

## Summary Of Part 309, Inland Lake Improvements, Of The Natural Resources And Environmental Protection Act, Public Act 451 Of 1994, As Amended

Part 309, Inland Lake Improvements, of PA 451 of 1994, as amended, is an act that provides for the improvement of certain inland lakes, including aquatic plant control, authorizes the dredging and removal of undesirable materials from lakes; and authorizes the raising of money by taxation and special assessment.

The act provides for the establishment of a “Lake Board” that is charged with the responsibility of carrying out desired improvements.

On public inland lakes, Lake Boards may be established by the governing body of a local unit of government (City, Village, Township or County) upon its own motion or by petition of 2/3 of the freeholders owning lands abutting the lake. Such action can be taken by the governing body of any local unit in which all or any part of the lake is located.

On private inland lakes, a lake board can be established by petition only.

Upon receipt of a petition, or on its own motion, the governing body of a local unit shall, within 60 days, establish a lake board. The lake board shall consist of the following:

1. A member of the board of commissioners appointed by the chairperson of the board of commissioners of each county affected by the lake improvement project.
2. A representative of each local unit of government (other than the county) affected by the project appointed by the legislative body of the local unit. However, if there is only 1 local unit of government involved, 2 representatives of that local unit shall be appointed to the board.
3. The county drain commissioner or his or her designee, or a member of the county road commission in counties not having a drain commissioner.
4. A property owner, appointed by the Board, who owns land abutting the lake.

Lake Boards established under this Act must do the following:

1. Retain a Registered Professional Engineer to prepare an engineering feasibility report, an economic study report, and an estimate of project costs. The report must include a proposed special assessment district and a recommendation for the apportionment of benefits. The assessment district may include all parcels of land and local units benefited by the improvement project.
2. Publish notice and hold a public hearing to review the feasibility report, the proposed special assessment district, the apportionment of benefits and to determine the practicability of the project.

3. Once a project is determined to be practical and the special assessment district and apportionment of benefits are determined, the Lake Board may then proceed to finalize the plans for the approved lake improvement project and prepare an assessment roll.
4. Before confirming the assessment roll, the Lake Board must hold a hearing to review and hear any objections to the assessment roll. Notice of the hearing must be both published and mailed.
5. After the hearing, the Lake Board may confirm the assessment roll and proceed with carrying out the approved lake improvement project.