

ORDINANCE NO. 88-16

TO REPEAL CURRENT CHAPTER 11.08 OF THE BLOOMINGTON MUNICIPAL CODE (ENTITLED "GRIFFEY CREEK LAKE") AND TO ADOPT PROPOSED CHAPTER 11.08 (ENTITLED "GRIFFY LAKE NATURE PRESERVE")

WHEREAS, the Board of Park Commissioners has recommended that additional safeguards are needed to maintain the environment of Griffy Lake and the lands surrounding Griffy Lake, and

WHEREAS, the Board of Park Commissioners, after review of the current regulations, has recommended that additional provisions be incorporated into regulations governing Griffy Lake,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Current Chapter 11.08 of the Bloomington Municipal Code (entitled "Griffey Creek Lake") be repealed.

SECTION II. Proposed Chapter 11.08 (entitled "Griffy Lake Nature Preserve") be adopted into the Bloomington Municipal Code and read as follows:

CHAPTER 11.08  
GRIFFY LAKE

SECTIONS:

I. GENERALLY

- 11.08.010 - Definitions
- 11.08.020 - Deposit of Sewage - Containers
- 11.08.030 - Trespass
- 11.08.040 - Prohibited Activities
- 11.08.050 - Permitted Activities
- 11.08.060 - Use of Intoxicants
- 11.08.070 - Park Hours
- 11.08.080 - Nuisance
- 11.08.090 - Enforcement
- 11.08.100 - Civil Liability

II. BOATING

- 11.08.110 - Registration and License - Required - Application
- 11.08.120 - License - Inspection
- 11.08.130 - License - Fee
- 11.08.140 - License - To Be Kept On Boat
- 11.08.150 - License - Issued Only to Adults
- 11.08.160 - License - Permitted Boats
- 11.08.170 - License - Display of Number
- 11.08.180 - Operating in Excess of Capacity
- 11.08.190 - Life Preserver
- 11.08.200 - Lights
- 11.08.210 - Operation Near Spillway, Dam or Intake
- 11.08.220 - Attending Boat - Mooring
- 11.08.230 - Restricted Areas for Operating and Mooring
- 11.08.240 - Maximum Boat Length or Limit
- 11.08.250 - Operation By Minor
- 11.08.260 - Launching and Parking Area

III. FISHING

- 11.08.270 - Use of Minnow Bait
- 11.08.280 - Minimum Fish Size and Bag Limit
- 11.08.290 - Deposition of Fish

IV. HUNTING AND TRAPPING

11.08.300 - Hunting and Trapping Forbidden

V. PENALTIES

11.08.310 - Penalties

I. GENERALLY

11.08.010 - Definitions. When used in this chapter:

- (1) "Adult" means a person eighteen years of age or older;
- (2) "Boat" means a small, open watercraft propelled by oars, paddles, sails, and/or an engine;
- (3) "City" means the City of Bloomington, Indiana;
- (4) "Dam" is that part of the obstruction which impounds the water in Griffy Lake;
- (5) "Intake" means the place where the water supply of the City is taken from Griffy Lake;
- (6) "Griffy Lake" means the artificial lake and water known as Griffy Creek Lake impounded therein by means of the dam and spillway constructed across Griffy Creek in Bloomington Township, Monroe County, Indiana;
- (7) "Griffy Lake Nature Preserve" means the land surrounding Griffy Lake owned by the City of Bloomington and managed by the Board of Park Commissioners.
- (8) "Minor" means a person under eighteen years of age;
- (9) "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;
- (10) "Spillway" means the opening for the release of water from the dam.

11.08.020 - Deposit of Sewage - Containers. No person shall place, deposit, or permit to be deposited, in any insanitary manner, upon the waters or the lands owned by the City surrounding Griffy Lake, any sewage, garbage, waste, or wastewater.

The City shall provide containers at the boat launching site.

11.08.030 - Trespass. The city owns the land upon which Lake Griffy is located and it is the policy of the City that any entrance upon the waters or lands owned by the City, without the permission and consent of the City, as hereinafter defined, is a trespass upon City land, and as such a violation of the laws of the state. Usage of any vehicles on City land surrounding Griffy Lake, with the exception of designated parking/boat ramp area, is not allowed, and as such constitutes a trespass. The Board of Park Commissioners, at their discretion, may grant permission for usage of vehicles on the land for authorized management purposes.

11.08.040 - Prohibited Activities. No person shall be allowed to engage in the following activities on the waters of or the lands owned by the City surrounding Griffy Lake: bicycling, motorcycling, use of four (4) wheel drives, all terrain vehicles and other vehicles, snowmobiling, swimming, camping, woodcutting, creating any temporary structures, fire-building, rafting, hunting, trapping, use of fire-arms, use of alcoholic beverages, horseback riding, military exercises, dumping, and behavior, as judged by the police, exercising good faith, which impedes or prevents legitimate use of the site by the public. The Board of Park Commissioners, at their discretion, may grant permission to engage in select activities for authorized management purposes.

11.08.050 - Permitted Activities. The environs of Griffy Lake are suitable for low impact activities. Permitted activities include picnicking, hiking, boating, canoeing, nature observations, sunbathing and fishing.

11.08.060 - Use of Intoxicants. No intoxicating beverages of any type shall be permitted on Griffy Lake or the lands surrounding Griffy Lake.

11.08.070 - Park Hours. No person shall be allowed on the waters of or the lands owned by the City surrounding Griffy Lake after sunset or before sunrise. The sole exception shall be persons who are night fishing or participating in a specially scheduled parks department sponsored or approved programs.

11.08.080 - Nuisance. The violation of provision of this chapter including BMC 11.80.020, BMC 11.08.04, BMC 11.08.060 are deemed a public nuisance.

11.08.090 - Enforcement. This chapter may be enforced by any police officer of the City, the sheriff or deputy sheriffs of Monroe County, the state conservation officers, and such deputy officers as may be approved by the Mayor.

11.08.100 - Civil Liability. Any person violating any provision of this chapter shall become liable for all damage and expense thereby caused to the City or any other person by reason of such violation in addition to the penalties provided in this chapter.

## II. BOATING

11.08.110 - Registration and License - Required - Application. No boat may be used on Griffy Lake until the owner thereof registers such boat and secures a written daily permit or an annual license with registration number from the City based upon a written application setting forth the type of such boat, name and address of the owner thereof, the number of passengers which such boat accommodates, and such further information as the City may from time to time require. Annual "A" licenses are interchangeable between Lake Lemon and Griffy Lake.

11.08.120 - License - Inspection. Before an annual license or daily permit is issued, the boat for which such application is requested may be inspected by the Parks Department Administrator or such person designated by him, which inspection may include such safety precautions and requirements for the protection of the resource as the Parks Department Administrator may from time to time designate and determine for such boats. The Parks Department reserves the right to inspect any boat entering or operating on Griffy Lake.

11.08.130 - License - Fee. The fee for each boat licensed under the provisions of this chapter shall be determined by the Board of Park Commissioners and shall be for the calendar year in which the license is issued.

11.08.140 - License - To Be Kept On Boat. The license or daily permit of a boat shall accompany the boat at any time it is being operated on Griffy Lake.

11.08.150 - License and Daily Permits. Licenses and daily permits required under the provisions of this chapter shall be issued only to adults.

11.08.160 - License - Permitted Boats. The City shall license and permit for use on Griffy Lake only manually propelled boats and boats propelled by an electric motor - 12 volt maximum.

11.08.170 - License - Display of Number. Each license issued by the City under the provisions of this chapter shall bear a number, and license issued shall be adhered to the left side of the bow of the boat for which such license is issued.

11.08.180 - Operating in Excess of Capacity. No person shall operate a boat on Griffy Lake in excess of the capacity as authorized by the license issued for such boat.

11.08.190 - Life Preserver. There shall be a life preserver in each boat for each person occupying the boat on the water, and any minor occupying a boat shall wear the life preserver at all times with the exception that any minor 14 or older may use an approved type of seat or cushion life preserver with written parental permission. Adults may use an approved type of seat or cushion life preserver.

11.08.200 - Lights. Any boat operated on the water of Griffy Lake between the hours of sunset and sunrise shall display a white light visible all around the horizon.

11.08.210 - Operation Near Spillway, Dam or Intake. No boats shall be permitted within two hundred feet (200') of the pumping station intake, the dam, and spillway.

11.08.220 - Attending Boat - Mooring. A user of a boat shall remain on the boat at all times while on the lake. No boat shall be allowed to be drawn up to the bank and moored or stationed at any time except at places designated for that purpose.

11.08.230 - Restricted Areas for Operating - Mooring. All boating activity is prohibited on the lake area two hundred feet (200') east of the Hinkle Road causeway. Boat moorings are prohibited on the southern shoreline and on all other steep bank shorelines. Boating activity in restricted areas, may at the discretion of the Board of Park Commissioners, be permitted for authorized management purposes.

11.08.240 - Maximum Boat Limit. Maximum number of small craft that may be operated on the lake at any given time will be determined by the Board of Park Commissioners.

11.08.250 - Operation by Minor. No minor shall operate a boat on Griffy Lake unless minor is accompanied by an adult, or presents written parental permission, or shows a Red Cross Boating certificate or its equivalent.

11.08.260 - Launching and Parking Areas. The City shall establish parking areas and one launching site. No other area shall be used as a parking or launching area. It shall be designated by suitable signs which the City shall erect.

### III. FISHING

11.08.270 - Use of Minnow Bait. Minnow bait shall not be allowed for fishing purposes on Griffy Lake.

11.08.280 - Minimum Fish Size and Bag Limit. There is a minimum fish size limit of fourteen inches (measured lengthwise) on all bass to be taken from Griffy Lake. Restrictions as to size or number of other fish taken from the lake coincide with applicable State of Indiana law.

11.08.290 - Deposition of Fish. No person shall deposit fish other than largemouth bass, channel catfish, bluegill, and redear sunfish into Griffy Lake.

### IV. HUNTING AND TRAPPING

11.08.300 - Hunting and Trapping Forbidden. Since the Lake Griffy property is an urban area and heavily used for outdoor recreation and environmental education, the use of firearms or any other hunting or trapping apparatus is not compatible with the Griffy environs and shall therefore be prohibited. This includes Griffy Lake and lands immediately surrounding such lake and owned by the city. Hunting and trapping may be permissible if used as an authorized management tool when the situation warrants and permission for this action is granted by the Board of Park Commissioners.

### V. PENALTIES

11.08.310 - Penalties. Each day that a condition or act in violation of this chapter remains or continues shall be deemed to be a separate and distinct offense. Any person who violates any provision of this ordinance shall be fined not less than \$25 dollars but not more than \$500 dollars, to which shall be added the revocation of the license for any boat from which such violation occurs.

V. PENALTIES

11.08.310 - Penalties. Each day that a condition or act in violation of this chapter remains or continues shall be deemed to be a separate and distinct offense. Any person who violates any provision of this ordinance shall be fined not less than \$25 dollars but not more than \$500 dollars, to which shall be added the revocation of the license for any boat from which such violation occurs.

SECTION III. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor and promulgation according to law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 18 day of May, 1988.

Pam Service  
Pam Service, President  
Bloomington Common Council

ATTEST:

Patricia Williams  
Patricia Williams, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 19 day of May, 1988.

Patricia Williams  
Patricia Williams, City Clerk

SIGNED AND APPROVED by me upon this 19 day of May, 1988.

Tomilea Allison  
Tomilea Allison, Mayor  
City of Bloomington

SYNOPSIS

This ordinance, requested by the Board of Parks Commissioners, is to update and clarify the Bloomington Municipal Code Chapter pertaining to Griffy Lake.

*sigrid copus 3/19/88*

*Parks  
BMC file*

0

0

0