

ATTORNEY WRITES
by: Clifford H. Bloom
Law, Weathers & Richardson, P.C.
Bridgewater Place
333 Bridge Street, N.W., Suite 800
Grand Rapids, Michigan 49504-5360

MAXIMUM ENFORCEMENT

You have a place on a beautiful lake, which unfortunately turns into a nightmare on some weekends during the summer due to inconsiderate (and at time even careless or reckless) boaters. A speedboat zips by at high speed within 30 feet of your sailboat or kids swimming. Someone is waterskiing at night when it is so dark that it is difficult to see three feet in front of a boat. A personal watercraft is jumping wakes behind a speedboat dangerously close to a water toboggan being pulled behind the boat. What can you and your lake association do about these safety hazards? Must you wait until someone is seriously injured or killed?

Contrary to popular belief, there are many existing state laws on the books which regulate boater conduct and can be used to prosecute lawbreakers. There are state laws governing speed limits, no wake areas, minimum distances between high speed boating and other users, careless boating, and reckless boating. Unfortunately, some law enforcement officials and prosecutors in certain jurisdictions do not appear to take boating offenses and the need for water safety very seriously. Officials in some other jurisdictions do a great job in these areas.

In many of the counties where law enforcement on the lakes is weak, police officers and prosecutors will often claim a lack of money and personnel as an excuse for not having a marine safety patrol (or under-funding it) or for not pursuing boating offenses very vigorously. Conversely, several jurisdictions work closely with lake associations and have come up with an ingenious solution. In essence, the association "purchases" additional marine safety patrol hours. Such arrangements have turned out to be "win-win" situations for everyone involved. There can be dramatic increases in the amount of time that a marine safety patrol spends on a lake. Consequently, more offenses are observed by police officers and more tickets are written. Even the police officers' mere additional presence on the lakes tends to have a deterrent effect. Law enforcement agencies gain more funds, which are used for hiring additional marine patrol officers, purchasing equipment, and extending enforcement hours. Quite often, such arrangements are based on multi-year contracts, so that law enforcement agencies will be able to budget and plan over a multi-year time period.

For a case study in this type of arrangement, we can look at Kent County, which encompasses Grand Rapids. Kent County has long had a fine marine safety patrol division within the Kent County Sheriff's Department. Lake Bella Vista is an artificial private lake located approximately 12 miles northeast of downtown Grand Rapids. It is an all-sports lake, where boating can be dangerous due to the many narrow coves and bottleneck areas. Prior to entering into the new arrangement, Lake Bella Vista received approximately 0-5 hours of free marine patrols during summer weeks prior to 1995. Lake residents and the lake association became increasingly concerned about hazardous boat traffic on the lake, particularly after a youngster was severely injured. The lake association, Cannon Township, and the Kent County Sheriff's Department got together and negotiated an agreement for additional water patrol hours. The Sheriff's Department preferred not to contract directly with a private organization, such as the lake association. Instead, the lake association contracted with Cannon Township for the increased marine safety patrols and paid the negotiated funds to Cannon Township. Cannon Township in turn contracted with the Sheriff's Department for the extra patrols

and paid the Sheriff's Department with the funds received from the lake association. Recently, the lake association has paid approximately \$7,000-\$8,000 per year for an additional 20-25 hours of marine safety patrol per week during the summer. The lake association is pleased with the program and most lake residents believe that it has had a dramatic positive impact upon boating safety on Lake Bella Vista. This type of program is also in effect in several other counties around the state of Michigan.