furnish a saddle horse to an individual for use in the Mackinac Island State Park, unless a current license has been issued by the commission for the use of the saddle horse in the park.

(h) Engage in any violent, abusive, loud, boisterous, wanton, obscene, or otherwise disorderly conduct creating a breach of the peace; loiter, sit, or lie on walks, passages, steps, or porches thereby obstructing the free passage of others; or remove, damage, or steal the property of another.

(i) Hold or participate in any type of road race or speed contest without proper permission.

(j) Conduct excavations, diggings, or surveys without proper permission.

(k) Carry or possess a metal detector without proper permission.

(l) Remove any archeological materials or artifacts without proper permission.

(m) Possess or consume alcoholic beverages in Marquette Park between the hours of 10:00 p.m. and 8:00 a.m.

- (n) Launch or use a sky lantern or waterborne candle lantern.
- (o) Use or operate an unmanned aircraft without proper written permission.
- (p) Use or sell fireworks.
- (q) Do any of the following without proper permission:
 - (i) Carry or possess a firearm unless unloaded in both barrel and magazine. An individual with a valid Michigan concealed pistol license is not subject to this rule.
 - (ii) Shoot an air rifle, air pistol, paintball-emitting device of any kind, or slingshot.
 - (iii) Shoot a bow and arrow or crossbow.

FILED WITH SECRETARY OF STATE

ON 10/8/2023 AT 11:54 AM