

# ORDINANCE No. 2016-07

## WATERWAYS

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DUNE ACRES, INDIANA

AMENDING CHAPTER 42 ARTICLES I & II

WHEREAS, the Town desires to change the manner in which it regulates the use of its beaches, therefore the ordinance needs to be revised,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DUNE ACRES, INDIANA, AS FOLLOWS:

Chapter 42, Article I is hereby amended by adding the following sections:

Section 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 case of emergency. This section is enacted to prohibit major removal or disturbance of the dunes and shall not be construed to preclude ambulatory access to the beach or recreational activities that result in minor disturbances of the dunes, unless expressly prohibited by the Town.

Section 42-16, 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.

Chapter 42, Article II, Sections 42-19 shall be replaced with the following language.

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 each 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 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 trailer or apparatus designed to carry and/or transport a Watercraft over a roadway.

Chapter 42, Article II, Sections 42-20, 42-21, 42-22, 42-23, and 42-24 are deleted in their entirety.

Chapter 42, Article II, Sections 42-25 shall be replaced with the following language:

Sec. 42-25. - Storage of Watercraft; Watercraft Trailers; Small Craft Dollies

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 1<sup>st</sup>. The cost is \$20 for Watercraft less than 15' in length and \$40 for all other Watercraft. Permits are available only for watercraft owned by 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, launching, and retrieving of Watercraft.
- (f) Empty Watercraft Trailers and empty Small Craft Dollies 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 Watercraft, Watercraft Trailer, or Small Craft Dolly 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.

Chapter 42, Article II, Sections 42-26 (b) shall be replaced with the following language:

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 Watercraft or trailer at the time such Watercraft or trailer was in violation of this article.

This ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Dune Acres, Indiana this 20<sup>th</sup> day of September, 2016.

Town of Dune Acres Town Council



Richard Hawksworth



Peter Bomberger



Alexander Stemer

Attest:



Jeannette E. Bapst, Clerk-Treasurer