

Chapter 42 - WATERWAYS

ARTICLE I. - IN GENERAL

Secs. 42-1 – ~~42-18~~ 42-14 – Reserved

Sec. 42-15. – Sand and Vegetation Regulations (NEW)

No person shall cut, destroy, or remove any vegetation, remove any sand, or destroy or cut into any dunes or build-up of sand on the town-owned beaches except as authorized by the Town Council for the purposes of maintenance or for emergency purposes.

Sec. 42-16. – Erection of Buoys, Markers, and Swim Platform (NEW)

Upon approval of the Town Council, the Clerk-Treasurer may apply to the Indiana Department of Natural Resources for permission to place recreational structures such as buoys, markers, and swim platform in the waters adjacent to the town-owned beach.

Sec. 42-17. - Personal Property (NEW)

No personal property shall be stored on town beach property between December 1 and March 1. Beach chairs, fire pits, barbecue grills, flotation devices, toys and other personal effects left on the beach overnight during this period is subject to removal and disposal by the town.

Sec 42-18. – No Conflict with State or Federal Law (NEW)

Nothing in this chapter should be construed to conflict with applicable state and federal laws, statutes, and regulations.

ARTICLE II. - WATERCRAFT; ~~PERSONAL WATERCRAFT~~

Sec. 42-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Personal watercraft shall be defined pursuant to IC 14-8-2-202.5 as a watercraft (1) whose primary source of motive power is an inboard motor powering a water jet pump and (2) that is designed to be operated by a person who sits, stands or kneels on the surface of the watercraft rather than sitting or standing inside the watercraft.~~

Watercraft shall be defined ~~pursuant to IC 14-8-2-305~~ as any non-motorized instrumentality or device in or by means of which a person may be transported upon the public water of Indiana. The term includes, ~~but is not limited to, a motorboat,~~ sailboat, rowboat, skiff, dinghy, kayak, ~~or~~ canoe, or ~~paddle-board,~~ (1) of any length or size; and (2) whether or not used to carry passengers for hire.

(Ord. No. 99-04, §§ 1, 2, 6-8-1999)

Cross reference— Definitions generally, § 1-2

~~Sec. 42-20. - Permit required.~~

~~No personal watercraft or watercraft shall be launched from, transported across or otherwise stored on Town beach property without a valid personal watercraft or watercraft permit (permit) issued by the Town.~~

~~(Ord. No. 99-04, § 3, 6-8-1999)~~

~~Sec. 42-21. - Number of permits issued.~~

~~The Clerk-Treasurer is hereby authorized to issue up to a maximum of Eight personal watercraft permits for a fee to be determined by the Town Council. The Town Council may establish a different number of permits to be issued, including the right to set the number of permits at zero, in each calendar year before April 30 of that year, by placing the issue of the number of permits to be issued on the agenda of One meeting and voting upon the issue at any subsequent meeting, unless unanimous consent of the members of the Council present and voting approve of the issue being resolved at the meeting in which the issue was originally presented. The number of permits issued the previous calendar year will be the same as the number of permits issued any ensuing year unless the number is altered as set forth herein. Permits shall be issued by the Clerk-Treasurer. A random drawing held on a date and time previously determined during an open meeting of the Town Council shall be conducted for issuance of personal watercraft permits if required. Permits are reserved to only those Town residents who own a personal watercraft or watercraft and are listed on the title to same. Permits are not assignable and are valid only for the boating season of the year when issued. All permits issued by the Clerk-Treasurer must be displayed on the personal watercraft or watercraft in a clearly visible manner.~~

~~(Ord. No. 99-04, § 4, 6-8-1999)~~

~~Sec. 42-22. - Annual renewal fee.~~

~~Personal watercraft permits shall be renewed annually at a cost of Ten dollars (\$10.00) and shall receive annual numbers for affixing to the craft.~~

~~(Ord. No. 2002-3, § 4, 4-16-2002)~~

~~Sec. 42-23. - Launch times restricted.~~

~~All personal watercraft with a valid permit, as the same has been defined herein, shall only be launched and retrieved at idle speed from the beach to the outer swimming buoy only from the East Fifty feet of East Beach between the hours of 11:00 a.m. and 4:00 p.m.~~

~~(Ord. No. 99-04, § 5, 6-8-1999)~~

Sec. 42-24. - Watercraft ~~licenses~~ registration.

~~Watercraft shall be licensed One time and shall be valid for the lifetime of the watercraft. An identifying decal will be supplied by the Clerk-Treasurer for permanent attachment to the watercraft. No renewal is necessary after the initial registration with the Clerk-Treasurer.~~

- ~~(a) All watercraft stored on town-owned beaches overnight shall bear a registration sticker issued by the town Clerk-Treasurer.~~
- ~~(b) Watercraft registrations stickers shall be issued only to property owners or residents of Dune Acres. Proof of ownership or residency may be required.~~
- ~~(c) Watercraft shall be registered with the Town once every three years beginning June 1, 2016.~~
- ~~(d) Registration will not be issued for watercraft other than those defined in Section 42-19. Motorized watercraft of any kind shall not be registered.~~

~~(Ord. No. 2002-3, § 3, 4-16-2002)~~

Sec. 42-25. - Storage of watercraft; abandoned watercraft.

- ~~(a) No container of any gasoline or motor oil shall be left unattended on Town beach property.~~
- ~~(b) No watercraft may be stored, parked or otherwise left on the Town beach property between ~~November~~ December 1 and March 31 of the calendar year, except in specific areas designated by the Town Council.~~
- ~~(c) No ~~personal~~ watercraft or ~~personal watercraft~~ trailers may be stored, parked or otherwise left on the Town beach property at any time. ~~Personal watercraft trailers may be parked in any available parking space for East Beach during the time any personal watercraft is in use.~~~~
- ~~(d) Any ~~personal watercraft~~, trailer or watercraft left on the Town beach property in violation of the above may be subject to removal and disposal by the Town utilizing those procedures set forth in IC 9-22-1-1 et seq. for abandoned motor vehicles. If a ~~personal watercraft~~, trailer or watercraft is in such a condition that vehicle identification numbers or other means of identification are not available to determine the person who owns or holds a lien on the vehicle, the personal watercraft or watercraft may be disposed of by the Town no sooner than Ninety days from the date the vehicle is declared to be abandoned by the Town.~~

~~(Ord. No. 99-04, § 6, 6-8-1999)~~

Sec. 42-26. - Penalty.

(a) Any person accused of a violation of this article may settle and compromise such infraction by paying to the Town the sum of One Hundred dollars (\$100.00) within Twenty days of the date of the citation. Such payment shall be made to the Town's Clerk-

Treasurer. Failure to pay the One Hundred dollar (\$100.00) fine within Twenty days from the date of the citation shall result in the citation being filed before a court of competent jurisdiction. In the event the citation is sent to a court of competent jurisdiction, the offender shall be subject to a fine of One dollar (\$1.00) to Two Thousand Five Hundred dollars (\$2,500.00) per day per violation.

(b) The fact that a personal watercraft, trailer or watercraft is parked or remaining stationary on the Town beach property in violation of this article and is registered in the name of a person shall be considered prima facie proof that such person was in control of the personal watercraft or watercraft at the time such vehicle was parked or allowed to remain stationary.

(Ord. No. 99-04, § 7, 6-8-1999)