

**TITLE 12**

**LAKE USE**

## **Title 12**

### **LAKE USE**

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## Chapter 12.04

### DEFINITIONS

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**12.04.010 Generally.** When used in this title the following terms shall have the meaning ascribed to them in this chapter. (Ord. 2004-46, S2-12.04.010, Oct. 20, 2004) (Ord. 521 S1 (part); May 23, 1961).

**12.04.020 City.** "City" means the City of Jasper, Indiana, and/or any department or board of the city granted or having jurisdiction over Beaver Dam Lake. (Ord. 2004-46, S2-12.04.020, Oct. 20, 2004) (Ord. 521 S1, (a); May 23, 1961).

**12.04.030 Lake.** "Lake" means the artificial lake and water known as Beaver Dam Lake impounded therein by means of the dam and spillway constructed in Marion Township of Dubois County. (Ord. 2004-46, S2-12.04.030, Oct. 20, 2004) (Ord. 521 S1 (b); May 23, 1961).

**12.04.040 Watercourse.** "Watercourse" means any stream, natural or artificial channel, spring, or depression of any kind in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly, into any part of the lake. (Ord. 2004-46, S2-12.04.040, Oct. 20, 2004) (Ord. 521 S1 (c); May 23, 1961).

**12.04.050 Intake.** "Intake" means the place where the water is taken from the lake. (Ord. 2004-46, S2-12.04.050, Oct. 20, 2004) (Ord. 521, S1 (d); May 23, 1961).

**12.04.060 High water line.** "High water line" means the contour known as five hundred feet referred to in United States Government elevations as being a contour line five hundred feet above sea level. (Ord. 2004-46, S2-12.04.060, Oct. 20, 2004) (Ord. 521 S1 (e); May 23, 1961).

**12.04.070 Shoreline.** "Shoreline" means the extended point where the plane of the surface of the waters of the Lake borders the land. (Ord. 2004-46, S2-12.04.070, Oct. 20, 2004) (Ord. 521 S1 (f); May 23, 1961).

**12.04.080 Marginal land.** "Marginal land" means the land owned or controlled by the City adjacent to the shoreline and not flooded by the waters of the lake. (Ord. 2004-46, S2-12.04.080, Oct. 20, 2004) (Ord. 521 S1 (g); May 23, 1961).

**12.04.090 Person.** "Person" means the feminine as well as the masculine when applicable, and the plural as well as the singular when applicable; it also includes a firm, corporation, association, club, organization, or other entity. (Ord. 2004-46, S2-12.04.090, Oct. 20, 2004) (Ord. 521 S1 (h); May 23, 1961).

## Chapter 12.08

### ENFORCEMENT

#### Sections:

- 12.08.010 Conservation Officers and other Law Enforcement Personnel.**
- 12.08.020 Lake police officers.**
- 12.08.030 Public nuisance declared.**
- 12.08.040 Liability for damage.**
- 12.08.050 Penalty for violation.**

**12.08.010 Conservation Officers and other Law Enforcement Personnel.** Conservation officers and any other law enforcement personnel shall at all times enforce any laws at Beaver Dam Lake and the surrounding property over which the State or Federal government has granted them authority. (Ord. 2004-46, S3-12.08.010, Oct. 20, 2004)

**12.08.020 Lake police officers.** The city may appoint and employ such number of lake police officers, or detail policemen currently employed to enforce the provisions of this Title as the circumstances may from time to time require. In such instance when such officers detailed to enforce the terms of this Title, such officers shall apply to the Sheriff of Dubois County for permission to act for and on their behalf as deputies as well as officers of the City of Jasper in the enforcement of the provisions of this title. (Ord. 2004-46, S3-12.08.020, Oct. 20, 2004) (Ord. 521 S9; May 23, 1961).

**12.08.030 Public nuisance declared.** The violation of any provision of this Title whereby any unsanitary conditions is created is hereby declared to be a public nuisance. (Ord. 2004-46, S3-12.08.030, Oct. 20, 2004) (Ord. 521 S10; May 23, 1961).

**12.08.040 Liability for damage.** Any person violating any provision of this Title shall become liable for all damage and expense thereby caused to the City or any other person or persons by reason of such violation. (Ord. 2004-46, S3-12.08.040, Oct. 20, 2004) (Ord. 521 S11; May 23, 1961).

**12.08.050 Penalty for violation.** Any person violating any of the provisions of this Title may be issued a warning that they may be banned from any further access to City of Jasper owned property if their conduct continues, or may immediately be banned from any further access to City of Jasper owned property, including Beaver Dam Lake or any other property owned by the City surrounding said Lake, in addition to any penalty that they may be subject to pursuant to State law or any other applicable law. (Ord. 2004-46, S3-12.08.050, Oct. 20, 2004) (Ord. 521, S12, May 23, 1961)

## Chapter 12.12

### SANITARY REGULATIONS

#### Sections:

- 12.12.010 Water Supply.**
- 12.12.020 Sewage or garbage disposal.**
- 12.12.030 On-site Sewage Disposal Systems.**
- 12.12.040 Inspection of On-Site Sewage Disposal Systems.**
- 12.12.050 Violations.**

**12.12.010 Water Supply.** That Beaver Darn Lake is and shall be considered a "public water supply" for purposes of implementation of rules and regulations of the State of Indiana and the Dubois County Health Department. (Ord. 2004-46, S4-12.12.010, Oct. 20, 2004)

**12.12.020 Sewage or garbage disposal.** It shall be unlawful for any person to throw, run, drain, seep, or otherwise dispose into any of the surface waters or ground waters of this state, or cause, permit, or suffer to be thrown, run drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter from a dwelling or residential sewage disposal system that would cause or contribute to a health hazard or water pollution. (Ord. 2004-46, S4-12.12.020, Oct. 20, 2004) (Ord. 521, S2(1); May 23, 1961)

**12.12.030 On-Site Sewage Disposal Systems.** The owner or agent of the owner shall obtain a written permit for construction of an on-site sewage disposal system from the Dubois County Health Department prior to 1) construction of a residence or other building used for human occupancy, employment, business, recreation, or other purposes on any lands bordering the Lake; 2) any replacement, reconstruction of, expansion or remodeling of a residence which may increase the number of bedrooms; and 3) any addition to, alteration of, or repair of an existing on site sewage disposal system. Said owners or lessees shall be required at their own expense to install and maintain suitable on-site sewage disposal systems which will not contaminate the Lake or any watercourse, in compliance with the regulations of the Indiana State Department of Health and the Dubois County Health Department. Owners or lessees shall have documentation available that all applicable rules and regulations of the Indiana State Department of Health, Dubois County Health Department, and the City with regards to on-site private sewage disposal systems are being followed and shall present same to State, County and/or City officials when so requested. (Ord. 2004-46, S4-12.12.030, Oct. 20, 2004) (Ord. 521, S2(2), (3), (5), (6); May 23, 1961)

**12.12.040 Inspection of On-Site Sewage Disposal Systems.** The permittee shall notify Dubois County Health Department personnel when the work is ready for final inspection, in the time frame required by the Department, and before any subsurface portions are to be covered. Requirements of permits issued for the construction of on-site sewage disposal systems shall not be considered as fulfilled until the installation is completed to the satisfaction of the Department. Dubois County Health Department personnel and their agents shall be permitted to enter upon all properties for purposes of inspection, observation, measurement, sampling, and testing necessary to assure compliance with their rules and regulations. In addition, City of Jasper Wastewater and Water Utility personnel and their agents shall be permitted to enter upon all properties - including the lake itself - owned by the City of Jasper for the purposes of inspection, observation, measurement, sampling, and testing to assure compliance with this Ordinance. (Ord. 2004-46, S4-12.12.040, Oct. 20, 2004) (Ord. 521, S2(4), (7); May 23, 1961)

**12.12.050 Violations.** Any person found to be violating any provision of this Chapter shall be subject to the rules and regulations of the Dubois County Health Department with regards to said violation and shall be subject to the penalties of the Dubois County Health Department for said violation. In the event that corrections to an on-site sewage disposal system are required by the Dubois County Health Department, they are to be done at the offender's expense in a manner approved by Dubois County Health Department personnel. Persons found to have violated any provision of this Chapter may also become liable to the City for any expense, loss or damage caused by such violation and such violation may be deemed a nuisance subject to injunction. (Ord. 2004-46, S4-12.12.050, Oct. 20, 2004) (Ord. 521, S2(8), (9); May 23, 1961)

## Chapter 12.16

### TRESPASS

#### Sections:

#### 12.16.010 Generally - Lease provisions.

**12.16.010 Generally - Lease provisions.** The City owns the land upon which Beaver Dam Lake is constructed, and it is the policy of the City that any entrance upon the Lake or lands owned by the City, without the City's permission and consent as herein defined, is declared to be a trespass upon City lands, and as such, a violation of state law.

- (1) LEASE OF LOTS. The land that the City owns bordering on the lake front and divided into approximately sixty foot lake front lots may be leased from the City on a year to year basis. The fee for the year lease shall be One Hundred Fifty Dollars (\$150.00) for the calendar year 2005, Two Hundred Dollars (\$200.00) for the calendar year 2006 and Two Hundred Fifty Dollars (\$250.00) each year thereafter. This fee is payable at the Jasper Park and Recreation Office. The entire fee is due upon the execution of the written lease agreement and shall be retained by the City in the event the agreement is terminated by either party prior to the end of the calendar year then in progress.
- (2) WRITTEN LEASE AGREEMENT FOR LOT REQUIRED. No person, or group of persons may keep, use or store items on City property that fronts on Beaver Dam Lake unless said person or group of persons, as Lessee, and the City have executed a written lease agreement, Lessee has furnished any necessary information to the City that the City may require, and Lessee has paid the fee as set forth in paragraph (1) of the Section.
- (3) AUTHORITY OF CITY TO REGULATE TENANTS. The City shall at all times have the power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any land owned by the City and leased on the Lake should it become necessary to do so in the interest of public health or safety, or for the protection or improvement of the Lake or other cause. (Ord. 2004-46, S5-12.16.010, Oct. 20, 2004) (Ord. 1279 S 1, 1986; Ord. 657 S1, 1968; Ord. 521 S3, 1961).

## Chapter 12.20

### BOATING

#### Sections:

- 12.20.010 Registering boat required - Information.**
- 12.20.020 Registration Stickers.**
- 12.20.030 Registration Stickers - Fees.**
- 12.20.040 Fees for part of year.**
- 12.20.050 Commercial craft - License - Contract - Fees.**
- 12.20.060 Size of boats - Rafts.**
- 12.20.070 Liability Insurance.**
- 12.20.080 Inspection.**
- 12.20.090 Special Permit.**
- 12.20.100 Proximity to shore - Intake.**
- 12.20.110 Speed.**
- 12.20.120 Boating Laws and Actions prohibited.**
- 12.20.130 Houseboats - Personal Watercraft (jet skis) prohibited.**
- 12.20.140 Polluting Water prohibited.**
- 12.20.150 Authority of City to regulate boats.**
- 12.20.160 Adrift boat - unlicensed boat.**

**12.20.010 Registering boat required - Information.** No boat, craft, or floating raft of any kind may be propelled, kept, or used in the Lake, or stored or kept on the marginal land surrounding the lake until the owner thereof shall register such boat or craft and secure a registration sticker from the City. The name and address of the owner along with length and horsepower of the boat must accompany each registration. (Ord. 2004-46, S6-12.20.010, Oct. 20, 2004) (Ord. 1279 S 2, 1986; Ord. 521 S4 (11), 1961).

**12.20.020 Registration stickers.** An official registration sticker shall be furnished by the City to the boat owner and such sticker shall be placed in a conspicuous position on the bow of the boat or craft. Such registration stickers shall be issued annually and shall expire on December 31<sup>st</sup> of the year for which they were issued. Registration stickers may be purchased at the Park and Recreation Department office or from the Lake Superintendent. (Ord. 2004-46, S6-12.20.020, Oct. 20, 2004) (Ord. 1279 S3, 1986) (Ord. 521 S4 (12), 1961).

**12.20.030 Registration Stickers – Fees.** In order to defray the expenses of supervision of boats or crafts on the Lake; to enforce the provisions of this Title; and for the improvement of navigation and the safety and pleasure of boating, the application or renewal must be accompanied by the payment of annual registration sticker fees as follows:

- (1) For each row boat or canoe, not for hire or rental, and not equipped with a motor, there shall be an annual registration sticker fee of Fifteen Dollars (\$15.00) and this type of craft shall be designated with Registration Sticker Numbers 001-020. This class boat will be referred to as “Class A.”
- (2) For each boat, not for hire or rental, including boats equipped or used with an outboard motor of less than 10 horsepower, there shall be an annual registration sticker fee of Twenty Dollars (\$20.00) and this type of craft shall be designated with Registration Sticker Numbers 021-124. This type of boat will be referred to as “Class B.”
- (3) For each boat, not for hire or rental, including boats equipped or used with outboard or inboard motors of 10 horsepower or more, there shall be an annual registration sticker fee of Twenty Five Dollars (\$25.00) and this type of craft shall be designated with Registration Sticker Numbers 125-500. This type of boat will be referred to as “Class C.” (Ord. 2004-46, S6-12.20.030, Oct. 20, 2004) (Ord. 1279, S4, 5, 1986) (Ord. 657, S2, 1969) (Ord. 521, S4(13), (14), May 23, 1961)

**12.20.040 Fee for part of year.** For the fractional part of any calendar year, the registration sticker fee shall be the same as herein above specified and shall not be prorated. (Ord. 2004-46, S6-12.20.040, Oct. 20, 2004) (Ord. 521, S4(17), May 23, 1961)

**12.20.050 Commercial craft – License – Contract – Fees.** No boat, canoe, or other vessel shall be placed upon or operated upon any water a part of the Beaver Dam Lake for fee or profit, for hire or rental to a second party or parties, either as a direct charge to such second party or parties, or as an incident to other services provided to such party or parties, except as specifically authorized by lease, or license, or concession contract with the City. The fees for licensing and registering such boats and craft for hire or rental shall be as agreed to in the lease, license or contract entered into for such purpose with the City. (Ord. 2004-46, S6-12.20.050, Oct. 20, 2004) (Ord. 521, S4(15), (16), May 23, 1961)

**12.20.060 Size of boats – Rafts.** No boat shall be permitted on the Lake that is more than eighteen feet long from bow to stern. Pontoon boats, rafts and canoes that do not exceed twenty-six feet in length will also be permitted on the Lake. (Ord. 2004-46, S6-12.20.060, Oct. 20, 2004) (Ord. 657, S3, 1969) (Ord. 521, S4, May 23, 1961)

**12.20.070 Liability Insurance.** No owner of a boat being registered and for which a permit is to be issued shall be operated on the Lake without the owner being covered by sufficient liability and property damage insurance for the operation of said boat. Proof of said coverage shall be presented to City of Jasper officials and representatives upon request. (Ord. 2004-46, S6-12.20.070, Oct. 20, 2004) (Ord. 1279, S6, 1986) (Ord. 521, S4(19), May 23, 1961)

**12.20.080 Inspection.** All boats being used upon the waters of the Lake shall be subject at any time to inspection and certifications in respect to condition, seaworthiness, and any factors relating to safety by City of Jasper officials or their representatives. (Ord. 2004-46, S6-12.20.080, Oct. 20, 2004) (Ord. 521, S4(20), 1961)

**12.20.090 Special Permit.** The City may, at the discretion of the Jasper City Park and Recreation Board and upon written application, issue a special permit for boats or craft for any property sponsored event. (Ord. 2004-46, S6-12.20.090, Oct. 20, 2004) (Ord. 521, S4(21), 1961)

**12.20.100 Proximity to shore – Intake.** No person shall operate any type of boat within fifty (50) feet of the shoreline at a speed in excess of five (5) miles per hour, and no person shall at any time operate any boat or craft within seventy-five (75) feet of the intake structure. (Ord. 2004-46, S6-12.20.100, Oct. 20, 2004) (Ord. 521, S4(22), May 23, 1961)

**12.20.110 Speed.** No boat or craft shall be operated on the surface of the Lake at a speed or in a manner in conflict with Indiana State laws concerning the operation of water craft, provided, that the maximum speed that any boat or craft shall be operated on the surface of Beaver Dam Lake shall be thirty (30) miles per hour. However, no boat or craft may operate at speeds of more than ten (10) miles per hour between the hours of sunset and sunrise. (Ord. 2004-46, S6-12.20.110, Oct. 20, 2004) (Ord. 657, S4, 1969) (Ord. 521, S4(23), May 23, 1961)

**12.20.120 Boating Laws and Actions prohibited.** All boating laws of the State of Indiana shall be followed at all times. In addition, the following actions are expressly prohibited:

- (1) **SKIING WITHOUT LIFE JACKET.** No person shall be towed upon skis or other object by the operator of any boat unless the person being towed is wearing an approved life jacket or ski belt.
- (2) **INTOXICATED OPERATOR.** No person shall be under the influence of drugs or alcohol in violation of State law or Boating rules and regulations of the Department of Natural Resources while operating a boat or other equipment on Beaver Dam Lake.
- (3) **STAYING INSIDE MARKERS.** All class “C” boats must stay inside markers when over idle speed. (Ord. 2004-46, S6-12.20.120, Oct. 20, 2004) (Ord. 657, S5, 1969) (Ord. 521, S4(24), May 23, 1961)

**12.20.130 Houseboats – Personal Watercraft (jet skis) prohibited.** No boat or craft commonly known as a houseboat on which the occupants have sleeping accommodations, or remain for more than a few hours, shall be permitted on the Lake, and no boat operated on the Lake shall have toilet facilities. In addition, no watercraft commonly referred to as

personal watercraft shall be permitted on the Lake. (Ord. 2004-46, S6-12.20.130, Oct. 20, 2004) (Ord. 521, S4(25), May 23, 1961)

**12.20.140 Polluting water prohibited.** Persons using or operating any boat or craft on the waters of the Lake shall do so in such manner as not to create any unsanitary condition in or about the waters, and shall not pollute the waters by their discharge of oil or other polluting liquid or solid tending to make the waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof. (Ord. 2004-46, S6-12.20.140, Oct. 20, 2004) (Ord. 521, S4(26), May 23, 1961)

**12.20.150 Authority of City to regulate boats.** The City shall at all times have power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any or all boats and craft on the waters of the Lake should it become necessary to do so in the interest of the public health or safety, or for the protection or improvement of the lake or other cause. (Ord. 2004-46, S6-12.20.150, Oct. 20, 2004) (Ord. 521, S4(28), May 23, 1961)

**12.20.160 Adrift boat – Unlicensed boat.** Any boat or craft found abandoned or adrift in the Lake or any unregistered boat or craft thereon shall be taken up by the City and the City shall have a lien thereon for all registration fees therefor and the expenses of taking, towing, keeping, advertising, and selling of the craft and for all damages caused by such craft to City property and shall have the right to sell said craft to collect said lien. Nothing herein shall be construed as exonerating the owner or operator of the boat or craft from personal liability to the City, or any other person, for any damage or injury caused by such boat or craft. (Ord. 2004-46, S6-12.20.160, Oct. 20, 2004) (Ord. 521, S4(29), May 23, 1961)

## Chapter 12.24

### DOCKS AND PIERS

#### Sections:

- 12.24.010 Policy.**
- 12.24.020 Construction plans - License - Fee.**
- 12.24.030 Length of pier.**
- 12.24.040 Width of dock.**
- 12.24.050 Maintenance of dock.**

**12.24.010 Policy.** The City reiterates its policy of not limiting the use of privately owned property, but since usable docks and piers can only be constructed in the lake area controlled and owned by the City, the regulations found in this Chapter pertaining to such structures are hereby enacted. (Ord. 2004-46, S7-12.24.010, Oct. 20, 2004) (Ord. 521 S5 (part), May 23, 1961).

**12.24.020 Construction plans - License - Fee.** No person shall construct a dock, pier, boathouse or structure of any type upon the City owned property without the permission of the Park and Recreation Director. Any person desiring to construct any type of structure that extends into the lake shall submit to the Park and Recreation Director his plans and specifications for such structure. All docks shall pay an annual dock license fee of Twenty-Five Dollars (\$25.00), which is payable at the Park and Recreation Office. In the event the annual fee is not paid, the City may request that the lot owner or lessee remove said dock at their own expense. In the event the lot owner or lessee does not comply with the City's request, the City may remove the dock and may bill the lot owner or lessee for the expenses incurred by the City in the removal. (Ord. 2004-46, S7-12.24.020, Oct. 20, 2004) (Ord. 1279 S 7, 1986; Ord. 657 S6, 1969; Ord. 521 S5 (30), May 23, 1961).

**12.24.030 Length of pier.** No person shall be permitted to construct a pier, dock, boathouse or any structure that extends into the lake for a distance of more than twenty-five feet. (Ord. 2004-46, S7-12.24.030, Oct. 20, 2004) (Ord. 521 S5 (31), May 23, 1961).

**12.24.040 Width of dock.** No person shall be permitted to construct a dock which shall be in excess of six feet in width. (Ord. 2004-46, S7-12.24.040, Oct. 20, 2004) (Ord. 521 S5 (32), May 23, 1961).

**12.24.050 Maintenance of dock.** All persons constructing docks in the lake area shall maintain the docks, and in the event that the dock is not properly maintained, shall remove the dock at the request of the Park and Recreation Director and at their own expense. In the event the lot owner or lessee does not comply with the City's request, the City may remove the dock and may bill the lot owner or lessee for the expenses incurred by the City in the removal. (Ord. 2004-46, S7-12.24.050, Oct. 20, 2004) (Ord. 657 S7, 1969; Ord. 521 S5 (33), May 23, 1961).

## Chapter 12.28

### FISHING

#### Sections:

#### **12.28.010 State license required - Enforcement - Bait - Boat operation.**

**12.28.010 State license required - Enforcement - Bait - Boat operation.** No person shall take, catch, or attempt to take or catch any species of fish from the Lake area without a State fishing license in full force and effect issued to the person and in his possession; and all officers of the State with proper credentials are permitted to enter upon the Lake area for the purpose of enforcing the laws of the State. Goldfish and other of the carp group of fishes shall not be used as bait at any time or place on or from the shores of the Beaver Dam Lake. Boats shall respect prohibited fishing areas as shown and shall not operate in such area at a speed greater than five miles per hour. (Ord. 2004-46, S8-12.28.010, Oct. 20, 2004) (Ord. 521 S6; May 23, 1961).

## Chapter 12.32

### FIREARMS

#### Sections:

#### **12.32.010 Carrying, discharging prohibited.**

**12.32.010 Carrying, discharging prohibited.** No person shall carry, fire or discharge any firearm of any description within the limits of the lake area except authorized police officers in the performance of their duties. This includes all forms of hunting. (Ord. 2004-46, S9-12.32.010, Oct. 20, 2004) (Ord. 521 S7; May 23, 1961).

## Chapter 12.36

### SWIMMING

#### Sections:

#### 12.36.010 Policy.

**12.36.010 Policy.** It is hereby declared to be the policy of the City that swimming shall be permitted in the Lake only at sites designated or authorized by the City of Jasper, and in a manner to be provided for by ordinance. The City does not contemplate the permanent prohibition of swimming but does hereby assert that when swimming is permitted, this form of recreation can only be undertaken from the shores of lands owned by the City under proper municipal regulation. (Ord. 2004-46, S10-12.36.010, Oct. 20, 2004) (Ord. 521 S8; May 23, 1961).