

Chapter 42 - WATERWAYS

ARTICLE I. - IN GENERAL

Secs. 42-1 – 42-14 - Reserved

Sec. 42-15. – Sand and Vegetation Regulations

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, Town-sponsored recreation, or in the case of emergency.~~ This section is enacted to prohibit major removals or major disturbances of the dunes and shall not be construed to preclude ambulatory access to the beach or recreational activities that result in minor ~~disturbances natural-wear~~ of the dunes, unless expressly prohibited by the Town.

Sec. 42-17. – Personal Property

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

ARTICLE II. - 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:

Boating Season shall be defined as April 1 through November 30 of ~~the~~ calendar year.

Off Season shall be defined as December 1 through March 31st of the calendar year.

Small Craft Dolly shall be defined as a small trailer used solely for the storage, launching, ~~and retrieval~~ of ~~small~~ Watercraft ~~from the beach~~.

Watercraft shall be defined pursuant to IC 14-8-2-305 as any 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, canoe, or paddle board of any length or size.

Watercraft Trailer shall be defined as any ~~vehicle-trailer~~ or apparatus designed to carry and/or transport a Watercraft over a roadway. ~~such vehicle or apparatus not to exceed 48 inches in height.~~

(Ord. No. 99-04, §§ 1, 2, 6-8-1999)

Cross reference— Definitions generally, § 1-2

Sec. 42-25. - Storage of Watercraft; Watercraft Trailers

No Watercraft, Watercraft Trailer, or Small Craft Dolly of any type may be stored, parked, or otherwise left on Town-owned beach property except as authorized by this section.

- (a) The Town does not regulate the storage or use of Watercraft during the Boating Season.
- (b) Watercraft stored on Town-owned beach property during the Off Season must bear a current storage permit issued by the Town Clerk-Treasurer.
- (c) Storage permits shall be issued annually and are good for the four-month period commencing December 1st ~~of each calendar year~~. The cost is \$20 for Watercraft less than 15' in length and \$40 for all other watercraft. Permits are available only to legal residents and property owners of Dune Acres.
- (d) Off Season storage is permitted only in those areas designated by the Town.
- (e) Small Craft Dollies are permitted on Town-owned beach property solely for the authorized storage, ~~and~~ launching, ~~and~~ retrieving of Watercraft.
- (f) Empty Watercraft Trailers and ~~empty~~ Small Craft Dollies ~~may shall~~ not be parked overnight on Town-owned beach property or in public beach parking areas including but not limited to the East Beach and Ridge Road parking lots.
- (g) Any Watercraft, Watercraft Trailer or Small Craft Dolly found in violation of the above provisions shall 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 Watercraft, Watercraft Trailer or Small Craft Dolly is in such a condition that identification numbers or other means of identification are not available to determine ~~ownership the person who owns or holds a lien on the vehicle~~, the Watercraft, Watercraft Trailer, or Small Craft Dolly may be disposed of by the Town no sooner than Ninety days from the date ~~the said~~ 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 ranging from One dollar (\$1.00) to Two Thousand Five Hundred dollars (\$2,500.00) per day per violation.

(b) The fact that a Watercraft, Watercraft Trailer or Small Craft Dolly 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 ~~trailer~~ Watercraft at the time such Watercraft or ~~trailer~~ was ~~in violation of this article. parked or allowed to remain stationary.~~

(Ord. No. 99-04, § 7, 6-8-1999)